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*NOT ADMITTED IN VA

March 4, 2010

VIA ELECTRONIC FILING

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

Re: GN Docket No. 09-51
RM-11497

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide you with notice of an oral ex parte presentation in connection with the above-captioned proceedings. On Wednesday March 3, 2010, undersigned counsel, on behalf of Smith Bagley, Inc. ("SBI"), met with Commissioner Copps and Jennifer Schneider in the Commissioner's office.

We discussed possible FCC outreach efforts for tribal lands in the upcoming national broadband plan and in upcoming rulemaking proceedings. In particular, we discussed challenges in, (1) promoting programs to educate tribal members as to the usefulness of broadband, and (2) breaking the cost barriers to deploy computers and mobile broadband devices on tribal lands.

We also discussed the need to have an enhanced Lifeline subsidy for broadband on tribal lands, similar to the present program for voice, so as to provide consumers with affordable service and to provide an incentive for carriers to extend service and participate in the above-referenced outreach efforts.

We also discussed the extraordinary difficulty that SBI and some other rural carriers are having in accessing high-end handsets that consumers are increasingly demanding. The lack of handsets and exclusive arrangements entered into by the largest carriers is a significant

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marketplace disadvantage for small rural carriers, who are often the only ones providing high-quality coverage beyond the major towns and highways. This problem is exacerbating the digital divide for rural areas that seek to attract users of advanced technology and businesses that depend on it.

A copy of our presentation slides is enclosed.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,



David A. LaFuria

Enclosure

cc: Hon. Michael J. Copps
Jennifer Schneider, Esq.