

Communications Commission

Oaseirys Çhellinsh

DIRECTOR
Anthony R. Hewitt FCIS FCMl

Salisbury House
Victoria Street
Douglas
ISLE OF MAN
IM1 2LW

Telephone: (01624) 677022
Fax: (01624) 626499

Mr S Limb
Space Services Unit
Ofcom
Riverside house
2a Southwark Bridge Road
LONDON SE1 9HA

Our Ref: 2021.MS-OFC.GMQ/MK

17 January 2008

Dear Mr Limb

Procedures for the Management of Satellite Filings: Charges and amendments to procedures

Thank you for providing the additional information in response to our letter of 5 December 2007.

The additional information on the two issues, namely the details of staff costs in carrying out the satellite filing work at Ofcom and relieving Ofcom of certain functions by undertaking them in the Overseas Territories and the Crown Dependencies, is most helpful. However, it still, in our view, falls short of the required level of information necessary for informed comments from stakeholders, and the limited time available to respond to this additional part of the consultation also restricts the level of analysis we can give to the issues. You will find that we have commented further on these difficulties in the relevant sections below. Given our not insignificant concerns and reservations on this consultation on cost recovery, we would prefer to consider it as a part of the process of initiating further discussions between Ofcom and stakeholders, not as the final step before Ofcom sets its detailed policy.

Ofcom staff costs

The clarifications offered by Ofcom, by identifying the actual staff (salary costs) and overheads, allow us to gain an improved understanding of this most important aspect of this consultation. The questions raised in our letter of 5 December 2007 do reflect the importance of this issue, not only to gain a better understanding, but also to enable us to respond adequately to the consultation. Some of the questions raised in relation to the staff responsibilities and the percentage of their time spent on satellite filing work remain unanswered. We believe such information is important both to provide the necessary level of transparency and to initiate discussion. It would be unfortunate if this consultation, specifically undertaken to address the cost to Ofcom of managing satellite filing work, were to be completed without the stakeholders having details as to the staff (in terms of grades or titles) who are currently engaged in such satellite filing work. We do, therefore,

urge further consideration in this regard and look forward to receiving amplification from Ofcom in due course.

Relieving Ofcom of certain functions

The Isle of Man, as a Crown Dependency proactively engaged in satellite filing work, considers the matter of undertaking certain delegated functions from Ofcom to be of paramount importance to its future development of this sector. We were surprised to note the position expressed by Ofcom, contrary to the earlier stated policy, and with the briefest possible elaboration as a result of the points raised in our previous letter. It is with regret that we must record our view this matter has not been sufficiently aired or analysed to establish which elements could be delegated. While we may not be fully aware of the details of the MoU between the Secretary of State and Ofcom, we fully respect the need for Ofcom to abide by any commitments arising from it. Ofcom has indicated, as a primary requirement arising from the MoU, any 'filings' submitted to the ITU have to be undertaken by Ofcom. We see the submission of filings to the ITU to be one part of a number of activities related to the satellite filing work. We feel that numerous other functions, not involving direct communications with the ITU but nevertheless necessary as a part of the satellite filing process by the responsible administration, might be considered for delegation to a jurisdiction such as the Isle of Man. If such functions are so delegated they will be carried out by competent staff acting under my authority, and to the agreed level of quality and standard. These functions will sit alongside other spectrum management functions carried out for Ofcom by the Communications Commission as telecommunications Regulator.

As mentioned, the limited period for consultation does not allow us the necessary time to offer a more detailed response through analysis of all aspects of the satellite filing work. We very much hope and wish to engage with Ofcom by means of further discussion and to reach a satisfactory position from which both parties, Ofcom and the Isle of Man, could benefit.

I look forward to receiving confirmation that you are content to proceed as suggested above.

Yours sincerely

Hon G M Quayle MHK
Chairman

c.c. Mr D Jayasuriya, ManSat
Mr I Jarritt, ManSat
Mr T Craine, Director of E-Business and Space Commerce