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February 22, 2005

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Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Notice, Federal-State Joint Board on Universal Service; CC Docket No. 96-45

Dear Secretary Dortch:

Pursuant to Section 1.1206 of the rules of the Federal Communications Commission ("FCC"), 47 C.F.R. § 1.1206, this letter provides notice that on February 18, 2005, Todd B. Lantor, Chief Regulatory Counsel of Nextel Partners, Inc. ("Nextel Partners"), along with Albert J. Catalano and Matthew J. Plache of Catalano & Plache, PLLC, counsel to Nextel Partners, met with Commissioner Kathleen Q. Abernathy and Jennifer Manner, Senior Counsel to Commissioner Abernathy.

At the meeting, the attendees discussed the Rural Local Exchange Carriers' ("Rural LECS") Application for Review of the Bureau's Order in the above-referenced proceeding designating Nextel Partners as an Eligible Telecommunications Carrier ("ETC") in seven states, specifically noting the procedural deficiencies of the Rural LECs' arguments as discussed in Nextel Partners' Opposition to the Application for Review and Motion to Strike the Rural LECs' Reply to Opposition. The parties also discussed the misleading nature and factual inaccuracies of the maps submitted by TDS Telecom ("TDS") in the course of its *ex parte* communications, noting that Nextel Partners has not been designated in many of the study areas depicted on the TDS maps. In that regard, Nextel Partners confirmed its ability and commitment to provide the ETC supported services within the study areas in which it has been designated as an ETC and submitted the attached maps to further support that position.

The participants also discussed issues relating to the ETC designation process being considered in the above-captioned proceeding. During the course of the discussion, Nextel Partners made the following points:

- New ETC guidelines should not be applied retroactively to already designated ETCs to "take back" or revoke a designation. Any new reporting requirements should be applied to all designated ETCs equally.

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- The FCC should again clarify that once it takes jurisdiction over an ETC applicant it retains that jurisdiction.

- The FCC should commit to consideration of ETC petitions on a more rapid time frame and an expedited consideration process should be established for additional filings by a petitioner concerning states where the petitioner has already been designated an ETC.

- The focus of the ETC designation process must be on what is best for rural consumers – *e.g.*, customer choice, new and innovative services and mobility.

- The FCC should emphasize that mobility is an important factor to be considered in any public interest test by both the FCC and the states.

- The framework established for review of petitions for designation established by *Virginia Cellular* is working and should be not be expanded to allow overly burdensome or unlawful criteria. The FCC should make clear that the states cannot adopt ILEC monopoly-type conditions, such as equal access or "carrier of last resort" requirements, as a condition to ETC designation for wireless carriers.

- The ETC designation process should not be used as a means to control the growth of the Universal Service Fund. A comprehensive review of the mechanism for High-Cost support is the appropriate means to address the Fund growth issue.

- A Rural Task Force, composed of wireless and wireline representatives, should be established to undertake this comprehensive review and make recommendations to the Joint Board and to the FCC.

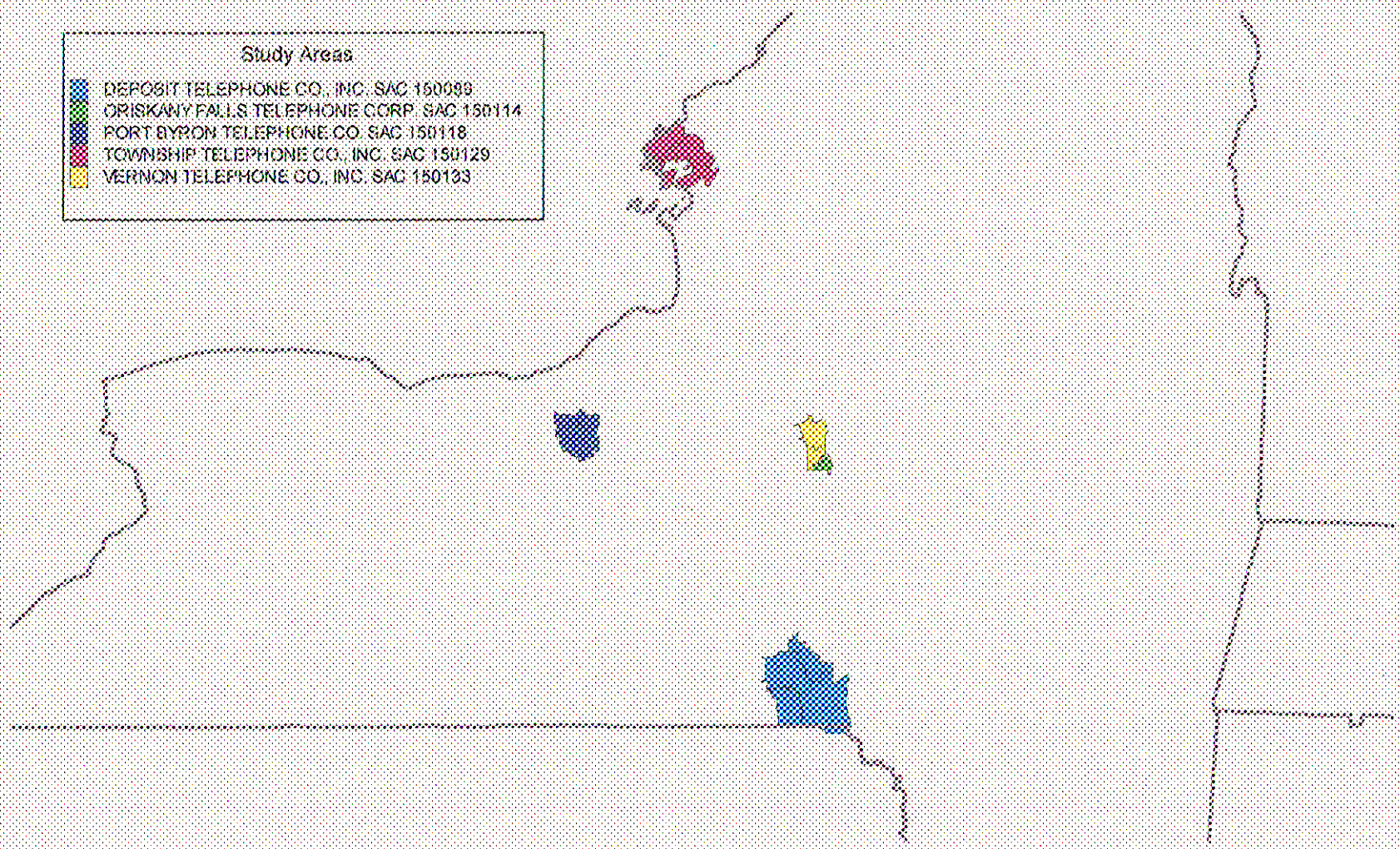
Very truly yours,

Albert J. Catalano

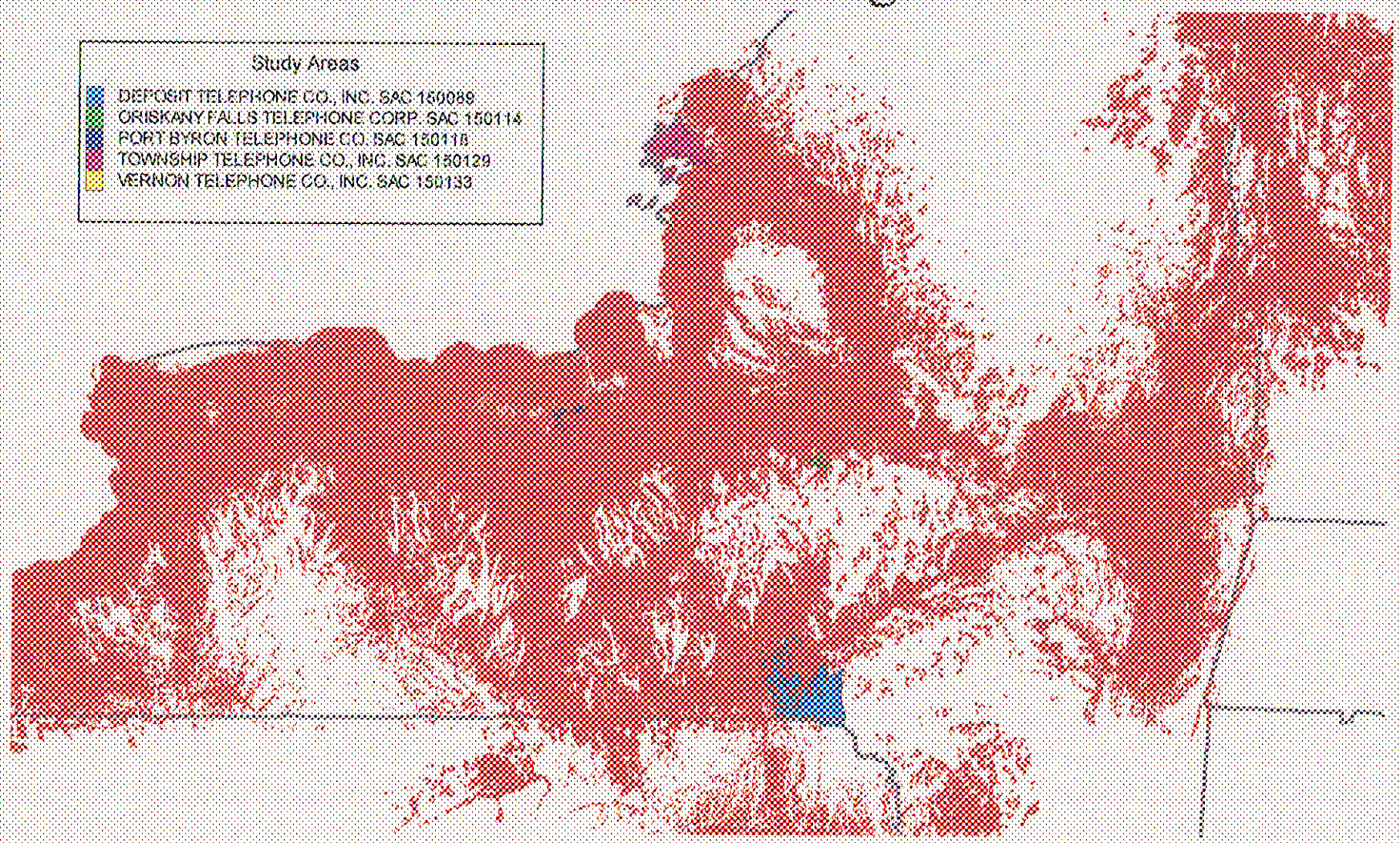
cc: Commissioner Kathleen Q. Abernathy
Jennifer Manner

Attachment

New York Study Areas

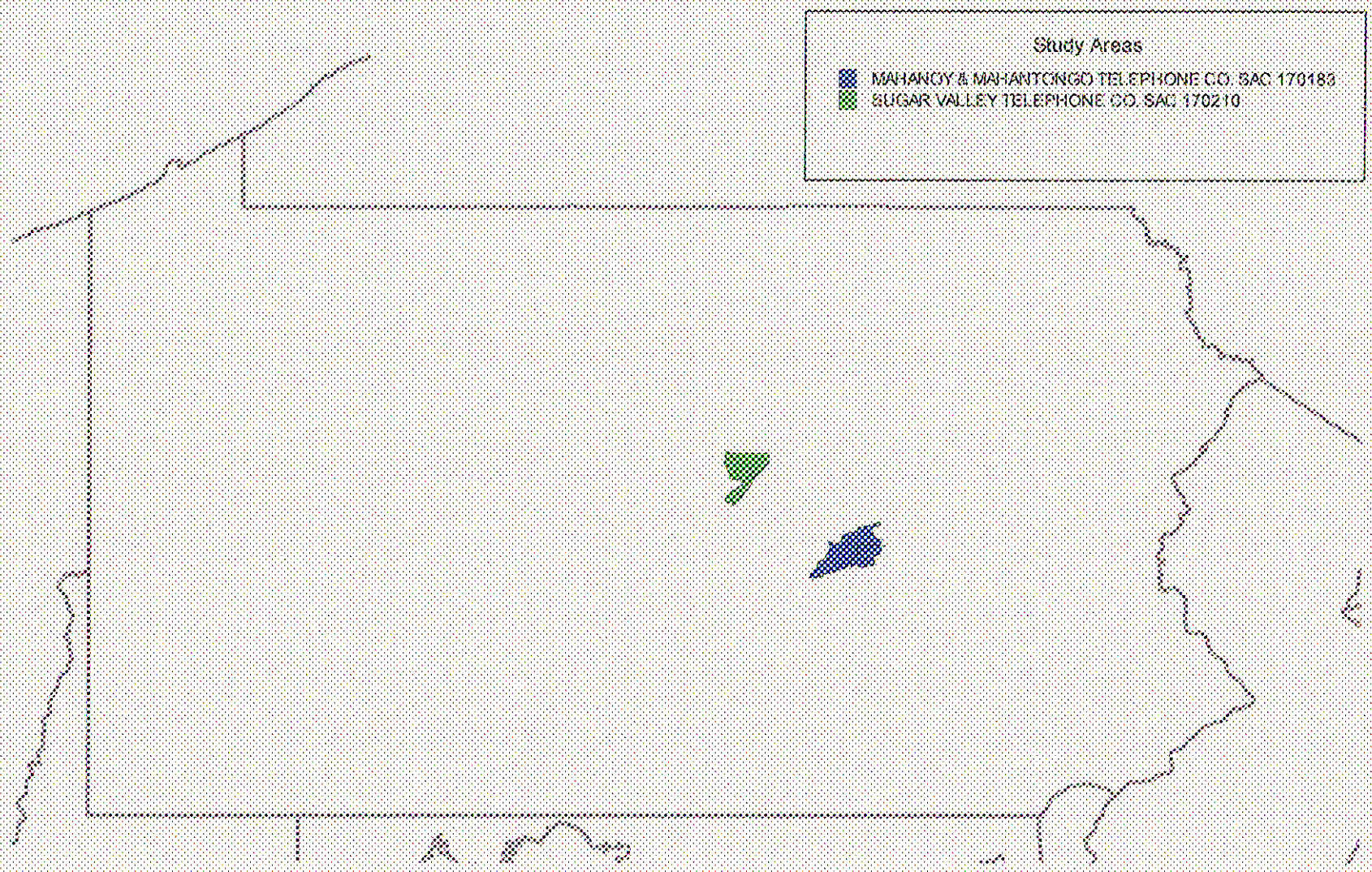


New York Study Areas
Current Coverage

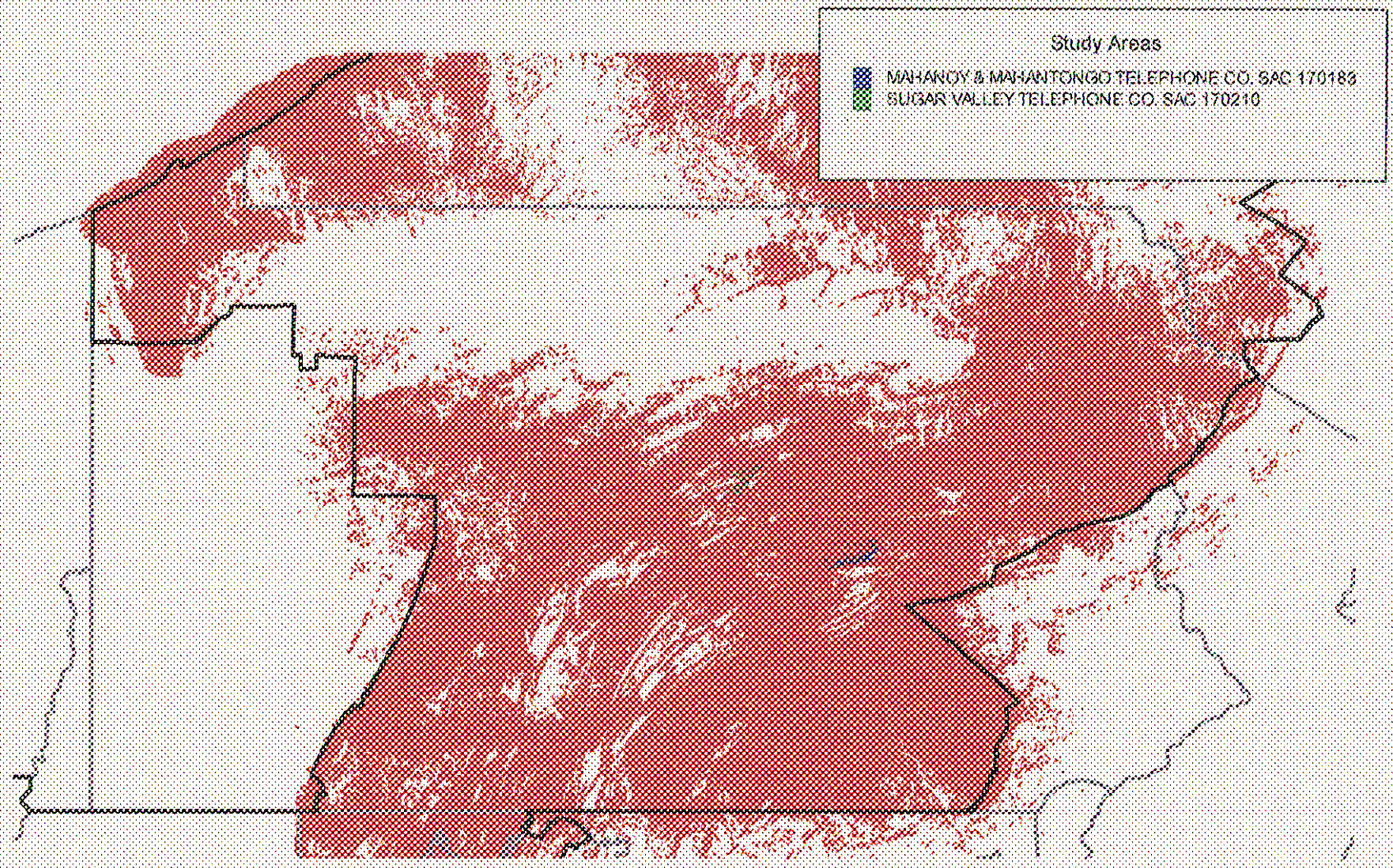


Current Coverage Assumes 0.6 Watt Mobile

Pennsylvania Study Areas

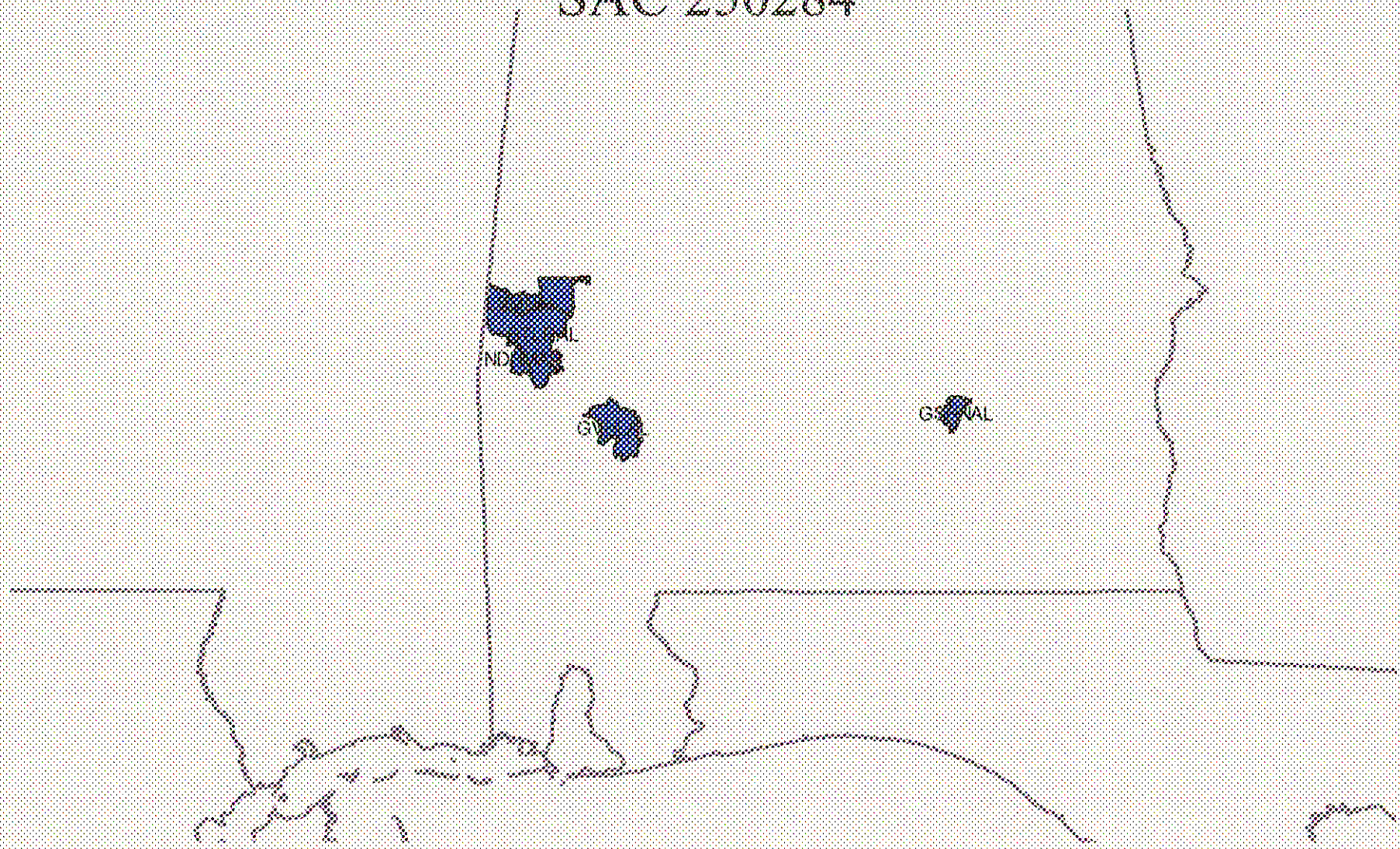


Nextel Partners
Current Coverage

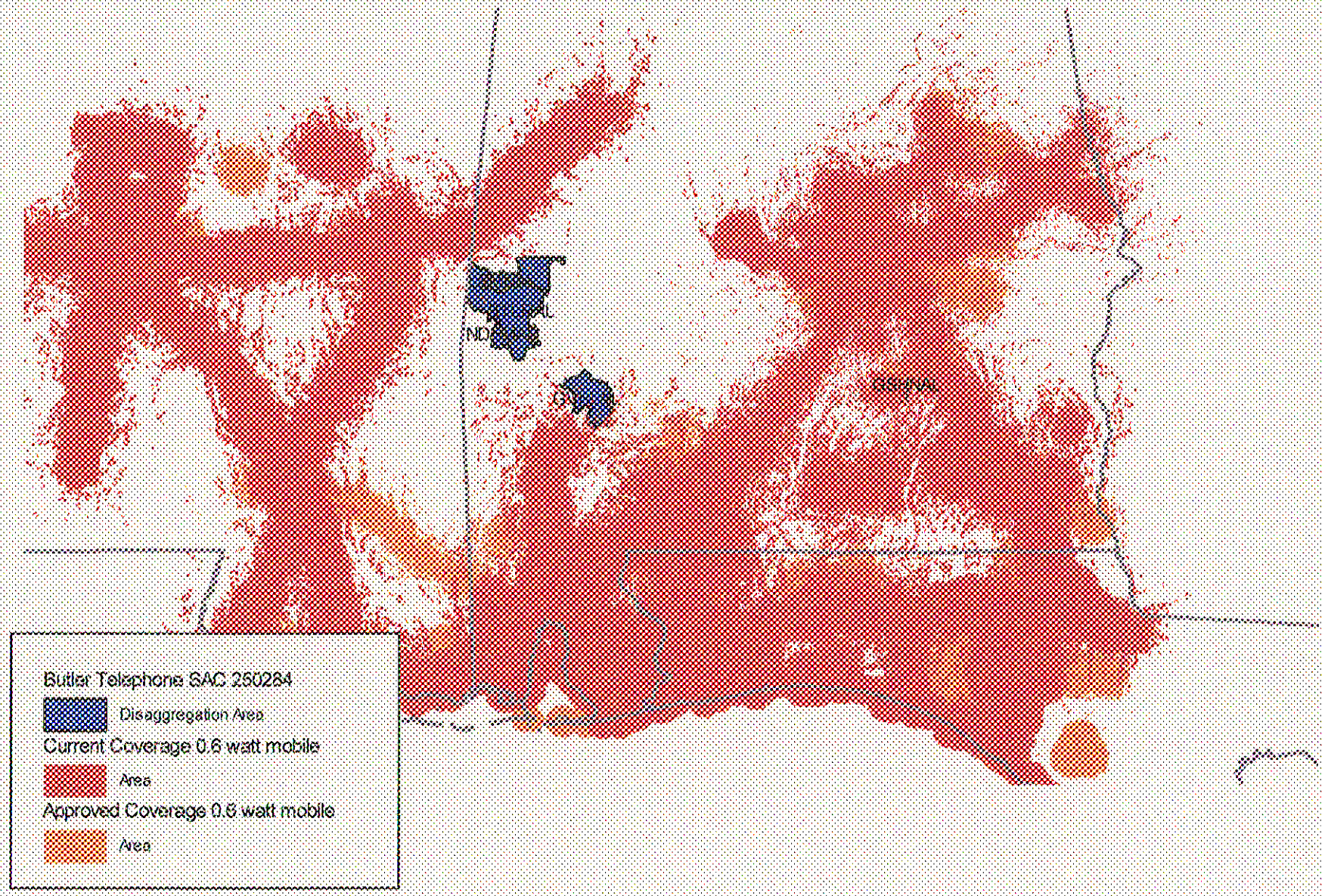


Current Coverage Assumes 0.6 Watt Mobile

Butler Telephone Co., Inc.
SAC 250284

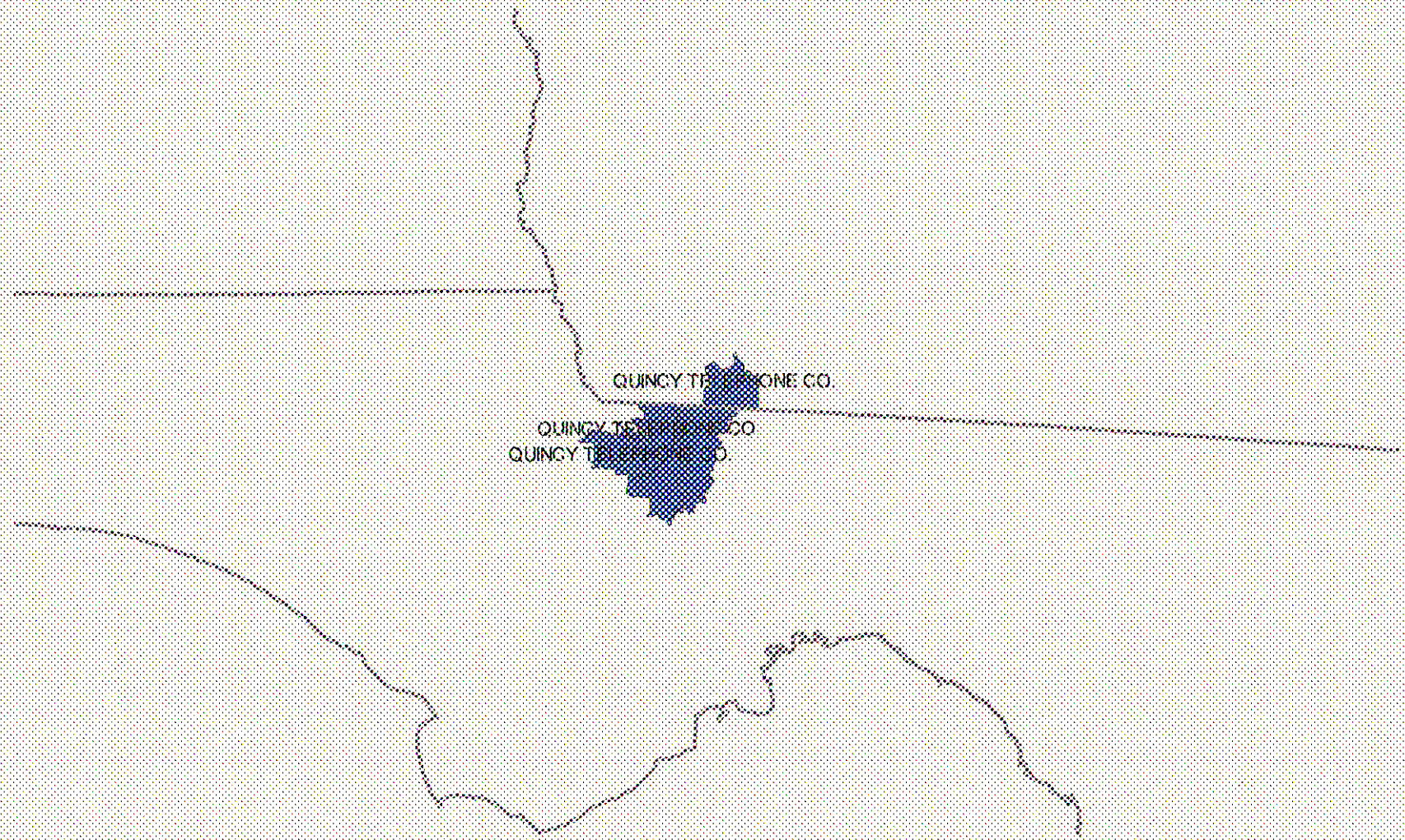


Nextel Partners
Current and Approved Coverage



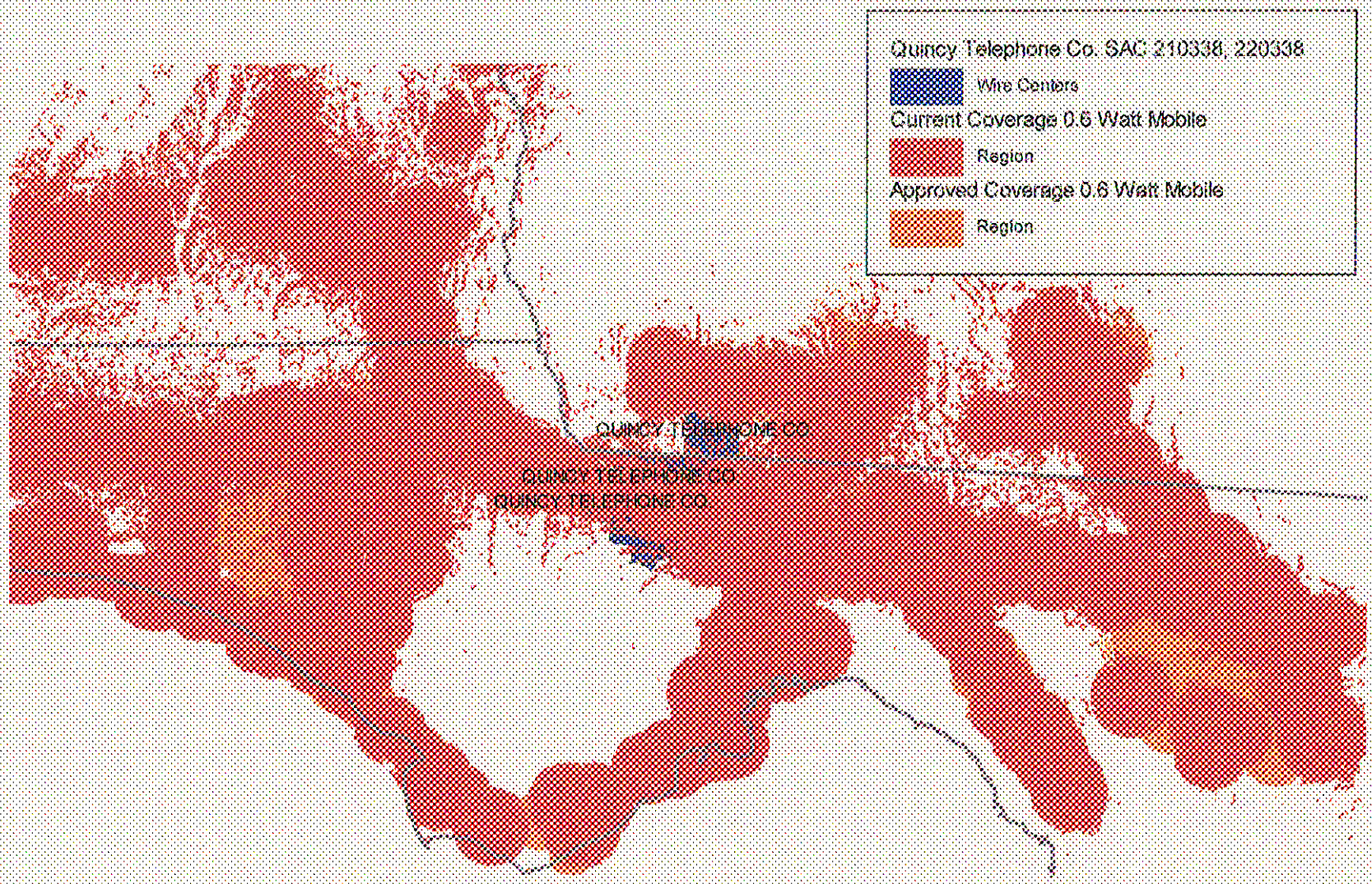
Quincy Telephone – FL and GA

SAC 210338 and 220338



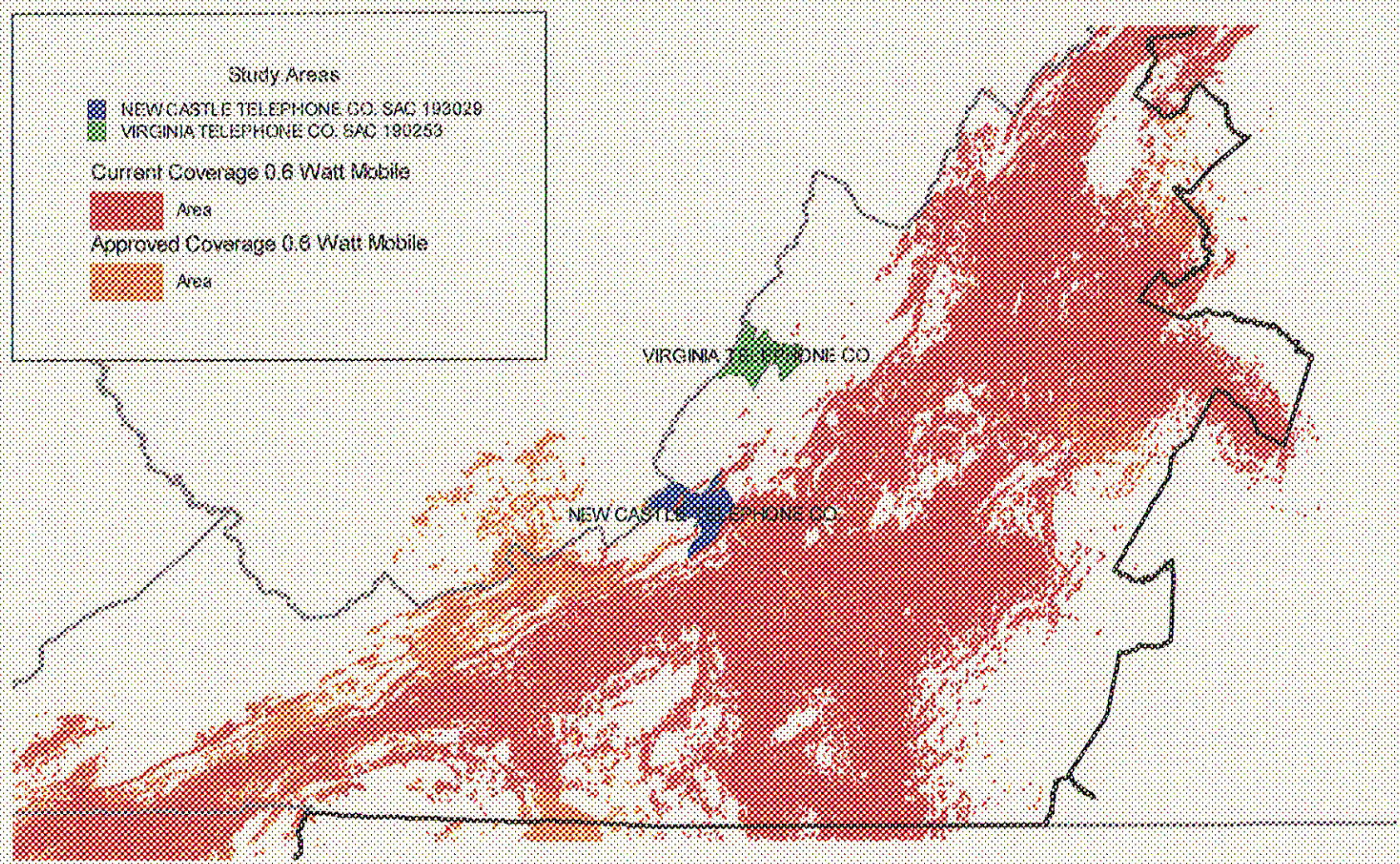
Nextel Partners

Current and Approved Coverage



Virginia Study Areas

Nextel Partners
Current and Approved Coverage



Current Coverage Assumes 0.6 Watt Mobile