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July 8, 2004

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

**Re: Auction No. 58 Comments
DA 04-1639**

Dear Ms. Dortch:

On behalf of Northstar Technology, we hereby submit the following comments. The Commission should remove the following licenses from Auction 58 until final resolution on the pending litigation associated with these licenses: CW-BTA098-C1 and CW-BTA098-F.

It is recognized that auction bidders are cautioned about pending litigation on certain licenses and of the possibility that they may have to surrender licenses won to prior applicants or license holders. However, the public interest would be best served if the Commission sought to avoid a situation that occurred in Auction 35 whereby "capital and spectrum were tied for more than two years" as a result of pending litigation.

Respectfully submitted,



Thomas Gutierrez