



29th of April, 2013

**Contribution of the RNP Forum to the public consultation on the
"Draft RSPG Opinion on Strategic Challenges facing Europe in addressing
the Growing Spectrum Demand for Wireless Broadband"**

1. Background

The RNP Forum is a European Industry, non-profit organisation created in May¹, 2011 with a view to promoting and coordinating the emergence of subscription radio services through harmonised technologies in Europe.

Its members consider that the development of subscription radio services in Europe will lead to substantial economic and social benefits, as well as they will contribute to the reduction of the digital divide, by offering innovative news, entertainment and cultural services in the EU.

The RNP Forum therefore welcomes this opportunity to contribute to this public consultation, with a particular interest in the L band and the S band, seen as particularly well suited to anchor such development in Europe.

2. The intermediate objective to identify 1200 MHz of spectrum for wireless broadband by 2015 is already fulfilled

As stated in § VIII of the Draft Opinion, and as supported by the inventory offered in its Annex 1, *"the total amount of spectrum already available in Europe for wireless broadband services is nominally 1701.50 MHz comprised of 990 MHz for terrestrial applications, 173 MHz for satellite based broadband and importantly 538.50 MHz for WiFi-type applications"*.

From this statement, the RNP Forum would like to question the conclusion further offered in § VIII of the Draft Opinion that *"taking the terrestrial component alone would require at least 210 MHz of additional spectrum to be re-allocated to wireless broadband"*, since $990 + 538.5 = 1\,528.5$ MHz of terrestrial spectrum can already be identified to meet the 1200 MHz objective.

More generally, the intermediate objective set in Article 3(b) of the RSPP to identify 1 200 MHz of spectrum for wireless broadband is not specific to a terrestrial-only, or even a mobile-only component. In this regard, the RNP Forum concurs with the opinion underlined in § IV *"Definition and Trends for Wireless Broadband"* that all three components (terrestrial applications, satellite-based broadband and WiFi-type applications) are to be considered as contributing to meet the aforementioned objective.

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The RNP Forum believes that this fact should be more evidently stated in the Opinion, and is of the view that the requirement of “*at least 210 MHz of additional spectrum to be re-allocated to wireless broadband*” stated in § VIII should be suppressed.

Accordingly, a modification to *Recommends 1* is proposed:

1. On the basis of the analysis in Annex 1 and the roadmap for future broadband spectrum in Annex 2 of this Opinion a strategic plan should be developed by the Commission to make the necessary spectrum available to meet the future demand for wireless (terrestrial & satellite) broadband services in the time frame 2013-2020, ~~including the intermediate target in the RSPP of at least 1200 MHz of spectrum by 2015~~, as will be reported by 1 January 2015 according to Article 6(5) of the RSPP.

In addition, the RNP Forum believes that the possible development of convergent services will help optimise over time the overall spectrum demand of wireless broadband services, in the timeframe foreseen by the RSPP.

In this respect, the RNP Forum believes that EU-based R&D programs (such as B2M or M³) should continue to be supported to encourage the development of such convergence between the broadcasting and broadband communication services.

3. Regulatory certainty in the L band and the S band should be preserved to enable the development of innovative pay-radio services in the EU

In North America, subscription radio has become over the past years a true commercial success. In the US, these services today account for as many subscribers as any of the leading payTV services with 23.9 million subscribers reported in 2012, and continue to grow². In Canada, 2 million subscribers have been reported in 2012, which is after 7 years of operation.

Draft ECC Report 188 evaluated that the development of subscription radio services in Europe could lead to €10.2 billion in economic benefits, in addition to substantial social and cultural benefits.

For this reason, the RNP Forum welcomed the recent award in January, 2013 in France of a national broadcast license in L band for the provision of a premium pay-radio offer. This license resulted from a call for tender initiated on the basis of the outcome of a prior public consultation, conducted by the Broadcast regulator CSA in March, 2011. This license authorises the deployment of a terrestrial network in the lower part of the L band, which is intended to be completed through satellite coverage in S band, with a view to enabling a seamless vehicular reception of the service.

The RNP Forum considers that the L band and the S band are ideally suited to anchor the development of subscription radio services in Europe, in a spectrum efficient and economical way, to the ultimate benefit of consumers. For radio, the in-car reception is indeed a key service user case, for which the notion of quality of reception – including in rural areas – is of utmost importance. This is particularly true for subscription radio, for which the consumers pay to access a premium service.

The RNP Forum is of the view that the current efforts carried out within the CEPT towards a harmonisation of the L band “*for SDL, while preserving the possibility for Member States to use part of this band for other uses such as broadcasting*” is already providing a clear opportunity for the development of SDL networks in this frequency range, based on future market demand, and that therefore no further regulatory measure would be required at this stage by the Commission, given the points elaborated in §1 above.

Accordingly, the RNP Forum would like to propose the suppression of any mention of the 1.5 GHz band in *Recommends 2*, and the following modifications to *Recommends 5*:

5. For the band 1452-1492 MHz, ~~no further measure is deemed necessary by the Commission at this stage~~, noting that CEPT has established a project to develop harmonised implementation measures for SDL applications, ~~the Commission should consider adopting complementary measures to further promote the use of this band for SDL~~, while preserving the possibility for Member States to use part of this band for other uses such as broadcasting.

Also, it should be noted that a re-allocation of satellite frequencies to terrestrial services becomes by nature a definitive measure. Beyond offering an immediate opportunity in relation to the development of pay-radio services in Europe, the RNP Forum believes that the 2GHz MSS spectrum should remain allocated to satellite use, with a view to a long term contribution to the reduction of the digital divide in European rural areas.

Accordingly, the RNP Forum suggests the suppression of *Recommends 6*:

- ~~6. In the case of the 2GHz bands identified for use by Mobile Satellite Services with Complementary Ground Component (1980-2010 MHz/2170-2200 MHz), if future actions taken by Member States in relation to Decision 2011/667/EU result in the withdrawal of licences, the Commission should consider re-allocation of the bands to terrestrial mobile services.~~

¹ The RNP Forum founding members are: Onde Numérique, Thales Alenia Space, Viaccess and Actia Sodielec

² See <http://www.radiointelligence.com/sirius-xm-has-24-4-million-subscribers/>