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January 17, 2008

VIA ELECTRONIC FILING

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

Re: Notice of Oral *Ex Parte* Communications:

**WC Docket No. 05-337 – High Cost Universal Service Support for
Competitive Eligible Telecommunications Carriers (“CETCs”)**

PS Docket No. 07-287 – The Commercial Mobile Alert System

PS Docket No. 07-114 – Wireless E911 Location Accuracy Requirements

**Docket No. 05-265 - Reexamination of Roaming Obligations of CMRS
Providers**

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 oral *ex parte* presentations in connection with the above-captioned proceedings. The presentations occurred on January 16, 2008 in a meeting with Commissioner Robert M. McDowell and Legal Advisors Angela E. Giancarlo and John W. Hunter.

Attending the meeting on behalf of Rural Cellular Association (“RCA”), in addition to the undersigned, were Eric C. Peterson, Executive Director of RCA, and Arthur L. Prest of Arthur L Prest & Associates. We discussed positions presented in RCA's comments in each docket and as supplemented below.

Regarding the Universal Service Fund (“USF”) proceeding, there have been press reports that indicate the Commission is considering imposing a cap on high cost USF support payable to

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CETCs. RCA opposes a cap on USF support to CETCs. A cap is unnecessary considering the marginal growth in high cost disbursements relative to the overall size of the fund and wireless carriers' contributions to the fund, and it would be counterproductive to the efforts of rural wireless carriers to extend and improve wireless services in rural areas. Further, if applied on a state-by-state basis, CETCs in various states where an insignificant amount of high cost support has been provided as of any arbitrarily selected cut-off date would be impacted in a discriminatory manner.

With regard to rules for a Commercial Mobile Alert System, we referred to the 2006 "SAFE Port Act" and, in particular, Title VI of that legislation known as the "Warning, Alert, and Response Network Act" otherwise known as the "WARN Act." Section 602(a) thereof requires the Federal Communications Commission to "...complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of ... [the Commercial Mobile Service Alert] Advisory Committee necessary to enable commercial mobile service alerting capability for commercial mobile service providers that voluntarily elect to transmit emergency alerts" [emphasis added].

Art Prest was a member of the Advisory Committee and explained during the *ex parte* presentation that the Advisory Committee devoted a substantial amount of time and discussion to the issue of the level of geographic specificity for wireless emergency alerts. The Advisory Committee concluded that, at least at this time, due to technical feasibility limitations, it would not recommend that the FCC adopt standards for emergency alerts to be provided to areas smaller than counties. RCA asks that the Commission take note of the statutory limitation on its authority to adopt rules in this matter and avoid adopting rules that require wireless service providers (who elect to transmit emergency alerts) to provide alerts to areas smaller in size than counties. Otherwise, many wireless service providers who might elect to participate in the program are not likely to participate and the purpose of the program -- to inform the public of emergencies through wireless devices -- will not be met. RCA plans to participate in the upcoming comment cycle and indicate support for the Advisory Committee's recommendations.

Regarding the E-911 proceeding, we stated that some RCA carrier members face extraordinary challenges in attempts to comply with rules adopted September 11, 2007 concerning location accuracy. While the Commission, without any doubt, was well-intended in adopting a series of deadlines leading to carriers' achieving the required levels of accuracy at the Public Safety Answering Point ("PSAP") level by September 11, 2012, rural wireless carriers face technical and financial obstacles that appear impossible to overcome in order to meet even the first of the deadlines, on September 11, 2008, to achieve accuracy at the Economic Area ("EA") level. Many small wireless carriers are licensed to serve only a portion of one or more EAs, and would be forced to average accuracy results over areas much smaller than EAs and typically only over the most rural portions of those EAs. While the Commission probably envisioned a "sliding scale" of smaller and smaller areas for accuracy compliance over a five year period, small rural wireless carriers in particular will encounter an accuracy requirement for areas much smaller than EAs in less than nine months from this date. RCA plans to seek a stay of

the location accuracy rules and review of the rules by an appellate court. In the still-pending phase of the Commission's rulemaking on E911 location accuracy RCA requests that the Commission recognize the inherent problems faced by rural area operators and provide flexibility and possibly exceptions to the rules where there is not a commercially reasonable means for rural carriers to achieve compliance.

Pertaining to the automatic roaming proceeding, RCA asks the Commission to expand upon modifications to Section 20.12 of the Rules, adopted August 7, 2007, and require wireless carriers to provide automatic roaming as to data services at all levels, including 3G and higher, to other technologically compatible carriers on reasonable and non-discriminatory terms and conditions. The availability of data is of great importance to consumers and expansion of the rule will serve to promote competition among wireless carriers, to the direct benefit of the public.

Sincerely,

[filed electronically]

David L. Nace

cc: Commissioner Robert M. McDowell (via email)
Angela E. Giancarlo (via email)
John W. Hunter (via email)
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