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AMTA Submission

Australian Communications & Media Authority

Proposal to remake the Public
Telecommunication Services Licence
Condition Determination and the
Cellular Mobile Telecommunication
Devices Class Licence



About AMTA

The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile network operators and service providers, handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.



Introduction

AMTA agrees with and fully support the ACMA's proposal to remake the *Radiocommunications Licence Conditions (PTS Licence) Determination* ("PTS LCD") and the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence* ("CMTD CL").

We understand that the ACMA's intention in amending certain clauses and conditions in these instruments is to promote consistency of terms and interpretation. This is a worthy objective and should help licensees to better understand their obligations.

However, it appears to us that in certain respects, the wording of the instruments has become more convoluted with some amendments. As part of this "restructuring", ACMA has made amendments intended to:

- ensure there are no inconsistencies between the PTS LCD and the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017* ("the RRL Determination")
- address the fact that apparatus licences don't 'authorise' receivers, and
- address the "*unintended impact of re-allocation declarations*".

We request that the ACMA carefully consider the clarity of these amendments.

While AMTA is generally confident that the proposed amendments are unlikely to have a material impact on our members' interference management obligations, we note that it is not possible to be entirely sure given that a marked-up versions of the draft instruments were not made available for the purposes of the consultation and the consultation paper itself remains relatively high level.

In the following discussion, we identify certain amendments that we consider require further clarification from the ACMA to ensure that the implications of the amendments are fully understood by stakeholders before they are finalised.

AMTA notes that it does not object to the proposed changes to the RRL Determination, nor to the CMTD CL.

PTS LCD

Is the PMTS Class C licence type still required?

Consultation question 1 asks whether there is a need to retain the PMTS Class C licence type at all, given there is only one PMTS Class C licence in existence, and the ACMA's policy is not to issue any more PMTS Class C licences.¹ The PMTS Class C part of the PTS LCD contains four very important conditions related to: 1) registration of devices; 2) ensuring that low-power base stations (BS) and repeaters are not operated in areas declared for spectrum licensing; or 3) operated in spectrum-licensed spectrum space; and 4) restrictions on "on-ground" operation. These conditions must be maintained for the one remaining licence (1927412/1). We do not have a preference for *how* these conditions are maintained, only that they *are* maintained.

If the ACMA considers these conditions could be transcribed into the one remaining PMTS Class C licence, for example, as special conditions on the licence, then we have no objection to the PMTS Class C part of the PTS LCD being removed when the instrument is remade.

We hasten to add, that if the ACMA is of a mind to remove the PMTS Class C part from the PTS LCD in favour of imposing conditions directly on licence 1927412/1, the ACMA should firstly satisfy itself that there are no unintended consequences from this action. It is possible the PMTS Class C part of the PTS LCD is reference from other instruments (e.g., technical instruments), and removing the PMTS Class C part from the LCD would create a "referencing problem" should other instruments still refer to the PTS LCD.

Current record-keeping and notification requirements

We agree with the removal of the existing Part 2 "*Conditions for every PTS licence*" in its entirety; however, we believe there needs to be some clarity provided regarding the removal of the record-keeping requirements. It is clear that low power BS (i.e. indoor with EIRP \leq 24 dBm) are exempt from the record-keeping/registration requirements of Part 2 Section 5 and Part 3 Section 7.

However, it's not clear whether or not other types of transmitters were intended to be exempt from registration, but for which records are still required to be kept. For example, repeaters—do these all operate indoors and with EIRP \leq 24 dBm? If not, then the deletion of Part 2 may have the (perhaps unintended) consequence of removing the record-keeping obligations for such repeaters.

That said, the "no interference, no protection" condition placed on repeater stations in Part 3 Section 8 of the current PTS LCD indicates that they were not intended to be registered, and the proposed exemptions in Part 2 Section 8 of the draft new PTS LCD confirm that the ACMA's policy is to not require these repeaters to be registered.

We agree with the removal of the "notification option" in Part 3 Section 7(1)(b) because there is no reason why registration on the RRL can be foregone in favour of notifying the ACMA, as it

¹ Consultation paper, p.5.

places further administrative burden on the ACMA to record these elsewhere and they won't be visible to other users and ACMA Accredited Persons (APs).

Prohibition of operation in spectrum space that is spectrum-licensed or re-allocated for spectrum licensing (after the end of the re-allocation period)

AMTA welcomes the explicit prohibition of low power BS and repeaters within spectrum space that is (a) re-allocated for spectrum licensing and after the end of the re-allocation period; or (b) spectrum-licensed.

We note that the same text in Sections 12 and 13 of Part 2 (PMTS Class B) is duplicated in Sections 16 and 17 of Part 3 (PMTS Class C). We acknowledge that the ACMA is likely maintaining separate sections to facilitate future deletion of conditions specifically related to PMTS Class C, and we have provided our view on this point earlier in our submission.

Special Conditions of RALIs MS 33 and 34

- We agree that—with the introduction of “no interference, no protection” conditions applying to all low power BS and repeaters in the draft new PTS LCD—that Special Condition C1 becomes redundant.
- As pointed out in the consultation paper, there is significant overlap between the definition of the low power BS in the draft new PTS LCD and the description in the proposed Special Condition C0. In fact, they are identical except that the condition prohibiting coverage extension is replaced with the 15 km limit around a registered base station. As such, rather than repeat all the conditions in the text of the Special Condition, it would be clearer to state the 15 km limit as an additional condition applicable to a low power BS, for example:

***Proposed Special Condition C0:** Low power base station has the same meaning as in the Radiocommunications Licence Conditions (PTS Licence) Determination 2024. Furthermore, the low power base station must be located within 15 kilometres of another base station (other than a low power base station) operated under this licence.*

- We note that Special Condition C0 is currently explicitly listed by name only in RALI MS 33, but not in RALI MS 34. However, we note that in Section 5.2 “Licence Conditions” of RALI MS 34, the third dot point outlines conditions which are the same as those listed in the existing Special Condition C0. As such, we recommend that the new version of Special Condition C0—including our suggested revision in the previous point—be included in both RALIs MS 33 and MS 34.

- Special Condition C3 (in RALI MS 34) is referring to a different type of station that's not necessarily low power; one with no specified power limit, but for which the only condition is that it is within 5 km of a registered BS. We recommend that the proposed Special Condition C3 be re-worded to explicitly exempt these types of BS from the registration requirements of the PTS LCD rather than saying that the definition of "low power base station" also includes these kinds of BS.
- For Special Condition C17 (in both RALI MS 33 and 34), "radiated maximum power less than or equal to 10 microWatts/occupied bandwidth" has been replaced with "radiated true mean power not greater than 10 mW per occupied bandwidth". It would be appreciated if the ACMA could clarify if this was a typographical error, and if not, we object to such a significant increase in power limit (noting that 10 milliWatts is 1000 times higher than 10 microWatts).

Definitions

In the definition of **base station**, we believe it's clearer to remove point (b) and expand point (c) to say "*unless the station is a low power base station or a repeater station*".

base station means a station that is, or incorporates, a transmitter:

(a) operation of which is authorised by a PTS licence; and

~~(b) is not used for the reception and automatic retransmission of radiocommunications;~~
and

(c) unless the station is a low power base station or a repeater station – that is specified in the licence.

Note 1: A PTS licence may authorise the operation of base stations that are not low power stations, base stations that are low power stations, and repeater stations.

Note 2: In a PTS licence, a base station may be identified as a 'main station'.

In the definition of **PTS licence (PMTS Class B)**, the Note says "*PMTS Class B consists of 2 or more land stations. A land station is a station that is at a fixed point on land.*" This note is explanatory in nature and consolidates the existing definitions for **PMTS Class B** and **land station** from the *Radiocommunications (Interpretation) Determination 2015*. That said, has the ACMA considered whether this definition could be unintentionally prohibiting the operation of a single base station under the licence?

In the same definition of **PTS licence (PMTS B)**, the ACMA propose to add a clarification that the PTS licence (PMTS B) is one that authorises operation of a land station for the purposes of PMTS Class B, "*whether or not the land station could be operated for the purposes of PMTS Class C*". The ACMA's intention behind this added clarification is not clear. Is the ACMA intending to allow PMTS Class B base stations to communicate with aircraft?

Similarly, the ACMA has proposed to expand the definition of **PTS licence (PMTS C)** to clarify that such a licence does not authorise the operation of a land station for the purposes of PMTS Class B. As such, is the ACMA seeking to clarify that if there is a land station (i.e. terrestrial BS)—which

communicates with other stations that are not on aircraft, and it also communicates with one or more stations that are on aircraft—then this would be considered a PMTS Class B licence and not a PMTS Class C licence? If so, why?

Furthermore, in the existing definitions to **PTS licence (PMTS C)** (in the current PTS LCD) and **PMTS Class C** (in the Interpretation Determination), neither of them mentions *land stations*, rather only *stations*. In fact, the existing definition of *PMTS Class C* says that such a service consists of 1 or more stations that are located on aircraft. *Land stations* (i.e. stations at fixed point on land) does not fit under this definition, so the reason for the explicit reference to land stations in the proposed new definition of PTS licence (PMTS C) is questionable.

In short, the proposed modifications to the definitions of “PTS licence (PMTS B)” and “PTS licence (PMTS C)” appear to be intentional and non-trivial, and warrant some further explanation from the ACMA before industry can comment on these in any reasonably informed manner.

Lastly, similar to our comments in response to the consultation on the spectrum licence technical framework (SLTF) for the 2.3 GHz band, we don’t believe it’s helpful for the reader, for the instrument to refer to an “*determination made under subsection 64(1) of the Australian Communications and Media Authority Act 2005*” when it can directly refer to the *Radiocommunications (Interpretation) Determination 2015*. Section 6 of the draft PTS LCD already covers off the consequences of specific instruments being superseded, so it’s not necessary for this reference to the Interpretation Determination to be so generic.

Part 2—Conditions—PMTS Class B

Other than to the extent reflected in the comments above, we are comfortable with the proposed changes to the conditions for PMTS Class B licences.

Part 3—Conditions—PMTS Class C

We are comfortable with the proposed changes to the conditions for PMTS Class C licences.

However, we note that in Section 15, the licence does not need to include the details specified in paragraph 10(4)(h) of the RRL Determination, namely “*if the operation of the device is related to a geographic area—that area*”. However, the existing PMTS Class C Licence 1927412/1 does have the geographic area recorded: “Australia-wide”. As such, we believe the exception to 10(4)(h) could be removed, as it is incorrect.

We also note that condition 18 states “*does not cause harmful interference to communications*” which differs from conditions elsewhere in the Determination that refer to “*harmful interference to radiocommunications of a radiocommunications transmitter operated under any licence*”. AMTA would welcome clarification of this apparent discrepancy.

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