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Response of Connogue Limited to:



*ODTR Radio Spectrum Management
– Planning for the Future –
Consultation Paper*

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1. Introduction

Connogue Limited welcomes the opportunity to comment on the consultation paper ODTR 01/06 published in February 2001.

Connogue Limited, based in south County Dublin, was established in 1998 to provide specialist telecommunication consultancy services, principally in the field of spectrum management, radiocommunications and radio-based services.

Although a relative newcomer to the consultancy scene, Connogue's clients have included the European Commission, the GSM Association, Lucent Technologies, Radio Telefis Eireann, the European Cable Communications Association (ECCA), Mobile Radio Users Association (MRUA), RadioLAN Inc, Schlumberger, BG Holdings Ltd and the UMTS Forum. In addition, joint or co-operative European and single country projects have been undertaken with 3 of the leading spectrum management consultancies in Europe, Andersen Management International A/S, Ægis Systems Ltd and Interconnect Communications Ltd.

2. General

The ODTR consultation paper is comprehensive and provides an excellent overview of the past and current situation and raises a number of key issues and questions for the future. However at the highest level it is difficult to extract the overall policy for the use of the radio spectrum in Ireland.

We would suggest that the following may provide an appropriate mission statement: **'To ensure that the public interest is satisfied in the use of the radio spectrum in Ireland and that a predictable environment is realised for spectrum users'**.

In establishing an overall framework for spectrum management and addressing strategic questions it seems not to be appropriate to address

only civil spectrum management questions and not to consider similar matters with respect to governmental use of the radio spectrum. As Ireland continues to prosper and develop it is possible to envisage a future scenario where governmental spectrum needs will increase and will need to be considered alongside the requirements of the commercial sector. This is especially pertinent in any future scenario, which predicts spectrum congestion in major Irish conurbations.

3. Spectrum Policy

Connogue believes that the use of the radio spectrum needs to be strategically planned in order to create an environment, which allows for long term planning and harmonisation with international trends with respect to radiocommunication services and products.

The extent to which the full benefits of the radio spectrum are realised depends on the actual use that is made of it and how efficiently it is managed. Connogue agrees in general with the objectives in section 3.1 of the consultation paper but believes they focus solely on the civil commercial sector and perhaps do not address sufficiently relevant national requirements.

In developing an overall macro national policy for spectrum use, it is believed that this would permit appropriate priorities to be established and would facilitate the future spectrum management task as Ireland moves towards the scenarios developed in the annex to the consultation paper. The primary objectives to be achieved with the radio spectrum may include the following:

- To allow the development of new services to meet customer and governmental demand for radio services,
- To harmonise spectrum use with international developments (ITU, CEPT, EU) and to participate in the European Single Market for telecommunications (including radiocommunications) services and equipment,
- To enable the liberalisation of, and competition for, telecommunications (including radiocommunications) services, infrastructure and equipment,
- To enable the realisation of public policy objectives on safety (including emergency services), cultural (including broadcasting) and social issues,
- To stimulate technological innovation and competitiveness,
- To support economic growth and create employment.
- To support national security and defence.

Having established the objectives, it is then necessary to identify the elements of the policy on spectrum use, which will enable the policy objectives to be realised. Connogue suggests that the following policy statements would be appropriate:

- The spectrum will be managed efficiently to facilitate a wide variety of radio based services,
- The spectrum will be used in a way which ensures that commercial and public needs can be accommodated,
- Spectrum will be made available through the implementation of European Union Directives and ERC Decisions on matters relating to spectrum use through the adoption of the European Common Allocation Table (whilst taking into account technical, economic and wider public policy considerations in Ireland),
- The spectrum will be used in such a way to encourage a clear, objective and non-discriminatory framework for competition and innovation in the telecommunications sector,
- The spectrum will be used in a way that is consistent with Irish commitments to its international obligations in all sectors, which utilise the radio spectrum.

Suggestions for further consideration which *inter alia* would improve the transparency of the spectrum management process in Ireland:

1. The formation of a spectrum management interdepartmental forum embracing those governmental and regulatory bodies having a strategic interest in the radio spectrum.
2. Whilst the ODTR use of the WWW is exemplary; in Connogue's view there is no substitute for the establishment of user forums to aid the ODTR in its work of setting radio regulatory policy, developing issues which may require further public consultation and establishing the Irish position to be taken in European and international forums.
3. The establishment of an independent spectrum advisory committee to be available to provide on request, or at their own instigation, advice to Ministers and the most senior policy makers in Ireland on key strategic spectrum management matters.

4. Specific Questions in the Consultation Paper

4.1 Question 3

Whilst the list of key issues in section 3.2.1 appears to cover many of the important strategic areas and in particular the point addressing further harmonisation in Europe would cover many of the minor items, nevertheless Connogue believes it may be of use to address the additional specific points:

- The need to ensure that short range devices meeting relevant ERC Decisions (yet to be approved) can be used in Ireland and that such devices manufactured in Ireland can be freely exported to CEPT countries i.e. the implementation of harmonised frequency bands wherever possible in the context of the R&TTE Directive.

- The preparation for and participation in the various forums addressing the spectrum requirements for European digital terrestrial television in order that Ireland's requirements are fully satisfied.
- To keep abreast of the needs of governmental agencies which may participate in other international organisations where the use of spectrum is vital (e.g. ICAO, IMO and WMO).
- To ensure that all spectrum users have access to environmentally 'clean' spectrum by taking an active role in the current revision of the EMC Directive.

4.2 Question 4

The development of an annual or bi-annual national spectrum strategy is of course an excellent proposal. However it should respond to the policy for spectrum use (the mission) and the overall objectives and policy for realising the objectives.

In this regard the strategy should address as well as the civil (including governmental) sector, wherever possible all other governmental (e.g. defence and national security) use of the spectrum. Furthermore, the progress achieved in realising strategic European spectrum policy objectives could be benchmarked against other European states; thus a quality indicator would be available to demonstrate Irish progress towards meeting European goals.

4.3 Question 5

As mentioned in section 3 above regular national forums for certain sectors of Irish industry could be extremely useful in facilitating transparency and helping to set policy. National preparatory committees could be extremely helpful in developing national positions for key international events such as important CEPT meetings or major ITU conferences. This would also have the added advantage of enabling more persons to become aware and involved in the detailed and complex area of spectrum management.

4.4 Question 6

Connogue agrees that these are the main areas where spectrum demand is likely to be highest.

4.5 Question 7

A process known as 'pioneers' preference' was introduced several years ago in the United States in order to stimulate innovation. This was a process of positive discrimination where licence applicants were given preferential treatment in the licensing process if the technology proposed or the manner of introducing services was considered to be innovative.

This is obviously a highly controversial process and might suit certain circumstances but in general Connogue considers it not to be appropriate for the European situation.

4.6 Question 8

Yes, the concept described is sound in spectrum management terms. There must be alternatives to a first come first served policy once the available pool of spectrum is exhausted. However in such situations it is necessary to evaluate the needs of all spectrum users and a decision must be made as to whether there is a real scarcity of spectrum before requiring users to introduce more expensive options.

Connogue would however advocate following the European norm in this regard in view of single market considerations. In any event economies of scale might result in spectrum efficient equipment having a similar order of price magnitude when compared with replacement equipment using an older technology.

5. Summary

In this response Connogue Limited has provided a response to several of the questions proposed and has raised some additional issues of an overall policy nature.

Connogue believes the consultation paper to be timely and appropriate and is an excellent document with well constructed and thought provoking questions and scenarios. Connogue would be pleased to respond to any subsequent questions relating to this response.