



Telefónica Group response to consultation on draft RSPG Opinion on WRC preparations and WRC-11

General comments

Telefónica would like to thank the Radio Spectrum Policy Group (RSPG) for giving stakeholders the opportunity to comment on their draft Opinion on World Radiocommunications Conference (WRC) preparations and, in particular, the preparations for the next WRC in 2011/12 (WRC-11). In terms of the general preparatory process, we agree that it is important to avoid the need for formal votes at a WRC, and that a consensus based approach is nearly always the best one. Telefónica supports the current approach to the adoption of European Common Proposals (ECPs), which requires at least 10 CEPT members to support such proposals with the opposition of less than 7 countries. To facilitate the development of inter-regional consensus prior to the WRC, we believe that is becoming increasingly important for delegates from the different regional groups to attend and contribute to the discussion at other regions' preparatory meetings, even if their participation is formally identified as having observer status. Telefónica also considers it to be essential that the CEPT speaker for each Agenda Item at a WRC comes from a CEPT administration that is a co-signatory to the ECP. We note the seemingly increasing complexity of negotiations at each successive WRC where Agenda Items are "traded off" against each other. Finally, we also note the difficulty that some EU Member States have when they are faced with a potential duality of obligations relating to EU spectrum harmonisation decisions as well as the ITU Radio Regulations.

Regarding the specific recommendations proposed by the RSPG, Telefónica considers that an increased focus on consensus building and inter-regional coordination will increase the chances of a successful outcome at future WRCs (Recommendation 1). We agree that, if there are EU policy issues associated with Agenda Items, early involvement should be sought from all relevant European institutions as well as Member States (Recommendation 2), and that clear guidance should be developed, both through RSPG Opinions and the new multi-annual spectrum policy programme¹ (Recommendations 3 & 4). Telefónica agrees with the proposal (Recommendation 5) to raise political awareness of priority issues, where appropriate, at the regular summit meetings between the European Union and other regional bodies.

International coordination outside of the EU

Telefónica has previously noted² that the issue of coordination between the EU and neighbouring countries is important. We therefore supported the recommendation in the draft RSPG Opinion on the digital dividend for the EC to support Member States in renegotiating aspects of the GE-06 Agreement with countries outside the EU if

¹ Telefónica assumes that this aspect of the revised regulatory package will finally be adopted.

² Telefónica Group response to the 2009 consultation on the draft RSPG Opinion on the digital dividend.

required. More generally, we support that both the EU and CEPT should give more emphasis on WRC decisions that facilitate coordination at the borders of the EU (Recommendation 7).

WRC-11

The Agenda for the next World Radiocommunication Conference comprises over 20 detailed items, 6 of which are of direct interest to Telefónica:

- Agenda Item 1.2: Introduction of more flexibility in the international regulatory framework;
- Agenda Item 1.4: Introduction of new aeronautical mobile (R) service (AM(R)S) systems adjacent to the mobile band at 960MHz;
- Agenda Item 1.17: Sharing studies between the mobile service and other services in the band 790-862MHz;
- Agenda Item 1.18: Extending the existing radiodetermination-satellite service (space-to-Earth) allocations adjacent to the mobile band at 2500MHz; and
- Agenda Item 1.19: Relating to the introduction of software defined radio and cognitive radio systems.

The provisional Agenda for the subsequent WRC (currently expected to take place in around 2015 and addressed by Agenda Item 8.2), is also of direct interest to Telefónica.

We believe that all of these Agenda Items relate to Community policies, indirectly if not directly, and we therefore concur with the proposed opinion of the RSPG that these AIs are of relevance to the Community. Telefónica has no specific view on the importance of other Agenda Items to the Community.

Digital Dividend

In particular, we highlight the importance of Agenda Item 1.17, which has a direct bearing on the use of the digital dividend to provide electronic communications services other than broadcasting, and which has been the subject of significant European study in recent months and years, including the 2 RSPG Opinions specifically on this topic³. As we noted in our response to the 2006 draft RSPG Opinion public consultation⁴, Telefónica considers this to be an important issue. We believe that the switchover to digital broadcasting will lead to a more efficient use of the radio spectrum, but will also result in a more productive use of the digital dividend through the use of the 790-862MHz (800MHz) sub-band for the provision of electronic communication services (ECS) other than broadcasting. Telefónica therefore supports wholeheartedly the proposal that EU interests in this Agenda Item have to be safeguarded, by ensuring that no decision at WRC-11 will impede the possibility to deploy mobile networks in this frequency band. We will also continue to follow the studies that are being undertaken as a result of Resolution [COM4/13] (WRC-07) by ITU-R Joint Task Group (JTG 5-6), which will report to the next World Radiocommunication Conference under Agenda Item 1.17.

³ Draft RSPG Opinion on the digital dividend, subject to recent (May-June 2009) consultation, and RSPG Opinion on EU spectrum policy implications of the digital dividend, February 2007.

⁴ "Telefónica Group response to consultation on draft RSPG Opinion on EU spectrum policy implications of the digital dividend", December 2006.

With regard to the other Agenda Items of interest to Telefónica, we make the following comments:

- Agenda Item 1.2: Introduction of more flexibility in the international regulatory framework

Telefónica has been actively involved in the discussions surrounding the development of the new European regulatory framework, which we assume will finally be adopted, at least as far as the spectrum aspects are concerned, with the text that has been agreed during the last round of triologue discussions in the Spring of 2009. A greater degree of liberalisation in spectrum use, which the new regulatory package introduces, implies more flexibility in the technical conditions associated to such use, varying from technological to service neutrality. Telefónica supports change of use in principle as a way to favour a more efficient use of spectrum, but believes that this must be accompanied by the introduction of a spectrum trading regime to gain the full benefits of a liberalised use of radio spectrum. In addition, we consider it to be important to ensure that the detailed technical issues and international harmonisation questions surrounding liberalisation are resolved; otherwise, there is a risk that interference problems surpasses potential benefits of greater flexibility. We therefore support the proposal that EU interests in this Agenda Item should seek to facilitate technical evolution, should ensure future access to spectrum in a timely and responsive manner, and should ensure that flexibility at European level in the use of allocations is not unduly constrained by provisions in the ITU Radio Regulations.

- Agenda Item 1.4: Introduction of new aeronautical mobile (R) service (AM(R)S) systems adjacent to the mobile band at 960MHz

Although Telefónica is not involved directly in the provision of aeronautical services, as licensees in the mobile spectrum band immediately below 960MHz in several EU countries we maintain a keen interest in ensuring that existing and planned services are not adversely impacted by the change of allocations in adjacent bands. As noted above, we support the change of use provided that the detailed technical issues surrounding the liberalisation of the band above 960MHz are resolved. Telefónica therefore agrees that European positions on this issue for WRC-11 should preserve the decisions of WRC-07, in particular by not introducing any measures that would unduly constrain the use of the band immediately below 960MHz for the provision of IMT services, as allocated at WRC-07, in addition to the existing GSM and UMTS services.

- Agenda Item 1.18: Extending the existing radiodetermination-satellite service (space-to-Earth) allocations adjacent to the mobile band at 2500MHz

Although Telefónica is not involved directly in the provision of radiodetermination-satellite services, as prospective licensees in the mobile spectrum band immediately above 2500MHz in several EU countries we maintain a keen interest in ensuring that planned services are not adversely impacted by possible future changes of allocation in adjacent bands. As noted above, we support the change of use provided that the detailed technical issues surrounding the liberalisation of the band below 2500MHz are addressed.

- Agenda Item 1.19: Relating to the introduction of software defined radio and cognitive radio systems

Telefónica supports developments such as Software Defined Radio (SDR) and Cognitive Radio (CR) where it can help to reduce network deployment and support costs, and we continue to follow developments in both European research projects such as E3 and the ITU. In particular, Telefónica seeks reassurance that the protection of existing radio service investments will be ensured without ambiguity. Our principal concerns lie

in the areas of respecting existing rights and obligations and security – principally the rights and obligations that come with providing quality services in licensed spectrum, and the security against unauthorised download of software. Nevertheless, we support the proposal to ensure that flexibility at the European level to implement such new and innovative technologies will not be unduly constrained by the Radio Regulations.

- Agenda Item 8.2: Agenda for the next WRC

The radio spectrum is traditionally considered to be a limited resource, such that, as the number of spectrum users/uses increases, the “scarcity” of spectrum leads to an increase in its “value”. Recognising the growing demand constraints on spectrum access and use, Telefónica is of the opinion that spectrum is not as scarce as it is sometimes presented to be because a) new technologies continuously contribute to a much more effective use of spectrum, helping to mitigate the scarcity problem, and b) technological advances, if licensees are allowed the freedom to implement them, could match some of the growth in demand for spectrum. In addition, mitigation against the apparent limited availability of spectrum for commercial applications such as electronic communication services can be achieved by reducing, or at least re-considering, the valuable amount of spectrum that has historically been allocated to other radio services⁵; this applies equally to the amount of spectrum used for non-commercial applications (such as military usage), and the amount of spectrum used for other commercial or public services (such as broadcasting). Telefónica considers that the amount of spectrum required by electronic communication services will undoubtedly continue to increase in the foreseeable future and would therefore support an early review of the amount of spectrum needed and available at the European level, before deciding whether to seek a specific Agenda Item requesting a change in allocations at the WRC in 2015 or the subsequent Conference.

⁵ As well as spectrum management tools, historical spectrum uses and assignments should be re-assessed by considering new technological possibilities as well as new demand patterns, which might change over time.