

February 23, 2007

Law Offices

1500 K Street, N.W.  
Suite 1100  
Washington, DC  
20005-1209

Via Hand Delivery

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, SW  
Washington, DC 20554

FILED/ACCEPTED

FEB 23 2007

Federal Communications Commission  
Office of the Secretary

Re: File Nos. 29/30-DSS-LA-93  
16/17-DSS-P-93

Dear Ms. Dortch:

I am writing, on behalf of Primosphere Limited Partnership ("Primosphere"), with regard to the above-referenced matters and the attached "Motion to Withdraw Application for Review."

Primosphere submitted the attached "Motion to Withdraw Application for Review" to the Commission on April 16, 2004. To counsel's knowledge, the Commission has never acted on the Motion and, therefore, Primosphere's underlying "Application for Review," submitted on December 21, 2001, is still pending before the Commission.

Primosphere hereby withdraws its attached, April 16, 2004, "Motion to Withdraw Application for Review," and hereby notifies the Commission that it intends to continue prosecuting its December 21, 2001 "Application for Review." Therefore, Primosphere's above-referenced application for authorization to launch and operate satellite systems in the Satellite Digital Audio Radio Service is deemed to be still pending. See Section 1.935(c)(2) of the Commission's rules.

Please address any questions concerning this matter, and copies of all correspondence, to undersigned counsel for Primosphere Limited Partnership.

Very truly yours,

  
Howard M. Liberman

CC (w/encl.): Robert Nelson, Chief, Satellite Division, International Bureau  
Joel Kaufman, Associate General Counsel and Chief, Administrative Law  
Division, Office of General Counsel  
Bruce D. Jacobs, Esq. (Counsel for XM Radio, Inc.)  
Carl R. Frank, Esq. (Counsel for Sirius Satellite Radio, Inc.)

**STAMP & RETURN**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Primosphere Limited Partnership )  
 )  
Application for Authority to Construct, )  
Launch and Operate Satellites in the )  
Satellite Digital Audio Radio Service )

File Nos. 29/30-DSS-IA-93  
16/17-DSS-P-93

**RECEIVED**

**APR 16 2004**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**MOTION TO WITHDRAW APPLICATION FOR REVIEW**

Primosphere Limited Partnership ("Primosphere"), by its attorneys, hereby moves to withdraw its Application for Review of the International Bureau's dismissal of Primosphere's above-referenced application for authority to construct, launch and operate two satellites in the Satellite Digital Audio Radio Service.

On December 21, 2001, Primosphere filed an Application for Review stating that the International Bureau's decision to dismiss its application was predicated solely on the Commission's affirmation of the Bureau's grants of SDARS licenses to XM Radio, Inc. and Sirius Satellite Radio, Inc (the "License Orders"). Primosphere further stated that it had filed with the U.S. Court of Appeals for the District of Columbia Circuit ("Court of Appeals") Petitions/Notices of Appeal seeking review of the Commission's orders affirming the License Orders. Primosphere also filed a Reply on February 7, 2002.

On February 21, 2003, the Court of Appeals denied Primosphere's appeals and affirmed the Commission's decisions. Accordingly, Primosphere now voluntarily and unilaterally withdraws its Application for Review and associated Reply.

Respectfully submitted,

**PRIMOSPHERE LIMITED PARTNERSHIP**

By: Howard M. Liberman

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Its Attorneys

April 16, 2004

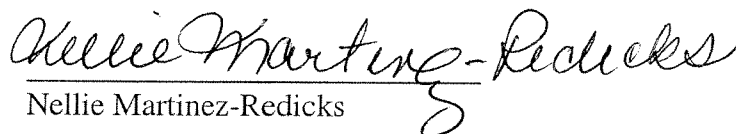
**CERTIFICATE OF SERVICE**

I, Nellie Martinez-Redicks, a secretary in the law firm of Drinker Biddle & Reath LLP, hereby certify that on this day, April 16, 2004, a copy of the foregoing "Motion to Withdraw Application for Review" was served on the following person by first class U.S. mail, postage prepaid:

Bruce D. Jacobs, Esq.  
David S. Konczal, Esq.  
Shaw Pittman LLP  
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Counsel for Sirius Satellite Radio, Inc.

  
Nellie Martinez-Redicks