



July 20, 2007

**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

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

Dear Chairman Martin:

Google shares your bold vision of using the upcoming 700 MHz spectrum auction to encourage much-needed competition in the wireless and broadband markets. I want to personally applaud your leadership and courage in making the public case for new market entry, and the tangible benefits it will offer all American consumers, including greater availability, higher speeds, and lower prices.

As you know, Google submitted an ex parte letter on July 9<sup>th</sup> explaining that, in order to promote genuine competition, the Commission must include open platforms as part of the applicable licensing requirements for paired commercial blocks in the Upper 700 MHz Band. In particular, our July 9<sup>th</sup> letter requested that the Commission should extend to all CMRS-type spectrum licensees clearly delineated, explicitly enforceable, and unwavering obligations to provide (1) open applications, (2) open devices, (3) open wholesale services, and (4) open network access.

The Commission's draft order for the 22 MHz "C" Block in the Upper 700 MHz Band reportedly allocates this block on a REAG basis subject to combinatorial bidding and includes some reference to "open access" principles. While these all are positive steps, unfortunately the current draft order falls short of including the four tailored and enforceable conditions, with meaningful implementation deadlines, that consumer groups, other companies, and Google have sought. In short, when Americans can use the software and handsets of their choice, over open and competitive networks, they win.

It is also my understanding that the Commission's draft order includes a reserve price of \$4.6 billion for the "C" Block, apparently to address unsupported claims about any impact from adopting open platforms conditions. We hereby inform you that, should the Commission expressly adopt the four license conditions requested in our July 9<sup>th</sup> letter – with specific, enforceable, and enduring rules – Google intends to commit a minimum of \$4.6 billion to bidding in the upcoming auction.

Sincerely yours,

Eric Schmidt

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