

Radio Spectrum Management (RSM)
MBIE
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Wellington 6011

Sent by email to Radio.Spectrum@mbie.govt.nz

Submission to Technical Discussion Document: Allocation of 24-30 GHz spectrum

Tēnā koutou,

Thank you for the opportunity to submit on technical considerations of the allocation of 24-30 GHz spectrum.

Introduction to Enable

Enable is a local fibre company (LFC) with our Ultra-Fast Broadband open access fibre infrastructure able to provide high-speed broadband connectivity to over 200,000 schools, businesses and homes across Christchurch and the largest towns of the Waimakariri and Selwyn districts of the South Island.

We are a significant investor in long-term open access communications infrastructure for New Zealand. We facilitate a diverse and innovative retail market embodying extensive consumer choice and competitive retail offerings. Given this, we are interested in the long-term development of telecommunications policy, including the usage of the 24-30 GHz spectrum allocation in relation to how this can best support new innovative services which enhance New Zealand's productivity.

Context surrounding Enable's submission

We note the current consultation is part of a series which most notably included an early consultation in 2021 and, more recently, a workshop with existing cellular and satellite operators in which Enable was not involved. Based on this, we note the consultation has, for the most part, moved into deeper technical matters surrounding the use of the band vs the evolution of use cases since 2021.

Enable's submission is not in direct response to the questions posed but rather to provide feedback across three thematic areas. These areas are (i) support for Localised vs National Licensing, (ii) proposing a case for the incremental allocation of spectrum based on the fact that innovation in this band is likely to come not only from incumbents, but also from beyond the incumbent operators, and (iii) support for ensuring spectrum license terms in the mm Wave bands assist in the Government's enforcement mechanism on overseas operators.

Our Overarching Input:

In the below for brevity, we refer to the proposed allocation of 24.25-27.5 GHz and 27.5-28.35 GHz spectrum as mm-Wave.

Our city of possibilities

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1. Support geographic block licensing rather than national blocks

- (i) We agree with RSM that while national management rights are appropriate for the provision of national-level services, the vast majority of use cases will be localised, given that a wide coverage area by mm-Wave is unlikely¹.
- (ii) Use cases are still developing, and it is important that there is flexibility to support a variety of uses cases that might vary by geography.

We support the proposal to allocate the spectrum in geographic blocks, rather than at a national level.

2. Consideration of an incremental spectrum release as use cases evolve

- (i) We note where the allocation of 24.25-27.5 Ghz refers to Mobile use, that other than for the purposes of density, it is significantly likely in the near-term that the spectrum will be used for mm-Wave small cells in the provision of services analogous to what has been traditionally referred to as fixed services. We believe it should be noted that ownership of LFC fibre optic access cables has been viewed as exclusive and therefore subject to access agreements to promote competition and innovation and that the issuing large blocks of mm Wave spectrum, when used for 'Fixed' Wireless Access (FWA) should conceptually be treated no differently.
- (ii) We note and agree with earlier RSM documents that many of the potential use cases for mm-Wave spectrum remain to unfold and be commercially developed². Many of these innovation areas may be developed as separate vertical markets and not necessarily from the existing operators. Equally many of the "non-mobility" use cases already have very capable existing solutions available in urban areas, and mm Wave spectrum will simply provide a medium to extend the opportunity for these to be supplied by a different access technology.
- (iii) Considering points (i) and (ii) above collectively, there are evolving use cases of Neutral Hosting whereby infrastructure and spectrum can be consumed across multiple access seekers as required. Such evolving opportunities would be restricted by traditional long-period allocations of the spectrum to predominantly mobile operators in existence and prevalent at the time of allocation. Equally, there are opportunities for the application of mm-Wave spectrum to provide last-mile access to extend coverage of fibre networks into areas which are otherwise economically challenging with physical lead-ins.
- (iv) The allocation of 24.25-27.5 Ghz for mobile use with some satellite usage and 27.5-28.35 Shared between Mobile and Fixed Satellite services is a very substantial amount of

¹ We refer to the comment, "Since wide area coverage is unlikely, RSM do not consider that nation-wide management rights will be the most efficient use of spectrum", page 23, *Technical Discussion Document: Allocation of 24-30 GHz spectrum*

² We refer to the comment that "5G also has the potential to enable new applications, industries, and business models that require high data-rate, low latency communications, and massive connectivity for new applications such as eHealth, autonomous vehicles, smart cities, smart homes, and the IoT.", page 8, *24 – 30 GHz use in New Zealand Discussion document*, April 2021

spectrum. As noted by RSM, there is not urgent demand for all this spectrum now to support existing telecommunications, with current mobile infrastructure well catered for³.

- (v) As an infrastructure investor, we recognise the importance of long-term certainty in spectrum license holdings to underpin investment and support allocating spectrum for 10+ years to support this. However, it's important in this particular band allocation with a very large block of spectrum available, to note many of the use cases and that the number of potential companies which may leverage this will evolve.

We recommend: (i) the RSM consider releasing the mm-Wave spectrum incrementally in small parcels over a long time period. This ensures that existing incumbents do not monopolise the asset, and preclude innovation from other parties; and (ii) that the release of mm Wave spectrum fully considers and ensures the possibility of Neutral Hosting.

3. Support for ensuring spectrum license terms in the mm Wave bands assists in the Government's enforcement mechanism on overseas operators

- i) We note the Government is currently looking to amend the Telecommunications Act to create an enforcement regime that would prohibit or restrict an offshore provider's ability to hold or use radio spectrum licences. This would be the case if the party does not comply with New Zealand law and the subsequent enforcement mechanisms through New Zealand courts.⁴ Enable supports this approach.

Thank you for considering the points raised in this submission. We are also happy to meet to discuss them in more detail.

³ We refer to the comment that "As of October 2025, RSM also understand that there is not an immediate demand from the mobile industry stakeholders to obtain access to 24.25 – 27.5 GHz. It is therefore unlikely that mobile network operators and other Mobile Service operators in New Zealand will have immediate and widespread demand for this spectrum." Para 1.5.1, page 22, *Technical Discussion Document: Allocation of 24-30 GHz spectrum*

⁴ Page 6, <https://www.mbie.govt.nz/dmsdocument/30531-improving-telecommunications-regulatory-and-funding-frameworks-proactiverelase-pdf>