

## **Contribution from BT in response to the European Commission's Public Consultation / call for Input in preparation for the Radio Spectrum Policy Programme**

### **1. Introduction**

BT welcomes the opportunity to contribute to the EC's work to develop a forward looking multi-annual radio spectrum policy programme ("RSPP"). We regard the present consultation paper, and the discussion document that was tabled by the Commission at the recent Spectrum Summit on 22-23 March 2010, as a good basis for this work.

Much of what we would hope to see the future programme achieve will depend heavily on individual action by the Member States. However, leadership and coordination at a European level is vital to set the policy direction and to achieve the benefits that will result from harmonisation of spectrum regulations across the EU.

BT supports and acknowledges what has already been achieved by EC initiatives in recent years in relation to spectrum, for example:

- the innovation that was made possible by promoting public mobile networks based on low power licence-exempt WiFi technologies in the 2.4 GHz and 5 GHz bands;
- the designation of several specific harmonised spectrum bands for WAPECS (e.g. 800MHz, 900MHz, 1800MHz, 2GHz, 2.6GHz, 3.5 GHz) that will enable introduction and growth of mobile networks on a European/Global basis and will provide opportunities to provide extra wireless broadband capacity, enable improved geographical coverage; and may promote innovation and competition in the provision of telecommunication services; and
- the promotion of more technology and service neutral authorisation of spectrum use, together with the use of market mechanisms for the competitive award of spectrum usage rights and the use of spectrum trading.

The EU telecoms package agreed at the end of 2009 includes valuable provisions to further improve spectrum management within the EU. The requirement to form a multi-annual spectrum policy programme is also a welcome element and we welcome this valuable opportunity to help shape this important plan.

BT suggests that the priority for the next four years (the timescale on which we understand that the plan will focus) should not primarily address the need for yet more spectrum bands to be identified for harmonised availability. Instead, there is a need to achieve a greater degree of sophistication in the work and to put effort into formulating appropriate regulations that focus on promoting and enabling more efficient use of the harmonised spectrum bands already identified, and the authorisation of this more efficient use within these already identified bands in a manner that truly supports greater innovation and promotes and enhances competition. This should include accommodating new technological developments, such as exploitation of femtocells to provide additional infrastructure competition and, in the longer term, cognitive radio systems. Both these examples of significant technological developments and innovation can operate in spectrum bands on a shared basis and can improve efficiency of spectrum use.

BT acknowledges the requirement to assign spectrum in accordance with the relevant EU Directives based on transparent, objective, proportionate, and non-discriminatory procedures and in a manner that promotes and enhances competition. This is important to encourage innovation and to ensure that EU citizens and businesses benefit to the maximum extent possible from the services that require radio spectrum for their delivery. The promotion and enhancement of competition may require measures specific to the particular national scenarios and we expand on some of the options later in this response and encourage the EC to take these aspects into account in their work programme.

In the following sections we further address in more detail the various “Issues for consideration” that are raised within the European Commission’s consultation paper. We have deliberately kept our comments brief at this time given the early stage of the consultation process. We would therefore welcome further opportunity to contribute to the shaping of the RSP as the European Commission’s consultation and work in this area progresses.

## **2. Some specific comments on the issues for consideration**

### **a. Economic recovery and growth**

BT notes that significant amounts of spectrum are now designated across the EU for WAPECS (including 800MHz, 900MHz, 1800MHz, 2GHz, 2.6GHz, 3.5GHz bands) that will be valuable for enabling deployment of wireless broadband services. The 2.4 / 5GHz low power licence-exempt WiFi bands are also very important and have supported tremendous growth in both private and public WiFi systems that bring enormous benefits to EU citizens and industry. BT suggests that the priority issue now is not really the need to identify yet more spectrum but, rather, to get the already identified spectrum awarded and brought into use in a manner that promotes and

enhances innovation and competition. This work may include ensuring that concerns over interference issues between proposed new uses and existing systems are adequately addressed.

There should be a focus on increased spectrum sharing and facilitating new technologies that will improve spectrum efficiency and enable greater infrastructure competition (e.g. spectrum to enable new players to deploy femtocells that will benefit from convergence of fixed and mobile networks) as well as enabling and promoting service level competition.

#### **b. Social inclusion, Services for citizens**

BT acknowledges the role of satellite and wireless systems alongside fixed (copper/fibre) networks to contribute to bridging the digital divide and increasing the availability of broadband services. Wireless and satellite have the advantage of also enabling mobile services, and the suitability of these technologies compared to copper/fibre based networks depends on the service requirements and geographical scenarios. Whilst wireless and satellite systems have a significant role in broadband delivery, it is also important to recognise their technical limitations compared to what can be achieved by fixed networks (including in conjunction with WiFi) in terms of capacity and other technical parameters that affect the service experience of end users .

Spectrum availability is of course a vital pre-requisite for wireless and satellite systems and adequate provision for the appropriate authorisation of its use is therefore important within the EU Spectrum Policy Programme. The identification of the 800MHz and 2.6GHz bands for ECS is a significant benefit to the deployment of wireless broadband, as is the identification of the 2.4GHz and 5GHz bands for low power licence-exempt WiFi technologies. It is important that these licence-exempt applications remain free from harmful interference and in this regard it is important to ensure that standardised technologies for licence-exempt use that are not compatible with WiFi systems should not be promoted in these spectrum bands.

#### **c. Environmental and health protection**

BT has no particular comments on this aspect of the work programme.

#### **d. Space exploration, transport safety**

Protection of spectrum used for space exploration is already adequately studied within the ITU, noting that the issues of earth-space interference are essentially global in nature. BT has not identified any specific aspects that would benefit from

EU efforts and would also not want to see undue constraints placed on terrestrial networks.

**e. Effective coordination at international level and negotiations with third countries**

BT is aware of this long standing issue of how effective negotiation at an EU level is possible within the ITU where, in accordance with the ITU Constitution and Convention, it is the individual Member States that are recognised and each carry voting rights at the World Radiocommunication Conferences. Where European objectives are identified and agreed by the EU Member States, it would seem reasonable that the EC should have a more clearly defined mechanism and role in ensuring the objectives are achieved than is currently the case.

We also note that there currently exists an effective Europe wide co-ordination process through CEPT/ECC, which enables EU member states to maximise their effort both in preparation for, and during the World Radiocommunication Conferences.

**f. Refarming and competition**

Mobile markets within the EU countries are now relatively mature, with a trend in some countries towards industry consolidation and infrastructure/spectrum sharing. This, together with a trend to wider channels to support broadband services and the limited bandwidth of available spectrum in some bands, makes it important to pay particular attention to regulatory measures that will promote and enhance competition at both the infrastructure and service levels. This suggests that, when assigning spectrum, options such as the following should be considered carefully, taking into account the relevant national situation:

- reservation of appropriate spectrum for new entrants,
- appropriate spectrum packaging arrangements
- setting caps on spectrum holdings,
- regulating roaming and wholesale access rights on to existing networks,
- requirements to share spectrum (e.g. for accommodating new technologies such as low power femtocells and cognitive radio systems)

Such policy options (and indeed other examples not mentioned) may all have an increasingly important role to play if the benefits of competition and innovation are to be achieved to the benefit of EU citizens and businesses. Their applicability may depend on the national situation however there may also be a role for the EC in developing and promoting such regulatory measures where appropriate as part of its radio spectrum policy programme.