



Virgin Media O2 response to Ofcom's Consultation:

Optimal use of 3.9 GHz spectrum

UK Broadband's application for licence variation and proposals to promote efficient use of 3.9 GHz spectrum

July 2024

INTRODUCTION

Virgin Media O2 (“VMO2”) welcomes the opportunity to respond to Ofcom’s consultation on UK Broadband’s application for licence variation and proposals to promote efficient use of 3.9 GHz spectrum.¹

VMO2 is supportive of Ofcom’s objective of promoting the efficient use of spectrum.

Our response focusses on Ofcom’s specific questions.

RESPONSE TO SPECIFIC QUESTIONS

Question 1: Do you agree with our proposed technical changes to the licence?

Yes.

Question 2: Do you agree with our assessment of the impacts of our proposed technical changes to the licence?

Yes. However, if Ofcom introduces AAS (Active Antenna System) conditions expressed in TRP (Total Radiated Power) for base station maximum in-block and out-of-block power, in UK Broadband’s 3.9 GHz licence, we believe it is appropriate that Ofcom introduces equivalent conditions expressed as TRP in 3.8-4.2 GHz outdoor Shared Access Licences issued after UK Broadband’s 3.9 GHz licence variation. This will ensure Ofcom is consistent in its approach between UK Broadband and Shared Access users within the band.

Question 3: Do you agree with our proposal to introduce a use clause, including the specific timeframes proposed?

Yes.

Question 4: Do you agree with our assessment of the impacts of our proposed use clause?

Yes.

Question 5: Do you have any other comments on our proposed use clause?

At 4.9 in the consultation, Ofcom says:

¹ <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-2-6-weeks/182639-consultation-optimal-use-of-3.9-ghz-spectrum/associated-documents/consultation-optimal-use-of-39-ghz-spectrum.pdf>

“We expect H3G to only apply for and maintain an assignment if it intends to use it within the required timeframe. We would be concerned if H3G applied for and maintained assignments that it did not intend to use by the required timeframe. This would be inconsistent with our objective to enable others to access the spectrum in areas where H3G does not intend to deploy in a timely manner.”

We request that Ofcom clarifies what approach and measures it would expect to take if the situation it identifies arises, i.e. H3G applied for and maintained assignments that it did not intend to use by the required timeframe.

Question 6: Do you agree with our proposal to update coordination with Shared Access users to assume synchronisation?

Yes. However at 4.33 and 4.34 in the consultation, Ofcom says:

“We currently do not think it would be proportionate to introduce the additional complexity of requiring Shared Access users to provide information on their technology and frame structure and to allocate spectrum based on this.”

“Instead, we are proposing to manage this risk of interference by allocating Shared Access users to other parts of the band in preference to allocating in 3.9 GHz spectrum. We intend to make this clear in the Shared Access guidance document, so that a Shared Access user who is allocated a channel in the 3.9 GHz spectrum and is not synchronised with H3G can make its own judgement over whether to accept the assignment (as the alternative would be no spectrum access at all as other parts of the band would be unavailable).”

We request that Ofcom clarifies that it would not deny a requestor of Shared Access 3.8-4.2 GHz spectrum who wants to transmit with a 3:1 frame structure (and would synchronise with H3G), an allocation in 3.9 GHz, should they be content with such an allocation. This is to ensure that in a situation whereby the requested amount of spectrum is not available in the other parts of the band (which Ofcom says it intends to allocate Shared Access users to in preference to 3.9 GHz) i.e. due to congestion as a result of high demand in that area, a requestor who will transmit with a 3:1 frame structure and will synchronise with H3G, can be given an allocation in 3.9 GHz and avoid the negative impact of the alternative which would see them being denied access to spectrum in the band.

Question 7: Do you agree with our proposal to remove adjacent channel protections of H3G assignments from Shared Access users?

Yes.

Question 8: Do you have any comments on our impact assessment (to the extent not covered by previous questions)?

No.

Question 9: Do you have any comments on our Equality impact assessment?

No.

Question 10: Do you have any comments on our Welsh Language impact assessment?

No.

Question 11: Do you have any other comments on our proposals?

No.