

Submitted via E-Mail

### Comments of EchoStar Mobile Limited

#### Notice of proposals to make the Wireless Telegraphy (Licence Charges) Regulations 2020 Consultation on regulations to consolidate and update the fees for Wireless Telegraphy Act Licences

August 14, 2020

Thank you for the opportunity to respond to Ofcom's consultation on the notice of proposals to make the Wireless Telegraphy (Licence Charges) Regulations 2020 (**Proposed Regulations**).<sup>1</sup>

This response is filed on behalf of EchoStar Mobile Limited (**EML**). EML appreciates the effort and collaboration of Ofcom to simplify the legislation and improve the understanding of the charging environment and provides its comments below.

EML is the Europe-wide licensee for the mobile satellite service (**MSS**) with a complimentary ground component (**CGC**) in the 2 GHz band. Today, EML holds a UK licence for MSS and has a pending application for CGC in the 2 GHz band.<sup>2</sup> As discussed herein, EML has concerns about Ofcom's proposal to incorporate the CGC fees into the Proposed Regulations as well as the continued use of administrative incentive pricing for regulatory fees.

As Ofcom is aware, under UK regulations, the CGC spectrum can only be licensed to the two Europe-wide MSS/CGC licensees. However, in the Proposed Regulations, Ofcom is proposing to list CGC fees for the 2 GHz band which makes it appear that CGC licences can be obtained by non-European wide MSS/CGC licensees, which is not the case. To correct this proceeding, Ofcom should either refrain from including these fees in the Proposed Regulations or, if that is not an option, there should be a note in the Proposed Regulations that expressly states that the licences for CGC is limited to these two licences, in their respective frequency bands.

We appreciate that this consultation is not to reconsider the level of fees charged, but EML wishes to re-raise its concerns at the level of the UK fees for CGC, which have not been fully addressed. As EML has explained in the past, the use of a cost-based pricing would be consistent with how many other countries have charged for use of this spectrum. This is because of the recognition that the costs associated with designing, constructing, launching and operating an MSS system are significant. In addition, unlike other terrestrial wireless operators, MSS/CGC operators are subject to limitations on the use of their CGC spectrum. Accordingly, unlike other

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<sup>1</sup> See Ofcom, Notice of proposals to make the Wireless Telegraphy (Licence Charges) Regulations 2020, *Consultation on Regulations to consolidate and update the fees for Wireless Telegraphy Act licences*, Consultation (pub. 25 June, 2020)

<sup>2</sup> See Spectrum Authorisation Reference Number 0828372/1 (issued 31 Aug 2010); *see also*, Pending Application, *Authorisation for Mobile Satellite Service with Complementary Ground Component* (filed, 07 April, 2016).



licensees who hold raw spectrum terrestrial spectrum licences, MSS/CGC licensees do not receive the same flexibilities that other terrestrial wireless operators do, and should this be charged an appropriate, reasonable and proportionate rate.

We appreciate your kind consideration in this matter and are happy to answer any additional questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer A. Manner'.

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