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The Wireless Association®



THE RURAL
BROADBAND
ASSOCIATION

August 28, 2014

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **EX PARTE NOTICE**

Amendment of the Commission's Rules With Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, GN Docket No. 13-185

Auction of Advanced Wireless Services Licenses, Competitive Bidding Procedures for Auction 97, AU Docket No. 14-78

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”), CTIA – The Wireless Association[®] (“CTIA”), and NTCA – The Rural Broadband Association (“NTCA”) (collectively, “Wireless Industry Representatives”) submit this letter to request immediate action on the industry’s request for a limited, interim waiver of the Commission’s “former defaulter” rule for the upcoming AWS-3 auction.¹

The AWS-3 auction is less than three months away; the short form application window opens today and applications are due on September 12. Because of this extremely short timeframe, it is essential that the Commission immediately grant this limited waiver to ensure the broadest possible participation in the AWS-3 auction. Prompt action by the Commission is critical, as prospective bidders need clarity as to their former defaulter status before they file. If the Commission does not act promptly, there is a risk that the considerable uncertainty that will result will deter participation in the auction and potentially undermine its success.

¹ See *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA; Jill Canfield, Assistant General Counsel, NCTA; and Scott Bergmann, Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-185 (filed Aug. 20, 2014) (“August 20 *Ex Parte*”).

We understand that the Commission is considering addressing the Wireless Industry Representatives' request for an interim waiver of the former defaulter rule through its upcoming Notice of Proposed Rulemaking ("NPRM") on the FCC's designated entity rules. We are concerned that this could unnecessarily delay action on an extremely important issue, and could fail to provide relief sufficiently in advance of the close of the short-form deadline for Auction 97. To the extent that the Commission plans to address the former defaulter rule in its upcoming NPRM, the NPRM should be a vehicle for addressing long-term reform of the Commission's former defaulter policies. It should not serve as the procedural vehicle for grant of an interim waiver, and instead the Commission should adopt a stand-alone waiver as soon as possible.²

The Wireless Industry Representatives' proposal plainly meets the standard for waiver set forth in Section 1.925 of the Commission's rules. The Commission has the ability to grant immediate, interim relief consistent with this proposal. Because the Commission is able to act immediately, and in light of the looming short-form filing window, we respectfully request that the Commission immediately grant this request for waiver and not entangle this matter in a separate proceeding.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
General Counsel
Competitive Carriers Association

/s/ Scott Bergmann

Scott Bergmann
Vice President, Regulatory Affairs
CTIA – The Wireless Association®

/s/ Jill Canfield

Jill Canfield
Vice President of Legal & Industry
Assistant General Counsel
NTCA—The Rural Broadband Association

cc (via email): Renee Gregory
Adonis Hoffman
Louis Peraertz

² The Wireless Industry Representatives have proposed that the Commission waive the former defaulter rule for any AWS-3 auction applicant that has not received, within the seven years prior to the date applications are due, a notice that it is in default on any Commission license or any debt of \$100,000 or more owed to the FCC or other Federal agency. For purposes of the waiver, an applicant is not in default if any debt was paid within two quarters of receiving the notice or is the subject of a good faith dispute or a pending legal or arbitration proceeding. Defaults will expressly include any debt that is currently subject to debt collection procedures. As is currently the case under the former defaulter rule, no interest will be paid on the upfront payment. *See August 20 Ex Parte.*

David Goldman
Matthew Berry
Brendan Carr
Erin McGrath
Roger Sherman
Sue McNeil
Gary Michaels
Bill Huber
Scott Mackoul
Kelly Quinn