

LUKAS, NACE,
GUTIERREZ & SACHS
CHARTERED

1650 TYSONS BOULEVARD, SUITE 1500
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
GEORGE L. LYON, JR.
PAMELA L. GIST
DAVID A. LAFURIA
TODD SLAMOWITZ*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS*

CONSULTING ENGINEERS
ALI KUZEKCANANI
LEILA REZANAVAZ
OF COUNSEL
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS-BROWN*

*NOT ADMITTED IN VA

Writer's Direct Dial
703-584-8661
E-Mail: dnace@fcclaw.com

May 8, 2009

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* Communication: WT Docket No. 05-265 – Further Notice of Proposed Rulemaking in the Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service 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 an oral *ex parte* presentation in connection with the above-referenced proceeding. The presentation occurred on May 7, 2009 in a meeting with Acting Chairman Michael J. Copps and the following members of his staff: Scott M. Deutchman; Jennifer Schneider; and Paul Murray.

Attending the meeting on behalf of Cellular South, Inc. ("Cellular South") were Victor H. (Hu) Meena, Carson M. Hughes and Eric Graham of Cellular South, and its representatives Charles (Chip) Pickering, Susan Butler, Mitch Rose and David Nace. It was suggested that the Commission promptly take action to extend the automatic roaming obligation to non-interconnected data services. Delay in action is detrimental to the interests of subscribers who have a reasonable expectation of access to email and broadband data services when traveling. Data roaming is needed by Cellular South to develop a viable business plan to construct 700 MHz facilities under licenses purchased in Auction No. 73 so that broadband services will be available both in the rural and small markets that Cellular South serves and in other areas where its customers travel. Delay in action threatens the ongoing viability of small and

mid-sized wireless carriers such as Cellular South.

Sincerely,

A handwritten signature in blue ink, appearing to read "David L. Nace". The signature is fluid and cursive, with a long horizontal stroke at the end.

David L. Nace

cc: Acting Chairman Michael J. Copps (by email)
Scott Deutchman (by email)
Jennifer Schneider (by email)
Paul Murray (by email)
Best Copy and Printing, Inc. (by email)