

20 September 2019

The Manager  
Spectrum Planning and Engineering Branch  
Australian Communications and Media Authority

By Email: [fregplan@acma.gov.au](mailto:fregplan@acma.gov.au)

To the Manager,

**Re: Spectrum sharing – Overview and new approaches**

Vodafone Hutchison Australia (VHA) welcomes the opportunity to make this submission to the ACMA's consultation paper regarding new approaches to spectrum sharing. We will use the term 'non-traditional sharing techniques' to ensure consistency with the ACMA's paper.

While non-traditional sharing techniques sound promising and deserving of further research, VHA does not believe it is a priority for the ACMA. The utility of non-traditional sharing techniques may be limited to edge cases where a primary user's spectrum space is inefficiently used, and it is difficult to address the inefficiency via commercial or regulatory means. This might be because demand is intermittent and search costs are high. As the ACMA's paper alludes, those cases might include, for example, a better use of government held spectrum which may not be used in all areas of a licence, all of the time. In those cases, some type of non-traditional sharing technique might be suitable, if complementary use cases can be found that would not unnecessarily disturb the primary use and where commercial mechanisms (e.g. sublicensing) have failed.

There may be limited utility in the ACMA pursuing new proposals for spectrum sharing without first identifying a specific need for it. The examples of "white space" spectrum use in the UK and US can, in the Australian context, be addressed by the existing licensing system or commercial spectrum authorisation agreements as it is effectively just geographically-separated spectrum uses. This type of use case does not warrant the development of complex new regime to support dynamic spectrum access.

As the ACMA points out, traditional techniques will continue to be the most appropriate in the vast majority of circumstances for a long time yet. It is too early to assess the efficacy of the US Citizens' Broadband Radio Service (CBRS), which only launched in September 2019. While a number of downstream use cases for dynamic spectrum access have been posited, the recency of CBRS's access to spectrum means it is not yet possible to discern market demand particularly given competition from other technologies. The ACMA ought to monitor and assess the US initiative before taking further steps with non-traditional sharing techniques.

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VHA believes that there are existing inefficient uses of spectrum that are in urgent need of being rectified by the ACMA (and these are unlikely to be candidate cases for non-traditional sharing techniques). These should be a higher priority for the ACMA given the potential for significant productivity gains.

One obvious case is the unused 3.4 GHz spectrum currently held by NBN Co. The ACMA's own research from the *Optimising the 3400-3575 MHz band* consultation demonstrates that there can be no justification to continue the existing arrangements in that band where NBN Co. continues to hold, but does not use, 75 MHz of prime mid-band 5G spectrum in the most densely populated parts of Australia. This problem should not be a candidate case for the use of non-traditional sharing arrangements as traditional spectrum management techniques would be far superior in addressing the misallocation and ensure the highest value use of this spectrum.

The ACMA must be vigilant as non-traditional sharing techniques could entrench obsolete or inefficient spectrum uses. The clearing out of inefficient incumbents should always be the first choice unless special circumstances exist to overturn this presumption. This means that the cases where non-traditional sharing techniques should be considered should be limited to matters where the spectrum is already allocated to its highest value use. If sharing is considered for spectrum that is not allocated to its highest value use, then inefficiencies would likely become entrenched and hence counter to the object of the *Radiocommunications Act 1997*.

If you have any questions, please do not hesitate to contact Louie Liu at [Louie.Liu@vodafone.com.au](mailto:Louie.Liu@vodafone.com.au)

Yours sincerely



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