

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Reconsideration of Warren C. Havens)	PR Docket No. 92-257
)	
Conditional Request for Dismissal with Prejudice of Pending Appeal of AMTS Applications of Warren C. Havens)	File Nos. 853036-37 and 853070 – 72
)	

Filed electronically in PR Docket No. 92-257

To: Office of the Secretary
Attn: Chief, Wireless Telecommunications Bureau

Conditional Request for Dismissal with Prejudice &
Update Under Section 1.65

Warren C. Havens (“Havens”) hereby submits this Conditional Request (the “Request”)¹ for dismissal with prejudice the appeals of the above-captioned pending license applications (the “Applications”) and provides an update as required by Section 1.65 of the Commission’s Rules. The Applications are in the name of Havens.

The Applications are pending on appeal before the Commission pursuant to a Petition for Reconsideration filed by Havens on December 18, 2003 (the “Appeal”).² On June 2, 2005, Havens entered into an agreement (the “Agreement”) with Thomas Kurian (“Kurian”) that involves the assignment of authorization of partitioned geographic licenses (the “Assignments”)

¹ This is an update and notice to the Commission only and thus does not constitute anything that requires the pending “Assignments” noted below to go out on Public Notice again. Further, the Commission received the “Agreement”, which is described herein, as a confidential attachment to the Assignments, and it already contains the substance of this Request.

² See Petition for Reconsideration, PR Docket No. 92-257, filed by Warren Havens filed on December 18, 2003.

between Kurian and AMTS Consortium LLC (“ACL”).³ Per the Agreement, Havens is submitting this Request.

Havens requests that the FCC dismiss with prejudice the Appeal with respect to the above-captioned Applications conditioned upon (1) the FCC giving notice of consent (by Final Order) (the “Notice”) of the assignment of authorization from Kurian to ACL, File #0002196859 (the “Kurian Assignment”). Upon the Notice being issued, the Commission should consider the Appeal regarding the Applications as dismissed with prejudice.⁴ Before the Notice is given, the Request is only conditional and the Appeal remains in effect regarding the Applications. If the Kurian Assignment is not consented to (by Final Order), then Havens will withdraw this Request.

Respectfully,

[Signature on file. Submitted electronically.]

Warren C. Havens

2649 Benvenue Ave., Suite 2
Berkeley, CA 94704

Date: July 4, 2005

³ For the Assignments, see FCC Application File #s: 0002196859 and 0002195997. A copy of the Agreement was uploaded as a confidential attachment to the Assignments.

⁴ However, if required by the Commission or Commission rules, then Havens will file a non-conditional request for dismissal via ULS in PR Docket 92-257.

Certificate of Service

I, James Stobaugh, an employee of Warren Havens, certify that I have, on this 4th day of July 2005, placed into the USPS mail system with first-class postage affixed, a copy of the foregoing Request to the following:

Thomas Kurian
11392 Vernazza Court
Las Vegas, NV 89138

[Signature on File. Filed Electronically.]

James Stobaugh