

Response to Call for Expressions of Interest in the following Bands (01/21)

10.7 – 12.7 GHz

14.0 – 14.5 GHz

17.8 – 18.55 and 18.8 -19.3 GHz

27.5 – 29.1 and 29.5 – 30.0 GHz

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Background

1. On the 9th of January 2021, the Communications and Utilities Regulatory Authority (the Authority) published a request for Expression of Interest in relation to the use of:
 - 10.7 – 12.7 GHz
 - 14.0 – 14.5 GHz
 - 17.8 – 18.55 and 18.8 -19.3 GHz
 - 27.5 – 29.1 and 29.5 – 30.0 GHz

Collectively these bands are the 'Available Spectrum'. The Authority specified that, in this instance, it was specifically dealing with services to be provided by satellite, not the provision of services by terrestrial networks.

2. Following consultation with Ofcom, it was noted that there was availability for licences in the Available Spectrum and that there was potential for the deployment of satellite services on the Island in these bands.
3. The Authority was minded to award the necessary licences for provision of services, and give leave to successful applicants to liaise with Ofcom in relation to any Wireless Telegraphy Act 2006 licences that may be required¹. It was noted that the Authority wished to gauge the potential demand for access to the Available Spectrum before making its final determination.
4. As a result the Authority was of the view that, should there be excess demand for providing services in the Available Spectrum, it would put in place a competitive mechanism to determine the award of licences under the Telecommunications Act 1984 (of Tynwald). In line with current practice the Licensed Operator would then liaise directly with Ofcom in relation to any other licences required.
5. The importance of protecting existing services was noted and it was made clear that Ofcom would impose any necessary licence conditions in this regard to ensure appropriate spectrum management in line with the Wireless Telegraphy Act 2006.

Responses

6. Three responses were received by the Authority, however only one was an Expression of interest. The respondents were:
 - Manx Telecom Limited;
 - Sure (Isle of Man) Limited (*Sure*); and,
 - Starlink Internet Services Limited (*Starlink*).

¹ It has been previously outlined in documents published by the Authority that to provide wireless services in the Isle of Man two licences are typically necessary – a licence granted under the Telecommunications Act 1984, issued by the Authority, and one granted by Ofcom under the Wireless Telegraphy Act 2006 (as extended to the Island), as required.

7. Manx Telecom did not submit an Expression of Interest to provide satellite services in the Available Spectrum, its response was in relation to the existing use of spectrum in the band by terrestrial networks. It highlighted spectrum it was currently using for microwave fixed links on the Island and sought assurances that they would be protected.
8. The potential use of other spectrum bands in the >10 GHz range to provide services on the Island was also raised but fall outside the scope of the Expressions of Interest requested, therefore will not be dealt with further at this time.
9. Sure also did not submit an Expression of Interest to provide satellite services in the Available Spectrum. In its response it also highlighted the requirement for existing services to be protected and, similar to Manx Telecom, highlighted potential use of the Available Spectrum in future. It highlighted that microwave link bands within the Available Spectrum are of strategic importance for *“long distance links”* for increasing capacity on terrestrial networks.
10. Sure also raised the issue of ensuring that there would be consultation on coexistence between satellite and terrestrial services. Sure cited previous satellite allocations in the Isle of Man and stated that *“any use of these bands regardless of activity or technology we would want to be actively involved in, consulted on and not just rely on an OFCOM process for the subsequent WTA allocation”*.
11. The final respondent was Starlink, which did submit an Expression of Interest to provide satellite services in the Available Spectrum. Starlink outlined that it planned to acquire an ISP Licence to provide services in the Isle of Man and that it intended to physically locate equipment on the Island. It also confirmed that it, through its parent company SpaceX, held filings made through the FCC and *“several other European Union jurisdictions”* to deploy its satellite constellation in the Ku and Ka bands.
12. In its Expression of Interest Starlink sought to gain access to rights of use in all of the Available Spectrum bands for use with terminals and gateways as appropriate. It stated it *“will use this spectrum to bring high speed, low latency broadband Internet to the Isle of Man”*.

The Authority’s Analysis

13. Following analysis of the responses received the Authority did not see any evidence to deviate from its initial view – that it is appropriate to award a licence under the Telecommunications Act 1984 and grant leave for the successful applicant to apply to Ofcom for licences that may be required under the applicable Wireless Telegraphy legislation.
14. In relation to the concerns raised regarding existing services the Authority notes that it was clear in the Expressions of Interest document that *“Any services to be deployed in the band must be compatible with existing services, this would be dealt with further through the Wireless Telegraphy Act 2006 licence conditions, which licence is issued by Ofcom”*. Based on correspondence from Ofcom in advance of the request for Expressions of Interest being published it was clear that existing services had been noted by Ofcom.
15. In considering the request by Sure that the Authority *“not just rely on an OFCOM process for the subsequent WTA allocation”* it must be noted that the UK Wireless Telegraphy Act 2006 is

extended to the Isle of Man by Statutory Instrument. Ofcom is therefore responsible for the management and licensing of radio spectrum in the Isle of Man on behalf of the Authority². In that regard the Authority feels it is appropriate that Ofcom has discretion as to what technical conditions and restrictions may be placed on licences. The Authority works in close consultation with Ofcom to ensure that needs of the Isle of Man, and any differences between Manx and UK Government policies are taken into account.

16. Given the lack of excess demand expressed for licences to provide satellite services using the Available Spectrum, the Authority is satisfied there is no need for any further award process in this instance. Accordingly, the Authority is happy for Ofcom to issue licences under the applicable Wireless Telegraphy legislation to Starlink in relation to services in the Isle of Man.

Next Steps

17. The Authority will issue an Internet Services Provision Licence under section 5 of the Telecommunications Act 1984 (of Tynwald). Any amendments or alterations that are required to take account of services being offered using the Available Spectrum will be made, as appropriate, after issue of any required Wireless Telegraphy Act licences being issued.
18. The Authority would like to thank all respondents to the Expressions of Interest consultation.

² Wireless Telegraphy Order 2007 (SI 2007/278)