Hughes Network Systems welcomes the opportunity to respond to the Ofcom consultation on Recognised Spectrum Access, RSA.
Whilst Hughes recognises the need for protection from harmful interference in all bands, it does not necessarily agree with using RSA as the correct tool for the job within the satellite sector.

Consultation questions

Technical and geographical parameters

Question 1: Do you agree with the list of proposed RSA parameters for assessing interference and for setting fees for receive-only earth stations? Are sufficient parameters defined for a grant of RSA? If you disagree, please give your reasons and suggest alternatives.
It has been suggested that a register would not work as previous attempts did not reap many takers. There is no suggestion that RSA would be more productive. The administering of RSA's is moving away from light touch regulation, a cornerstone of Ofcom policy. Granting a voluntary RSA could cascade the need to protect spectrum. The full details of the RSA would have to be made public, as free-riding could not be relied on, any other ROES operator would have to take their own RSA out. This may even be decades before any requirement to have the site protected is needed. Pockets of RSA may inhibit the effective roll out of BWA. To prevent excessive amortisation of RSA costs, Ofcom could pre warn potential ROES sites of BWA deployment, this too would be an administrative burden on Ofcom.

Fees for RSA

Question 2: Do you agree with the proposals for introducing fees for RSA for receive-only earth stations in the bands concerned on the basis of parity with existing PES fees (with a minimum fee of £500) and that the full fees be implemented from the date of grant of RSA? If you disagree, please give your reasons and suggest alternatives.
The cost is based on existing PES fees. It takes no account of consumers who may have purchased a Receive Only terminal for private use. This cost is prohibitively high for the British consumer and accordingly would offer no protection to their systems and therefore the RSA proposal is a redundant application and may fail to uphold consumer protection.

Term of grant

Question 3: Do you agree that grants of RSA in the bands should normally be on a rolling annual basis, with a 5-year revocation period?
All licences should receive this same term of grant irrespective of type. However 5 years is much lower than typical operational or amortisation times of most network businesses.

Tradability and conversion

Question 4: Do you agree that grants of RSA in the bands should be tradable and that grants of RSA and WT licences should be inter-convertible? If so, do you agree with our proposal to model the process for trading and conversion on that for RSA for radio astronomy?

Both tradability and conversion add unnecessary bureaucracy and uncertainty to an already sensitive process. Tradability and conversion can be used to accumulate or speculate on spectrum holdings at a cheaper rate than a full transmit licence. There is also the possibility that BWA would have to buy back spectrum it already has paid for. Buying the largest possible RSA for flexible and trading purposes makes financial sense and at the same time renders the remaining spectrum inefficient.
A simpler system would be for the holder to surrender the RSA, as there is no financial reward at the end of its life, the minimum spectrum would be requested.

The process for granting RSA

Question 5: Do you agree with our proposed procedure for considering applications for the grant of RSA to receive-only earth stations. If you disagree, please give your reasons and suggest alternatives?
RSA is not required in bands where ROES are primary or exclusive to that band. In co-primary bands interference (or possible interference) would be better placed in the hands of the companies involved, where mediation from Ofcom would be only be needed for irresolvable issues.

The Case for Introducing RSA

Question 6: Do you agree that RSA for receive-only earth stations could provide greater security against interference and help promote optimal use of the 1690 - 1710, 3600 - 4200 and 7750 - 7850 MHz bands? If not, please explain why and describe any alternative mechanism that you consider to be necessary.
It has been proposed that there is around one ROES that could have had potential interference. The total number of sites investigated is around eleven. Such low numbers do not represent a step change to RSA. The existing system that found and resolved the issues work; RSA is therefore the unnecessary alternative mechanism.

Those services requiring protection may not be well served by RSA and AIP applied to those fees could have unwanted fiscal impacts on those services. The AIP is applied to make the application of an RSA more efficient and Ofcom can provide evidence where this occurs but only in transmit cases. The owner of an RSA may not be aware that the Rx frequency has been changed by the supplier. It may be that the transponder or even the satellite has changed. This generally would not impact the client/consumer and even if they were informed it may be that the information has not reached the correct department. Consequently they would not be covered by the RSA but would still be paying for one. The solution is to apply for as much Rx frequency as possible.

Should a client/consumer find out, possibly years later, that the RSA refers to a different piece of spectrum than their actual Rx frequency, and the service provider had met the contractual commitment and Ofcom had met their regulatory obligation, then, perversely, the only victim of RSA/AIP would be the client/consumer.