



Submission in response
to ACMA consultation

**Proposed updates to
RALI FX23**

October 2023

OPTUS RESPONSE TO ACMA CONSULTATION

1. Optus welcomes the opportunity to provide feedback to the Australian Communication and Media Authority's (ACMA) consultation paper *Proposed updates to RALI FX23 – Consultation paper – September 2023* (the consultation paper).
2. Optus supports the ACMA's ongoing work program to undertake regular reviews of spectrum planning technical frameworks to ensure that they remain current and consistent with contemporary technologies and operational practices.
3. Optus supports the proposed updates to RALI FX 23 though notes that our support for the proposed removal of the interim migration arrangements supporting the migration of existing 3.6 GHz band PMP licensees to 5.6 GHz (under section 3.2bis) is based on the understanding that the ACMA intends to introduce new arrangements in the 3.8 GHz band that may provide an alternate migration option for remaining PMP licensees in the 3.6 GHz band.
4. Optus understands that the removal of the "reservation" for 3.6 GHz band PMP licences (3575-3700 MHz range) in the 5.6 GHz band means that 5.6 GHz band licensees will no longer be expected to coordinate with notionally migrated 3.6 GHz PMP licences as though they are operating in the 5.6 GHz band. While Optus appreciates that incumbent PMP licensees have had five (5) years to migrate, there remain a number of licensees in the band with registrations on the RRL.
5. As the ACMA is aware, the application of the first in time principle theoretically hinders use of this important mid-band spectrum by 3.6 GHz spectrum licensees. Under the Optus 3.6 GHz spectrum licences, there remain 7 clients with PMP registrations across 18 sites. Whilst these numbers are small, the locations in large regional centres have a large impact on the services that Optus can deploy for our customers.
6. Optus notes that since the 3.6 GHz auction in 2018, there has been clear growth in the PMP service assignments in the 5.6 GHz band (close to 200 assignments as at Jan 2023). Many of these new assignments will be migrating PMP licensees, including wireless internet service providers. In this context, section 3.2bis would appear to have been effective in supporting the migration of PMP licensees out of 3.6 GHz.
7. In this context, Optus considers that the ACMA's proposal to make available an alternate migration option for existing PMP licensees represents an opportunity to promote the efficient utilisation of 3.6 GHz spectrum in the period leading up to the final date by which PMP licensees must clear the band. The ACMA's proposed allocation of AWLs in the 3.8 GHz band in metro and regional Australia would appear to Optus to present incumbent 3.6 GHz PMP licensees with an opportunity to migrate *within band* (i.e., the broader 3.4GHz to 4.0 GHz), thereby avoiding equipment or device incompatibility concerns that may have limited migration to the 5.6GHz band for some PMP licensees.
8. Optus would welcome the ACMA's careful consideration of the introduction of a mechanism to promote the take up of the migration opportunity for remaining PMP licensees. Where a PMP licensee does not take the opportunity to apply for an AWL in 3.8 GHz, then Optus submit that the ACMA consider a mechanism to promote access to these PMP licensees 3.6 GHz band spectrum by spectrum licensees. Ultimately, the combination of such mechanisms should help to promote the efficient utilisation of this mid-band spectrum earlier than may otherwise have been the case.