
Intellect response to:

Ofcom Consultation

Recognised Spectrum Access ("RSA") for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz

15 September 2010

About Intellect

Intellect is the UK trade association for the technology industry which comprises the information and communications technologies (ICT), electronics manufacturing and design and consumer electronics (CE) sectors, including defence and space-related IT and services. Intellect represents over 750 companies ranging from SMEs to multinationals¹.

Introduction

Intellect thanks Ofcom for the opportunity to respond to this consultation. Whilst the scope of the consultation is expressly directed at the three specific bands listed above, Intellect wishes to ensure that a full debate is held on the basic principles that underpin the use of RSA. Specifically, we wish to address the potential harm that these principles might cause to the delivery of government's space policy, the integrity of the UK national table of frequency allocations and the future business of commercial operators.

Continued interference protection

Intellect's key concern centres on the increasing interest of Ofcom to impose ("voluntary") RSA for the protection of satellite systems - such as the satellite receive only systems that are the subject of the present consultation. Specifically, issuing RSA instruments to stations operating according to ITU spectrum allocations suggests that continued protection from harmful interference requires that RSA grants must be obtained or purchased to guarantee interference free operation. By introducing an increased financial cost to satellite wireless operations in the UK that is also subject to a short term approach (RSA grants that would be revocable if justified

¹ This response reflects the views of Intellect's Space and Satellite members. It does not necessarily reflect the views of the wider Intellect wireless broadband membership

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on spectrum management grounds after 5 years), it increases the regulatory burden while maintaining uncertainty on operators. It is noted that the Space Innovation and Growth Strategy (IGS)² final report seeks to promote the growth of the UK Space sector as an engine of growth in the coming decade – introducing unnecessary ‘protection’ charges would undermine this intent.

This issue sits alongside other concerns already expressed to Ofcom regarding the destabilising impact of AIP on spectrum allocation arrangements. Taken together, there is a concern that RSA and AIP promote a short term approach to spectrum allocations that does not align with the longer investment cycles of satellite operators. These general concerns over RSA and AIP are particularly acute in relation to exclusive satellite bands since, in the absence of other radio communication services sharing the spectrum, there is less potential for these mechanisms to promote more efficient use.

UK National Table of Frequency Allocations

The general role of the National Table in domestic frameworks is to ensure that interference free transmissions can be made, whilst advantaging the economies of scale inherent in ITU region-wide allocations. The UK National Table is a cabinet level instrument that provides clear and transparent guidance on aspects of spectrum use in the UK. Investments are made on the basis of the predictability of spectrum allocations included in the table and the expectations that authorisation to use the frequencies in accordance with the table may be obtained. This may be undermined for particular industries which have long investment cycles, such as the satellite industry, when the standing of the table is called into question. We take this opportunity to urge Ofcom to ensure that the National Table is used as the default position for any spectrum usage arrangement and is only deviated from as a last resort and following extensive consultations. The conversion of RSA to WT Act licences could breach this principle (see below). In addition, an explicit instruction in the EU Authorisation Directive requires that the simplest possible measures be adopted. It is difficult to conceive how RSA meets this standard when an alternative protection could be assured by a simple registration scheme. This method would be more proportionate and appropriate in the case of a small number of (mainly) existing Earth stations.

Conversion of RSA to WT Act licences

Intellect is concerned with the proposals in Paragraphs 4.41 and 4.42 of the consultation paper relating to the possibility to convert grants of RSA to Wireless Telegraphy Act licences. We understand that the Wireless Telegraphy Act includes this possibility and sees that it may have useful application for example in converting an RSA in relation to transmissions by the Crown into a WT Act licence used by a commercial entity. However, here we are concerned with grants of RSA concerning rights to protection from interference by a receiving satellite Earth station at a particular location. It is completely unclear to Intellect how such right would be converted into a Wireless Telegraphy Act licence (hence presumably a right to transmit) and how it would be defined. Furthermore, we do not see any value whatsoever in such a facility from a satellite operational viewpoint since a combined Tx/Rx licence could be applied for if transmission capability is needed. Intellect therefore requests full consultation on this issue before it is considered further.

² The Space Innovation and Growth Strategy 2010 to 2030 - Main Report February 2010 www.spaceigs.co.uk

International dimension

As a key participant in ITU frequency allocation processes, Ofcom is well aware that the reception of satellite signals and the more general protection of primary allocations are fundamental to an efficient spectrum management regime. Intellect is concerned that by entertaining the widespread applicability of RSA, the UK would send a harmful message to international partners that agreements entered into at the international level require further reassurance in the UK – and may not be automatically upheld. Moreover, UK institutions fulfil an important role in representing national commercial interests in international forums; introducing RSA as a standard domestic practice does not confer substantial benefits to UK industry whilst potentially weakening the voice of the UK overseas. Specifically, the Space IGS Main Report states clearly that:

‘Space is a highly geopolitical industry, and without strong government support in regulation, national interest promotion, international co-operation and R&D it will wither under the onslaught of the developing Space nations’³

Conclusion

Intellect therefore urges Ofcom to consider the above mentioned concerns. Due to the small number of Earth stations in the bands under discussion here, Intellect further encourage implementation of a more proportionate and manageable solution such as a simple registration scheme without the unnecessary complications associated with trading and conversion from RSA to WT Act licences.

³ The Space Innovation and Growth Strategy 2010 to 2030 - Main Report February 2010 www.spaceigs.co.uk