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April 22, 1996

By Hand

Mr. Carl Huie
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, NW
Suite 230, Mail Stop MS1300E1
Washington, DC 20554

5592 PL 96

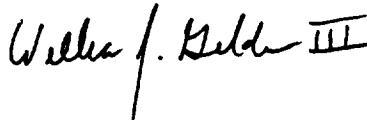
Re: CellularVision Withdraw of 31 GHz Experimental
Application

Dear Mr. Huie:

As a follow-up to our conversation, please be advised that CellularVision of New York, L.P. ("CellularVision") is withdrawing its FCC Form 442 Application, filed November 26, 1996, for Authority Under Part 5 for an experimental license in the 31.0-31.3 GHz band in the New York BTA. With the FCC's adoption of the LMDS *Second Report and Order* on March 13, 1997 (CC Docket 92-297), the Commission finalized the LMDS service rules which will permit the full panoply of video, voice and data services in the 31.0-31.3 GHz band. Moreover, in the *Second Report and Order* the Commission committed to processing CellularVision's current renewal application of its New York PMSA commercial license. As part of this renewal proceeding, the Commission will conform CellularVision's commercial license to the current rules permitting full use of the 31 GHz spectrum. Accordingly, as a result of these recent Commission actions, CellularVision will no longer need an experimental license for testing in this band.

Please direct any questions regarding this matter to the undersigned. Thank you for your consideration.

Sincerely,



Michael R. Gardner
William J. Gildea III
Counsel for CellularVision of New York, L.P.