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January 22, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **FiberTower Corporation Request for Extension of Time or, in the alternative, Limited Waiver of Substantial Service Requirement, File No. 0005207557 et al., DA 12-1785**

DIRECTV Enterprises, LLC, FCC Application for Earth Station Modification, File No. SES-MOD-20121212-01095

Dear Ms. Dortch,

On January 19, 2013, FiberTower Corporation withdrew its Emergency Motion for Stay¹ with respect to the Wireless Telecommunications Bureau's November 7, 2012 Order regarding FiberTower's 24 GHz and 39 GHz licenses, DA 12-1785. FiberTower did so after closely examining (and briefing) the subsequent collateral attack on its spectrum rights² and after concluding that the Bankruptcy Court process is the most appropriate means of preserving the value of its estate, pending FiberTower's exhausting its rights of appeal with respect to the November 2012 Bureau decision.

FiberTower does however remain a party in the above captioned "major modification" application proceeding in which DIRECTV seeks to add authority to operate on frequencies licensed to FiberTower, which licenses are subject to federal bankruptcy court and pending FCC proceedings. By virtue of that filing, that proceeding remains restricted under the Commission's *ex parte* rules.

¹ FiberTower Corporation Emergency Motion to Stay, *FiberTower Corporation Request for Extension of Time or, in the alternative, Limited Waiver of Substantial Service Requirement*, File No. 0005207557 et al. (filed Dec. 5, 2012).

² See FiberTower Corporation Motion to Strike DIRECTV's Opposition to Stay, *FiberTower Corporation Request for Extension of Time or, in the alternative, Limited Waiver of Substantial Service Requirement*, File No. 0005207557 et al. (filed Jan. 14, 2013).

Respectfully submitted,

/s/

Joseph M. Sandri, Jr.
FiberTower Corporation

CERTIFICATE OF SERVICE

I, Joseph M. Sandri, Jr., certify that on January 22, 2013, the foregoing letter was served via first class U.S. Mail on the following:

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/s/
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