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June 23, 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.  
Near Reservation Lands  
Petition for ETC Status in Utah  
CC Docket No. 96-45**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceeding. On June 22, 2004, Mr. Smith Bagley, on behalf of Smith Bagley, Inc. ("SBI") and undersigned counsel met with Commissioner Adelstein and Scott Bergmann to discuss the above-referenced items.

SBI urged the Commission to move forward on its waiver request seeking to have Tier 4 Lifeline and Link-up benefits made available to the Eastern Agency of the Navajo Reservation at the earliest possible date. SBI also urged prompt action on SBI's pending petition for ETC status in Utah so as to bring improved wireless service to people living on the Navajo Reservation in Utah at the earliest possible date. SBI presented a short video summarizing the company's work on Native American lands in Arizona and New Mexico to date.

The company reiterated those matters previously presented to the Commission in the above-referenced proceedings. No materials were left behind at the meeting.

Sincerely,

/s/

David A. LaFuria

Counsel for Smith Bagley, Inc.

cc: Commissioner Adelstein  
Scott Bergmann, Esq.