



Response to Public Consultation

Radio Spectrum Policy Group Draft RSPG Opinion on Strategic Challenges Facing Europe in addressing the Growing Spectrum Demand for Wireless Broadband

2 May 2013



Solaris Mobile Ltd. (SML) welcomes the opportunity to respond to the Radio Spectrum Policy Group's draft Opinion on Strategic Challenges Facing Europe in addressing the Growing Spectrum Demand for Wireless Broadband. SML's comments relate to the section of the draft Opinion discussing the 2GHz mobile satellite service band, statements made therein and conclusions drawn.

2 GHz Mobile Satellite Service bands

In May 2009 SML was awarded the rights to operate 15MHz of paired S-Band spectrum in all 27 EU Member States for 18 years¹. SML's spectrum assignment is valid until 2027. The spectrum band awarded is from 1995 to 2010 MHz (Earth to space) and from 2185 to 2200MHz for space to Earth communications. The spectrum awarded is for the provision of Mobile Satellite Services (MSS). Commission Decision 2007/98 of 14 February 2007, which designates these frequency bands for systems providing mobile satellite services, stipulates that any other use shall not cause harmful interference to and may not claim protection from mobile satellite services. This is in line with the ITU regulations.

Since 2009 SML has been working with all Member States to firstly establish a common regulatory framework to enable provision of MSS in each Member State (a process which is still on-going) and to ensure the availability of appropriate technology and ecosystems for commercial exploitation. Work continues in respect to regulatory conditions, technology availability and commercialisation, and SML reports annually to Member States detailing the status of development of its mobile satellite system. Consultation with Member States is coordinated through the MSS-sub Group of the Communications Committee.

SML is aware that, for mobile network operators at least, the proximity of the 2GHz MSS bands to UMTS spectrum bands places the MSS 2GHz spectrum band as particularly attractive expansion band spectrum. The Radio Spectrum Policy Group's (RSPG) draft Opinion rightly acknowledges third party interest, however, speculative interest in the band cannot and must not be used as the reason to undermine the current designation.

The text in the draft Opinion questioning the commercial success of MSS in the 2GHz band is unsubstantiated. The RSPG is not the appropriate body to comment on the commercial development of MSS in these bands or to speculate on the status of a current investigation being carried out in compliance with commission Decision 2011/667/EU. Responsibility rests with the Communications Committee (COCOM) only. In respect to the compliance investigation cited in the draft Opinion it should be noted that, as yet, no determination has been made and it is therefore premature to anticipate the conclusions of COCOM.

The decision taken in May 2009 to assign spectrum for the provision of pan-European mobile satellite services was an innovative action providing the opportunity for SML to offer commercial services across the European Union in hitherto unused spectrum bands. The RSPG's call for the reallocation of the spectrum bands to terrestrial mobile services is ill timed and damaging to the commercial success of the MSS 2GHz project. SML must retain the opportunity to realise the true

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



potential of 2GHz MSS for consumers and businesses in Europe, with the security that its pan-European MSS spectrum assignment is not undermined or threatened with withdrawal.