

107TH CONGRESS  
2D SESSION

# S. 2869

To facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. KERRY (for himself and Mr. BROWNBACK) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

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## A BILL

To facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. RETURN OF DOWNPAYMENTS.**

4       On or before the 15th day after the date of the enact-  
5       ment of this Act, the Federal Communications Commis-  
6       sion shall return to the winning bidders of auction 35 the  
7       full amount of all deposits and downpayments made by

1 such winning bidders for licenses that the Commission has  
2 not by that date delivered to such winning bidders.

3 **SEC. 2. RELIEF FROM CONTINUING OBLIGATIONS.**

4 Each winning bidder of auction 35 that elects, by for-  
5 mal written notice to the Federal Communications Com-  
6 mission on or before the 15th day after the date of the  
7 enactment of this Act, to relinquish its rights under auc-  
8 tion 35 to receive a license for which it was the winning  
9 bidder, and which the Commission has not delivered to  
10 such bidder by the date of such election, shall be free of  
11 all obligations such winning bidder would otherwise have  
12 with respect to such license, including the obligation to  
13 pay the full amount of its winning bid upon delivery of  
14 such license.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AUCTION 35.—The term “auction 35”  
18 means the C and F block broadband personal com-  
19 munications service spectrum auction of the Federal  
20 Communications Commission, which began on De-  
21 cember 12, 2000, and ended on January 26, 2001,  
22 insofar as such auction related to spectrum pre-  
23 viously licensed to NextWave Personal Communica-  
24 tions, Inc., NextWave Power Partners, Inc., or  
25 Urban Comm-North Carolina, Inc.

1           (2) WINNING BIDDER.—The term “winning  
2       bidder” means those bidders whose applications for  
3       auction 35 licenses the Commission accepted for fil-  
4       ing, as listed in Appendix A to Public Notice DA  
5       01–520, issued by the Commission on February 27,  
6       2001.

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