

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92-237; DA 98-2395]

North American Numbering Council; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On November 24, 1998, the Commission released a public notice announcing the December 16 and December 17, 1998, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

FOR FURTHER INFORMATION CONTACT: Linda Simms, Administrative Assistant of the NANC, at (202) 418-2330 or via the Internet at lsimms@fcc.gov or Jeannie Grimes at (202) 418-2313 or jgrimes@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, DC 20554. The fax number is: (202) 418-7314. The TTY number is: (202) 418-0484.

SUPPLEMENTARY INFORMATION:

The next meeting of the North American Numbering Council (NANC) will be held on Wednesday, December 16, from 8:30 a.m., until 5:00 p.m., and on Thursday, December 17, from 8:30 a.m., until 12 noon. The meeting will be held at the Federal Communications Commission, 1919 M Street, N.W., Room 856, Washington, D.C., on December 16th. The December 17th meeting will be held at the Sheraton City Centre Hotel, 1143 New Hampshire Avenue, N.W., Washington, DC.

This meeting will be open to members of the general public. The FCC will attempt to accommodate as many people as possible. Admittance, however will be limited to the seating available. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one

party or entity, and requests to make an oral statement must be received two business days before each meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie Grimes at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

Proposed Agenda—Wednesday, December 16, 1998

1. Approval of meeting minutes.
2. Local Number Portability Administration (LNPA) Working Group Report. Update on Wireline Wireless Integration Subcommittee report regarding its further report on integration issues due to NANC by December 31, 1998.

3. Industry Numbering Committee (INC) Report. Presentation of INC work plan regarding issues relating to number portability for 500 and 900 numbers, pursuant to paragraph 41 of CC Docket 95-116, In the Matter of Telephone Number Portability, *Second Memorandum Opinion and Order on Reconsideration* (rel. Oct. 20, 1998).

4. Numbering Resource Optimization (NRO) Working Group Report. Presentation of NRO work plan for development of a recommendation regarding a successor model to the current Central Office Code Utilization Survey (COCUS).

5. Definition of Reserved Telephone Numbers. Discussion of new contributions regarding characterization of a "legally enforceable written agreement." NANC decision on a single definition of reserved telephone numbers.

6. North American Numbering Plan Billing and Collection Agent (NBANC) Report. Discussion of carrier-specific interest credits.

Thursday, December 17, 1998

7. North American Numbering Plan Administration (NANPA) Oversight Working Group Report. Discussion of Chairman Hasselwander's proposal on how to proceed regarding NANPA responsibilities and the assumption of duties of the incumbent code administrators under the FCC order; the Requirements Document and industry guidelines. Discussion of Lockheed Martin anticipated FCC filing regarding divestiture of its CIS unit to a neutral third party. Review and discussion regarding 11/30/98 draft number pooling administrator (PA) Requirements Document. NANC will provide guidance pertaining to the appropriate bid pricing to be inserted in the PA Requirements Document.

8. Steering Group (SG) Report. Discussion of proposed SG revisions to

the July 23, 1998, version of the NANC Working Group Operating Principles. Discussion of other matters discussed at the SG meetings of November 18 and December 16, including efficient utilization of meeting time, working group mentors and audits of code holders.

9. Discussion of potential further action regarding System Beta.

10. Other Business.

Federal Communications Commission.

Blaise A. Scinto,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 98-32014 Filed 11-30-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[DA 98-2318; Report No. AUC-98-23-A (Auction No. 22)]

C Block PCS Spectrum Auction Scheduled for March 23, 1999 Comment Sought on Auction Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice; seeking comment.

SUMMARY: This Public Notice announces the auction of C block broadband personal communications services ("PCS") licenses set to begin on March 23, 1999, and seeks comment on procedural issues relating to the C block broadband PCS auction.

DATES: Comments are due on or before November 30, 1998. Reply comments are due on or before December 7, 1998.

ADDRESSES: To file formally, parties must submit an original and four copies to the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554. In addition, parties must submit one copy to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, Room 5202, 2025 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Wireless Telecommunications Bureau Reference Center, Room 5608, 2025 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Audrey Bashkin, Bob Reagle, or Jeff Garretson, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

SUPPLEMENTARY INFORMATION: This Public Notice was released on November 12, 1998, and is available in its entirety, including the Attachment, for inspection and copying during normal business hours in the Wireless Telecommunications Bureau Reference Center, Room 5608, 2025 M Street N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, fax (202) 857-3805, 1231 20th Street, N.W., Washington, D.C. 20036. It is also available on the Commission's website at <http://www.fcc.gov>.

Synopsis of the Public Notice

1. By this Public Notice, the Wireless Telecommunications Bureau ("Bureau") announces an auction of C block broadband personal communications services ("PCS") licenses set to begin on March 23, 1999 (Auction No. 22). Auction No. 22 will cover licenses for operation on frequencies that were previously licensed under now-cancelled licenses, licenses for operation on 30 MHz and 15 MHz spectrum blocks that were returned to the Commission pursuant to elections, and licenses for operation on frequencies that had not been previously licensed. A list of licenses is included at Appendix A. In addition, future public notices could include information about other Commission licenses in conjunction with Auction No. 22. Future public notices will include further details regarding application filing and payment deadlines, a seminar for potential bidders, and other pertinent information. In this Public Notice, the Bureau seeks comment on procedural issues relating to Auction No. 22.

I. Reserve Price or Minimum Opening Bid

2. The Balanced Budget Act of 1997 ("Budget Act") calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (i.e., because the Commission has accepted mutually exclusive applications for those licenses), unless the Commission determines that a reserve price or minimum bid is not in the public interest.

3. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning

of the auction below which *no bids* are accepted. It is generally used to accelerate the competitive bidding process. Also, in a minimum opening bid scenario, the auctioneer generally has the discretion to lower the amount later in the auction.

4. The Commission in the *Second Report and Order and Further Notice of Proposed Rule Making ("C Block Further Notice")*, 62 FR 55375 (October 24, 1997), sought comment on the use of a minimum opening bid and/or reserve price for the upcoming C block PCS auction. The Commission stated that, for the upcoming C block auction, employing a minimum opening bid, more than a reserve price, would help make certain that the public is fairly compensated, the auction is expedited, and the Commission is able to make adjustments based on the competitiveness of the auction. Accordingly, the Commission proposed to use a minimum opening bid, rather than a reserve price, for the upcoming C block auction and requested comment on this proposal, as well as on which methodology to employ and factors to consider in establishing minimum opening bids. The Commission proposed minimum opening bids for each market equal to ten percent of the corresponding net high bid for the market in the original C block auction. The Commission asked commenters to explain whether this proposal would be reasonable or would result in a substantial number of unsold licenses. The Commission asked further whether the amount of the minimum opening bid should be capped and whether the Commission should establish a different amount.

5. In the *Fourth Report and Order ("C Block Fourth Report and Order")*, 63 FR 50791 (September 23, 1998), which resolved issues raised in the *C Block Further Notice*, the Commission decided that it would be appropriate to establish minimum opening bids for each market in the upcoming C block auction equal to ten percent of the corresponding net high bid for the market in the original C block auction. The Commission stated, however, that the Bureau may exercise its discretion to set forth minimum opening bids smaller than ten percent if, based upon further evaluation, the Bureau believes that a smaller amount is warranted. In considering a reduction of the minimum opening bid, the Bureau would consider such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands, and any other

relevant factors that could reasonably affect valuation of the spectrum being auctioned.

6. The Commission made no adjustment to the minimum opening bid for those licenses which, in Auction No. 22, will be 15 MHz rather than 30 MHz. The Bureau, however, believes that such an adjustment is appropriate and, accordingly, proposes to establish as the minimum opening bid for each 15 MHz license available in Auction No. 22 an amount equal to five percent of the most recent net high bid for the corresponding 30 MHz license, but in no event lower than the upfront payment amount for that license in Auction No. 22 (see discussion of upfront payments immediately below). For 15 MHz licenses with minimum opening bids that would otherwise be lower than upfront payment amounts, the Bureau proposes to establish minimum opening bids that equal the upfront payment amounts. For each 30 MHz license available in Auction No. 22, the Bureau plans to establish a minimum opening bid equal to ten percent of the most recent corresponding net high bid for the license, but in no event lower than the upfront payment amount for that license in Auction No. 22. For 30 MHz licenses with minimum opening bids that would otherwise be lower than upfront payment amounts, the Bureau plans to establish minimum opening bids that equal the upfront payment amounts. Minimum opening bid amounts are provided in Attachment A.

II. Upfront Payments and Initial Maximum Eligibility for Each Bidder

7. In the *C Block Further Notice*, the Commission explained that, in the *Second Report and Order*, 59 FR 22980 (May 4, 1994), ("*Competitive Bidding Second Report and Order*"), it had indicated that the upfront payment should be set using a formula based upon the amount of spectrum and population ("pops") covered by the license(s) for which the parties intend to bid and that the amount of the upfront payment should be determined on an auction-by-auction basis. The Commission proposed in the *C Block Further Notice* to set an upfront payment for the upcoming C block auction at \$0.06 per MHz per pop. The Commission determined that this amount was appropriate to further its goal of allowing only serious, qualified applicants to participate in the auction. The Commission noted that it had adopted the same upfront payment for its most recent broadband PCS auction, the D, E, and F block auction.

8. In the *C Block Fourth Report and Order*, the Commission noted that there was support among commenters for setting the upfront payment amount at the proposed \$0.06 per MHz per pop and expressed its belief that in the upcoming C block auction the upfront payment should be no higher than this amount. Accordingly, the Bureau plans to set the upfront payment amount for each license in Auction No. 22 at \$0.06 * MHz * Pops (rounded up to the next dollar). The Bureau notes, however, that in the *C Block Fourth Report and Order* the Commission stated that the Bureau may establish a lower upfront payment if it deems a lower amount to be reasonable.

9. As required by the *C Block Fourth Report and Order*, the upfront payment amount for "former defaulters," i.e., applicants that have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any Federal agency, will be fifty percent more than the normal amount required to be paid.

10. For Auction No. 22, the Commission proposes that the amount of the upfront payment submitted by a bidder will determine the initial maximum eligibility (as measured in bidding units) for each bidder. Upfront payments will not be attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility, which cannot be increased during the auction. Thus, in calculating the upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. The Commission seeks comment on this proposal.

III. Attribution Rules

11. The attribution rules set forth in Section 24.709 of the Commission's rules will apply to Auction No. 22.

IV. Other Auction Procedural Issues

12. The Budget Act requires the Commission to "ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed * * * before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *." Consistent with the provisions of the Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific provisions that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated

authority, to seek comment on a variety of auction-specific issues prior to the start of each auction. The Bureau therefore seeks comment on the following issues.

a. Auction Sequence and License Groupings

13. In the *C Block Further Notice*, the Commission proposed a simultaneous multiple-round design for the upcoming C block auction, and it received no comments opposing this proposal. Accordingly, in the *C Block Fourth Report and Order*, the Commission stated that the simultaneous multiple-round design would be appropriate for the upcoming C block auction. The Commission noted, however, that it remains within the Bureau's authority to seek comment on, and to modify, the competitive bidding design of the upcoming C block auction, if the Bureau determines that another design might be warranted. In light of this history, and because a simultaneous multiple-round design allows bidders to take advantage of any synergies that exist among licenses, the Bureau proposes to award all C block PCS licenses currently available for auction in a single, simultaneous multiple-round auction. The Bureau seeks comment on this proposal.

b. Structure of Bidding Rounds, Activity Requirements, and Criteria for Determining Reductions in Eligibility

14. In the *C Block Further Notice*, the Commission tentatively concluded that a C block auction should be conducted in three stages. The Commission proposed to use high activity requirements, with bidders required to be more active in each subsequent stage than they had been in the last. The Commission also proposed requiring the Bureau to use its delegated authority to schedule bidding rounds aggressively, to move quickly into the next stage of the auction when bidding activity falls, and to use higher minimum bid increments for very active licenses. In the *Third Report and Order* and *Second Further Notice of Proposed Rule Making*, 63 FR 2315 (January 15, 1998), ("Part 1 Third Report and Order"), the Commission directed the Bureau to seek comment prior to the start of each auction on activity requirements for each stage of the auction and activity rule waivers.

15. No party opposed the Commission's tentative conclusion to conduct a C block auction in three stages. Accordingly, in the *C Block Fourth Report and Order*, the Commission expressed its continued belief that this structure would be

reasonable for the upcoming C block auction. The Commission noted, however, that the Bureau normally determines the structure of the auction and stated that it remains within the Bureau's discretion to deviate from the proposed three-stage structure if, after appropriate notice and comment, the Bureau determines that a different structure would better serve the public interest.

16. Accordingly, the Bureau proposes to divide the auction into three stages: Stage One, Stage Two and Stage Three. The auction will start in Stage One. The Bureau proposes that the auction will generally advance to the next stage (i.e., from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is below ten percent for three consecutive rounds of bidding in each Stage. However, the Bureau further proposes that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau seeks comment on these proposals.

17. In order to ensure that auctions close within a reasonable period of time, the Commission imposes an activity rule that requires bidders to bid actively on a percentage of their maximum bidding eligibility during each round of an auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either lose bidding eligibility in the next round or use an activity rule waiver.

18. For Auction No. 22, the Bureau proposes that, in each round of Stage One of the auction, a bidder desiring to maintain its current eligibility must remain active on licenses encompassing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths ($\frac{5}{4}$). In each round of the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on at least 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be

calculated by multiplying the current round activity by ten-ninths ($^{10}/_9$). In each round of Stage Three, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty forty-ninths ($^{50}/_{49}$). The Bureau seeks comment on these proposals.

c. Minimum Accepted Bids

19. Once there is a standing high bid on a license, a bid increment will be applied to that license to establish a minimum acceptable bid for the following round. For Auction No. 22, the Bureau proposes to use a smoothing methodology to calculate bid increments. This methodology will be designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. A similar methodology was used in previous auctions, including the original LMDS auction and the 220 MHz auction. The Bureau proposes initial values for the maximum of 0.2 or 20% of the license value, and a minimum of 0.1 or 10% of the license value. The Bureau seeks comment on this proposal.

20. The Bureau retains the discretion to change these values if circumstances so dictate, such as raising the minimum increment toward the end of the auction to enable bids to reach their final values more quickly. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau further seeks comment on the advantages and disadvantages of using the discretion to adjust the minimum bid increment without prior notice. The Bureau additionally seeks comment on the advantages and disadvantages of, as an alternative approach, adjusting the minimum bid increment gradually over a number of rounds as opposed to single large changes in the minimum bid increment. The Bureau also retains the discretion to use alternate methodologies for Auction No. 22 if circumstances warrant. The Bureau seeks comment on these proposals.

d. Activity Rule Waivers and Reducing Eligibility

21. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round

of bidding and not to a particular license. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

22. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any bidding period where a bidder's activity level is below the minimum required unless: (1) There are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility thereby meeting the minimum requirements.

23. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described above. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

24. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a bidding period in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.

25. The Bureau proposes that each bidder in Auction No. 22 be provided with five activity rule waivers that may be used in any round during the course of the auction as set forth above. The Bureau seeks comment on this proposal.

e. Information Regarding Bid Withdrawal and Bid Removal

26. In the *C Block Fourth Report and Order*, the Commission directed the Bureau, in conducting the upcoming C block auction, to follow the Part 1 rule on bid withdrawal, Section 1.2104(g), to the extent applicable. Accordingly, for Auction No. 22, the Bureau proposes the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bids placed in that round. By using the remove bid

function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments.

27. Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the withdraw bid function. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions. The Bureau seeks comment on these bid removal and bid withdrawal procedures.

28. In the *Part 1 Third Report and Order*, the Commission recently explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that in some instances bidders may seek to withdraw bids for improper reasons, including to delay the close of the auction for strategic purposes. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent strategic delay of the close of the auction or other abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

29. Applying this reasoning, the Bureau proposes to limit each bidder in Auction No. 22 to withdrawals in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive strategic purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. The Bureau seeks comment on this proposal.

f. Stopping Rule

30. For Auction No. 22, the Bureau proposes to employ a simultaneous stopping approach. The Bureau has

discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." See, Section 1.2104 of the Commission's Rules, 47 CFR 1.2104(c). A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

31. The Bureau seeks comment on a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used unilaterally or only in stage three of the auction.

32. The Commission proposes that the Bureau retain the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual; and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

33. Finally, the Commission proposes that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The Bureau proposes to exercise this option only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of

bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. The Bureau seeks comment on these proposals.

g. Information Relating to Auction Delay, Suspension or Cancellation

34. For Auction No. 22, the Commission proposes that, by public notice or by announcement during the auction, the Bureau may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. The Commission emphasizes that exercise of this authority is solely within its discretion, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. The Bureau seeks comment on this proposal.

Federal Communications Commission.

Daniel B. Phythyon,

Chief, Wireless Telecommunications Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 98-2337; Report No. AUC-98-22-B (Auction No. 22)]

Additional Information Regarding Broadband PCS Spectrum Included in the Auction Scheduled for March 23, 1999; Comment Sought on Auction Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice; seeking comment.

SUMMARY: This Public Notice provides additional and corrected information about the broadband personal communications services ("PCS") spectrum to be included in Auction No. 22, including the addition of three D, six E, and five F block broadband PCS licenses.

DATES: Comments are due on or before November 30, 1998, and reply

comments are due on or before December 7, 1998.

ADDRESSES: To file formally, parties must submit an original and four copies to the Office of the Secretary, Federal Communications Commission, Room TWA-325, 445 Twelfth Street S.W., Washington, D.C. 20554. In addition, parties must submit one copy to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, Room 5202, 2025 M Street N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room 239, 1919 M Street N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: For further information contact Audrey Bashkin, Bob Reagle, or Jeff Garretson, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

SUPPLEMENTARY INFORMATION: This Public Notice was released on November 19, 1998, and is available in its entirety, including the Attachment, for inspection and copying during normal business hours in the Wireless Telecommunications Bureau Reference Center, Room 5608, 2025 M Street N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, fax (202) 857-3805, 1231 20th Street, N.W., Washington, D.C. 20036. It is also available on the Commission's website at <http://www.fcc.gov>.

Synopsis

1. This Public Notice provides additional and corrected information about the broadband personal communications services ("PCS") spectrum to be included in Auction No. 22, including the addition of three D, six E, and five F block broadband PCS licenses. See *C Block PCS Spectrum Auction Scheduled for March 23, 1999, Comment Sought on Auction Procedural Issues, Public Notice, DA 98-2318* (November 12, 1998) ("Procedural Public Notice"). In addition, the *Procedural Public Notice* listed as part of the auction certain spectrum blocks associated with the cancelled licenses of DCR PCS, Inc. ("DCR"), a licensee currently in bankruptcy. DCR's licenses were subject to a preliminary injunction preventing the alienation of those licenses through November 16, 1998. That injunction has been removed, and the relevant spectrum blocks are listed in the Attachment to the Public Notice,