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Ofcom
Professor William Webb
Riverside House,
2A Southwark Bridge Road,
London SE1 9HA
william.webb@ofcom.org.uk

ESOA MRF WG (08) 167

Object: ESOA response to the Ofcom consultation on Low power licence-exemption limits above 10GHz

The European Satellite Operators' Association (ESOA) was formed in March 2002 to represent the interests of the industry with key European organizations and national regulators. ESOA's goals include ensuring that the satellite industry benefits from the appropriate political, industrial and regulatory environment to fulfil their vital role in the delivery of communications.

In this reply, ESOA will focus on questions 1, 2 and 5.

Q1 and Q2: Do you agree with this assessment of the services that do not require further analysis?

ESOA does not agree with this approach for the following reasons:

- Ofcom is in effect proposing to extrapolate results of studies which have been carried out for UWB in frequencies up to 10.6 GHz. These studies are conceived particularly in view of usage within those frequencies and technical parameters are particular to those frequencies. ESOA is of the point of view that it is not correct to conclude a change with regard to EIRP limits when important technical parameters and characteristics of the UWB devices are not changed in accordance with change in frequency usage. We believe therefore that the fundamental concept of extrapolation with modification of one single parameter compared to studies carried out for operation in a different band is fundamentally flawed and that therefore additional technical studies need to be carried out.
- ESOA is also of the opinion that, besides additional technical analysis, there is a need for more market analysis. UWB is at the moment a prospective and unproven market for which ample spectrum has been made available below 10.6 GHz. A decision to make even more spectrum available needs to be evidence based and such evidence is absent at the moment.

In general, ESOA believes that Ofcom should not take any unilateral action to relax conditions for licence-exempt operations of UWB above 10 GHz. Doing so potentially raises issues of conflict of law, in particular with EC Decision 2007/131/EC and ECC Decision (06)04.

EC decision 2007/131/EC includes a flat level above 10 GHz and the proposal to increase the limit contradicts this decision and is contrary to the harmonised introduction of UWB terminals and services in the EU.

ECC Decision (06) 04 has been developed within the frame of EC mandates to CEPT to identify the conditions relating to the harmonised introduction in the European Union of radio applications based on ultra-wideband (UWB) technology. It identifies a common regulatory framework and harmonised standards for the frequencies up to 10.6 GHz. This decision identifies that further studies are required for a number of circumstances and the possible need to develop further decisions. As set out before, it does not address how to extrapolate the outcome of underlying technical studies to other bands. The phased approach proposed by ECC and the lengthy and detailed technical discussion demonstrate the sensitivity that needs to be observed with regard to possible interference to existing users and a credible degree of protection for the users of existing services. Furthermore, taking into account that CEPT clearly indicates that roll-out of UWB with different technical parameters to those used for a scope limited to bands under 10.6GHz need additional study, it is therefore necessary to follow the appropriate path through CEPT before concluding that licence exempt conditions can be relaxed for operations of UWB above 10 GHz.

Q5: Do you agree with the proposed Licence-exemption limits set out above?

ESOA strongly disagrees with the proposed approach of allowing UWB usage above 10.6 GHz in the absence of proper technical studies and analysis at EU and ECC level. Ofcom has a duty of care towards existing terrestrial and satellite services operating in the affected bands over 10.6 GHz. This entails cost benefit analysis, demonstrating with factual evidence that UWB needs additional spectrum beyond what is already set aside for it and appropriate sharing and compatibility studies undertaken in ECC WG SE based on realistic assumptions with regard to deployment scenario's, mitigation techniques and co-existence scenario's.

Sincerely



Aarti-Holla
Secretary-General ESOA