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Ofcom Consultation on the Award of Available Spectrum: 1452 – 1492 MHz

Comments of FUBA

Introductory remarks

FUBA is a major suppliers to the car industry – especially in the field of antennas and car radio related equipment .

FUBA has production sites in Bad Salzdetfurth, Germany (lower Saxony)

FUBA is also a major manufacturer of antenna and receiver systems for satellite radio receivers in North America and DAB-Tuners for the European market.

Consequently, FUBA is strongly interested in technological innovations related to radio communications and in the development of the European market for new digital wireless services. These could be impacted by the proposals contained in Ofcom's consultation document.

Naturally the FUBA-opinion is not different from that of the mother company DELPHI.

Comments on Ofcom's Consultation Document

Question 1: Do stakeholders agree with these proposals for the award of this band or have any other comments on the contents of this document?

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FUBA cannot agree to some of Ofcom's proposals and recommends that its proposals should be modified according to the following remarks.

Question 2: Do you agree with Ofcom's proposed approach to address the international issues resulting from the Maastricht Plan applicable to the 1452 – 1479.5 MHz frequency band in this spectrum?

FUBA hopes that the UK does maintain its former consent to the internationally agreed and confirmed Wiesbaden and Maastricht Plans for the allocation of L-Band frequencies and to the procedure for allocating these broadcasting frequencies to potential program providers and operators. Further, FUBA hopes that Ofcom will not start any action which would undermine the agreement reached in ECC Decision (03)02 of 17 October 2003 on the designation of the frequency band 1479.5 -1492 MHz for the use by Satellite Digital Audio Broadcasting systems.

Planning for the 1452 - 1492 MHz band has been under way for more than a decade now, since the Wiesbaden Agreement in 1995. As a result, there now exists a framework for the pan-European deployment of complementary terrestrial and satellite digital audio broadcasting services. The auction proposed in Ofcom's Consultation Document would threaten the deployment of such services and would limit severely the scope for the Wiesbaden and Maastricht Plans to be successfully implemented in other parts of the European internal market.

FUBA relies – as all other IT-industry - on long term, stable and predictable regulations when frequencies are concerned. Therefore, FUBA and many others in the car industry would be very badly hurt if Ofcom maintains its choice of the band 1452 - 1492 MHz for the initiative discussed in Ofcom's consultation document. The proposed actions of Ofcom could result in very serious and negative implications for a seamless and integrated European market for competitive and advanced digital broadcast services.

Question 3: Do you agree with Ofcom's proposed approach to award of all the spectrum between 1452 and 1492MHz at the same time and as soon as practically possible (i.e. a simultaneous award of the top 12.5MHz and the lower 27.5MHz of this spectrum)?

FUBA fears negative impacts on industry if this approach is followed. These are:

1. In many countries L-Band-frequencies have been already allocated to program providers and transmitter operators. From today's knowledge this cannot be reversed nor is a confusion wanted of the markets.
2. There are considerable risks of interference among services arising from assignments that do not conform to the harmonised European plan.
3. The practicality and the perceived benefits of auctioning spectrum in bands that are internationally allocated to satellite services has been questioned by industry and by many administrations, including Ofcom itself.

4. It is not correct to discuss the potential substitutability of other bands since the upper portion of the L-band (1479.5 – 1492 MHz) has been specifically allocated to S-DAB across Europe, and the whole band 1452 – 1492 MHz has been allocated to the broadcasting satellite service in all three ITU Regions.

There is no alternative spectrum for a S-DAB service in Europe shown.

5. The new technologies, especially multimedia technologies, which Ofcom hopes to accommodate, are not band-specific, so other bands may provide the opportunity that Ofcom seeks. Such bands include the 2010 – 2025 MHz and 2500 – 2690 MHz bands, neither of which to our knowledge is constrained by any agreement or European spectrum plan. An auction of these bands would be less damaging to the business case of those services.

Question 4: *What are your views on the preferred packaging option for the lower 27.5MHz of this spectrum?*

FUBA strongly believes that this spectrum should be assigned in accordance with the Wiesbaden Agreement and the Maastricht Agreement. Prospective S-DAB operators should be in a position to apply for some of this spectrum regionally so to realize for a terrestrial in-fill component to complement their satellite network where necessary.

Question 5: *Do you agree that the upper 12.5MHz of available spectrum should be awarded as one lot?*

For the reasons discussed above, FUBA does not see any advantages for the customer nor the industry if this spectrum should be awarded by auction, whether as one lot or as several.

Question 6: *Do you agree with the proposals for an industry code of practice on engineering coordination to control adjacent channel interference?*

The agreements of Wiesbaden and Maastricht already contain regulations for allowable levels in adjacent channels. These tolerable values may even be reduced somewhat by CEPT when the already possible selectivity of most modern tuners is considered. In addition, it must be recognised that it is already common practice for satellite operators to co-ordinate their services to prevent or to reduce interference. Therefore, FUBA as others does not see the need for a new or separate “Code of Conduct”.

Summary

1. Ofcom should not make any new assignments in the band 1452 - 1492 MHz that are not consistent with the Wiesbaden and Maastricht Agreements or with ECC Decision (03)02, or which threaten the existing harmonised nature of the band.
2. Ofcom should allow S-DAB operators to apply for frequencies within the range of 1452 – 1479,5 MHz (LA to LO blocks/allotments). Those regional blocks should be available which are not required or asked for by terrestrial broadcasters in response to a public announcement. These allocation to S-DAB operators, including those S-DAB operators intending to incorporate a terrestrial component in their network, has to be in accordance with the Wiesbaden and Maastricht Agreements and ECC Decision (03)02.
3. In order to facilitate the early introduction of new multimedia applications, Ofcom should instead invite applications for use of the 2010 - 2025 MHz band and vacant parts of the 2500 - 2690 MHz band. These under-used bands could be made available in a similar timeframe to that proposed by Ofcom, and could be available for the use by operators of mobile and multimedia networks, but without risk to the opportunities for compatible European broadcast networks.

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