



NIXON PEABODY LLP

ATTORNEYS AT LAW

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
Fax: (202) 585-8080

Veronica M. Ahern
Direct Dial: (202) 585-8321
E-Mail: vahern@nixonpeabody.com

April 22, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

VIA ELECTRONIC FILING

Re: QUALCOMM Incorporated
Auction Discount Voucher
WT Docket 02-234

Dear Ms. Dortch:

QUALCOMM Incorporated (“QUALCOMM”), by its attorneys, hereby requests an extension of time during which it may use the remaining amount of its Auction Discount Voucher (“ADV”). As shown herein, QUALCOMM has used up the bulk of the ADV, pursuant to the Commission’s prior Orders. A small fraction of the ADV is, however, still remaining, and the ADV is set to expire on June 8, 2004. QUALCOMM is continuing its efforts to use up the remaining sum by the deadline, but there can be no assurance that QUALCOMM will succeed in consummating a transaction or transactions prior to June 8, 2004. As a result, QUALCOMM is filing the instant request for a short extension of the June 8th deadline through October 31, 2004. In addition, QUALCOMM will file a supplement to advise the Commission of any developments while this request is pending. QUALCOMM requests a ruling on this request as soon as possible, in advance of the impending June 8th deadline.

Background

Pursuant to the Court’s mandate in *QUALCOMM v. FCC*, 181 F.3d 1370 (D.C. Cir. 1999), on June 8, 2000, the Federal Communications Commission (“FCC” or “Commission”) awarded QUALCOMM an Auction Discount Voucher in the amount of \$125,273,878. See *QUALCOMM Incorporated, Petition for Declaratory Ruling Giving Effect to the Mandate of the*

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District of Columbia Circuit Court of Appeals, 20 Comm. Reg. 862 (2000). The Commission's award of the ADV was subject to certain terms and conditions. Among these conditions was the requirement that the ADV be used in an auction in which Form 175s have been accepted within 3 years of June 8, 2000.

Despite its diligent efforts, QUALCOMM was unable to use the entirety of the ADV within the three year period. Consequently, QUALCOMM sought, and was granted, a one year extension of time in which to use the ADV. See *QUALCOMM Incorporated*, 18 FCC Rcd 8048 (2003). By its amended terms, the ADV is now set to expire on June 8, 2004.

In the past year, QUALCOMM has continued to make good use of the ADV, in accordance with the amended terms, which permitted QUALCOMM to use the ADV either to satisfy installment payment obligations by Commission licensees or to acquire spectrum in Commission auctions. Accordingly, on April 28, 2003, July 30, 2003, October 30, 2003 and January 30, 2004, QUALCOMM transferred \$4,020,165.65 to Metro PCS, for a total of \$16,080,662.60. On May 23, 2004, QUALCOMM transferred \$50,536,998.74 to Verizon Wireless and QUALCOMM has used, on its own behalf, \$38,036,000 in Auction 49 payments.

Since the Commission granted the requested extension, QUALCOMM has used \$104,653,661.34 of the ADV. A balance of only \$9,771,416.66 remains. QUALCOMM is in serious discussions with a number of parties to use up this balance by the June 8th deadline, but there can be no assurance that a transaction or transactions can be consummated by the deadline. As a result, QUALCOMM is filing this request at this time.

Request for Extension of Time

QUALCOMM hereby requests that the Commission grant it a short extension of time, through October 31, 2004, within which to use the ADV. QUALCOMM intends to continue its efforts to use up the balance of the ADV while this request is pending. Although we are hopeful a transaction or transactions to use up the remainder of the ADV will come to fruition by the deadline, or even shortly thereafter, QUALCOMM has not yet been able to finalize such transaction or transactions.

The public interest warrants granting QUALCOMM additional time in which to use the ADV in order to satisfy the U.S. Court of Appeals requirement that the Commission fashion an "appropriate remedy" for QUALCOMM. See *QUALCOMM v. FCC* at 1375. In view of the long period during which no suitable opportunity to use the ADV was available, and in view of QUALCOMM's diligent and successful efforts to do so, an extension of time is consistent with the equitable remedy sought by the Court.

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QUALCOMM requests a ruling on this request as soon as possible in light of the June 8th deadline.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "V. Ahern".

Veronica M. Ahern

cc: John Muleta
Bryan Tramont
Marvin Washington
Margaret Wiener