

August 3, 2015

Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, and Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap, GN Docket No. 12-268, ET Docket No. 14-165

Dear Ms. Dortch:

On July 31, 2015, GE Healthcare and the WMTS Coalition filed an *ex parte* letter in the above-referenced dockets recycling discredited arguments previously made by the National Association of Broadcasters (“NAB”) concerning the security of television white space (“TVWS”) operations.¹ Importantly, like NAB, GE Healthcare and the WMTS Coalition fail to identify even one instance of harmful interference from a TVWS device. Indeed, as Google has previously revealed, the flawed NAB filing that GE Healthcare and the WMTS Coalition invoke focused on entries into TVWS databases that almost certainly reflect professional testing by hardware manufacturers, not misuse of devices by the rogue operators that GE Healthcare and the WMTS Coalition attempt to conjure.² There is no factual support for the proposition that unlicensed operators would bypass current and future safeguards to operate on Channel 37 in unauthorized locations, would find it worthwhile to do so on a clandestine basis, or would not be detected or deterred by existing enforcement tools.

Nonetheless, as the Commission knows, Google and other TVWS database operators and device manufacturers are working collaboratively with Commission staff and NAB to further refine TVWS processes and address any remaining concerns. For example, Google supports the efforts of NAB and TVWS equipment manufactures to minimize and/or eliminate human involvement for location determination on TVWS equipment. Google is also an active participant in the White Space Database Administrator Group's work with the FCC to harmonize database records and improve data hygiene.

¹ See Letter from Ari Q. Fitzgerald, Counsel to GE Healthcare, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 14-165, GN Docket No. 12-268 (filed July 31, 2015).

² Opposition of Google Inc. at 1-3, RM-11745 (filed May 1, 2015).

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Finally, it is important to note that the arguments in the last-minute *ex parte* letter filed by GE Healthcare and the WMTS Coalition have no bearing on the central Channel 37 question that the FCC is now considering—the separation distance between TVWS devices and WMTS facilities. If there actually were willful, malicious violators of the Commission’s rules (which GE Healthcare and the WMTS Coalition have not even attempted to establish), then they would not honor the inflated separation distances urged by GE Healthcare and the WMTS Coalition, any more than they would abide by reasonable separation distances. The Commission should therefore move forward with its recommendation to permit TVWS devices in Channel 37 and establish a reasonable protection zone for incumbents.

Pursuant to the FCC’s rules, I have filed a copy of this notice electronically in the above-referenced proceedings. If you require any additional information please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "A.P. Margie". The signature is fluid and cursive, with a large initial "A" and "P".

Paul Margie
Counsel to Google Inc.