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June 3, 2010

## VIA ELECTRONIC FILING

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

Re: *Applications of Cellco Partnership d/b/a Verizon Wireless and  
Atlantis Holdings LLC for Consent to Transfer Control of Licenses,  
Authorizations, and Spectrum Manager and De Facto Transfer  
Leasing Arrangements*  
WT Docket No. 08-95  
File Nos. 0003463892 *et al.*, ITC-T/C-20080613-00270 *et al.*

*Applications of Sprint Nextel Corp. and Clearwire Corp. for Consent  
to Transfer Control of Licenses, Leases, and Authorizations*  
WT Docket No. 08-94  
File Nos. 0003462549 *et al.*

*Appeal of USAC Decision by Corr Wireless Communications, LLC*  
CC Docket No. 96-45  
WC Docket No. 05-337

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 June 2, 2010, undersigned counsel, on behalf of the Alliance of Rural

CMRS Carriers<sup>1</sup> (“ARC”) met with Sharon Gillett, Lisa Gelb, Theodore Burmeister, Amy Bender, and Alexander Minard of the Wireline Competition Bureau (“WCB”) and Zachary Katz, Deputy Chief of the Office of Strategic Planning and Policy Analysis, concerning the implementation of the voluntary merger commitments by Verizon Wireless and Sprint Nextel to phase down their high-cost support over five years.

At the meeting, undersigned counsel presented positions consistent with those taken in ARC’s previous filings in the referenced dockets. Counsel also emphasized that, in the event the Commission decides to hold a rulemaking proceeding to resolve outstanding issues connected with the merger conditions as they relate to the Interim Cap, any rules adopted in such a proceeding must apply only as of the effective date of the order adopting the rules.

In addition, counsel distributed copies of the enclosed map demonstrating the extent to which rural areas remain underserved and the urgent need to ensure such areas receive the full amount of support to which they are entitled under the *Interim Cap Order*.

Finally, ARC would like to respond briefly to the ex parte letter Verizon Wireless submitted today under the same docket numbers. ARC notes that the approach Verizon Wireless advocates—phasing down support after calculating Verizon Wireless’ capped support based on its “actual line count filings”—would contradict the plain language of the *Merger Order*. According to that order, the Verizon Wireless’ support must be reduced “in equal 20 percent increments annually” until it reaches zero in the fifth year.<sup>2</sup>

While it is not surprising that Verizon Wireless would want its support to be allowed to float upwards in order to maximize the cap impacts to its competitors, this approach is not permissible under the *Merger Order*. If the phase-down is recalculated each year from an increased Verizon Wireless support amount based on its actual line counts, the amount of the reduction would increase each year, contrary to the “equal increments” required by the order. The only way to reduce its support each year in equal 20% increments is to use amount of support received at the start of the five-year period. Therefore, all phase-down and cap calculations during the phase-down period must be indexed to the amount Verizon Wireless was eligible to receive in January 2009. Any line counts Verizon Wireless filed for subsequent time periods are irrelevant to the calculations.

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

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<sup>1</sup> The following ARC members were represented at the meeting: NE Colorado Cellular, Inc. d/b/a Viaero Wireless, Cellular South, Inc., Smith Bagley, Inc., and MTPCS, LLC d/b/a Cellular One.

<sup>2</sup> *Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC*, 23 FCC Rcd 17444, 17532 (2008) (“*Merger Order*”).

Marlene H. Dortch, Secretary

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Sincerely,

A handwritten signature in black ink, appearing to read "David LaFuria".

David LaFuria  
John Cimko  
Steven Chernoff

Enclosures

cc: Sharon Gillett, Esq.  
Lisa Gelb, Esq.  
Theodore Burmeister, Esq.  
Amy Bender, Esq.  
Alexander Minard, Esq.  
Zachary Katz, Esq.