

Countrytell response to IFC: 28/2017 Spectrum Allocation for the 3.6 Ghz band Closing 27th November 2017

Countrytell provides niche quality services to SMEs, Local Government and residences throughout regional NSW, the Snowy Mountains region, the Hunter Valley and Albury Wodonga. Like many other small WISPs throughout Australia – we rely on the 3.6 GHz spectrum and have sunk large amounts of capital into systems using it since gaining access to it in good faith.

As previously advised Countrytell cautiously supports removing the embargo on the populated/metro areas of the 3.6 GHz band but does not support any change of use. Having only gained access to this band around six years ago, to suggest replanning this band for other services now flies in the face of the ‘certainty’ promised to industry in the ACMA’s own principles for spectrum management. To do so would constitute a manifest breach of faith.

Countrytell does not support any changes to the current arrangements in regional areas.

Together with members of the WISP au we have offered our expertise and constructive feedback from a regional context and a smaller operator’s perspective – we considered our real life experience could assist ACMA in assessing the implications of proposed changes relating to spectrum allocation and management. Our policy positions are determined within a context which seeks to avoid the potential pitfalls which might occur from considering changes solely with a traditional population based or metropolitan focus.

We are seriously disappointed and concerned about both the recommendations that the ACMA has arrived relating to 3.6 GHz and the process it has taken to get there.

We acknowledge we are a small carrier, one of many that entered the market when the 3.6 GHz band was wanted by no-one, less than a decade ago. We invested in good faith. We are told that ‘other carriers such as Telstra have had to move bands but there is no comparison - we do not have the benefit of being the natural monopoly with billions of dollars’ worth of public funds and infrastructure.

We operate an innovative business model developed in response to community need and for the benefit of the community, supplying services and tariffs that we know the big carriers cannot and will not match.

During the consultation process we were repeatedly assured that a band would be made available for the WiSP incumbents to move to. This has not been made available. Not only are we having an asset cancelled, there is no alternative band on offer nor any methodology provided as to how incumbents can be compensated for the cancellation of their licenses. One or other must be provided before these proposals proceed.

We disagree with the ACMA's assessment of highest value use for this spectrum in regional areas. We have not been supplied with the modelling used to arrive at the ACMA's conclusion that auctioning it off is the best value option.

We disagree with the geographic area delineated as metropolitan. The Sydney metropolitan area includes the small coastal communities between Sydney and Newcastle. Why is Newcastle now classified as metropolitan Sydney? It appears the classification has been arrived at to meet the demands of the big carriers rather than an objective assessment of what Sydney and regional areas actually comprises. Similarly Sydney metropolitan area southern areas impinge onto clearly regional locations.

Whilst we note a seven year transition period has been allocated, this is but a postponement if there is no alternative band to move to and no secure guarantee or methodology to do it.

We are a member of the WiSPau Association and share the Association's concerns and will be supporting the Association's efforts to secure a better outcome.

We respectfully request that the ACMA seriously re-consider the sharing options we have previously proposed under the DSLM initiatives being adopted globally. We acknowledge this will need tailoring to suit the Australian environment, and will require work by the regulator. However, regulatory effort and a requirement for new thinking is not an excuse to summarily dismiss dynamic spectrum sharing out of hand. Australia will have to adopt sharing strategies – this band is as good as any to start the process. Indeed with what is at stake for regional areas, it is critical that it be seriously considered.

If further information or clarification is required regarding Countrytell's response, or any other aspect relating to spectrum management, please do not hesitate to contact us.

Yours sincerely,

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