30 April 2012
Ms. Mrinal Patel
Spectrum Policy Group
Riverside House
2a Southwark Bridge Road
London SE1 9HA
United Kingdom

Re: Ofcom Call for Input, Spectrum Review 2012

Dear Ms. Patel:

O3b Limited ("O3b") submits its views on this Call for Input as a member of the U.K. telecommunications industry with offices in Jersey and as a U.K.-notified satellite system before the ITU. O3b is a non-geostationary satellite system operator ("NGSO") using a medium-Earth orbit ("MEO") to provide broadband services worldwide in the Ka band. O3b plans to launch its constellation of satellites in 2013 under a U.K. Outer Space Act ("OSA") licence from the U.K. Space Agency.

O3b would like to join in and support the comments submitted separately by **SES** and **ESOA**. In addition, however, O3b has the following comments:

As a provider of broadband services, O3b will need unsegmented and coordinated access to much of the Ka band, including what this Call for Input refers to as the "18 GHz" band, as well as the "28 GHz" band recently segmented by auction. (Please see our attached Frequency Plan.) The auction of a part of the Ka band has resulted in a barrier to entry for broadband satellite systems such as O3b which use these bands. O3b can share the spectrum with other services because its earth stations must be coordinated, but now, as a result of the auctions, O3b must also – at a minimum – negotiate with Arqiva as well as Ofcom if it wishes to offer services in the U.K. This makes it more difficult and possibly more expensive for O3b to offer services in the U.K.

Ofcom should bear in mind that satellites take approximately 3 years to design, construct and launch and typically have a useful life of 10-20 years. Once construction has commenced, alterations related to spectrum use may be impossible for commercial, technical, or regulatory reasons. At a minimum, changes related to spectrum use during the construction phase of a satellite would result in launch and service delays, as well as substantial cost increases which could effectively derail any satellite system's business plan. Ultimately, these factors may result in reduced competition and loss of services to the public. There is no way to physically or technically alter a satellite (e.g., the frequencies) once on orbit.

Even more importantly, what the U.K. does with its regulations will stand as an example for much of the rest of the world. Not only current and ex-commonwealth countries, but the rest of Europe and especially emerging markets developing their regulatory regimes look to the U.K. for guidance. O3b already has customers and potential customers in such markets. The results of this Call for Input may have a wide-spread ripple effect on the rest of the world.

In summary, O3b commends the proactive approach taken in this Call for Input by Ofcom, and hopes that

sufficient resources can be put towards the next step in this consultative process to narrow the issues being addressed. O3b looks forward to working with Ofcom as it undertakes to develop an updated plan for spectrum use in the U.K. We remain at your disposal should you have any questions or wish to discuss our views further.

Sincerely,

Thai Rubin
General Counsel

O3b Limited
Jersey, United Kingdom

Cc: Joslyn Read, VP Regulatory Affairs, O3b
Ruth Pritchard-Kelly, Dir. Regulatory Affairs, O3b
Nancy Eskenazi, VP Regulatory Affairs, SES

O3b Channel and Beam Plan