



**Strictly Private and Confidential**

ANACOM

Av. José Malhoa, 12  
1099 - 017

Lisbon

14 June 2011

**Re: Draft Decision: Authorisation of the mobile satellite service systems (MSS) in the 2GHz range**

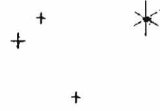
Dear Sir / Madam

Solaris Mobile Ltd. (SML) is pleased to respond to the publication of draft Decision on authorisation of the mobile satellite service systems (MSS) in the 2GHz band.

As you will be aware, as outlined in Decision No: 2009/449/EC, SML was awarded the rights to use frequency band 1995-2010 MHz (earth-space) and 2185-2200 MHz (space-earth) in all Member States of the European Union. Further to the provision of Decision No: 626/2008/EC, SML has been actively working with Member States to help realise national authorisations and, once secured, to plan for and roll-out commercial services within the respective territory.

SML welcomes, therefore, the proposals outlined in the Draft Decision to ensure an appropriate national framework for authorisation of both mobile satellite systems and the corresponding complementary ground components in Portugal.

The Draft Decision addresses 7 specific issues when applying a national authorisation mechanism for MSS in the 2GHz range. In respect to all issues highlighted, the below outlines SML's assessment of issues raised and provides, where appropriate, additional comments.



**1. Community Guidelines**

SML accepts the Community Guidelines as outlined in the Draft Decision.

**2. MSS network architecture with Complementary Ground Components**

SML accepts the description of MSS network architecture with Complementary Ground Components as outlined in the Draft Decision.

**3. Analysis of the access regime applicable to the MSS system and to the CGC**

The Draft Decision outlines a number of access regimes operating in different Member States and SML accepts the description of the authorisation mechanisms provided. SML welcomes the decision by ANACOM to incorporate both elements of the MSS system, satellite and CGC, in one single licence where the CGC element does not have the restriction of operating merely as a satellite relay station.

It should be noted, however, that SML has identified four classifications of service provision each with their own associated costs and revenue.

- Traditional MSS (s-E)(E-s) one-way broadcast and two-way data
- CGC 'repeating only' – one-way broadcast and two-way data traffic carried over satellite is repeated by CGC in a terrestrial environment
- CGC 'terrestrial only' broadcast for local content – local broadcast content, separate to the traffic carried over satellite, is carried in a CGC environment
- CGC 'terrestrial only' full flexibility – local broadcast and / or data traffic, separate to the traffic carried over satellite, is carried in a CGC environment

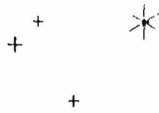
SML would argue, therefore, that any national fees applied should be structured and formulated to reflect the type of service provided and should not, in any way, impede the provision of any one particular use of the MS and CGC network.

**4. Right to use the frequencies of just general authorisation**

SML accepts the decision by ANACOM to amend the National Frequency Allocation Plan as outlined.

**5. Period of validity of the right to use the frequencies**

SML accepts the term of 18 years from the Decision No. 2009/449/EC for frequency usage rights, thereby ensuring access for SML to frequency band 1995-2010 MHz (earth-space) and 2185-2200 MHz (space-earth) until 14 May 2027.



## 6. Radio Licensing

SML accepts the proposal as outlined by ANACOM.

## 7. Applicable Fees

The Draft Decision stipulates that holders of rights of use of frequencies will be subject to fees as outlined in Article 105, paragraph 1 (b), of the ELC, Article 105, paragraph 1 (c) of the ELC, Article 105 paragraph 1 (f) of the ELC and Article 19 of Decree-Law 151 – A/2000 as amended by Decree Law 264/2009.

Article 105 paragraph 1(b) confirms that fees may be imposed on "the exercise of the activity of electronic communications networks and service providers, on an annual basis". Article 105 paragraph 1 (c) notes that fees may be imposed on "the assignment of frequency usage rights" and Article 105 paragraph 1 (f) that fees may be imposed on "the use of frequencies". Article 19 of Decree-Law 151 – A/2000 as amended by Decree Law 264/2009, also outlines matters that shall be subject to the payment of fees including as outlined in paragraph (e) the use of radio spectrum.

As outlined in response to the proposed access regime applicable to the MSS system and to the CGC, SML would contend that any fees imposed on the legislative basis outlined, should be appropriate to the relevant service provision and should be proportionate and transparent. In light, therefore, of the information provided on the different classifications of service provision, SML would welcome further clarification from ANACOM on the level of fees to be applied under the proposed access model.

## 8. Decision

Further to clarification in respect to the access regime applicable to the MSS system and to the CGC and applicable fees, SML welcomes the Draft Decision as proposed.

If you require further information, please do not hesitate to contact me.

Yours sincerely,

Ciara Farren

Head of Regulatory Affairs