

# ANDREWSEYBOLD

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Ex Parte via Electronic Filing

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

RE: WC Docket No. 06-150;PS Docket No. 06-229;WT Docket No. 96-98

Dear Chairman Martin:

For the past few years, I have been following the debate over the 700-MHz spectrum auction and have written many articles regarding the same ([www.andrewseybold.com](http://www.andrewseybold.com)) in the form of my Blog and my industry Commentaries. Since the mid-1970s, I have been involved in both First Responder and Commercial Wireless services, first working within the industry for major corporations, and since 1985 as an independent consultant, educator and author.

While the issues you are facing are complex in nature, what I have seen submitted to the FCC in the way of Ex Parte Filings has not addressed the basic differences between wired and wireless broadband capacity, and the fact that the Internet, as we know it today, cannot be considered a Mission-Critical network. Yet there are those who have asked you and your colleagues to take a portion of the finite resource we have available to us and turn it into a mirror image of the Internet with all of the same potential for the disruption of service, and possible cyber attacks.

The key difference between the Internet net and the wired and wireless infrastructure used to provide access to the Internet is that the networks that carry the traffic not only for Internet access but for other forms of information distribution is that they are managed networks and the Internet is not. A managed network requires sophisticated ways to manage the traffic flow to make sure the maximum number of customers can be served with limited and shared bandwidth.

Today, wired service providers have to manage bandwidth demands from their customers. Cable operators, and those providing wired access, are limiting the amount of bandwidth available to their customers because bandwidth is not unlimited even in the wired world. In the wireless community, this is even more evident. A cable operator can increase capacity by adding hubs in order to provide service to fewer buildings per hub, while wired operators can and do add capacity in their switches and by pulling more copper or fiber. But wireless providers have only two options: Add more channels at a cell site (if those channels are available) or build new cell sites closer together. For the past few years, I have been actively working with local communities and educating City and County planning commissions regarding these issues, but as you know, building a new cell site is a tedious, expensive process that can take three years or longer, meanwhile demand for services continues to increase.

Google and others may not comprehend that wireless bandwidth is not the same as wired bandwidth, and that there is not enough spectrum to replace the wired Internet with the wireless Internet. The 700-MHz spectrum, and how the FCC deals with it, is vitally important to this nation, for the First Responder community, Rural America and new comers and incumbents alike. But the portion of the 700-MHz spectrum that is to be auctioned should not be likened to the Internet, nor should the Internet method of connectivity be permitted to be extended to this spectrum.

If Google, and others, seek this spectrum for their own networks and services, I believe the most effective way of handling the auction is a fair and open auction with a minimum of usage requirements, and that each winning bidder be able to determine how their network will be deployed and accessed. In other words, if Google wants to provide: 1) open applications, 2) open devices, 3) open wholesale services and 4) open network access, it should take part in the auction, outbid the competition and set out to build a network that includes these attributes.

Many within the “open access” community point to Europe as an example of open access, but they fail to point out that in the United States we pay far less per minute of voice use and much lower prices for wireless data access. Further, our Nation has made tremendous progress in increasing the spectral efficiency of the networks because the FCC has not required a specific technology to be tied to a specific portion of the spectrum and there is free and open competition in the marketplace.

What exactly is “open access” as defined by Google? Today, I can use my notebook computer and my wireless card and access the Internet and any content on the Internet, I am not blocked by my network provider. I can also use my BlackBerry’s browser to go anywhere on the Internet I want. The only thing I cannot do is download an application to a handheld device that is not compatible with that device. In many respects, we already have “open access.”

In some of your past comments, you stated that in other parts of the world they are ahead of us when it comes to combining commercial and Wi-Fi capabilities into a single phone. I would like to point out that T-Mobile has just rolled out its HotSpot @Home program, using this type of device, although it is not using VoIP for its Wi-Fi voice

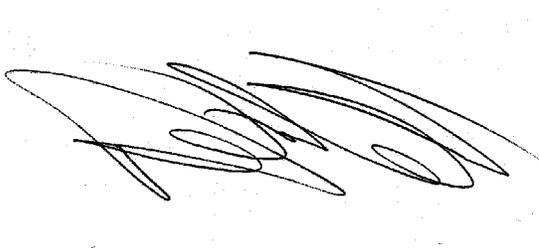
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communications but rather OMA technology that “wraps” GSM voice in IP because it determined that VoIP services over Wi-Fi are not advanced enough to be deployed in a nationwide rollout. Around the world, there are different degrees of tolerance for stable, reliable networks and services. In the United States, we have come to rely on our telecommunications infrastructure and it has served us well.

Over time, it will become clear that the “Wireless Internet” will evolve into a very different Internet than the one we access every day on our desktops. It will take smart networks and smart devices to shape the mobile Internet into a useful tool for consumers and businesses.

The concept of open and fair auctions has served the citizens of the United States well over the years. Changing the rules of engagement to favor one group or another will devalue this spectrum and the outcome will be less money for the Federal Government, more costly devices for consumers and less-than-mission-critical managed networks we have all come to expect and rely on.

I cannot pledge \$4.6 billion for spectrum in the upcoming auction, but I can, and am, asking the Commission to keep the auction fair and open and let competition, fair and open competition, rule the day.



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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