

Our Reference: 1-5849923

30 January 2007

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*To ask the Secretary of State for Trade and Industry, how he plans to optimise the use of the S-band spectrum that is now available for public safety. [115368]*

*To ask the Secretary of State for Trade and Industry, what steps he has taken to ensure that the S-band spectrum available for public safety in the UK will be used by entities capable of fully exploiting its value to the public. [115369]*

*To ask the Secretary of State for Trade and Industry, if he will make a statement on legacy claims on parts of the S-band spectrum. [115370]*

I am writing in response to your Parliamentary Questions (above) to the Secretary of State for Trade and Industry tabled on 10 January 2007. They were transferred to Ofcom to answer as the independent UK communications regulator.

**115368:** The question relates to the S-band spectrum of 2x30MHz which is allocated to the mobile satellite service (MSS) on a global basis. Unlike similar frequency allocations at 1.5/1.6 GHz, there is no specific provision for the use of this spectrum for safety related applications. Provision of specific services within this spectrum would normally be at the discretion of the MSS operators.

Because satellite services cover many countries at the same time the authorisation procedures require strong international coordination in order to achieve efficient spectrum use. The process of developing a new authorisation procedure for access to the 2GHz MSS spectrum is therefore being led by the European Commission. In view of the high level of demand expected to be generated by MSS operators planning to offer service in Europe, the European Commission has decided to develop a clear legal and regulatory basis for the selection and authorisation of such systems. Proposals for the selection criteria are scheduled to be included in a public consultation document that is expected to be issued in the coming months. The main evaluation criteria under consideration are geographic coverage, consumer and competition benefit, public policy and spectrum efficiency.

Ofcom has consulted interested UK stakeholders on these matters and will continue to seek their views as the matter progresses.

**115369:** Use of this spectrum is open to a wide range of applications, similar to those available on existing MSS systems operating on other allocated frequencies in the 1-3 GHz range. As with many other radiocommunication systems, provision of public safety applications is supported. Any decision by public safety authorities to use a particular technology will be based on a number of criteria including the performance and costs of different systems.

**115370:** The process of developing a new authorisation procedure for access to the 2GHz MSS spectrum, being led by the European Commission, follows an earlier effort to authorise the use of this spectrum that was led by the European Conference of Postal and Telecommunications Administrations (CEPT).

The CEPT expected a significant demand for use of this spectrum in Europe and in 1997 adopted a series of decisions related to the designation of this spectrum and a process for selection between candidate systems intending to provide commercial service in Europe.

A key aspect of the selection process was that candidate systems were required to demonstrate progress against a series of eight milestones leading to bringing their systems into commercial operation by the end of 2000. Only one system, ICO-P, made any substantial progress against the milestones, including the expenditure of substantial sums of money and the successful launch of one satellite, albeit later than the planned date for operation. This system has not yet been brought into commercial operation. As a result of these developments, ICO has claimed that it has acquired "legacy" rights to 2 x 12.5 MHz of spectrum (approximately 40% of the available bandwidth). Based on information made available by ICO, Ofcom had proposed that this claim should be supported. Following a further review of the available evidence, Ofcom has concluded that a potential claim by ICO to the assignment of the 2 GHz legacy spectrum is in doubt.

It will, ultimately, be for the European Commission to confirm any decision taken in respect of the ICO legacy claim. Ofcom notes that if the European Commission process were to conclude against ICO's legacy claim, ICO would still be able to compete for access to this spectrum in the same way as other applicants.

A handwritten signature in black ink, appearing to read 'Ed Richards', with a stylized, cursive script.

**Ed Richards**