

Q1 Do you agree that Ofcom should grant Urban Wimax's and Cable & Wireless's requests to vary their licences as soon as practicable?

GlobeCast UK Ltd considers that OFCOM should review the overall spectrum policy for the 28-29.5 GHz band to ensure equitable and efficient use for all technologies and applications.

Q2 Do you agree with our proposal to align the technical conditions of the licences with those awarded in 2008 in these and adjacent spectrum bands?

GlobeCast UK Ltd does not agree. By advocating an alignment of the technical conditions for "28GHz" band licences with those in adjacent bands OFCOM is not fairly considering the potential use of this spectrum for satellite purposes.

Q3 Do you agree with Ofcom's proposals to set an AIP fee level in context with the review of fees within bands used for fixed links?

GlobeCast UK Ltd does not agree. By advocating an association of the fees for the "28GHz" band with other bands used for fixed links OFCOM is not considering the financial impact on the potential use of this spectrum for satellite purposes.

Q4 Do you agree that Ofcom should offer this variation to other BFWA licence holders?

No specific comment

Full response from GlobeCast UK Ltd

GlobeCast UK Ltd welcomes the opportunity to respond to Ofcom's public discussion document entitled "Variation of 28 GHz Broadband Fixed Wireless Access Licences - Consulting on licence variation requests by Urban Wimax and Cable & Wireless" dated 19 December 2012.

Our view is that Ofcom's proposal to permit indefinite BFWA licence duration would be seriously detrimental to the exploitation of the 27.5 - 29.5 GHz ("28 GHz") band for satellite broadband applications while also not securing optimal use of the spectrum. The proposed continuation of the current policy beyond 31 December 2015 in no way acknowledges the trans-national and pan-European spectrum issues associated with the "28GHz" band and the resulting disadvantage at which it places UK earth station operators. It should be noted that the Executive Summary states that the document "considers the implications for other users in the band" but nowhere in the document is there any reference to satellite earth station operators.

GlobeCast UK Ltd considers that the earlier auction process which resulted in the current licence status of the "28GHz" band was lacking in technical and application neutrality because the spectrum for auction was packaged into national and regional blocks which clearly favoured terrestrial technology and applications over satellite use. An earth station operator cannot independently choose specific frequency allocations as these are defined by the satellite hardware which is itself configured by third parties as a result of international spectrum coordination. Any aspiring earth station operator would therefore have been obliged to apply for multiple national and regional spectrum blocks in order to operate from just one location.

Radio frequency compatibility issues between terrestrial services and gateway earth stations transmitting in the "28GHz" band are limited to the geographical area immediately surrounding the earth station location and the requirement for an earth station operator to obtain a regional or national coverage licence is therefore clearly both commercially and technically inappropriate. It should be noted that existing regulatory rules allow for technical coordination between satellite and terrestrial systems in other frequency bands and these ensure that coexistence is possible without unacceptable restrictions being placed on either party. By not operating a technical coordination policy in the "28GHz" band OFCOM is making the simultaneous use of spectrum by both terrestrial and satellite operators highly unlikely and therefore potentially limiting revenue generation by not securing optimal use of the spectrum.

It should also be noted that six full band "28GHz" permanent earth station licences for three geographical locations were issued following applications between 7 August and 2 November 2007 and OFCOM have stated that no further permanent earth station licences covering the full 27.5 - 29.5GHz band will be issued. This has resulted in a highly restricted and therefore uncompetitive market where new earth station operators are effectively barred from entering the developing European "Ka" band satellite market from within the UK.

GlobeCast UK Ltd proposes that the following changes should therefore be made to “28GHz” band spectrum management before any extension to BFWA licence duration:

- Ofcom should retain the statutory power to oversee the technical frequency coordination process within the 27.5 - 29.5 GHz band to ensure fair and equitable spectrum access for both satellite and terrestrial operators.
- Opportunity should be given for FSS gateway earth stations to be sited and operated on a co-primary basis in the UK throughout the “28GHz” band by use of additional regulatory provisions.
- A requirement should be added to fixed and mobile terrestrial “28GHz” licences that they participate in technical frequency coordination with future “28GHz” FSS gateway earth station operators on the principle of equitable spectrum sharing on a co-primary basis.
- There should be no requirement for an FSS gateway earth station operator to enter into any commercial negotiation or commercial settlement with any terrestrial operator in order to achieve successful technical frequency coordination.
- For FSS gateway earth stations in the “28GHz” band OFCOM should apply the spectrum fees described in Ofcom’s current statement “Fees for Satellite Earth Station licences Satellite (Permanent Earth Station) licence fees” document (reference Statutory Instrument 2011 No.1128 “The Wireless Telegraphy (Licence Charges) Regulations 2011”).

GlobeCast UK Ltd believes that its proposals would achieve equitable and optimal use of the “28GHz” spectrum usage by permitting less restrictive earth station operation but at the same time not significantly affecting terrestrial utilisation prospects.