

# 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\*  
MARC A. PAUL\*

\*NOT ADMITTED IN VA

DL: (703) 584-8666  
SC: (703) 584-8670  
TS: (703) 584-8673  
dlafuria@fcclaw.com  
schernoff@fcclaw.com  
tslamowitz@fcclaw.com

June 29, 2012

## VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A306  
Washington, DC 20554

## VIA E-MAIL

Karen Majcher  
VP, High Cost & Low Income Div.  
USAC  
2000 L Street, NW, Suite 200  
Washington, D.C. 20036

### **Re: Connect America Fund, WC Docket No. 10-90 Report for Services Provided in the State of Arizona**

Dear Secretary Dortch:

On behalf of Smith Bagley, Inc. (“SBI”), (SACs 459001 and 459002) a wireless service provider designated as an Eligible Telecommunications Carrier by the Arizona Corporation Commission (“ACC”), we hereby confirm that SBI is not subject to state reporting requirements that would trigger an annual ETC report as specified by the Wireline Competition Bureau and the Wireless Telecommunications Bureau in the *CAF Clarification Order* (“July 2 Report”).<sup>1</sup>

---

<sup>1</sup> *Connect America Fund, WC Docket No. 10-90, et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012) (“*CAF Clarification Order*”).

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
June 29, 2012  
Page 2

Specifically, we confirm the following with respect to each of the five requirements that are the subject of the July 2 Report:

- 1) **47 C.F.R. § 54.313(a)(2) - outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area or affect a 911 special facility.**

SBI is not required to report this information under applicable ACC rules and orders.

- 2) **47 C.F.R. § 54.313(a)(3) - The number of requests for service from potential customers within the recipient's service areas that were unfulfilled during the prior calendar year.**

SBI is not required to report this information under applicable ACC rules and orders.

- 3) **47 C.F.R. § 54.313(a)(4) – The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year.**

SBI is not required to report this information under applicable ACC rules and orders.

- 4) **47 C.F.R. § 54.313(a)(5) – Certification that it is complying with applicable service quality standards and consumer protection rules.**

SBI is not required to file such a certification under applicable ACC rules and orders.

- 5) **47 C.F.R. § 54.313(a)(6) – Certification that the carrier is able to function in emergency situations as set forth in §54.202(a)(2).**

SBI is not required to file such a certification under applicable ACC rules and orders.

In accordance with the Commission's orders, SBI is not required to file a July 2 Report.<sup>2</sup>

---

<sup>2</sup> See *id.* at 608; see also *Connect America Fund*, WC Docket No. 10-90 et al., *Third Order on Reconsideration*, FCC 12-52 (rel. May 14, 2012) at ¶ 6 (“...we do not expect state-designated ETCs to report to the Commission information in their 2012 filing that they were not previously required to collect.”)

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
June 29, 2012  
Page 3

Please contact the undersigned at 703-584-8670 if any questions arise with regard to the foregoing.

Sincerely,

/s/ Steven M. Chernoff

David A. LaFuria  
Steven M. Chernoff  
Todd Slamowitz

Attorneys for:  
*Smith Bagley, Inc.*