

Inmarsat's response to Ofcom's call for input:

Variation of 28GHz Broadband Fixed Wireless Licenses (Issued by Ofcom on 19 December 2012)

Inmarsat welcomes Ofcom's consultation on a possible variation of 28GHz Broadband Fixed Wireless Licenses and is pleased to contribute its views.

Before providing a reply to the specific questions, we feel it is useful to remind Ofcom of Inmarsat (and, more in general, the satellite industry) position on the 28GHz band. In fact, comments on this band have already been made by a number of satellite companies and associations in some of the replies to the Ofcom Consultation on Spectrum Review (consultation published on 31/01/2012), although the band was not explicitly within the scope of the consultation.

The main points brought to Ofcom's attentions at the time were:

- The 28GHz band is the satellite uplink band that is normally paired with the 18GHz downlink band. With ECC Dec (05)01 the CEPT administrations decided to segment the frequency band 27.5-29.5 GHz between FS and FSS (uncoordinated FSS earth stations). The auctioning, in the UK, of 112MHz of spectrum (28.8365-28.9485GHz), which is designated in Dec (05)01 for HDFSS, prevents in fact adoption of ECC DEC (05)01 in the UK.
- The auctioned bands seem to remain, for the time being, largely unused for terrestrial services, while there is demand for access to the same spectrum for new satellite applications.
- The satellite industry believes there is justification for increasing access for satellite services in the 28 GHz band. Assessment of the use of the auctioned band is recommended together with reconsideration of its allocation as soon as possible.

These comments were duly recognised by Ofcom in their document "Spectrum Review – Update on Key Messages and Next Steps", published on the 13th of December 2012, under the following points:

1.8 Satellite stakeholders reported that the future growth in satellite based broadband applications and subsequent demand for such services will place a significant demand on Ka band capacity. In the 28 GHz band stakeholders indicated that the band segmentation regulatory approach applied in the UK has resulted in an unfavourable environment for satellite services."

4.36 The satellite sector continued to express concern about the implications of the auctions of spectrum at 28 GHz held in 2000 and 2008. They note that the band is subject to European harmonisation measures that supports use by fixed satellite services. They believe that these auctions have not resulted in efficient use of this spectrum, claiming that it has been little used (although we note that the MNOs have, in fact, begun to use these bands for mobile backhaul provision). The sector also remains concerned by the precedent setting implications of this auction for other bands in other jurisdictions.

However, no indication of possible future steps to address these issues was provided by Ofcom.

Answer to consultation questions:

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

Inmarsat understands the discrepancies between the 2000 and 2008, 28GHz spectrum licenses and the uncertainty for the license holders due to a 2015 license expiration date. After consideration of the comparison of options proposed by Ofcom, Inmarsat agrees with Ofcom that, overall, prolongation of the current licenses is more effective than holding a new auction for the spectrum. Furthermore, from Inmarsat perspective, the spectrum, as it is currently packaged and split in geographic regions would not be of much use for satellite applications and, especially, for uncoordinated earth stations.

Inmarsat appreciates that the spectrum currently under consideration is designated for the use of terrestrial fixed service, according to ECC Dec (05)01. However, considering the keen interest from the satellite industry in the 28GHz band, Inmarsat's suggestion to Ofcom would be to refrain from extending these licenses duration infinitely.

As an alternative, with a view of striking a balance between different interests and with the aim of promoting competition between different sectors, Inmarsat suggestion is for the year 2000 licenses to be extended by a fixed period (rather than indefinitely) such that the year 2000 licenses and the 2008 licenses would terminate at the same time. As the 2008 auctions were for a 15 year period, they would reach a critical point in 2023 – ten years from now – and this would be a common date for all 28 GHz licences. This would give Ofcom the opportunity, in the future, to thoroughly review potential use of the band, potentially allowing for some of the spectrum to be licensed for FSS.

It would be possible to mitigate the uncertainty that current licensees will be facing, as 2023 approaches, if Ofcom would commit to take a decision on the future use of the bands sufficiently early on, such as, for instance, five years before the end of the licenses, i.e. 2018.

In summary, Inmarsat suggests that Ofcom extends the year 2000 licences so that the termination of all the 28 GHz licenses are aligned, giving full flexibility for a thorough review of the best spectrum management options for these bands in the future.

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?

No comment

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?

No comment

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

Inmarsat agrees that the variation to the licenses should be the same for all holders of the year 2000 licences, to allow for a consistent current and future use of spectrum across the band.