



Virgin Media O2 response to Ofcom's Consultation:

Optimal use of 3.9 GHz spectrum

Additional option to change the frequency of UK Broadband's 3.9 GHz licence from 3925-4009 MHz to 3800-3884 MHz

February 2025

INTRODUCTION

Virgin Media O2 (“VMO2”) welcomes the opportunity to respond to Ofcom’s consultation on an additional option to change the frequency of UK Broadband’s 3.9 GHz licence from 3925-4009 MHz to 3800-3884 MHz.¹

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

Our response focusses on Ofcom’s specific questions.

RESPONSE TO SPECIFIC QUESTIONS

Question 1: Do you have any views on the additional option we outline to change the frequencies permitted under the 3.9 GHz licence from 3925-4009 MHz to 3800-3884 MHz?

We understand the logic of the proposed frequency change, which would result in efficiency gains by increasing the amount of useable spectrum available for Shared Access use, through a reduction in the number of coordination boundaries with high power users, facilitating defragmentation of the band. We also note that H3G has told Ofcom that the change would potentially lower its equipment costs.

At 4.24 in the consultation, Ofcom states:

“In relation to mobile competition, we do not consider that the frequency move option raises competition concerns. We note that the licence variations would not enable H3G to use its 3.9 GHz licence to provide public mobile services.”

It is clear that the reasons for the proposed frequency change all relate to efficiencies in relation to fixed services. It follows from the statement above that, should there be a proposal to modify 3.9GHz licences for mobile use then there would be a competition assessment undertaken. Ofcom should also make it clear in its decision that H3G (or the Vodafone/Three merged entity) cannot use the outcome of this process to then seek the use these frequencies to provide public mobile services on the basis that it used them to provide fixed services. Instead, Ofcom should use a suitable competitive reallocation process for the frequencies in the whole 3.8-4.2 GHz band, such as an auction.

If Ofcom proceeds with the frequency change, H3G will move to the bottom of the band. This will introduce a new coordination boundary with our existing licensed public mobile spectrum (held under Telefónica Limited) which will be adjacent at 3800 MHz.

¹ <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-2-6-weeks/consultation-optimal-use-of-3.9ghz-spectrum/main-documents/consultation-optimal-use-of-3.9-ghz-spectrum.pdf?v=390035>

We note that at 2.13 in the consultation, Ofcom says:

“H3G has told us it will be compatible with frame Structure A”.

This is critical. If H3G does become our spectrum ‘neighbour’, they must be synchronised and align to a 3:1 frame structure.

Furthermore, as the existing incumbent licensee, we have rights of protection against adverse interference, such that in relation to any centre frequency of fixed links which move to, or are deployed in the bottom of the band, H3G should be required to coordinate with us, and ensure there is no unwanted newly introduced interference. This should be a condition in the licence, as is the case for licences in the 3400-3800 band, which include a requirement to liaise and co-operate with other holders of licences in that band (if necessary adjusting transmission power and other technical parameters of transmission) in such a way that harmful interference is not caused by one network deployment to that of another Licensee. As a backstop measure, if we detected adverse interference, we would anticipate enforcing our rights to ensure the fixed link is removed.

Question 2: Do you have any comments on our proposed 18-month transition period for Shared Access users?

No.

Question 3: Do you have any comments on our proposed approach to protecting Fixed Links and Satellite Earth Stations in 3800-3884 MHz?

No.

Question 4: Do you have any other comments for us to consider in relation to the topics raised?

No.

We would be grateful if stakeholders also let us know if they have further comments in relation to the initial changes we consulted on in May 2024 (although there is no need to resubmit the same comments).

We have no further comments in relation to the initial changes Ofcom consulted on in May 2024.

Question 5: Do you have any comments on our impact assessment?

No.

Question 6: Do you have any comments on our equality impact assessment?

No.

Question 7: Do you have any comments on our Welsh language impact assessment?

No.