

Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before November 14, 1997.

#### Availability

The proposed Prospective Purchaser Agreements are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may also be obtained from Jeannie Cervera, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference "Lincoln Property Company No. 2233 (East Parcel) and Lincoln 237 Associates (West Parcel)—"South Bay Asbestos Superfund Site" and "Docket Numbers 97-14 and 97-15" and should be addressed to Jeannie Cervera at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jeannie Cervera, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: [cervera.jeannie@epamail.epa.gov](mailto:cervera.jeannie@epamail.epa.gov); Phone (415) 744-1395.

Dated: October 6, 1997.

#### Frederick Schauffler

*Director, Superfund Division, Region IX.*

[FR Doc. 97-27271 Filed 10-14-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 97-199; FCC 97-322]

### Broadband Block C Personal Communications Systems Facilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** An application of Westel Samoa, Inc. for a broadband Block C Personal Communications System authorization and six (6) applications of Westel, L.P. for broadband F Block Personal Communications System authorizations were designated for hearing. The Commission has determined that material questions of fact exist as to whether Westel Samoa, Inc., and Westel, L.P., through its principal, possess the requisite qualifications to be a Commission licensee. In addition, the Commission has ordered Anthony T. Easton to show cause why he should not be barred from holding any Commission license or

participating in any future Commission auctions. The Commission has determined that because of misrepresentations made by Mr. Easton he should be so barred.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Weber, Enforcement and Consumer Information Division, Wireless Telecommunications Bureau (202) 418-1317.

**SUPPLEMENTARY INFORMATION:** This is a summary of Memorandum Opinion and Order, Hearing Designation Order, Notice of Opportunity for Hearing, and Order to Show Cause in WT Docket 97-199, adopted September 8, 1997, and released September 9, 1997.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, DC. 20036 (202) 857-3800.

### Summary of Memorandum Opinion and Order, Hearing Designation Order, Notice of Opportunity for Hearing, and Order To Show Cause

1. The Commission designated the application of Westel Samoa, Inc. and the six applications of Westel, L.P. (collectively referred to as "Westel") for hearing. Additionally, the Commission ordered Anthony T. Easton to show cause why he should not be barred from holding any Commission license or participating in any future Commission auction. On January 23, 1996, Mr. Easton, while acting as a bidding agent of PCS 2000, L.P. (PCS 2000), an applicant in the Commission's C Block Personal Communications Systems (PCS) auction, submitted a bid of \$180,060,000 (\$180 million bid) for Basic Trading Area (BTA) market B324. After the time for withdrawing bids had expired, PCS 2000 realized that it intended to bid \$18,006,000 for market B324. Upon this realization, Mr. Easton telephoned the Commission and stated that the Commission's computer had caused the bidding error and that he possessed documentation to verify that fact. Subsequent to the telephone conversation, Mr. Easton caused documents to be sent to the Commission by facsimile which purported to demonstrate that the bid for market B324 was only \$18 million and not \$180 million.

2. The Commission learned from one of Mr. Easton's employees that the materials sent by Mr. Easton were not

the original bidding documents. The employee sent copies of the original bidding information to the Commission the following day by facsimile. The original bidding documents sent by the employee bore Mr. Easton's hand-signed initials along with the date and time the document was created.

3. The same employee conveyed information to a senior employee in Mr. Easton's office that Mr. Easton was misrepresenting facts to the Commission. That employee relayed the information regarding Mr. Easton to Mr. Quentin Breen, a PCS 2000 director and principal of Westel. The first employee who witnessed Mr. Easton's actions also conveyed the information concerning Mr. Easton's deception before the Commission to Mr. Breen. At the time the information was communicated, Mr. Breen was taking part of a PCS 2000 Board of Directors meeting. However, Mr. Breen failed to reveal any of the information regarding Mr. Easton's deception to either the Board of Directors or to the Commission.

4. Pursuant to sections 309(e), 312(a), and 312(c) of the Communications Act of 1934, as amended, Westel Samoa, Inc.'s application, Westel, L.P.'s six applications, have been designated for hearing, and Anthony T. Easton has been ordered to show cause why he should not be barred from holding any attributable interest in a Commission authorization or participate in future auctions in a consolidated proceeding upon the following issues listed below:

(I) To determine, based on Anthony T. Easton's misrepresentations before and lack of candor exhibited towards the Commission, whether Mr. Easton should be barred from holding Commission authorizations and participating in future Commission auctions.

(II) (a) To determine the facts and circumstances surrounding the conduct of Quentin L. Breen in connection with PCS 2000's bids placed on January 23, 1996, in the Commission's Broadband PCS C Block auction;

(b) To determine, based on the evidence adduced above, whether Quentin L. Breen engaged in misrepresentations before and/or exhibited a lack of candor towards the Commission.

(III) To determine, based on the evidence adduced in Issue 2, whether Westel Samoa, Inc., and Westel, L.P., possess the requisite character qualifications to be granted the captioned C Block and F Block Broadband Personal Communications System applications, and accordingly, whether grant of their applications

would serve the public interest, convenience, and necessity.

5. The Commission has further placed Mr. Breen on notice that the presiding administrative law judge may find that Mr. Breen has misrepresented facts to the Commission or lacked candor before the Commission and therefore, may impose upon him a forfeiture up to the statutory maximum.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-27150 Filed 10-14-97; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Auction of Local Multipoint Distribution Service; Auction Notice and Filing Requirements for 986 Basic Trading Area ("BTA") Licenses in the 28 GHz and 31 GHz Bands, Scheduled for December 10, 1997

[DA 97-2081]

Released September 25, 1997

#### I. Introduction

*Local Multipoint Distribution Service ("LMDS") Licenses to Be Auctioned:* The Federal Communications Commission ("FCC" or "Commission") will hold an auction for 986 licenses to provide LMDS in the 28 GHz and 31 GHz bands. Two licenses will be offered in each of 493 BTAs and BTA-like areas in the United States. One license, in frequency block A, will authorize service on 1,150 megahertz of spectrum in both the 28 GHz and 31 GHz bands. The second license, frequency block B, will authorize service on 150 megahertz of spectrum in the 31 GHz band. Each frequency block encompasses the following spectrum:

Block A (1,150 megahertz): 28 GHz band: 27,500-28,350 MHz and 29,100-29,250 MHz and 31 GHz band: 31,075-31,225 MHz

Block B (150 megahertz): 31 GHz band: 31,000-31,075 MHz and 31,225-31,300 MHz

**Note:** Operations to take place in the 29,100-29,250 MHz band are governed by 47 CFR 101.103(g) and (h), 101.113(c), 101.133(d), and 101.147(t), which are new provisions designed to facilitate the sharing of this spectrum by LMDS, GSO/FSS gateways, and MSS feeder link licensees. These provisions allow only hub-to-subscribers transmissions by LMDS licensees in this band.

**Auction Date:** The auction will commence on December 10, 1997. The initial schedule for bidding will be

announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted on each business day until bidding has stopped on all licenses.

**Auction Title:** LMDS—Auction No. 17.

**Bidding Methodology:** Simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

**Pre-Auction Deadlines:**

- Auction Seminar—October 30, 1997
  - Short-Form Application (FCC Form 175) November 17, 1997, 5:30 p.m. ET (Applications are not due on November 10 as previously announced on July 30, 1997)
  - Upfront Payments (via wire transfer)—December 1, 1997, 6:00 p.m. ET (Payments are not due on November 24 as previously announced on July 30, 1997)
  - Orders for Remote Bidding Software—December 1, 1997, 5:30 p.m. ET
  - Mock Auction—December 8, 1997
- Telephone Contacts:**
- FCC National Call Center—888-CALL-FCC (888-225-5322) (For Bidder Information Packages, General Auction Information, and Seminar Registration, press option #2 at the prompt)

FCC Technical Support Hotline—202-414-1250

**Participation:** Those wishing to participate in the auction must:

- Submit a short-form application (FCC Form 175) by the above-listed deadline.
- Submit an upfront payment and an FCC Remittance Advice Form (FCC Form 159) by the above-listed deadline.
- Comply with all provisions outlined in this Public Notice.

**Prohibition of Collusion:** To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same BTA from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing of short-form applications, and ends when winning bidders submit their first down payments. The only exception is where applicants enter into a bidding agreement before filing their short-form applications, and disclose the existence of the agreement in their short-form applications. See 47 CFR 1.2105(c).

**Bidder Information Package:** More complete details about this auction are contained in a Bidder Information

Package. The Commission will provide one copy to each company free of charge. Additional copies may be ordered at a cost of \$16.00 each, including postage, payable by Visa or Master Card, or by check payable to "Federal Communications Commission" or "FCC." To place an order, contact the FCC National Call Center at 888-CALL-FCC (888-225-5322, press option #2 at the prompt). Prospective bidders who have already contacted the FCC expressing an interest in this auction will receive a Bidder Information Package in two to three weeks, and need not call again unless they wish to order additional copies.

**Relevant Authority:** Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to LMDS, contained in title 47, part 101 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1 of the Code of Federal Regulations.

Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, "Terms") contained in the *Second Report and Order* in PP Docket No. 93-253, 59 FR 22980 (May 4, 1994); the *Second Memorandum Opinion and Order* in PP Docket No. 93-253, 59 FR 44272 (August 26, 1994); the *Erratum to the Second Memorandum Opinion and Order* in PP Docket No. 93-253 (released October 19, 1994); the First Report and Order, 61 FR 44177 (August 28, 1996), and *Fourth Notice of Proposed Rule Making* in CC Docket No. 97-297, 61 FR 39425 (July 29, 1996); the *Second Report and Order*, 62 FR 23148 (April 29, 1997), *Order on Reconsideration*, 62 FR 28373 (May 23, 1997), and *Fifth Notice of Proposed Rule Making* in CC Docket No. 96-297, 62 FR 16514 (April 7, 1997) ("*LMDS Second R&O*"); and the *Second Order on Reconsideration* in CC Docket No. 97-297, 62 FR 48787 (September 17, 1997) (collectively referred to as the "Relevant Orders").

The Terms contained in the Commission's rules, Relevant Orders, Public Notices and Bidder Information Package are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before participating in the auction.

Potential bidders should also be aware that petitions for reconsideration of the Commission's actions in the *LMDS Second R&O* have been filed; that several, but not all, matters raised in petitions for reconsideration have been