

constitute proposed new information collections under the PRA, the Commission specifically invited the general public and OMB to comment on the proposed requirements.

The information collection requirements include: (1) Those that are contained in the *2005 Report and Order*, noted above. Specifically, Commission is requesting OMB approval for specific rules under 47 CFR 64.4002 Notification obligations of LECs and 47 CFR 64.4003 Notification obligation of IXCs. (The Commission notes that it previously published these requirements as proposed in its *2004 Notice of Proposed Rulemaking*, which was released on March 25, 2004.) The information collection requirements for the *2004 Notice of Proposed Rulemaking* were published on April 19, 2004, 69 FR 20845; and (2) those that the Commission proposes in the *2005 Further Notice of Proposed Rulemaking*, published on June 2, 2005, 70 FR 31406. Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-12230 Filed 6-21-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-05-60-B; DA 05-737]

### Auction of Lower 700 MHz Band Licenses Scheduled for July 20, 2005; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; correction.

**SUMMARY:** The Federal Communications Commission published a document in the *Federal Register* of May 12, 2005, concerning the Auction of Low Power Television Construction Permits and the Procedures. The document contained incorrect data concerning the calculation formula for minimum opening bids for Auction No. 60.

**FOR FURTHER INFORMATION CONTACT:** Auctions and Spectrum Access Division, Wireless Telecommunications Bureau: Howard Davenport at (202) 418-0660.

#### Correction

In the *Federal Register* of May 12, 2005, in FR Doc. 05-9537 on page 25056, in the second column, paragraph 104, correct the text to read as follows:

In the *Auction No. 60 Comment Public Notice*, the Bureau proposed to establish minimum opening bids for Auction No. 60 and to retain discretion to lower the minimum opening bids. Specifically, for Auction No. 60, the Bureau proposed the following license-by-license basis using a formula based on bandwidth and license area population:

\$0.01 \* MHz \* License Area Population with a minimum of \$1,000 per license.

Federal Communications Commission.

**Gary D. Michaels,**

*Deputy Chief, Auction Spectrum and Access Division, WTB.*

[FR Doc. 05-12320 Filed 6-21-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Network Reliability and Interoperability Council

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of cancellation of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, Public Law 92-463, as amended, this notice advises interested persons that the meeting of the Network Reliability and Interoperability Council scheduled for June 28, 2005 has been cancelled.

**FOR FURTHER INFORMATION CONTACT:** Jeffery Goldthorp at (202) 418-1096, TTY (202) 418-2989, or e-mail [Jeffery-Goldthorp@fcc.gov](mailto:Jeffery-Goldthorp@fcc.gov).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-12321 Filed 6-21-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2715 ]

### Petitions for Reconsideration of Action in Rulemaking Proceeding

June 8, 2005.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy

contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to these petitions must be filed by July 7, 2005. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

**Subject:** In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Chillicothe, Dublin, Hillsboro, and Marion, Ohio) (MB Docket No. 02-266).

*Number of Petitions Filed:* 1.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-11911 Filed 6-21-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2716]

### Petitions for Reconsideration of Action in Rulemaking Proceeding

June 8, 2005.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to these petitions must be filed by July 7, 2005. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

**Subject:** In the Matter of Request of State Farm Mutual Automobile Insurance Company for Clarification & Declaratory Ruling (CG Docket No. 02-278).

*Number of Petitions Filed:* 1.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-11912 Filed 6-21-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-05-63-A (Auction No. 63); DA 05-1555]

### Multichannel Video Distribution and Data Service Comment Public Notice

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the auction of 22 Multichannel Video Distribution and Data Service (“MVDDS”) licenses scheduled to commence on December 7, 2005 (Auction No. 63). This document also seeks comment on reserve prices or minimum opening bids and other procedures for Auction No. 63.

**DATES:** Comments are due on or before June 28, 2005, and reply comments are due on or before July 6, 2005.

**ADDRESSES:** Parties who file by paper must file an original and four copies of each filing. U.S. Postal Service first class, express and priority mail must be addressed to the Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. Comments and reply comments must also be sent by electronic mail to the following address: [auction63@fcc.gov](mailto:auction63@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For legal questions: Brian Carter at (202) 418-0660. For general auction questions: Roy Knowles, Debbie Smith or Barbara Sibert at (717) 338-2888. For service rules questions: Mindy Littell (legal) or Michael Pollack (technical) at (202) 418-2487.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Public Notice released on June 9, 2005 *Auction No. 63 Comment Public Notice*. The complete text of the *Auction No. 63*

*Comment Public Notice*, including attachments and any related Commission documents is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The *Auction No. 63 Comment Public Notice* and related Commission documents may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or you may contact BCPI at its Web site: <http://www.BCPIWEB.com>. When ordering documents from BCPI, please make sure you provide the appropriate FCC document number (for example, DA05-1555 for the *Auction No. 63 Comment Public Notice*). The *Auction No. 63 Comment Public Notice* and related documents are also available on the Internet at the Commission’s Web site: <http://wireless.fcc.gov/auctions/63/>.

1. The Wireless Telecommunications Bureau (Bureau) announces the auction of 22 MVDDS licenses. This auction is scheduled to commence on December 7, 2005. Auction No. 63 will offer the MVDDS licenses that remained unsold in Auction No. 53, which closed on January 27, 2004. These licenses authorize the use of one block of

unpaired spectrum in the 12.2–12.7 GHz band and may be used for any digital fixed one-way non-broadcast service, including direct-to-home/office wireless service. Mobile and aeronautical services are not authorized. Two-way services may be provided by using other spectrum or media for the return or upstream path. Licenses are not available in every market. A complete list of the licenses available in Auction No. 63 is included as *Attachment A of the Auction No. 63 Comment Public Notice*.

2. Auction No. 63 will use the FCC’s Integrated Spectrum Auction System (ISAS or FCC Auction System), which is the Commission’s new auction application filing and bidding system and is an extensive redesign of the previous auction application and bidding systems. The redesign includes FCC Form 175 application enhancements such as discrete data elements in place of free-form exhibits and improved data accuracy through automated checking of FCC Form 175 applications. Enhancements have also been made to the FCC Form 175 application search function. The auction bidding system has also been updated for easier navigation, customizable results, and improved functionality.

3. The following table describes the licenses that will be offered in Auction No. 63:

Frequency band (GHz)	Total Bandwidth	Pairing	Geographic area type	Number of Licenses
12.2–12.7 .....	500 MHz .....	Unpaired .....	MVDDS Service Area .....	22

4. Section 309(j)(3) of the Communications Act of 1934, as amended, 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 Section 309(j)(3) and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules 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 procedures prior to the start of each auction. The Bureau therefore seeks comment on the following issues relating to Auction No. 63.

**I. Auction Structure**

*A. Simultaneous Multiple-Round Auction Design*

5. The Bureau proposes to award all licenses included in Auction No. 63 in a simultaneous multiple-round auction. This methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids on individual licenses. The Bureau seeks comment on this proposal.

*B. Upfront Payments and Bidding Eligibility*

6. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area and the value of similar spectrum. The upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments

related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these guidelines in mind for Auction No. 63, the Bureau proposes to calculate upfront payments on a license-by-license basis as follows:

7. The upfront payment for each license in Auction No. 63 is based on 50 percent of the corresponding minimum opening bid amount from Auction No. 53, with a minimum of \$1,000 per license. The specific proposed upfront payment for each license available in Auction No. 63 is set forth in *Attachment A of the Auction No. 63 Comment Public Notice*. The Bureau seeks comment on this proposal.

8. The Bureau further proposes that the amount of the upfront payment submitted by a bidder will determine

the maximum number of bidding units on which a bidder may place bids. This limit is a bidder's initial bidding eligibility. Each license is assigned a specific number of bidding units equal to the upfront payment listed in *Attachment A of the Auction No. 63 Comment Public Notice*, on a bidding unit per dollar basis. Bidding units for a given license do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses it selected on its FCC Form 175 as long as the total number of bidding units associated with those licenses does not exceed the bidder's current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units upon which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that total number of bidding units. Provisionally winning bids at the end of the auction become the winning bids. The Bureau seeks comment on this proposal.

#### C. Activity Rules

9. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction. A bidder that does not satisfy the activity rule either will lose bidding eligibility or use an activity rule waiver.

10. The Bureau proposes to divide the auction into two stages, each characterized by a different activity requirement. The auction will start in Stage One. The Bureau proposes that the auction generally will advance from Stage One to Stage Two when the auction activity level, as measured by the percentage of bidding units receiving new provisionally winning bids, is approximately twenty percent or below for three consecutive rounds of bidding. 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 percentage 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.

11. For Auction No. 63, the Bureau proposes the following activity requirements:

*Stage One:* In each round of the first stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on licenses representing 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 for the next round of bidding unless an activity rule waiver is used. During Stage One, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by five-fourths ( $5/4$ ).

*Stage Two:* In each round of the second stage, a bidder desiring to maintain its current bidding eligibility is required to be active on 95 percent of its current bidding eligibility. During Stage Two, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by twenty-nineteenths ( $20/19$ ).

12. The Bureau seeks comment on these proposals. Commenters that believe these activity rules should be modified should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

#### D. Activity Rule Waivers and Reducing Eligibility

13. 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 rule waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

14. The FCC Auction System assumes that bidders with insufficient activity would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round where a bidder's activity level is below the minimum required unless: (1) The bidder has no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by

reducing eligibility, thereby meeting the minimum requirement. **Note:** If a bidder has no waivers remaining and does not satisfy the required activity level, its eligibility will be permanently reduced, possibly eliminating the bidder from further bidding in the auction. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the "reduce eligibility" function in the FCC Auction System. 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.

15. A bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the "apply waiver" function in the FCC Auction System) during a bidding round in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC Auction System in a round in which there are no new bids or withdrawals will not keep the auction open. **Note:** Applying a waiver is irreversible; once a proactive waiver is submitted that waiver cannot be unsubmitted, even if the round has not yet closed.

16. The Bureau proposes that each bidder in Auction No. 63 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth above. The Bureau seeks comment on this proposal.

#### E. Information Relating to Auction Delay, Suspension, or Cancellation

17. For Auction No. 63, the Bureau 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 efficient 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 Bureau emphasizes

that exercise of this authority is solely within the discretion of the Bureau, 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.

## II. Bidding Procedures

### A. Round Structure

18. The Commission will conduct Auction No. 63 over the Internet. Telephonic bidding will also be available. The toll free telephone number through which telephonic bidding may be accessed will be provided to bidders.

19. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction. The simultaneous multiple-round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

20. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. The Bureau seeks comment on this proposal.

### B. Reserve Price or Minimum Opening Bid

21. Section 309(j) calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid amount when FCC licenses are subject to auction, unless the Commission determines that a reserve price or minimum opening bid amount is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid amount and/or reserve price prior to the start of each auction.

22. 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 amount, 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, the auctioneer often has the discretion to lower the minimum

opening bid amount later in the auction. It is also possible for the minimum opening bid amount and the reserve price to be the same amount.

23. In light of Section 309(j)'s requirements, the Bureau proposes to establish minimum opening bid amounts for Auction No. 63. The Bureau believes a minimum opening bid amount, which has been used in other auctions, is an effective bidding tool.

24. Specifically, for Auction No. 63, the Bureau proposes to calculate minimum opening bids on a license-by-license basis as follows:

The minimum opening bid amount for each license in Auction No. 63 is based on a 50 percent reduction of the corresponding minimum opening bid amount from Auction No. 53, with a minimum of \$1,000 per license.

25. The specific minimum opening bid amount for each license available in Auction No. 63 is set forth in *Attachment A of the Auction No. 63 Comment Public Notice*. The Bureau seeks comment on this proposal.

26. If commenters believe that these minimum opening bid amounts will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid amount levels or formulas. In establishing the minimum opening bid amounts, the Bureau particularly seeks comment on 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 have an impact on valuation of the MVDDS spectrum. The Bureau also seeks comment on whether, consistent with Section 309(j), the public interest would be served by having no minimum opening bid amount or reserve price.

### C. Minimum Acceptable Bid Amounts and Bid Increments

27. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. The FCC Auction System will list the nine acceptable bid amounts for each license.

28. The minimum acceptable bid amount for a license will be equal to its minimum opening bid amount until there is a provisionally winning bid for the license. After there is a provisionally

winning bid for a license, the minimum acceptable bid amount for that license will be equal to the amount of the provisionally winning bid plus an additional amount. The minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage—*e.g.*, if the minimum acceptable bid percentage is 5 percent, the minimum acceptable bid amount will equal (provisionally winning bid amount) \* (1.05), rounded. The Bureau will round the result using its standard rounding procedures.

29. The nine acceptable bid amounts for each license consist of the minimum acceptable bid amount and additional amounts calculated using the minimum acceptable bid amount and the bid increment percentage. The Bureau will round the results using our standard rounding procedures. The first additional acceptable bid amount equals the minimum acceptable bid amount times the sum of one plus the bid increment percentage, rounded—*e.g.*, if the bid increment percentage is 5 percent, the calculation is (minimum acceptable bid amount) \* (1 + 0.05), rounded, or (minimum acceptable bid amount) \* 1.05, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times the sum of one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) \* 1.10, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times the sum of one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) \* 1.15, rounded; etc. Note that the bid increment percentage need not be the same as the minimum acceptable bid percentage.

30. In the case of a license for which the provisionally winning bid has been withdrawn, the minimum acceptable bid amount will equal the second highest bid received for the license.

31. For Auction No. 63, the Bureau proposes to use a minimum acceptable bid percentage of five percent. This means that the minimum acceptable bid amount for a license will be approximately five percent greater than the provisionally winning bid amount for the license. The Bureau proposes to use a bid increment percentage of five percent.

32. The Bureau retains the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, and the bid increment percentage if it determines that circumstances so dictate. The Bureau

will do so by announcement in the FCC Auction System during the auction. The Bureau seeks comment on these proposals.

#### *D. Provisionally Winning Bids*

33. At the end of a bidding round, a provisionally winning bid for each license will be determined based on the highest bid amount received for the license. In the event of identical high bid amounts being submitted on a license in a given round (*i.e.*, tied bids), the Bureau proposes to use a random number generator to select a single provisionally winning bid from among the tied bids. If the auction were to end with no higher bids being placed for that license, the winning bidder would be the one that placed the selected provisionally winning bid. However, the remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. If any bids are received on the license in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the license.

34. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same license at the close of a subsequent round, unless the provisionally winning bid is withdrawn. Provisionally winning bids at the end of the auction become the winning bids. Bidders are reminded that provisionally winning bids confer credit for activity.

#### *E. Information Regarding Bid Withdrawal and Bid Removal*

35. For Auction No. 63, the Bureau proposes the following bid removal and bid withdrawal procedures. Before the close of a bidding round, a bidder has the option of removing any bid placed in that round. By removing selected bids in the FCC Auction System, 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 a withdrawal payment. Once a round closes, a bidder may no longer remove a bid.

36. A bidder may withdraw its provisionally winning bids using the "withdraw bids" function in the FCC Auction System. A bidder that withdraws its provisionally winning bid(s) is subject to the bid withdrawal payment provisions of the Commission's rules. The Bureau seeks comment on these bid removal and bid withdrawal procedures.

37. In the *Part 1 Third Report and Order*, 63 FR 770, January 7, 1998, the Commission 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. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding 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.

38. Applying this reasoning, the Bureau proposes to limit each bidder in Auction No. 63 to withdrawing provisionally winning bids in no more than one round during the course of the auction. To permit a bidder to withdraw bids in more than one round may encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The round in which withdrawals may be used will be at each bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of provisionally winning bids that may be withdrawn in the round in which withdrawals are used. 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*

39. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." For Auction No. 63, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain available for bidding until bidding closes simultaneously on all licenses.

40. Bidding will close simultaneously on all licenses after the first round in which no bidder submits any new bids, applies a proactive waiver, or withdraws any provisionally winning bids. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

41. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 63:

i. Use 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 applies a waiver, places a withdrawal or submits any new bids on any license for which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the provisionally winning 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 at any time or only in stage two of the auction.

ii. Keep the auction open even if no bidder submits any new bids, applies a waiver or places any withdrawals. In this event, the effect will be the same as if a bidder had applied a 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.

iii. 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 specified final round(s) and the auction will close.

42. The Bureau proposes to exercise these options only in certain circumstances, 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 these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, 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.

### **III. Conclusion**

43. Comments are due on or before June 28, 2005, and reply comments are due on or before July 6, 2005. All filings must be addressed to the Commission's Secretary Attn: WTB/ASAD, Office of the Secretary, Federal Communications Commission. Parties who file by paper must file an original and four copies of each filing. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Because of the disruption of regular mail and other deliveries in

Washington, DC, the Bureau also requires that all comments and reply comments be filed electronically. Comments and reply comments and copies of material filed with the Commission pertaining to Auction No. 63, must be sent by electronic mail to the following address: [auction63@fcc.gov](mailto:auction63@fcc.gov). The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 63 Comments and the name of the commenting party. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection between 8 a.m. and 4:30 p.m. Monday through Thursday and 8 a.m. to 11:30 a.m. on Fridays in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554, and will also be posted on the Web page for Auction No. 63 at <http://wireless.fcc.gov/auctions/63/>.

44. This proceeding has been designated as a permit-but-disclose proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.

Federal Communications Commission.

**Gary D. Michaels,**

*Deputy Chief, Auctions and Spectrum Access Division.*

[FR Doc. 05-12319 Filed 6-21-05; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may obtain copies of agreements by contacting the Commission's Office of Agreements at (202) 523-5793 or via e-mail at [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov). Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC

20573, within 10 days of the date this notice appears in the **Federal Register**.  
*Agreement No.:* 011830-004.

*Title:* Indamex/APL Agreement.

*Parties:* American President Lines, Ltd./APL Co. PTE Ltd. ("APL"); CMA CGM, S.A. ("CMA"); Contship Containerlines ("Contship"); and the Shipping Corporation of India, Ltd. ("SCI").

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell, LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

*Synopsis:* The amendment deletes SCI as a party; inserts CP Ships (UK) Limited/CP Ships in place of Contship; corrects CMA's address; adjusts the vessel size, provision of vessels, and space allocation; deletes obsolete language; and restates the agreement.

*Agreement No.:* 011887-002.

*Title:* Zim/CCNI Space Charter Agreement.

*Parties:* Zim Integrated Shipping Services, Ltd. and Compania Chilena de Navegacion Interoceanica.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

*Synopsis:* The amendment adds authority for the parties to provide one another with space for the movement of empty containers.

*Agreement No.:* 201103-004.

*Title:* Memorandum Agreement of the Pacific Maritime Association of December 14, 1983 Concerning Assessments to Pay ILWU-PMA Employee Benefit Costs, as Amended, Through June 13, 2005.

*Parties:* Pacific Maritime Association and International Longshore and Warehouse Union.

*Filing Party:* Matthew J. Thomas, Esq.; Troutman Sanders LLP; 401 9th Street, NW., Suite 1000; Washington, DC 20004-2134.

*Synopsis:* The amendment adjusts assessment rates under the agreement.

By Order of the Federal Maritime Commission.

Dated: June 16, 2005.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 05-12248 Filed 6-21-05; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping

Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/Address	Date reissued
018035F ..	Ameritrans World Group, Inc., 7102 NW 50th Street, Miami, FL 33466-5636.	May 31, 2005.

**Sandra L. Kusumoto,**

*Director, Bureau of Certification and Licensing.*

[FR Doc. 05-12246 Filed 6-21-05; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

*License Number:* 013760N

*Name:* Asia Trans Line NJ, Inc.

*Address:* 535 Secaucus Road, Secaucus, NJ 07094.

*Date Revoked:* June 10, 2005.

*Reason:* Failed to maintain a valid bond.

*License Number:* 018173N

*Name:* Export Cargo, Inc.

*Address:* 13100 NW 113 Avenue Road, Miami, FL 33178.

*Date Revoked:* May 26, 2005.

*Reason:* Failed to maintain a valid bond.

*License Number:* 018825N

*Name:* Nara Express, Inc.

*Address:* 401 E. Ocean Blvd., Suite 204, Long Beach, CA 90802.

*Date Revoked:* May 26, 2005.

*Reason:* Failed to maintain a valid bond.

*License Number:* 018731N

*Name:* Seabright Shipping, Inc.

*Address:* 1525 Seabright Avenue, Long Beach, CA 90803.

*Date Revoked:* May 18, 2005.

*Reason:* Failed to maintain a valid bond.

*License Number:* 003984F

*Name:* Superior Shipping, Inc.

*Address:* 13910 SW 28th Street, Miami, FL 33175.