To Whom It May Concern:

Please find below, the comments of Omnispace UK Ltd regarding the

Ofcom Consultation on 2 GHz MSS & CGC in Europe and Inmarsat's Plans.

Ofcom has issued a consultation document with the following Executive Summary:

> *"This document consults on proposals to authorise terrestrial base stations which allow 'direct air-to-ground' mobile satellite service (MSS) communications to aircraft.*
>
> *MSS are communications satellites, intended for use with mobile and portable wireless communications for terrestrial, maritime and aeronautical service.*
>
> *This consultation looks at the authorisation of these base stations, which form one end of the direct air-to-ground based links. .*
>
> *This work follows plans from Inmarsat to use spectrum in the 2 GHz band to provide broadband services to passengers on aircraft. The company plans to do this through a combination of satellite and ground based communication links to aircraft.*
>
> *Inmarsat is one of two companies awarded MSS spectrum access rights in 2009, in the 2 GHz band, under an EU-led pan-European harmonised selection and award process".*

1. ***Question 1:*** *Do you have comments on Inmarsat's planned use of the spectrum, our planned approach to authorising the overall MSS and CGC system, the availability of the Network and Spectrum Access 2 GHz Licences, or any other aspect of the scope and purpose of this document?*

1.1. Pursuant to EU Decision 2009/449/EC10, the European Commission selected Inmarsat and Solaris (now EchoStar) as the 2 GHz MSS operators and required Member States to authorise these operators to provide MSS and CGC in their jurisdiction.

1.2. However, the original objective and intent of the European Commission articulated in Recital 3 of Decision 2007/98/EC8 still remains unmet to date even after seven years since the 2GHz MSS operators were selected. The Ofcom consultation notes in section 3.9 that "since winning the rights to use the spectrum neither of the 2 GHz MSS operators (Inmarsat or Solaris / EchoStar) has completed the required milestones in the prescribed time. As a result, the UK is bringing enforcement action against both operators in line with the EU Decision 2011/667/EU 15 as implemented in the UK by the Regulations."

1.3. In light of the current deployment status of the 2 GHz MSS operators as noted by Ofcom above, the rationale and scope of Ofcom's current consultation to authorise the overall MSS and CGC system and the Network and Spectrum Access 2 GHz Licences appears to be premature in advance of the above referenced enforcement action against both operators.

1.4. Omnispace is of the view that Ofcom and the European Union should re-examine the original 2 GHz MSS licenses awarded given the failure by the MSS operators to meet milestones requirements stipulated in EU Decision 2009/449/EC10 and EU Decision 2011/667/EU 15.

1.5. Furthermore, according to Recital 3 of Decision 2007/98/EC8, which is referenced in Ofcom's consultation in section 3.2, systems capable of providing MSS "are seen as an innovative alternative platform able to provide various types of pan-European telecommunications and broadcasting/multicasting services regardless of the location of end users, such as high speed internet/intranet access, mobile multimedia and public protection and disaster relief. These services could improve coverage of rural areas in the Community, thus bridging the digital divide in terms of geography. The introduction of new systems providing MSS would potentially contribute to the development of the internal market and enhance competition by increasing the offering and availability of pan-European services and end-to-end connectivity as well as encouraging efficient investments."

1.6. In respect of enabling "innovative alternative platform" for MSS services, it is to be noted that both the 2 GHz MSS licenses awarded have based their system architecture on geostationary satellites. These geostationary satellite system architectures do not effectively serve northern member states of the European Union which are located above 60 degrees, particularly for MSS services to portable end-user devices. This limitation is particularly relevant with respect to MSS services for public protection and disaster relief, which should be uniformly ensured across the entire landmass of EU member states.

1.7. Omnispace, with its medium-earth-orbit satellite system architecture and its first satellite F2 already on-orbit, can provide an innovative alternative or addition to the existing 2 GHz MSS licensees. Omnispace's MEO system can provide compelling MSS service across all the EU member states, without discriminating against certain northern member states through a diminished quality of service. Furthermore, by virtue of a lower altitude of its orbit, the Omnispace system can ensure lower latency for certain telecommunications and internet MSS services, thereby enhancing the service offerings that are available in the market.

1.8. In light of the EU's stated objective of new MSS systems that "would potentially contribute to the development of the internal market and enhance competition," and given the failure by the current licensed MSS operators to meet milestones requirements, Omnispace urges the European Union as well as Ofcom to re-open the 2 GHz MSS licensing regime and consider a more competitive outcome.

1.9. Given the 2x10 MHz allocations that have been awarded to each of the two 2GHz MSS licensees in North America (United States and Canada) and given the already operational space infrastructure with coverage over Europe in the same 2 GHz band that other players can offer, the European Union and Ofcom can consider a similar allocation in respect of each licensee. This would enable enhancing the competition among 2 GHz MSS operators by allocating 2x10 MHz to each of three (3) operators,

each with different system architectures and attendant advantages. With efficient frequency reuse on both the satellite as well as CGC components of these MSS system, it would be possible to ensure high quality service among all three licensees while bolstering the range of MSS services that operators can provide in the EU.

1.10. In summary, Omnispace believes there can be significant benefit to the European Union if the 2 GHz MSS policy and licensing regime is reconsidered with a view of enhancing competition, improving the breadth of MSS services and ensuring uniform service quality to all member states.

2. ***Question 2:*** *Do you have any comments on the technical conditions we propose to include in the Network 2 GHz Licence?*

2.1. Omnispace has no comment on the technical conditions of the Network 2 GHz License at this time, notwithstanding comments made above in response to Question #1 in the consultation.

3. ***Question 3:*** *Do you have any comments on our proposals for the fee level, fee structure and implementation of the location factor for the fee for the Network 2 GHz Licence?*

3.1. Omnispace has no comment on the fee structure proposals.