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## ELECTRONIC FILING

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Service Rules for the 690-746, 747-762, and 777-792 MHz Bands, WT Docket Nos. 06-150, 06-129, 96-86; PS Docket No. 06-229 Ex Parte***

Dear Chairman Martin:

The press has reported that the Commission is considering a draft order in the 700 MHz auction proceeding that will include a *Carterfone*-type “device and application neutrality” provision. As you said today before the House Commerce Committee, “a network more open to devices and applications can help ensure that the fruits of innovation on the edges of the network swiftly pass into the hands of consumers.” Skype not only agrees completely with your statement, it commends you for leading the way on this critically important consumer issue.

To protect the innovation that device and application neutrality will bring, the license conditions relating to device and application openness should be enforceable through a clear and efficient process. Any aggrieved party — whether a consumer, a handset manufacturer, or an applications developer — should have the right to seek to enforce the license conditions. Such parties could avail themselves of existing complaint procedures pursuant to Part 1 of the Commission’s rules, with some modifications to ensure prompt resolution of disputes and to account for the disparity in information regarding network management practices available to potential complainants *vis-à-vis* carriers.

Given this information disparity, complainants should be required to provide only sufficient details regarding the specific carrier practices at issue and to allege a *prima facie* case that the carrier has violated the license conditions. Complaints should be made public and the usual Part 1 procedures regarding pleadings, evidentiary sufficiency, confidentiality, and enforcement sanctions should apply. The Wireless

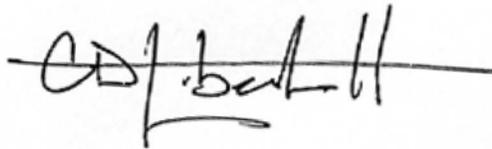
Telecommunications Bureau should resolve all complaints within 180 days of the filing of the complaint and such decisions should be subject to the Commission's normal appeals/review process.

In addition, the relevant 700 MHz license conditions should require the licensee to file, within a reasonable time of acquiring the license, information regarding its proposed network management practices. Such information should be subject to public comment and should be updated routinely. This process will provide carriers with greater assurance that their network management practices are acceptable, while the public will have greater assurances regarding applications and devices that can be used on the carrier's 700 MHz spectrum.

This enforcement process would reduce the need for detailed technical regulation of the 700 MHz licensee's service offerings. Should the Commission later find that the procedures outlined above are insufficient to implement the device and application openness license conditions, it could initiate a proceeding to establish basic technical standards to implement such openness similar to those of Part 68 of the Commission's rules.

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Please do not hesitate to contact me if you have any further questions or if Skype can be of any further assistance in this proceeding.

A handwritten signature in black ink, appearing to read "C. Libertelli", with a horizontal line extending to the right across the end of the signature.

Christopher Libertelli  
Senior Director  
Government and Regulatory Affairs  
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