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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: WC Docket No. 05-337
RM-11529

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 Jennifer McKee, Amy Bender, Gina Spade, Theodore Burmeister, Beth McCarthy, and Alexander Minard of the Wireline Competition Bureau, as well as Michael Connelly of the Consumer and Governmental Affairs Bureau.

We discussed SBI's petition to increase Tier 4 support on tribal lands, as well as its request for the Commission to exempt the Eastern Navajo Agency from the interim cap on competitive local exchange carriers. Our discussion tracked SBI's filings in the relevant docket. SBI requested that these petitions be given priority among various universal service reform matters as they relate exclusively to tribal citizens' ability to access Lifeline benefits and to have the benefit of increased infrastructure investment on tribal lands.

SBI explained that any increase in high-cost support as a result of the Eastern Navajo Agency waiver request would correspondingly increase its build-out of new cell sites on tribal lands, benefitting subscribers living in unserved and underserved areas. SBI also explained that if it invests in such areas and is unsuccessful in attracting new customers, then it will not gain support. Finally, SBI noted that there are a substantial number of new projects that could be

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commenced if funding were increased, thereby eliminating the possibility of a windfall to the company.

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: Jennifer McKee, Esq.
Amy Bender, Esq.
Gina Spade, Esq.
Theodore Burmeister, Esq.
Beth McCarthy, Esq.
Alexander Minard, Esq.
Michael Connelly, Esq.