

6 June 2019

The Manager

Major Spectrum Allocations Section
Spectrum Allocations Branch
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

Dear Madam/Sir,

RE: Consultation Paper – Draft spectrum reallocation recommendation for the 26GHz band in cities and regional centres

The Communications Alliance Satellite Services Working Group (SSWG) thanks the ACMA for the opportunity to comment on this Consultation Paper.

Communications Alliance acknowledges that some of its members, including Telstra and Optus, do not agree with some aspects of this submission, and that these members may be making their positions clear in separate submissions.

As a procedural exercise, the implementation of the reallocation proposals for the Minister's consideration appear to be completely consistent with the Act and a credit to the ACMA's diligence in its preparations.

It is also very clear that the ACMA has accumulated a high level of expertise as a centre of excellence in the auction process, and the auction approach preferred by the ACMA can be supported with confidence.

Following are some brief comments on a number of elements in the Consultation Paper.

WRC-19: The SSWG notes that WRC-19 has yet to deliberate on the IMT future of the 24.25-27.5 GHz band. The ACMA appears to be proceeding on the presumption that no changes will be made in this area at the Conference in October/November 2019. In a similar vein, the band 37-43.5 GHz will be considered by the Conference for IMT identification and a more holistic appreciation of the interchangeability between these bands may present itself.

Licence type: Not enough is known yet about the proposals for a new 'spectrum-space apparatus licence' and whether this will or should influence the choice of licence types. The ACMA indicates that spectrum licensing is likely to occur in defined areas, but this new type of licence could apply elsewhere. Therefore, some parts of the licensing picture are not yet entirely clear.

Spectrum Management Principles: The Consultation Paper outlines the ACMA's principles of spectrum management. The SSWG notes that it has provided suggestions for updating of the principles in its recent response to the current FYSO consultation.

Reallocation Process: In the section of the Paper outlining the reallocation process, the ACMA quotes from the Act that the ACMA must have allocated at least one licence by the reallocation deadline for the reallocated spectrum. If no such licences are allocated before that date the declaration is taken to be automatically revoked.

In this context it might be helpful to also point out that the Minister has the discretion to amend the reallocation deadline (see para. 153J(4) in the Act), including in circumstances where the reallocation deadline could otherwise generate an arbitrary result.

Allocation Methodology: This section of the Paper is well presented and reinforces the SSWG's confidence in the ACMA's experience and expertise in conducting spectrum auctions.

With regard to lots and lot configuration, the SSWG agrees with the options proposed by the ACMA, as the substitutability accretion of lot sizes of 100 MHz would encourage a greater diversity of spectrum participants (Option 1), and the geographic areas (Option 2) recommended by the ACMA would better suit the industry needs which the satellite operators are more accustomed to.

Indicative Timetable: On the assumption that Q3 2019 means the same as Q1 in the 2019/2020 Financial Year (as in the FYSO), this would mean the September Quarter for the recommendation to go to the Minister. Following that the Minister will commence his own consultation, and the SSWG will then assess any further developments within the industry ahead of the WRC-19 Conference and – if appropriate – offer any further feedback to the Minister.

The SSWG looks forward to continuing to engage with the ACMA on this and associated spectrum-related consultations.

Yours sincerely,

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

John Stanton
Chair, SSWG