



Broadcasting Satellite Service at 33.5° West

Final invitation for expressions of interest

Consultation

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Section 1

Background

- 1.1 The Radiocommunications Agency conducted a consultation exercise which closed on October 23 2003 - available electronically at http://www.ofcom.org.uk/consult/condocs/satellite_33_5_west/. This sought views from stakeholders on the development of the BSS spectrum (11.7 - 12.5 GHz) from the orbital position at 33.5 Degrees West. Ofcom published a statement in October 2004 - available electronically at http://www.ofcom.org.uk/consult/condocs/satellite_33_5_west/opp_dev_sat_op/ which set out the approach it intended to follow in the light of the responses received to the consultation and the continuing uncertainty about whether there was any interest in making use of this capacity.
- 1.2 In a consultation document of February 2005 http://www.ofcom.org.uk/consult/condocs/satellite_networks/satellite_networks2/ and the resulting Statement in March 2005 http://www.ofcom.org.uk/consult/condocs/satellite_networks/statement/ Ofcom set out its approach to the management of filings and international coordination for satellite networks. This announced Ofcom's decision to institute a competitive process when an application is received to submit a filing to the ITU for a planned assignment.
- 1.3 Ofcom has now received one application for the BSS filing at the orbital position of 33.5° West. The details of the application are confidential; but it provides the full evidence required about the ability of the operator to bring the spectrum into use within the required timeframe and to meet all of the other requirements set out in consultations and statements made by Ofcom and the previous regulator. No other expressions of interest have been submitted. We propose, therefore, to negotiate the award of the filing to the sole applicant.
- 1.4 However, before we do so, we are, as promised in Ofcom's statement in October 2004, offering one final opportunity to other interested operators to apply to use this planned assignment. This document constitutes that final invitation. Any application must be received by 5pm on 1 July 2005. This date takes into account the need to select an operator in sufficient time to launch the satellite in time to meet the ITU deadlines. We will treat any application in confidence, unless the respondent wishes it to be published.

Section 2

Next steps

Timing

- 2.1 Under the ITU “Due Diligence” arrangements the relevant BSS assignments, filed as Digisat 1 and Digisat 2, need to be brought into use by 15 July 2007 for the filing covering the UK and by 16 March 2008 for the filing with a Europe-wide footprint.

Application Process

- 2.2 An application for this assignment must be complete and contain the following information, as set out in the original Radiocommunications Agency consultation document and the associated “Procedures of the United Kingdom Administration in relation to Satellite Networks”
http://www.ofcom.org.uk/static/archive/ra/publication/ra_info/ra301.htm
- 2.2.1 The applicant's details including evidence that the application is on behalf of a company registered in the UK, Channel Islands, Isle of Man or British overseas territories within the coverage area of the assignments.
- 2.2.2 A detailed project plan with key milestones clearly identified and arranged in chronological date order. This should include a schedule showing planned dates for the construction of the satellite(s) and associated ground segment facilities, together with launch and operational dates.
- 2.2.3 Evidence of the status in respect of the following:-
- a A spacecraft contract and contractor
 - b A launch services contract
 - c A launch indemnity contract
 - d Interference analyses
 - e Spacecraft launch details
 - f Details of build and operation of ground segment facilities
- 2.3 A detailed statement of the projected satellite design, build and launch costs and the lifetime operational costs.
- 2.4 A detailed business plan showing the intended sources of funding and proposed uses and markets for the assignments over the expected lifetime of the network. Evidence that the applicant has the current financial ability to meet the costs of construction and/or launch of the proposed satellite(s) and that they have the financial resources to operate the system for at least one year after launch. Supporting documentation should include a balance sheet for the current financial year together with a statement showing that the applicant has current assets and operating income or a financial plan showing the intended sources of funding and estimated revenues consistent with the business plan.

- 2.5 A commitment to take the lead in working through the regulatory and international co-ordination issues alongside Ofcom including dealing with other affected operators. Ofcom may delegate authority to the applicant to deal directly with other administrations on all technical and operational aspects of the co-ordination of frequency assignments and orbital locations, according to the procedures of the ITU Radio Regulations. The applicant must first demonstrate to our satisfaction that they have the necessary competencies to fully discharge all aspects associated with international co-ordination of satellite networks in compliance with ITU procedures.
- 2.6 Demonstration of a thorough understanding of the ITU Radio Regulations and procedures relating to filing, co-ordination and notification of satellite networks in general (including due diligence procedures), and of the unique situation of planned BSS networks in particular.
- 2.7 An undertaking that the satellite networks will operate in conformity with the relevant international treaties to which the UK is a signatory.
- 2.8 A declaration of intent to comply with these provisions and to proceed expeditiously with the project, from the initial stages through to the final operational system in accordance with the stated timescales.

Selection of applicants

- 2.9 In the event that Ofcom receives, in its view, any further fully worked-up and acceptable applications by the due date it proposes to award the spectrum to the application that, in its view, best meets the following criteria:
 - 2.9.1 The degree to which proposals for services make optimal use of the satellite slot (and the associated spectrum) having regard to availability and demand for that slot, and the desirability of promoting the efficient use of the slot (and the associated spectrum), the economic and other benefits that may arise from its use and the desirability of promoting competition.
 - 2.9.2 Key to that assessment will be:
 - 2.9.2.1 the ability to launch a satellite service within the required timeframe for bringing into use the relevant Digisat filing and to deal effectively with the required international co-ordination requirements; and
 - 2.9.2.2 the ability to sustain the service on the basis of a viable business plan and ongoing sources of funding and revenue.
- 2.10 Applications should be made by e-mail to

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Fees

- 2.11 As set out in the Statement in March 2005, Ofcom intends to consult further about the exact level of fees which it intends to apply for satellite filings. However the Statement committed Ofcom to setting fees at a level that does not generate surplus revenue.
- 2.12 There is no fee currently charged for use of spectrum for satellite reception. However, the Communications Act 2003 introduced a new scheme for 'recognised spectrum access' (RSA). Grants of RSA, for which fees may be charged, will be taken into account by Ofcom in planning the spectrum and will provide additional assurance about levels of unwanted emissions. Ofcom has not yet introduced RSA for any service, and in particular Ofcom has not made any proposals on the satellite bands for which RSA may be available or on the fees that may be charged. Ofcom may consult on these matters later this year. It will not be mandatory to hold RSA even in bands in which it is available.