

## BASIC DETAILS

Consultation title: Innovation Licensing

To (Ofcom contact): Gordon Drake

Name of respondent: Kevin Collis

Representing (self or organisation/s): Broadband Access Strategies LLP

Address (if not received by email):

## CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
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Name Kevin Collis, Designated Member Signed (if hard copy)

Innovation Licensing will provide access to a scarce resource, spectrum, for a new group of potential users; as well as new, uncharted opportunities for current spectrum holders.

At the same time this process will present new challenges for government departments beyond the issues generated by the ten consultation questions.

### **Proposed approach**

*Question 1. Do you agree with our proposal to create a new innovation licence class?*

**Yes.** The UK needs a commercially viable licence that extends beyond the Non-Operational Licence and provides some realistic tenure ahead of a commercial contract..

*Question 2. Do you agree with our proposal to grant innovation licences on a first-come-first-served basis?*

**Yes.**

### **Licence conditions**

*Question 3. Do you agree with our proposal that innovation licences be service and technology neutral?*

**Yes**

*Question 4. Do you agree with our proposal that innovation licences should include a “non-interference-non protected” licence condition?*

**Yes.** This is consistent with the overall aim but once users negotiate tenure there will need to be a mechanism to provide more certainty of protection.

*Question 5. Do you agree with our proposal that, in general, innovation licences have an indefinite duration?*

**Yes**

*Question 6. Do you agree with our proposal that innovation licences have no initial period?*

**Yes**

*Question 7. Do you agree with our proposal that innovation licences have a minimum notice period for variation or revocation on spectrum-management grounds of one year?*

**Yes.**

*Question 8. Do you agree with our proposals for varying or revoking innovation licences during the minimum notice period?*

**Yes**

*Question 9. Do you agree with our proposal to allow only outright total transfers of innovation licences?*

**Yes**

*Question 10. Do you agree with our proposal to charge a fixed fee of £2,000 per innovation licence per year?*

**Yes**

## **Beyond the 10 questions**

The innovation licence offers opportunity for entrepreneurs and smaller, regional telecom businesses to identify and access affordable spectrum solutions. Ofcom will want to encourage this wider use of spectrum and the spectral efficiency achieved by sharing. Consequently it is incumbent upon Ofcom to make the process as accessible as reasonably possible.

Ofcom should

- highlight the barriers to entry
- illustrate the relationship between themselves as the application post box and the current spectrum holders
- fulfil the 'signposting' function for licence applicants

In particular Ofcom should at least qualify, if not quantify, the initial cost barriers:

- The demonstration of non-interfering operation with the incumbent service
- The demonstration of non-interfering operation with neighbouring bands

and the subsequent cost implications

- The expectation that licence applicant will be required to negotiate a more realistic commercial outcome in due course

Ofcom should also indicate how it will fulfil the signposting task to support the needs of applicants whilst they navigate the larger process. The two key issues are:

- Delivering an accessible or 'user friendly' dataset to provide frequency allocation information in a way that adds value rather than the "UK FAT" which is neither open nor accessible.
- Provide a clear and unambiguous point of contact who can advise on any particular band

An alternative view would be to express these points as implied questions of the potential licence applicant; the points below are not exhaustive but identify some of the issues to be addressed:

Question	Ofcom assumption / expectation
1	The applicant will identify the government department that is the primary spectrum holder
2	The applicant will discuss their needs with the primary spectrum holder
3	The applicant will negotiate the safety requirements with the current holder
4	The applicant will assess the impact of operation on the operating band and the ability to share safely
5	The applicant will assess the impact of operation on the adjacent bands
6	The results of this work will become the basis of the technical element of the Innovation Licence

### Summary

This consultation assumes actions by Government Departments and agencies, these actions are vitally important to support new opportunities for UK plc to help during the near term future and not when it is already too late. It is to be hoped that Ofcom and DBERR will achieve a positive outcome in their inter-departmental discussions.

The innovation licence will attract potential users with little experience of working with Ofcom and the timescales this implies, it is important that these new users are made aware of the issues upfront.

The Innovation Licence is critical to opening up spectrum as a resource to fuel innovation and enterprise, now and not in the dim and distant future.

Kevin Collis  
December 2008