



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

April 14, 2009

Via First Class Mail and Facsimile

Mr. Thomas Gutierrez
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Boulevard, Suite 1500
McLean, VA 22102

DA 09-822

Re: Auction 73 Application of King Street Wireless, L.P. (File No. 0003379814)

Dear Mr. Gutierrez:

On January 14, 2009, the United States District Court for the District of Columbia issued an order (“Court Order”) partially unsealing the First Amended Complaint in U.S., *ex rel.* [REDACTED] v. Carroll Wireless, L.P., *et al.* (D.D.C. filed Jan. 14, 2009). The Court Order (attached hereto as Attachment A to this letter), states that the First Amended Complaint (attached hereto as Attachment B), was partially unsealed “to allow the United States, acting through the Federal Communications Commission [“FCC”], to disclose and refer publicly to the allegations of the First Amended Complaint . . . in connection with the FCC’s administrative consideration of applications for licenses by defendants and defendants’ related entities which are currently pending before the FCC. . . .” Court Order at 1. Copies of the Court Order and the First Amended Complaint have been associated with the above-referenced pending application in the Wireless Telecommunications Bureau’s Universal Licensing System (“ULS”).

In order to facilitate the development of a full record for our review of the above-captioned application, we are providing your client, defendant King Street Wireless, L.P., with an opportunity to respond to the allegations raised in the First Amended Complaint. We request that you provide a written response and any supporting documentation that you deem pertinent in responding to these allegations no later than May 4, 2009. Your response should be filed electronically through ULS. If your response contains confidential information, please file the response using the confidential filing procedures in ULS, as well as a redacted version of the response, along with a confidentiality request, in ULS for public inspection.

If you have any questions regarding this matter, please contact Erin McGrath at (202) 418-2042.

Sincerely,

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

cc: Allison Cryor DiNardo
Robert L. Vogel, Esq.
Michael A. Nemeroff, Esq.