

9 February 2018

## **Hughes Network Systems Europe and EchoStar Mobile Limited's Response to Ofcom's Proposed Annual Plan 2018/2019**

### **Introduction**

Hughes Network Systems Europe ("Hughes Europe") and EchoStar Mobile Limited ("EML"), a collectively, "EchoStar") submit these comments to Ofcom's proposed Annual Plan 2018/2019 ("Annual Plan").<sup>1</sup> EchoStar supports the ambitious plan that Ofcom has proposed but urges Ofcom to take steps to ensure that the regulations and policies it adopts embrace the principles of technology neutrality. Technology neutrality is especially important in the formulation of regulations and policy as they pertain to the allocation of limited resources, such as funding and spectrum, made available to facilitate the deployment of broadband services throughout the United Kingdom.

### **Background**

EML was authorised, on a European Union-wide basis, to utilise the Mobile Satellite Service ("MSS") 2x15 MHz band to establish and operate in the 2 GHz band an MSS service with a complementary ground component ("CGC").<sup>2</sup> In June 2017, the EchoStar XXI satellite was successfully launched, and in December 2017, EML's pan-European 2 GHz MSS service entered into commercial service. With a completed MSS ground infrastructure, and the distribution of its first portable data terminal for use with EchoStar XXI, EML's MSS service is providing a host of new connectivity options for the 5G community, including all the benefits of satellite connectivity: ubiquity, resiliency, reliability, and redundancy. EML has already received authorization from eight Member States to build out the CGC complement of the 2 GHz network.<sup>3</sup> Furthermore, EML has announced a partnership with Thales to provide public protection and disaster response service ("PPDR") throughout France and, in the future, the rest of Europe.<sup>4</sup>

Hughes Europe provides high-quality, resilient, and cost-effective broadband network solutions to organisations throughout Europe. Combining the best of breed in satellite and terrestrial technologies and supporting world-class Managed Network Services, Hughes Europe provides a range of communications solutions to retailers across Europe. Hughes Europe is a wholly owned subsidiary of Hughes Network Systems, LLC, the largest provider of satellite-based broadband connectivity globally.

### **Ofcom Should Follow the Principle of Technology Neutrality in Its Policies**

EchoStar supports Ofcom's ambitious Annual Plan, especially for enabling increased broadband connectivity across the United Kingdom. As 5G services become a reality and play an increasingly important role in the United Kingdom's communications ecosystem, the adoption of a technology neutral regulatory regime for resources will be paramount. Every technology platform (e.g., wireline, wireless, satellite) will bring important benefits to the overall 5G ecosystem in the delivery of services to consumers, businesses, and government. Accordingly, it is critical that Ofcom adopt rules or regulations that avoid favouring one technology over another, especially with

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<sup>1</sup> Ofcom Consultation, Proposed Annual Plan 2018-2019, comments due 9 February 2018. Available at: [https://www.ofcom.org.uk/consultations-and-statements/category-1/proposed-annual-plan-2018-19?utm\\_source=updates&utm\\_medium=email&utm\\_campaign=annual-plan-events](https://www.ofcom.org.uk/consultations-and-statements/category-1/proposed-annual-plan-2018-19?utm_source=updates&utm_medium=email&utm_campaign=annual-plan-events).

<sup>2</sup> See Commission Decision of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS), 2009/449/EC.

<sup>3</sup> EML has CGC authorizations in: Cyprus, Germany, Greece, Italy, Latvia, Portugal, Spain, and Sweden. EML has also applied to the United Kingdom for authority, and the application is still pending.

<sup>4</sup> Press Release: EchoStar Mobile and Thales Partner on Mobile Satellite Connectivity for Public Protection and Disaster Relief. June 22, 2017. Available at:

<http://echostarmobile.com/Newsroom/EchoStar%20Mobile%20and%20Thales%20Partner%20on%20Mobile%20Satellite%20Connectivity%20for%20Public%20Protection.aspx>

regard to access to the spectrum resource, network infrastructure, and funding. By taking a technology neutral approach to 5G regulation, Ofcom can ensure that the best technology is utilised based on precise market demands, thus ensuring a truly integrated and ubiquitous network of networks.

EchoStar fully supports the United Kingdom's goals for broadband universal service.<sup>5</sup> In developing such policies in coordination with other UK governmental agencies, it is critical that these policies are technology neutral and enable a variety of technologies, including satellite, to participate. Satellite broadband can play an increasingly important role in areas where terrestrial service is currently limited or unavailable. In addition to providing ubiquitous, wide-area coverage, being resilient to natural and man-made disasters, and being cost-competitive to terrestrial networks, satellite broadband is available to every household within the geographic footprint of the satellite within a matter of days. Satellite offers significant potential to minimise the digital divide between urban and rural communities. Satellite can provide a high-quality, high-speed, and affordable connection to consumers in locations for which other forms of connection would be unaffordable and for which any premises cap would be far exceeded. To ensure the continued participation of a strong satellite competitor in the United Kingdom, Ofcom must ensure that its regulations and Universal Service programs embrace the principles of technology neutrality when designing their funding parameters for qualified participants.

EchoStar is also encouraged by Ofcom's focus on the 2019 World Radiocommunication Conference ("WRC-19"), which is coming up quickly. As Ofcom prepares its positions for the coming WRC-19, EchoStar reiterates the need for an underlying principle of technology neutrality throughout the delegation's objectives. Ofcom should ensure that any positions adopted by the United Kingdom for WRC-19 safeguard access to sufficient spectrum for all communication service providers in order to meet the needs of expanding and diffusing needs in this new 5G ecosystem. This includes ensuring the protection of existing services as frequency bands are being made available for new uses.

## Conclusion

EchoStar commends Ofcom on its ambitious Annual Plan and agrees that this effort will help propel the United Kingdom towards leadership in the development of 5G. However, EchoStar urges Ofcom to recognise the importance of satellite services in the provision of 5G services and broadband connectivity for UK consumers. Regulatory regimes premised on technology neutrality safeguard the choice of technology to the consumers that use them. Only in a market-driven framework will a fully integrated and ubiquitous network of networks truly be able to flourish.

Yours sincerely,



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Head, Regulatory Affairs

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<sup>5</sup> See Letter from Jennifer A. Manner to Jeanne Grey, Telecoms Directorate, Department for Digital, Culture, Media and Sport, re: Response to DCMS's consultation on the design of a new broadband Universal Service Obligation, dated October 20, 2017.