

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: **Innovative use of spectrum**

To (Ofcom contact): **Gordon Drake (gordon.drake@ofcom.org.uk)**

Name of respondent: **Chris Cheeseman (chris.cheeseman@bt.com)**

Representing (self or organisation/s): **British Telecommunications plc**

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing Name/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

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Name **Chris Cheeseman**

Signed (if hard copy)

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**BT Response to the Ofcom Consultation:
Innovative use of spectrum**

BT Response to Ofcom consultation document: Innovative use of spectrum

1 Introduction

BT is pleased to respond to this consultation on Innovative use of spectrum and welcomes Ofcom's initiative to promote the launch of innovative commercial wireless services. This is undoubtedly a useful step towards facilitating and speeding up innovation.

BT is generally happy with the consultation document. However, we note that, understandably at this preliminary stage, there are still uncertainties on the practicality of operating the proposed licensing regime. Hence, although BT agrees on most of the Ofcom's proposals, some additional considerations are expressed in a couple of answers to the Ofcom's questions.

2 Answers to the Consultation Questions

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

BT agrees with this proposal. We would however make the following additional comments:

- BT believes that this type of licence may have wider application also in spectrum not necessarily managed by public bodies. For instance, a similar concept could apply to spectrum currently available for individual point-to-point fixed link licences so that suitability of new fixed link technologies can be explored. We therefore suggest that Ofcom considers this further.
- Although a template for a draft licence is provided, there are no details on the application process. BT assumes that Ofcom will seek information from applicants to enable Ofcom to :
 - apply due diligence in making sure that spectrum requests will be adequately justified as suitable for the commercial service to be provided, in order to achieve efficient spectrum usage
 - put in place an adequate service level agreement with the interested public body in order to reduce timescales in licence assignment and make the overall application process quick and efficient.

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

Yes.

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?

Although BT recognizes that this may be a necessary pre-condition for enabling these bands to be licensed for commercial operation, BT is of the opinion that, to the extent that is practical, Ofcom should coordinate spectrum use to avoid unnecessary interference, while allowing for the most efficient use of spectrum. In other words, a process should be in place to make sure that the spectrum is not unnecessarily denied or conflicting licenses are awarded, resulting in mutual interference.

Also, although BT understands that there may be commercial considerations at the basis of the need to distinguish between these licenses and T&D ones, we note that, from the consideration of "non-operational licences" (Clause 2.6), it would appear that such licences were considered to be unsuitable for commercial use, on the grounds that they are non-interference, non-protected, yet the innovation licences are proposed to have the same non-interference, non-protected restrictions.

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?

No comment

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, the reasons given for the licence revocation are the standard ones, with which BT continues to agree.

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, BT agrees that a fee based on cost recovery is suitable for this type of licences.

3 Conclusions

In general, BT agrees with the approach proposed by Ofcom in relation to a new type of innovation licenses. However, BT is of the opinion that some further clarifications on the application process and assignment of licenses are needed for the evaluation of the overall benefits associated with this proposal. BT's views on the consultation questions have been provided and we would be pleased to discuss any point in greater detail with Ofcom.