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UK Broadband's Response to Ofcom's consultation on variation of 28GHz Broadband Fixed Wireless Access Licence

Introduction

UK Broadband holds five licences in respect of 28GHz spectrum. Two of these licences relate to spectrum which was auctioned in 2008 (sub-national licences 2 and 3) and are of indefinite term. The other three regional licences relate to spectrum which was auctioned in 2000 and which is the subject of this consultation. These licences are due to expire on 31 December 2015.

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Q1 Do you agree that Ofcom should grant Urban Wimax's and Cable & Wireless's requests to vary their licences as soon as practicable?

Yes, subject to the variation being granted to UK Broadband's licence as well – see Question 4 below. There appears to be no technical or policy rationale for limiting the term of these licences and to continue to do so would be inconsistent with the provisions of other licences.

The prospect of the licence coming to an end in the relatively near future acts as a brake on investment and potentially limits spectrum trading opportunities for all operators holding these licences. There would, of course, be questions regarding continuity of service for any customers whose service depends on the use of this spectrum.

We do not think that holding an auction to re-award this spectrum is a sensible option. It would be challenging to hold and complete an auction before the end of 2015 and if Ofcom were to go down this route the spectrum would, in practice, be unusable in the interim period, due to the uncertainty of the outcome.

Q2 Do you agree with our proposal to align the technical conditions of the licences with those awarded in 2008 in these and adjacent spectrum bands?

Yes. Our own 28GHz licences already specify compliance with IR2048.

Q3 Do you agree with Ofcom's proposals to set an AIP fee level in context with the review of fees within bands used for fixed links?

Yes, we believe Ofcom should consider the AIP fee level along with the fee review for fixed links bands announced in the update to the Spectrum Review and that Ofcom should consult on its proposals.

Q4 Do you agree that Ofcom should offer this variation to other BFWA licence holders?

Yes. It would be inequitable to do otherwise and UK Broadband would, in any event, submit its own request for variation of the licence term.

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January, 2013.