

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
BROOKS E. HARLOW\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*  
JEFFREY A. MITCHELL  
ROBERT S. KOPPEL\*

\*NOT ADMITTED IN VA

October 21, 2011

## 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. 10-90, 07-135, 05-337, and 03-109  
GN Docket No. 09-51, CC Docket No. 01-92 and 96-45**

Madam Secretary:

Undersigned companies submitted a letter on October 20, 2011 expressing serious procedural concerns in light of the ex parte letter filed by the Wireline Competition Bureau (“Bureau”) on the evening of October 19, 2011 (“Bureau Letter”). The Bureau Letter purported to provide substantive information on the state of mobile wireless deployment in the United States based on staff analysis without providing any actual information. On behalf of the undersigned companies, we write to memorialize counsel’s good faith efforts to obtain information underlying the staff analysis referred to in the Bureau Letter so that undersigned companies could attempt to provide a meaningful response before the close of the Sunshine Period.

These efforts consisted of visiting the offices of the Bureau at 445 12<sup>th</sup> St., S.W., in Washington, D.C. to make an in-person request for documents or other information underlying the Bureau Letter. We conferred directly with Bureau Chief Kirk Burgee regarding the matter and specifically requested copies of the American Roamer maps and data, lists of the 17 wireless eligible telecommunications carriers (“ETCs”), “qualified census tracts”, and “qualified Study Areas” referenced in the Bureau Letter, and the underlying calculations supporting the \$45 million estimate mentioned in the Bureau Letter for the 17 wireless ETCs in 2010. At Mr. Burgee’s request, we followed up our verbal request with an e-mail listing the requested materials. While Mr. Burgee indicated a desire to try to accommodate at least some portion of

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our request, as of 4:30 PM October 21, 30 minutes before the close of the Sunshine Period, no responsive information has been forthcoming from the Bureau.

We repeat our concern that the Bureau's introduction of such a complex analysis that appears relevant to the substantive outcome of the proceeding is objectionable and violates the letter and spirit of the Administrative Procedure Act.

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

Allied Wireless Communications Corporation  
Commnet Wireless, LLC  
C Spire Wireless  
MTPCS, LLC d/b/a Cellular One  
NE Colorado Cellular, Inc., d/b/a Viaero Wireless  
Nex-Tech Wireless, LLC  
PR Wireless d/b/a Open Mobile  
United States Cellular Corporation



By: \_\_\_\_\_  
David A. LaFuria  
Their Counsel