



**VIA E-MAIL to [spectrumreform@communications.gov.au](mailto:spectrumreform@communications.gov.au)**

29 April 2016

Spectrum Reform  
Department of Communications and the Arts (DCA)  
GPO Box 2154  
Canberra ACT 2601

**Re: Legislative Proposals Consultation Paper on the Radiocommunications Bill 2016  
("the Consultation")**

Dear Sir/Madam,

**O3b Teleport Services (Australia) Pty Ltd**<sup>1</sup> offers high-speed, broadband satellite capacity to Australia and around the world, and as such is interested in the DCA's latest proposals. O3b now has 12 satellites in orbit, and is the largest supplier of satellite capacity to the Pacific,<sup>2</sup> including Australia's own Norfolk and Christmas Islands. Two of O3b's nine global gateway earth stations are in Australia (one outside of Perth, WA, and another one in Dubbo, NSW). O3b has been pleased with the effective and efficient support the ACMA has provided over the years, and in particular we would like to commend the ACMA for the transition from spectrum licensing to apparatus licensing in the 28 GHz band. Knowing how complicated that process was, O3b are pleased that the DCA is now considering ways to simplify regulatory structures for planning, licensing, and equipment regulation.

In general, O3b supports the proposals being made in this Consultation, especially those that offer the ACMA more flexibility and discretion in licensing. O3b commend the DCA for its awareness in Section 3 that "black letter" rules-based approaches need to be replaced with outcomes-focused arrangements. Similarly, O3b agree that rigid boundaries between licence categories (as discussed in Section 6) limit the ACMA's ability to design licenses that meet new technology and services, such as O3b. We are pleased to see the awareness in Section 1 that "market value" is not the only way to value spectrum, as there are high social values for "public or community purposes" (such as for universal service; emergency and disaster communications; and true geographic ubiquity for broadband). We are also pleased to see the focus in Section 4 on the annual spectrum work plans of the ACMA known as the "Five Year Spectrum Outlooks" (5YSO). O3b have provided input on the ACMA's 5YSO's for many years now, and we would look forward to even greater visibility into the ACMA's plans.

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<sup>1</sup> O3b holds multiple apparatus licenses (under ACMA client identifier 20010853); is a licensed Australian telecommunications carrier (ABN 55 386 169 386), and is a wholly-owned subsidiary of O3b Limited, a Jersey (Channel Islands) entity.

<sup>2</sup> <http://www.o3bnetworks.com/6gbps-contracted-capacity-pacific/>

However, while we agree with the proposal in Section 6 to allow the ACMA to issue licenses in the same spectrum that already has an incumbent, we hope there will be further Consultations (from either the DCA or the ACMA) regarding this process, including how the DCA and AMCA will “encourage secondary market activities”; how the ACMA will manage coordination and address potential interference issues; and whether a 20-year licence term (with renewal expectancy) might be a barrier to new entry. Although an expectation of renewal is indescribably important to the holders of spectrum rights, it must be paired with a grant to the ACMA of the power to exercise its discretion in reviewing those applications for renewal, to ensure proper management of interference and efficient use of spectrum.

Similarly O3b encourage the DCA and the ACMA to hold a further Consultation on the proposal under Section 10 to enable the ACMA to enter into agreements with licensees for payment as an incentive to surrender a licence. It is not clear from the current Consultation whether the DCA is thinking that the AMCA will pay an incumbent to surrender spectrum, or whether it is being asked that the new entrant pay the ACMA (or the incumbent).

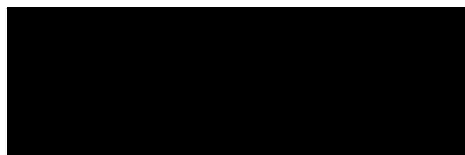
O3b support the DCA’s conclusion in Section 12 that many interference management situations can be resolved by licensees without having to go to the ACMA.

As a final note, although this Consultation does not deal with pricing, O3b are pleased that the ACMA announced in its most recent Five Year Spectrum Outlook its intention to review the pricing of Ka-band satellite spectrum. DCA may be aware that Australia's spectrum fees are among the highest in the world.

**Conclusion**

O3b thank the DCA for the opportunity to comment on this Consultation, and look forward to working with the DCA and the ACMA to make Australia a leader in emerging satellite technologies.

Sincerely,



Ruth Pritchard-Kelly  
Director, Regulatory Affairs



Cc: Suzanne Malloy, Vice President, Regulatory Affairs, O3b