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GSOA reply to Dutch consultation¹ on NFP change 2023

GSOA is the only global non-profit association of the entire satellite ecosystem that brings members together and serves as the premier platform for worldwide collaboration. As the only CEO-driven satellite association in the world, GSOA takes the lead in addressing global challenges, seizing opportunities, and providing a unified voice for the satellite industry.

Satellite-enabled services enrich the daily life of millions of people around the globe for decades, by broadcasting news and events worldwide, by cost-effectively providing satellite-powered broadband to consumers in the air, at sea and on land as well as providing cellular services to Mobile Network Operators (MNO) in urban, suburban, and rural locations. Together, we connect millions of people and devices for the benefit of consumers, institutions, businesses, and governments.

GSOA would like to thank the Dutch Ministry of Economic Affairs and Climate (“Ministry”) for the opportunity to comment on their proposed changes to the national frequency plan (“NFP”) (“Pakketwijziging 2023-1 Nationaal Frequentieplan 2014”).

Although GSOA generally supports the changes in the NFP which make alignments with the WRC-19 decisions as well as ECC Decisions and Recommendations, we express serious concerns with respect to the proposed changes in the 3800-4200 MHz band.

GSOA understands that the following changes are proposed in this band, which would facilitate future local/private networks under the mobile-service (MS):

- Removal of the fixed-service (FS) allocation
- Addition of Footnote HOL008C to the FSS (s-E) allocation.
- Footnote HOL008C states : The fixed-satellite service space-to-Earth (FSS-SE) destination has been reduced to the passive use of the frequency range for the fixed-satellite service that already existed before the publication of the Decree of the Minister of Economic Affairs and Climate of [date pm] 2023, no. BI / [number pm], amending the National Frequency Plan 2014 (implementation WRC-19, ECC decisions and recommendations, some changes for the benefit of government use and restrictive changes in the 3.8 – 4.2 and 26 GHz bands)

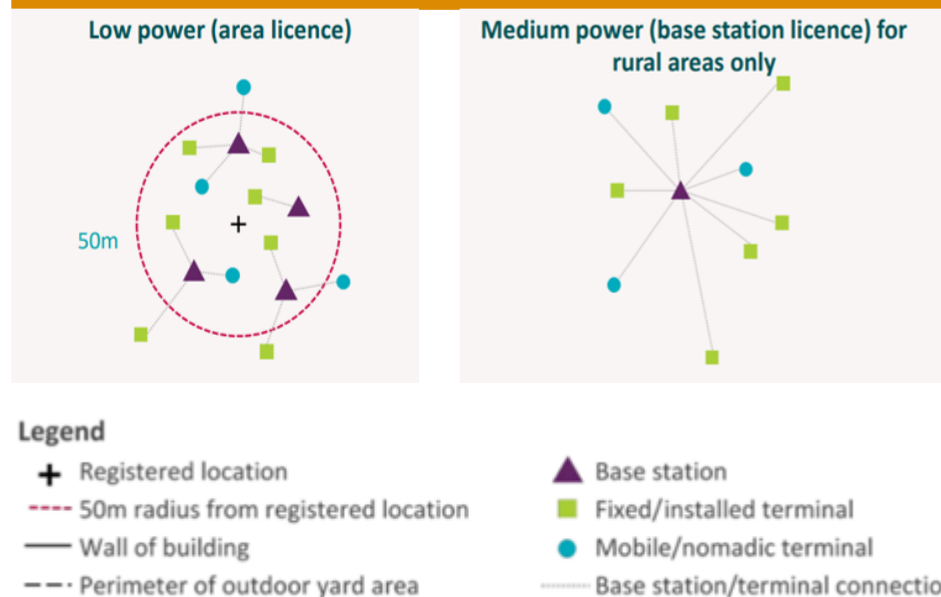
GSOA understands the interest that various administrations in Europe have expressed for implementing private/local mobile networks in the frequency band 3.8-4.2 GHz. And work has been ongoing both at the Dutch national level, as well as at CEPT level under an EC Mandate.

The EC Mandate on Technical Conditions Regarding the Shared Use of the 3.8-4.2 GHz Frequency Band for Terrestrial Wireless Broadband Systems Providing Local-Area Network Connectivity in the Union (“EC Mandate”) has been the baseline for work with CEPT PT-1, in which GSOA members have been actively participating. The EC Mandate is very clear w.r.t. incumbent services in the band. The EC Mandate “invites CEPT to assess the technical feasibility of the shared use of the 3.8-4.2 GHz frequency band by terrestrial wireless broadband systems providing local-area network connectivity with focus

¹ Pakketwijziging 2023-1 Nationaal Frequentieplan 2014 :
https://www.internetconsultatie.nl/pakketwijziging_2023_1_nationaal_frequentieplan_2014/b1

on vertical users and other terrestrial wireless use cases and, on that basis, deliver harmonised technical conditions for the shared use of the band. **Those harmonised technical conditions should in particular ensure the protection and the possibility of future evolution and development of incumbent spectrum users in this band (notably receiving satellite earth stations in the fixed satellite service and terrestrial fixed links)** and the coexistence with spectrum users in adjacent bands (such as radio altimeters on board aircraft operating in the 4.2-4.4 GHz frequency band).” This key point was also enforced from the -last WGFM meeting in May 2023, where it was noted that PT1 has agreed to start studies using WBB LMP power levels defined as per the UK/Norway framework and consider a max EIRP of 51 dBm/100 MHz for “incremental approach”.

Coexistence analysis with licensed existing sites of other services



It is GSOA’s view that the proposed changes in the NFP go directly against this EC Mandate, by actively removing existing allocations (for both FS and FSS) in this band, without even awaiting the results of the CEPT studies on this topic.

The Ministry appears to have confirmed the concern expressed by GSOA on many occasions with respect to the introduction of mobile-services in bands allocated to satellite - sharing is not feasible. The introduction of mobile services in a band will only lead to incumbent services being pushed out of a band. The EC Mandate however demonstrates a desire to allow incumbents room to grow rather than eject them from the band and empowering local area specific networks for novel applications, while protecting existing and future spectrum use in-band and in adjacent band.

As indicated, GSOA members are taking an active role in the CEPT studies and have always stayed within scope of the guidance provided in the EC Mandate (especially on the assumption of low/medium power usage for the local vertical applications). It is disappointing therefore that The Netherlands is considering ignoring the scope of an EC Mandate that they supported. We would like to stress that under the CEPT technical feasibility studies member states are assessing the technical feasibility of the shared use of the 3.8-4.2 GHz frequency band by terrestrial wireless broadband

systems providing local-area (i.e. low/medium power) network connectivity while ensuring protection of incumbent services and their future evolution.

On the National level, various stakeholder meetings have taken place on how to implement local/private networks in the 3800-4200 MHz, where a clear impression was given that the FSS would be respected. At no stage were there any indications the Ministry was considering effectively removing FS and FSS services from the band as proposed in the Consultation.

We therefore urge the Netherlands to see the outcome from the CEPT studies to help develop a harmonised frequency arrangement as well as technical conditions for the shared use of the 3.8-4.2 GHz frequency band by terrestrial wireless broadband systems providing local-area connectivity while protecting relevant incumbent uses within the band and in adjacent bands, and facilitate cross-border coordination.

Furthermore, apart from “freezing” the FSS allocation, the proposal is not even clear on how existing usage will be protected, and what flexibility would remain for the Earth Station operators (e.g. are they allowed to repoint their antennas to different satellites).

We encourage the Ministry to first find conditions to efficiently share spectrum between all services without impeding future development of the band. Low and medium power local area network applications could use 3.8-4.2 GHz under the clear conditions:

1. Harmonised technical conditions are key, i.e. power limitations such as UK & Norway framework
2. Toolbox for administration to guide implementation of national coordination process

In summary, GSOA does not agree with the proposed changes in the NFP for the frequency band 3800-4200 MHz and would ask the Ministry to respect the guidance provided in the EC Mandate. Removing allocation for incumbent fixed(-satellite) services to enable a new mobile-service does not show a spirit of spectrum sharing and confirms the zero-sum game when it comes to introduction of mobile services in any frequency band.