



Ofcom's response to Vodafone's and Telefónica's requests to update the technical conditions of their mobile licences to enable the deployment of newer technologies including 5G

- Variation of certain licences held by Vodafone and Telefónica in the 900 MHz, 1800 MHz, 2100 MHz and 2.6 GHz bands

BT's response to the consultation published on 20 May 2022

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1 Introduction

This document provides BT's comments on Ofcom's consultation document¹ on proposed variation of Vodafone and O2's spectrum licences to enable standard power use of the existing restricted power 5MHz channel between their 2.6GHz TDD assignments and to amend licences to be more compatible with 5G technology.

Our comments on these proposals are provided in section 2 below.

In section 3 we address the licence-exemption of consumer terminals and the need to ensure these are also technology neutral to cover 5G use.

2 Response to consultation questions

Question 1a: Do you have any comments on our proposal to agree to Vodafone's request for changes to its licences in the 900 MHz and 1800 MHz bands to enable 5G?

Yes, providing similar changes are available to other licensees we support this proposal.

Question 1b: Do you have any comments on our proposal to make substantially similar licence changes available to the other MNOs with licences in the 900 MHz and 1800 MHz bands?

Yes, we support this proposal.

Question 2a: Do you have any comments on our proposal to agree to Vodafone's request for changes to its licence in the 2100 MHz band to enable 5G?

Yes, providing similar changes are available to other licensees we support this proposal.

Question 2b: Do you have any comments on our proposal to make substantially similar licence changes available to the other MNOs with licences in the 2100 MHz band?

Yes, we support this proposal.

Question 3a: Do you have any comments on our proposal to agree to Vodafone's request for changes to its licence in the 2.6 GHz band to enable 5G?

Yes, providing similar changes are available to other licensees we support this proposal.

Question 3b: Do you have any comments on our proposal to make substantially similar licence changes available to the other MNOs with paired spectrum licences in the 2.6 GHz band?

Yes, we support this proposal

Question 4: Do you have any comments on our proposal to vary Telefónica's and Vodafone's licences in the 2570 MHz to 2620 MHz sub-band to relax restrictions in relation to the 5 MHz restricted block?

No comments.

3 Licence-exemption of user terminals

We presume that the proposed inclusion of uplink frequencies in some of the licences is only to facilitate specific applications or types of use which the MNO itself needs to have control over as the licence specifically requires various things that for most end users may not be practical for the licensee to do, such as the requirement to record location of stations, notify users in writing of the

¹ https://www.ofcom.org.uk/_data/assets/pdf_file/0026/237824/vodafone-telefonica-licence-variation.pdf

terms of the licence, permit access and inspection of the equipment etc. This understanding is consistent with the footnote in the licences where it is stated that "Consumer user equipment will be authorised by means of a licence exemption under section 8 of the Wireless Telegraphy Act 2006".

We note that the relevant licence-exemption regulations² will also need to be reviewed to ensure that they are sufficiently technology neutral and cover 5G use of all of the frequency bands used by MNOs. As currently drafted the regulations appear to reference specific mobile technologies in the bands addressed by the present consultation, e.g. UMTS in 2100MHz, LTE in 1800MHz etc. These licence-exemption regulations might also need to be updated with references to the new/updated versions of the Interface Requirements documents.

² For example see The Wireless Telegraphy (Exemption) Regulations 2003 <https://www.legislation.gov.uk/uksi/2003/74/made/data.pdf> Part III section 3; The Wireless Telegraphy (Exemption) (Amendment) Regulations 2006 <https://www.legislation.gov.uk/uksi/2006/2994/made/data.pdf> ; The Wireless Telegraphy (Exemption) (Amendment) Regulations 2011 <https://www.legislation.gov.uk/uksi/2011/3035/made/data.pdf> section 2; The Wireless Telegraphy (Exemption) (Amendment) Regulations 2013 <https://www.legislation.gov.uk/uksi/2013/1253/made/data.pdf> section 2; The Wireless Telegraphy (Exemption) (Amendment No. 2) Regulations 2016 <https://www.legislation.gov.uk/uksi/2016/1075/made/data.pdf> section 2.

