

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

In the Matters of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service;)	
Promoting Deployment and)	
Subscribership in Unserved)	
and Underserved Areas, Including)	
Tribal and Insular Areas)	
)	
Commonwealth of Northern Mariana Islands)	
)	
Petitions for Reconsideration filed by:)	
Crow Tribal Council)	
Florida Public Service Commission)	
Goshute Indian Reservation)	
National Telephone Cooperative Association)	
Oglala Sioux Tribe)	
Rosebud Sioux Tribe)	
South Dakota Independent Telephone)	
Coalition)	
Western Wireless Corporation)	

To: The Commission

REPLY COMMENTS OF SMITH BAGLEY, INC.

Smith Bagley, Inc. (“SBI”), by counsel, provides the following reply comments in the above-captioned proceeding. SBI was the only party to file comments substantively addressing the Commission’s need to develop a record on how to properly define the scope of Tier 4 Lifeline eligibility in “near reservation” lands.

Recently, Commission representatives have visited Native American reservation lands to personally assess the state of telecommunications infrastructure and

advancements that have been made.¹ In SBI's experience, persons living on the five reservations where it serves are subjected to the most extreme poverty in the country. In many areas adjacent to those reservations, the conditions are just as bad. There is ample record evidence on which the Commission can conclude that Tier 4 Lifeline support must be extended to areas near reservation lands. There is also evidence suggesting that such support should be targeted to rural areas so that all telecommunications carriers have an opportunity, and ETCs have an obligation, to extend service to people who are in great need of improved service and improved choices of services.

SBI reiterates its request that the Commission harmonize the list of reservation lands recognized as eligible by the Bureau of Indian Affairs ("BIA") with those eligible for Tier 4 Lifeline support. If, under the current BIA definition, an area is designated as a reservation land, then it should automatically be qualified for Tier 4 support. A carrier seeking Tier 4 support in an area must certify to the Commission that it is a recognized reservation under the BIA's definition. It will be relatively simple for the Commission to verify such certifications.

Finally, SBI urges the Commission to act promptly. Many areas adjacent to reservation lands are underserved and the provision of Tier 4 Lifeline support will provide a significant incentive for all telecommunications carriers that are ETCs to reach out to consumers most in need to improve services and service choices, to fulfill the goals of Congress as set forth in Section 254 of the Act.

¹ FCC Continues Focus On Indian Telecom Initiatives With Visits To Standing Rock Sioux And Cheyenne River Sioux, News Release, August 25, 2003.

Respectfully submitted,

Smith Bagley, Inc.

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September 2, 2003