



DUPLICATE

FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF SECRETARY  
NOV 22 1996

November 22, 1996

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Satellite CD Radio, Inc.  
Satellite Digital Audio Radio Service  
Pioneer's Preference Application, FCC File No. PP-24

Dear Mr. Caton:

Satellite CD Radio, Inc. ("CD Radio") hereby withdraws its application for a pioneer's preference in the Satellite Digital Audio Radio service. See FCC File No. PP-24. CD Radio is taking this action in the interest of expedition, even though it continues to believe that it has met all the requirements for a pioneer's preference, including the technical requirements that the FCC directed the peer review panel to use.

CD Radio intends to continue prosecuting its application for Commission consent to construct and operate a satellite DARS system. See FCC File Nos. 49/50-DSS-P/L-90; 58/59-DSS-AMEND-90; 44/45-DSS-AMEND-92. In this regard, CD Radio urges the Commission immediately to promulgate its service and licensing rules for the satellite DARS spectrum. The formal withdrawal of CD Radio's pioneer's preference application, combined with the other applicants' statements that acquiesce to not granting any preference in this proceeding, makes further consideration of the pioneer's preference applications unnecessary.<sup>1</sup> With immediate adoption of satellite

<sup>1</sup> For example, Primosphere Limited Partnership has argued to the Commission that "no pioneer's preference should be awarded" to it, or any other satellite DARS applicant. *Primosphere Limited Partnership, Submission to Review Panel*, IB Docket No. 95-61, at 27 (filed Oct. 2, 1996). Digital Satellite Broadcasting Corporation ("DSBC") has taken an identical view. See Letter from W. Theodore

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DARS service and licensing rules, the FCC can move forward with the auctioning of satellite DARS spectrum. Prompt action is in the public interest because it will expedite the deployment of long-awaited digital audio radio services to U.S. consumers.

If you have any questions about this matter, please do not hesitate to call.

Respectfully submitted,



Robert Briskman  
President

/bap

cc: All parties to PP-24

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Pierson, Jr., to Donna Searcy, Secretary, Federal Communications Commission (filed June 2, 1993). *See also* The Washington Post, Nov. 20, 1996, *D.C. Company Hurt by Pay-Radio Ruling* (quoting DSBC Vice President as agreeing with the panel's decision).