Preliminary Statement: Intellect enthusiastically supports developments in both the technologies and in the various applicable regulations that will lead towards widespread and user-friendly satellite communications capability in aircraft for use by both passengers and airline staff. In particular, the possible use of a passenger's personal mobile phone (or modem for data communications) will greatly increase the ease of use and, probably also, the demand for communications en route. The "flying base station" concept - with the link between the aircraft and the terrestrial networks being provided by satellite communications, will be a major step forward.

Do you have any comment in relation to the authorisation of MCA systems on the basis of a common European approach?

The approach that is being taken of the authorisation of MCA systems via a common European approach is seen by Intellect as being the correct one. This is the first step. Since such aircraft will fly over a number of countries, it is imperative that consideration also be given to the protection of systems that fall outside the European Union, however. For example, what steps are necessary to protect those systems that fall in the countries that border the European Union e.g. Libya, Tunisia, Egypt, or when an aircraft takes off from Malta or Cyprus?

It is desirable that consultations should be initiated to gain international agreement on such systems through the ITU.

Ofcom's approach of creating a pan-European regime is in our view the correct one for authorisation processes that will allow the free movement of MCA-equipped aircraft.

Do you agree that the ECC Decision and associated technical requirements and limits will adequately protect terrestrial networks?

The technical parameters provided in the ECC Decision are based on studies and trials that have been conducted. Experience will show whether these protections are adequate. The weakness of technical decisions is really identified in Section 2.18 'Onboard Procedures'. As with all systems, it is the human element that will determine the degree of success or failure. There is near total reliance on the aircraft crew to ensure that proper procedures are followed. The crew is already burdened with many duties on board during the flight, and facilitating Mobiles-in Aircraft will add another dimension to that burden, of course.

It is recognized that Ofcom has the powers to deal with any complaint or violators of the regulations.

Do you agree that the initial authorisation regime of equipment for MCA should be via licensing rather than licence-exemption?

Intellect agrees that initial authorisation should be via licensing. This regime should exist until there is wider International agreement on such systems.

Do you agree that the aircraft operator should be the licensee of the radio equipment used for MCA?

Intellect declines to comment on this as it touches on much broader issues affecting service providers in each country which operates networks on these frequencies.

Do you agree that the authorisation of radio equipment for MCA in the 1800 MHz spectrum band should be granted via an NoV to the existing aircraft licence?

Intellect agrees.

Do you agree that under the current licensing framework no additional fee should be payable for MCA spectrum authorisation?

Intellect is not qualified to respond to this. It can best responded by terrestrial mobile service providers such as Vodafone, O2, Orange etc.

In your opinion do you think that MCA services would fall within the scope of the EC Regulation on roaming? Please explain why you think that MCA services would or would not fall within the scope of this regulation

Roaming is primarily a commercial as opposed to a technical issue, thus related arrangements can best be determined by market forces. Intellect considers that it should not therefore comment further on this last consultation question.

----------end of 2-page response----------