



BT'S RESPONSE TO THE PUBLIC
CONSULTATION ON THE DRAFT RSPG
OPINION ON *STREAMLINING THE
REGULATORY ENVIRONMENT FOR THE USE
OF SPECTRUM*

INTRODUCTION

BT welcomes the opportunity to comment on this Public Consultation, which addresses an area which is very important to us. We spend a considerable amount of resources to ensure that the regulatory environment for using the radio spectrum is open, fair and equitable, in particular for enabling new technologies to be introduced to the marketplace, and operated in accordance with our customers' requirements.

We have focussed on answering the questions which are given on the first page of the draft RSPG Opinion, whilst making note of other sections of the document, as appropriate.

RESPONSES TO THE QUESTIONS

- What are the strengths and weaknesses of the current regulatory process and where do you think it can be streamlined and improved?

BT's Response

In general we believe that the current regulatory process works well, with the three way balance between the EC, CEPT and ETSI. This provides the opportunity for all of the stakeholders (and in particular the operators, manufacturers and regulators) to contribute to the process, and to have their voices heard.

The extensive process of co-ordinating and liaising between the EC, CEPT and ETSI could be seen as both a strength and weakness of the process. It provides the opportunity for all interested parties to participate and contribute to the process, although this could potentially be viewed as being unnecessarily protracted and bureaucratic. We believe that in general, the balance is about right, and we are not proposing any particular changes. However we do acknowledge in answer to a subsequent question, that the introduction of a mechanism to enable CEPT / ECC Decisions to be mandated (by publication in the OJEC) could help to streamline the process.

- What aspects of the regulatory environment for the use of spectrum should be subject to spectrum regulation or subject to standardization (Harmonised Standards)?

BT's Response

We believe that regulation and standardisation should be applied when there is a significant risk of interference to another user. Sharing and compatibility studies are normally undertaken to ensure that interference does not occur to the various other applications and services in a frequency band, and the neighbouring bands (inter-system interference), as well as ensuring interference does not occur to the other users of the same application (intra-system interference).

We believe that the **Regulations** should be written as necessary to ensure that any transmitter operating in the band does not cause unacceptable interference to the neighbouring users (both inter-system and intra-system interference).

On the other hand, it is our understanding that a **Harmonised Standard** is not intended to ensure protection of other users in the band – in some cases it would not be able to ensure protection as it cannot test the deployment characteristics which are often important for sharing and compatibility – and therefore it can only be used to ensure that a product is suitable for placing on the market, and putting into service. Therefore we are resisting any attempts to use the Harmonised Standard as a tool for regulation for including parameters which are not essential for placing equipment on the

market. In particular, we believe that receiver parameters are not essential for inclusion in a Harmonised Standard, as they do not affect the interference into other users. We do recognise that receiver performance is important for the user experience, and for the purpose of sharing studies it is required to have an *assumed* receiver performance, to determine what would be an acceptable level of interference, however this does not need to be included as a normative requirement in a Harmonised Standard. We believe that in many cases, product standards are available which would give that information. In those cases where such information is not available, or a general (technology neutral) set of typical receiver characteristics is required, then these could be included as *Informative* text in the Harmonised Standard (most likely as an Informative Annex). Such characteristics could be used for the sharing studies, and for advising manufacturers of the expected level of performance.

- To what extent should spectrum decisions specify technical details such as mitigation techniques and do you consider that this could be in contradiction with the principle of technology neutrality?

BT's Response

It has been shown that mitigation techniques can be used in regulations, either to enable a frequency band to be used (i.e. it would not be possible to agree on using the band without the mitigation technique), or to enable the band to be used in an enhanced manner.

The most obvious example of this is the 5 GHz band, which can be used by “Wireless Access Systems including RLANs” (as explained in Annex 2 of the RSPG Opinion). The band has been made available on the basis that DFS will be deployed to protect the incumbent users (and in particular the various radar systems). Whilst this has not been an easy process, it has enabled a band to be made available, which would not otherwise be available for this purpose.

Furthermore, the sharing studies undertaken had assumed that using TPC would introduce (on average) a 3dB reduction in the transmitter powers, and hence a reduction in the interference into the other users of the band. Article 4 of the EC Decision 2005/513/EC specifies TPC, but includes the option to not implement TPC, in which case the maximum power limit is reduced by 3dB. This then gives the option of operating with TPC with a higher power, or without TPC with a reduced power; in effect the mitigation technique is enabling equipment to be used in an enhanced manner.

These examples of mitigation techniques for the 5 GHz band are, we believe, not technology specific. Care has been taken in the drafting of the requirements to ensure that no unnecessary assumptions have been made about the characteristics and operation of the equipment. Furthermore, they do not make reference to any aspect of the product standards for this band. In any sharing studies, certain assumptions will be made about the expected deployment characteristics, but these are not considered to be in conflict with the principle of technology neutrality. We believe that the example of the 5 GHz band has shown that it is possible to specify mitigation techniques in a technology neutral manner.

- What is your assessment of the consistency between the activities of the European Commission, CEPT (European Conference of Postal and Telecommunications Administrations) and ETSI (European Telecommunications Standards Institute) and what are the ways to improve it?

BT's Response

Mechanisms for co-ordination between CEPT and ETSI have been set up and, in general these work well. We recognise that there is the potential for overlap, and possibly misalignment between the

documents produced by CEPT and ETSI, however generally we have found that the two bodies co-operate well, and the demarcation between their responsibilities is normally clear.

Regarding the question of publishing regulatory decisions from CEPT in the OJEU, we have no strong opinion on this; the existing process of mandating a Decision by publishing an EC Decision has worked well in the past. However we would agree that the introduction of a mechanism to mandate ECC or CEPT Decisions by citing them in the OJEU, could streamline the existing process still further.

In the past there has been some discussion on the situations under which a System Reference Document is required. More specifically, there was a debate in ETSI BRAN whether a SRDoc was needed for the Technology Neutral Harmonised Standard in the 2.6 GHz, as the new Harmonised Standard would apply to technologies which had not been previously anticipated by ETSI (TFES). However since these technologies would comply with the general regulatory environment which had already been anticipated by CEPT, there was a strong opinion that an SRDoc was not required, and would be an unnecessary distraction. The text in Section 2 of Annex 1 of the draft RSPG Opinion confirms our position that an SRDoc was not needed; and that was also the ultimate conclusion in ETSI BRAN. Clarification on this point would avoid further debate (in other cases) on this point.

- Do you support the recommendations expressed in section 5?

BT's Response

In general we agree with the Recommendations given in Section 5.

However we would particularly like to comment on Recommendation 5.11 regarding the specification of receiver parameters. As noted above, we would agree that receiver parameters may be important for the sharing and compatibility work in CEPT, however we do not think that this should be interpreted as meaning that they should be mandated in the Harmonised Standard.

Recommendation 5.11 recognises that these parameters could equally be included in a product standard in lieu of the Harmonised Standard. Recognising that there may not necessarily be an ETSI product standard for all technologies being deployed, it would be equally appropriate to include the receiver parameters in the Harmonised Standard as *informative* text. Since the receivers do not inherently cause interference, and that the specification of their performance is to enable the sharing studies to be undertaken, we believe that including receiver parameters as normative text is inappropriate. A sub-standard receiver may have a poor performance, but this would only impact on the user of the receiver, and not on the other users of the spectrum, and hence we don't believe that this would be an R&TTE Directive issue.

Therefore we would not agree with Recommendation 5.11 implying that receiver parameters should be included as *normative* text. At present it is at the discretion of the relevant ETSI Technical Committee, and we would support clarification on that point, by amending Recommendation 5.11 to read "... that the receiver parameters should be defined by ETSI in the product standard, the harmonised standard (as informative text), or in an ETSI Report, for all equipment. These parameters should be used consistently by CEPT ..."

.