



Procedures for the Management of Satellite Filings

Update on position with regard to proposed changes to the Bringing into Use of frequency assignments to stations of non-Geostationary Orbit satellite systems

Publication date: 16 October 2015

About this document

In our consultation document entitled “Procedures for the management of satellite filings”, we proposed certain changes to the satellite filing process for companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. These include proposed changes to the process for the ‘Bringing into Use’ (BiU) of frequency assignments to stations of non-geostationary orbit (non-GSO) satellite systems.

This document is an update on our position with regard to our proposed changes to this particular process, as informed by submissions received so far from stakeholders, and the consequent implications for our position at the forthcoming World Radiocommunication Conference (WRC-15).

Contents

Section		Page
1	Introduction	1
2	Update on our position	3
3	Implications of our updated position for WRC-15	4

Section 1

Introduction

- 1.1 This document sets out an update on our position with regard to our proposed changes to the process for the Bringing into Use (BiU) of frequency assignments to stations of non-geostationary orbit (non-GSO) satellite systems¹, as informed by submissions received so far from stakeholders.
- 1.2 We have consulted on these proposed changes as part of a wider consultation on a number of proposed changes to our national Procedures for the Management of Satellite Filings (“the Procedures”), earlier this year (“the Procedures Consultation”)². We now understand that the international rules in relation to BiU may be discussed at the forthcoming World Radiocommunication Conference (WRC-15), at which Ofcom represents the UK, the British Overseas Territories, the Channel Islands and the Isle of Man. Therefore, in order to inform the approach adopted by the UK at WRC-15, this document provides an update on our position on the process for the BiU of frequency assignments to stations of non-GSO satellite systems.

Background

- 1.3 The rights for a satellite to use spectrum in non-planned bands are globally regulated by the ITU on a ‘first-come-first-served’ and ‘use-it-or-lose-it’ basis. In general, satellite operators who intend to put in service a non-GSO satellite system lose their rights after seven years from the date of receipt by the BR of the Advanced Publication Information (API) if the relevant frequency assignments are not claimed to be ‘brought into use’.
- 1.4 Under the current ITU rules, operators that have filed for a non-GSO satellite system comprising a number of individual satellites may acquire access to parts of the electromagnetic spectrum globally and continuously by deploying just one satellite, out of – in some cases – a constellation of many hundreds for which they originally filed.
- 1.5 In addition, non-GSO satellite operators do not have to operate their satellite(s) for a minimum period of time before the assignments can be considered brought into use. In contrast, the requirement for the BiU of frequency assignments to a GSO network is that a satellite must operate at the designated orbital location for a minimum of 90 days.
- 1.6 These issues are referred to in the Director’s Report to WRC-15³ where the Director suggests that “[t]aking into account of the numerous non-GSO systems received so far by the Bureau, and the possible speculative nature of such submissions that could lead to spectrum warehousing and resurgence of so-called “paper satellite networks”, the conference may wish to consider redefining the notion of bringing into use for non-GSO satellite networks”.

¹ This process applies to companies or other organisations registered in the UK, the British Overseas Territories, the Channel Islands and the Isle of Man.

² Consultation available at: <http://stakeholders.ofcom.org.uk/consultations/satellite-filings-15/>

³ See Section 3.2.2.4.4 of the document available at: https://www.itu.int/md/dologin_md.asp?lang=en&id=R15-WRC15-C-0004!A2-R1!MSW-E

- 1.7 We understand these issues may be discussed at WRC-15 which would provide us with an opportunity to promote international rules in the Radio Regulations (RR) that are consistent with our national policy. Therefore we are publishing an update on our position with regard to our proposed changes to the process for the BiU of frequency assignments to stations of non-GSO satellite systems now as this position will inform the approach adopted by the UK at WRC-15.
- 1.8 We currently expect to publish our final decision on the Procedures in early 2016.

Section 2

Update on our position

- 2.1 As part of the proposed changes set out in the Procedures Consultation, we proposed that:
- non-GSO operators should declare at the Coordination Request (CR/C) stage the minimum number of satellites required to be in orbit in order to deliver the service detailed in the relevant business case;
 - non-GSO operators should set out, still at CR/C stage, the minimum quality of service offered to customers with this minimum number of satellites; and
 - 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.
- 2.2 Thirteen respondents to the consultation chose to reply to these proposals, the majority of which supported them.⁴
- 2.3 Those respondents who disagreed with Ofcom's proposal considered it inappropriate to have to commit so early in the regulatory process to a minimum number of satellites for a non-GSO system. They explained that the business plan relating to an original CR/C may vary with time and recommended that Ofcom periodically assess such changes through its usual due diligence process.
- 2.4 We agree that we should periodically assess a satellite project and its evolving business plan through our due diligence process. We therefore consider that the system's parameters contained in the CR/C should be appropriately kept up to date and reflect the system being coordinated. We consider this could be ensured by Ofcom, after consultation with the relevant operator, submitting a modification of the original CR/C to the ITU, if and when appropriate.
- 2.5 Consequently, having taken into account submissions received so far from respondents, our position remains that introducing new rules in the Procedures to regulate the BiU of frequency assignments to non-GSO systems is warranted to address the issues set out in the Procedures Consultation, with the additional clarification that the minimum number of satellites can and should be kept up to date to reflect changes in the business plan.

⁴ We recognise that respondents pointed out that the proposal stating the minimum number of satellites was misplaced in the marked-up version of the Procedures, being listed under Stage 1 of Table 1 in Section 5.

Section 3

Implications of our updated position for WRC-15

- 3.1 In light of stakeholder responses received so far to the Procedures Consultation, and the Director's Report to WRC-15, we consider it would be sensible for WRC-15 to develop an appropriate framework to regulate the BiU of frequency assignments to stations of non-GSO satellite systems, and to reflect that framework in the RR.
- 3.2 We are concerned that if WRC-15 does not make changes to the current regulatory framework for the BiU of non-GSO systems, but passes the task to WRC-19, this may result in the number of BiU of frequency assignments to non-GSO satellite systems growing rapidly over 2015-2019 (possibly on spurious grounds). This could, potentially, result in these satellites blocking access to a very large amount of spectrum and increasing the risk of inefficient use of spectrum for years to come.
- 3.3 Therefore, taking into account our updated position as outlined in Section 2, we plan to submit a specific proposal to the Conference reflecting our position on this matter.