



Comments on the draft RSPG Opinion on LICENSED SHARED ACCESS

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About GSMA

The GSMA represents the interests of mobile operators worldwide. Spanning more than 220 countries, the GSMA unites nearly 800 of the world's mobile operators, as well as more than 200 companies in the broader mobile ecosystem, including handset makers, software companies, equipment providers, Internet companies, and media and entertainment organisations. The GSMA also produces industry-leading events such as the Mobile World Congress and Mobile Asia Congress. For more information, please visit Mobile World Live, the online portal for the mobile communications industry, at www.mobileworldlive.com or the GSMA corporate website at <http://www.gsmworld.com>.

In the European Union, GSMA Europe represents over 100 operators providing more than 600 million subscriber connections across the region. www.gsmworld.com/gsma_europe



I. INTRODUCTION

The GSMA is pleased to provide input to the RSPG Opinion on Licensed Shared Access (LSA) via this public consultation. The GSMA welcomes the RSPG Opinion which looks at the development of wireless innovations, especially with the rising traffic on the mobile networks fuelled by new applications, increased data usage and new device types. As of Q2 2013, there are 321 million mobile broadband connections in the European Union (EU27), representing 48% of total connections in the region. In Q3 2013, half of the total mobile connections in the European Union are running on mobile broadband networks, further encompassing almost four out of five connections (77%) by end of 2017¹.

New technologies and coding algorithms are able to squeeze ever greater capacity out of the current radio spectrum allocated to mobile, but they alone are not sufficient. LSA may be an alternative approach that increases spectrum efficiency in clearly defined circumstances. However, LSA should be regarded as complementary, and not as a panacea for spectrum scarcity, replacing the need for exclusive, commercially licensed spectrum for mobile services. To meet this explosion in demand, sufficient, internationally harmonised spectrum is essential to ensuring the quality of service that consumers and businesses have come to expect, and rely on, from mobile networks.

Overall, the GSMA strongly believes that the way to create sustainable consumer benefits and increased competition should start by creating **regulatory & legal certainty** in the market. For mobile broadband spectrum, especially when it has been identified for International Mobile Telecommunication (IMT), a licensing regime based on well-defined exclusive access rights should be prioritised to ensure well-known benefits, such as a guarantee of quality of service, good interference management and a high degree of market certainty necessary to create adequate incentives for investment and innovation. In the context of the second, third and fourth generations of mobile networks (e.g., GSM or UMTS, LTE), the exclusive access regime has already demonstrated an ability to foster the development of innovative services such as mobile internet, among others services, while creating positive effects on investment, competitiveness, economic growth, job creation and social welfare.

In broader terms, we recommend that regulation of spectrum should be designed to be durable and consistent over time in order to enhance the ability of the market players to engage in long-term and risky investments. Taking the shortcut to quick wins in a non-sustainable competition and prices environment in mobile broadband will have a negative impact on investments incentives for all the industry.

In this document, the GSMA proposes to summarize the main messages from the mobile industry relevant to some of the specific issues described in the RSPG Opinion on LSA focusing mainly on:

- 1) The definition of the LSA concept;**
- 2) The different parties in an LSA Framework;**
- 3) The Legal, Regulatory, and Licensing aspects.**

¹ Source: GSMA Intelligence, <https://gsmaintelligence.com/metrics/3/1292/data/?report=51d3bd0187eb4>, 23 July 2013



II. GSMA POSITION ON LICENSED SHARED ACCESS

a) The definition of the LSA concept

The GSMA welcomes the efforts made by the RSPG in developing a revised definition for LSA. The GSMA is in favour of a definition that identifies the LSA concept as an individual-license regime of a limited number of mobile network operator (MNO) licensees in a frequency band that is identified for mobile broadband, and which is already assigned to other incumbent users whose spectrum rights of use have not been granted through an award procedure for commercial use, for which the additional users are allowed to use the spectrum (or part of the spectrum) in accordance with sharing rules included in the rights of use of spectrum granted to the licensees.

A clear and well-established definition would be welcome by the mobile industry to appropriately evaluate the concepts including the impact on innovation, investment and technology reliability. As a consequence, the GSMA does not support the implementation of new sharing concepts at this time, until more information and specifics are known.

In practice, the GSMA defines LSA as complementary way of authorising and accessing spectrum, in addition to licensed (exclusive) and license-exempt (unlicensed), which enables the sharing of spectrum between a limited numbers of licensed users. Based on a commercial agreement and under an adequate and light regulatory framework, a non-MNO incumbent, defined as a current holder of spectrum rights of use which have not been granted through an award procedure for commercial use (first come, first served; beauty contest; or auction), could allow part of their assigned spectrum to be used by a LSA user (such as a mobile operator).

The LSA concept could be explored to facilitate access to specific capacity bands, within specified geographical or technical limits. Consequently, the LSA concept is not applicable to bands for which mobile network operators have acquired exclusive spectrum usage rights. The LSA concept proposes the shared use of spectrum using cognitive radio techniques (geo-location combined with spectrum databases). Under a specific regulatory framework, the non-MNO incumbent could allow non-interfering use of part of its assigned spectrum by a mobile operator, pursuant to a commercial agreement and subject to the terms defined by the relevant government authority, which should not impose additional constraints over those agreed in international and/or regional harmonization studies.

b) Exclusive access through appropriate market-based licensing

Exclusive access through appropriate market-based licensing should remain the main regulatory approach for mobile broadband spectrum. For mobile broadband spectrum, especially when it has been identified for IMT, governments should prioritise a licensing regime based on well-defined exclusive access rights. Exclusive access licensing has well-known benefits, such as a guarantee of quality of service, good interference management and a high degree of market certainty necessary to create adequate incentives for investment and innovation. In the context of the second, third and fourth generations of mobile networks (e.g., GSM or UMTS), the exclusive access regime has already demonstrated an ability to foster the development of innovative services such as mobile internet, among others services, while creating positive effects on investment, competitiveness, economic growth, job creation and social welfare.

Authorisation to access additional spectrum using the LSA concept should be given by National Regulatory Authorities (NRAs) after public consultation and agreement between incumbents and mobile network operators. Before the implementation of the LSA concept, analysis will be required for more detailed consideration of the number of LSA users with a similar Quality of Service (QoS) requirement that could successfully utilise the band, how competition rules would apply, or how the introduction of LSA might impact the future use of spectrum. Therefore, any sharing arrangement



would be included in the authorisations delivered by the NRA. Information from mobile service providers is needed on the regulatory regime, in order to implement the LSA concept. In this regard, a consultation requesting the views of the mobile industry is recommended.

III. PROPOSED MODIFICATION IN THE DRAFT RSPG OPINION ON LICENSED SHARED ACCESS

a) definition of the LSA concept

The GSMA would like to propose an alternative definition to the RSPG revised definition on LSA:

"A regulatory approach aiming to facilitate the introduction of Mobile Broadband application under an individual-license regime in a frequency band identified for IMT systems but assigned to one or more incumbent users. Under LSA, the licensee is authorised by the NRA to access to the frequency resource under the conditions set by a light sharing regulatory framework based on commercial agreements. The individual licence provides exclusivity for a specific frequency resource, and thereby allows licensees to provide a certain quality of service.

Under the LSA framework, an incumbent is a current holder of spectrum rights of use for non-commercial and/or non-MNO purposes. Furthermore, the spectrum rights of incumbent use have not been granted through an award procedure for commercial use, for which the additional users are allowed to use the spectrum (or part of the spectrum) in accordance with sharing rules included in the rights of use of spectrum granted to the licensees."

The LSA concept is limited to a sharing between an incumbent and an MFCN licensee (i.e. vertical sharing) and not between several MFCNs or between MFCN and any holder of general authorizations under EU regulatory framework. Under this definition, leasing, trading and secondary market shall not be included in the scope of the LSA concept. As a consequence, the illustration such as MCA/MCV or PMR/PAMR should be removed and the focus of the RSPG opinion should be on the governmental incumbent users sharing with additional users.

b) different parties in the LSA framework

Administration/ NRA

Authorisation to access additional spectrum using the LSA concept should be given by National Regulatory Authorities (NRAs) after public consultation and agreement between incumbents and mobile network operators.

Before LSA/ASA implementation, analysis will be required for more detailed consideration of the number of LSA/ASA licensees with a similar Quality of Service (QoS) requirement that could successfully utilise the band, how competition rules would apply, or how the introduction of LSA might impact the future use of spectrum.

Therefore, any sharing arrangement would be included in the authorisations delivered by the NRA. Information from mobile service providers is needed on the regulatory regime, in order to implement the LSA concept. In this regard, a consultation requesting the views of the mobile industry is recommended.



Incumbent user

The incumbent should be defined as “a governmental and/or non-commercial holder of spectrum rights of use”.

The GSMA believes that an incumbent is a current holder of spectrum rights of use for non-commercial and/or non-mobile purposes. Furthermore, the spectrum rights of incumbent use have not been granted through an award procedure for commercial use, for which the additional users are allowed to use the spectrum (or part of the spectrum) in accordance with sharing rules included in the rights of use of spectrum granted to the licensees.

LSA users

The LSA concept could be one solution for mobile network operators to access complementary spectrum for mobile broadband LSA users.

The LSA concept could be explored to facilitate access to additional frequency bands for capacity, within specified geographical or technical limits. Consequently, the LSA concept is not applicable to bands for which mobile network operators have acquired and will acquire exclusive spectrum usage rights.

The LSA concept could give MNOs the possibility to gain access to new spectrum, which may be impossible otherwise (at least in the short term) on an exclusive basis. The risk is that spectrum sharing becomes the general rule in all new bands, whereas it should be a complementary tool to exclusive access. In addition, the more actors that share a given spectrum band, particularly in a well-formalised framework, the more difficult it will be to free the band in the future for exclusive access (unless it is used as a transition tool gaining access to the spectrum before the incumbent is fully relocated), including for mobile services.

c) Legal, regulatory and licensing aspects

The GSMA believes that the market driven approach to spectrum sharing accompanied by a light regulatory regime will be the best solution to give confidence to the parties involved and to avoid negative impacts on investment by the new user sharing the spectrum. A combination of both methods, based on voluntary spectrum sharing agreements is the right choice to deal with this issue. Furthermore, the LSA concept is compatible with the current EU Regulatory Framework. As a consequence, the LSA policy should not require a primary legislative change in national laws in order to be implemented and could be built on the existing telecom legislations and is fully compatible with the terms set forth under EU Regulatory Framework.