



17 January 2008

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Dear Stephen,

ESOA is pleased to provide now comments to Ofcom's 2008 additional information released on 19 December 2007 and related to *the Procedures for the Management of Satellite Filings - Charges and Amendments to Procedures*. Please consider these comments as additional to our earlier comments submitted on 20 December 2007.

As a reminder, the European Satellite Operators' Association (ESOA) was formed in March 2002 to represent the interests of the industry with key European organizations and national regulators. ESOA's goals include ensuring that the satellite industry benefits from the appropriate political, industrial and regulatory environment to fulfil their vital role in the delivery of communications.¹

Financial Information

We stated in our response to Question A in the consultation that we wish to see greater transparency of costs for satellite filing and coordination work carried out by Ofcom. Further information offered by Ofcom, does indeed, provides some clarity on Ofcom costs, but it certainly does not offer the level of transparency required for the stakeholders to examine the way the costs have been apportioned to tasks associated with satellite filing. The apportionment of costs is also closely linked to staff resources used, specifically to the grades of staff involved, as costs vary according to their grades, and in this respect we would also wish to see further information on the apportionment of costs, grades of the staff, the amount of their time devoted to satellite filing functions, in order for us to reach the level of understanding needed to respond this consultation.

¹ The activities and other details about ESOA can be found at www.esoa.net. Members of ESOA are: Astrium Services, Eurasiasat, Eutelsat, HellasSat, Hispasat, Inmarsat, SES, SES Sirius, Telenor and Telespazio. Arianespace, Astrium Satellites, Avanti, International Space Brokers, Mansat, Marsh, Thales Alenia Space and Willis are Supporting Members of ESOA.

For instance, such elaboration would allow us to determine the cost of additional due diligence work carried out by Ofcom, over and above the requirements stated by the ITU Radio Regulations, and then to assess whether such additional work would offer value for money.

We sincerely hope that Ofcom would consider our request appropriately and provide the industry and other stakeholders with further information.

Our above comments imply that either the consultation should be further extended with Ofcom taking the responsibility for providing detailed information on costs, or Ofcom should consider engaging with the industry and other stakeholders through the established forum, the Satellite Consultative Committee (SCC) for further discussions. In the latter case, such engagement will allow Ofcom to respond directly to industry concerns before embarking on any new regulations on cost recovery.

Fees for Overseas Territories and Crown Dependencies

We are aware that some Overseas Territories and Crown Dependencies are seeking a reduction in costs, as some of them currently do carry out certain functions, or intend to carry out certain functions, on Ofcom's behalf. As we stated in the earlier response such delegated work would offer benefits to all parties:

- assist Ofcom in reducing its costs and focusing its resources to more deserving tasks,
- allow those jurisdictions to play an active part in satellite filing work, and carry out the work in a less costlier environments;
- allow operators filing directly through the UK to benefit from overall reduction in Ofcom's costs.

We note that there is a need for further discussion in this matter, first by examining and identifying the complete process of satellite filing and coordination, and then determining which functions could be delegated to the jurisdictions concerned without breaching the terms of the MoU between the Secretary of State and Ofcom. This, as we have stated above, requires the consultation to be further extended with Ofcom taking the responsibility for providing additional analysis on all related issues. Alternatively, such further discussions and analysis could be undertaken through the SCC.

We hope to continue our engagement with Ofcom on all these matters.

Yours sincerely

Aarti Holla-Maini
Secretary-General ESOA

