

SEA/08/AFF/FF2N/1981

05 September 2008

Ministry of Defence
Consultation on an Implementation Plan for Reform
By Email

Attention: Jim Nixon

Dear Sir,

Reference: **SEA response to the Consultation Paper "UK Defence Spectrum - A Consultation on: An Implementation Plan for Reform_".**

Open Suggestions for Facilitating Licensing Spectrum Sharing.

Based upon our experience of the process that has operated during the licensing of CATs, SEA would make the following suggestion as to how the licensing process might be simplified and shortened for subsequent license applicants. The licensing of CATs has been delayed excessively because Ofcom have needed to liaise with multiple spectrum users without a clear authority to act or defined requirements to be enforced. We consider that Ofcom are the natural organisation to license the use of MOD spectrum but the authority to license must be delegated to Ofcom based upon clear requirements of maximum acceptable interference from MoD and secondary users.

- For that spectrum which MoD delegates management of spectrum to Ofcom clear and precise requirements for levels of interference (in band and out of band and -where absolutely necessary- precise definitions of exclusion zones) should be provided by MoD. The responsibility for the development of appropriate exemption or licensing regimes in response to these requirements should reside with Ofcom.
- Secondary users are entitled to expect that their systems, in particular those allocated via the ITU and WRC are adequately protected against interference. The systems and the extent of maximum acceptable interference should be in line with ITU documentation. The responsibility for the development of appropriate exemption or licensing regimes should again reside with Ofcom.
- The regulatory framework (requiring formal parliamentary consultation) should be associated with the delegation of the responsibility to Ofcom. Provided the interference requirements are met then regulatory authority should be delegated to Ofcom without an explicit endorsement by the Primary or secondary user, nor for a license specific consultation.
- In the event that Ofcom were not satisfied that interference requirements laid down in the Regulations are met but that there may be room for discretion this would then need to be a matter for negotiation with the Primary or secondary user and potentially formal consultation thereafter.

Yours faithfully

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