

# Qubius

Ex Parte via Electronic Filing

The Honorable Kevin J. Martin

Chairman

Federal Communications Commission

445 12<sup>th</sup> Street, SW

Washington, D.C. 20554

July 22, 2007

Re: WC Docket No. 06-150; PS Docket No. 06-229; WT Docket No. 96-86

Dear Chairman Martin:

Qubius, wish to commend you and the Commission for the proposed "**open network access**" policies being developed in connection with the 700MHz. spectrum auctions. As a true small business that has successfully won spectrum licenses in five different FCC spectrum auctions, No. 5, 22, 35, 44, and 49 we look forward to an equitable playing field in 700MHz, auctions with the hope and expectation that the upcoming 700MHz auctions will provide us with a meaningful opportunity to acquire additional 700MHz. spectrum with the hope of developing new and innovative services for the benefit of American wireless consumers.

With this in mind, we therefore urge the Commission to continue to hold firm against pressure from the incumbent nationwide wireless carriers and their trade associations opposition to network openness and it's attempt to strong hold the American airwaves. As a result of the lobbying from companies with fresh visions like Google's and pursuant to the interests of the real parties at hand "the American people" who comments have been heard and weighed small business will have a real opportunity to acquire spectrum in the upcoming 700MHz auction. The Commission is therefore precisely correct in

adhering to the fully-considered consensus of an open wireless network which is supported by the American people and small business.

The Commission clearly understand that the underlying success of the 700 MHz. auction is in the hands of small business and not the incumbent wireless telecommunications carriers of today. Small business is the life blood of this Nation who is eager to build a future IP mobile broadband network beyond the current analog networks of today. Although the well-financed nationwide carriers have mounted an aggressive lobbying campaign against network openness the Commission must continue to vigilantly protect its record of enhancing diversity and promoting small business presence in the wireless communications industry. Any garnishment of the proposed network openness requirements even if seemingly minor, will preclude small business and other similarly-situated companies from meaningful participation in the wireless industry going forward, tilting the playing field wholly in favor of the national carriers. We oppose any rules that don't include an open network with inter-network mandatory roaming agreements or any modifications of the auction structure that is not in favor of small business or moves in a direction that would diminish or hinder a path toward deployment of an open nationwide pure IP broadband mobile network.

For these reasons, we commend the Chairman and the Commission for the proposed network openness regulations giving small business the opportunity to participate in the 700MHz. auction and the opportunity to offer new and innovative wireless services in competition with the incumbent nationwide wireless telecommunications carriers. Qubius intends to commit to bidding in the up-coming auction as long as we have a level playing field with open network access requirements as part of the auction rules.

Sincerely,

Vincent D. McBride

cc: The Honorable Michael J. Copps, FCC Commissioner

The Honorable Jonathan S. Adelstein, FCC Commissioner

The Honorable Deborah Taylor Tate, FCC Commissioner

The Honorable Robert M. McDowell, FCC Commissioner

