

Information and Instructions

**FCC Application or Notification for
Spectrum Leasing Arrangement or Private Commons Arrangement:
Wireless Telecommunications Bureau
Public Safety and Homeland Security Bureau**

**NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND
THE PAPERWORK REDUCTION ACT OF 1995**

We have estimated that each response to this collection of information will take on average 5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-1058). We will also accept your comments via the Internet if you send them to PRA@fcc.gov. *Please do not send completed application/notification forms to this address.*

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection unless it displays a currently valid OMB control number with this notice. This collection has been assigned OMB control number 3060-1058.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether the application/notification is in the public interest. If we believe there may be a violation or potential violation of a statute, FCC regulation, rule or order, your application/notification may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application/notification may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding.

All parties and entities doing business with the Commission must obtain a unique identifying number called the FCC Registration Number (FRN) and supply it when doing business with the Commission. Failure to provide the FRN may delay the processing of the application/notification. This requirement is to facilitate compliance with the Debt Collection Improvement Act of 1996 (DCIA). The FRN can be obtained electronically through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available from the FCC's web site at <http://www.fcc.gov/formpage.html>, by calling the FCC's Forms Distribution Center 800-418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3), and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.



General Instructions For Spectrum Leasing Arrangement or Private Commons Arrangement

Purpose of Form

FCC Form 608 is a multi-purpose form. It is used to provide required notification or request approval for any spectrum leasing arrangement (“Lease”) entered into between an existing licensee (“Licensee”) in certain Wireless, Mobile Satellite Service and/or Public Safety Radio Services and a spectrum lessee (“Lessee”). This form also is required to notify or request approval for any spectrum subleasing arrangement (“Sublease”). The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a Licensee, Lessee, or Sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission’s Rules). Applications/Notifications for Subleases or Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

The services that use this form are those services listed in Section 1.9005 of the Commission’s Rules. See 47 C.F.R. Section 1.900 *et seq.* For additional information, see Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 00-230, FCC 03-113, at ¶ 84 & n.181 (rel. Oct. 6, 2003) (“Secondary Markets First Report and Order”) and Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, WT Docket No. 00-230, FCC 04-167, 17529-33 ¶¶ 53-66 (rel. Sept. 2, 2004) (“Secondary Markets Second Report and Order”).

FCC Form 608 replaces FCC Form 603-T for all purposes.

Introduction

This is a multi-part form consisting of a Main Form and several schedules. Each application/notification, amendment, or other request must contain only one Main Form but may contain as few or as many of the additional schedules as necessary.

Main Form

The purpose of the Main Form is to obtain information sufficient to identify the parties to the associated Lease, Sublease or Private Commons Arrangement, establish the parties’ eligibility and qualifications for entering into the Lease, classify the filing, and determine the nature of the proposed service. The Main Form also contains the required certifications and signature blocks for the parties. The Main Form is required for every filing.

Schedules

In addition to the Main Form, which is required with every filing, completion of certain schedule(s) may also be required, depending on the type of Lease or Sublease, or whether a Private Commons Arrangement is involved. The purposes of these schedules are as follows:

Schedule A (Schedule for Licensees that Received Bidding Credits or Participate in the Installment Payment Plan, or Involving Licenses Won in Closed Bidding) This Schedule establishes whether unjust enrichment provisions or other restrictions apply.

Schedule B (Schedule for New Lease or New Sublease) This Schedule is used to provide required notification for new Spectrum Manager Leases or Subleases and to request approval for new *De Facto* Transfer Leases or Subleases. All filings for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Schedule C (Schedule for Modification of a Geographically Licensed Lease or Sublease to Add, Modify or Delete Technical Location Information for International Coordination, Environmental Assessment, or Quiet Zone Location). This Schedule is used to provide the technical location information for locations that require international coordination, an environmental assessment, or are located in a Quiet Zone. File a separate schedule for each location. All filings for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Schedule D (Schedule for Transfer of Control of a Lessee or Sublessee) This Schedule is used to notify the Commission or request Commission approval of the transfer of control of a Lessee/Sublessee. In addition, this Schedule is used to provide required notification of a transfer of control of the Lessee/Sublessee pursuant to the Commission’s forbearance procedures for telecommunications carriers. (See Section 1.948 of the Commission’s Rules). All filings for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Schedule E (Schedule for Supplemental Information Pertaining to a New Lease, New Sublease, Revision To Extend the Term of an Existing Lease or Sublease, or Revision To Cancel an Existing Lease or Sublease). This Schedule is used to provide supplemental date information in regards to the filing. All filings for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Schedule F (Schedule for Defined Geographic Area To Be Leased (Geographically Licensed Service)) This Schedule is used in conjunction with Schedule B for a New Lease when geographically licensed authorizations are involved and the entire geographic area and/or spectrum is not being leased. This Schedule must be used when the leased area involves FCC-defined geographic boundaries (*i.e.*, Major Trading Areas (MTAs), Basic Trading Areas (BTAs), etc.) or county boundaries.

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This Schedule can be used to describe the geographic area of the Lease and any amount of the licensed spectrum (or both).

Schedule G (Schedule for Leases that Involve an Undefined Geographic Area) This Schedule is used in conjunction with Schedule B and Schedule F when geographically licensed authorizations are involved and the geographic area associated with the New Lease cannot be described using FCC-defined geographic boundaries or counties. This Schedule must be used to provide the geographic coordinates (latitude and longitude) that depict the periphery of the leased area.

Schedule H (Schedule for Point-to-Point Microwave Links To Be Leased in Geographically-Licensed Services) This Schedule is used in conjunction with Schedule B for a New Lease when geographically licensed point-to-point microwave authorizations are involved and one or more links are being leased.

Schedule I (Schedule for Supplemental Information Pertaining to a New Private Commons Arrangement, Modification of an Existing Private Commons Arrangement, Revision to Extend the Term of an Existing Private Commons Arrangement, or Revision to Cancel an Existing Private Commons Arrangement). This Schedule is used when filing a notification of a Private Commons Arrangement. All filings for Private Commons Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

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Who Must File and When

Existing Licensees may enter into Leases with spectrum Lessees, consistent with the Commission's Rules governing such arrangements as set forth in Subpart X of Part 1 of the Commission's Rules, 47 C.F.R. §§ 1.9001 *et seq.* In general, two types of spectrum leasing arrangements are permitted: (1) spectrum manager leasing arrangements ("Spectrum Manager Leases") and (2) *de facto* transfer leasing arrangements ("*De Facto* Transfer Leases"). In addition, provided that certain conditions are met, Lessees are permitted to enter into spectrum subleasing arrangements ("Subleases") with spectrum sublessees ("Sublessees"). The Commission has also established a new type of secondary market arrangement that permits the development of a "Private Commons" in licensed wireless and/or public safety radio spectrum. Applications/Notifications for Subleases or Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

If a Licensee proposes to enter into a Spectrum Manager Lease with a Lessee, the Licensee must file a notification ("Notification") providing specified information about and certifications by the Licensee and Lessee, with the Commission prior to commencement of operations under the Lease.

If a Licensee proposes to enter into a *De Facto* Transfer Lease with a Lessee, they are required to file an application for approval by the Commission providing specified information about and certifications by both the Licensee and Lessee.

If a Lessee proposes to enter into a Sublease with a Sublessee, a similar Notification is required for a Spectrum Manager Sublease or an application/notification is required for a *De Facto* Transfer Sublease. Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

If a Licensee, Lessee, or Sublessee proposes to enter into a Private Commons arrangement with a class of users, the Licensee or Lessee or Sublessee (whichever entity is to serve as manager of the Private Commons arrangement) is required to file a notification ("Notification") with the Commission. This notification must include information that describes: the general terms and conditions of the Private Commons arrange, including a description of the conditions for spectrum access placed on users: the technical and operating terms and conditions of use placed on users, including those relating to the types of communications devices that may be used within the Private Commons; the types of communications uses that are allowed by within the Private Commons; the location(s) or coverage area(s) of the Private Commons under the license authorization; and, the term of the arrangement (*e.g.*, commencement date and termination date). Applications/Notifications for Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

General Definitions and Other General Information (Including Who Must Sign the Form)

Unless noted otherwise, all references in these instructions to the Commission's Rules refer to Part 1, Subpart X of the Commission's Rules.

Spectrum Manager Lease

A Licensee and Lessee may enter into a Spectrum Manager Lease provided that (1) the Licensee retains *de jure* control of its license and *de facto* control over the leased spectrum pursuant to the *de facto* control standard applicable to spectrum leasing arrangements (See Section 1.9010 of the Commission's Rules), and (2) the Licensee and Lessee meet the other applicable requirements for Spectrum Manager Leases as set forth in the Commission's Rules.

De Facto Transfer Lease

A Licensee and Lessee may enter into a *De Facto* Transfer Lease, whereby *de facto* control over the use of the leased spectrum is transferred to the Lessee, provided that the Licensee retains *de jure* control of its license and the Licensee and Lessee meet the other applicable requirements for *De Facto* Transfer Leases as set forth in the Commission's Rules.

New Lease

When a Licensee and Lessee enter into a Lease of certain specified spectrum associated with a particular license authorization for the first time, such Lease constitutes a new Lease ("New Lease") for purposes of this application/notification.

If a Licensee and Lessee involved in a Short-Term *De Facto* Transfer Lease seek to "convert" that Short-Term *De Facto* Transfer Lease into a Long-Term *De Facto* Transfer Lease of spectrum under the license authorization, the Short-Term *De Facto* Transfer Lease must be cancelled and a new Long-Term *De Facto* Transfer Lease application/notification filed.

A Lessee may not assign an existing Lease to another party. The existing Lease must be cancelled and the new party must file for a new Lease.

If a New Lease application/notification is filed, the Main Form, Schedule B and Schedule E must be filed with the Commission and are always required. Schedules A, F, G and H are only required in certain circumstances.

If a New Lease application/notification is filed, both the Licensee and Lessee must sign the form.

New Sublease (Must be filed Manually)

A Lessee under an existing Spectrum Manager Lease or Long-Term *De Facto* Transfer Lease may enter into a Sublease provided that the Licensee has consented to the Sublease and all other applicable requirements for entering into a Sublease, as set forth in the Commission's Rules, are met.

If the underlying Lease is a Spectrum Manager Lease, the Lessee and Sublessee are permitted only to enter into a Spectrum Manager Sublease.

If the underlying Lease is a Long-Term *De Facto* Transfer Lease, the Lessee and Sublessee may enter into either a Spectrum Manager Sublease or *De Facto* Transfer Sublease.

Lessees under Short-Term *De Facto* Transfer Leases are not permitted to enter into Subleases.

If a New Sublease application/notification is filed, the Main Form, Schedule B and Schedule E must be filed with the Commission and are always required. Schedule A must be filed, if applicable.

If a New Sublease application/notification is filed, both the Lessee and Sublessee must sign the form. Also, an exhibit must be attached to the filing that includes a certification statement by the Licensee indicating its consent to the sublease.

Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Modification of a Lease/Sublease

If a Modification of a Lease/Sublease is filed and that Lease/Sublease does not contain a geographically licensed area, only the Main Form is required to be filed with the Commission.

If the Lease/Sublease contains a geographically licensed area, in addition to the Main Form, it may be necessary to file Schedule C if adding, modifying or deleting technical location information for international coordination, an environmental assessment or for a Quiet Zone location.

For a Modification of a Lease, the Lessee must sign the form. [For a Modification of a Spectrum Manager Lease, in addition to the Lessee information, the Licensee FRN is also required.]

For a Modification of a Sublease, the Sublessee must sign the form. [For a Modification of a Spectrum Manager Lease, in addition to the Sublessee information, the Licensee FRN and the Lessee FRN are also required.]

Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Administrative Update of a Lease/Sublease

If an Administrative Update of a Lease/Sublease is filed, only the Main Form is required to be filed with the Commission.

For an Administrative Update of a Lease, the Lessee must sign the form. [For an Administrative Update of a Spectrum Manager Lease, in addition to the Lessee information, the Licensee FRN is also required.]

For an Administrative Update of a Sublease, the Sublessee must sign the form. [For an Administrative Update of a Spectrum Manager Lease, in addition to the Sublessee information, the Licensee FRN and the Lessee FRN are also required.]

Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Transfer of Control of the Lessee/Sublessee

A transfer of control of a Lessee/Sublessee under an existing Lease/Sublease is permitted pursuant to Commission Rules.

Such a transfer of control involves the transfer of *de jure* or *de facto* control of the Lessee/Sublessee, but does not change the identity of the Lessee/Sublessee. Refer to the applicable FCC rules for definitions of controlling interest and ownership.

Main Form and Schedule D [Schedule A, if applicable] must be completed for a transfer of control of a Lessee/Sublessee.

For a Transfer of Control of a Lessee, the Transferor and Transferee must sign the form. Note: The Lessee Information and the Lessee Contact Information are also required, but the Lessee does not need to sign the form. [For a Spectrum Manager Transfer of Control of a Lessee, in addition to the Transferor, Transferee and Lessee information, the Licensee FRN is also required.]

For a Transfer of Control of a Sublessee, the Transferor and Transferee must sign the form. Note: The Sublessee Information and the Sublessee Contact Information are also required, but the Sublessee does not need to sign the form. [For a Spectrum Manager a Transfer of Control of a Sublessee, in addition to the Transferor, Transferee and Sublessee information, the Licensee FRN and the Lessee FRN are also required.]

Applications/Notifications for Subleases must be filed manually sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations found on page 6 of the instructions.

Revision to Extend the Term of an Existing Lease/Sublease

The term of any existing Lease/Sublease may be revised to extend the term subsequent to entering into the Lease/Sublease, pursuant to the Commission's Rules.

An application/notification to Extend the Term of an Existing Lease/Sublease must include the Main Form and Schedule E.

For a Revision to Extend the Term of an Existing Lease, the Licensee and the Lessee must sign the form. [In addition to the Licensee Information and the Licensee Contact Information, only the FRN of the Lessee is required].

For a Revision to Extend the Term of an Existing Sublease, the Licensee, Lessee, and Sublessee must sign the form. [For a *de facto* lease that is being extended, in addition to the Lessee Information and the Lessee Contact Information, only the FRN of the Sublessee is required]. [For a Spectrum Manager lease that is being extended, in addition to the Lessee Information and the Lessee Contact Information, only the FRN of the Licensee and the FRN of the Sublessee is required].

Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Cancellation of an Existing Lease/Sublease

An existing Lease/Sublease may be cancelled earlier than the expiration date set forth in the original application/notification, pursuant to the Commission's Rules. An application/notification involving a cancellation of a Lease/Sublease must be filed within ten days of the cancellation. The parties involved in a Lease/Sublease must notify the Commission if they did not commence operations under the Lease/Sublease, pursuant to the Commission's Rules.

An application/notification to cancel an Existing Lease/Sublease must include the Main Form and Schedule E.

For a Revision to Cancel an Existing Lease, the Licensee must sign the form. [In addition to the Licensee Information and the Licensee Contact Information, only the FRN of the Lessee is required].

For a Revision to Cancel an Existing Sublease, the Lessee must sign the form. [For a *de facto* lease that is being cancelled, in addition to the Lessee Information and the Lessee Contact Information, only the FRN of the Sublessee is required]. [For a Spectrum Manager lease that is being cancelled, in addition to the Lessee Information and the Lessee Contact Information, only the FRN of the Licensee and the FRN of the Sublessee is required].

Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Private Commons Arrangement

A "Private Commons" arrangement, an arrangement distinct from a spectrum leasing arrangement, is permitted in the same services for which spectrum leasing arrangements are allowed. Under a Private Commons arrangement, a Licensee, Lessee or Sublessee makes certain spectrum usage rights under the license authorization available to a class of third-party users that employ advanced communications technologies that do not involve use of the Licensee's, Lessee's or Sublessee's end-to-end physical network infrastructure (e.g., base stations, mobile stations, or other related elements) and are not intended to be used in the provision of network-based services to end-users. Specifically, in a Private Commons arrangement the Licensee, Lessee or Sublessee authorizes users of certain communications devices employing particular technical parameters, as specified by the Licensee, Lessee or Sublessee, to operate under the license authorization. The Licensee, Lessee or Sublessee that acts as the manager of a Private Commons must retain *de facto* control of the use of the spectrum by such third-party users. This includes maintaining reasonable oversight over the user's use of the spectrum to ensure that the use of the spectrum, and communications equipment employed, comply with the applicable technical and service rules; it also includes maintaining the ability to ensure such compliance. For additional information, see Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Second Report and Order*, *Order on Reconsideration*, and *Second Further Notice of Proposed Rulemaking*, WT Docket No. 00-230, FCC 04-167, at ¶¶ 91-99 (rel. Sep. 2, 2004) ("Secondary Markets Second Report and Order"); 47 C.F.R. § 1.9080.

A Licensee, Lessee or Sublessee acting as the manager of the Private Commons must notify the Commission of a Private Commons arrangement prior to permitting third-party users to commence operations. This Licensee, Lessee or Sublessee must complete the applicable questions, and submit the necessary exhibits, as set forth in the Main Form and Schedule I, and sign the Main Form. If a Private Commons Arrangement applies with regard to operations under a license authorization (as opposed to spectrum that has been leased under a spectrum leasing arrangement), the Licensee must sign the form.

If a Private Commons Arrangement applies with regard to spectrum leased under a *De Facto* Transfer Lease, the Lessee must sign the form.

If a Private Commons Arrangement applies with regard to spectrum leased under a *De Facto* Transfer Sublease, the Sublessee must sign the form.

If a Private Commons Arrangement applies with regard to spectrum leased under a Spectrum Manager Lease, the Lessee must sign the form.

If a Private Commons Arrangement applies with regard to spectrum leased under a Spectrum Manager Sublease, the Sublessee must sign the form.

Applications/Notifications for Private Commons Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Lease Identifiers

The FCC will issue a unique identifier for each Lease/Sublease ("Lease Identifier/Sublease Identifier"). The FCC will use this information to process the application/notification. The FCC will also update ULS with the Lease Identifier.

Information Current and Complete

Information filed with the FCC must be kept current and complete. Parties to the application/notification must notify the FCC regarding any substantial and significant changes in the information furnished in the application/notification. (See Section 1.65 of the Commission's Rules).

Applicable Rules and Regulations

The Applicant should obtain the relevant parts of the Commission's Rules, which are located in Part 47 of the Code of Federal Regulations (CFR). Copies of Part 47 CFR may be purchased by contacting the Superintendent of Documents, Government Printing Office, Washington, DC 20402, by calling (202) 512-1800 or by accessing the Government Printing Office's website at <http://www.access.gpo.gov>.

Application Fees and Filing Locations

An application/notification fee may be required with this form. To determine the required fee amount, refer to Subpart G of Part 1 of the Commission's Rules or the current Fee Filing Guide. For assistance with fees applicable to the radio services governed by the Commission's Rules, call (877) 480-3201 (TTY (717) 338-2824). The current Fee Filing Guide can be downloaded from the FCC's website at <http://www.fcc.gov/fees>, by calling the FCC's Forms Distribution Center at (800) 418-FORM (3676), or from the FCC's Fax Information System by dialing (202) 418-0177.

Paper applications/notifications requiring a fee must be mailed to Federal Communications Commission, P. O. Box 979097, St. Louis, MO, 63197-9000 or hand delivered to the U.S. Bank, Attn: FCC Government Lockbox #979097, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

Non-feeable paper applications/notifications should be mailed to Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245. Hand-deliveries and messenger-deliveries should be delivered to Federal Communications Commission, 1280 Fairfield Road, Gettysburg, PA 17325.

Submission of Paper-Filed Forms

One original paper copy of this application/notification is required to be filed with the Commission. The Main Form and the applicable schedules should be submitted as one package, stapled in the upper left corner. The Main Form should be first, with the schedules attached in alphabetical order.

Exhibits

Each document required to be filed as an exhibit should be current as of the date of filing. Each page of every exhibit must be identified with the number or letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit. If material is to be incorporated by reference, see the instruction on incorporation by reference.

Note: Some Commission Rules require the applicant to attach one or more exhibits to an application/notification in addition to the information requested in the application/notification form.

Incorporation by Reference

You may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC only if the information previously filed is more than one 8 1/2" by 11" page in length, all information therein is current and accurate in all significant respects, and the reference states specifically where the previously filed information can be found (*i.e.*, station call sign and application/notification file number, title of proceeding, docket number and legal citations), including exhibit and page references. Items that call for numbers or that can be answered 'Y' or 'N' or with other short answers must be answered directly without reference to a previous filing.

Assistance with Completing this Form

For assistance with this form, contact the Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245, or call (877) 480-3201 (TTY (717) 338-2824).

Technical Assistance for Electronic Filers

For technical assistance with filing electronically, contact the FCC at (877) 480-3201. Applications/Notifications for Subleases and Private Commons Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Instructions for FCC Form 608 Main Form

General Information

Application/Notification Purpose

Item 1a Indicate the purpose for which this application/notification of a spectrum leasing arrangement is being submitted by checking the appropriate block from the available selection of purposes (only one purpose may be selected).

Item 1b If the filing is an amendment (response to Item 1a is 'AM') or withdrawal (response to Item 1a is 'WD') of a previously filed application/notification, provide the File Number of the original application/notification. This information can be obtained by using the ULS Application Search or contacting the FCC at (877) 480-3201 (TTY 717-338-2824).

Classification of Filing

For Leases/Subleases Only

Item 2a Indicate the class of filing by checking the appropriate selection for this application/notification (select only one).

Item 2b Indicate the type of filing by checking the appropriate block for the application/notification (select only one).

For Private Commons Arrangements Only

Item 2c Indicate by checking the appropriate block if the arrangement is for a License, a Lease or a Sublease (select only one).

Item 2d If Item 2c is checked Lease or Sublease, indicate by checking the appropriate block if the arrangement is a Spectrum Manager or *De Facto* Transfer.

Note: Applications/Notifications for Subleases or Private Commons Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Term of Lease/Sublease (Only for Transfer of Control of a Lessee or Sublessee, or a Revision to Extend the Term of a Lease or Sublease)

Item 3 If the filing is for a Transfer of Control of a Lessee or Sublessee, or a Revision to Extend the Term of a Lease or Sublease, indicate whether the existing Lease or Sublease is a Long-Term or Short-Term Lease.

Other Wireless Licenses

Item 4a Enter 'Y', if this application/notification is one in a series of related applications/notifications. Otherwise, enter 'N'.

The purpose of this item is to indicate whether this application/notification is part of a proposed transaction involving the Lease/Sublease or transfer of other spectrum not listed in this application/notification that is held by the Licensee/Lessee/Sublessee, affiliates of the Licensee/Lessee/Sublessee, or third parties (e.g., spectrum swaps or multi-party transactions). Where a transaction involves the Lease/Sublease of spectrum under multiple licenses held by a common Licensee, a single form should be filed whenever possible. Where a transaction involves the Lease/Sublease of spectrum under licenses by affiliated Licensees or third-party licensees, a separate form must be filed for each affiliate or licensee. Enter 'N' if all licenses to be Leased/Subleased, as a result of the proposed transaction, are listed on this one Form. Parties who seek to Lease/Sublease licenses as part of a larger transaction or plan on filing multiple applications/notifications are strongly encouraged to contact the bureau in advance of filing this Form.

Item 4b If the response to 4a is 'Y' and this filing is the lead application/notification, enter 'Y'. Otherwise, enter 'N'.

Item 4c If the response to 4a is 'Y' and the response to 4b is 'N', provide the File Number of the lead application/notification of this transaction. Parties may wish to designate a lead application for transactions which involve a series of applications. This allows parties to submit all attachments that are common to all applications in a transaction once. The parties can then attach one exhibit to the other applications associated with the transaction in order to incorporate by reference the attachments in the lead application.

Attachments

Item 5 Enter 'Y' if attachments (other than associated schedules) are being filed with this application/notification. Otherwise, enter 'N'.

Parties submitting applications/notifications may in some instances be required to provide by means of an attachment, additional information not specifically requested elsewhere on FCC Form 608 to establish the qualifications of the Lessee/Sublessee/Transferee or to otherwise demonstrate that the proposed transaction is in the public interest. The burden is on the parties to determine whether such additional information is necessary under Section 310(d) in light of the circumstances of the particular Lease/Sublease. Applicants seeking further guidance on this issue are encouraged to contact the bureau in advance of filing FCC Form 608.

Fees and Waivers

Exemption from Application Fees

Item 6 This item notifies the FCC that the Applicant is exempt from FCC application fees. If the response is 'Y', an exhibit demonstrating the Applicant's eligibility for exemption from FCC application fees must be submitted with this filing. For additional information regarding an Applicant's eligibility to be exempt from FCC application fees, see the current Fee Filing Guide or call (877) 480-3201 (TTY 717-338-2824).

Waiver/Deferral of Fees

Item 7 If a request for waiver/deferral of the FCC application fees has been filed with the FCC, enter 'Y' and attach the date-stamped copy of the request as an exhibit. Otherwise, enter 'N'.

Waiver of Commission Rules

Item 8a If the filing includes a request for waiver of the Commission's Rules (other than application fee waivers), enter 'Y' and attach an exhibit specifying the rule section(s) for which a waiver is being requested and including a justification for the requested waiver. Otherwise, enter 'N'.

Item 8b If the response to 8a is 'Y', provide the number of rule sections involved (do not enter the actual rule section(s)).

Regulatory Status and Offerings (Only applicable on a Modification of a Lease or Modification of a Sublease)

Radio Service Offerings

Item 9 Indicate the type(s) of radio service offerings the Applicant plans to provide.

All entities that are planning to use the lease spectrum for telecommunications services should select common carrier in this item. The term 'telecommunications service' means the offering of telecommunications (*i.e.*, the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Non-common carriers do not hold themselves out indiscriminately for hire as carriers of communications provided by the customer. A person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier. Thus, those entities meeting this definition would select non-common carrier for this item. Private internal users are those entities that utilize telecommunications services purely for internal business purposes or public safety communications and not on a for hire or for profit basis. Such entities should select 'Private' for this item. The term 'Broadcast Services' shall have the same meaning as that for "broadcasting" in § 3(6) of the Communications Act of 1934, *i.e.*, the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." 47 U.S.C. § 153(6).

Radio Service

Item 10 Select all types of radio services that the Applicant plans to provide, as applicable. Broadcast Auxiliary applicants should select Fixed or Mobile, not Broadcast Services.

Item 11 Indicate whether the Applicant plans to provide service interconnected to the public telephone network as defined in the FCC rules. Enter 'Y' if 'Y'. Otherwise, enter 'N'.

Designated Entity Information (If the answer to 12a, 12b or 12c is 'Y', Schedule A must be completed.)

Bidding Credits

Item 12a Enter 'Y' if the transaction involves spectrum under any licenses that were originally granted before April 25, 2006, and that were awarded with bidding credits within the last five years and/or any licenses that were originally granted after April 25, 2006, and that were awarded with bidding credits within the last ten years. Otherwise, enter 'N'.

The initial grant date is the date that the license was originally granted by the Commission after an auction, even if the license was acquired in the secondary market. The initial grant date is **not** the date on which the Commission granted an assignment or transfer of control of the license.

If the response to this item is 'Y', the licenses may be subject to the FCC's unjust enrichment rules. See Section 1.2111(d), (e) of the Commission's Rules. If the response to 12a is 'Y', Schedule A must be completed.

Installment Payment Plan

Item 12b Enter 'Y' if the transaction involves spectrum under licenses that were awarded subject to the FCC's installment payment program. Otherwise, enter 'N'.

If the response to this item is 'Y', the licenses may be subject to the FCC's unjust enrichment rules. See Section 1.2111(c), (e) of the Commission's Rules. If the response to 12b is 'Y', Schedule A must be completed.

Closed Bidding

Item 12c Enter 'Y' if the transaction involves spectrum under licenses that were awarded pursuant to closed bidding within the last five years.

If the response to this item is 'Y', the licenses may be subject to limitations. See Sections 24.709 and 24.839 of the Commission's Rules. If the response to 12c is 'Y', Schedule A must be completed.

Competition-Related Information

Item 13 Enter 'Y' if this filing is for a Spectrum Leasing Arrangement that (1) involves a license authorization or Spectrum Lease/Sublease that may be used to provide interconnected mobile voice and/or data services, and (2) would create a geographic overlap with another license authorization(s) or Spectrum Leasing Arrangement(s) in which the Applicant already holds direct or indirect interests (of 10 percent or more), either as a licensee or spectrum lessee/sublessee, and that could also be used to provide interconnected mobile voice and/or data services. Otherwise, enter 'N'.

Item 14a Enter 'Y' if the Applicant holds direct or indirect interests (of 10 percent or more) in any entity that already has access to 10 MHz or more of Cellular, Broadband PCS, or Specialized Mobile Radio (SMR) spectrum through license(s) or spectrum lease/subleases in the same geographic area. Otherwise, enter 'N'.

Item 14b Enter 'Y' if this Spectrum Leasing Arrangement will reduce the number of entities providing service in the affected market(s). Otherwise, enter 'N'.

Broadband Radio Service and Educational Broadband Service Information

Broadband Radio Service (BRS) and Educational Broadband Service (EBS) – Cable Cross-Ownership

Item 15a If the requested facilities will be used to provide multichannel video programming, enter 'Y'. Otherwise, enter 'N'.

Item 15b If response to 15a is 'Y', and the applicant will operate, control or have an attributable interest in a cable television system whose franchise area is located within the geographic service area of the proposed facilities, enter 'Y'. Otherwise, enter 'N'.

If 'Y', provide an exhibit explaining how the Applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission's Rule(s) is being requested, 8a must be answered 'Y'.

This item enables the FCC to determine whether the Applicant complies with Section 27.1202 of the Commission's Rules.

Educational Broadband Service (EBS) Part 27 Programming Requirements

Item 16 Enter 'Y' if the applicant complies with the programming requirements contained in Section 27.1203 of the Commission's Rules. Otherwise, enter 'N'.

If 'N', provide an exhibit explaining how the Applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission's Rule(s) is being requested, 8a must be answered 'Y'.

Part 90 Public Safety Services

Eligibility

Item 17 This question is applicable only to applications/notifications involving Long-Term *De Facto* Transfer Leases and Spectrum Manager Leases. Enter 'Y' if the Applicant is a public safety entity or otherwise an entity that will use the leased spectrum to provide communications in support of public safety operations pursuant to Section 90.523 of the Commission's Rules. Otherwise, enter 'N'.

Licensee Information

Items 18 through 30 identify the Licensee.

The Licensee information must be provided for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Lease, Extend the Term of Lease, or Cancel a Lease. The licensee information must be provided for Private Commons Arrangements of a License filings for a New, Modification, Extend the Term or Cancel.

Only the Licensee FRN (Item 18) is required for Spectrum Manager Lease filings for a New Sublease, Extend the Term of a Sublease, Cancel a Sublease, Transfer of Control of a Lessee/Sublessee, Administrative Update of a Lease/Sublease, or Modification of a Lease/Sublease. Only the Licensee FRN (Item 18) is required for Private Commons Arrangement of a Lease filings or for Private Commons Arrangement of a Sublease filings for a New, Modification, Extend the Term or Cancel.

FCC Registration Number (FRN)

Item 18 Enter your ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling the FCC's Forms Distribution Center at (800) 418-3676, or the FCC's Fax Information System by dialing (202) 418-0177. Failure to provide the FRN will prevent the Commission from processing the application/notification.

Entity

Item 19 This item indicates the legal entity type of the applicant. Select Individual, Unincorporated Association, Trust, Government Entity, Corporation, Limited Liability Company, General Partnership, Limited Partnership, Limited Liability Partnership, Consortium, or Other. When selecting 'Other', provide a description of the legal entity.

Licensee Name

Items 20 and 21 If Item 19 is an 'Individual', enter the individual name in Item 21. Otherwise, enter the name of the legal entity in Item 20. **Note:** The full legal name is required for these items.

Item 22 If completing Item 20 (entity name), you must provide the contact person for the Licensee.

Address

Items 23-30 complete this section as follows:

- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Refer to Main Form Instructions, Appendix I, for a list of valid state, jurisdiction, and area abbreviations.

Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application/notification, liability for forfeiture, or revocation of an authorization. (See Section 1.934(c) of the Commission's Rules).

Demographics (Optional)

Item 31 The information is optional and is requested for informational purposes only. Responses to this item will in no way affect processing of applications/notifications.

Licensee Contact Information

Contact Name & Address (If other than Licensee)

Items 32-42 These items identify the contact representative for the Licensee, if different from the Licensee. This is usually the headquarters office of a large company, the law firm or other representative of the Licensee, or the person or company that prepared or submitted the application/notification on behalf of the Licensee. If there is a question about the application/Notification, an FCC representative may communicate with the Licensee's contact representative.

If the above Licensee Information section is completed, this Licensee Contact Information section is required.

If the Licensee Contact Representative is the same as the Licensee, check the box and do not complete the remaining items in this section.

If the Licensee Contact Representative is not the same as the Licensee, then you must provide the information and complete this section as follows:

- Either the Individual Name or the Company Name is required.
- If Individual Name is completed, then Company Name and Attention To are not required.
- If Company Name is completed, then either an Individual Name or the Attention To is required.
- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Lessee Information

Items 43 through 57 identify the Lessee.

The Lessee information must be provided for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Lease, New Sublease, Transfer of Control of a Lessee, Extend the Term of Sublease, Cancel a Sublease, Administrative Update of a Lease, or Modification of Lease. The Lessee information must be provided for Private Commons Arrangements of a Lease filings for a New, Modification, Extend the Term or Cancel.

Only the Lessee FRN (Item 43) is required for Spectrum Manager Lease filings for a Transfer of Control of a Sublessee, Extend the Term of a Lease, Cancel a Lease, Administrative Update of a Sublease, or Modification of a Sublease. Only the Lessee FRN (Item 43) is required for *De Facto* Transfer Lease filings for an Extend the Term of a Lease or Cancel a Lease. Only the Lessee FRN (Item 43) is required for Private Commons Arrangement of a Spectrum Manager Sublease filings for a New, Modification, Extend the Term or Cancel.

FCC Registration Number (FRN)

Item 43 Enter the Lessee's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. Failure to provide the FRN will prevent the Commission from processing the application/notification.

Entity

Item 44 This item indicates the legal entity type of the Lessee. Select Individual, Unincorporated Association, Trust, Government Entity, Corporation, Limited Liability Company, General Partnership, Limited Partnership, Limited Liability Partnership, Consortium, or Other. When selecting 'Other', provide a description of the legal entity.

Lessee Name

Item 45 Enter 'Y' if the new Lessee name change is due to a change in ownership, corporate structure or entity. If you answer Item 45 'Y', you must file FCC Form 608 for a new lease. Otherwise, enter 'N' and continue. This item is completed only with the purposes of LM (Modification), LU (Administrative Update), LE (Extend the Term), LC (Cancel) or AM (Amendment of any of these purposes).

Items 46 and 47 If Item 44 is an 'Individual', enter the individual name in Item 47. Otherwise, enter the name of the legal entity in Item 46. **Note:** The full legal name is required for these items.

Item 48 If completing Item 46 (entity name), you must provide the contact person for the Lessee.

Name of Real Party in Interest

Item 49 The Lessee must identify the real party (parties) in interest. If the Lessee is also the real party in interest, enter the Lessee's name in this item. If a party other than the Lessee is the real party in interest (e.g., a parent or other controlling entity), enter that party's name in this item. If there is more than one real party in interest, attach an exhibit detailing all parties in interest.

The real party in interest is defined as a person who "has an ownership interest, or will be in a position to actually or potentially control the operation of the station." *Astroline Communications Co. Ltd. v. FCC*, 857 F.2d 1556, 1564 (D.C. Cir. 1988); see also *Applications of Georgia Public Telecommunications Commission, et al.*, MM Docket No. 89-337, 7 FCC Rcd 7996 (1992); *Applications of Madalina Broadcasting, et al.*, MM Docket No. 91-100, 8 FCC Rcd 6344 (1993).

Item 50 You must enter the real party in interest's ten-digit FCC Registration Number (FRN) assigned by the Commission Registration System (CORES). The FRN is a unique entity identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. If the Lessee is also the real party in interest, enter the Lessee's FRN in this item. Failure to provide the FRN may prevent the Commission from processing the application/notification.

Address

Items 51-58 complete this section as follows:

- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Refer to Main Form Instructions, Appendix I, for a list of valid state, jurisdiction, and area abbreviations.

Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application/notification, liability for forfeiture, or revocation of an authorization. (See Section 1.934(c) of the Commission's Rules).

Demographics (Optional)

Item 59 The information is optional and is requested for informational purposes only. Responses to this item will in no way affect processing of applications/notifications.

Lessee Contact Information

Contact Name & Address (If other than Lessee)

Items 60-70 These items identify the contact representative for the Lessee, if different from the Lessee. This is usually the headquarters office of a large company, the law firm or other representative of the Lessee, or the person or company that prepared or submitted the application/notification on behalf of the Lessee. If there is a question about the application/notification, an FCC representative will communicate with the Lessee's contact representative.

If the above Lessee Information section is completed, this Lessee Contact Information section is required.

If the Lessee Contact Representative is the same as the Lessee, check the box and do not complete the remaining items in this section.

If the Lessee Contact Representative is not the same as the Lessee, then you must provide the information and complete this section as follows:

- Either the Individual Name or the Company Name is required.
- If Individual Name is completed, then Company Name and Attention To are not required.
- If Company Name is completed, then either an Individual Name or the Attention To is required.
- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Sublessee Information

Items 71 through 86 identify the Sublessee.

The Sublessee information must be provided for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Sublease, Transfer of Control of a Sublessee, Administrative Update of a Sublease, or Modification of Sublease. The Sublessee information must be provided for Private Commons Arrangements of a Sublease filings for a New, Modification, Extend the Term or Cancel.

Only the Sublessee FRN (Item 70) is required for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for Extend the Term of a Sublease or Cancel a Sublease.

FCC Registration Number (FRN)

Item 71 Enter the Sublessee's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. Failure to provide the FRN will prevent the Commission from processing the application/notification.

Entity

Item 72 This item indicates the legal entity type of the Sublessee. Select Individual, Unincorporated Association, Trust, Government Entity, Corporation, Limited Liability Company, General Partnership, Limited Partnership, Limited Liability Partnership, Consortium, or Other. When selecting 'Other', provide a description of the legal entity.

Sublessee Name

Item 73 Enter 'Y' if the new Sublessee name change is due to a change in ownership, corporate structure or entity. If you answer Item 73 'Y', you must file FCC Form 608 for a new sublease. Otherwise, enter 'N' and continue. This item is completed only with the purposes of LM (Modification), LU (Administrative Update), LE (Extend the Term), LC (Cancel) or AM (Amendment of any of these purposes).

Items 74 and 75 If Item 72 is an 'Individual', enter the individual name in Item 75. Otherwise, enter the name of the legal entity in Item 74. **Note:** The full legal name is required for these items.

Item 76 If completing Item 74 (entity name), you must provide the contact person for the Sublessee.

Name of Real Party in Interest

Item 77 The Sublessee must identify the real party (parties) in interest. If the Sublessee is also the real party in interest, enter the Sublessee's name in this item. If a party other than the Sublessee is the real party in interest (e.g., a parent or other controlling entity), enter that party's name in this item. If there is more than one real party in interest, attach an exhibit detailing all parties in interest.

The real party in interest is defined as a person who "has an ownership interest, or will be in a position to actually or potentially control the operation of the station." *Astroline Communications Co. Ltd. v. FCC*, 857 F.2d 1556, 1564 (D.C. Cir. 1988); see also *Applications of Georgia Public Telecommunications Commission, et al.*, MM Docket No. 89-337, 7 FCC Rcd 7996 (1992); *Applications of Madalina Broadcasting, et al.*, MM Docket No. 91-100, 8 FCC Rcd 6344 (1993).

Item 78 Enter the real party in interest's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. If the Sublessee is also the real party in interest, enter the Sublessee's FRN in this item. Failure to provide the FRN may prevent the Commission from processing the application/notification.

Address

Items 79-86 complete this section as follows:

- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Refer to Main Form Instructions, Appendix I, for a list of valid state, jurisdiction, and area abbreviations.

Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application/notification, liability for forfeiture, or revocation of an authorization. (See Section 1.934(c) of the Commission's Rules).

Demographics (Optional)

Item 87 The information is optional and is requested for informational purposes only. Responses to this item will in no way affect processing of applications/notifications.

Sublessee Contact Information

Contact Name & Address (If other than Sublessee)

Items 88-98 These items identify the contact representative for the Sublessee, if different from the Sublessee. This is usually the headquarters office of a large company, the law firm or other representative of the Sublessee, or the person or company that prepared or submitted the application/notification on behalf of the Sublessee. If there is a question about the application/notification, an FCC representative may communicate with the Sublessee's contact representative.

If the above Sublessee Information section is completed, this Sublessee Contact Information section is required.

If the Sublessee Contact Representative is the same as the Sublessee, check the box and do not complete the remaining items in this section.

If the Sublessee Contact Representative is not the same as the Sublessee, then you must provide the information and complete this section as follows:

- Either the Individual Name or the Company Name is required.
- If Individual Name is completed, then Company Name and Attention To are not required.
- If Company Name is completed, then either an Individual Name or the Attention To is required.
- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Transferee Information

Items 99 through 114 identify the Transferee.

This information must be provided for all applications/notifications for a Transfer of Control of a Lessee or Transfer of Control of a Sublessee.

FCC Registration Number (FRN)

Item 99 Enter the Transferee's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. Failure to provide the FRN will prevent the Commission from processing the application/notification.

Entity

Item 100 This item indicates the legal entity type of the Transferee. Select Individual, Unincorporated Association, Trust, Government Entity, Corporation, Limited Liability Company, General Partnership, Limited Partnership, Limited Liability Partnership, Consortium, or Other. When selecting 'Other', provide a description of the legal entity.

Transferee Name

Items 101 and 102 If Item 100 is an 'Individual', enter the individual name in Item 102. Otherwise, enter the name of the legal entity in Item 101. **Note:** The full legal name is required for these items.

Item 103 If completing Item 101 (entity name), you must provide the contact person for the Transferee.

Name of Real Party in Interest

Item 104 The Transferee must identify the real party (parties) in interest. If the Transferee is also the real party in interest, enter the Transferee's name in this item. If a party other than the Transferee is the real party in interest (*e.g.*, a parent or other controlling entity), enter that party's name in this item. If there is more than one real party in interest, attach an exhibit detailing all parties in interest.

The real party in interest is defined as a person who "has an ownership interest, or will be in a position to actually or potentially control the operation of the station." *Astroline Communications Co. Ltd. v. FCC*, 857 F.2d 1556, 1564 (D.C. Cir. 1988); see also *Applications of Georgia Public Telecommunications Commission, et al.*, MM Docket No. 89-337, 7 FCC Rcd 7996 (1992); *Applications of Madalina Broadcasting, et al.*, MM Docket No. 91-100, 8 FCC Rcd 6344 (1993).

Item 105 Enter the real party in interest's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. If the Transferee is also the real party in interest, enter the Transferee's FRN in this item. Failure to provide the FRN may prevent the Commission from processing the application/notification.

Address

Items 106-113 complete this section as follows:

- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Refer to Main Form Instructions, Appendix I, for a list of valid state, jurisdiction, and area abbreviations.

Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application/notification, liability for forfeiture, or revocation of an authorization. (See Section 1.934(c) of the Commission's Rules).

Demographics (Optional)

Item 114 The information is optional and is requested for informational purposes only. Responses to this item will in no way affect processing of applications/notifications.

Transferee Contact Information

Contact Name & Address (If other than Transferee)

Items 115-125 These items identify the contact representative for the Transferee, if different from the Transferee. This is usually the headquarters office of a large company, the law firm or other representative of the Transferee, or the person or company that prepared or submitted the application/notification on behalf of the Transferee. If there is a question about the application/notification, an FCC representative may communicate with the Transferee's contact representative.

If the above Transferee Information section is completed, this Transferee Contact Information section is required.

If the Transferee Contact Representative is the same as the Transferee, check the box and do not complete the remaining items in this section.

If the Transferee Contact Representative is not the same as the Transferee, then you must provide the information and complete this section as follows:

- Either the Individual Name or the Company Name is required.
- If Individual Name is completed, then Company Name and Attention To are not required.
- If Company Name is completed, then either an Individual Name or the Attention To is required.
- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Transferor Information

Items 126 through 139 identify the Transferor.

This information must be provided for all applications/notifications for a Transfer of Control of a Lessee or Transfer of Control of a Sublessee.

FCC Registration Number (FRN)

Item 126 Enter the Transferor's ten-digit FRN assigned by the Commission Registration System (CORES). The FRN is a unique identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling (800) 418-FORM (3676), or from FCC's Fax Information System by dialing (202) 418-0177. Failure to provide the FRN will prevent the Commission from processing the application/notification.

Entity

Item 127 This item indicates the legal entity type of the Transferor. Select Individual, Unincorporated Association, Trust, Government Entity, Corporation, Limited Liability Company, General Partnership, Limited Partnership, Limited Liability Partnership, Consortium, or Other. When selecting 'Other', provide a description of the legal entity.

Transferor Name

Items 128 and 129 If Item 127 is an 'Individual', enter the individual name in Item 129. Otherwise, enter the name of the legal entity in Item 128. **Note:** The full legal name is required for these items.

Item 130 If completing Item 128 (entity name), you must provide the contact person for the Transferor.

Address

Items 131-138 complete this section as follows:

- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Refer to Main Form Instructions, Appendix I, for a list of valid state, jurisdiction, and area abbreviations.

Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application/notification, liability for forfeiture, or revocation of an authorization. (See Section 1.934(c) of the Commission's Rules).

Demographics (Optional)

Item 139 The information is optional and is requested for informational purposes only. Responses to this item will in no way affect processing of applications/notifications.

Transferor Contact Information

Contact Name & Address (If other than Transferor)

Items 140-150 These items identify the contact representative for the Transferor, if different from the Transferor. This is usually the headquarters office of a large company, the law firm or other representative of the Transferor, or the person or company that prepared or submitted the application/notification on behalf of the Transferor. If there is a question about the application/notification, an FCC representative may communicate with the Transferor's contact representative.

If the above Transferor Information section is completed, this Transferor Contact Information section is required.

If the Transferor Contact Representative is the same as the Transferor, check the box and do not complete the remaining items in this section.

If the Transferor Contact Representative is not the same as the Transferor, then you must provide the information and complete this section as follows:

- Either the Individual Name or the Company Name is required.
- If Individual Name is completed, then Company Name and Attention To are not required.
- If Company Name is completed, then either an Individual Name or the Attention To is required.
- Either a PO Box or a Street Address is required. Both may be provided.
- City, State and Zip Code are required.
- Telephone Number is required (including area code).
- FAX Number and E-Mail Address are optional.

Ownership Disclosure Information

If the application/notification includes Licenses in the Wireless Radio Services that are subject to the ownership reporting requirements of Section 1.2112(a), or in the Mobile Satellite Services that are subject to the ownership reporting requirements of Section 25.149(g), the Applicant must file a FCC Form 602, Ownership Disclosure Form. For purposes of this question, Applicant is the Lessee, Sublessee or Transferee.

Item 151a Enter 'Y' if the Applicant is required to file FCC Form 602, Ownership Disclosure Information for the Wireless Telecommunications Services. Otherwise, enter 'N'.

Item 151b If the response to Item 151a is 'Y', enter the File Number of the FCC Form 602 that was filed in conjunction with this filing or already on file with the FCC.

Alien Ownership Questions

Alien Ownership

Pursuant to the Secondary Markets Order, the Commission requires that a Lessee/Sublessee, including a Lessee or Sublessee subsequent to a proposed transfer of control, meet the eligibility requirements that pertain to foreign ownership, as set forth in Section 310 of the Communications Act. See *Secondary Markets Order*, WT Docket No. 00-230, FCC 03-113, at ¶¶ 110,143. The following items enable the FCC to determine whether a Lessee/Sublessee, including a Lessee or Sublessee subsequent to a proposed transfer of control, is eligible under Section 310(a) and (b) of the Communications Act of 1934, as amended, to Lease/Sublease. If the application/notification is for the transfer of control of a lease or sublease, the foreign ownership of the post-transaction Lessee or Sublessee is evaluated. All Lessees/Sublessees and Post-Transfer Lessees/Sublessees filing an application/notification must answer Items 152-156. Any applicant that answers 'Y' to Items 153-156a must provide an attachment explaining the circumstances. The FCC will otherwise dismiss the application/notification without further consideration.

Item 152 All Transferees/Lessees/Sublessees filing an application/notification must answer Item 152. The FCC cannot grant an application/notification if the Lessee/Sublessee or Post-transfer Lessee/Sublessee is a foreign government or the representative of a foreign government. Therefore, if the true and correct answer to Item 152 is 'Y', the Lessee/Sublessee or Post-transfer Lessee/Sublessee is not eligible to enter into a Lease and the FCC will dismiss the application/notification, if filed, without further consideration.

Items 153-155 The FCC cannot grant an authorization to provide common carrier or broadcast service to any Lessee/Sublessee or Post-transfer Lessee/Sublessee for which the true and correct answer to any of Items 153 - 155 is 'Y'. Any Applicant that answers 'Y' to any of Items 153-155 must provide an attachment explaining why the Lease that is the subject of the application/notification is exempt from the prohibitions contained in Section 310(b)(1)-(3) of the Communications Act of 1934. The FCC will otherwise dismiss the application/notification without further consideration.

Item 156a Enter 'Y' if the Lessee/Sublessee or Post-transfer Lessee/Sublessee is directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country. Otherwise, enter 'N'. If the answer is 'Y', and if the Lease that is the subject of the application/notification allows for the provision of a common carrier or broadcast service, it is necessary for the Lessee/Sublessee or Post-transfer Lessee/Sublessee to have or obtain approval of the indirect foreign ownership of the Lessee/Sublessee or Post-transfer Lessee/Sublessee pursuant to Section 310(b)(4) of the Communications Act of 1934. Accordingly, any Lessee/Sublessee or Post-transfer Lessee/Sublessee that answers 'Y' to Items 156a must provide an attachment explaining the circumstances. The FCC will otherwise dismiss the application/notification without further consideration. In the attachment, the Lessee/Sublessee or Post-transfer Lessee/Sublessee must demonstrate either that (i) the subject Lease is exempt from the provisions of Section 310(b)(4), or (ii) allowing the Lessee/Sublessee or Post-transfer Lessee/Sublessee to hold the requested license is consistent with the Commission's policies pursuant to Section 310(b)(4). If the Lessee/Sublessee or Post-transfer Lessee/Sublessee cannot demonstrate that the Lease is exempt from the provisions of Section 310(b)(4), it must include in its Section 310(b)(4) showing a description of the Lessee/Sublessee's or Post-transfer Lessee/Sublessee's indirect foreign ownership along with information regarding any approvals of the foreign ownership obtained from the Commission. In general, the Commission has indicated that there is a strong presumption that indirect foreign ownership of common carrier radio Licensees by entities whose home markets are in countries that are members of the World Trade Organization (WTO) does not raise competitive concerns. If more than 25 percent of the ownership of an entity that directly or indirectly controls a common carrier radio Licensee (or Lessee or Sublessee) is attributable to parties whose home markets are in non-WTO member countries, the presumption does not apply, and the Commission will evaluate whether those markets offer effective competitive opportunities to U.S. investors in the same service sector. See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, Report and Order and Order on Reconsideration, FCC 97-398, 12 FCC Rcd 23,891 ¶¶ 97-118, 131 (1997). See also *Secondary Markets Order*, WT Docket No. 00-230, FCC 03-113, at ¶¶ 110, 143.

For additional guidance on how the Commission analyzes foreign ownership issues, see Foreign Ownership Guidelines for FCC Common Carrier and Aeronautical Radio Licenses, DA 04-3610, 19 FCC Rcd 22,612 (IB 2004) corrected by erratum, DA 06-1242, 21 FCC Rcd 6484 (IB 2006).

Item 156b Enter 'Y' if the Lessee/Sublessee or Post-transfer Lessee/Sublessee has received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service(s) and geographic coverage area(s) involved in this application/notification. Otherwise, enter 'N'.

If the answer to Item 156b is 'Y', include in the attachment required by Item 156a the citation(s) of the applicable declaratory ruling(s) by DA/FCC number, the FCC Record citation, if available, release date, and any other identifying information.

If the answer to Item 156b is 'N', attach as an exhibit, a date-stamped copy of the request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act of 1934. It is not necessary to file a request for a foreign ownership ruling if the Applicant includes in the exhibit required by Item 156a a showing that the subject Lease is exempt from the provisions of Section 310(b)(4).

Basic Qualification Information

Basic Qualification Questions

Items 157-159 These items enable the FCC to determine whether a Transferee/Lessee/Sublessee is eligible to Lease/Sublease spectrum or control a Lessee/Sublessee. Transferees/Lessees/Sublessees do not have to answer these questions if they are filing FCC Form 608 for a revision of the terms of an existing Lease/Sublease. If the answer to any one or more of Items 157-159 is 'Y', attach as an exhibit a statement explaining the circumstances and a statement giving the reasons why the Transferee/Lessee/Sublessee believes that grant of the application/notification would be in the public interest notwithstanding the actual or alleged misconduct. If the Transferee/Lessee/Sublessee responds 'Y' to any question and has previously provided a statement and explanation regarding the circumstances as an attachment to a prior application/notification filed in ULS, and the facts and circumstances are unchanged, the Transferee/Lessee/Sublessee may refer to the previous application/notification by identifying the application/notification file number and indicating the disposition of the prior application/notification.

Licensee Certification Statements

By signing this form, the Licensee certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Licensee Certification is required for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Lease, Extend the Term of Lease, Extend the Term of a Sublease, or Cancel a Lease. The Licensee Certification must be provided for Private Commons Arrangements of a License filings for a New, Modification, Extend the Term or Cancel.

Items 160-163 These items must be completed. To be acceptable for filing, the application/notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The party signing must be a person authorized to sign the application/notification. A paper original of the application/notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. For a Licensee filing electronically via ULS, the electronic signature shall consist of the name of the person authorized to sign typed on the application/notification as a signature. Applications for Subleases or Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions..

Lessee Certification Statements

By signing this form, the Lessee certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Lessee Certification is required for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Lease, New Sublease, Extend the Term of a Lease, Extend the Term of Sublease, Cancel a Sublease, Administrative Update of a Lease, or a Modification of a Lease. The Lessee Certification must be provided for Private Commons Arrangements of a Lease filings for a New, Modification, Extend the Term or Cancel.

Items 164-167 These items must be completed. To be acceptable for filing, the Application/Notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The party signing must be a person authorized to sign the application/notification. A paper original of any application/notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. For a Lessee filing electronically via ULS, the electronic signature shall consist of the name of the person authorized to sign typed on the application/notification as a signature. Applications/Notifications for Subleases or Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Sublessee Certification Statements

By signing this form, the Sublessee certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Sublessee Certification is required for Spectrum Manager Lease filings and for *De Facto Transfer Lease* filings for a New Sublease, Extend the Term of a Sublease, Administrative Update of a Sublease, or a Modification of a Sublease. The Sublessee Certification must be provided for Private Commons Arrangements of a Sublease filings for a New, Modification, Extend the Term or Cancel.

Items 168-171 These items must be completed. To be acceptable for filing, the application/notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The party signing must be a person authorized to sign the application/notification. A paper original of any application/notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. Applications/Notifications for Subleases or Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Transferee Certification Statements

By signing this form, the Transferee certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Transferee Certification is required for all applications/notifications for a Transfer of Control of a Lessee or Transfer of Control of a Sublessee.

Items 172-175 These items must be completed. To be acceptable for filing, the application/notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The party signing must be a person authorized to sign the application/notification. A paper original of any application/notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. For a Transferee filing electronically via ULS, the electronic signature shall consist of the name of the person authorized to sign typed on the application/notification as a signature. Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Transferor Certification Statements

By signing this form, the Transferor certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Transferor Certification is required for all applications/notifications for a Transfer of Control of a Lessee or Transfer of Control of a Sublessee.

Items 176-179 These items must be completed. To be acceptable for filing, the application/notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The part signing must be a person authorized to sign the application/notification. A paper original of any application/notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. For a Transferor filing electronically via ULS, the electronic signature shall consist of the name of the person authorized to sign typed on the application/notification as a signature. Applications/Notifications for Subleases must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

Private Commons Manager Certification Statements

By signing this form, the Private Commons Manager certifies that the statements listed in this section are true, complete, correct, and made in good faith.

The Private Commons Manager Certification is required for all Notifications for a Private Commons Arrangement.

Items 180-183 These items must be completed. To be acceptable for filing, the application/notification (or Amendment or Withdrawal of a pending application/notification) must be signed in accordance with Part 1 of the FCC rules. The party signing must be a person authorized to sign the application/notification. A paper original of any Notification must bear an original signature; neither a rubber-stamped nor photocopied signature is acceptable. Applications/Notifications for Private Common Arrangements must be filed manually and sent to the appropriate address. The mailing address can be found under the Application Fees and Filing Locations section found on page 8 of the instructions.

License Authorization(s) or identifiers (pertaining to Lease(s)/Sublease(s)/Private Commons) Associated with the Spectrum To Be Included in the Filing

Items 184-190 In every application/notification, list the Call Sign(s) or Lease Identifier(s) of the License(s), Lease, or Sublease that are associated with the spectrum included in the proposed application/notification. There must be at least one Call Sign, Lease Identifier or Sublease Identifier entered in the column designated as Item 184. For example, if the filing is for a new Lease and the spectrum involved in the Lease is associated with three different Call Signs, all three call signs must be provided. Likewise, if the filing is for a new Sublease, each Lease Identifier must be provided. Additionally, if the application/notification is to revise existing Lease/Sublease terms, each Lease/Sublease Identifier must be provided.

In addition, if this is an application/notification for New Lease for a site-based License and the Lease does not encompass the entire License, use this section to identify the specific locations/paths to be leased (complete Items 186-190, as appropriate).

Item 184 In this item, list the Call Sign(s) or Lease Identifier(s) of the licenses that are associated with the Lease/Sublease. Call signs are located on FCC Authorizations. Lease/Sublease Identifiers are located on Lease Arrangement Letters.

Item 185 In this column, list the Radio Service Code of the Call Sign or Lease/Sublease Identifier. The Radio Service Code is a 2-letter code and is located on FCC authorizations and Lease Arrangement Letters.

Site-based authorizations only (To be completed only when the type of filing in Item 2a is a "New Lease.")

Item 186 If the Lease does not encompass the entire License, in this item, list the location numbers associated with the spectrum to be leased (non-Microwave Site-based Services only). Location numbers are located on FCC authorizations.

Note: Providing locations without specifying which specific frequencies are to be leased for that location will result in all frequencies at that location being associated with the spectrum to be leased. Use Items 189 and 190 to specify which (if any) specific frequencies are to be included in the Lease.

Item 187 If the Lease does not encompass the entire License, in this item, list the path numbers to be included in the Lease (Microwave Site-based Services only). Path numbers are located on FCC authorizations.

Note: Providing paths without specifying which specific frequencies are to be leased for that path will result in all frequencies on that path being associated with the spectrum to be leased. Use Items 189 and 190 to specify which (if any) specific frequencies are to be included in the Lease.

Item 188 If the Lease does not encompass the entire License or all frequencies at a particular location or path, in this item list the frequency number to be included in the Lease. Frequency numbers are located on FCC authorizations.

Item 189 and 190 If the Lease does not encompass the entire License or all frequencies at a particular location or path, in these items, list the frequencies, in Megahertz (MHz), to be included in the Lease. Enter the lower frequency of a frequency band in Item 189. If applicable, enter the upper frequency of a frequency band in Item 190. Frequencies are located on FCC authorizations.

Note: Listing Call Signs associated with site-based licenses without specifying specific locations, paths (Microwave Services only), or frequencies will result in all locations, paths, and frequencies for that Call Sign being associated with the spectrum to be leased/subleased. Use Item 186 to specify which (if any) specific locations are to be included in the Lease. Use Item 187 to specify which (if any) specific paths (Microwave Services only) are to be included in the Lease. Use Items 189 and 190 to specify which (if any) specific frequencies are to be included in the Lease.

Appendix I

STATE TABLE

Abbreviations for States, Jurisdictions, and Areas

AL	Alabama	ND	North Dakota
AK	Alaska	OH	Ohio
AZ	Arizona	OK	Oklahoma
AR	Arkansas	OR	Oregon
CA	California	PA	Pennsylvania
CO	Colorado	RI	Rhode Island
CT	Connecticut	SC	South Carolina
DE	Delaware	SD	South Dakota
DC	District of Columbia	TN	Tennessee
FL	Florida	TX	Texas
GA	Georgia	UT	Utah
GM	Gulf of Mexico	VT	Vermont
HI	Hawaii	VA	Virginia
ID	Idaho	WA	Washington
IL	Illinois	WV	West Virginia
IN	Indiana	WI	Wisconsin
IA	Iowa	WY	Wyoming
KS	Kansas		
KY	Kentucky	AS	American Samoa
LA	Louisiana	GU	Guam
ME	Maine	MP	Northern Mariana Islands
MD	Maryland	PR	Puerto Rico
MA	Massachusetts	UM	U.S. Territories: (Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, Palmyra Atoll and Wake Island)
MI	Michigan		
MN	Minnesota	VI	Virgin Islands
MS	Mississippi		
MO	Missouri		
MT	Montana		
NE	Nebraska	AA	Armed Forces-Americas (excluding Canada)
NV	Nevada	AE	Armed Forces-Europe, Middle East, Africa, Canada
NH	New Hampshire	AP	Armed Forces-Pacific
NJ	New Jersey		
NM	New Mexico		
NY	New York		
NC	North Carolina		

**FCC Application or Notification for Spectrum Leasing Arrangement/
Notification of a Private Commons Arrangement**
Wireless Telecommunications Bureau
Public Safety and Homeland Security Bureau

General Information

Application/Notification Purpose

1a) Purpose of Filing (Select only one):	
<input type="checkbox"/> LN – New	<input type="checkbox"/> LM – Modification
<input type="checkbox"/> LT – Transfer of Control	<input type="checkbox"/> LE – Extend the Term
<input type="checkbox"/> AM – Amendment	<input type="checkbox"/> WD –Withdraw
<input type="checkbox"/> LU – Administrative Update	<input type="checkbox"/> LC – Cancel
1b) If this filing is for an Amendment (AM) or Withdrawal (WD), enter the File Number of the pending Application/Notification currently on file with the FCC.	File Number: _____

Classification of Filing

For Leases/Subleases Only

2a) Classification of Filing (Select only one):	2b) Type of Filing
<input type="checkbox"/> ML – Spectrum Manager Lease	<input type="checkbox"/> L – Lease
<input type="checkbox"/> TL – <i>De Facto</i> Transfer Lease	<input type="checkbox"/> S – Sublease (Must be filed Manually)

For Private Commons Arrangements Only (Must be filed Manually)

2c) This filing will be a Private Commons Arrangement of a (Select only one):	2d) If a Private Commons Arrangement of a Lease or Sublease, choose the legal type (Select only one):
<input type="checkbox"/> N — License	<input type="checkbox"/> M –Spectrum Manager
<input type="checkbox"/> L — Lease	<input type="checkbox"/> T – <i>De Facto</i> Transfer
<input type="checkbox"/> S — Sublease	

Term of Lease/Sublease (Only for Transfer of Control of a Lessee or Sublessee, or a Revision to Extend the Term of a Lease or Sublease)

3) Indicate whether the existing Lease/Sublease is:	<input type="checkbox"/> Short-Term	or	<input type="checkbox"/> Long-Term
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Other Wireless Licenses

4a) Is this filing part of a series of filings involving other wireless license(s) or lease(s) held by the Applicant, affiliates of the Licensee (e.g., parents, subsidiaries, or commonly-controlled entities), or third parties that are not included on this filing and for which Commission approval or notification is required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4b) If the answer to 4a is 'Y', is this filing the lead Application/Notification?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4c) If the answer to 4a is 'Y' and the answer to 4b is 'Y', provide the File Number of the lead Application/Notification.	File Number: _____

Attachments

5) Are attachments (other than associated schedules) being filed with this Application/Notification?	() Yes No
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Fees and Waivers

Exemption from Application Fees

6) Is the applicant exempt from FCC application fees? If the answer to 6 is 'Y', attach an exhibit demonstrating how the applicant is exempt from FCC application fees.	() Yes No
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Waiver/Deferral of Fees

7) Is a waiver/deferral of the FCC application fees being requested? If the answer to 7 is 'Y', attach a date-stamped copy of the request for waiver/deferral of the FCC application fees.	() Yes No
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Waiver of Commission Rules

8a) Does this filing include a request for waiver of the Commission's Rules (other than a request for application fee waivers)? If the answer to 8a is 'Y', attach an exhibit specifying the rule section(s) for which a waiver is being requested and including a justification for the waiver request.	() Yes No
8b) If the answer to 8a is 'Y', enter the number of rule sections involved.	Number of Rule Sections: _____

Regulatory Status and Offerings (To be completed only for Modification of a Lease or Modification of a Sublease)

Radio Service Offerings

9) The Applicant will provide the following type(s) of radio service offerings (select all that apply): () Common Carrier () Non-common Carrier () Private, internal communications () Broadcast Services

Radio Service

10) The Applicant will provide the following type(s) of radio service (select all that apply): () Fixed () Mobile () Radiolocation () Satellite (sound) () Broadcast Services	
11) Does the Applicant propose to provide service interconnected to the public telephone network?	() Yes No

Designated Entity Information (If the answer to 12a, 12b or 12c is 'Y', Schedule A must be completed.)

Bidding Credits

12a) Does this filing involve any spectrum associated with any licenses that were originally granted before April 25, 2006, and were awarded with bidding credits within the last five years and/or any licenses that were originally granted after April 25, 2006, and were awarded with bidding credits within the last ten years?	() Yes No
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Installment Payment Plan

12b) Does this filing involve any spectrum associated with any licenses that were originally subject to the Commission's installment payment plan?	() Yes No
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Closed Bidding

12c) Does this filing involve any spectrum associated with any licenses that were originally granted pursuant to closed bidding within the last five years?	() Yes No
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Competition-Related Information

13) Does this filing involve a license authorization or Spectrum Lease/Sublease that may be used to provide interconnected mobile voice and/or data services that would, create a geographic overlap with another license authorization(s) or Spectrum Leasing Arrangement(s) in which the Applicant already holds direct or indirect interests (of 10 percent or more), either as a licensee or Spectrum Lessee/Sublessee, and that could also be used to provide interconnected mobile voice and/or data services?	() Yes No
14a) Does the Applicant (Lessee/Sublessee) hold direct or indirect interests (of 10 percent or more) in any entity that already has access to 10 MHz or more of Cellular, Broadband PCS, or Specialized Mobile Radio (SMR) spectrum through license(s) or spectrum lease/subleases in the same geographic area?	() Yes No
14b) Would/Does this Spectrum Leasing Arrangement reduce the number of entities providing service (using spectrum in any of the three services above) in the affected market(s)?	() Yes No

Broadband Radio Service and Educational Broadband Service Information

Broadband Radio Service (BRS) and Educational Broadband Service (EBS) – Cable Cross-Ownership

15a) Will the requested facilities be used to provide multichannel video programming service?	() Yes No
<p>15b) If the answer to 15a is 'Y', does the Applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities?</p> <p>If 'Y', provide an exhibit explaining how the Applicant (Lessee/Sublessee) complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission's Rule(s) is being requested, 8a must be answered 'Y'.</p>	() Yes No

Educational Broadband Service (EBS) – Part 27 Programming Requirements

<p>16) Does the Applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules?</p> <p>If 'N', provide an exhibit explaining how the Applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission's Rule(s) is being requested, 8a must be answered 'Y'.</p>	() Yes No
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Part 90 Public Safety Services

Eligibility

17) Is the Applicant a public safety entity or otherwise an entity that will use the leased spectrum to provide communications in support of public safety operations pursuant to Section 90.523 of the Commission's Rules?	() Yes No
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Licensee Information

FRN

18) FCC Registration Number:

Entity

19) Licensee is a(n) (Select One):

() Individual () Unincorporated Association () Trust () Government Entity () Corporation () Limited Liability Company

() General Partnership () Limited Partnership () Limited Liability Partnership () Consortium

() Other: _____

Licensee Name

20) Licensee Name (if entity):

21) Licensee Name (if individual): First: MI: Last: Suffix:

22) Attention To:

Address

23) P.O. Box: **And /Or** 24) Street Address:

25) City: 26) State: 27) Zip Code:

28) Telephone Number: 29) FAX Number:

30) E-Mail Address:

31) Demographics (Optional):

Race:

() American Indian or Alaska Native

() Asian

() Black or African-American

() Native Hawaiian or Other Pacific Islander

() White

Ethnicity:

() Hispanic or Latino

() Not Hispanic or Latino

Gender:

() Male

() Female

Licensee Contact Information

Contact Name (if other than Licensee)

() Check here if same as Licensee Information

32) Name: First: MI: Last: Suffix:

33) Company Name:

34) Attention To:

Address

35) P.O. Box: **And /Or** 36) Street Address:

37) City: 38) State: 39) Zip Code:

40) Telephone Number: 41) FAX Number:

42) E-Mail Address:

Lessee Information

FRN

43) FCC Registration Number:

Entity

44) Lessee is a(n) (Select One):

() Individual () Unincorporated Association () Trust () Government Entity () Corporation () Limited Liability Company

() General Partnership () Limited Partnership () Limited Liability Partnership () Consortium

() Other: _____

Lessee Name

45) If the Licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided? () Yes No

46) Lessee Name (if entity):

47) Lessee Name (if individual): First: MI: Last: Suffix:

48) Attention To:

Name of Real Party in Interest

49) Name of Real Party in Interest:

50) FCC Registration Number (FRN):

Address

51) P.O. Box:	And iCr	52) Street Address:
53) City:	54) State:	55) Zip Code:
56) Telephone Number:	57) FAX Number:	
58) E-Mail Address:		

59) Demographics (Optional):

Race: () American Indian or Alaska Native () Asian () Black or African-American () Native Hawaiian or Other Pacific Islander () White	Ethnicity: () Hispanic or Latino () Not Hispanic or Latino	Gender: () Male () Female
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Lessee Contact Information

Contact Name (if other than Lessee)

() Check here if same as Lessee Information

60) Name:	First:	MI:	Last:	Suffix:
61) Company Name:				
62) Attention To:				

Address

63) P.O. Box:	And iCr	64) Street Address:
65) City:	66) State:	67) Zip Code:
68) Telephone Number:	69) FAX Number:	
70) E-Mail Address:		

Sublessee Information**FRN**

71) FCC Registration Number:

Entity

72) Sublessee is a(n) (Select One):

 Individual Unincorporated Association Trust Government Entity Corporation Limited Liability Company General Partnership Limited Partnership Limited Liability Partnership Consortium Other: _____**Sublessee Name**

73) If the Licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?

 Yes No

74) Sublessee Name (if entity):

75) Sublessee Name (if individual):

First:

MI:

Last:

Suffix:

76) Attention To:

Name of Real Party in Interest

77) Name of Real Party in Interest:

78) FCC Registration Number (FRN):

Address

79) P.O. Box:

**And
/Or:**

80) Street Address:

81) City:

82) State:

83) Zip Code:

84) Telephone Number:

85) FAX Number:

86) E-Mail Address:

87) Demographics (Optional):**Race:** American Indian or Alaska Native Asian Black or African-American Native Hawaiian or Other Pacific Islander White**Ethnicity:** Hispanic or Latino Not Hispanic or Latino**Gender:** Male Female**Sublessee Contact Information****Contact Name** (if other than Sublessee) Check here if same as Sublessee Information

88) Name:

First:

MI:

Last:

Suffix:

89) Company Name:

90) Attention To:

Address

91) P.O. Box:

**And
/Or:**

92) Street Address:

93) City:

94) State:

95) Zip Code:

96) Telephone Number:

97) FAX Number:

98) E-Mail Address:

Transferee Information**FRN**

99) FCC Registration Number:

Entity

100) Transferee is a(n) (Select One):

 Individual Unincorporated Association Trust Government Entity Corporation Limited Liability Company General Partnership Limited Partnership Limited Liability Partnership Consortium Other: _____**Transferee Name**

101) Transferee Name (if entity):

102) Transferee Name (if individual):

First:

MI:

Last:

Suffix:

103) Attention To:

Name of Real Party in Interest

104) Name of Real Party in Interest:

105) FCC Registration Number (FRN):

Address

106) P.O. Box:

**And
/Or**

107) Street Address:

108) City:

109) State:

110) Zip Code:

111) Telephone Number:

112) FAX Number:

113) E-Mail Address:

114) Demographics (Optional):**Race:** American Indian or Alaska Native Asian Black or African-American Native Hawaiian or Other Pacific Islander White**Ethnicity:** Hispanic or Latino Not Hispanic or Latino**Gender:** Male Female**Transferee Contact Information****Contact Name** (if other than Transferee) **Check here if same as Transferee Information**

115) Name:

First:

MI:

Last:

Suffix:

116) Company Name:

117) Attention To:

Address

118) P.O. Box:

**And
/Or**

119) Street Address:

120) City:

121) State:

122) Zip Code:

123) Telephone Number:

124) FAX Number:

125) E-Mail Address:

Transferor Information**FRN**

126) FCC Registration Number:

Entity

127) Transferor is a(n) (Select One):

 Individual Unincorporated Association Trust Government Entity Corporation Limited Liability Company General Partnership Limited Partnership Limited Liability Partnership Consortium Other: _____**Transferor Name**

128) Transferor Name (if entity):

129) Transferor Name (if individual):

First:

MI:

Last:

Suffix:

130) Attention To:

Address

131) P.O. Box:

**And
/or:**

132) Street Address:

133) City:

134) State:

135) Zip Code:

136) Telephone Number:

137) FAX Number:

138) E-Mail Address:

139) Demographics (Optional):**Race:** American Indian or Alaska Native Asian Black or African-American Native Hawaiian or Other Pacific Islander White**Ethnicity:** Hispanic or Latino Not Hispanic or Latino**Gender:** Male Female**Transferor Contact Information****Contact Name** (if other than Transferor) **Check here if same as Transferor Information**

140) Name:

First:

MI:

Last:

Suffix:

141) Company Name:

142) Attention To:

Address

143) P.O. Box:

**And
/or:**

144) Street Address:

145) City:

146) State:

147) Zip Code:

148) Telephone Number:

149) FAX Number:

150) E-Mail Address:

Ownership Disclosure Information

FCC Form 602

151a) Is the Applicant required to file FCC Form 602, Ownership Disclosure Information for the Wireless Telecommunications Services?	() <u>Yes</u> No
151b) If the answer to 151a is 'Y', provide the File Number of FCC Form 602 that has been filed in conjunction with application or is already on file with the FCC.	File Number: _____

Alien Ownership Questions

Alien Ownership (If any answer is 'Y', provide an attachment explaining the circumstances)

152) Is the Lessee/Sublessee or Post-transfer Lessee/Sublessee a foreign government or the representative of any foreign government?	() <u>Yes</u> No
153) Is the Lessee/Sublessee or Post-transfer Lessee/Sublessee an alien or the representative of an alien?	() <u>Yes</u> No
154) Is the Lessee/Sublessee or Post-transfer Lessee/Sublessee a corporation organized under the laws of a foreign government?	() <u>Yes</u> No
155) Is the Lessee/Sublessee or Post-transfer Lessee/Sublessee a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	() <u>Yes</u> No
156a) Is the Lessee/Sublessee or Post-transfer Lessee/Sublessee directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	() <u>Yes</u> No
156b) If the answer to 156a is 'Y', has the Lessee/Sublessee or Post-transfer Lessee/Sublessee received a ruling(s) under Section 310(b) (4) of the Communications Act with respect to the same radio service(s) and geographic coverage area(s) involved in this filing? If the answer to 156b is 'Y', provide in the exhibit the citation(s) of the declaratory ruling(s) received by the Lessee/Sublessee or Post-transfer Lessee/Sublessee (i.e., DA or FCC Number, FCC Record citation if available, and release date). If the answer to 156b is 'N', attach to this filing a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership ruling if the Lessee/Sublessee or Post-transfer Lessee/Sublessee includes in the exhibit required by Item 156a a showing that the subject Lease is exempt from the provisions of Section 310(b)(4).	() <u>Yes</u> No

Basic Qualification Information

Basic Qualification Questions (If any answer is 'Y', provide an attachment explaining the circumstances)

157) Has the Applicant or any party to this application had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission?	() <u>Yes</u> No
158) Has the Applicant or any party to this filing, or any party directly or indirectly controlling the Applicant or any party to this filing ever been convicted of a felony by any state or federal court?	() <u>Yes</u> No
159) Has any court finally adjudged the Applicant or any party directly or indirectly controlling the Applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	() <u>Yes</u> No

Licensee Certification Statements

- | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | The Licensee agrees that the Lease is not a sale or transfer of the license itself. |
| 2) | The Licensee certifies that it will not consent to assignment of the Lease except to the extent such assignment complies with the Commission's Rules and Regulations. |
| 3) | The Licensee certifies that it holds exclusive use rights to use the licensed spectrum. |
| 4) | The Licensee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency. |

The Licensee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith.

Type or Printed Name of Party Authorized to Sign

160) First Name:	MI:	Last Name:	Suffix:
161) Title:			
162) Signature:		163) Date:	

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Lessee Certification Statements

1)	The Lessee agrees that the Lease is not a sale or transfer of the license itself.
2)	The Lessee acknowledges that it is required to comply with the Commission's Rules and Regulations and other applicable law at all times, and if the Lessee fails to so comply, the Lease/Sublease may be revoked, cancelled, or terminated by either the Licensee or the Commission.
3)	The Lessee certifies that neither it nor any other party to the Application/Notification is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. (See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.)
4)	The Lessee hereby accepts Commission oversight and enforcement consistent with the license and lease authorization. The Lessee acknowledges that it must cooperate fully with any investigation or inquiry conducted either by the Commission or the Licensee, allow the Commission or the Licensee to conduct on-site inspections of transmission facilities, and suspend operations at the direction of the Commission or the Licensee and to the extent that such suspension of operation would be consistent with applicable Commission policies.
5)	The Lessee acknowledges that in the event an authorization held by a Licensee that has associated with it a spectrum leasing arrangement that is the subject of this filing is revoked, cancelled, terminated, or otherwise ceases to be in effect, the Lessee will have no continuing authority to use the leased spectrum and will be required to terminate its operations no later than the date on which the Licensee ceases to have any authority to operate under the license, unless otherwise authorized by the Commission.
6)	The Lessee agrees the Lease shall not be assigned to any entity that is not eligible or qualified to enter into a spectrum leasing arrangement under the Commission's Rules and Regulations.
7)	The Lessee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by spectrum lease or otherwise.
8)	The Lessee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
The Lessee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith.	

Type or Printed Name of Party Authorized to Sign

164) First Name:	MI:	Last Name:	Suffix:
165) Title:			
166) Signature:		167) Date:	
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Sublessee Certification Statements

1)	The Sublessee agrees that the Lease is not a, sale or transfer of the license itself.
2)	The Sublessee acknowledges that it is required to comply with the Commission's rules and regulations and other applicable law at all times, and if the Sublessee fails to so comply, the Lease may be revoked, cancelled, or terminated by either the licensee or the Commission.
3)	The Sublessee certifies that neither it nor any other party to the Application/Notification is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. (See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.)
4)	The Sublessee hereby accepts Commission oversight and enforcement consistent with the license authorization. The Sublessee acknowledges that it must cooperate fully with any investigation or inquiry conducted either by the Commission or the Licensee, allow the Commission or the licensee to conduct on-site inspections of transmission facilities, and suspend operations at the direction of the Commission or the Licensee and to the extent that such suspension of operation would be consistent with the applicable Commission policies.
5)	The Sublessee acknowledges that in the event an authorization held by a Licensee that has entered into a spectrum leasing arrangement is revoked, cancelled, terminated, or otherwise ceases to be in effect, the Sublessee will have no continuing authority to use the leased spectrum and will be required to terminate its operations no later than the date on which the Licensee ceases to have any authority to operate under the license, unless otherwise authorized by the Commission.
6)	The Sublessee agrees the Lease/Sublease shall not be assigned to any entity that is not eligible or qualified to enter into a spectrum leasing arrangement under the Commission's rules and regulations.
7)	The Sublessee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by spectrum lease or otherwise.
8)	The Sublessee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
The Sublessee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith.	

Type or Printed Name of Party Authorized to Sign

168) First Name:	MI:	Last Name:	Suffix:
169) Title:			
170) Signature:		171) Date:	
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Transferee Certification Statements

1)	The Transferee agrees that the Lease/Sublease is not a sale or transfer of the license itself.
2)	The Transferee acknowledges that it is required to comply with the Commission's Rules and Regulations and other applicable law at all times, and if the Transferee fails to so comply, the Lease/Sublease may be revoked, cancelled, or terminated by either the licensee or the Commission.
3)	The Transferee certifies that neither it nor any other party to the Application/Notification is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. (See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.)
4)	The Transferee hereby accepts Commission oversight and enforcement consistent with the license authorization. The Transferee acknowledges that it must cooperate fully with any investigation or inquiry conducted either by the Commission or the Licensee, allow the Commission or the licensee to conduct on-site inspections of transmission facilities, and suspend operations at the direction of the Commission or the Licensee and to the extent that such suspension of operation would be consistent with the applicable Commission policies.
5)	The Transferee acknowledges that in the event an authorization held by a Licensee that has entered into a spectrum leasing arrangement is revoked, cancelled, terminated, or otherwise ceases to be in effect, the Transferee will have no continuing authority to use the leased spectrum and will be required to terminate its operations no later than the date on which the Licensee ceases to have any authority to operate under the license, unless otherwise authorized by the Commission.
6)	The Transferee agrees the Lease shall not be assigned to any entity that is not eligible or qualified to enter into a spectrum leasing arrangement under the Commission's rules and regulations.
7)	The Transferee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by spectrum lease or otherwise.
8)	The Transferee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
<p>The Transferee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith.</p>	

Type or Printed Name of Party Authorized to Sign

172) First Name:	MI:	Last Name:	Suffix:
173) Title:			
174) Signature:		175) Date:	
<p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>			

Transferor Certification Statements

1)	The Transferor certifies either (1) that control of the Lessee/Sublessee will not be transferred until consent of the Federal Communications Commission has been given, or (2) that prior Commission consent is not required because the Lease/Sublease is subject to streamlined notification procedures for <i>pro forma</i> transfers of control. See <i>Memorandum Opinion and Order</i> , 13 FCC Rcd. 6293 (1998).
2)	The Transferor certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
The Transferor certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith.	

Type or Printed Name of Party Authorized to Sign

176) First Name:	MI:	Last Name:	Suffix:
177) Title:			
178) Signature:		179) Date:	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

Private Commons Manager Certification Statements

1)	The Licensee/Lessee/Sublessee manager of the Private Commons certifies that it will retain <i>de facto</i> control of the use of the spectrum under the Private Commons arrangement, including that it will maintain reasonable oversight over the users' use of the spectrum under the arrangement so as to ensure that the use of the spectrum, and communications equipment employed, comply with all technical and service rules applicable under the license authorization.
2)	The Licensee/Lessee/Sublessee manager of the Private Commons arrangement certifies that it will maintain the ability to ensure that users under the arrangement comply with all the technical and service rules applicable under the license authorization.
The Licensee/Lessee/Sublessee manager of the Private Commons arrangement certifies that all of its statements made in this Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Notification, and are true, complete, correct, and made in good faith.	

Type or Printed Name of Party Authorized to Sign

180) First Name:	MI:	Last Name:	Suffix:
181) Title:			
182) Signature:		183) Date:	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

