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December 3, 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 Carriers and Handset Manufacturers

WC Docket No. 05-337 – High Cost Universal Service Support

GN Docket No. 09-51 – A National Broadband Plan for our Future

GN Docket No. 09-137 - Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to section 706 of the Telecommunications Act

WT Docket No. 09-66 - Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless including Commercial Mobile Services

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 proceedings. The presentation occurred on December 2, 2009 in a meeting with Commissioner Mignon Clyburn and Louis Peraertz, Acting Legal Advisor to Commissioner Clyburn. Attending the meeting on behalf of Cellular South, Inc. were Victor H. (Hu) Meena, President and CEO, Eric Graham, Vice President, Government Relations, Kevin Joseph and David Nace.

Mr. Meena commented on issues before the Commission that will determine whether there will be competition in wireless services beyond the two largest service providers. As of the end of the third quarter of 2009, the two largest wireless service providers were responsible for approximately 85% of the net subscriber additions in the wireless industry during 2009 based upon information released by the nine largest carriers and compiled by Cellular South.

Mr. Meena referred to an illustration of four pillars of a structure representing the goal of nationwide broadband service. Resolution of each of the four issues in a manner that promotes wireless competition is of equal importance to a National Broadband Plan.

First, Cellular South asks that the Commission promptly take action to require that carriers with compatible technologies enter into automatic roaming agreements that include non-interconnected data services. Delay in action is detrimental to subscribers who have a reasonable expectation of access to email and broadband data services when traveling outside the service area of regional and smaller carriers.

Second, exclusive handset arrangements impede competition among wireless carriers to the detriment of the public, and the arrangements threaten the ongoing viability of small and mid-sized wireless carriers such as Cellular South. Consumers should be able to obtain and use the devices of their choice on any wireless network that is technically compatible. Consumers want access to content and applications that have been developed specifically for certain handsets and should be permitted to acquire those handsets without going to one of the largest carriers that has used market power to tie up devices in exclusive arrangements.

Third, reform of the Universal Service program to allow eligible telecommunications carriers to use high-cost support for broadband services is a much needed step toward achieving nationwide availability of broadband services.

Fourth, with regard to devices to operate on 700 MHz spectrum, Cellular South asks the Commission to act favorably on a Petition for Rulemaking, filed September 29, 2009, to require that mobile devices for the 700 MHz bands be capable of operating on all commercial paired frequency blocks. As a licensee of Lower Block A spectrum, Cellular South has learned that AT&T, as the predominant holder of Lower Blocks B and C spectrum, is working with vendors for the production of customer equipment that does not include the adjacent Lower Block A. If AT&T and Verizon Wireless do not pursue design of customer equipment with Lower Block A at this early stage in the planning for 700 MHz services, there will not be affordable equipment available for Lower Block A licensees such as Cellular South and various Designated Entities to make available to the public. This matter is urgent because there is roughly an 18-24 month design and production cycle for the customer equipment. In addition, Lower Block A equipment must be designed for purchase in large quantities so that any costs for filters to minimize interference with adjacent TV channel 51 will be nominal. Without economies of scale in equipment consumers will not benefit from the potential of Lower Block A and the potential for competition in the 700 MHz bands will not be realized.

When cellular systems were first deployed, the Commission's rules required that mobile equipment operate on all 666 channels (i.e., both cellular Blocks A and B) as a necessary measure "...to insure full coverage in all markets and compatibility on a nationwide basis." Cellular Communications Systems, 86 FCC 2d 469, 482 (1981). Cellular South and other Lower Block A petitioners ask the Commission to adopt a similar rule as to 700 MHz mobile devices and, to guard against immediate harm, to suspend the authorization of equipment that does not include Lower Block A.

Sincerely,

A handwritten signature in blue ink, appearing to read "David L. Nace".

David L. Nace

Cc via email:

Commissioner Mignon Clyburn
Louis Peraertz
Best Copy and Printing, Inc.