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May 14, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

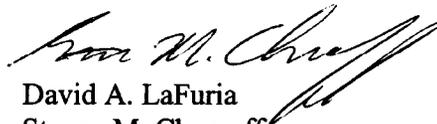
**Re: Smith Bagley, Inc.
Petition for Designation as an Eligible Telecommunications
Carrier for the Navajo Reservation in Utah
CC Docket No. 96-45**

Dear Madam Secretary:

On behalf of Smith Bagley, Inc. ("SBI"), we hereby submit for inclusion in the above-referenced proceeding a Resolution of the Navajo Utah Commission of the Navajo Nation Council supporting SBI's petition for designation as an eligible telecommunications carrier ("ETC") for the Navajo reservation in Utah.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,


David A. LaFuria
Steven M. Chernoff

cc: Anita Cheng, Esq.
Diane Law Hsu, Esq.
Geoffrey Blackwell, Esq.
Thomas Buckley, Esq.



**RESOLUTION OF THE
NAVAJO UTAH COMMISSION
OF THE NAVAJO NATION COUNCIL**

NUCAPR-312-04

**SUPPORTING SMITH BAGLEY, INC. (SBI) DBA CELLULARONE IN
SEEKING DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER (ETC) ON THE NAVAJO RESERVATION IN UTAH**

Whereas:

1. The Navajo Utah Commission was established by the Intergovernmental Relations Committee of the Navajo Nation Council by Resolution No. IGRJN-134-92 to develop and maintain efficient governmental services to the Navajo People residing on the "Utah Strip" of the Navajo Nation; and
2. Smith Bagley, Inc., (SBI), dba CelhuarOne has a petition before the Federal Communications Commission (FCC) as an eligible Telecommunication Carrier (ETC) in Utah; and
3. An eligible telecommunications carrier is a common landline or wireless carrier that has been designated by the Commission to utilize support from the universal service fund (USF) in order to offer reduced phone service to its customers; and
4. SBI's petition for ETC has been pending at the FCC for nearly two years; and
5. Residents within the Navajo Utah area that met the federal criteria for the lifeline program that is funded by the universal service fund are eligible to receive a reduced phone service plan provided by any qualified ETC carrier serving their area; and
6. SBI offers a reduced wireless phone service plan for \$1.00 per month that provides 300 home minutes per month, which may be used to make local calls anywhere within the current SBI coverage area; and
7. SBI currently has ETC designation for the Navajo Nation in Arizona and is awaiting subsequent ETC approvals for Navajo in New Mexico; and
8. Whereas SBI is seeking designation as an Eligible Telecommunication Carrier (ETC) in Utah for the purposes of offering a local wireless phone

program at a reduced cost in order to meet the expressed goal of ensuring that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Utah Commission hereby supports Smith Bagley, Inc. (SBI) dba CellularOne in seeking designation as an eligible telecommunications carrier (ETC) on the Navajo Reservation in Utah.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by Navajo Utah Commission at a duly called meeting in Mexican Water, Arizona at which a quorum was present and the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstention, this 14th day of April, 2004.



Kenneth Maryboy, Chairperson
NAVAJO UTAH COMMISSION

MOTION: Mark Maryboy
SECOND: Francis Redhouse