

## Comments by EchoStar Mobile Limited on the RSPG 3d opinion.

EchoStar Mobile Limited (“EML”) is pleased to address its comments to the public consultation on the RSPG 3d opinion.

EML is authorised to establish and operate a mobile satellite service (“MSS”) with a complementary ground component (“CGC”) in the 2 GHz band on a European Union-wide basis.<sup>1</sup> In June 2017, the EchoStar XXI satellite was successfully launched, and in December 2017, EML’s pan-European 2 GHz MSS service entered into commercial service. With a completed MSS ground infrastructure, and the distribution of its first portable data terminal for use with EchoStar XXI, EML’s MSS service is providing a host of new mobile connectivity options across the European Union which bring to users the benefits of satellite connectivity: ubiquity, resiliency and reliability. The EML communications network benefits new and existing markets in served and underserved areas, including public safety, disaster relief and the internet of things, among others, and will be an important part of the 5G network of networks.

EML is concerned with the statement that RSPG makes in part 2, point 6 when it recommends that Member States consider other spectrum solutions including dedicated or shared spectrum for vertical needs. Although no specific band has been identified for Member States consideration, such a policy may have an adverse effect on the use of harmonised spectrum by global services such as satellites. It is crucially important for the satellites to rely on European Union harmonised allocation which guarantees absence of interference and smooth roll out of the pan European services.

Satellite communications is a means to support important aspects of 5G deployment scenarios. As noticed in previous comments by the satellite sector: *Increasingly, satellite systems deliver greater capabilities at lower costs by leveraging the particular characteristics of each system’s global reach such as complementing connectivity for mobile nodes (ships, airplanes, vehicles and trains); offloading a temporarily congested network; providing backhauling services to fixed or moving base stations; and providing emergency response/disaster recovery communications.*<sup>2</sup>

Therefore, in order to guarantee these important functions are fulfilled, it is important to avoid any defragmentation of the spectrum allocation by allocating it to verticals.

EML agrees with RSPG 7 point that dedicated harmonised spectrum should be technologically neutral. It is vital that the regulators ensure that spectrum allocations are made in a technologically neutral manner. To ensure that consumers can have access to the technologies that best meet their needs, policymakers must follow the principle of enabling competition among technologies by ensuring that no single technology is favoured.

This approach is in line with EU general policy objectives that are outlined in the Framework directive and have been so far driving principles of telecom regulations.<sup>3</sup>

<sup>1</sup> See Commission Decision of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS), 2009/449/EC.

<sup>2</sup> [https://esoa.net/cms-](https://esoa.net/cms-data/positions/1693%20ESOA%205G%2016pp%20Booklet%20Amends%20SCREEN%20Final%201.pdf)

[data/positions/1693%20ESOA%205G%2016pp%20Booklet%20Amends%20SCREEN%20Final%201.pdf](https://esoa.net/cms-data/positions/1693%20ESOA%205G%2016pp%20Booklet%20Amends%20SCREEN%20Final%201.pdf)

<sup>3</sup> **Recital 18 of the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)** require Member States to ensure that national regulatory authorities take the utmost account of the desirability of making regulation technologically neutral, that is to say that it neither imposes nor discriminates in favour of the use of a particular type of technology



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*Article 8, Framework directive paragraph 2 Member States shall ensure that in carrying out the regulatory tasks specified in this Directive and the Specific Directives, in particular those designed to ensure effective competition, national regulatory authorities take the utmost account of the desirability of making regulations technologically neutral.*