

Question 1: Do you agree that the drafting of the Proposed Regulations correctly gives effect to the European Commission's Amending Decision referred to in this document and to the other intentions set out in this document?:

Hutchison 3G UK Ltd ("Three") welcomes this opportunity to respond to Ofcom's consultation.

Ofcom proposes to enable use of UMTS 2100 and LTE 1800 mobile devices on-board aircrafts above 3,000m on a licence-exempt basis. This implements the EC's Amending Decision 2013/654/EU, permitting use of 3G and 4G technologies by passenger on board aircraft equipped with Mobile Communications Services on Aircraft equipment.

In Three's view, the draft Regulations correctly give effect to the ECC Amending Decision, given that they largely mirror the technical parameters and standards it contains.

Under Section 8(1) of the Wireless Telegraphy Act it is an offence to install or use equipment to transmit without a licence, unless Ofcom has exempted installation or use under Section 8(3). In proposing to exempt use of UMTS 2100 and LTE 1800 on board aircrafts, Ofcom is taking the view that such uses are not likely to involve undue interference with terrestrial networks. In the unlikely event that Three experiences undue interference from aircrafts (for example , if an airline installs faulty equipment), Three would expect Ofcom to take immediate remedial action.