

## MINUTES OF THE FIFTEENTH MEETING OF THE MOBILE SERVICES COMMITTEE

Date: 14 November 2002

Venue: Wyndham House, 189 Marsh Wall, London E14

Present:

Ms H Canter	(RA, Chairman)	Mr H MacLeod	(Orange)
Mr B Maxwell	(RA)	Ms L Swindley	(T-Mobile)
Mr B Last	(RA)	Mr D Tripp	(CSS)
Mr J Mackenney	(RA)	Mr A Grilli	(JRC)
Mr G Chapman	(RA)	Mr A Somerville	(Independent)
Mr P Jarvis	(RA)	Mr D Banner	(WMA)
Mr S Limb	(RA)	Mr J Cawley	(Inquam)
Mr R Kent-Smith	(RA)	Mr S Wilson	(O <sub>2</sub> )
Ms A Henley	(RA)	Mr N Thwaites	(Vodafone)
Mr R Emson	(RA Secretary)	Mr T Baker	(Intellect)
Mrs J Brookes	(FCS)	Mr J Page	(Intellect)
Mr G David	(FCS)	Mr T Cull	(Intellect)
Mr R Pierce	(FCS)	Mr A Sago	(BT Exact)

### Agenda – MSC (02)22

The agenda is annexed as Annex A.

#### 1. Apologies.

1.1 Apologies were received from:

Mr B Oliver	(Independent)
Mr I Laybourn	(MRUA)
Mr G MacDonald	(Intellect)
Mr O Al-Shaer	(Hutchison 3G)
Mr C Cheeseman	(BT Exact)
Mr R Ercole	(OfTel)
Mr B Barron	(RA)
Mr R Stewart	(RA)
Mr M Lipscomb	(RA)

1.2 Ms Canter welcomed Mr Sago (BT Exact) who was new to the committee and was attending on behalf of Mr Cheeseman.

## **2. Minutes of the last meeting – MSC (02)14**

2.1 The minutes of the last Mobile Services Committee (MSC) meeting on 15 July 2002 were agreed and will be published on the Agency website.

## **3. Matters arising from the last meeting**

3.1 Action points from the last meeting:

Paragraph 6.3: Ms Henley/Mr Leam to complete a note of the industry areas the PMR study will include. Ms Canter advised that the MSC Secretary had forwarded a note to Members.

Paragraph 8.2: Mr Jarvis to give update at the next MSC meeting re-the Automotive Directive. The agenda for the current meeting contained an item on this topic.

3.2 Ms Canter advised that the updated consultation lists – MSC (02)21a and MSC (02)21b had been distributed to Members by the MSC Secretary.

## **4. Spectrum Trading & Recognised Spectrum Access**

4.1 Spectrum Trading - Mr Chapman explained that a public consultation had been issued on Spectrum Trading in July 2002, with the consultation period closing on 7 October 2002. Non-confidential responses had now been posted onto the Agency website. The Agency was now considering the responses and looking at the various options.

4.2 Recognised Spectrum Access – Mr Chapman explained that this consultation document had been issued at the same time as the above Spectrum Trading document and with the same response date. Non-confidential responses had been posted onto the Agency website. Again, the responses were being considered. Mr Chapman anticipated that if a decision were made to implement Recognised Spectrum Access, there would be further consultation concerning the phase in and fees.

4.3 In response to a question concerning possible timeframes for Spectrum Trading and Recognised Spectrum Access, Mr Chapman advised that milestones had been included on pages 9 and 10 of the Government Response to the Review of Radio Spectrum Management.

4.4 Mr Chapman thanked Members who had responded to the above consultations.

## **5. OFCOM & The Government Response to the Independent Review**

5.1 OFCOM - Mr Chapman advised that the OFCOM Board had now been established, the Members were: David Currie, Richard Hooper, Urmila Banerjee, David Edmonds, Sara Nathan and Ian Hargreaves. A photograph of the Board was distributed to the MSC members present. Additionally, the post of Chief Executive of OFCOM was being advertised in certain newspapers. The Agency was currently undertaking a considerable amount of work in preparation for OFCOM and liaising

with the other regulators who were to become part of this organisation. Lord Currie had recently visited the Agency's head office to meet staff and was also due to visit Agency staff in Scotland.

5.2 Members present enquired if information will be published with the Communications Bill concerning the budgeting and financing of OFCOM. They expressed concern that spectrum licensing revenues may be diverted into such areas as broadcasting content regulation. Mr Chapman said that that he would enquire if OFCOM budgeting and financing information was to be made available and would advise MSC Members.

**Action: Mr Chapman to enquire if OFCOM budgeting and financing information was to be made available and advise MSC Members.**

5.3 The Government Response to the Independent Review – Mr Chapman said that the Government response had been published on 15 October 2002. There were action points for the Agency to take forward milestones for implementing recommendations was shown on pages 9 and 10 of the document.

5.4 Regarding paragraphs 5.13 and 6.1 of the Government Response to the Independent Review, Mr Banner enquired whether the Government would be using auctions to assign spectrum for new national or regional public telecommunications services only, as suggested in the document. Ms Canter was unable to confirm this, she thought it likely auctions would be used for other purposes as well.

5.5 Ms Canter suggested that an update on the implementation of the Government response to the Independent Review should form an agenda item at the next MSC meeting.

**Action: Agency implementation of the Government response to the Independent Review to form an agenda item at the next MSC meeting.**

## **6. 5 GHz**

6.1 Ms Henley advised that with regard to bands A and B the Statutory Instrument for the consolidated Wireless Telegraphy licence Exemption Regulation was awaiting submission by the Minister to Parliament.

6.2 Ms Henley presented her paper titled 'Wireless LAN Advisory Group' – MSC (02)23 and an annex 'Terms of reference for the Wireless LAN Advisory Group' – MSC (02)23a. It was agreed that the Mobile Services Committee would act as oversight committee for the Wireless LAN Advisory Group (WAG) and the terms of reference for WAG were also agreed.

6.3 Ms Henley explained that the first meeting of WAG had been on 5 November 2002 and it had generated a lot of interest. WAG were currently looking at three particular issues:

- i) commercial issues;
- ii) studies on band C;
- iii) licensing of band C.

## 7. EU Committees

7.1 Mr Mackenney presented his paper titled 'New EU Committees: Involvement of Industry' – MSC (02)25. He gave a brief report of the first meeting of the Radio Spectrum Committee (RSC), which had taken place on 25 October 2002 and advised that the first meeting of the Radio Spectrum Policy Group (RSPG) was to take place on 17 January 2003. He explained the arrangements that had been agreed for the availability of RSC papers. Agendas would be made available in advance on the Commission's website while Committee documents would be available after the meetings, except where authors had requested confidentiality. It was understood that administrations might need to consult in advance of meetings, but the Commission expected that this would be done with due regard to the need for confidentiality. In discussion, Mr Mackenney pointed out that the Commission considered that they were bound by the Council Rules of Procedure, and therefore had limited scope for flexibility.

7.2 Mr Mackenney went on to explain the proposed Agency arrangements for consulting industry. It was expected that, in general, issues that were brought before the Committee would be ones on which industry had already been consulted and which there was an established UK view – for example, the substantive items for the first meeting had been R-LANS and ERMES, on both of which the Agency had recently consulted. It would therefore normally be expected that the relevant business unit would provide briefing, consulting industry as necessary. Where entirely new issues were raised, more formal consultation might be considered, where practicable.

7.3 As far as direct consultation by the Commission was concerned, it was noted that the Commission had a list of representative bodies which they proposed to consult, principally European trade associations. It was pointed out that these could not be relied upon to represent UK industry views and it was agreed that Mr Mackenney would explore with the Commission the scope for UK industry to have more direct input into the EU policy process.

## 8. Spectrum Pricing Review

8.1 Mr Kent-Smith highlighted that the Government's response to the Cave Review had contained a commitment to review the effects of incentive pricing and the model and methodology for valuing spectrum and setting fees. This will be a substantial study that the Agency expects to complete early in 2004. This study will encompass how incentive pricing can support spectrum management objectives, how spectrum in specified frequency bands should be valued for purposes of incentive pricing and the factors that should be taken into account in setting licence fees for individual users. There will continue to be full consultation in due course about any changes to fee levels.

8.2 It was hoped that a notice inviting tenders for the study would be published in the Official Journal of the EU by the end of November. Mr Kent-Smith agreed to arrange for copies of this notice to be circulated to MSC Members at that time.

**Action: Mr Kent-Smith to make copy of OJ notice available to MSC Members.**

## **9. Subgroup reports**

### Access to assignment details

9.1 Mr Kent-Smith presented his paper titled 'Industry Access to Assignment Data. Update and Proposals for Wider Stakeholder Involvement'. He advised that the Government had decided to use its response to the Independent Review as the vehicle for issuing its formal response to the recent Consultation on disclosure of licensing and assignment information. The Government's response agrees that it would be desirable to publish more information about frequency assignments, provided this can be done in a way that meets legitimate concerns about national security, law enforcement and commercial confidentiality. Powers to enable the publication of this information have been included in the Draft Communications Bill. Further consultation is proposed on the mechanisms and safeguards for disclosure before new regulations are drafted.

9.2 Mr Kent-Smith explained that the Agency had initiated a project (Industry Access to Assignment Data (IAAD) Project) to take forward better industry access to assignment data. The next key milestone for the project is the 'Requirement Workshop' which will be held as part of the next meeting of the MSC sub-group on the 3 December 2002. In order to involve all stakeholders in the development of the IAAD project the Agency sought the MSC's approval to:

- i) invite fixed and satellite interests to participate in the MSC sub-group;
- ii) involve mobile, fixed and satellite interests in 'design workshops' in support of IAAD;
- iii) regularly report progress to satellite and fixed RA consultative groups.

The MSC gave its approval to the above proposals.

### TAG and the Automotive Directive

9.3 Mr Jarvis gave a report of the last meeting of the Technical Advisory Group (TAG) which had been held on 9 October 2002. Agenda items included:

- A presentation by Garmin on the concept of PMR 446 using data;
- Digital technologies update and digital project report;
- IR2008 – released in August 2002;
- UHF 1 – update;
- MASTS project update;
- 5 GHz and the 411-430 & 450-470 band re-alignment.

9.4 Mr Jarvis presented his paper titled 'Position on Electromagnetic Compatibility of Vehicles post October 2002'. Members discussed the emerging issues, which he had detailed. Mr Page understood that there were plans to extend the Directive. Members felt that it would be useful for the Agency to approach Local Authorities with their concerns. Mr Jarvis advised that the Agency is currently investigating how widespread the issue is.

### 450-470 MHz realignment project and PMR-The Future.

9.5 Mr Jarvis explained that the realignment project industry working group had given suggestions to improve the proposed consultation questions. It was hoped to issue the consultation document just before Christmas.

9.6 In connection with PMR-The Future, Mr Jarvis advised that there was to be a meeting, jointly organised with the FCS, at Daventry on 20 November. In the morning there would be speakers on a variety of topics, followed by an afternoon workshop.

### CTEC

9.7 Mr Last gave a report on the last meeting of the Civil TETRA Experts Committee (CTEC) held on 30 September 2002. There had been a presentation from Inquam Telecom (Holdings) Ltd on their future plans. Other items discussed included:

- Airwave spectrum and sharers list;
- Railways communications system;
- Spectrum for private TETRA (415-420 / 425-430 MHz);
- TETRA High Speed Data (TETRA2, 900 MHz) TAPS and TEDS;
- CEPT SE7, SE27 and FM38.

## **10. General updates**

### PMR social impact study

10.1 Ms Henley advised that Mr Leam of the Social Market Foundation had published a draft report and the final version was awaited. It was hoped to present this at the PMR –The Future event in Daventry on 20 November. Mr Leam had said that he had been grateful for the contributions made by MSC Members. Ms Canter suggested that when the final version is available it should be distributed to MSC Members and that Ms Henley arrange for Mr Leam to be invited to the next MSC meeting.

**Action: MSC Secretary to distribute the final version of the PMR social impact study when it becomes available.**

**Action: Ms Henley to arrange for Mr Leam to be invited to the next MSC meeting.**

## **11. Any other business**

11.1 Mrs Brookes referred to the consultation document titled 'Dispute resolution under the new EU Directive' which Ofcom had recently issued in conjunction with the Agency. She noted that it did not appear to include a great deal about spectrum issues. Ms Canter suggested that she would ask Mr Stewart, upon his return to the office, to phone Mrs Brookes to provide further details on the type of issues to which the Agency would become involved.

11.2 Mr Page suggested that Ultra Wide Band would be a suitable topic to include in the agenda for the next MSC meeting. Ms Canter agreed with this suggestion.

**Action: Ultra Wide Band to be included as a agenda item at the next MSC meeting.**

11.3 Ms Canter advised that the dates for next years MSC meetings were scheduled as follows:

**Tuesday, 18 February 2003**

**Thursday, 15 May 2003**

**Thursday, 10 July 2003**

**Thursday, 13 November 2003.**

**Summary of action points:**

**5.2 Action: Mr Chapman to enquire if OFCOM budgeting and financing information was to be made available and advise MSC Members.**

**5.4 Action: Agency implementation of the Government response to the Independent Review to form an agenda item at the next MSC meeting.**

**8.1 Action: Mr Kent-Smith to make copy of OJ notice available to MSC Members.**

**10.1 Action: MSC Secretary to distribute the final version of the PMR social impact study when it becomes available.**

**10.1 Action: Ms Henley to arrange for Mr Leam to be invited to the next MSC meeting.**

**11.2 Action: Ultra Wide Band to be included as a agenda item at the next MSC meeting.**

# MOBILE SERVICES COMMITTEE MEETING

THURSDAY, 14 NOVEMBER 2002, 10:30 am

Wyndham House, 189 Marsh Wall, London E14

## AGENDA

**10:00** Tea and Coffee available

**10:30** Meeting starts

1. Apologies for absence
2. Minutes of last meeting – MSC (02)20
3. Spectrum Trading and Recognised Spectrum Access (Geoff Chapman)
4. OFCOM and The Government Response to the Independent Review (Geoff Chapman)
5. 5 GHz - MSC (02)23/23a (Annette Henley)
6. EC Committees – MSC (02)25 (Julian Mackenney)
7. Spectrum Pricing Review (Russell Kent-Smith)
8. Sub-group reports:
  - i) Access to assignment details - MSC (02)24 (Russell Kent-Smith)
  - ii) TAG and the Automotive Directive- MSC (02)26 (Paul Jarvis)
  - iii) 450-470 MHz realignment project and PMR in the future (Paul Jarvis)
  - iv) CTEC (Brian Last)
9. General updates:
  - i) PMR social impact study (Annette Henley)
10. Any other business

**13:00** Meeting ends followed by buffet lunch.