

PUBLIC NOTICE

Somos, Inc.
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20th Floor
East Brunswick, NJ 08816

December 10 , 2019

AUCTION OF TOLL FREE NUMBERS IN THE 833 CODE

44 APPLICANTS QUALIFIED TO BID IN 833 AUCTION

FCC AU Docket No. 19-101

1. By this Public Notice, Somos identifies 44 applicants found to be qualified to bid in the auction of certain Toll Free numbers in the 833 code (833 Auction).¹ The 833 Auction, which is scheduled to take place on December 17, 2019, makes available 17,638 Toll Free numbers in the 833 code.² This Public Notice also addresses the continuing obligations for all 833 Auction applicants, including those not qualified to bid. It also contains bidding procedures and other important information regarding the 833 Auction.

I. QUALIFIED AND NON-QUALIFIED BIDDERS

2. The applications to participate in the 833 Auction have been reviewed for completeness and compliance with the Federal Communications Commission's (FCC or Commission) rules and procedures. The applicants have been classified into the two categories set forth below:

Qualified44 applicants

Non-Qualified..... 16 applicants

3. **Qualified Bidders.** Attachment A to this Public Notice lists the name of each of the 44 qualified bidders. Designation of an applicant as qualified to bid in this auction indicates that the applicant has provided the certifications and information concerning its qualifications for participation in the auction, as required by the Commission's *833 Auction Procedures Public Notice*, and that it timely submitted a sufficient upfront payment.³ Each qualified bidder must maintain the accuracy of its auction application.⁴

¹ A copy of this Public Notice will be sent by overnight delivery and email to the contact person listed on the FCC Form 833 for each 833 Auction applicant. This Public Notice is released by Somos, Inc., the Toll Free Numbering Administrator, in its capacity as auctioneer for the 833 Auction, as directed by the Federal Communications Commission. *Auction of Toll Free Numbers in the 833 Code; Notice and Filing Requirements, Upfront Payments, and Other Procedures for the 833 Auction; Bidding Scheduled to Begin December 17, 2019*, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, Public Notice, 34 FCC Rcd 6560, 6589, para. 100 (2019) (*833 Auction Procedures Public Notice*).

² *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6561-62, para. 1.

³ *Id.* at 6589-91, paras. 100-08.

⁴ *Id.* at 6585-86, paras. 84-87. An applicant must furnish additional or corrected information to Somos within five days of a significant occurrence or amend its auction application no more than five days after the applicant

4. In order to participate effectively in the auction, each qualified bidder should carefully review the auction rules, procedures, and other information described in *833 Auction Procedures Public Notice*.⁵ This Public Notice, which provides additional guidance for qualified bidders, and other documents related to the 833 Auction are available at auction.somos.com.

5. **Non-Qualified Applicants.** Attachment B to this Public Notice lists each applicant that submitted an application to participate in the 833 Auction but did not qualify to bid. All applicants in the 833 Auction, including those that have been deemed not qualified to bid, remain subject to the Commission's prohibition on certain communications in connection with the 833 Auction.⁶

II. BIDDING INFORMATION

A. Bidding Round

6. The 833 Auction will take place on **TUESDAY, DECEMBER 17, 2019, starting at 10:00 a.m. Eastern Time (ET) and closing at 6:00 p.m. ET**. No bids will be accepted before or after this period.

7. For more information on bidding in the 833 Auction, see the *833 Auction Procedures Public Notice* and the bidding instructions and bidding tutorial provided at auction.somos.com.⁷

B. Bidding Contingency Plan

8. Prior to the start of the auction, each bidder should develop comprehensive contingency plans that can be quickly implemented in case difficulties arise when participating in the auction. While Somos will correct any problems within Somos-controlled facilities, each bidder is solely responsible for anticipating and overcoming problems such as bidder computer failures or other technical issues; loss of or problems with data connections, telephone service, or power; adverse local weather conditions; or unavailability of its authorized bidders. Each qualified bidder is solely responsible for ensuring that only authorized bidders place bids on its behalf.

9. A qualified bidder should ensure that each of its authorized bidders can access and place bids in the Somos Auction System,⁸ without relying upon the same computer. Contingency plans will ideally include arrangements for accessing and placing bids in the Somos Auction System from one or more alternative locations.

becomes aware of the need for amendment. An applicant's obligation to make such a modification or amendment to its pending application continues until it is made. *Id.* at 6585-86, para. 84.

⁵ See generally *833 Auction Procedures Public Notice*, 34 FCC Rcd 6560.

⁶ See *id.* at 6568-6575, paras. 22-44.

⁷ A mock auction will occur on Friday, December 13, 2019. For more information on the mock auction, see below at Section III.C. All qualified bidders are strongly encouraged to participate in the mock auction.

⁸ As described in the *833 Auction Procedures Public Notice*, the Somos Auction System is the online system for the submission of applications and bids for the 833 Auction and can be accessed at auction.somos.com. *833 Auction Procedures Public Notice* at 6564-65, para. 10 and n.24.

III. POST BIDDING INFORMATION

10. Winning bids will be announced via public notice (Winning Bidders Public Notice) posted at auction.somos.com. The Winning Bidders Public Notice will also include the final payment due (or refund) for each bidder and instructions on how to make final payments.⁹

11. Final payments will be due 10 business days after the Winning Bidders Public Notice is released. A winning bidder may make its final payment within five additional business days after the applicable deadline, provided it also pays a late fee of 5% of the winning bid.

12. Any potential subscriber that directly participates in the 833 Auction and is a winning bidder must declare within 15 business days after the Winning Bidders Public Notice is released the name of the Responsible Organization (RespOrg) it will use to reserve the Toll Free number in the Toll Free Database.

IV. EDUCATIONAL MATERIALS, BIDDING WEBINAR, AND MOCK AUCTION

A. Educational Materials

13. Bidding instructions and a bidding tutorial are available at auction.somos.com.¹⁰ We strongly encourage qualified bidders to read the instructions and access the tutorial prior to participating in the mock auction.

B. Bidding Webinar

14. A webinar on the 833 Auction bidding will be held on Thursday December 12, 2019 at 3:00 p.m. ET. All qualified bidders will be emailed invitations to the bidding webinar. The bidding webinar will be recorded and available at auction.somos.com.¹¹

C. Mock Auction

15. All qualified bidders are strongly encouraged to participate in the mock auction. **The mock auction will occur on Friday, December 13, 2019, from 10:00 a.m. to 6:00 p.m. ET.** Only qualified bidders may participate in the mock auction. Moreover, only someone listed as an authorized bidder in the applicant's FCC Form 833 can upload a bid file for that applicant in the mock auction.

16. For more information on bidding in the mock auction, see the bidding instructions and bidding tutorial provided at auction.somos.com.¹²

⁹ Final payment instructions will also be available in the Somos Auction System on the Auction Account Dashboard screen.

¹⁰ Both can be found under the "Information" tab, either by clicking on "Auction Instructions" or "Auction Tutorials." The current version of the bidding instructions is titled "833 Auction Bidding Instructions 10-07-2019" and the current version of the bidding tutorial is titled "833 Auction Bidding Tutorial 10-07-2019" and either may be updated as necessary prior to bidding.

¹¹ Under the "Information" Tab, click on "Auction Webinars." In the table on the left, click on "833 Auction Bidding Webinar."

¹² See n.10 above.

V. APPLICANTS' CONTINUING OBLIGATIONS

A. Duty to Maintain Accurate Information in Applications

17. We remind applicants that 833 Auction procedures require an applicant to maintain the accuracy and completeness of information furnished in its pending application to participate in the 833 Auction.¹³ Each applicant should amend its application to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.¹⁴ All changes are subject to review by Somos staff.

18. After release of this Public Notice, an applicant that needs to make permissible minor changes to its auction application or that must make changes in order to maintain the accuracy and completeness of its application must submit a letter briefly summarizing the changes to its application by email to auctionhelp@somos.com following the instructions provided in the *833 Auction Procedures Public Notice*.¹⁵

19. For more information on an applicant's continuing obligation to maintain the accuracy and completeness of information furnished in its application to participate in the 833 Auction, applicants should refer to the *833 Auction Procedures Public Notice*.¹⁶

B. Due Diligence

20. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors and risks associated with the Toll Free numbers that it is seeking in the 833 Auction.¹⁷ Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

C. Prohibition of Certain Communications

21. We remind all 833 Auction applicants that the prohibition on certain communications applies to each applicant that filed an application (FCC Form 833) in the 833 Auction.¹⁸ Specifically, each applicant in the 833 Auction is prohibited from cooperating or collaborating with any other applicant with respect to its own, or one another's, or any other competing applicant's bids or bidding strategies. Each applicant will be prohibited from communicating, with any other applicant in any manner, the substance of its own, or one another's, or any other competing applicant's bids or bidding strategies (including with respect

¹³ *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6585-86, para. 84.

¹⁴ *Id.*

¹⁵ *Id.* at 6586, para. 85. The email summarizing the changes must include a subject line referring to the 833 Auction, the name of the applicant, and the applicant's Auction ID. For example, "Re: Changes to 833 Auction Application of XYZ Corp., Auction ID 12345678." Any attachments to the email must be formatted as Adobe PDF (.pdf) or Word (.doc and .docx) documents.

¹⁶ See *id.* at 6585-86, paras. 84-87; cf. 47 CFR §§ 1.65, 1.2105(b). Questions about FCC Form 833 amendments should be directed to the auctionhelp@somos.com.

¹⁷ See *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6586-87, paras. 88-92.

¹⁸ *Id.* at 6568-73, paras. 22-41.

to the post-auction market for Toll Free numbers).¹⁹ For purposes of the prohibition on certain communications, an “applicant” in the 833 Auction includes: (i) all controlling interests in the entity submitting the auction application; (ii) all holders of partnership and other ownership interests and any stock interest amounting to 10% or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting the auction application; (iii) all officers and directors of that entity; and (iv) any entity listed as a potential subscriber on whose behalf the entity submitting the auction application will be bidding.²⁰

22. This prohibition took effect as of the auction application filing deadline, which was **Friday, October 18, 2019, at 6:00 p.m. ET**, and ends at the post-auction final payment with late fee deadline for the 833 Auction, which will be announced in a future public notice.²¹ **This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid in the 833 Auction.**²² For further information on the prohibition, applicants should refer to the *833 Auction Procedures Public Notice*.²³

23. *Reporting Obligations.* Each auction applicant that makes or receives a communication that appears to violate the prohibition on certain communications must report the communication in writing to the Commission and Somos staff immediately, but in no case later than five business days after the communication occurs.²⁴ An applicant must report such a communication even if it does not result in an agreement or understanding regarding bids or bidding strategy that must be reported pursuant to the applicant’s obligation to maintain the accuracy of its application.²⁵ Each applicant’s obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.²⁶

24. *Reporting Prohibited Communication.* A party reporting any information or communication that appears to violate the prohibition on certain communications must take care to ensure that any report does not itself violate the prohibition.²⁷ To minimize the risk of inadvertent dissemination of information in such reports, parties reporting a potential

¹⁹ *Id.* at 6568, para 22.

²⁰ *Id.* at 6568, para. 23.

²¹ *Id.* at 6569, para. 24.

²² A party that submits an auction application becomes an “applicant” under the rule at the application filing deadline and that status does not change based on subsequent developments. *See, e.g., Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (holding that section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become qualified, remains an “applicant” for purposes of the rule and remains subject to the prohibition on certain communications until the post-auction payment deadline for the 833 Auction. *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6578-79, para. 59.

²³ *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6568-74, paras. 22-41.

²⁴ *Id.* at 6573, para. 39.

²⁵ *See also Amendment of Part 1 of the Commission’s Rules – Competitive Bidding Procedures*, Seventh Report and Order, 16 FCC Rcd 17546, 17553-55, paras. 13-17 (2001).

²⁶ *833 Auction Procedures Public Notice*, 34 FCC Rcd at 6573, para. 39.

²⁷ For example, a party’s report of a prohibited communication could violate the rule by communicating prohibited information to other parties specified under the rule through the use of Commission filing procedures that allow such materials to be made available for public inspection.

prohibited communication must submit a report directly to the following individuals: (1) Margaret W. Wiener, Chief, Auctions Division, Office of Economics and Analytics, FCC, by email to 833auction@fcc.gov; and (2) Joel Bernstein, Vice President, Regulatory and Public Policy, Somos, by email to auctionhelp@somos.com. For the 833 Auction, any such report must be filed according to the instructions set forth in the *833 Auction Procedures Public Notice*.²⁸

25. *Possible Sanctions.* Any applicant found to have violated the prohibition on certain communications may be subject to sanctions.²⁹ In addition, we remind each applicant that it is subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, or full bid amount, and it may be prohibited from participating in future auctions, among other sanctions.³⁰

D. Limited Information Procedures

26. We remind applicants that, under the limited information procedures in effect for the 833 Auction (sometimes also referred to as anonymous bidding), Somos and the Commission are withholding from public release, until after the close of bidding in the 833 Auction, any information that may indicate specific applicants' interests in the auction — including, among other things, the numbers that an applicant selects for bidding in its auction application, the amount of any upfront payment made by or on behalf of an applicant for the 833 Auction, any applicant's bidding eligibility, and any other bidding-related information that might reveal the identity of the bidder placing a bid or the amount of the bid.³¹

27. Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's limited information procedures and the prohibition on certain communications. Therefore, applicants must take care not to communicate non-public information to the public, financial analysts, or the press.³² Examples of communications raising concern, given the limited information procedures in effect for the 833 Auction, would include an applicant's statement to the press about its upfront payment or bidding eligibility, and an applicant's statement to the press that it is or is not interested in bidding in the auction.

²⁸ See *id.* at 6573-74, paras. 40-41.

²⁹ *Id.* at 6573, para. 38.

³⁰ *Id.*

³¹ *Id.* at 6577-78, paras. 54-56.

³² *Id.* at 6572-73, para. 37. The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. See *Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction*, Public Notice, 13 FCC Rcd 341, 347-48 (WTB 1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

E. Submission of Auction-Related Filings

28. A party wishing to submit a request, a complaint, or other information concerning the 833 Auction should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to 833auction@fcc.gov to the attention of Margaret Wiener, Chief, Auctions Division, Office of Economics and Analytics, FCC, and to auctionhelp@somos.com to the attention of Joel Bernstein, Vice President, Regulatory and Public Policy, Somos.

29. During FCC auctions, the Commission occasionally receives complaints regarding specific bidders and requests to suspend bidding during an auction. The Commission has explained that, while it reserves the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally the Commission's practice to address any such allegations only after the close of the bidding, when there is greater opportunity for investigation of such allegations, if warranted.³³ Moreover, the Commission has stated that it will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.³⁴

VI. CONTACT INFORMATION

30. For further information concerning the 833 Auction, please contact the Somos Help Desk at 844-439-7666 or email auctionhelp@somos.com.

³³ See, e.g., *Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services*; *35 Applicants Qualified to Bid in Auction 103*, Public Notice, DA 19-1109 (WTB/OEA Oct. 31, 2019); *Auction of 24 GHz Upper Microwave Flexible Use Service Licenses for Next-Generation Wireless Services*; *38 Applicants Qualified to Bid in Auction 102*, Public Notice, DA 19-123 (WTB/OEA Feb. 27, 2019).

³⁴ *Id.*

Attachment A

AUCTION OF TOLL FREE NUMBERS IN THE 833 CODE

Qualified Bidders

(Sorted by Applicant Name)

The following applicants have been determined to be “Qualified”

Date of Report: 12/10/19, 12:30: p.m. ET

AUCTION ID	NAME
17431050	1-800-Flowers.com, Inc.
42568121	800 Response Information Services, LLC
49275913	Ace High Casino Rentals LLC
53371523	ANS Center for Hope Foundation, Inc.
18510868	Ascend Holding Company, LLC
20809437	Baumgartner, Donna
57343888	Brightlink
99675285	CannamedExtractions, LLC
14579155	Captain Experiences Incorporated
28210559	Carpenter Investments LLC
86948741	Cave Law LLC
30250681	Comet Media Inc.
11110581	Coore Inc
57618801	Cohen, Jarred
25751872	Couto Construction Inc
67396723	Damas, Yoel
30157066	Dean, Timothy
28615013	Didenko, Volodymyr
66958561	Dish Network Limited Liability Company
25642266	Dodition, Inc
35197949	FracTel
11838141	Gibbons, Shane
12223669	International Telcom
24885728	Jones, Anthony Lee
58044638	MBZ Communications, Inc.
64725130	Mehlhase, Sascha
79678691	Mixhits Radio, LLC
33802026	National Sales Partners, LLC
12943707	NexRX LLC
20988275	Panther Public Adjusting
94593537	Phoenix Digital Systems
29251536	Phone.Com Inc.

AUCTION ID	NAME
22900576	Primary Wave Media LLC
69225960	RouteTrst, LLC
70906475	Sanders Phillips Grossman, LLC
62317643	Smith. Leland A.
53589262	Steiger, William
25167417	Stocker, Loren
58005389	Teekell, Joshua
39460991	Telebrand Inc
76972306	Utica Tax LLC
67108851	Vasilaros Legal, LLC
92847809	Verizon Services Corp.
93562104	Xepco Inc.

Attachment B

AUCTION OF TOLL FREE NUMBERS IN THE 833 CODE

Applicants Not Qualified to Bid

(Sorted by Applicant Name)

The following applicants have been determined to be “Not Qualified”

Date of Report: 12/10/19, 12:30: p.m. ET

AUCTION ID	NAME
84989417	Avoxi Inc
34683012	Bilton-Smith, Mark
74225618	Bohling, Jeffrey
41669868	Coastal Insulation, Inc.
84077908	Leckner, Carl
50016202	NumberBarn LLC
55192592	Parsons, Jerome Calvin
87156721	Persaud, Angel
39033466	Quimby, William
26151043	Steers, Timothy Lyle
62746109	Studio 53 LLC
59720495	Support.com
27663782	Support.com
38987617	Thorn, John
31092083	Vertical Bliss Inc
38646724	Williams, Yedidah