

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
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| Service Rules for the 698-746, 747-762 and 777-792 MHz Bands |) | WT Docket No. 06-150 |
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| Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules |) | WT Docket No. 06-169 |
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| |) | |
| Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band |) | PS Docket No. 06-229 |
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| |) | |
| Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010 |) | WT Docket No. 96-86 |
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To: The Commission

**COMMENTS OF THE RURAL TELECOMMUNICATIONS GROUP, INC.
REGARDING GOOGLE SERVICE RULE PROPOSALS**

The Rural Telecommunications Group, Inc. ("RTG"),¹ by its attorneys, hereby submits comments in response to the Public Notice in the above-captioned proceedings.² The Public

¹ RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RTG's members have joined together to speed delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG's members are small, rural businesses serving or seeking to serve secondary, tertiary and rural markets. RTG's members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies.

² See Comment Sought on Google Proposals Regarding Service Rules for 700 MHz Band Spectrum, DA 07-2197 (rel. May 24, 2007) ("Public Notice").

Notice seeks comment on the proposals of Google Inc. (“Google”) set forth in its May 21, 2007, *ex parte* letter regarding the service rules for the 700 MHz Band.³ As discussed herein, RTG opposes mandatory imposition of the use restrictions proposed by Google.

In its *ex parte* letter, Google requests clarification of the Commission’s existing rules in order to allow commercial licensees in the 700 MHz band to utilize “dynamic auction mechanisms,” such as real-time auctions and per-device registration fees.⁴ Google also requests that the Commission “posit at least whether it would be in the public interest to mandate [the use of such techniques] for some, or even all, of the commercial spectrum to be auctioned in the 700 MHz bands.”⁵ Finally, Google proposes that the Commission mandate that the unpaired E Block in the Lower 700 MHz only be used for interactive, two-way broadband services, connected to the public Internet, and “used to support innovative software-based applications, services, and devices.”⁶

RTG expresses no opinion as to whether the current rules permit or prohibit dynamic auction mechanisms as proposed by Google. RTG does not oppose the use of such mechanisms, should a licensee elect to utilize them. The Commission, however, should not mandate their use. It would be contrary to the public interest and existing Commission policy and precedent for the Commission to impose such use restriction on 700 MHz licensees. Licensees should be free to determine how they will utilize their spectrum and how they will provide service to their end users (*e.g.*, through a traditional provider-subscriber relationship or on an “on demand” basis). Google’s suggestion to mandate the use of dynamic auction mechanisms is in essence, a request

³ See Letter from Richard S. Whitt, Esq., Washington Telecom and Media Counsel, Google, Inc. to Marlene H. Dortch, Secretary, FCC, filed May 21, 2007 (“*Google Ex Parte*”).

⁴ *Id.* at 3-4.

⁵ *Id.* at 4.

⁶ *Id.* at 4-5.

that the Commission endorse one particular business model—a spectrum manager type-business model—with a corresponding set-aside of 700 spectrum to support that business model. The Commission, however, should reject any such suggestion. There is no justification for the Commission to mandate end user access to some or all of the commercial 700 MHz spectrum through the mechanisms Google proposes. Such a limitation would be contrary to the public interest.

Similarly, the Commission should not limit the use of any block of spectrum exclusively to two-way broadband Internet access services as proposed by Google. The Commission should not engage in this type of command-and-control regulatory scheme.⁷ To do so would distort the marketplace for spectrum and services and would quash innovation of potential new and innovative services. For example, the proposed restrictions presumably would prohibit the use of the E block for innovative mobile video services such as the MediaFlo service in the D block.

⁷ Ironically, Google argues against this very type of “command-and-control” regulatory scheme when arguing in support of the use of dynamic auction mechanisms. *See id.* at p. 2

In general, Google's proposals are designed to drive traffic to its website and services, and not necessarily to further the public interest. The Commission, however, should not pick winners and losers in the competitive marketplace for broadband and other innovative services and should not tailor its rules specifically to favor one business model over another. Accordingly, the Commission should reject Google's proposed regulatory restrictions and allow the marketplace to determine the highest and best use of the spectrum.

Respectfully submitted,

RURAL TELECOMMUNICATIONS GROUP, INC.

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