

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Wireline Competition Bureau Initiates)	DA 06-54
Proceeding to Consider Petitions to)	
Redefine Certain Rural Telephone)	
Company Service Areas in the State)	
Of Iowa)	

REPLY COMMENTS OF MIDWEST WIRELESS IOWA, L.L.C.

Midwest Wireless Iowa, L.L.C. (“Midwest”) hereby replies to comments submitted by the Iowa Utilities Board (“IUB”) and RSA 7 Limited Partnership, Iowa 8 – Monona Limited Partnership, and Iowa RSA 10 General Partnership (“Iowa RSAs 7, 8 & 10”) regarding the requests by Midwest and Iowa RSAs 7, 8 & 10 for FCC concurrence in redefining the service areas of Iowa rural incumbent local exchange carriers (“LECs”) pursuant to Section 54.207(c) of the FCC’s rules.¹ On January 12, 2006, the FCC initiated a proceeding to consider both petitions.²

¹ Midwest Wireless Iowa, L.L.C., Petition For Commission Agreement In Redefining The Service Areas Of Rural Telephone Companies In Iowa, CC Docket No. 96-45 (filed Dec. 12, 2005) (“Midwest’s Petition”); Petition of RSA 7 Limited Partnership, Iowa 8 – Monona Limited Partnership, and Iowa RSA 10 General Partnership, CC Docket No. 96-45 (filed Sept. 30, 2005) (“Iowa RSAs’ Petition”).

² *Public Notice*, “Wireline Competition Bureau Initiates Proceeding to Consider Petitions to Redefine Certain Rural Telephone Company Service Areas in the State of Iowa,” DA 06-54 (rel. Jan. 12, 2006).

In its reply comments, Midwest noted the lack of any opposition to its petition for FCC concurrence.³ Midwest also noted that its Petition is supported by the IUB.⁴ Following the FCC's initiation of a proceeding, the date for initial comments has come and gone, once again with no comments in opposition. When considered with the initial and reply comment dates for Midwest's Petition and the Iowa RSAs' Petition, there have now been *five* opportunities for comment with not a single argument in the record against either of the requests for FCC concurrence. Midwest is unaware of any other case in which the FCC held up a grant of concurrence where a petition was unopposed and had the express support of the state commission. Here, the IUB has stated its unequivocal support on multiple occasions.

Although the *Public Notice* did not state the reasons for holding up these petitions, it appears the Commission may be seeking clarification on the nature of the IUB's wireless service area determinations and their relation to the requested redefinition. Midwest looks forward to the possibility of using this proceeding to work with FCC staff and the IUB so that both agencies may reach the mutual agreement required for redefinition to occur. Given that the FCC has acknowledged a state commission's "unique familiarity with the rural areas in question", Midwest

³ Reply Comments of Midwest Wireless Iowa, L.L.C., CC Docket No. 96-45 (filed Jan. 20, 2006) at p. 2.

⁴ *Virginia Cellular, LLC*, 19 FCC Rcd 1563, 1582 (2002).

is hopeful that this proceeding will be resolved quickly and consistent with the IUB's chosen solution for wireless ETC service areas in its state.⁵

Respectfully submitted,



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⁵ See Petition by RSA 7 Limited Partnership et al., CC Docket No. 95-45, Comments of the Iowa Utilities Board (filed Oct. 28, 2005) at p. 2; Reply Comments of Midwest Wireless Iowa, L.L.C. (filed Nov. 14, 2005) at pp. 2-3.