

Laurence Green
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Ref: Eutelsat S.A. Reply to the Consultation Document on RSA

Dear Mr. Green,

We read with interest the Consultation document "Introducing Recognised Spectrum Access" of July 2002.

Many of the proposals in the document, which impact on the frequency bands for reception from satellites represent a radical change in tack from the existing policies in Europe and for this reason the document has been the cause of concern for the satellite community.

Satellite communications and broadcasting have been an unqualified technical and commercial success in Western Europe. There are presently more than two thousand digital TV programmes transmitted from geostationary satellites to Europe. This unprecedented success puts Europe to the fore on a worldwide basis, without state assistance or subventions and has been a great stimulator of the economy. This success has not been welcomed from all quarters.

Below is a reply to Question 1 of your consultation document. **Since we do not consider it possible to apply RSA in an equitable manner to communications via geostationary satellites**, we have not replied to the remaining questions.

In section 3.7, Question 1, you ask, "**Do you agree in principle that RSA should be introduced for satellite services?**"

Eutelsat S.A. Reply :

- In section 3.2 of the consultation document it is stated that there is little initiative for satellite operators to use the finite spectrum resources more efficiently. This statement is far from the reality of the use of Ku-band frequencies by geo-stationary satellites, which are spread over a wide orbital arc, provides a uniquely efficient means for receiving telecomms, TV and radio programmes over a large region. In the Ku-band the same frequency is used twice on each satellite due to the exploitation of the opposite plane of polarisation. Reception of the same frequency is possible from over twenty different satellites. This means that the same frequency is often used forty-fold. Complex operational plans of each satellite operator provide maximum reliability, whereby different frequencies may be employed where necessary.
- The ITU and CEPT have, over a period of many years, drawn up Recommendations and Decisions on the use of frequency bands, including sharing criteria between FSS and FS. These international agreements have been adopted within a framework of international cooperation and practice, which has proven to be mutually beneficial to the member

countries, as well as the services covered. The U.K. has often actively supported these Recommendations and Decisions, notably the CEPT Decision (00)08 on the use of the 10.7-12.5 GHz band. The satellite community has made heavy investments in the use of this band and expect that the U.K. honours the Decision, which it has already implemented.

- Satellites are unique in that the procurement period is long, about 3 years and once constructed and launched, no intervention is possible throughout the 12 to 15 year life-time. Changes to the regulatory situation can impact negatively on heavy investment, which has already been made. Frequency plans, once established, cannot be later modified within the life-span of the satellite, for obvious reasons. This is why hasty regulatory changes, made on a national basis without international cooperation should be avoided.
- Satellites can contribute in a unique way to improving a country's telecommunications infrastructure in terms of services / technology applications, which can be seen by the rapid roll-out to the citizen of broadband applications, digital TV etc. The applications carried via geo-stationary satellites are multiple and are often sensitive to changes in the frequency environment due to interference, (either from terrestrial or from other satellite systems). Moreover, most applications need margins to enable adequate growth development and allow technological and service innovation.
- There are currently over 20 million satellite TV homes in Europe, of which more than 6 million are in the U.K. The U.K. economy has in many ways profited from this high level of development and if regulatory changes were to be introduced at this point in time, they could produce negative knock-on effects in the economy. RSA could make satellite services more expensive to the end-users, reduce the availability of the services throughout the country and, even worse, could lead to terrestrial systems being allowed to cause quality degradation into satellite services, beyond that which was considered in the CEPT deliberations and Decisions. It is difficult to see how such proposed changes will be beneficial to the consumers.
- An examination of the physics of reception from geostationary satellites shows that the same frequency band can be received at the same location from up to twenty different satellites. Granting RSA to only one or a few of these satellite operators and not to the rest would lead to an extraordinary situation whereby a satellite operator would see himself in the obligation of paying for RSA to protect his services and customers while other operators would enjoy the same degree of protection without having to pay for it. This would create market distortions, which at this point in time, would be most inappropriate.

For the above reasons we firmly believe that the concept of RSA is not applicable to geostationary satellites.

Eutelsat is an active member both of the ESOA and the SAP Reg and we fully support their views that they have already expressed to you on this issue, which, coming at this point in time with market turbulence, is a cause of concern to the satellite community.

I hope that our comments will be received in a constructive spirit and I would welcome the opportunity to personally discuss this important matter with you.

I remain,

Yours faithfully

Giuliano BERRETTA
Chairman of the Management Board - CEO