



Federal Communications Commission
Washington, D.C. 20554

August 27, 2004

DA 04-2690

Henry Goldberg, Esq.
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, DC 20036

Re: Eldorado Communications, LLC Request for Withdrawal of Applications for Review

Dear Mr. Goldberg:

This letter grants the request of Eldorado Communications, LLC (“Eldorado”) to dismiss its applications for review of five public notices released in conjunction with the dismissal by the Wireless Telecommunications Bureau (the “Bureau”) of certain Auction No. 35 long-form applications.¹

In its applications for review,² Eldorado asked the Commission to reconsider five public notices in which the Bureau granted the requests of certain Auction No. 35 winners to dismiss their pending long form applications and released them from all associated payment obligations.³ Five oppositions to Eldorado’s applications for review were filed.⁴

¹ See Eldorado Communications, LLC, Amended Withdrawal of Applications for Review, filed Mar. 25, 2004, and Eldorado Communications, LLC, Withdrawal of Applications for Review, filed Jan. 28, 2003.

² See Eldorado Communications, LLC, Applications for Review, filed Jan. 16, 2003, Jan. 7, 2003, Dec. 31, 2002, and Dec. 24, 2002.

³ See “Wireless Telecommunications Bureau Grants Dismissal Request of Eligible Auction No. 35 Winners and Dismisses Application for Five C and F Block Broadband Personal Communications Service (PCS) Licenses,” *Public Notice*, DA02-3585, rel. Dec. 24, 2002; “Wireless Telecommunications Bureau Grants Dismissal Request of Eligible Auction No. 35 Winners and Dismisses Application for 45 C and F Block Broadband Personal Communications Service (PCS) Licenses,” *Public Notice*, DA02-3487, rel. Dec. 17, 2002; “Wireless Telecommunications Bureau Grants Dismissal Request of Eligible Auction No. 35 Winners and Dismisses Application for 33 C and F Block Broadband Personal Communications Service (PCS) Licenses,” *Public Notice*, DA02-3394, rel. Dec. 9, 2002; “Wireless Telecommunications Bureau Grants Dismissal Request of Eligible Auction No. 35 Winners and Dismisses Application for 156 C and F Block Broadband Personal Communications Service (PCS) Licenses,” *Public Notice*, DA02-3340, rel. Dec. 3, 2002 and “Wireless Telecommunications Bureau Grants Dismissal Request of Eligible Auction No. 35 Winners and Dismisses Application for 12 C and F Block Broadband Personal Communications Service (PCS) Licenses,” *Public Notice*, DA02-3288, rel. Nov. 26, 2002. The involved Auction No. 35 winners also received a refund of the remainder of the down payments associated with their long form applications.

⁴ See SLO Cellular, Opposition, filed Jan. 31, 2003 (opposing Eldorado’s Jan. 16, 2003 Application for Review) (withdrawn Feb. 4, 2003); Lafayette Communications Company, LLC, Opposition, filed Jan. 22, 2003 (opposing Eldorado’s, Jan. 7, 2003 Application for Review); 3DL Wireless, Opposition, filed Jan. 22, 2003 (opposing Eldorado’s, Jan. 7, 2003 Application for Review); Alaska Native Wireless, L.L.C., Cellco Partnership d/b/a Verizon Wireless, Salmon PCS, L.L.C. and VoiceStream PCS BTA License Corporation’s joint Opposition, filed Jan. 15,

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On January 28, 2003, Eldorado filed a request with the Commission to withdraw four of its five applications for review in light of the Supreme Court's decision in *FCC v. Nextwave Personal Communications*.⁵ On March 25, 2004, Eldorado filed an amended request to withdraw all five of its applications for review.

Having reviewed the facts and circumstances surrounding Eldorado's withdrawal requests, we conclude that grant of these requests would be in the public interest. Accordingly, the withdrawal requests filed by Eldorado are granted. Eldorado's applications for review are dismissed with prejudice, and all pending oppositions are dismissed as moot. These actions are taken pursuant to authority delegated by Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331.

Sincerely,

Margaret Wiener, Chief
Auctions Spectrum and Access Division
Wireless Telecommunications Bureau

2003 (opposing Eldorado's Dec. 31, 2002 Application for Review) and DCC PCS, Inc., Opposition, filed Jan. 8, 2003 (opposing Eldorado's Dec. 24, 2002 Application for Review).

⁵ See 537 U.S. 293, 123 S.Ct. 832 (2003).