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20 November 2009

Dear Mr. Gutierrez

On 25 September 2009, Ofcom published a consultation document in view of collecting views from stakeholders on the introduction of Recognised Spectrum Access (RSA) in 3400-3600 MHz for Crown services. The proposal is based on their interpretation of the EC decision 2008/411/EC on the introduction of BWA in 3400-3800 MHz (in section 4 of the consultation document). This interpretation is raising the following reactions from our industry:

4.11 Member States cannot allow future use by services that do not currently use the 3400 to 3800 MHz band and that do not qualify as "terrestrial electronic communications networks";

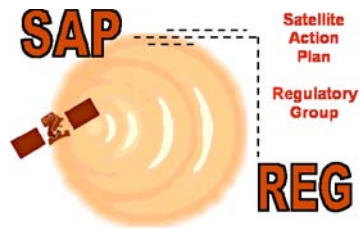
SAP REG believes it is absolutely essential to clarify the exact meaning of this statement. After the EC decision, access to the band remains open to FSS on a co-primary basis for future FSS use. In fact, the band 3400-3800 MHz has been made available to terrestrial electronic communications networks "on a non-exclusive basis", as Ofcom itself reminds it in para 4.9.

4.11 Member States may decide not to allow such new uses where they would affect an existing use.

According to the EC decision, protection of existing use e.g. by FSS is mandatory and not an option: Article 1 states that it is "without prejudice to the protection and continued operation of other existing use in this band." SAP REG believes Ofcom must ensure continued and appropriate protection of FSS use of the band 3400-3800 MHz.

4.12 the parameters for out of block emissions are derived from a scenario where two broadband wireless networks sit in adjacent frequency blocks. These parameters will not necessarily be suitable where the adjacency is between a broadband wireless network and a different use.

SAP REG feels this wording implies that the annex to the EC decision is not relevant for the protection of FSS existing stations. This is equally true for in-band as for out-of-band compatibility. As FSS earth stations that are recognised by Ofcom can suffer harmful adjacent-band interference from the introduction of terrestrial electronic communications networks in 3400-3800 MHz, SAP REG also expects that Ofcom will guarantee appropriate protection (that is mandatory under the decision) and would require Ofcom to clarify the procedure and conditions which they would rely on to this end.



With regard to usage of spectrum between 3400 and 3600 MHz specifically, SAP REG finally requests that the co-ordination procedure continues to be specified, including with earth stations located outside of the UK and terminal stations where FDD technology is used.

We remain at your disposal for any further information you may require.

Sincerely,

Kumar Singarajah
SAP REG
Chairman
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A handwritten signature in black ink, appearing to read 'Kumar Singarajah', written in a cursive style.