

February 18, 2014

FILED VIA ECFS

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

**Re: *Ex Parte* Notification
Mandatory Data Collection in Special Access Proceeding
WC Docket No. 05-25**

Dear Ms. Dortch:

On behalf of the Small Purchasers Coalition (“Coalition”)¹, David A. LaFuria and Robert S. Koppel met separately on February 12, 2014 with (1) Nicholas Degani, Legal Advisor to Commissioner Pai, (2) Amy Bender, Legal Advisor to Commissioner O’Rielly, and (3) Rebekah Goodheart, Legal Advisor to Commissioner Clyburn. On February 18, 2014, Messrs. LaFuria and Koppel met separately with (1) Christianna Barnhart, Acting Legal Advisor to Commissioner Rosenworcel, and (2) Daniel Alvarez, Legal Advisor to Chairman Wheeler, and Kalpak Gude, Betsy McIntyre, William Layton, Deena Shetler, Jamie Susskind, and Eric Ralph of the Wireline Competition Bureau.

The discussion focused on the enclosed talking points and on the specific data reporting requirements imposed on CMRS carriers that purchase special access facilities (a highlighted version of which was distributed at the meetings and is enclosed herewith).

We also discussed specific proposals for streamlining the data reporting requirements to better align the data needs of the FCC with the capabilities of Small Purchasers to produce such information in a timely and accurate manner, without facing an unreasonable and unnecessary burden. We reiterated that providers will be responding to the same data requests as purchasers – and as a result, Small Purchasers should only be required to provide the minimum data necessary for the FCC to cross-check the data submitted by providers. We advised that Small

¹ The Coalition is comprised of the following small wireless carriers: Carolina West Wireless, Inc., Cellular Network Partnership, an Oklahoma Limited Partnership d/b/a Pioneer Cellular (“Pioneer Cellular”), Cellular Properties, Inc. d/b/a Cellular One of East Central Illinois (“Cellular One of East Central Illinois”), Cross Telephone, L.L.C. (“Cross Telephone”), East Kentucky Network, LLC d/b/a Appalachian Wireless (“East Kentucky Network”), Illinois Valley Cellular RSA 2-I and Illinois Valley Cellular, RSA 2-II Partnership, d/b/a Illinois Valley Cellular (“Illinois Valley Cellular”), N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Nex-Tech Wireless, LLC (“Nex-Tech Wireless”), Pine Cellular Phones, Inc., Smith Bagley, Inc. (“Smith Bagley”) and Union Telephone Company d/b/a Union Wireless (“Union Wireless”).

Purchasers would not object to providing the following data: (1) the geographic coordinates of the cell site or facility being provided with special access; (2) the data capacity of the special access facility; (3) the provider; and (4) the monthly cost. We further advised that collecting this data for 2010 would be extremely difficult, that providing this data for 2012 would be less difficult, and that providing this information as of the date of the data collection would not be difficult.

In general, we noted that this proposal was largely consistent with the data request set forth in Section II.E.2. However, we urged the FCC to delete any requirement for CMRS providers to submit “the CLLI code of the incumbent LEC wire center that serves the cell site,” advising that each cell site would have to be plotted on specialized software to obtain this data, and that this data provided little, if any, incremental information beyond the other data set forth in Section II.E.2.

In the alternative, we suggested that the FCC should rely on sampling if it still seeks to collect from Small Purchasers the extensive data set forth elsewhere in Section E, including the expenditures information set forth in Sections II.E.3, 4, 5, 6, 7 and 8.

Please contact the undersigned if you have any questions.

Respectfully submitted,



David A. LaFuria
Robert S. Koppel

Counsel for the Small Purchasers Coalition

Enclosures

cc (w/enclosures, via e-mail):

Nicholas Degani
Amy Bender
Rebekah Goodheart
Christianna Barnhart
Daniel Alvarez
Kalpak Gude
Betsy McIntyre
William Layton
Deena Shetler
Jamie Susskind
Eric Ralph