



Procedures for the management of satellite filings

Consultation on proposed changes

	Consultation
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Closing Date for Responses:	10 July 2015

About this document

This document consults on proposed changes to Ofcom's Procedures for the Management of Satellite Filings.

Ofcom manages satellite filings – the process for obtaining internationally recognised orbital positions and frequency assignments for satellites – for companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. The most recent version of the Procedures for the management of those filings was published in 2007.

Over the past few years we have identified a number of ways in which we can simplify and streamline these procedures. We believe this will help the interested UK companies to have a process which is aligned with modern industry practices.

We invite comments on our proposals by 10 July 2015. We plan to publish a statement in late Q3/early Q4 2015 and to introduce the new arrangements shortly after.

Contents

Section		Page
1	Executive Summary	1
2	Introduction	3
3	Legal framework	7
4	Due diligence requirements	10
5	Notification of networks where coordination has not been completed	16
6	Bringing into use satellite networks	19
7	Transfer of ownership and control	22
8	Suspension of assignments	24
Annex		Page
1	Responding to this consultation	26
2	Ofcom's consultation principles	29
3	Consultation response cover sheet	30
4	Consultation questions	32
5	Glossary	34
6	Mark-up of Procedures showing proposed changes	35

Section 1

Executive Summary

Background

- 1.1 Ofcom manages satellite filings – the process for obtaining internationally recognised orbital positions and frequency assignments for satellites – for companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. The management of UK satellite filings is one of Ofcom’s duties arising from the Directions from the Secretary of State under the Communications Act 2003.
- 1.2 We publish Procedures which applicants must follow to submit an application for a satellite filing and which set out ongoing requirements for satellite operators. The most recent version of Ofcom’s Procedures for the Management of Satellite Filings was published in March 2007.
- 1.3 Since then, there have been changes to the international regulations that govern the process for satellite filings. We have held a consultation (published in November 2007 followed by a Statement in May 2008) on changes to some aspects of the Procedures. And in operating the Procedures for the past seven years we have learnt from experience and feedback from stakeholders where clarifications of our Procedures and editorial changes to the text would be useful.

Proposed changes to the Procedures

- 1.4 This document sets out the proposed changes to the Procedures and invites stakeholders to comment on them.
- 1.5 The proposed changes are:
 - 1.5.1 Minor and editorial changes to the text – these include replacing outdated references, removing unnecessary text and making simple improvements to the wording. These changes are not discussed in the consultation document but detailed in the mark-up of the Procedures document at Annex 6.
 - 1.5.2 Changes to bring the text of the Procedures to reflect our consultation in 2007 as well as decisions taken at the ITU which have changed or placed new requirements on Ofcom, and in turn on the applicants and satellite operators for whom we administer filings.
 - 1.5.3 Changes to simplify and/or clarify the Procedures – these include setting out in more detail what we require from applicants and operators at various stages of the application process and operation of the satellite, and simplifying and consolidating the reporting requirements on applicants and operators.

Next steps

- 1.6 The consultation closes on 10 July 2015. When we have reviewed the responses we will publish a statement, setting out our decisions, and a revised version of the Procedures.
- 1.7 Prior to the closing date indicated above, Ofcom will organise a workshop to discuss with stakeholders the proposed changes to the Procedures contained in this document. We plan to hold the event on 10 June 2015 between 10am and 4pm at Ofcom's premises in London. Stakeholders should register their interest in attending such event not later than 29 May 2015 by writing to the following email address: satellite.procedures@ofcom.org.uk.

Section 2

Introduction

Background

- 2.1 Satellite networks make use of scarce and finite spectrum resources, and have the potential to interfere with each other. Their use of frequencies and orbital positions therefore needs to be carefully planned and coordinated at an international level. This process takes place within a framework of international rules operated by the International Telecommunication Union (ITU), a specialised agency of the United Nations. The Radio Regulations, which are part of the treaty documents governing the ITU and its 193 member states (including the UK), contain procedures for the notification, coordination and registration of satellite filings and place certain rights and obligations onto the ITU member states. These procedures are designed to ensure that networks operate without interfering with each other and also that spectrum and orbital resources are used efficiently.
- 2.2 Ofcom represents the UK in the ITU and acts as the notifying administration for the management of satellite filings for companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. In undertaking its role, Ofcom submits information concerning proposed satellite networks to the ITU and facilitates frequency coordination with satellite networks of other administrations. The final objective of these processes is to register the satellite network with the ITU, on the Master International Frequency Register (MIFR), so that its frequency assignments obtain international recognition. Throughout the lifetime of the UK satellite network, Ofcom will work with the satellite operator to periodically check the status of its operating frequency assignments, facilitate coordination with other satellite networks and if necessary cancel the filings if these are no longer required.
- 2.3 In 2007 Ofcom published the Procedures for the Management of Satellite Filings¹, referred to hereafter in this document as the ‘Procedures’. The Procedures set out how satellite operators should submit applications for satellite filings to Ofcom and the criteria and procedures that we apply for the management of satellite network filings.
- 2.4 Such Procedures apply to all companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. These companies are referred to hereafter in this document as ‘UK operators’.

The citizen and consumer interest

- 2.5 Satellites provide a wide range of valuable services to consumers, businesses and government including:
- satellite direct to home (DTH) TV;
 - satellite broadband to homes and businesses;

¹ <http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-policy-area/spectrum-management/satellite-filings.pdf>

- telephony and data backhaul;
 - satellite navigation (e.g. GPS);
 - weather forecasting and climate change monitoring;
 - outside broadcasts and news gathering;
 - corporate networks;
 - mobile satellite telephony.
- 2.6 Satellite TV provides significant value to consumers by delivering a variety of free-to-air and pay-TV services and sustaining choice of digital TV channels and platforms. Satellites also offer a unique ability to provide communications on a global basis and are essential in providing services, like news gathering, satellite telephony and broadband to homes, aeroplanes and ships, in remote areas where delivery by terrestrial means is not available.
- 2.7 Increasing interest in, and funding for, weather forecasting, climate change monitoring and disaster management is leading to more frequent launches of satellites for such purposes. The information and data collected by these satellites is used by Geographic Information Systems (GIS) to provide a diverse set of societal benefits including weather warnings, disaster relief, crop management and also to further human endeavours such as mapping, exploitation of natural resources and understanding population density.
- 2.8 Clear and effective Procedures for managing satellite filings provide the satellite industry with the regulatory certainty which allow UK satellite providers to get access to the internationally recognised orbital slots and frequencies required to fund, deploy and run their business. This in turn benefits citizens, consumers, businesses and government by enabling a range of services to be provided using satellite, by a range of competing operators.

Keeping the Procedures up to date

- 2.9 We have reviewed the Procedures and are proposing to make changes to the text of the document to:
- 2.9.1 improve or further clarify certain aspects of the Procedures in the light of experience gained since they were published; and to
 - 2.9.2 bring the Procedures into line with changes made to the international Radio Regulations of the ITU at the last two ITU-R World Radiocommunication Conferences (WRC-09 and WRC-12).

Structure of this document

- 2.10 In section 3 we set out the legal framework, including our international obligations, in the context of our role in managing spectrum and satellite orbital resources. The remainder of the document sets out the proposed changes to the Procedures. At beginning of each of the sections of this document the reader can find the reference to which part of the Procedures the changes are proposed.

2.11 In the rest of this document, we set out the reasons for the proposed changes, assess their potential impact and explain how we propose the changes could be implemented in the Procedures. A marked up version of the current Procedures document, showing proposed changes to the wording (including some minor and editorial changes), is in Annex 6.

Impact assessment

2.12 According to section 7 of the Communications Act 2003 (“the 2003 Act”), Ofcom has a duty to carry out an impact assessment where it is proposing to do anything in connection to its functions and it appears to us that the proposal is important. Ofcom is committed to carrying out and publishing impact assessments in relation to the majority of its policy decisions.² We have carried out impact assessments for some, but not all, of the changes proposed in this document.

2.13 We have not carried out an impact assessment for any of the minor and editorial changes to the text – these include replacing outdated references, removing unnecessary text and making simple improvements to the wording. These changes are not discussed in the consultation document but detailed in the mark-up of the Procedures document at Annex 6.

2.14 We have not carried out an impact assessment for the changes we are proposing to bring the text of the Procedures in line with existing practice – these changes implement decisions taken following our consultation in 2007 as well as decisions taken at the ITU which have changed or placed new requirements on Ofcom, and in turn on the applicants and satellite operators for whom we administer filings.

2.15 We have carried out an impact assessment for those changes that involve a change in our activities or that may have an impact on our stakeholders or the general public. The proposed changes where we have carried out an impact assessment are listed below, for ease of reference:

Proposed change	Impact assessment found in
Proposal to add milestones, clarify evidence requirements and set deadlines for reporting	Section 4, paragraphs 10-12
Proposal to replace requirement for six-monthly reports before BIU with yearly reports, complemented by ad-hoc reports when appropriate. Proposal to clarify information required in yearly reports (before and after BIU)	Section 4, paragraph 26
Proposal to set out the circumstances in which we would allow notification of networks where coordination between	Section 5, paragraphs 12-14

² For further information about Ofcom's approach to impact assessments, see the guidelines, Better policy-making: Ofcom's approach to impact assessment <http://www.ofcom.org.uk/about/policies-and-guidelines/better-policy-making-ofcoms-approach-to-impact-assessment/>

UK stakeholders has not been completed	
Proposal to allow transfer of ownership and control of a filing at API Stage	Section 7, paragraphs 4-6
Proposal to clarify the action Ofcom may take in the event of relocation or loss of satellite capability	Section 8, paragraphs 7-9

Equality impact assessment

- 2.16 We are required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- 2.17 We have not identified any particular impact of our proposals in relation to the identified equality groups. Specifically, we do not envisage the impact of any outcome to be to the detriment of any particular group of society.
- 2.18 Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that our proposals will not have a differential impact in Northern Ireland compared to consumers in general.

Section 3

Legal framework

Introduction

3.1 This section outlines the legal framework setting out Ofcom's obligations in managing spectrum and orbital resources.

UK legal framework

3.2 Ofcom's duties in relation to the provision of electronic communications networks and services and the use of electromagnetic spectrum are set out in the Communications Act 2003 (the 2003 Act) and the Wireless Telegraphy Act 2006 (the 2006 Act).

3.3 According to section 3(1) of 2003 Act, it shall be the principal duty of Ofcom, in carrying out their functions

(a) to further the interests of citizens in relation to communications matters; and

(b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.

3.4 The things which Ofcom are required to secure in the carrying out of their functions include (section 3(2) of the 2003 Act)

(a) the optimal use for wireless telegraphy of the electromagnetic spectrum;

(b) the availability throughout the UK of a wide range of electronic communications services.

3.5 Moreover, in performing their duties under section 3(1) of the 2003 Act, Ofcom must have regard in all cases to

(a) the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed; and

(b) any other principles appearing to Ofcom to represent the best regulatory practice.

3.6 Lastly, pursuant to section 3(4) of the 2003 Act, "Ofcom must also have regard, in performing those duties, to such of the following as appear to them to be relevant in the circumstances

...

(b) the desirability of promoting competition in relevant markets;

...

(d) the desirability of encouraging investment and innovation in relevant markets;

...

(f) the different needs and interests, so far as the use of electro-magnetic spectrum for wireless telegraphy is concerned, of all persons who may wish to make use of it;

...

(m) the extent to which, in the circumstances of the case, the furthering or securing of the matters mentioned in section 3(1) and (2) of the 2003 Act is reasonably practical.”

- 3.7 Pursuant to section 1 of the 2006 Act, it is a function of Ofcom to give such advice in relation to the use of electromagnetic spectrum for wireless telegraphy, provide such other services and maintain such records as they consider appropriate for the purpose of facilitating or managing the use of the spectrum for wireless telegraphy. The Secretary of State may require Ofcom to carry out these functions for the purpose of securing compliance with the international obligations of the UK.

International legal framework

- 3.8 Article 44 of the ITU Constitution, relating to the use of radio frequency spectrum and of the geostationary and other satellite orbits, states

“Member States shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall endeavour to apply the latest technical advances as soon as possible.

In using frequency bands for radio services, Member States shall bear in mind that radio frequencies and any associated satellite orbits, including the geostationary-satellite orbit, are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.”

- 3.9 The ITU Radio Regulations and World Radiocommunication Conference decisions are also relevant. These include the international table of frequency allocations (Article 5) and the procedures and criteria to be adopted by ITU Member States for the coordination (Article 9) and notification (Article 11) of frequency assignments to satellite networks.

Ofcom’s role

- 3.10 Pursuant to section 22(1)(a) of the 2003 Act, it shall be the duty of Ofcom to provide representation on behalf of Her Majesty’s Government in the UK on international and other bodies having communications functions. According to section 22(2), Ofcom should have the power, if so requested by the Secretary of State, to do one or more of those things as respects any of the Channel Islands, the Isle of Man or a British Overseas Territory. This role was accepted by the Ofcom Board in February 2005.
- 3.11 By means of Requirements and Directions to Ofcom, dated December 2003, the Secretary of State required Ofcom to represent Her Majesty’s Government in the UK at the ITU. In a letter dated 31 January 2005, the Secretary of State requested Ofcom to extend its ITU representation role to the Channel Islands, the Isle of Man and the British Overseas Territories. On the basis of the directions by the Secretary of State and the arrangements with Government set out above, Ofcom is the

notifying administration for operators registered in the UK, the British Overseas territories, the Channel Islands and the Isle of Man.

Section 4

Due diligence requirements

(Proposed amendments to Section 5 of the Procedures)

Introduction

- 4.1 This section discusses the requirements, set out in section 5 of the Procedures, for UK operators to provide information at various stages of the process for coordination and notification of UK satellite networks.
- 4.2 Due diligence information is required partly as a result of requirements contained in Resolution 49 of the ITU, and partly to satisfy Ofcom requirements. Resolution 49 requires that administrations provide to the ITU-BR relevant data corresponding to the construction and launch of the satellite which is planned to operate under the relevant filing. In addition, Ofcom has wider obligations (as do other ITU member states) through (and not limited to) the ITU Constitution, Convention and Radio Regulations and also through our duties under the 2003 Act.
- 4.3 A key aspect of the due diligence information is the business plan which applicants are required to provide when they first apply to Ofcom. The business plan shall contain information outlining not only the major milestone events for the planned satellite network but also any information (e.g., financial) that would ensure that the applicant is able to meet such milestones and realise the project. We use these milestones, in conjunction with regular progress reports from the applicant, to assess the applicant's plan to deliver the planned network, bringing it into operation within the relevant ITU regulatory period (normally seven years). Once the network has been brought into use, we require regular reports from the operator (sometimes accompanied by a meeting), to ensure the network remains operational and the filing remains in use.
- 4.4 It is important that we receive timely and comprehensive information from applicants and operators, as this helps us administer filings efficiently and remove filings that are not progressing. If the applicant does not provide sufficient and timely information that a project is progressing, we may conclude there is no progress. Failure to meet the milestones contained in the business plan, or failure to provide progress reports as required, may therefore ultimately lead to cancellation of filings.

Proposed changes to the due diligence requirements section

- 4.5 We propose the following changes to the due diligence section of the Procedures:
 - 4.5.1 The Procedures do not currently specify all the dates relevant to the milestones in the business plan, or what evidence we require in support. We propose to clarify the Procedures by **specifying milestones, evidence requirements and deadlines** for this information (see paragraphs 4.6 - 4.9 below).
 - 4.5.2 The Procedures require applicants to inform Ofcom of **changes to the business plan**. We propose to clarify the Procedures by setting out what information Ofcom requires from the applicant in those circumstances, how that information will be assessed by Ofcom, and what action we may take

further to being informed of a change to the business plan (see paragraphs 4.14-4.16 below).

- 4.5.3 The Procedures set out reporting requirements for applicants before BIU and for operators once the satellite is operational. We propose to simplify and clarify the **reporting requirements** in the Procedures by reducing reporting requirements before BIU, consolidate the remaining reports required, and set out in more detail the information required before and after the satellite network is brought into use and what action we may take if reports are not received on time (see paragraphs 4.18-4.25 below).

Milestones, evidence requirements and deadlines

- 4.6 We propose to expand and clarify the expected project milestones associated with each project presented to Ofcom. These milestones would be based on typical satellite construction practices and provide a timeline for the project to be implemented before the expiry of the seven year regulatory period. The applicant would be given a chance to justify any delays its project may experience, allowing the possibility of extending the timeline (on a case-by-case basis). However, if the delays are not justified and the project becomes non-viable, we may take steps to cancel the filing.
- 4.7 We propose to add the milestones listed below to those detailed in Table 1 in section 5 of the Procedures. Information on these milestones is intended to help us assess the ongoing likelihood of the satellite network being deployed within the seven-year regulatory timeframe.
- **Critical design review for satellite completed.** In addition to showing that the project is progressing, this will provide us with confirmation that the satellite to be constructed complies with the frequency assignments submitted in the filing. It is important that the real satellite capability and ITU filing/notification should be kept consistent throughout the lifetime of the project. At this milestone all unnecessary frequencies in the filings should be cancelled. Extracts from the Critical Design Review (CDR) documentation for the satellite showing the frequency capability alongside formal confirmation that the CDR has been completed would be acceptable evidence.
 - **Earth station procurement contract signed.** This will provide us with confirmation that the applicant is building, or has access to, a ground segment in addition to the satellite segment. Acceptable evidence would be a copy of the Earth Station procurement contract (construction, or lease, or third party operated), or formal confirmation from the parties that a contract has been entered into. In cases where this may not be appropriate, for instance where the satellite operator provides wholesale capacity to third parties, the applicant should provide an explanation as to why such documentation is not provided.
 - **Authorisations (e.g., a licence) for earth station feeder-links and TT&C communications.** A licence or authorisation from the relevant national regulatory authority demonstrating that the applicant conforms to the relevant national requirements, enabling it to operate and control the spacecraft. For an earth station situated in the UK, this would be licence(s) issued by Ofcom under the Wireless Telegraphy Act 2006.
- 4.8 We also propose to clarify some of the evidence requirements for the existing milestones. For example, where we ask for evidence of the contract for the

procurement of the satellite, we propose to include additional text to make clear that applicants may pursue alternative means of bringing a satellite into use, such as short or long term lease to use an existing in-orbit satellite. This reflects existing practice. The proposed wording is set out in Table 1 in Annex 6.

- 4.9 The deadline dates we propose are based on knowledge of the industry and experience of the satellite filing process. When setting the milestones at the receipt of a filing for API, and then at the CR/C stage, the applicant will have the opportunity to explain and justify any variance or delays, and the milestones could be changed, if appropriate and at the sole discretion of Ofcom, to reflect the circumstances of that application. However, we note that there is no flexibility when it comes to the international process – frequency assignments must be brought into use within seven years from the date the API is received by the ITU BR. The milestone dates we propose follow from that deadline and the practical constraints in launching a satellite network.

Impact assessment

- 4.10 Costs - This proposal would require applicants / operators to provide information and documentation, at specific points in the project, which they are not always or routinely required to provide today. This could impose an additional burden / additional costs on operators (in terms of the applicants' time and resources in collating and submitting the information).
- 4.11 Benefits – Specifying the milestones and evidence requirements provides clarity and certainty for operators. It will also help Ofcom ensure that the project is progressing and that it is therefore appropriate to maintain the filing. This will facilitate Ofcom's task of securing that spectrum and orbital slots are used efficiently, to the benefit of consumers and the satellite industry more widely.
- 4.12 We expect that the information and documentation we propose that applicants should be required to provide would generally be readily available to the applicant. We therefore consider that the additional burden of collating and submitting that information to Ofcom will be small and is outweighed by the benefits – ensuring that the process is clear and predictable, and supporting the aim of efficient use of orbital and spectrum resources.

Implementing the proposed changes in the Procedures

- 4.13 To implement the proposed changes described above, we would add the new paragraphs 5.x, 5.y and 5.z and amend the wording of Table 1 and paragraphs 5, 6 and 9 of section 5 of the Procedures. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 1) Do you have any comments on our proposals to
- include additional milestones to provide evidence that the satellite project is on-going and that its frequency assignments will be brought into use within the seven year regulatory period;
- clarify what evidence we will accept to demonstrate milestones have been completed, and
- set specific deadlines for milestones?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Changes to the business plan

- 4.14 The Procedures (section 5, paragraph 5) require an applicant to submit a business plan as part of an application. The purpose of submitting the business plan is to permit us to assess the applicant's plan to deliver the proposed satellite network, bringing it into operation within the seven year regulatory period. The Procedures require applicants to inform Ofcom immediately of any change to the business plan, including the key milestones.
- 4.15 We propose to clarify the Procedures by adding text setting out in more detail what information we require about changes to the business plan, and what we would normally do when we receive information about such a change. We propose that when applicants inform us about changes to their business plan, this should include:
- details of the changes to the business plan, with relevant justifications;
 - which original milestones are affected, and how;
 - whether the changes have an impact on the ability to meet the project's regulatory deadline; and
 - which technical satellite network characteristics of the filing may be affected.
- 4.16 We also propose to set a time-period of 30 calendar days in which we will inform the applicant in writing of any action to be taken as a consequence of the change in business plan, including modification of the filed parameters, or cancellation and refiling of the satellite network

Implementing the proposed changes in the Procedures

- 4.17 To implement this proposed change, we would amend the wording of section 5 through the addition of the new paragraph 5.y and the amendment of the existing paragraph 6 of the Procedures. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 2) Do you have any comments on our proposals to clarify the information required when there is a change to the business plan?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Reporting requirements before and after BIU

- 4.18 The Procedures currently require applicants to provide a report every six months before a filing is brought into use (BIU). Once the assignments are entered in the MIFR and brought into use, a report is required every year. We use the information provided in the reports to assess whether the project is meeting the objectives set out in the application (see sections 5.7 and 12.6 of the Procedures). Sections 12.5 to 12.9 of the Procedures provide an outline of actions that would be taken by Ofcom in the event that the reports provided under sections 5.6 to 5.9 of the Procedures indicate that projects are not progressing in a timely manner.
- 4.19 We propose to simplify and clarify the reporting requirements by:

- removing the requirement for six-monthly reports before BIU and replacing it with a requirement for yearly reports;
- consolidating the yearly reports so that each applicant/operator provides one yearly report for all its applications and filings, before and after BIU;
- amending the wording of the existing requirement to provide immediate reports of changes to the business plan and milestones (paragraph 5.5 of the Procedures) to include reports of any events which cause a material change to the project plan (before BIU) or the operational status of the filing (after BIU), and as soon as practicable when milestones are completed (before BIU);
- setting out in more detail what we expect to see included in the reports, both before and after BIU; and
- setting out in more detail what we will do if a report is not received on time.

Reducing reporting requirements before BIU

- 4.20 Applicants are currently required to provide six-monthly progress reports to verify that the project is proceeding as planned. We propose that this would be replaced with a yearly report, plus ad-hoc reports of any events which cause a material change to the project plan, and as soon as practicable when milestones are completed.

Consolidating the yearly report(s)

- 4.21 Satellite operators often have more than one satellite network. Currently, a yearly report for each network is due each year on the anniversary of that satellite network being brought into use. We propose to consolidate the yearly reports so that each operator would report on all their networks on one occasion each year, at a date agreed with Ofcom. If an operator launches a new network, a section for that network would be added to the next yearly report from that operator. We would also ask operators to provide ad-hoc, immediate, reports of any event which may cause or has caused a material change to the operational status of the filing.

What the yearly report should contain

- 4.22 Before a filing has been brought into use, we would ask applicants to include in the yearly report:

- project activities undertaken, or completed, for each of the individual milestones;
- frequency coordination activities undertaken, or completed, in the previous year; and
- information about any changes or updates to the applicant's business plan.

- 4.23 For the first yearly report after a new satellite network has been brought into use, we would require the operator to include in the yearly report:

- the satellite name;
- information on which company built the spacecraft, launched it and from where, or if not newly launched who is/was the owner, who is/was the administration licensing the spacecraft and what was its original or previous orbital location; and

- what operational or testing activities have been undertaken to show that the satellite is capable of operating on the frequencies notified or brought into use.
- 4.24 For every yearly report (including the first report after a filing has been brought into use) we would require the report to include:
- information about the operational health and status of the spacecraft in orbit;
 - services being offered on each transponder, highlighting and explaining any activity changes over the year;
 - the frequency bands used by each satellite beam and its geographical coverage;
 - information related to the ground segment that demonstrates that the satellite network can operate according to its design and mission. This may include the location, characteristics and coordination status of its Earth Stations, and the location and point of contact of its Network Control Facility;
 - whether any issues (operational or interference) have been experienced by the payload; and
 - a copy of the company's Annual Report and Financial Statements.

What we would do if a yearly report is not received on time

- 4.25 We propose to set out in the Procedures what action we may take if a report is not received on time. If a yearly report is not received on time, we would normally issue a reminder to the operator. If the report is not received within 30 calendar days after the reminder, Ofcom may consider whether it would be appropriate to cancel the filing.

Impact assessment

- 4.26 This proposal reduces costs on applicants, by removing the six-monthly reporting requirement and replacing it with a yearly consolidated report. We do not consider that this proposal would have any negative consequences on our ability to ensure efficient use of spectrum as operators would still be required to submit ad hoc reports of any events which cause a material change to the project plan. Our proposal would therefore reduce an unnecessary administrative cost.

Implementing the proposed changes in the Procedures

- 4.27 To implement the proposed changes, we would amend the wording of paragraphs 6 to 9 of section 5 of the Procedures. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 3) Do you have any comments on our proposed changes to the reporting requirements illustrated in paragraphs 4.18 – 4.25 above?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Section 5

Notification of networks where coordination has not been completed

(Proposed amendments to Section 6 of the Procedures)

Introduction

5.1 The ITU procedures establish coordination requirements for satellites at the international level between administrations. Frequency coordination between satellite networks of any one administration are considered to be domestic issues and are not part of the ITU process.

Notification where international coordination has not been completed

5.2 Under No. 11.41 of the Radio Regulations, assignments can be recorded in the MIFR even though coordination has not been completed with all those assignments with which coordination is required, subject to conditions set out in the Radio Regulations. Assignments recorded in the MIFR under No. 11.41 are to be taken into account by subsequent assignments.

5.3 Agenda Item 7 of the World Radio Conference-2012 (WRC-12) considered the regulatory provisions of No. 11.41 and, in view of the increasing number of assignments recorded under regulation No. 11.41, it adopted No. 11.41.2, which says: *'When submitting notices in application of No. 11.41, the notifying administration shall indicate to the Bureau that efforts have been made to effect coordination with those administrations whose assignments were the basis of the unfavourable findings under No. 11.38, without success.'* This is because WRC-12 wanted to send a clear message that use of regulation No. 11.41 is a measure of last resort and that the normal expectation is that notification follows only after coordination has been completed.

5.4 In January 2013, the ITU-BR issued Circular Letter CR/343³, setting out how it would implement a number of changes arising from the WRC-12, including the evidence it may require from administrations when applying No. 11.41 when notifying filings where international coordination has not been achieved. This would include evidence of *'actions taken in the event of failure to reply or to reach a decision on a coordination request, including the request for the Bureau's assistance, or the number and dates of coordination meetings for coordination of the network concerned with the administrations whose frequency assignments were the basis of the unfavourable finding, etc'* (section 4.2 of CR/343).

5.5 We propose to amend the Procedures to align with the position taken by the ITU. This means that we would notify under No. 11.41 only if the request to Ofcom for submission of notification can be supported by sufficient evidence that coordination efforts have been made and have not been successful in reaching an agreement.

³ <http://www.itu.int/md/meetingdoc.asp?lang=en&parent=R00-CR-CIR-0343>

- 5.6 Acceptable evidence would include a written record (supported by copies of correspondence, meeting notes, etc) compiling the efforts made to reach a decision on a coordination. This would provide the evidential basis which may be requested by the Bureau for Ofcom to declare that coordination could not be completed.

Implementing the proposed change in the Procedures

- 5.7 To implement this proposed change, we would add paragraphs 6.x and 6.xx and amend the wording of section 7.8 of the procedures. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 4) Do you have any comments on our proposal that a request for notification under No. 11.41 must be supported by evidence of efforts to coordinate with the other operator(s)/administration(s)?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Notification where coordination between UK operators has not been completed

- 5.8 We propose to amend section 6 of the Procedures to clarify the circumstances in which we could, at our discretion and on certain conditions, allow notification of UK networks when not all coordination between UK operators has been completed.
- 5.9 The onus is on the applicant for a new filing to seek coordination with networks having senior filings⁴. This means that the satellite network with a junior filing⁵ is responsible for any resulting costs, and if there was no way of allowing notification unless all domestic coordination had been completed, it may face cancellation of its filing. Requiring that all UK-to-UK coordination to be completed prior to notification of the junior network may be impractical in certain cases.
- 5.10 This is a matter similar to having two operators represented by two different administrations, where the operator in one administration may not be able to finish all frequency coordination with operators of other administrations. However the assignments of that operator can still be notified to the ITU for placement on the MIFR and recorded with remark of an unfavourable finding with respect to the other administrations, pursuant to No. **11.41**. This provides assurance that the assignments notified under No. **11.41** must not cause harmful interference to those that have priority nor claim protection from them. We are proposing a similar solution when coordination cannot be achieved between UK filings.
- 5.11 We propose to amend the Procedures to clarify that Ofcom may, at its discretion, allow notification of a UK satellite network with a junior filing, even where

⁴ By 'senior filing' we mean a filing of a satellite network whose API date of receipt precedes that of a filing of another satellite network. The senior filing has priority over the more recent (or 'junior') ones. Note that No. **9.53** and the Rules of Procedure are clear that priority is only related to the timing when the API was submitted (and thus used only to identify administrations with which coordination is to be effected) and not an absolute right that can block frequency coordination. No. **9.53** states that "[operators] shall make every possible mutual effort to overcome the difficulties, in a manner acceptable to the parties concerned."

⁵ By 'junior filing' we mean a filing of a satellite network whose API date of receipt is more recent than a filing of another satellite network.

coordination with senior filings of other UK operators has not been completed. Notification could be made, provided that the applicant with the junior filing:

- to Ofcom's satisfaction, has attempted to achieve coordination with the UK network(s) having senior filings;
- commits to operate its satellite network on a non-interference and non-protection (NINP) basis with respect to the senior filing(s) with which it has not been able to complete coordination;
- commits to satisfactorily reduce or remove any harmful interference, during its operations, which may be caused to assignments in operation on networks with senior filings that it has not been able to complete coordination with; and,
- acknowledges that if harmful interference is caused to such assignments and it fails to reduce or remove the harmful interference satisfactorily, then the sections of the Procedures related to the possible cancellation of the filing due to harmful interference being caused (section 12.10 or 13.10, as appropriate) would apply.

Impact assessment

- 5.12 Costs – This proposal may increase the risk that UK networks in operation receive interference from junior UK networks that are operational and with which they have not completed co-ordination. UK networks also face this risk from overseas networks with which they have not completed co-ordination. In both cases, Ofcom has procedures in place to require the junior network to cease harmful interference to the senior ones; and these will be applied equally to relevant UK satellite networks.
- 5.13 Benefits - This proposal removes uncertainty for UK operators and sets out clearly the circumstances in which a junior filing could be notified, even if it has not achieved coordination with all relevant senior filings.
- 5.14 The risk of interference is mitigated by the fact that junior networks which have not completed co-ordination must operate their satellite services on a non-interference and non-protection basis. Our view, which is subject to consultation, is that we consider that the potential benefits of our proposals outweigh the costs.

Implementing the proposed change in the Procedures

- 5.15 To implement this proposed change, we would add paragraph 6.xxx and amend the wording of paragraph 6.3 of the Procedures. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 5) Do you have any comments on our proposal to clarify the Procedures to set out that we may, at our discretion, allow UK satellite networks with junior filings to be notified to the ITU without requiring completion of all frequency coordination with UK networks having senior filings, and the conditions on which we would proceed with notification in such cases?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Section 6

Bringing into use satellite networks

(Proposed amendments to Section 7 of the Procedures)

Introduction

6.1 In order for a satellite filing to be entered into the MIFR and be recognised internationally, Ofcom must notify the ITU when the filing has been brought into use by a satellite in orbit. This has to be done before the end of the seven year regulatory period. We propose to change the text of the Procedures to clarify that Ofcom may require certain information and evidence from applicants / operators in order to notify the ITU that a geo-stationary orbit (GSO) or non-GSO satellite network has been brought into use.

GSO satellite networks

6.2 We require confirmation of the successful launch of a satellite network before we will inform the ITU that the network has been brought into use. In the case of a GSO network, WRC-12 decided that the definition of bringing into use for assignments to space stations in GSO networks should follow No. 11.44B in the 2012 Edition of the Radio Regulations. This definition came into effect on 1 January 2013 and is:

“A frequency assignment to a space station in the geostationary-satellite orbit shall be considered as having been brought into use when a space station in the geostationary-satellite orbit with the capability of transmitting or receiving that frequency assignment has been deployed and maintained at the notified orbital position for a continuous period of ninety days. The notifying administration shall so inform the Bureau within thirty days from the end of the ninety-day period.”

6.3 We are responsible for making the declaration of bringing into use to the ITU for UK, British Overseas Territories, Channel Islands and Isle of Man satellite networks. To do so, we have to confirm that a capable satellite has been deployed and maintained at the relevant orbital location for at least 90 days, and we must give that confirmation within the 30 days that immediately follow the 90 day period. It is important to emphasise, however, that it is the responsibility of the operator to inform Ofcom when a declaration of bringing into use, and confirmation that a capable satellite has been deployed, should be made to the ITU.

6.4 Because it is the notifying administration that is responsible for declaring to the ITU that a network has been brought into use on the basis of (among other things) the capability of a certain satellite, the administration should satisfy itself through evidence that any such declaration is true. The ITU may request evidence to be provided by the administration in support of its declaration. ITU Circular Letter CR/343 indicates, in relation to the implementation of No. 11.44B, that the Bureau has developed a non-exhaustive list of possible types of information that might be requested to verify the transmitting and receiving capability of a satellite, once the notified date of bringing into use (DBIU) has been received, including:

- the commercial name of the satellite;
- a manufacturer-provided and certified frequency plan for the satellite, or any information on the payload description (block diagram, frequency plan, travelling

wave tube amplifier (TWTA) power, number of transponders, transponder bandwidth, expected orbital mission life (OML);

- the results of the in-orbit payload/transponder tests performed upon delivery of the satellite;
- the satellite network operator's licence application to the administration;
- the transponder lease contracts.

Implementing the proposed change in the Procedures

- 6.5 We propose to amend paragraphs 10, 16 and 21 of Section 7 of the Procedures to clarify that, in order to make the declaration of bringing into use for GSO networks, we may require a range of information from the operator, including that set out in CR/343. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 6) Do you have any comments on our proposal to change the text of the Procedures to clarify that, in order to make the declaration of bringing into use for GSO networks, we may require a range of information from the operator, including that set out in CR/343?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Non-GSO satellite networks

- 6.6 Unlike GSO systems, there is no definition in the Radio Regulations, and no initiative in the ITU, to create a definition for bringing into use a non-GSO satellite system. In order for a non-GSO satellite system to continue to be recognised internationally beyond the seven year regulatory period, the notifying administration has to i) declare the frequency assignments brought into use, ii) submit notification information seeking recording of the assignments in the MIFR and iii), where required, submit due diligence information under Resolution 49.
- 6.7 We require confirmation of the successful launch of a satellite before we will submit bringing into use notification to the ITU. In the case of a non-GSO system comprising a constellation of satellites the question arises as to how many satellites of the constellation would be required to be in orbit in order for the satellite system to be considered as brought into use. A key factor in this consideration is the extent to which the satellite(s) which have been placed in orbit can deliver the service detailed in the business case. For example, if the commercial service is intended to be continuous, then this would not be possible if only one satellite of a non-GSO constellation⁶ was operational.
- 6.8 We propose to incorporate specific provisions in the Procedures to capture service delivery. This would require the operator to declare at CR/C the minimum number of satellites required to be in orbit in order to deliver the service detailed in the business case, to at least a minimum quality of service (also to be provided and explained in the business case). We would link the declaration of bringing into use with the operator meeting this criterion within the regulatory period; in case the operator failed

⁶ This may also comprise a Highly Elliptical Orbit (HEO) constellation.

to meet such criterion, Ofcom may, at its discretion, not notify to the ITU the bringing into use of the relevant frequency assignment(s).

Implementing the proposed change in the Procedures

6.9 We therefore propose to amend the text in the Procedures in Table 1 of Section 5 and paragraphs 10, 16 and 21 of Section 7 to

- Require, at CR/C stage, for a non-GSO network that the operator declares the minimum number of satellites required to be in orbit in order to deliver the service detailed in the business case;
- require, at CR/C stage, the operator to set out the minimum quality of service offered to customers with this minimum number of satellites; and,
- state that the declaration of bringing into use for a non-GSO network may be conditional on at least that number of satellites being successfully placed in the relevant orbit within the regulatory period.

The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 7) Do you have any comments on our proposals that, for non-GSO systems, operators are asked to indicate, at CR/C stage, the minimum number of satellites needed to be deployed in order to provide the intended service to at least the declared minimum quality of service, and that this information (i.e., the minimum number of launched satellites) is used to verify that the system has been brought into use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Section 7

Transfer of ownership and control

(Proposed amendments to Section 11 of the Procedures)

Transfer of ownership and control of a filing

7.1 Section 11 of the Procedures sets out the conditions for transferring filings which are either in coordination or notified and recorded in the MIFR. It does not set out how we will handle requests for transferring filings which are at the API stage, before the coordination request has been submitted/received.

Transfers at API stage

7.2 We propose to include provisions in the Procedures setting out the circumstances where we would allow the transfer of an application at the API stage. We propose that Ofcom would agree to a transfer if:

- both operators agree to the transfer (and Ofcom received a letter from both operators of such agreement);
- the proposed transferee is an eligible UK operator as required by our Procedures; and
- the proposed transferee meets the requirements we normally place on applicants, presents a credible business case and demonstrates that the existing API is consistent with that business case.

7.3 This is consistent with how we treat requests for transfers at later stages in the process.

Impact assessment

7.4 Costs – There may be some cost to operators collating and submitting the information Ofcom would need to consider a request for consent to transfer.

7.5 Benefits – Setting out the circumstances in which we would allow the transfer of an application at API stage provides certainty to applicants (and potential transferees). Transferring an application at this stage, rather than submitting a new application, could avoid the cost (in time and effort) to the transferee of submitting a new application and potentially reduce the time before they could proceed to CR/C stage (which currently can be submitted not earlier than 6 months after the API is submitted).

7.6 We expect the information required to consider a request for consent to transfer to be readily available to operators. We therefore consider that the potential benefits of our proposals outweigh the costs.

Implementing the proposed change in the Procedures

7.7 We propose to amend the wording in paragraph 1 of Section 11 of the Procedures to set out the circumstances in which we would allow for the transfer of an application at

API stage. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 8) Do you have any comments on our proposal to include provisions in the Procedures for the transfer of an application at API stage, subject to certain conditions being met?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Section 8

Suspension of assignments

(Proposed amendments to Section 12 of the Procedures)

Relocation or loss of satellite capability

- 8.1 The provisions relating to cancellation, relinquishment and reassignment by Ofcom of satellite networks' filings are set out in sections 12 and 13 of the Procedures.
- 8.2 We propose to amend the Procedures to address the situation where a satellite either
- suffers an anomaly and as a result is no longer able to operate all, or part of, the assignments notified to the ITU as having been brought into use, or recorded in the MIFR, or
 - is relocated from the relevant orbital location with no alternative satellite capable of using the assignments previously brought into use or notified to the ITU at that location.
- 8.3 Such events are currently treated case by case, with the decision on the course of action to be taken being based on the particular circumstances and the information provided by operators. No. **11.49** of the Radio Regulations allows assignments to be suspended by Ofcom where usage stops for more than six months.
- 8.4 We propose to include new text in the Procedures which sets out the process to be followed by operators where there is a loss of satellite capacity, and under what circumstances would Ofcom suspend or cancel such assignments.
- 8.5 This would set out that where either of the above situations arises, the operator must immediately inform Ofcom of the situation and provide a plan which shows either how and when the situation could be remedied (in the case of an anomaly) or how and when operation of the assignments is to be continued thereafter (in the case of a relocation). Depending on the information contained in the plan, Ofcom may decide to suspend the assignments under consideration in accordance with No. **11.49**, or cancel them.
- 8.6 If Ofcom was not informed of such an event, then if and when these events become known to Ofcom, Ofcom would consult with the operator, which may lead to the assignments either being suspended in accordance with No. **11.49**, or cancelled.

Impact assessment

- 8.7 Costs – There may be a cost to operators in collating and submitting the information required when informing Ofcom of a relocation or loss of satellite capacity.
- 8.8 Benefits – This proposal provides certainty for operators about the requirements on them in the event of relocation or loss of satellite capacity. It supports the aim to ensure that orbital and spectrum resources are utilised efficiently for the benefits of the whole satellite community, and in turn, consumers.

- 8.9 We expect the information required would be readily available to operators. We therefore consider that the benefits outweigh the costs.

Implementing the proposed change in the Procedures

- 8.10 We propose to amend the text in Section 12 through the addition of the new paragraph 12.z of the Procedures to set out the requirements on operators and the actions we may take where assignments are no longer in use. The proposed wording is set out in the marked-up version of the Procedures at Annex 6.

Question 9) Do you have any comments on our proposals to set out the requirements on operators and the consequent actions that we may take in cases where assignments are no longer in use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 10 July 2015**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/satellite-filings-15/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email satellite.procedures@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Mario Neri
Space and Science Services, 3rd floor
Spectrum Policy Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3208
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Mario Neri on 020 7981 3199.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all

responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/terms-of-use/>

Next steps

- A1.11 We plan to hold a stakeholder event in May 2015, open to all interested parties, to explain and discuss our proposals. If you want to attend the stakeholder event, please contact the Space and Science Services team: satellite.procedures@ofcom.org.uk
- A1.12 This consultation is open until 10 July 2015. We welcome responses from stakeholders on all aspects of the consultation. We will publish responses as and when they are received, unless they are confidential.
- A1.13 We will aim to publish a statement setting out our decisions following this consultation in autumn 2015. A revised version of the Procedures document will be published at the same time as the Statement.
- A1.14 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: <http://www.ofcom.org.uk/email-updates/>

Ofcom's consultation processes

- A1.15 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.16 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.17 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email: Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at <http://stakeholders.ofcom.org.uk/consultations/consultation-response-coversheet/>.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation questions

Question 1

Do you have any comments on our proposals to

- include additional milestones to provide evidence that the satellite project is on-going and that its frequency assignments will be brought into use within the seven year regulatory period;*
- clarify what evidence we will accept to demonstrate milestones have been completed, and*
- set specific deadlines for milestones?*

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 2

Do you have any comments on our proposals to clarify the information required when there is a change to the business plan?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 3

Do you have any comments on our proposed changes to the reporting requirements illustrated in paragraphs 4.18 – 4.25 above?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 4

Do you have any comments on our proposal that a request for notification under No. 11.41 must be supported by evidence of efforts to coordinate with the other operator(s)/administration(s)?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 5

Do you have any comments on our proposal to clarify the Procedures to set out that we may, at our discretion, allow UK satellite networks with junior filings to be notified to the ITU without requiring completion of all frequency coordination with UK networks having senior filings, and the conditions on which we would proceed with notification in such cases?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 6

Do you have any comments on our proposal to change the text of the Procedures to clarify that, in order to make the declaration of bringing into use for GSO networks, we may require a range of information from the operator, including that set out in CR/343?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 7

Do you have any comments on our proposals that, for non-GSO systems, operators are asked to indicate, at CR/C stage, the minimum number of satellites needed to be deployed in order to provide the intended service to at least the declared minimum quality of service, and that this information (i.e. the minimum number of launched satellites) is used to verify that the system has been brought into use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 8

Do you have any comments on our proposal to include provisions in the Procedures for the transfer of an application at API stage, subject to certain conditions being met?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Question 9

Do you have any comments on our proposals to set out the requirements on operators and the consequent actions that we may take in cases where assignments are no longer in use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?

Annex 5

Glossary

API	Advance Publication Information
BIU	Bringing into use
CDR	Critical Design Review
CR/C	Coordination Request Circular
DTH	Direct to Home
GIS	Geographic Information Systems
GSO	Geo-stationary orbit
ITU	International Telecommunications Union
ITU-BR	International Telecommunications Union – Bureau Radiocommunication
MIFR	Master International Frequency Register
OML	Orbital Mission Life
TT&C	Telemetry, Tracking & Command
TWTA	Traveling Wave Tube Amplifier
WRC	World Radio Conference

Annex 6

Mark-up of Procedures showing proposed changes

A6.1 This Annex contains the Procedures for the Management of Satellite Filings, as published in 2007, marked up to show proposed changes.

- Proposed additions to the 2007 text are underlined.
- Proposed deletions are marked with ~~strikethrough~~.

This annex is published separately at

http://stakeholders.ofcom.org.uk/binaries/consultations/satellite-filings-15/annexes/MARKUP_of_Procedures.pdf