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Dear Eleanor

**Re: Review of licensing arrangements in the 27 GHz band Consultation paper**

Communications Alliance welcomes the opportunity to provide our response to the ACMA *Review of licensing arrangements in the 27 GHz band Consultation Paper*.

The Communications Alliance Satellite Services Working Group (SSWG) is a grouping of satellite-related companies active in the Australian market and includes satellite operators, satellite service providers, manufacturers and ground-segment installers. In providing this industry response we note that some of our members will be submitting their own responses. It does not necessarily represent the views of Optus, which is lodging its own submission, and it also does not represent the views of Telstra.

The paper identifies two broad options for the future arrangements, the first to retain the existing spectrum licensing regimes and the second to revert to full or partial apparatus licencing. The SSWG broadly supports the approach of reverting to apparatus licensing noting the advantages brought about through consistency of administration, the value in having contiguous availability of like spectrum and in following last year's conversion of the 28 and 31 GHz bands to apparatus licensing.

The SSWG considers it important to provide long-term certainty and the necessary flexibility for the incumbent spectrum licensees in this band. Experience has demonstrated that commitment to a particular technology such as LMDS and the length of that commitment is a high risk scenario. As technology and service choices continue to evolve the selection of specific technologies becomes less attractive. Apparatus licensing provides the most flexibility to accommodate the intensifying pressure to use this spectrum in the future for different services; examples being IMT Advanced services, Mobile Satellite Services and gateway services in the 27 to 30 GHz frequency range. In addition, adequate flexibility is needed to cater for regional differences such as with the 27.0 to 27.5 MHz band that is being shared with FSS uplink for Regions 2 and 3 only.

One of the conditions of moving to a full apparatus licence structure should be the development of appropriate RALIs. We suggest that a Technical Liaison Group, similar to the one established after the decision to proceed with the conversion of 28 and 31 GHz bands to apparatus licensing should be established to develop the technical framework with a RALI to describe the frequency coordination, apparatus licensing procedures and

sharing constraints for frequency assigners to facilitate different services to be able to share the band.

On the issue of licence fees, the SSWG observes that the current apparatus licence Fee Schedule is a relatively blunt instrument. Further consideration could be given to a number of areas of the schedule including the protection offered, the ubiquity factor, a full versus occasional-use nature of the service and any itinerant or nomadic characteristics. An example covering this circumstance would occur with Satellite News Gathering (SNG) services.

The SSWG supports the objective of the review to identify the licensing arrangements which will maximise the overall public benefit and derive the highest value use from the spectrum. In addition to the ACMA principles that guide the management radiofrequency spectrum, the SSWG sees the need to take into account the factors that more broadly affect public interest. The SSWG considers that innovation, investment and competition are public interest criteria that should equally be taken into account. The Minister's consideration of the public interest leading to the *Class of Services Determination 2012* takes into account this broader perspective and demonstrates an appreciation of the public interest which is better understood and resonates more closely with industry, commercial and consumer interests. Failure to take in to account this broader public interest has the potential to impact investment decisions that, in turn, may lead to detrimental effects on the national economy. For example, the SSWG is aware of recent satellite sector investments going overseas, in part due to the spectrum fee structure.

If you have any further questions with regard to the points raised in this submission please contact Mike Johns on (02) 9959 9125.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Stanton', written in a cursive style.

John Stanton  
**Chief Executive Officer**