

Organisation: O3b Limited

Question 1: Do you agree that Ofcom should grant Urban Wimax's and Cable & Wireless's requests to vary their licences as soon as practicable?

No. The "optimal use of spectrum" that both the Communications Act 2003 and the Wireless Telegraphy Act 2006 task Ofcom to find would more likely occur if the BFWA Licences were allowed to expire at the end of their current terms. Ofcom should then revert to traditional first-come, first-served licensing, and avoid the warehousing and inactivity that has bedeviled this band since the auctions.

O3b's system will use the 28 GHz band for uplinks in its Fixed Satellite Service system. O3b's uplinks are designed for channel bandwidths of 216 MHz (each way). The grant of these regional BFWA licenses has presented a major roadblock to O3b offering its state-of-the-art broadband services to the United Kingdom. Worse, the technology-specific requirements of the 2000 auction make it clear that, even were O3b able to buy access to the spectrum, a space-based system is not allowed in that band. This puts the U.K. at odds with Europe and ITU Region 1. This manner of exclusive licensing prejudices what new technology might bring. Furthermore, the technical characteristics of the 28 GHz band are very suitable for sharing among various services, as reflected in the ITU table of frequency allocations.

O3b understands that the level of utilization of these bands by the licensed terrestrial operators thus far in the U.K. has been minimal. Therefore, it is evident that the 2000 exclusive licensing regime did not yield the desired outcome and the band has been essentially dormant since then. Meanwhile, several satellite systems have since then come to fruition and are poised to provide efficient nationwide broadband to the U.K. Although O3b's ability to serve the UK is modest at present, O3b is already exploring system refinements that could bring O3b's Ka-band, broadband service to the U.K. in the not-too-distant future.

As a result, O3b believes that the BFWA Licenses should be allowed to expire, and that Ofcom should evaluate more inclusive and effective licensing mechanisms for this spectrum. However, if Ofcom insists on an exclusive licensing regime, then it would be advisable to consider granting these licenses for a finite period of time with strict build-out or usage milestones. Granting indefinite access rights to these BFWA Licensees would only allow the spectrum to continue to be warehoused (as it has been up to this point), and would rob Ofcom of its prerogative to decide the optimal use of spectrum and to "further the interests of citizens" at any time in the future.

O3b thanks Ofcom for the opportunity to comment on this Consultation, and would welcome the opportunity to continue the dialog on effective licensing for this spectrum in the future. As a member of the European Satellite Operators Association (ESOA), O3b also supports the comments filed separately by that organization.

Question 2: 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?

n/a

Question 3: 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?

n/a

Question 4: Do you agree that Ofcom should offer this variation to other BFWA licence holders?

n/a

Additional comments:

O3b Limited ("O3b") respectfully submits this letter in response to the Consultation, and is grateful for the continued opportunity to work with Ofcom on the United Kingdom's spectrum demands. In just a few short months, O3b (a Jersey entity) is planning to launch a global, medium-Earth orbit ("MEO"), non-geostationary satellite system that will provide broadband worldwide in the Ka band, and specifically in the 28 GHz band involved in this Consultation.