

# Government Response to Consultation

Government Response to Consultation on  
Interim Licensing of NGSOs in Ascension

April 2023

Ascension Island Government



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## Introduction

AIG is in the middle of a consultation and technical review of on island capabilities, with the goal of updating the surrounding policy and implementing new legislation to replace the outdated Telecommunications Ordinance 1997.

During the process of the consultation, an urgent issue has arisen regarding NGSO licensing, due to the arrival of Starlink terminals on island. A consultation was launched to deal with this immediate issue, while work on the new policy framework continues.

This paper describes the course of action AIG intends to take, based on the options identified in the consultation paper and the 22 responses received.

The licensing framework described is an interim solution pending the new framework and the licensing of the NGSO providers themselves.

A consultation was launched on 31<sup>st</sup> March 2023 and concluded on 14<sup>th</sup> April 2023. Twenty two responses were received. For the purposes of this document, no persons or organisations who filed responses will be identified.

The objective of the consultation was to consult organisations and individuals on the licensing options available to AIG under the Telecommunications Ordinance 1997, and obtain views on the fairest and most efficient method of regulating the use of NGSO satellite dishes or receivers (including but not limited to those of Starlink) prior to the conclusion of the full consultation, technical review, new policy, and legislation regulating telecoms in Ascension that is due to take place this year. This was done in a way that was intended to give information of the risks of each of the pricing options.

## Consultation responses

The objective of the consultation was to consult organisations and individuals as to their opinion on the fairest and most efficient method of licencing for the use of NGSO satellites (including but not limited to those of Starlink), while taking steps to give information of the risks of each of the options.

Of the responses, two opposed the licensing of NGSO satellites and proposed cease and desist orders, along with prosecution, of NGSO users.

Twelve agreed licensing should be implemented, at an affordable rate to the end user, with eight agreeing with option B, and four agreeing with option C as outlined in the consultation document.

Eight of the responses either wished for there to be no end user licensing agreements, questioned the legal requirement for such a licence, or were enquires. The consultation document made it clear that licensing is currently legally required, and therefore inaction is not an option at this stage.

Several responses also contained concerns and suggestions regarding ongoing resilience for the island, as well as complaints regarding the current provision of telecommunications, and how recent changes have been managed so far. While these comments have been noted, they shall not be addressed in this document and will be incorporated into the wider consideration of policy formation going forward.

## Course of action to be taken by AIG

As a result of the responses received, the following course of action will take place, until the conclusion of the full telecommunications consultation and implementation of a new Communications Ordinance:

- A class licence will be issued for the installation and use of NGSO end user terminals in Ascension. End user terminals connect the customer to the satellite network; for example, the dish and equipment installed at a customer's premises;
- This class licence will be implemented on 1<sup>st</sup> May 2023;
- The class licence will require registration of end user terminals with AIG;
- There will be a two-week grace period from 1<sup>st</sup> May 2023, or the date of installation, whichever is later, in which to register the terminal;
- Registration will cost £10 and will last 12 months from the date of registration;
- Registration will be per terminal and will be registered to the primary property where the end-user terminal is located;
- The registration will have no limit on the number of users per terminal;
- The terms and conditions of the class licence are attached to this document at Annex A, and will be on the AIG website, as well as provided on request;
- Registration will be available from the Post Office, which is open from Monday to Friday, 0830-1230 and 1330-1500;
- A copy of the application form, which will be provided at the Post Office is attached at Annex B; and
- An example of the registration certificate is attached at Annex C.

## Questions & Responses

### *What is a class licence?*

A class licence is granted to a class of people which permits anyone falling within that 'class' to receive services without the need for an individual licence. Often class licences come with a requirement for registration in order to maintain a list of service users. The NGSO class licence is a generic authorization which will allow any person to install and operate an NGSO end-user terminal within the conditions that are set in the class licence. The class licence will have a requirement for individuals to register their end user terminal with AIG.

### *Why am I having to register my end user terminal? I am not required to do this elsewhere.*

Government response:

Normally, it is the satellite service provider which has a licence. However no NGSO provider has yet applied for a licence to operate in Ascension, and they are unlikely to do so until there is an updated telecommunications ordinance in place, the only currently available option is an end user registration. The purpose of end user registration is so that in the event of harmful interference the user can be identified and the problems resolved. It will also allow AIG to monitor developments in the market and plan for the longer-term regulatory framework.

### ***Does this apply to just Starlink or all NGSO end-user terminals?***

Government response:

The same end user licensing scheme will apply to all NGSO end user terminals. Currently, Starlink is the main option available in Ascension, which is why it has been the focus of the consultation. AIG is committed to working with all satellite communication providers to establish an effective regulatory framework and form of licensing that will enable the spectrum to be shared and the co-existence of NGSO service providers now and in the future.

### ***If I am paying for a package in the UK, why should I pay for registration in Ascension?***

As the equipment is being used in Ascension, it falls under the law of Ascension. The location of the contractual arrangement that you have in place does not affect the requirement for the use of the equipment to be compliant with local legislation.

### ***How often will I need to register?***

Government response:

At this stage it has been decided the registration should be annual. However, should the relevant NGSO providers obtain a licence to operate before the expiry of the end-user registration, the requirements for renewal may change.

### ***When will the new telecommunications ordinance be in place?***

Government response:

At this time, it is too early to say. The intention is for it to be in place before the end of 2023. However, a detailed technical review is required, accounting for the risks that are outlined in the consultation document and public notices. The implementation of this interim end user registration is a temporary measure.

### ***Will the registration fee be used by AIG to subsidise Sure?***

Government response:

No. No money obtained from these fees will be given directly to any company, but will become part of the AIG budget.

### ***Is the registration fee being set at an amount to make up for lost income from Sure?***

Government response:

No. The registration fees are being set at a reasonable and affordable level to cover the administrative cost of the registration system.

### ***Where will the money from registration fees be spent?***

Government response:

As is the case with almost all public funds, the money will not be ring fenced or used for any specific purpose, but become part of the overall AIG budget.

***Some organisations are exempt from the Telecommunications Ordinance, 1997. Since people are able to work from home, should this mean these households are exempt from registration requirements as well?***

Government response:

If the end user terminal in question will be used exclusively for the purposes of the exempt organisation, then the Ordinance does not apply. If any domestic use takes place, then the terminal must be registered to the address at which it is located.

***What is meant by “restrictions on the commercial provision of electronic communications services to third parties”?***

Government response:

This means that your registration will be for the terminal you are using for domestic purposes only. A condition of the class licence under which registration is taking place will be that you will not be allowed to charge others to use your terminal. Put another way, while you can share your wifi password with as many people as you like, you cannot do so on the condition that they pay you for access to it. Those people sharing services in this way need to be aware that AIG accepts no responsibility if this is in breach of user agreements with the service provider.

***Does this mean that I can share it with my household and neighbours, and split the cost?***

Government response:

Yes. So long as the intention is for the terminal to just be used domestically (whether several rooms in one building, or shared across more than one home), with there being no intention of anyone making a profit, then this is within the terms of the licence agreement.

***Wouldn't sharing cost of an NGSO end-user terminal be a breach of the terms of service with the service provider?***

Government response:

This is part of the end user's personal agreement with the NGSO provider, and as such AIG cannot comment on this. All subscribers to such services need to ensure that they are meeting the terms and conditions set by the party with which they have entered into a contract. Any breach of this will be a matter between individuals and the communication service provider.

***How would this affect yachts?***

Government response:

Yachts are already exempt under section 6 of the Telecommunications Ordinance 1997.

***What will happen to me if I have an NGSO terminal, but do not register it?***

Government response:

As noted in the consultation document, it was considered by AIG to not be in the public interest to prosecute those using NGSO terminals domestically, while determining how best to regulate them. As registration of terminals is now required, if a person chooses not to participate in that

system, they will be prosecuted. A simple comparison would be to the choice to not have a driving licence, despite being able to drive.

### **Next steps**

- The Government will continue with its overarching review of telecommunications systems in Ascension to produce a formal policy which will lead to a new Telecommunications Ordinance.
- The Government wants to work collaboratively with all stakeholders to achieve the best possible service provision for mobile and radio services as well as broadband, and we welcome the responses that have indicated a desire to work collectively towards a better future for Ascension Island.



## TELECOMMUNICATIONS ORDINANCE 1997

### Class licence for the installation and operation of non-geostationary orbit (NGSO) end-user terminals

#### INTRODUCTION

1. In exercise of my powers under the Telecommunications Ordinance 1997 Part 2 Section 7, I grant this licence ("Licence") for the installation and operation of NGSO satellite End User terminals in Ascension Island subject to the terms and conditions specified herein.
2. The Licence is a class licence meaning that it applies to anyone who complies with the terms and conditions, without them having to apply individually for such a licence. It is, however, necessary to register and pay an annual fee to the Ascension Island Government ("AIG") for the Licence to be valid.

#### DEFINITIONS

3. Unless listed below, the words and expressions used in this Licence have the meanings given in the Telecommunications Ordinance 1997 ("the Ordinance").
4. In this Licence the term:
  - a. "**NGSO**" means a non-geostationary orbit satellite and refers to a satellite that does not maintain a stationary position but moves relative to the earth's surface.
  - b. "**Harmful interference**" means interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with Radio Regulations.
  - c. "**End-User**" means any person including a Customer who receives NGSO services.
  - d. "**Terminal**" means end-user customer premises equipment that communicates with the NGSO constellation in order to access telecommunication services. Generally comprising an antenna and earth station together with associated electronics, mountings and cables.

#### PURPOSE OF THE LICENCE

5. The purpose of this Licence is to permit the installation and operation of NGSO end-user terminals for the transmission of messages which may include sound, data, text and images.



6. An NGSO end-user terminal is a telecommunication system under the terms of the Ordinance. It is an offence under s5.1 of the Ordinance for a person to run a telecommunications system except as authorised by a licence.

#### **REGISTRATION**

7. The Licence is a registration licence: there is a requirement to register with AIG and to pay the specified licence fee before installing or operating an NGSO end-user terminal.

8. Parties who wish to register for an NGSO terminal should complete the registration form specified for this purpose and submit it to AIG at the specified address.

9. The registration will be valid for one year from the date of registration and may be renewed on an annual basis on the payment of the appropriate registration fee.

10. The fee for registering an NGSO end-user terminal will be determined by AIG on an annual basis, taking account of the Electronic Communications Policy Objectives.

11. The registration fee for the year commencing 1 May 2023 will be £10.

#### **TERMS AND CONDITIONS**

12. Any person registered under this class licence shall ensure that its telecommunications system:

- a. is so designed constructed, maintained and operated, that it does not cause any Harmful Interference;
- b. complies with (and is maintained in accordance with) the relevant performance specification(s) published by the operator of the NGSO end-user terminal;
- c. complies with any relevant ITU-T and ITU-R recommendations.

13. Where applicable, planning permission must be obtained for the installation of end-user terminals.

14. Where appropriate to avoid harmful electromagnetic radiation, AIG may require that the end-users provides additional screening at the installation as a condition of the Licence.

#### **ACCESS AND INSPECTION**

15. Upon reasonable request, an end-user shall permit any person authorised by AIG to have access to its premises for the purpose of inspection, examination and testing to ensure that equipment is being used in accordance with the terms of this Licence.

#### **REVOCATION AND AMENDMENT**

16. The terms, conditions and provisions of the Licence may at any time be varied by AIG and the Licence may at any time be revoked under Part 5 the Ordinance.

17. In the case of national security it may be necessary to revoke or suspend the operation of an NGSO end-user terminal with immediate effect



**TELECOMMUNICATION ORDINANCE  
NGSO REGISTRATION FORM**

Name:

Type of Terminal:

Terminal Number:

Primary Address of Terminal:

Email Address:

Contact number:

FEE PAID:



**TELECOMMUNICATION ORDINANCE  
CERTIFICATE OF NGSO REGISTRATION**

Primary Address of Terminal: **Bungalow X, Two Boats**

Terminal Registration Number: **XXXXX1**

THIS IS TO CERTIFY that the class licence applies to the

above terminal on **DD/MM/YYYY** having been registered  
for the year ending **DD/MM/YYYY**

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**ON BEHALF OF THE  
ADMINISTRATOR**

**PLEASE NOTE**

The sale of the use of the above terminal is expressly forbidden, and against the terms of the class licence the terminal is registered under. Commercial use of the terminal is against the terms of the Telecommunications Ordinance, 1997, and is considered a criminal offence.