

7 May 2010

Mr. Paul Chapman
Ofcom
Floor 3
Spectrum Policy Group
Riverside House 2A
Southwark Bridge Road
London, SE1 9HA

**Re: Ofcom consultation on Licence Exemption of Wireless Telegraphy
Devices, Candidates for 2010**

Dear Mr. Chapman,

SES is pleased to contribute to the consultation concerning the license exemption of wireless devices. SES finds it important because the proposals are to extend and modify the existing arrangement for licence exemption in the UK. This license exemption would facilitate the use of new technologies and would remove restrictions that are no longer required for existing licence-exempt devices, including on High Density Fixed Satellite Services (HDFSS) in Ka-band and the terminals operating as part of an MSS/CGC network in the 2 GHz band.

SES is a leading satellite company which provides coverage and connectivity to a broad variety of customers worldwide. SES wholly-owns three satellite operators, SES ASTRA (ASTRA) offering services in Europe and Africa; SES WORLD SKIES (WORLD SKIES) which offers services in the Europe, the Americas, Africa, the Middle East and Asia; and SES SIRIUS (SIRIUS) offering services in Europe. SES also holds interests in Ciel in Canada, in Quetzsat in Mexico, in O3b Networks based in Jersey, Channel Islands, as well as in a number of satellite service providers. SES provides outstanding satellite communications solutions via a global fleet of 43 satellites.

More specifically, ASTRA provides capacity for the delivery of services to more than 122 million direct-to-home (DTH) and cable households in Europe and transmits more than 2,500 analogue and digital television and radio channels. With more than 100 high definition (HD) channels, ASTRA (together with SIRIUS) represents a most important HDTV platform for Europe's leading broadcasters. In the UK, through ASTRA GB Ltd, ASTRA provides television program distribution, DTH services, corporate networks, satellite-based internet services, satellite news gathering, and more. Well over 10 million UK households rely upon ASTRA for television service.

WORLD SKIES provides capacity for the delivery of video programming primarily outside of Europe to more than 125 million DTH and cable subscribers and over 1,100 analog and digital channels across its global fleet, including 86 HD channels making it one of the largest HD channel lineups beyond Europe. WORLDSKIES also provides satellite-based multimedia, internet, satellite news gathering (SNG), and telecommunication services to enterprises and governments.

SES has the following comments regarding this consultation:

1. *HDFSS*. Under the existing Wireless Telegraphy Act (WT Act) regime, earth stations transmitting in the Ka-bands 27.5 to 27.8185 GHz, 28.4545 to 28.8265 GHz and 29.4625 to 30 GHz, with an e.i.r.p. less than or equal to 50 dBW, are exempted from individual licensing. Ofcom is now proposing to increase the e.i.r.p. permitted for uncoordinated earth stations to less than or equal to 55 dBW.

We agree with Ofcom that a licence exempt environment for HDFSS will provide benefits for the deployment of broadband services by satellite. The changes enabling higher e.i.r.p. levels will facilitate an increase in the return speeds available to home users and small and medium size businesses, The increased power levels would also improve overall system performance and service. As a result, unserved or underserved consumers (*i.e.*, those not served by conventional terrestrial networks), such as those in some rural areas of the UK, would directly benefit from improved services. More generally, consumers would benefit from increased competition nationwide.

SES recommends that Ofcom consider raising the e.i.r.p. limit to 60 dBW, in order to avoid the need for licenses for all devices operating in the HDFSS Ka-band. It would be in line with the 'HEST' (High E.i.r.p. Satellite Terminals) Decision ECC/DEC/(06)03 as implemented in many other EU countries. It would also avoid the need to potentially further change Ofcom regulations in the near future.

2. *2 GHz MSS/Complementary Ground Components (CGC)*. SES notes Ofcom's intention to consult on proposals to set the transmission limits for MSS terminals that operate in the 2 GHz band to the satellite or base station. This consultation would follow the authorisation of operators to provide communications services in the 2 GHz MSS band via satellite or via CGC. Ofcom has stated that, depending on the outcome of this consultation, it may include the proposals regarding transmission limits for MSS terminals in the Proposed Regulations.

SES seeks clarification about Ofcom's intentions regarding 2 GHz MSS terminals. Specifically, is it Ofcom's intention to apply a license exemption regime to these terminals?

3. *Conclusion.* SES very much welcomes Ofcom's proposals on HDFSS. We commend the efforts of Ofcom that would facilitate and expedite the efficient delivery of quality services to UK consumers. We respectfully request that Ofcom expand the proposed exemption to include a higher power level of up to 60 dBW. The benefits of the Ofcom HDFSS proposal and the SES recommended higher power level would enhance the availability and quality of services to UK consumers.