



13 June 2005

Yvonne Kenny
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

**ESOA Response to a Consultation on:
Recognised Spectrum Access as applied to Radio Astronomy**

Dear Mrs. Kenny,

The European Satellite Operators Association ESOA is pleased to have the opportunity to participate in the above-mentioned consultation by providing you with the views below. Although this consultation deals with the implementation of recognised spectrum access (RSA) only to the sector of Radio Astronomy (RA), satellite operators active in Europe wish to nevertheless react to some of the views expressed in the document.

ESOA hopes that you will find our contributions useful, especially in the context of the dialogue developed with Ofcom on the implementation of RSA to the satellite sector.

Looking forward to pursuing the dialogue with Ofcom (e.g. on the ideas put forward by ESOA at the beginning of the year), we remain at your disposal for any further information you may require.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aarti Holla-Maini', is positioned below the 'Sincerely,' text. The signature is fluid and cursive.

Aarti Holla-Maini
Secretary General
ESOA

Question 1: Do you agree that the RSA is an appropriate spectrum management tool for radio astronomy? If not, what alternative mechanism would you suggest?

There is no doubt that Radio Astronomy, as other radiocommunications, needs a sufficient level of protection from interference in order to operate under safe conditions. Nevertheless, ESOA wonders whether RSA is the most appropriate tool to provide such a guarantee, notably between 3.1 and 10.7 GHz where Satellite has been able to co-exist with RA without causing trouble. As far as risks of interference from the terrestrial sector are concerned, ESOA believes that this can be solved by players in the market themselves without the need for RSA (e.g. in the case of mobile 24GHz SRR near observatories). Finally, ESOA feels it somehow inappropriate to apply a market mechanism such as RSA to a public service such as RA.

Question 2: Do you agree with the list of typical RSA parameters for Radio astronomy? Should other parameters be recorded in RSA?

One fundamental concern for ESOA about setting parameters to implement RSA, whether for RA services or other services, is how much this will disturb the balance of rights amongst players which are active in the same band. If RSA is not mandatory even in bands where it has been introduced, how will it be possible to identify the correct holders of it and prevent others from benefiting from similar guarantees in the same geographical areas? On the other hand, if RSA may be convertible into a license, how will Ofcom make consequent development of exclusive (or incumbent) rights for RA consistent with international allocations (notably if secondary)?

Question 3: Is a rolling 5 year term without fixed termination date appropriate for RSA for radio astronomy?

ESOA would only recommend that RSA is sufficiently stable and provides certainty over a certain period of time to be worth the effort. Five years may be adequate in the case of RA but not sufficient for other types of radiocommunications services (e.g. satellite).

Question 4: Do you agree with the proposed basis for fees for radio astronomy RSA? If you disagree, please give your reasons and suggest alternatives.

ESOA has no comment to make on this.

Question 5: Do you think that spectrum trading and liberalisation should be applied to radio astronomy RSA?

ESOA is particularly concerned with this approach. In making RSA tradable and convertible into licenses, whether for RA or other services, growing market pressure will result from the competition of all sorts of ill-defined rights, on the pure basis of interference speculation; and ESOA feels that Ofcom is likely to introduce strong sources of instability or uncertainty that are contrary to the goals identified for Q3.

Question 6: Are there any regulatory impacts or policy considerations not otherwise mentioned in this consultation that are pertinent to RSA for radio astronomy?

No comment.