



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU GRANTS DISMISSAL REQUESTS OF ELIGIBLE AUCTION NO. 35 WINNERS AND DISMISSES APPLICATIONS FOR 33 C AND F BLOCK BROADBAND PERSONAL COMMUNICATIONS SERVICES (PCS) LICENSES

Report No. AUC-35 (Auction No. 35)

On November 14, 2002, the Commission released the *Final Refund Order*,¹ which gave (1) eligible winners in Auction No. 35 the option to request the dismissal of their pending applications for C and F block broadband PCS licenses for spectrum that had previously been licensed to NextWave Personal Communications Inc., NextWave Power Partners Inc., or Urban Comm-North Carolina, Inc. ("Pending Applications"); and (2) the payors of record the option to request a refund of the remainder² of the down payments associated with the Pending Applications.

The applicants listed in Attachment A to this Public Notice have filed requests that their Pending Applications be dismissed. We have reviewed their respective requests and have found upon review that such applicants complied with all of the requirements for relief as set forth in the *Final Refund Order*.³ Accordingly, we hereby dismiss their Pending Applications, with prejudice.

Additionally, as provided in the *Final Refund Order*, the applicants listed in Attachment A are released from all payment obligations associated with their Pending Applications, including default payments.⁴ Pursuant to the *Final Refund Order*, sections 1.934, 1.2107 and 1.2109 of the Commission's rules are waived with regard to such Pending Applications.⁵

¹ In the Matter of Disposition of Down Payment and Pending Applications By Certain Winning Bidders in Auction No. 35, Requests for Refunds of Down Payments Made In Auction No. 35, *Order and Order on Reconsideration*, FCC 02-311 (rel. Nov. 14, 2002).

² See Requests for Refunds of Down Payments Made In Auction No. 35, *Order*, 17 FCC Rcd 6283 (2002), *appeal pending*, *Cellco Partnership d/b/a Verizon Wireless v. FCC* (D.C. Cir. Apr. 8, 2002) (Nos. 02-1110 & 02-1111) (refunding 85 percent of down payments for Pending Applications).

³ See *Final Refund Order*, Appendix B - Procedures for Implementing the Order.

⁴ See *Final Refund Order* at ¶¶ 1, 15-16, 22.

⁵ See 47 C.F.R. §§ 1.934, 1.2107, 1.2109.

In addition, the Commission is prepared to process refunds of the remainder of the down payments associated with the applications listed in Attachment A, provided that the Commission has received requests for refunds made by the payors of record with respect to such applications in accordance with Appendix B of the *Final Refund Order*.⁶ It is anticipated that such refunds will be made in approximately ten (10) business days after the release date of this Public Notice, subject to administrative coordination.

This Public Notice contains the following attachments:

- Attachment A:** List of Applications dismissed – sorted by Applicant.
- Attachment B:** Instructions for Searching for Applications Listed in Attachment A using ULS.
- Attachment C:** Instructions for Accessing the FCC Network Using Windows 95/98.

Further information

For questions regarding refunds, contact Gail Glasser or Tim Dates, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578.

For questions regarding legal matters, contact Amal Abdallah, Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, at (202) 418-7307.

The news media should contact Lauren Patrich Kravetz, Wireless Telecommunications Bureau, at (202) 418-7944.

⁶ See *Final Refund Order*, Appendix B – Procedures for Implementing the Order.