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GVF COMMENTS ON OFCOM CONSULTATION OF FREEDOM-4 LICENCE VARIATION REQUEST

Dear Mr. Mason

The Global VSAT Forum (“GVF”) would like to thank Ofcom for the opportunity to submit comments on the Consultation of Freedom-4 license variation request.

The GVF is a non-profit association that comprises more than 200 companies from 100 countries in every major region of the world, and from all sectors of the satellite industry. This includes satellite operators, earth station and sub-system manufacturers, integrators, teleport operators, network operators and carriers, as well as consultants, law firms and other organizations involved in the satellite industry. The GVF provides global representation to the leading companies in the satellite industry.¹

The comments offered in this paper are prepared in coordination with an organization of European satellite operators known as Satellite Action Plan – Regulatory Group (“SAP-Reg”). These comments are also supported by the Satellite Users Interference Reduction Group (SUIRG).

1. ¹ For more information regarding GVF, please visit the association’s web site (<http://www.gvf.org>).

GVF is concerned with Ofcom's proposal to permit Freedom-4 to offer BWA type services in the bands above 3.8 GHz. GVF and other satellite industry bodies already have considerable concerns with the establishment and implementation of EC Decision ZZZ 2008/411/EC to permit BWA type services in the band 3.4 – 3.8 GHz. Further, Ofcom should be well aware that there was never any EC level proposal or justification to propose harmonised use of the band 3.8 – 4.2 GHz for Fixed BWA services across the EU, given that Fixed BWA needs could be reasonably accommodated in bands below 3.8 GHz or in bands below 3 GHz (e.g. 2.5/2.6 GHz); and the present and future viability of use of the bands 3.8 – 4.2 GHz for the FSS had to be maintained, noting the severe constraints to be imposed by fixed BWA deployments on FSS below 3.8 GHz.

GVF requests that Ofcom provide evidence that Freedom-4 has presented to Ofcom to justify its request to offer fixed BWA services above 3.8 GHz. GVF would also request Ofcom to justify in detail Ofcom's decision to accommodate Freedom-4 fixed BWA operations in a band above 3.8 GHz, instead of in an additional equivalent band below 3.6 GHz.

Second, GVF strongly objects to Ofcom's proposal to permit Freedom-4 licence to offer Mobile Services (MS) in the bands above 3.8 GHz. The GVF joins SAP-Reg in noting our objections based on the following considerations:

- a. Industry has a strong legitimate expectation that Ofcom will respect the UK NFAP as well as the ITU Radio Regulations and its Table of Frequency Allocations in terms of what services are permitted to use certain frequency bands allocated to those services on an exclusive primary, co-primary or secondary basis.
- b. The ITU Radio Regulations allocates the frequency bands 3.8 – 4.2 GHz to the Fixed Satellite Service (FSS) in the space-to-Earth direction and to the Fixed Service (FS) in ITU Region 1.
- c. The UK NFAP similarly allocates the frequency bands 3.8 – 4.2 GHz to the Fixed Satellite Service (FSS) in the space-to-Earth direction and to the Fixed Service (FS) in ITU Region 1.
- d. There is no ITU or UK NFAP primary allocation to Mobile Service in the bands 3.8 – 4.2 GHz.
- e. EC Decision 2008/411/EC does not envisage BWA use in 3800 – 4200 MHz.

- f. Any use of the band 3.8 – 4.2 GHz by a radio service which is not allocated in the NFAP should be undertaken on a non-interference / non-protection basis and should further not constrain the viable development of any primary service allocated in that band.

GVF also notes that Ofcom has not attempted to justify its proposed action to grant the Freedom-4 de-facto Mobile Service application in the band 3.8 – 4.2 GHz by relevant references to the ITU Radio Regulations, CEPT ECA, relevant EC Decisions or the UK NFAP. This is in sharp contrast with Ofcom's lengthy references in the consultation document (for example in its Section 3) to the CEPT ECA and EC Decision 2008/411/EC applicable to the band 3.4 – 3.8 GHz to justify its treatment of the Freedom-4 licence variation request in the 3.4 – 3.8 GHz band.

GVF notes that the FSS satellite industry has a strong legitimate expectation to use the bands 3.8 – 4.2 GHz for current and future systems and applications unconstrained by any mobile service system or application in the UK.

Third, GVF is pleased that Ofcom recognises the need for coordination of Freedom4 base stations with satellite earth stations. However, the proposed revised Freedom4 licence does not specify the coordination procedure. Indeed, the provisions in sections 5 a) and b) of Schedule 1 of the existing licence are proposed to be removed. GVF considers it essential to clearly indicate the coordination requirements in the Freedom4 licence. In addition, it is necessary to indicate the requirement to coordinate with earth stations located outside the UK.

In relation to the proposal to remove the requirement to coordinate terminal stations, GVF notes that if FDD technology is used, base stations and terminal stations would transmit on different frequencies. In this case, coordination of terminal stations would be required.

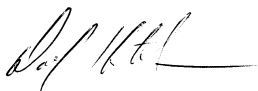
As a conclusion, keeping in mind the multiple benefits that satellite systems bring to the UK and the region, such as disaster recovery, telemedicine as well as many broadcasting and commercial applications which connect Britain to the rest of the world, GVF hopes that Ofcom will find ways to ensure the necessary protection for longstanding FSS services deployed in the 3600-4200 MHz frequency band the UK.

GVF strongly objects to Ofcom's proposal to permit relaxations in the Freedom-4 licence to offer fixed BWA type services in the bands above 3.8 GHz. GVF therefore believes that Ofcom should reject the Freedom-4 licence variation request to offer fixed BWA services in the band 3.8 – 4.2 GHz.

GVF strongly objects to Ofcom's proposal to permit Freedom-4 licence to offer mobile services in the bands above 3.8 GHz. GVF therefore believes that Ofcom should reject the Freedom-4 licence variation request to offer mobile services in the band 3.8 – 4.2 GHz.

The GVF would like to thank Ofcom again for the opportunity to comment on the Freedom-4 license application.

Respectfully,



David Hartshorn
Secretary General
Global VSAT Forum