

July 20, 2007

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: WT Docket Nos. 96-86, 06-150 and 06-169; PS Docket No. 06-229
Written Ex Parte Submission

Dear Ms. Dortch:

DIRECTV, EchoStar, Google, Intel, Skype, Yahoo! and Access Spectrum, the members of The Coalition for 4G in America, are encouraged by unofficial reports that the Federal Communications Commission is considering a band plan for 700 MHz that reflects the basic parameters critical to a new national broadband entrant and the development and deployment of new technologies. We applaud policies that would encourage innovation, consumer choice, and the ability of new entrants to compete with incumbent wireline and wireless broadband providers.

The potential inclusion of a large 22 MHz spectrum block, divided into REAGs and using combinatorial nationwide bidding, is particularly promising. It is critical that the Commission provides a means by which a new nationwide entrant can acquire sufficient spectrum in the auction - both in terms of total MHz and geographic coverage - to offer a robust, bandwidth-intensive, and ubiquitous broadband alternative for all Americans.

We also support efforts to provide consumers with the maximum opportunity to use the applications and devices of their choice on the broadband network of their choice. As we understand Chairman Martin's proposal, the "no block" and "no lock" rules (*i.e.*, open applications and open devices) for the 22 MHz spectrum block would serve the public interest, offering distinct consumer and competitive benefits.¹ It also bears highlighting that designing pro-consumer auction and service rules - which provide clear incentives for both incumbents and new entrants to participate fully on a level

¹ While Google strongly supports this submission, it is separately pursuing additional open platforms conditions, per its July 9, 2007 *ex parte* letter. See Letter to Marlene H. Dortch, Secretary, Federal Communications Commission from Richard S. Whitt, Washington Telecom and Media Counsel, Google Inc., WT Docket Nos. 96-86 and 06-150; WC Docket No. 06-129; and PS Docket No. 06-229 (July 9, 2007); see also Skype Communications S.A.R.L., Petition to Confirm a Consumer's Right to Use Internet Communications Software and Attach Devices to Wireless Networks, RM-11361 (filed Feb. 20, 2007) ("Skype Petition").

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playing field - would neither dictate the auction's results nor limit artificially the auction's proceeds. Indeed, allowing potential new entrants to bid effectively and successfully in the auction will only increase overall revenues. We look forward to working with the Commission to ensure that the final 700 MHz auction and service rules benefit American consumers and facilitate broadband deployment.

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record in the above-referenced proceedings.

Sincerely,
The Coalition for 4G in America

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