

## RELEVANT EXTRACTS PROVIDED BY THE UNITED KINGDOM ON THE PROCEDURES FOR THE MANAGEMENT OF SATELLITE FILINGS

The United Kingdom is pleased to supply the below information which is contained within our [Procedures for the Management of Satellite filings](#).

If a new operator is identified to operate under the Common Heritage filing, then all UK National procedures must be followed and met. Please note that the UK (Ofcom) does not issue licences for satellite filings.

The below are relevant extracts with regards to a satellite filing being transferred to another operator under the UK, Application Criteria, Due Diligence requirements and instances which will result in a satellite filing being cancelled. We encourage members to review the full procedure document to satisfy any additional concerns they may have.

Whilst the below outlines the UK's National Procedures, for the Common Heritage filings, ITSO will be involved in discussion and kept informed at every point of the process.

### SECTION 4

#### Application Criteria

- 4.5 Applicants must establish, to the satisfaction of Ofcom, that their satellite project can be realised within the relevant regulatory time limits and the relevant technical and operational parameters. In particular, Ofcom needs to be satisfied with the content of the management and technical due diligence deliverables provided by the applicant, as defined for each stage in section 5 of this document. Ofcom will also need to be satisfied that the application is consistent with the ITU and UK tables of frequency allocations.
- 4.6 The applicant must be a company or organisation registered, or having its headquarters, in the UK, British Overseas Territories, the Channel Islands or the Isle of Man.

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### SECTION 5

#### Due Diligence Requirements

- 5.5 The deliverables required to be provided to Ofcom at each stage of the process are set out in Table 1 below. The deliverables set out in Table 1 are required for both non-planned and planned bands.

Stage 1	Milestones	Complete no later than:
	<p><b>1.</b> The business plan of the applicant including the key milestones of the project (see Annex 2 for an example). In the case of non-GSO systems, the business plan must indicate the minimum number of satellites needed to be deployed in order to provide the intended service to at least the minimum intended quality.</p> <p><b>2.</b> Information on the resources available to construct and launch the proposed satellite, or to use an in-orbit satellite, and to operate the network for at least three years after launch.</p> <p><b>3.</b> An estimated list of those networks with which coordination will be required.</p> <p><b>4.</b> Completed and signed application form and appropriate payment.</p>	<p>- The submission of the API (for those frequency assignments not subject to Section II of Article 9);</p> <p>- The submission of the coordination request (for those frequency assignments subject to Section II of Article 9).</p>

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## SECTION 11

### Transfer of a UK Satellite Network Filing by one operator to another operator

#### Request for Transfer

- 11.1 A UK satellite operator may make a request to Ofcom to transfer, from that requesting satellite operator to another UK satellite operator, the ownership and control of a filing which is either: a) notified and recorded in the Master Register and in operation; or b) still in the process of coordination; or c) in the advance publication phase.
- 11.2 Any transfer must be between companies or organisations that meet the criteria contained in sections 4.5 to 4.8 of this document.
- 11.3 Any transfer requires Ofcom's prior written consent and is subject to the transferee company or organisation providing evidence that it satisfies the relevant due diligence requirements, as described in section 5.
- 11.4 Ofcom reserves the right to consult publicly prior to authorising any transfer described in section 11.1.
- 11.5 Ofcom has no objection to such a transfer being carried out on commercial terms whereby the original assignee is paid by the transferee to relinquish the filing. This is a matter between the contracting parties.

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## SECTION 12

### Cancellation and relinquishment of UK satellite networks filings

- 12.1 A UK satellite operator may relinquish the use of an assignment in either a planned or non-planned band which is either:

- a) notified and recorded in the Master Register and in operation; or
- b) still in the process of coordination,

to Ofcom.

- 12.2 In the event that a UK satellite operator notifies Ofcom that it wishes to relinquish an existing filing, the filing will be cancelled by Ofcom, in accordance with the relevant ITU procedures.
- 12.3 In the event that a UK satellite operator relinquishes a filing which is still in the coordination process, the filing will be cancelled by Ofcom, in accordance with the relevant ITU procedures.

#### Cancellation due to Non-Compliance with Due Diligence Requirements

- 12.4 Sections 12.5 to 12.9 will apply to the use of an assignment in either a planned or non-planned band which is either:

- a) notified and recorded in the Master Register and in operation; or,
- b) still in the process of coordination.

- 12.5 As stated in section 5 of this document, applicants will provide Ofcom with due diligence documentation and progress reports for each satellite network indicating any variations from the previously submitted business plan and also details of their coordination progress and status, including whether the original network is likely to enter into commercial service according to the timescale envisaged. Ofcom will use such information to assess whether the applicant's project is meeting the criteria that had been set and will be completed within the satellite network's regulatory time period. Ofcom will assess the facts, circumstances and next stages of each case individually.

- 12.6 If, in Ofcom's opinion, the information supplied by the operator shows that insufficient progress has been made against the milestone commitments, Ofcom will consult with the relevant operator. Ofcom will provide the operator with an opportunity to remedy the situation, to ensure that progress is brought into line with the milestone commitments, within a specified timeframe.

- 12.7 If the operator fails to remedy the situation within the specified timeframe, referred to in section 12.6, Ofcom may cancel the filing.

- 12.8 Ofcom will consult with the Secretary of State prior to taking any action to cancel a filing in accordance with section 12.7.

#### Cancellation due to Non-payment

- 12.9 In the event that a UK satellite operator fails to pay the relevant annual management fee, Ofcom may cancel the filing(s) as noted in paragraph 10.7.

#### Other Reasons for Cancellation

- 12.10 In the event that the operation of any UK satellite network causes harmful interference to other satellite networks, Ofcom will instruct the satellite operator to cease transmission immediately and not to resume operation until such time as the cause of the interference is

remedied. If the operator is unable to remedy the interference within six months Ofcom may suspend the filing in accordance with No. 11.49 of the Radio Regulations. If within the period of suspension Ofcom is satisfied that the interference has been remedied, Ofcom will permit transmissions to be recommenced and will notify the ITU-BR that the assignment has been brought back into regular use. Otherwise, if at the end of the suspension period the interference has not been remedied and the filing brought back into regular use the filing will be cancelled by the ITU-BR.

12.11 In the event that it is established by Ofcom that a UK satellite network is operating outside either:

a) its characteristics as recorded in the Master Register; or

b) in the case where the ITU-BR has not completed the processing of the notice in accordance with Article 11 of the Radio Regulations, the notified characteristics of the satellite network,

Ofcom will consult with the relevant operator and request that the matter is remedied within six months.

12.12 If the matter described in section 12.11 has not been remedied within six months Ofcom may either suspend or cancel the assignment.

### Anomalies and relocations

12.13 In the event that a satellite either:

- suffers an anomaly and as a result is no longer able to operate all, or part of, the assignments notified to the ITU as having been brought into use, or recorded in the MIFR; or

- is relocated from the relevant orbital location,

the operator shall immediately inform Ofcom of the situation. By a deadline specified by Ofcom, the operator shall also provide Ofcom with a plan which shows both how and when the situation can be remedied (in the case of an anomaly) or how and when operation of the assignments is to be continued thereafter (in the case of a relocation).

12.14 Depending on the information provided by the operator, Ofcom may consider whether it would be appropriate to suspend the assignments under consideration in accordance with No. 11.49, or cancel them.

12.15 If Ofcom is not informed of such an event, then if and when these events become known to Ofcom, Ofcom will consult with the operator, which may lead to the assignments either being suspended in accordance with No. 11.49, or cancelled.

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As well as the above information, all UK satellite operators are required to supply an annual due diligence report so that Ofcom can ensure projects are still on track, filed parameters are still being utilised and to highlight/address any areas of concern. This is contained within section 5 of the procedures document

## SECTION 5

### Milestone requirements and progress monitoring

- 5.11 Applicants will provide to Ofcom yearly progress reports for each satellite network indicating any variations from the previously submitted business plan and also details of their coordination progress and status. Such reports should contain, at a minimum:
- a) project activities undertaken, or completed, for each of the individual milestones;
  - b) frequency coordination activities undertaken, or completed, in the previous months; and,
  - c) information about any changes or updates to the latest version of the business plan submitted to Ofcom.
- 5.12 If the applicant does not provide a due diligence report by its due date without having obtained Ofcom's prior agreement for a delayed submission, Ofcom will send a reminder within a week following the due date, requesting the applicant to provide the report within 30 calendar days. If the applicant then subsequently does not provide a report by this extended deadline, Ofcom may consider whether it would be appropriate to cancel the filing.
- 5.13 Ofcom will assess the information provided in the reports against the original business plan and its milestones to establish whether sufficient progress is being made to ensure that the project will be completed within the satellite network's regulatory deadline, as specified in section 5.3.
- 5.14 In the event that a progress report indicates that, unless modified, the project is not likely to meet Ofcom's milestones as described in Table 1 or that the project will no longer be completed within the satellite network's regulatory deadline, Ofcom may consider what appropriate actions should be taken. These may include cancelling the filing.

### Yearly reports after recording in the Master Register

- 5.15 Once the relevant assignment(s) is recorded in the Master Register and brought into use, the operator (formerly described as the applicant) will provide Ofcom with yearly reports covering the operational status of the assignment(s). The operator will provide these reports to Ofcom every year for the lifetime of the assignment(s). These reports must set out the status of the implementation of the assignment(s) and whether it is operating in accordance with its recorded characteristics and its business plan.
- 5.17 The first yearly report to Ofcom for a satellite network must contain at least the following information:
- a) the satellite name;
  - b) information on which company built the spacecraft, which one launched it and from where, or if not a newly launched spacecraft, who is/was the owner, who is/was the administration licensing the spacecraft and what was its original or previous orbital location; and
  - c) whether the satellite is (still) capable of operating on the frequencies notified or brought into use, based on the operational or testing activities undertaken.

- 5.18 For the first yearly report, and then for every subsequent year, the report must contain the following information:
- a) a high level assessment of the operational health and status of the spacecraft in orbit;
  - b) the frequency bands used by each satellite beam and its geographical coverage
  - c) information related to the ground segment that demonstrates that the satellite network can operate according to its design and mission. This may include the location, characteristics and coordination status of its earth stations, and the location and point of contact of its Network Operations Control (NOC) facility;
  - d) whether any issues (operational or due to interference) has been experienced by the payload; and,
  - e) a copy of the latest company's Annual Report and Financial Statements.
- 5.19 Ofcom will assess the information provided in the yearly reports to establish whether the spectrum and orbital resources are being used according to the recorded characteristics of the relevant assignment(s). In the event that Ofcom finds that this is not the case, Ofcom expects to consult with the operator and provide it with reasonable notice in which to apply corrective measures. If appropriate corrective measures are not or cannot be applied in order to bring the assignment(s) back into use or to enable it to operate in accordance with its recorded characteristics and its business plan within the notice period, Ofcom may consider whether it would be appropriate to cancel the filing.
- 5.20 If the applicant does not provide a report by its due date without having obtained Ofcom's prior agreement for a delayed submission, Ofcom will send a reminder within a week following its due date, requesting the applicant to provide the report within 30 calendar days of its due date. If the applicant then subsequently does not provide a report by this extended deadline, Ofcom may consider whether it would be appropriate to suspend or cancel the filing under Section 12.