

## **BT response to the Public consultation on the “Draft RSPG Opinion on the Radio Spectrum Policy Programme”**

### **1. Introduction**

BT welcomes the opportunity to comment on the RSPG’s draft Opinion on the radio spectrum policy programme (“RSPP”).

Much of what we would hope to see the future programme achieve will depend heavily on individual action by the Member States. However, leadership and coordination at a European level is vital to set the policy direction and to achieve the benefits that will result from harmonisation of spectrum regulations across the EU.

BT supports and acknowledges what has already been achieved by EC initiatives in recent years in relation to spectrum, for example:

- the innovation that was made possible by promoting public mobile networks based on low power licence-exempt WiFi technologies in the 2.4 GHz and 5 GHz bands;
- the designation of several specific harmonised spectrum bands for WAPECS (e.g. 800MHz, 900MHz, 1800MHz, 2GHz, 2.6GHz, 3.5 GHz) that will enable introduction and growth of mobile networks on a European/Global basis and will provide opportunities to provide extra wireless broadband capacity, enable improved geographical coverage; and may promote innovation and competition in the provision of telecommunication services; and
- the promotion of more technology and service neutral authorisation of spectrum use, together with the use of market mechanisms for the competitive award of spectrum usage rights and the use of spectrum trading.

The EU telecoms package agreed at the end of 2009 includes valuable provisions to further improve spectrum management within the EU. The requirement to form a multi-annual spectrum policy programme is also a welcome element and we welcome this valuable opportunity to help shape this important plan by expressing our views on the draft Opinion on this matter that the RSPG will submit to the European Commission.

BT suggests that the priority for the next four years (the timescale on which we understand that the plan will focus) should not primarily address the need for yet more spectrum bands to be identified for harmonised availability. Instead, there is a

need to achieve a greater degree of sophistication in the work and to put effort into formulating appropriate regulations that focus on promoting and enabling more efficient use of the harmonised spectrum bands already identified, and the authorisation of this more efficient use within these already identified bands in a manner that truly supports greater innovation and promotes and enhances competition. This should include accommodating new technological developments, such as exploitation of femtocells to provide additional infrastructure competition and, in the longer term, cognitive radio systems. Both these examples of significant technological developments and innovation can operate in spectrum bands on a shared basis and can improve efficiency of spectrum use.

BT acknowledges the requirement to assign spectrum in accordance with the relevant EU Directives based on transparent, objective, proportionate, and non-discriminatory procedures and in a manner that promotes and enhances competition. This is important to encourage innovation and to ensure that EU citizens and businesses benefit to the maximum extent possible from the services that require radio spectrum for their delivery. The promotion and enhancement of competition may require measures specific to the particular national scenarios and we expand on some of the options later in this response and encourage the RSPG to take these aspects into account in their final Opinion on the Radio Spectrum Policy Programme.

In the following sections we further address in more detail the various proposals in the Draft RSPG Opinion.

## **2. Some specific comments on the issues for consideration**

### **I. Contribution to the EU 2020 Vision**

We agree with the importance of a strong and coherent spectrum policy across Europe, in order to further the aims of the EU 2020 Vision, for the benefit of all European citizens.

#### *RSPG Opinion Paragraph 8*

We welcome and support the opinion that competition should be promoted in commercial markets. Mobile markets within the EU countries are now relatively mature, with a trend in some countries towards industry consolidation and infrastructure/spectrum sharing. This, together with a trend to wider channels to support broadband services and the limited bandwidth of available spectrum in some bands, makes it important to pay particular attention to regulatory measures that will promote and enhance competition at both the infrastructure and service levels. This suggests that, when assigning spectrum, options such as the following should be considered carefully, taking into account the relevant national situation:

- reservation of appropriate spectrum for new entrants

- appropriate spectrum packaging arrangements
- setting caps on spectrum holdings
- regulating roaming and wholesale access rights on to existing networks
- requirements to share spectrum (e.g. for accommodating new technologies such as low power femtocells and cognitive radio systems)

Such policy options (and indeed other examples not mentioned) may all have an increasingly important role to play if the benefits of competition and innovation are to be achieved to the benefit of EU citizens and businesses. Their applicability may depend on the national situation however there may also be a role for the EC in developing and promoting such regulatory measures where appropriate as part of its radio spectrum policy programme.

*RSPG Opinion Paragraph 13*

BT notes that significant amounts of spectrum are now designated across the EU for WAPECS (including 800MHz, 900MHz, 1800MHz, 2GHz, 2.6GHz, 3.5GHz bands) that will be valuable for enabling deployment of wireless broadband services. The 2.4 / 5GHz low power licence-exempt WiFi bands are also very important and have supported tremendous growth in both private and public WiFi systems that bring enormous benefits to EU citizens and industry. However BT suggests that the priority issue now is not really the need to identify yet more spectrum but, rather, to get the already identified spectrum awarded and brought into use in a manner that promotes and enhances innovation and competition. This work may include ensuring that concerns over interference issues between proposed new uses and existing systems are adequately addressed.

*RSPG Opinion Paragraph 14*

We strongly support the objective of promoting efficient spectrum use. To this end, there should be a focus on increased spectrum sharing and facilitating new technologies that will improve spectrum efficiency and enable greater infrastructure competition (e.g. spectrum to enable new players to deploy femtocells that will benefit from convergence of fixed and mobile networks) as well as enabling and promoting service level competition.

## **II. Spectrum governance in the EU**

Spectrum availability is of course a vital pre-requisite for wireless and satellite systems and adequate provision for the appropriate authorisation of its use is therefore important within the EU Spectrum Policy Programme.

*RSPG Opinion Paragraph 23*

The identification of the 800MHz and 2.6GHz bands for ECS is a significant benefit to the deployment of wireless broadband, as is the identification of the 2.4GHz and 5GHz bands for low power licence-exempt WiFi technologies. It is important that

these licence-exempt applications remain free from harmful interference and in this regard it is important to ensure that standardised technologies for licence-exempt use that are not compatible with WiFi systems should not be promoted in these spectrum bands.

### **III. External relations**

#### *RSPG Opinion Paragraphs 25 - 30*

BT is aware of this long standing issue of how effective negotiation at an EU level is possible within the ITU where, in accordance with the ITU Constitution and Convention, it is the individual Member States that are recognised and each carry voting rights at the World Radiocommunication Conferences. Where European objectives are identified and agreed by the EU Member States, it would seem reasonable that the EC should have a more clearly defined mechanism and role in ensuring the objectives are achieved than is currently the case.

We also note that there currently exists an effective Europe wide co-ordination process through CEPT/ECC, which enables EU member states to maximise their effort both in preparation for, and during the World Radiocommunication Conferences.

### **IV. Spectrum policy objectives**

BT supports the policy objectives proposed by the RSPG, subject to the observation that the designation of more new spectrum (*fifth bullet point*) should be a lower priority compared to increasing the efficient and innovative use of the spectrum currently designated for ECS, noting that some of the spectrum designated for WAPECS has not yet been assigned for use in many Member States. In recognition of this viewpoint, as well as points that BT has raised in section I. above, we would suggest that the RSPG considers an additional bullet along the following lines that would follow the present fifth bullet in Paragraph 31:

- Encourage the timely availability of harmonised spectrum bands already designated for WAPECS and their assignment for use in a manner that promotes innovation and competition.

We fully endorse the proposal for intelligent spectrum sharing (*eighth bullet point*), recognising that this could also include the widespread use of technologies such as femtocells, which have the potential to maximise the efficient use of the existing spectrum, and reducing the need for more new spectrum.