

OPTUS

Submission in response
to ACMA consultation

**Proposal to remake
instruments for the
2.3 GHz spectrum-
licensed band**

PUBLIC VERSION

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 *Automatic sunset of legislative instruments: Proposal to remake instruments for the 2.3 GHz spectrum-licensed band* (the consultation paper). The legislative instruments are due to sunset on 1 April 2024 and include:
 - (a) *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 2.3 GHz Band) 2013*
 - (b) *Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 2.3 GHz Band) 2013*
 - (c) *Radiocommunications (Unacceptable Levels of Interference – 2.3 GHz Band) Determination 2013*
2. The ACMA is also proposing to restructure the legislative instruments to improve readability and consistency between spectrum licence bands. The proposed *Draft Radiocommunications (Interpretation – Technical Framework) Determination 2023* (ITF Determination) is intended to consolidate all the common elements and terms used in legislative instruments across spectrum-licensed bands.
3. The 2.3 GHz band is crucial mid-band spectrum that has supported the deployment of 5G. Optus supports the remaking of the sunset instruments as a key component of the spectrum licence technical framework governing the use of this important band.
4. However, having reviewed all the draft instruments, Optus does not agree with the ACMA's characterisation of the amendments as "minor" or that the content has not been significantly altered. Rather it appears to Optus that the ACMA is proposing substantial changes in the structure, content and technical parameters. In Optus view these changes warrant greater transparency at least through a clear explanation in the consultation paper itself and/or preferably engagement with industry via a spectrum Tune-up or Technical Liaison Group (TLG).
5. As there is little to no explanation of the reasons behind the changes, and no suitable marked up version of the draft instruments accompanies the consultation paper, there is a risk that Optus and other respondents have misunderstood the scope and implications of the changes proposed.
6. An effective and fit for purpose 2.3 GHz SLTF is integral to the operation of thousands of sites and the supply of mobile services to Australians. Changes to the SLTF, even of a minor nature, can have significant consequences for the efficient supply of existing services as well as future deployment decisions. In the circumstances, Optus considers a Tune-up or TLG is essential to providing the required level of transparency to existing spectrum licensees about the proposed changes and ultimately the clarity required to support the continued efficient utilisation of the 2.3 GHz band.
7. Optus refers the ACMA to the submission from the Australian Mobile Telecommunications Association (AMTA), which sets out the detail of the inconsistencies and apparent errors in the draft instruments. Optus supports the AMTA submission and also notes further specific comments for the ACMA's consideration and response below.

General comments on Instruments

8. Optus generally supports the introduction of the new ITF Determination.
9. Optus understands that the proposed new ITF Determination is intended to consolidate elements, such as definitions and formulas, that are common across the different instruments within the same band, and in some cases also common across the different spectrum-licensed bands, into a single legislative instrument.
10. Optus recognises that the consolidation of the terms into a single instrument can help simplify the legislative instruments across all SLTFs and ensure consistency in interpretation.
11. However, Optus notes that the dictionary included in the ITF Determination often references sections without any descriptive text. This reduces the readability of the document as complicated sections need to be understood. A generic description followed by the section reference is preferable.
12. Optus also notes that the ACMA has indicated that the new ITF Determination will “have the additional benefit of making the instruments easier to make and amend as required”.¹ mindful of the potential implications of this rationalisation of the instruments may be to allow the ACMA to more readily update or amend SLTFs. Optus emphasises that the ACMA must always consult affected stakeholders on changes to the relevant subordinate instruments in the SLTF.

Specific comments on proposed Tx RAG

13. Optus understands that the RAG Tx has been updated to include references to:
 - (a) ITU. 1006 “Determination of the interference potential between earth stations of the fixed-satellite service and stations in the fixed service.”
 - (b) RALI MS32 “Coordination of spectrum-licences devices operating in the 2.3 GHz band with SRS earth stations in the 2290 – 2300 MHz band.”
14. As noted, Optus considers that these changes should have been more clearly identified and explained in the consultation materials.
15. Optus also note that section 12(2) and Section 13(a) references to “2900MHz” which should instead read “2290MHz”.

Specific comments on proposed Rx RAG

16. Schedule 1 of the Rx RAG, which deals with the notional receiver performance level, has been completely re-written. While it appears that the sections are referencing 3GPP requirements which Optus support, it is very difficult to compare the current version with the proposed section.
17. As per previous feedback, a summary from the ACMA detailing the current thresholds and how/why they are being transposed into the new section is required.
18. Optus is unable to comment on the notional radiofrequency mask without further details. Without clear explanation as to how the current technical parameters are

¹ Consultation paper, p.6

mapped onto the new definitions, we are unable to sufficiently determine whether there is risk that equipment may not meet the proposed guidelines.

Specific comments on proposed ULol Determination

19. Optus makes the following specific comments on the *draft Radiocommunications (Unacceptable Levels of Interference – 2.3 GHz Band) Determination 2023*:
 - (a) Schedule 1(2) Device boundary criterion RP should reference 5 MHz not 1 MHz to ensure alignment with the LOP units.
 - (b) Section 7(3) (iii) has changed the wording from “does not cross over” to “does not cross into”. As Optus currently holds the licence for the Adelaide area, we require the assessment to fail when it fails “over” the HCIS codes as “into” is not a failure. This has previously caused issues amongst APs and the wording “over” is clearer for this situation.
 - (c) The addition of the grandfathering clause is very welcome, as the ability to apply the same S145 which was used for initial deployment for future antenna changes will help operators modernise networks.

Specific comments on proposed Interpretation – Technical Framework

20. The new draft ITF Determination document appears to be missing the definition of the location of a radiocommunications receiver and group of receivers. There is no reference to this in draft ULol Determination.