

## **Additional comments:**

NATS welcomes the opportunity to respond to this consultation and would be willing to engage further on this issue with Ofcom and CAA.

### **Question 1: Do you agree that Ofcom should authorise the use of ESOMPs in the UK in the frequency bands 27.5 - 27.8185 GHz, 28.4545 - 28.8265 GHz and 29.4625 - 30 GHz:**

At this point, their introduction appears to have a number of regulatory and practical implications that still need to be clarified.

### **Question 2: Do you agree with Ofcom's proposal to exempt from licensing the establishment, installation and use of land-based ESOMP equipment that transmits in the frequency bands 27.5 - 27.8185 GHz, 28.4545 - 28.8265 GHz and 29.4625 - 30 GHz:**

### **Question 3: Do you agree that ESOMP equipment mounted on aircraft or ships should be licensed to transmit in the frequency bands 27.5 - 27.8185 GHz, 28.4545 - 28.8265 GHz and 29.4625 - 30 GHz using the existing Notice of Variation process:**

NATS agrees that should ESOMP equipment be permitted to be mounted on an aircraft then it should be licensed under the WT Act as part of the aircraft radio licence, as it is also our understanding that this would be required in order to conform to the Convention on International Civil Aviation, as noted in the consultation document. It would appear that the existing NoV process, with appropriate licence conditions, may provide a suitable vehicle to achieve this. That said there are aspects of the draft licence requirements that appear to be beyond the control of the aircraft licensee where, for example, parameters such as frequencies in use and emission characteristics may be under the control of the NCF rather than the aircraft Captain and it isn't clear to us how responsibility under the WT Act for these aspects might be extended to the satellite network operator.

NATS has no view on the maritime licensing process, however please see paragraph 1 of the NATS response to Q4.

### **Question 4: Do you agree with the proposed technical provisions given in the Draft Interface Requirement and Draft NoVs:**

No, NATS believes that there may be problems with a number of the provisions as described.

1) NATS has concerns with the interpretation of the requirement that prior permission be obtained before the operation of ESOMPs within an airfield. While the technical basis for this may also need to be discussed further we cannot see how such a process would operate practically if it is to be applied to ESOMPs on board aircraft and also potentially those mounted on land based vehicles, as it is not inconceivable that an ESOMP equipped coach or train may enter an airfield perimeter. Depending on technical discussion it could also be possible for there also to be a related issue with maritime ESOMPs, considering as an

example London City Airport and its proximity to the Thames.

We also note that, although the prior authorisation requirement is stated in the draft IR, there are no requirements in the proposed radio licence NoVs that stipulate this prior notification, as seems to have been proposed for other apparently similar earth station licensing situations in similar bands, i.e. <http://licensing.ofcom.org.uk/radiocommunication-licences/satellite-earth/earth-stations/VSAT1/variation-nes-licences> .

Where there is such a requirement for prior notification of ESOMPs within an airfield, then the process lacks sufficient detail. As examples, no indications are given as to whether this is a one off notification for each equipped aircraft, a notification each time the aircraft is to arrive at a given airport, how much notice is required etc. NATS' concern is that this lack of clarity could give rise to significant workload and distraction for the contact points, which include NATS employees, with potentially multiple notifications being received per day.

2) NATS also observes that it appears inappropriate to list contact point details for airports / CAA in this draft Implementing Rule as this may give rise to incorrect information being available given that it would appear that changing such material would effectively require notification to the European Commission and coordination with other Member States. Equally listing the details in a WT Act Licence / NoV (as we note appears to be the case for other satellite earth station licences but isn't proposed here) would also appear to risk further multiple, potentially conflicting copies of the list being in circulation. In our view IRs should not be drafted so that information like contact point details that may need to be periodically updated is included, particularly when what is intended to be the same contact information is contained in at least one other IR - IR2077 in this case.

It would appear to be more practical to provide information in each relevant IR (and on the licences where appropriate) as to how to obtain a copy of the list, e.g. via a hyperlink, which would then permit local maintenance of the contact list by Ofcom / CAA and make a single point of truth for the contact data available to all licensees.

3) As editorial observations:

the hyperlink in section 5 of the draft IR to Ofcom's website appears to be incorrect;

the CAA contact details in the draft NoV (including the Certification Dept. email address) should be confirmed following a recent reorganisation.