



FCS response to Ofcom call for inputs on improving mobile access to sky and space

The FCS represents companies which provide professional communications solutions to business users. Our members deliver telecommunications services via mobile and fixed line telephony networks, broadband, satellite, wi-fi and business radio. Our members' customers range from SMEs, home-workers and micro-businesses up to the very largest private enterprises and public sector users. The FCS is the largest trade organisation in the professional communications arena, representing the interests of circa 350 businesses which supply B2B services nationwide.

The FCS welcomes Ofcom's review in this area and whilst we do not have any specific comments on the questions raised in the consultation which are largely related to technical spectrum and technology options, there are a couple of important overarching comments to make.

The FCS considers that Ofcom should at this early stage seek views on the consumer/business competition aspects of the options. Specifically, the FCS represents the interests of smaller providers who provide services to thousands of small and medium businesses. These providers are often at the end of a long value chain in which they have very little power to negotiate access to such services. As a result, without regulatory intervention, their customers may be denied access to new converged services. We therefore urge Ofcom to consider how a wider range of providers could gain access to this functionality.

It is incredibly important that the regulatory regime supports the development and evolution of new technologies. Regulation should balance the risk and reward of technological development whilst ensuring that competition is able to flourish, generating the greatest long-term benefit for consumers, businesses and the UK economy. Regulation, including fair and reasonable access, needs to be placed at the infrastructure level allowing competition at the retail level over the regulated infrastructure. In effect, creating a utility model in the much the same way that gas and electricity are regulated. Mobile connectivity from the sky and space should be seen as part of the communications infrastructure and regulated accordingly.

New technologies are enabling a wider set of mobile connectivity solutions from the sky and space which has the potential to have a significant impact in the communications market. It will be important that the regulatory regime ensures that innovation and competition flourish and access to such technology is not consigned to just a small number of organisations. This is particularly important when those organisations are vertically integrated. There are inherent dangers of market capture if regulation does not ensure that sufficient safeguards are in place to ensure access to essential infrastructure is available throughout the complex supply chain. It is particularly important that the many hundreds of small communication providers that provide innovative and bespoke

solutions to 10,000s of small and medium sized businesses have access to such technology on fair and reasonable pricing, terms and conditions.

In short, the FCS believes that any sky and space, Direct to Device and Mobile Satellite Services spectrum, should be treated as communication infrastructure and should be available to all providers on an open and equal access basis.

September 2024