

LAW OFFICES
BLOOSTON, MORDKOFKY, DICKENS, DUFFY & PRENDERGAST, LLP

2120 L STREET, NW
WASHINGTON, DC 20037

(202) 659-0830
FACSIMILE: (202) 828-5568

HAROLD MORDKOFKY
BENJAMIN H. DICKENS, JR.
JOHN A. PRENDERGAST
GERARD J. DUFFY
RICHARD D. RUBINO
MARY J. SISK
D. CARY MITCHELL
SALVATORE TAILLEFER, JR.

ARTHUR BLOOSTON
1914 – 1999

April 4, 2013

AFFILIATED SOUTH AMERICAN OFFICES

ESTUDIO JAUREGUI & ASSOCIATES
BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON
OF COUNSEL

PERRY W. WOOFER
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ
DIRECTOR OF ENGINEERING
PRIVATE RADIO

WRITER'S CONTACT INFORMATION

202-828-5540

jap@bloostonlaw.com

Filed Electronically Via ECFS

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Notice of Ex Parte Meeting*
Mobility Fund Phase II

WC Docket No. 10-90
GN Docket No. 09-51
WC Docket No. 07-135
WC Docket No. 05-337
CC Docket No. 01-92
CC Docket No. 96-45
WC Docket No. 03-109
WT Docket No. 10-208

Dear Ms. Dortch:

On Tuesday, April 2, 2013, John Prendergast and Mary Sisak of the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP (on behalf of the “Blooston Rural Carriers”), attended meetings with the following FCC Wireless Telecommunications Bureau personnel: Margaret Wiener, Sue McNeil, Craig Bomberger, Martha Stancill and Sayuri Rajapakse. Ms. Sisak and Mr. Prendergast presented the information set forth in the attached summary of concerns regarding the Commission’s proposed rules for the Mobility Fund Phase II proceeding, and information reflected in the Blooston Rural Carriers’ January 18, 2012 Comments, February 17, 2012 Reply Comments and December 21, 2012 Comments in the above-referenced proceedings. A copy of the December 21, 2012 Comments that are already in the record of the above proceedings was left with meeting participants.

Consistent with section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206, one copy of this notice is being filed electronically and in native format in the above-captioned proceeding. Please direct any questions concerning the above matter to the undersigned at (202) 828-5540.

Sincerely,

/s/

John A. Prendergast

cc: Margaret Wiener
Sue McNeil
Craig Bomberger
Martha Stancill
Sayuri Rajapakse

BLOOSTON RURAL CARRIERS' MOBILITY FUND PHASE II CONCERNS

The following summarizes matters that were discussed at the April 2, 2012 ex parte meeting. The Blooston Rural Carriers ask the Commission to take into consideration all of the matters raised in their Comments and Reply Comments in this proceeding, but wish to amplify the concerns reflected below:

- The Commission must provide the parameters for the Mobility Fund Phase II award process as soon as practicable.
 1. Potential applicants must know the eligible unserved areas to formulate their business plans and bids.
 2. State regulatory commissions may not be willing to proceed with issuance of the required ETC designation, even on a conditional basis, until the Phase II rules and map are issued.
 3. Depending on the parameters for the Mobility Fund Phase II process, including whether Applicants will be required to build out based on census tracts but only receive support for census blocks and whether the FCC again grants forbearance of the requirement to serve the entire rural LEC study area or seek redefinition, Applicants will need more time after an order is released and before the short form is due to evaluate the areas for which they can bid and obtain required regulatory ETC designation and approvals.
- Adequate time must be provided between (1) the issuance of the rules and eligible areas map and (2) the short form filing deadline to allow state regulatory commissions to conduct an ETC hearing and issue a conditional designation.
- Adequate time must be provided for the evaluation of eligible areas, and filing of challenges. In Phase I, the evaluation and challenge time was not long enough.
- The Commission should allow bidding on census blocks or collections of census blocks, up to a Census Tract, because the minimum Census Tract size used in the Phase I auction prevented a number of rural carriers with partitioned licenses from participating.
- The Commission should allow sufficient time, and provide sufficient underlying data without cost to small entities, to allow potential bidders to accurately calculate the unserved status of eligible areas and road miles (or other measure ultimately adopted for Phase II) within “eligible” areas. In the Phase I proceeding confusion about calculation of road miles hindered participation.