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Mr Richard Young
Office of Communications (Ofcom)
Riverside House
2A Southwark Bridge Road
London SE1 9HA

11th December 2007

Dear Mr. Young,

Re: Consultation on Mobile Communications On Board Aircraft

bmi has decided to proceed with the launch of GSM services onboard its aircraft in association with its chosen service provider, OnAir, and welcomes the opportunity to respond to the public consultation on Mobile Communications onboard Aircraft (MCA).

While bmi is eager to offer its passengers this new service, it fully understands that the launch of GSM OnBoard System on bmi aircraft is subject to both electronic communication and aviation regulatory approval. bmi with OnAir and Airbus are committed to satisfying all requirements necessary and are keen to see all regulatory hurdles removed as soon as practically possible to enable the deployment of this service. According to the current plan the aeronautical and technical approvals will be given by the end of Q1 2008 and we certainly hope that the telecommunications approval will be granted in a timely way so as not to hinder the planned launch.

It would seem most sensible to proceed on the basis of a common European approach as the aviation industry within the EC will be regulated by EU-OPS from July 2008. This will allow harmonisation of technical requirements and administrative procedures in the field of civil aviation. When EU-OPS become effective it will be applicable in the UK and supersede those elements of the Air Navigation Order which currently apply.

bmi would expect that the technical criteria specified by the ECC have been thoroughly tested and evaluated to ensure protection of terrestrial networks.

bmi observes that Ofcom plans to make authorisations for the use of the 1800MHz spectrum in favour of the Airline. After consulting with OnAir we believe that this will help in both facilitating the speed with which the service can be adopted in the UK and also accommodate the concerns that Ofcom has regarding accountability. We also concur with the notion that the MCA radio equipment will be included in existing aircraft radio licenses by a Notice of Variation and that no further licence fee should be applied. This answers the question that MCA should be via licensing rather than licence-exemption.

bmi will be making the necessary requests once the approach has been confirmed officially. However bmi will not be operating the service and hence assumes all operations as such will be associated to the Service provider, i.e. OnAir for the bmi aircraft.

In authorising the service and defining its associated conditions bmi would request that Ofcom consider a flexible and accommodating approach. Further consideration on defining conditions to carry out mandatory aeronautical testing on the ground is also encouraged. bmi highlights that without the ability to carry out such obligatory aeronautical testing, no British registered airline will be able to offer such service, thus impacting negatively on the work currently being defined and possibly giving airlines registered in other countries a competitive advantage.

bmi understands that the MCA system are currently exempted from the EC regulations as they are not classed as a terrestrial operator, and acknowledge that whilst the airline may have information on the destination and arrival of the aircraft, this information cannot be easily added into the GSM roaming framework which power the MCA system. bmi wishes to highlight that control of end user pricing is required to ensure that the demand of the service is not adversely affected. bmi understands that the end user pricing will be effected by both the MCA operators and the passenger's home network operator which adds a further surcharge onto the communications. bmi recognises that excessive end user pricing has been identified as the cause of the downfall of other cabin connectivity services such as in seat phones and CbB. However, we would not suggest that MCA systems should be made to comply with existing EC regulations on roaming charges.

Should you or your officials require any information to assist you in your consideration of OnAir's application, please do not hesitate to contact me.

Yours sincerely,

Simon Scoggins