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Stephen Limb
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Dear Stephen

ADDITIONAL INFORMATION: *PROCEDURES FOR THE MANAGEMENT OF SATELLITE FILINGS CHARGES AND AMENDMENTS TO PROCEDURES*

ManSat Limited is pleased to offer these comments on the *additional information* published by Ofcom for the consultation on "Procedures for the Management of Satellite Filings; Charges and amendments to procedures".

There are two issues addressed by Ofcom; Financial information and Fees for Overseas Territories and Crown Dependencies, and we offer comments on them in the same order.

Financial Information

Ofcom explained that salary costs are at £200,000 and the overhead for six staff is £180,000, and remaining £20,000 of the total £400,000 being the travel and subsistence.

Ofcom then stated that the overhead element was "*apportioned on the basis set out in our Statement of Charging Principles, details of which can be found in Annex A here:* http://www.ofcom.org.uk/consult/condocs/socp/statement/charging_principles.pdf".

Unfortunately, the Annex A does not provide any further explanation or shed any further light on your overheads. It would be helpful to have further information to show how overhead is apportioned.

While we appreciate that providing salary details of staff could cause difficulties, we feel that it is necessary to offer further transparency on costs; and that Ofcom is duty bound to offer more details on the level of involvement of staff in carrying out various functions related to satellite filing and coordination work (hereafter referred to as "satellite filing work"). For instance, Ofcom could have provided the details of the grades of staff involved in the satellite filing work, and the percentage of each individual's time devoted to specific activities. Such information should not breach any staff confidentiality. We look forward to discussing these issues further with Ofcom prior to implementation of the cost recovery.

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Fees for Overseas territories and Crown Dependencies

We are pleased that Ofcom provided this additional information, but we feel that this matter should have been subjected to more in depth analysis to determine the feasibility of delegating some of the functions involved in satellite filing to the Overseas Territories and the Crown Dependencies. Unfortunately, the time available to provide a response is relatively short and does not allow us to offer a detailed response with the necessary level of analysis. Therefore, we offer the following comments with the intention of engaging in detailed discussions with Ofcom, with a view to reaching a satisfactory outcome, prior to the implementation of cost recovery.

Ofcom makes reference to the MoU between the Secretary of State and Ofcom dated 15 October 2007. It is unfortunate that we are not privy to the details of this MoU. Nevertheless, the extract of the MoU shown in the *additional information* does indicate that, contrary to Ofcom's view, the MoU does not necessarily prevent Overseas Territories or Crown Dependencies from carrying out any delegated work.

Ofcom stated in this *additional information* that “*This means that **ITU ‘filings’ for radio frequencies and orbital slots must be submitted by Ofcom** in accordance with the ITU rules. Ofcom have no scope to depart from this and whereas HMG has the flexibility to delegate authority (as it has done in respect of Ofcom), Ofcom is not permitted to delegate its authority*” (emphasis added). While we believe that certain delegated functions (from Ofcom) could be carried out in the Isle of Man by the Regulator, we do not expect to take on any tasks that involve any direct communications with the ITU. We could see that there are many other functions the Isle of Man Regulator could easily undertake to relieve Ofcom of its workload. They are:

- Examination of the compliance with all due diligence requirements set by Ofcom in submitting the APIs and RfC to the ITU/BR;
- Checking and validating satellite network filings for API and RfC, in order for Ofcom to submit them to the ITU;
- Initiating and conducting all frequency coordination discussions, and then finally submitting any resulting coordination agreements for Ofcom's ratification.
- Dealing with all regular correspondence with the ITU;

Delegating such responsibilities would enable Ofcom to streamline its operations and to focus its resources to those UK operators who make satellite filing directly with Ofcom. Furthermore, such delegation would reduce the burden on certain individual staff at Ofcom, who, we find, on occasions, burdened with large number of filings from many operators.

We are certain that if responsibilities are delegated to the Isle of Man, those responsibilities will be carried out diligently by suitably qualified staff and to the required standard of quality. We expect such responsibilities to be undertaken by the Regulator who has other functions on the Island in relation to spectrum management.



We look forward to further discussions between the Isle of Man Regulator and Ofcom to identify the functions could be delegated to the Isle of Man.

Yours sincerely

Don Jayasuriya