

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

TODD D. DAUBERT

DIRECT LINE: (202) 342-8602

EMAIL: tdaubert@kelleydrye.com

October 29, 2009

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: ***Notice of Ex Parte Communication,***  
**WC Docket No. 05-337, CC Docket No. 96-45**

Dear Ms. Dortch:

Yesterday, Ed Eichler of Thumb Cellular, Holly Henderson of SouthernLINC Wireless, Isaac Himowitz of Kelley Drye & Warren, and I met with Christine Kurth, Policy Director & Wireline Counsel for Commissioner McDowell, on behalf of the Universal Service for America Coalition.<sup>1</sup> Mr. Himowitz and I were able to attend the meeting in person, while Mr. Eichler and Ms. Henderson joined us via telephone. During the meeting, we discussed various issues relating to universal service, including:

- the misidentification of the Identical Support rule as the cause of the alleged problems with the universal service program;
- the importance of granting the Mobi/Cricket Petition and of providing greater clarity on how carriers should report customers to USAC that use P.O. Boxes as mailing addresses;<sup>2</sup>

---

<sup>1</sup> The USA Coalition consists of four of the nation's leading rural providers of wireless services, and is dedicated to advancing regulatory policies that will enable Americans to enjoy the full promise and potential of wireless communications, regardless of where they live and work. The members of the USA Coalition include Carolina West Wireless, Mobi PCS, SouthernLINC Wireless, and Thumb Cellular LLC.

<sup>2</sup> *Mobi PCS, Inc. and Cricket Communications, Inc. Petition Requesting the FCC to Provide Guidance to USAC*, CC Docket No. 96-45 (filed May 29, 2009).

Ms. Marlene H. Dortch

October 29, 2009

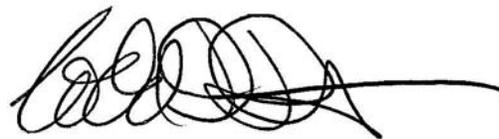
Page Two

- the need to develop clear guidelines for the enforcement of 47 C.F.R. § 54.405 which mandates Lifeline service providers advertise their supported services;<sup>3</sup>
- the need to respond to Advantage Cellular's cost-filing in a manner and in a time-frame consistent with how the Commission treats all other USF cost-filings;<sup>4</sup>
- the appropriate perspective for considering long-term universal service reform, and the importance of ensuring that any reform is technologically and competitively neutral; and
- the potential harms of establishing arbitrary requirements for USF support with respect to speed or type of service; such requirements would only inhibit the deployment of broadband and voice services in rural areas.

During our discussion, we also provided copies of the attached letter to Chairman Genachowski.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please contact the undersigned if you have any questions or need additional information.

Respectfully submitted,



Todd D. Daubert  
*Counsel for the USA Coalition*

cc: Christine Kurth

---

<sup>3</sup> *Comment Sought on Request for USF Policy Guidance Requested by the USAC, WC Docket Nos. 05-337, 06-122, CC Docket No. 96-45, DA 09-2117 (rel. Sep. 28, 2009).*

<sup>4</sup> *Comment Sought on Advantage Cellular Systems, Inc., Request for Cost-Based High-Cost Universal Service Support, WC Docket No. 05-337, CC Docket No. 96-45, DA 09-1563 (rel. Jul. 21, 2009).*