

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 746-764 and)	WT Docket No. 99-168
776-794 MHz Bands, and)	
Revisions to Part 27 of the)	
Commission's Rules)	

ERRATUM

Adopted: March 16, 2001

Released: March 27, 2001

By the Commission: Commissioner Tristani dissenting and issuing a separate statement.

This Erratum makes a minor correction to the text and final rules of the *Second Memorandum Opinion and Order*, FCC 00-330, in the above-captioned proceeding, which was released on September 14, 2000.¹ Specifically, we clarify the method we will use to calculate the additional 25 percent payment for which bidders in Auction No. 31 are liable if they default on their bids. A summary of the *700 MHz Second Memorandum Opinion and Order*, including the final rules, was published in the Federal Register, 66 Fed. Reg. 10374 (February 15, 2001). The *700 MHz Second Memorandum Opinion and Order* was published in the FCC Record at 15 FCC Rcd 21070. Accordingly, the corrections set forth herein will be published in the Federal Register, and this Erratum will be published in the FCC Record.

1. Paragraph 17 of the *700 MHz Second Memorandum Opinion and Order* is revised to add a sentence at the end of the paragraph that reads as follows:

In determining whether the defaulted bid(s) or the subsequent winning bid(s) is the lesser amount, we will compare the defaulted and subsequent bid(s) according to the same rules we set forth in paragraph 15 for calculation of the deficiency portion of the default payment.

¹ In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Second Memorandum Opinion and Order*, FCC 00-330 (rel. September 14, 2000) ("*700 MHz Second Memorandum Opinion and Order*").

2. Section 27.501 of the Commission's rules is revised by adding a sentence between the fourth and fifth sentences of the note to Section 27.501 that reads as follows:

In calculating the additional payment portion of the default payment, to determine whether the defaulted bid(s) or the subsequent winning bid(s) is the lesser amount, the defaulted and subsequent bid(s) will be compared according to the rules set forth in paragraphs (1) through (4) herein for calculation of the deficiency portion of the default payment.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

**DISSENTING STATEMENT OF
COMMISSIONER GLORIA TRISTANI**

Re: In the Matter of Service rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket no. 99-168, Erratum (March 16, 2001)

I respectfully dissent. While I believe the Commission should clarify its rules to the extent possible, I do not support the underlying policy decision for the reasons stated in my original dissent.²

² See Separate Statement of Commissioner Gloria Tristani, In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Second Memorandum and Opinion and Order*, FCC 00-330 (rel. Sept. 14, 2000).