

Google Inc.
1001 Pennsylvania Ave. NW
Suite 600 South
Washington, DC 20004



Main 202 742-6520
Fax 650 618-1806
www.google.com

August 28, 2007

Ex Parte via Electronic Filing

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Written Ex Parte Filing (WT Docket No. 07-16, WT Docket No. 07-30)

Dear Ms. Dortch:

Google Inc. ("Google"), by its attorney, respectfully submits this ex parte letter in the above-referenced dockets, and requests that it be made part of the public record for those proceedings.

In May 2006, M2Z Networks, Inc. ("M2Z") filed an application with the Commission seeking a 15 year renewable lease of 20 MHz of unpaired spectrum in the 2155-2175 MHz bands ("AWS III Block"), in order to provide what it has termed a "National Broadband Radio Service."¹ M2Z subsequently amended its pending application on September 1, 2006, to incorporate a separately filed petition, which it claims triggers the one-year forbearance review provision in Section 10 of the Communications Act.² The Commission issued a Public Notice on January 31, 2007 accepting M2Z's application for filing and seeking public comment.³

It is our understanding that the Commission is poised to adopt a dispositive order regarding at least some elements of the M2Z application and petition. Google has not participated publicly in any aspect of these proceedings to date, and does not here take a substantive position on the relative merits of M2Z's proposals.⁴ However, should the Commission ultimately decline to adopt M2Z's application, Google respectfully requests that the agency promptly open a notice-and-comment rulemaking proceeding to consider how best to facilitate the efficient and innovative use of spectrum in the 2155-2175 MHz

¹ Application of M2Z Networks, Inc. for License and Authority to Provide a National Broadband Radio Service in the 2155-2175 MHz Band, filed May 5, 2006.

² See Letter from Kenneth W. Ferree, Esq., to Marlene H. Dortch, Secretary, FCC, filed September 1, 2006.

³ FCC, Public Notice, DA 07-492, released January 31, 2007.

⁴ We note with approval that in a recent ex parte filing, M2Z at least commits to providing wholesale services using what it terms an "open device platform," based on published interface standards and certification processes. Letter from Uzoma C. Onyeije, Vice President Regulatory Affairs, M2Z Networks, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-16 and 07-30, filed August 24, 2007.

bands. Specifically -- and concurrent with the adoption of any M2Z-related order -- the Commission should promulgate a separate Notice of Proposed Rulemaking (NPRM) that invites the public to present viewpoints on the ultimate use of the AWS III spectrum block, and expressly does not foreclose any particular allocation or assignment options. The NPRM should include a series of detailed questions about the AWS III Block, including at minimum:

- the desirability of establishing a firm date in the near future for the AWS III Block to be made available for use;
- the salient technical characteristics of the AWS III Block, including its potential use to support a nationwide broadband network;
- the benefits and costs of establishing an unlicensed regime;
- the benefits and costs of establishing a licensed regime, such as:
 - (1) an analysis of the public interest in auctioning the spectrum, and potential auction alternatives, including non-exclusive licensing;
 - (2) the desirability of a spectrum band plan that facilitates establishment of nationwide uses, through national licenses or regional licenses that allow combinatorial bidding;
 - (3) the desirability of service rules that foster new entrant competition through "open platforms" and other license conditions similar to those sought by Google and others in the recent 700 MHz proceeding;⁵ and
 - (4) the desirability of authorizing secondary uses through spectrum underlays and other possible unlicensed applications.

Depending on the disposition of M2Z's proposal, Google looks forward to participating in a timely rulemaking proceeding concerning the ultimate future of the AWS III Block.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,



Richard S. Whitt, Esq.
Washington Telecom and
Media Counsel
Google Inc.

⁵ See Letter from Richard S. Whitt, Esq., Washington Telecom and Media Counsel, Google Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-150 *et al.*, filed July 9, 2007.