



Federal Communications Commission
Washington, D.C. 20554

February 11, 2013

DA 13-189

Joseph M. Sandri, Jr.
FiberTower Corporation
1730 Rhode Island Avenue, N.W., Suite 304
Washington, DC 20036

Dear Mr. Sandri:

On January 19, 2013, FiberTower Corporation (FiberTower) filed a request¹ to withdraw a motion² seeking a stay of a Wireless Telecommunications Bureau decision holding that FiberTower had failed to demonstrate compliance with the substantial service requirements for 94 of its 24 GHz Digital Electronic Message Service licenses and 595 of its 39 GHz licenses, and denying FiberTower's requests for extension of time to demonstrate substantial service for those licenses, and its associated requests for waiver of the June 1, 2012 substantial service deadline.³ For the reasons stated below, we grant the Withdrawal Request.

We have reviewed the Withdrawal Request and find that withdrawal of the Stay Motion would be in the public interest because it would eliminate litigation concerning the need for a stay. In addition, we note that significant Commission resources have not yet been expended considering the motion for a stay, and no other party is prejudiced by allowing the motion for a stay to be withdrawn. FiberTower's application for review of the *FiberTower MO&O* remains pending before the Commission.

¹ Letter from Joseph M. Sandri, Jr., FiberTower Corporation to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Jan. 19, 2013) (Withdrawal Request).

² Emergency Motion for Stay, FiberTower Corporation (filed Dec. 5, 2012) ("Stay Motion").

³ FiberTower Spectrum Holdings LLC, *Memorandum Opinion and Order*, 27 FCC Rcd 13562 (WTB 2012) ("*FiberTower MO&O*").

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.43 of the Commission's Rules, 47 C.F.R. § 1.43, that the request to withdraw filed by FiberTower Corporation on January 19, 2013 IS APPROVED, and the Emergency Motion for Stay filed by FiberTower Corporation on December 5, 2012 IS DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble
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Wireless Telecommunications Bureau

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