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Director, Codes and Standards Section
Consumer Safeguards Branch
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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Via electronic filing

RE: Skylo Technologies, Inc. response to the Discussion Paper on Carriage Service Provider registration or licensing scheme for the telecommunications industry

Skylo Technologies, Inc. (Skylo) welcomes the opportunity to submit comments to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department) in the current proceeding on whether a Carriage Service Provider (CSP) registration or licensing scheme should be developed for the telecommunications industry in Australia.

Skylo is a new innovator leading the emerging direct-to-device market, with the launch of its direct-to-device service in Q1 2023. Based in Mountain View, California, Skylo's service enables off-the-shelf cellular devices to connect directly over existing satellites using spectrum allocated for the provision of satellite services. Skylo works with duly authorized satellite operators, terrestrial mobile operators, chipset makers, and compatible device makers to provide subscribers with an anywhere, anytime connectivity solution that seamlessly roams between terrestrial and satellite networks. Skylo's leading technology enables existing devices to "roam" via satellite without the need for any additional specialized antennas or hardware. This new mobile complementary service ensures that enterprise and consumer devices never lose coverage. Overall, Skylo's unique value proposition is affordable, global coverage delivered easily and seamlessly.

As Skylo's global footprint continues to expand, it is increasingly clear that countries with an open entry or light-touch authorization framework are the most attractive to providers offering new and innovative technologies. As described below, Skylo supports maintaining the current approach in which CSPs are not subject to a registration or cumbersome licensing scheme.

Skylo supports maintaining the current framework in which CSPs are not subject to licensing or registration as this is in line with the general authorization regimes in France and the United Kingdom. Additionally, "eligible CSPs" are already subject to registration with the Telecommunications Industry Ombudsman (TIO), which serves as a proxy for registration with the Australian Communications and Media Authority (ACMA). Requiring "eligible CSPs" to register with the TIO and ACMA may be unnecessarily duplicative and burdensome.

Regarding the general authorization regimes in Europe, France and the United Kingdom do not impose formal registration requirements for any providers of electronic communications networks (ECN) or electronic communications services (ECS). Whereas the United Kingdom removed prior registration requirements for ECN and ECS providers in 2003 by replacing the licensing regime with a set of regulatory conditions called the General Conditions of Entitlement (GCE), France more recently adopted a similar approach in 2021 with the transposition of the European Electronic Communications Code (EECC), pursuant to Ordinance No. 2021-650 and Decree No. 2021-1281. The Ordinance and Decree overhauled

France's electronic communications regulatory framework, including abolishing the obligation for ECN and ECS providers to register with the Regulatory Authority for Electronic Communications, Posts and Press Distribution (ARCEP). Although there are no registration requirements in France and the United Kingdom, ECN and ECS providers are subject to relevant regulatory obligations, similar to the current framework for CSPs in Australia. Skylo supports maintaining the current system in Australia as it would continue to align with these jurisdictions.

If the Department opts to establish a registration regime for CSPs, then Skylo supports the first option presented in Section 2b of this consultation in which only "eligible CSPs" are subject to registration. In this case, "eligible CSPs" would continue to cover the same subset of CSPs that are required to join the TIO, defined as CSPs that supply (i) a standard telephone service to residential or small business customers; (ii) public mobile telecommunications service; or (iii) end-user internet access. This approach would continue Australia's successful, innovative, light-touch approach to regulation for all CSPs while minimizing regulatory burdens for "eligible CSPs," particularly provided that the information requirements for registration are kept simple, efficient, and minimal. The Department may also consider streamlining the ACMA and TIO registration processes by merging them, such as those eligible CSPs that register with the ACMA would automatically be added to the TIO registration to reduce regulatory burdens.

The Department may consider the information requirements specified in Article 12(4) of the EECC, which specifies that the notification "shall not entail more than a declaration" and the "submission of the minimal information required" to keep a register or list of ECN and ECS providers. The information that EU regulators may require include name, legal status, registration number, address, and website of the provider; contact person and contact details; short description of the networks or services to be provided; Member States concerned; and estimated start date of activities in the relevant country. Notably, the EECC does not permit national regulatory authorities to require proof of organization and technical capacity or financial resources. As such, Skylo does not support introducing these requirements for "eligible CSPs" as they are unduly burdensome, creating a barrier to market entry and increasing time and costs for both applicants and the ACMA in terms of reviewing and approving registrations.

For the above reasons, Skylo supports maintaining the current system in which CSPs as a whole are not subject to registration, licensing, or other authorization regime. In the alternative, if a registration scheme is adopted, Skylo supports the Department's proposal to apply the scheme to "eligible CSPs" only and to ensure that information requirements are minimal, in line with the general authorization notification process under the EECC.

Thank you for your consideration and the opportunity to share our views in this proceeding.

Sincerely,

Priya Venkat

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Skylo Technologies