



Federal Communications Commission  
Washington, D.C. 20554

March 9, 2011

DA 11-451

**VIA EXPRESS MAIL**

Mr. Adolfo Montenegro  
AST Telecom, LLC  
478 Laufou Center  
Pago Pago, AS 96799

RE: In Re AST Telecom, LLC, Application for Advanced Wireless  
Service Licenses, Auction 78, FCC File No. 0003573444

Dear Mr. Montenegro:

The Wireless Telecommunications Bureau (Bureau) has before it a Request to Withdraw the above-referenced application (Application) filed by AST Telecom, LLC (AST).<sup>1</sup> For the reasons discussed below, we accept the withdrawal and dismiss the Application with prejudice.

In 2008, the Commission held Auction 78<sup>2</sup> in which AST was the winning bidder for two AWS licenses in American Samoa (AW-BEA175-B and AW-REA011-F, collectively the Licenses).<sup>3</sup> The total amount of the net winning bids for the Licenses was \$49,000, which AST has paid.<sup>4</sup>

In the *Public Notice* following the close of Auction 78, the Commission announced the winning bidders and required each winning bidder to submit electronically, prior to 6:00 p.m. on September 9, 2008, a properly completed long-form application (FCC Form 601) for all licenses for which it was the winning bidder.<sup>5</sup> On September 9, 2008, AST filed the long-form Application for the Licenses, and the Bureau subsequently announced that the Application was

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<sup>1</sup> See File No. 0003573444 (Application).

<sup>2</sup> Auction 78 began on August 13, 2008 and closed on August 20, 2008. See Auction of AWS-1 and Broadband PCS Licenses Closes; Winning Bidders Announced for Auction 78, *Public Notice*, 23 FCC Rcd 12749 (WTB 2008) (*Public Notice*). Auction 78 made available 35 AWS-1 licenses and 20 broadband PCS licenses. See Auction of AWS-1 and Broadband PCS Licenses Scheduled for July 29, 2008; Comment Sought on Competitive Bidding Procedures for Auction 78, *Public Notice*, 23 FCC Rcd 5484 (WTB 2008); see also Auction of AWS-1 and Broadband PCS Licenses Rescheduled for August 13, 2008; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 78, *Public Notice*, 23 FCC Rcd 7496, 7551 ¶ 243 (WTB 2008) (*Auction 78 Procedures PN*).

<sup>3</sup> *Public Notice*, Attachment A.

<sup>4</sup> *Public Notice*, Attachments A and B. Prior to the auction, AST had submitted a total upfront payment of \$56,200 and, therefore, it was entitled to and did receive a refund of \$7,200. *Id.*

<sup>5</sup> *Id.* at 12,755 ¶ 31.

accepted for filing.<sup>6</sup> AST filed several amendments to the Application that belatedly reflected changes in control of its parent company, eLandia International, Inc. The company also filed a request for waiver of Section 1.2105(b)(2) of the Commission's rules to permit an amendment to the Application to reflect the change in ownership.<sup>7</sup> On February 28, 2011, AST filed an amendment to the Application seeking to withdraw the Application and the pending waiver request.

Section 1.934 of the Commission's rules provides that an applicant may request withdrawal or dismissal of its application with or without prejudice.<sup>8</sup> However, Section 1.934(a)(2) states that if a winning bidder for a license in a competitive bidding process requests dismissal of its short- or long-form application, the Commission will dismiss that application with prejudice and the applicant will also be subject to default payments under Subpart Q of the Commission's rules.<sup>9</sup> Pursuant to Section 1.934(a)(2), we therefore dismiss the Application with prejudice. In addition, as requested by AST, we accept the withdrawal of the pending waiver request associated with the Application. In accordance with Section 1.2104(g) of the Commission's rules,<sup>10</sup> AST owes a default payment and will receive a notice and demand for payment in connection with that obligation in due course.

Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(r), and 309(j), and Section 1.934 of the Commission's Rules, 47 C.F.R. § 1.934, the Request for Withdrawal of the Application for licenses AW-BEA175-B and AW-REA011-F in Auction 78 and the Request for Waiver of Section 1.2105(b)(2) of the Commission's rules are GRANTED and the Application is DISMISSED WITH PREJUDICE.

This action is taken pursuant to authority delegated by section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331.

Blaise A. Scinto, Chief  
Broadband Division  
Wireless Telecommunications Bureau

cc: Jonathan Mirsky, Esq.

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<sup>6</sup> Wireless Telecommunications Bureau Announces that Applications for Advanced Wireless Services Licenses Are Accepted for Filing, Auction No. 78, *Public Notice*, Attachment A, DA 08-2286 (WTB 2008).

<sup>7</sup> See Application, Request for Waiver of Section 1.2105(b)(2), filed on October 18, 2010 and supplemented on November 18, 2010.

<sup>8</sup> 47 C.F.R. § 1.934(a)(1) and (2).

<sup>9</sup> See 47 C.F.R. §§ 1.2104(g)(2), 1.2109(c); see also *Auction 78 Procedures PN*, 23 FCC Rcd 7496, 7551 ¶ 243.

<sup>10</sup> 47 C.F.R. § 1.2104(g)(2).