



Regulatory Review

SATELLITE LICENSING EXEMPTIONS

By Gerry Oberst

Europe seeks to decrease barriers to the use of satellite networks. Pending before the Electronic Communications Committee of the European Conference of Postal and Tele-



communications Administrations (CEPT) are two new decisions that would extend current license exemptions to additional categories of satellite terminals at higher power. The principle is well-established in Europe that regulators should not require licensing of facilities using radio spectrum if the risk of harmful interference is negligible. As early as 1995, the CEPT recommended criteria for administrations to decide whether to exempt facilities from individual licenses. That recommendation ripened into a series of decisions creating categories of earth stations that at certain power levels and bandwidths would not require individual licensing.

Some of the first exemptions applied to satellite mobile terminals. Others dealt with specific types of radiolocation satellite terminals used, for example, to track trucks, and for other interactive terminals in various frequency bands.

For very small aperture terminals (VSAT), a pair of decisions currently apply. A March 2000 decision exempted VSATs from licensing in the frequency bands 14.0 GHz to 14.25 GHz (uplink) and 12.50 GHz to 12.75 GHz (downlink). An October 2003 decision extended this exemption to VSATs in the 14.25 GHz to 14.50 GHz bands and 10.70 GHz to 11.70 GHz bands. Both decisions limit the transmitter power of exempted terminals to 2 watts, an effective isotropic radiated power (EIRP) of 50 dBW and installation no closer than 500 meters from the boundary fence of an airport.

Once a category enjoys the license exemption, anyone can install and use that radio equipment with no prior permission. Normally, there would not be even a registration or notice to be filed for the equipment, although this practice can vary among countries.

The value of these exemption categories is proven again and again. Earlier this year an operator proposed to provide services across Europe using satellite terminals at a power level higher than is currently covered by the decisions. The result was a time-consuming series of licensing applications. No procedure seems to be alike from country to country, and the process consumes much energy and cost.

Some further relief from the licensing game is ahead, as the CEPT has issued two proposals for further licensing exemption. At the end of October, the Electronic Communications Committee released for public consultation two draft decisions, with comments due by December 30.

The two decisions introduce new terms into the already crowded set of satellite acronyms. One decision covers high-EIRP satellite terminals (HEST), while the second covers low-EIRP satellite terminals (LEST). Both proposals would permit unlicensed operation in a wider set of frequencies, consisting of 10.70 GHz to 12.75 GHz or 19.70 GHz to 20.20 GHz for downlinks and 14.00 GHz to 14.25 GHz or 29.50 GHz to 30.00 GHz for uplinks.

Work on the HEST began in autumn 2003 in response to industry calls for higher power operation than under the existing exemption. The new decision would exempt terminals that operate with an EIRP of up to 60 dBW (the current value is 50 dBW).

The proposed decision contains some careful ambiguity — even though it is styled as an exemption decision, the proposals allows CEPT countries to require site clearance or registration for HEST terminals, or even to require network operators to obtain

a frequency authorization. Further, the decision provides that countries would decide the maximum range of power between 50 dBW to 60 dBW, which opens the possibility that a country may simply retain the old standards.

To protect airports from possible satellite transmit interference, slightly more complicated coordination zone requirements also are set out in the HEST proposal. While the current decisions set a “bright line” of 500 meters, the new HEST decision gives different distances depending on the power level and also the latitude of the operation. For the maximum power terminal, at the highest latitude, an antenna would have to be almost 4 kilometers, or about 2.5 miles, from the airport fence.

This sliding scale of distances gives some regulators problems, as they are not confident that operators will always locate terminals appropriately. For that reason, some countries will likely require the option of site clearance or registration, even if no licensing is involved.

By contrast, as their name indicates, LESTs are contemplated for lower power, below 34 dBW. The proposed decision notes that LESTs could be used for the mass market of interactive digital TV services or low data rate services. The decision contains no special provision for safety distances near airports, other than requiring terminals to be outside the airport perimeters.

Assuming the comments are favorable and raise no major issues, these items could be adopted by March. Each European administration must decide how to enact these exemption decision into its own national law before the changes are effective. If the ECC adopts these decisions, we can expect to see the additional exemptions showing up in national regulations at a leisurely pace later in the year. ♦

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