

### EchoStar Mobile Ltd. Comments

#### Overview

EchoStar Mobile Ltd. (EML) welcomes the opportunity to provide comments to the RSPG on the efficient award and use of spectrum, and its attempt to address the spectrum challenges of the future. The RSPG plays a vital role in the formulation of European radio spectrum policy, providing expert and impartial guidance to the European institutions. We support with the overarching conclusion of the opinion that consistency of approach across member states is desirable, providing regulatory certainty without stifling innovation or dis-incentivizing investment with overly bureaucratic approaches. However, our own experience of spectrum authorization on a national level has not been positive, and we ask that the RSPG do more to reflect the importance of coordination between EU member states in its opinion.

#### Assessment of Current Regulatory Framework

EML's spectrum was assigned at the EU level through Commission Decision 2009/449/EC. That award mandates that EML provide mobile satellite service (MSS) applications to member states, and that member states authorize the use of spectrum for the delivery of MSS applications. It also mandates that, should EML request, member states must authorize the use of spectrum for Complementary Ground Component (CGC) transmissions.

However, in practice, the way spectrum has been authorized for MSS has negatively impacted our ability to deliver connectivity to EU citizens. For example, some member states license MSS and CGC together, which is not ideal as EML is not obliged to deploy CGC in all member states. Worse, some member states do this, and charge for the authorization using the same fee structure they use for mobile spectrum. To compound the problem, some member states take it further and license MSS and CGC together, charge for the authorization based on a mobile spectrum fee structure, and restrict the CGC portion of the network to carrying the same traffic that is carried over the satellite.

The bundling of the MSS and CGC licenses, which is not allowed under the Commission Decision, generates unsustainable cost for our business as our services are not designed to compete with mobile services in neighboring bands. By taking the approaches outlined to the licensing of EML's operations, member states are failing to correctly implement the Commission Decision, imperil the investments we have made based on the regulator guarantees in the Commission Decision, and make it impossible for EML to ensure that their spectrum is used to its maximum efficiency.

#### Recommendations

In looking at how to make the most efficient use of spectrum resources, we ask the RSPG take account of the difficulties presented to pan-European operators by the divergent regulatory frameworks for spectrum authorization across the EU. As an operator with a pan-European spectrum assignment, the lack of coherence in the way member states authorize spectrum in their own countries has severely retarded our service deployment. We ask that the RSPG underline in its opinion the importance of harmonized implementation of Commission Decisions with regards to spectrum authorizations.