

8300 Greensboro Dr.
Suite 1200
McLean, VA 22102

(703) 584-8666
WWW.FCCLAW.COM

LNGS | LUKAS,
NACE,
GUTIERREZ
& SACHS, LLP

September 22, 2014

VIA HAND DELIVERY

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

Re: Cellular South Licenses, LLC d/b/a C Spire
WC Dockets No. 10-90, 14-58, and 07-135;
CC Docket No. 01-92; WT Docket No. 10-208

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 September 18, 2014, Ben Moncrief and undersigned counsel, on behalf of C Spire Wireless ("C Spire") met with Amy Bender in Commissioner O'Rielly's office, Nicholas Degani in Commissioner Pai's office, Louis Paraertz and Rebekah Goodheart in Commissioner Clyburn's office, Patrick Halley, Alexander Minard, Michael Janson, Eliot Maenner and Margaret Wiener.

In our meetings, we discussed C Spire's long-term investments in wireless infrastructure in Mississippi using legacy high-cost support, and how such investments have improved service for rural citizens. C Spire provided information on individual and collective cell site profitability in areas where federal high-cost support was used to build facilities. C Spire also challenged the notion that 99.5% of Americans have access to mobile broadband, pointing out among other things that the Commission's data includes areas served by 3G, which is not a mobile broadband technology capable of delivering reliable 4/1 service. Finally, C Spire urged the Commission to consider alternatives for distributing support in Mobility Fund Phase II, including the use of a cost model or a voucher system.

A copy of our presentation materials, including redacted cost data, is enclosed. Unredacted data is being submitted separately under seal. Below, C Spire sets forth its request for confidential treatment of its cost data.

Request for Confidential Treatment.

C Spire asks the Commission to provide confidential treatment of its cost data enclosed herewith. In support of this request, the following is respectfully shown:

Information for which confidential treatment is sought

C Spire requests that cost data information in the enclosure be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. The information designated as confidential contains commercially sensitive business data concerning the expenses associated with operating C Spire's cell sites, as well as the extent to which sites are profitable, that would be very valuable to C Spire's present and future competitors. C Spire treats this information as highly confidential and does not share it in any public forum.

The enclosed document is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**" Release of the information would have a substantial negative impact on C Spire since it would provide competitors with commercially sensitive information.

Commission proceeding in which the information was submitted

The information in the cost data document was submitted to Commission personnel in an ex parte meeting in the above-captioned proceedings.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The cost data information is competitively sensitive commercial information which is not normally released to the public as such release would have a substantial negative competitive impact on C Spire.

Degree to which the information concerns a service that is subject to competition and manner in which disclosure of the information could result in substantial harm

The release of the confidential and proprietary cost data information would cause C Spire competitive harm by allowing its current and potential competitors to become aware of the costs of operating individual cell sites on C Spire's network, and the degree of profitability of those sites.

Measures taken to prevent unauthorized disclosure and availability of the information to the public and extent of any previous disclosures of the information to third parties

C Spire has treated and continues to treat cost data information as confidential and has protected it from public disclosure to parties outside of the company. C Spire has never provided the enclosed information to any third party.

Justification of the period during which C Spire asserts that the material should not be available for public disclosure

C Spire cannot determine at this time any date on which this information should not be considered confidential.

Other information C Spire believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission decisions, C Spire's cost data information should be withheld from public disclosure. The Commission's request to view this information is entirely reasonable, however C Spire would never provide it to any outside party without the assurance that its present and future competitors would not have access to it.

If this request for confidentiality is denied, then it is hereby requested, pursuant to 47 C.F.R. § 0.459(e), that the Commission return to C Spire each copy of the enclosed document without consideration.

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

Sincerely,



David A. LaFuria
Counsel for Cellular South Licenses, LLC

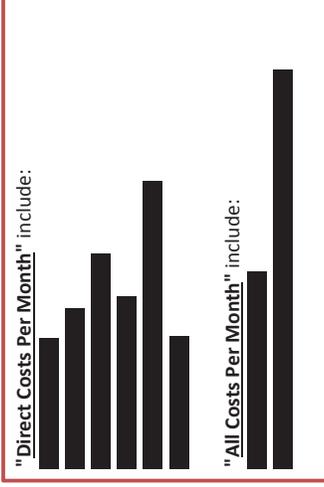
Enclosures

cc: Amy Bender
Nicholas Degani
Louis Peraertz
Rebekah Goodheart
Patrick Halley
Alex Minard
Michael Janson
Eliot Maenner
Margaret Wiener

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
MPL 0070				
MPL 0088				
MPL 0597				
JLT 0239				
MPL 0129				
MPL 0104				
MPL 0024				
MPL 0063				
MPN 0272				
MPL 0067				
MPL 0127				
MPL 0065				
JLT 0375				
MPL 0537				
JLT 0386				
MPN 0290				
MPN 0310				
MPL 0115				
MPL 0073				
MPL 0346				
MPL 0204				
JLT 0295				
MPL 0435				
MPL 0126				
MPL 0118				
JLT 0222				
JLT 0476				
JLT 0357				
JLT 0169				
MPL 0244				
MPL 0113				
MPL 0268				
MPN 0231				
MPL 0209				
MPN 0342				
MPN 0306				



Total monthly OpEx of unprofitable USF sites: [REDACTED]

Monthly OpEx of unprofitable sites, including only Direct Costs: [REDACTED]

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
MPL 0020				
JLT 0387				
JLT 0482				
MPL 0197				
MPL 0516				
MPL 0436				
MPL 0514				
MPL 0083				
JLT 0153				
JLT 0719				
MPL 0175				
MPL 0536				
MPN 0210				
MPL 0037				
MPL 0086				
MPL 0185				
JLT 0055				
JLT 0383				
MPL 0194				
MPN 0374				
JLT 0024				
MPL 0111				
MPL 0182				
MPL 0486				
MPL 0068				
JLT 0425				
MPL 0589				
MPL 0203				
MPL 0180				
JLT 0433				
MPL 0464				
JLT 0299				
MPN 0346				
MPN 0351				
JLT 0267				
MPL 0276				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0285				
JLT 0209				
JLT 0313				
JLT 0505				
JLT 0162				
JLT 0189				
MPL 0192				
JLT 0124				
JLT 0191				
MPL 0195				
JLT 0131				
MPL 0302				
MPL 0181				
MPL 0341				
MPL 0141				
JLT 0370				
JLT 0377				
JLT 0378				
MPL 0348				
MPL 0510				
MPL 0123				
MPN 0233				
JLT 0390				
MPN 0201				
MPL 0082				
JLT 0043				
MPL 0317				
MPL 0266				
MPL 0176				
MPN 0121				
JLT 0316				
JLT 0032				
MPL 0085				
JLT 0284				
JLT 0333				
JLT 0521				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
MPL 0163				
MPL 0215				
JLT 0287				
MPL 0333				
MPL 0338				
MPL 0320				
MPL 0521				
JLT 0067				
MPL 0272				
MPL 0545				
MPL 0319				
MPL 0447				
MPL 0523				
JLT 0107				
JLT 0070				
MPL 0117				
JLT 0345				
JLT 0374				
JLT 0507				
JLT 0020				
JLT 0492				
JLT 0227				
JLT 0288				
JLT 0049				
MPL 0243				
JLT 0012				
MPL 0105				
JLT 0028				
MPL 0452				
MPL 0539				
MPL 0084				
MPN 0322				
MPL 0322				
JLT 0044				
MPN 0331				
JLT 0271				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0033				
JLT 0599				
JLT 0459				
JLT 0279				
JLT 0236				
MPL 0249				
MPL 0405				
MPN 0291				
JLT 0050				
MPL 0495				
JLT 0513				
JLT 0007				
JLT 0346				
JLT 0286				
JLT 0380				
MPN 0299				
MPL 0124				
JLT 0382				
JLT 0371				
MPL 0183				
MPL 0110				
MPL 0046				
MPL 0207				
MPL 0328				
MPN 0237				
JLT 0006				
MPL 0060				
MPL 0170				
JLT 0029				
MPL 0449				
MPL 0368				
JLT 0544				
MPL 0238				
MPN 0198				
MPL 0099				
MPN 0323				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
MPN 0292				
MPN 0324				
MPL 0011				
JLT 0004				
JLT 0220				
MPL 0100				
JLT 0095				
JLT 0005				
MPN 0298				
JLT 0051				
MPL 0131				
JLT 0503				
JLT 0426				
JLT 0206				
MPL 0054				
MPL 0352				
MPN 0166				
MPL 0196				
JLT 0297				
JLT 0441				
JLT 0219				
MPL 0080				
MPL 0351				
JLT 0310				
MPL 0132				
MPL 0367				
MPL 0227				
MPL 0270				
MPL 0443				
JLT 0385				
MPL 0325				
JLT 0265				
MPL 0121				
MPL 0206				
MPL 0332				
MPL 0148				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
MPL 0245				
JLT 0550				
JLT 0472				
JLT 0438				
JLT 0915				
MPL 0137				
JLT 0122				
MPN 0269				
JLT 0296				
MPL 0490				
MPL 0240				
MPL 0077				
MPL 0097				
JLT 0805				
MPL 0318				
JLT 0523				
MPL 0102				
MPL 0229				
MPN 0333				
MPL 0324				
MPL 0477				
MPL 0241				
MPL 0316				
MPL 0040				
MPL 0330				
JLT 0526				
JLT 0165				
MPL 0045				
JLT 0384				
MPL 0448				
JLT 0216				
MPL 0555				
MPL 0145				
JLT 0017				
MPL 0427				
MPL 0278				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0054				
MPL 0310				
MPL 0228				
JLT 0283				
MPN 0188				
MPL 0361				
MPL 0135				
MPL 0092				
JLT 0948				
JLT 0178				
MPL 0460				
MPN 0064				
MPL 0116				
JLT 0213				
MPL 014				
JLT 0752				
MPL 0387				
MPL 0076				
MPN 0295				
MPN 0151				
MPN 0294				
MPL 0165				
MPL 0264				
MPL 0304				
JLT 0117				
MPL 0017				
MPL 0434				
JLT 0788				
JLT 0136				
MPL 0301				
JLT 0452				
JLT 0223				
JLT 0528				
JLT 0151				
JLT 0589				
JLT 0128				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0315				
MPL 0208				
JLT 0188				
JLT 0137				
MPN 0066				
MPL 0404				
JLT 0035				
JLT 0456				
MPL 0072				
MPL 0280				
JLT 0597				
MPL 0112				
MPL 0530				
JLT 0520				
JLT 0039				
JLT 0135				
JLT 0115				
MPL 0103				
JLT 0758				
MPL 0590				
JLT 0062				
MPN 0070				
JLT 0721				
JLT 0381				
MPN 0123				
JLT 0372				
JLT 0121				
MPL 0334				
MPN 0293				
MPL 0230				
JLT 0978				
MPN 0190				
JLT 0626				
MPN 0118				
MPN 0332				
JLT 0046				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0600				
JLT 0510				
MPL 0265				
JLT 0987				
JLT 0582				
MPL 0308				
MPL 0143				
JLT 0420				
MPL 0098				
JLT 0086				
JLT 0160				
JLT 0018				
MPL 0331				
JLT 0603				
MPL 0142				
JLT 0533				
JLT 0306				
JLT 0113				
JLT 0226				
MPL 0202				
MPL 0035				
JLT 0126				
JLT 0772				
MPL 0089				
JLT 0538				
MPL 0169				
MPN 0199				
JLT 0235				
MPL 0311				
JLT 0037				
JLT 0780				
MPL 0337				
JLT 0207				
JLT 0453				
MPN 0232				
JLT 0546				

C Spire Wireless Cell Site Data

Confidential Information in Dockets 10-90, 10-208, 14-58, 07-135, and 01-92

Site ID	All Costs Per Month	Profit Margin 1	Direct Costs Per Month	Profit Margin 2
JLT 0564				
JLT 0081				
MPL 0013				
JLT 0394				
MPL 0327				
JLT 0629				
MPL 0162				
MPL 0335				
JLT 0259				
MPL 0370				
MPL 0446				
MPL 0094				
MPL 0309				
JLT 0575				
MPL 0511				
MPL 0556				
JLT 0700				
JLT 0809				
JLT 0905				
MPL 0273				
MPL 0524				
JLT 0988				
JLT 0483				
MPL 0402				
JLT 0532				
MPL 0034				
JLT 0061				
MPL 0499				
MPL 0041				
MPL 0525				
TOTAL Cost				

Cellular South Licenses, LLC d/b/a C Spire

Universal Service Reform Further Notice of Proposed Rulemaking

**FCC Ex Parte Meetings
September 18, 2014**

WC Docket No. 10-90, et al.

Maintaining Legacy USF Support for Wireless Competitive ETCs

- Legacy support should be maintained at 60% until, at least, the first month after the month in which a competitive ETC's Mobility Fund Phase II auction-based support is authorized.
 - For ETCs not in the auction, legacy support should be maintained until the first month after the month in which a Public Notice announces an award of support.
- It is essential for the FCC to maintain legacy support at current frozen levels so that carriers can avoid downgrading or eliminating service to their existing customers.
- The FCC should not resume the phase-down of legacy support when it adopts rules for the framework of Mobility Fund Phase II.
 - Too much time would pass between the resumption of the phase-down and the actual disbursement of Phase II support and disrupt ongoing operations.

Targeting Mobility Fund Phase II Support

- Phase II support should be targeted to meet two goals: (1) Support ongoing operations and (2) the deployment of new advanced broadband networks.
 - Consistent with the statutory principle of both preserving and advancing universal service.
- Accurately identify the cost of ongoing operations and areas where mobile broadband service is not available.
 - The Commission currently does not have adequate information, and current data overstates coverage.
 - An accurate map would show that large portions of rural America lack access to mobile broadband service, and even larger portions lack access to 4G LTE service.
 - The revised FCC Form 477 should provide more accurate data, but, until that data is available and useful, there is no basis for reducing Mobility Fund Phase II support.

The FCC Should Increase the Mobility Fund Phase II Budget

- The current \$500 million Mobility Fund Phase II budget is not up to the task of meeting the strong demand for high-quality coverage and mobile broadband in rural areas.
- Consumers continue to shift from fixed to mobile services.
 - Mobile wireless technology is serving as an effective platform for telemedicine and telehealth services across the Nation.
 - For example, C Spire is involved in a telehealth program with the University of Mississippi Medical Center and other health care organizations.
- Funding for mobile services should reflect the increasing importance of these services to consumers, including health care and public safety uses.

Mobility Fund Phase II Support Should Not Be Reallocated to Other Support Mechanisms

- The existing Phase II budget is already insufficient to achieve the mission of supporting existing operations and deploying advanced mobile broadband services in rural areas.
- Reallocating support to CAF Phase II would disserve rural consumers.
 - This would further erode the level of support for mobile broadband, depriving consumers of the greater flexibility offered by mobile broadband services.
 - It would also perpetuate the gross imbalance between funding for price cap carriers and wireless competitive ETCs.
 - Permitting wireless carriers to compete for CAF Phase II support would not offset cutting and reallocating the Mobility Fund Phase II budget.
- Support should not be reallocated to the Remote Areas Fund, especially since implementation of the RAF has been delayed.
- Reallocation of Phase II support to a one-time support mechanism for mobile broadband would result in a substantial loss of overall funding.

The Commission Should Shift Its Focus to Universal Service Contribution Reform

- Contribution reform has been on the table for 13 years, but no action has been taken.
- Imposing artificial limits on the universal service budget—instead of expanding the contribution base—virtually guarantees that support mechanisms will not be sufficient to bring mobile broadband to rural consumers.
- The FCC should follow the policy that, to the extent it makes USF funding available to support broadband services, these broadband services also should be subject to a contribution requirement.

Questions

From the **Washington Business Journal**

:<http://www.bizjournals.com/washington/blog/2014/09/where-the-wireless-isnt-western-loudouns-coverage.html>

Where the wireless isn't: Western Loudoun's coverage gaps detailed, and what to do about them

Sep 3, 2014, 9:32am EDT



[Michael Neibauer](#)

Staff Reporter- *Washington Business Journal*

[Email](#) | [Twitter](#)

Loudoun County has declared itself a data center hub for the Eastern Seaboard. But that doesn't mean its residents and businesses have access to quality data.

Quite the opposite. Especially in western Loudoun, where finding a single bar on a cell phone or getting any wireless data connectivity whatsoever can be exasperating.

Only a quarter of western Loudoun is adequately covered by even one cell carrier, according to a report from Mechanicsville, Virginia-based The Atlantic Group on cell and broadband coverage gaps. The county's major commuter corridors, including Route 7, have spotty coverage. It is both a public safety and economic development issue.

Since 2007, the county has approved permits for only seven new towers and two new structures (one water tank and one rooftop), while the county's population has simultaneously boomed from 289,397 to roughly 350,000.

Per the Atlantic Group, which is scheduled to present its report to the Loudoun board Wednesday afternoon, the county needs 14-28 new cell towers to fill the cell gaps, at a cost of up to \$10 million for the towers alone, not including the fiber and wireless infrastructure, RF equipment and power.

For wireless Internet service, as an alternative to broadband, the county would need 36-59 new towers, depending on their height, at a capital investment of up to \$5 million for the poles only.

The Board of Supervisors first sought an analysis of the county's wireless and broadband coverage gaps in March 2012, but the county allocated only \$10,000 to the study. The Atlantic Group was selected in November 2013, and chose to focus its attention on Western Loudoun, largely for lack of funding and the "generally adequate" coverage to the east, according to a report by the Loudoun Communications Commission.

In Loudoun, only Verizon and **Comcast**, the existing county franchise cable providers, supply wired broadband. Both offer only "limited service availability" in the western portions of the jurisdiction, and neither has demonstrated an interest in dragging broadband farther into rural, or hilly, Loudoun.

As a result, quality wireless service has become essential. But there too, the wireless companies are coming up short. It is partly the fault of county regulations that restrict where new monopoles can be constructed, and partly the fault of residents who want new monopoles as far from them as possible.

The Atlantic Group has offered several suggestions, including a "Broadband Summit" to discuss roadblocks, goals and objectives to better coverage, modifications to the zoning ordinance to allow for 80-foot poles, the use of county-owned property for monopole locations, and the use of "stealth" technology, such as trees, to mask taller poles. Other changes possibly in the works — expedited approval for "minimally visible" towers between 80 and 120 feet, and a policy preference for towers that share access among providers.

The Loudoun Communications Commission, a board-initiated panel, also is recommending the expansion of wireless to the county's rural hamlets, where it is largely banned today, and to the ridgelines of the Catoctin, Bull Run, Hogback, Short Hill and Blue Ridge mountains, so long as the poles are masked as trees or silos. Both changes would require amendments to the zoning ordinance.

Michael Neibauer covers economic development, chambers of commerce, transportation and politics.