

Responses to the twenty questions follow. For a number of questions, no response has been supplied.

*Question 1 : This executive summary sets out Ofcom's proposals for the release of the digital dividend. Do you agree with these proposals?*

I do not agree with the presumption that an auction should take place and that the market should be left to determine the total use of the available spectrum. While Ofcom, and the Radiocommunications Agency before it, in the UK favours auctions, the so-called Beauty Contest approach used in a number of other countries has proved successful and would allow the smaller user with greater social capital more of an even footing against the giant commercial operators with deep wallets.

In point 1.61 it is suggested that arrangements for PMSE users will be made maintained for a transitional period until at least 2012, although there may be a requirement to replace or retune equipment immediately after DSO. I do not regard this as reassurance for any small or medium sized user faced with a buying decision today or indeed a year from today.

*Question 2 : Do you have any comments on our analysis of the essential constraints that will apply to the available UHF spectrum?*

*Question 3 : Do you agree with the more detailed analysis and proposals regarding these technical constraints as set out in Annex 10?*

*Question 4 : Do you have any comments on Ofcom's assessment of the potential uses of this spectrum? Are there any potential uses which should be considered that are not mentioned in this document?*

Future automotive inter-vehicular communication, navigation, collision avoidance and traffic control systems.

*Question 5 : Do you have any comments on our analysis of the choice between a market-led and an interventionist approach to the release of this spectrum? Do you agree with the analysis of different mechanisms for intervening to remedy potential market failures?*

I am not convinced that a purely market-led approach and auction will serve the public good. Given the apparent value of the dividend spectrum today, and the list of known possible applications, and the speculation of future applications, it is entirely probable that one or two cash-rich corporations will effectively bank blocks of spectrum to sell off or rent out in future. This does not encourage innovation but rather enables those who dominate today to maintain their dominance over innovators tomorrow.

Likewise it is hard to imagine the multitude of small PMSE users forming a bloc capable of winning a bid for some of the spectrum in the face of fierce competition from large, established operators – instead I envisage one or more dominant bidders holding the PMSE users to ransom once the spectrum has been won. And the very fact that access to the spectrum by these small users would still need to be controlled by the operator would mean that Ofcom has effectively outsourced and privatised its own role.

*Question 6 : Do you agree with our proposals to continue making available channel 69 for use by low power PMSE devices? Do you agree with our proposal to make some or all of the spectrum available for use on a licence-exempt basis?*

While this proposal is welcome for the amateur and semi-professional user in particular, it does not serve the needs of the professional user who has a requirement of availability of the service without unacceptable interference.

*Question 7 : Do you agree that there should be transitional protection for professional PMSE users to ensure that they can continue to access interleaved capacity until at least the end of 2012? Do you have any views on the mechanism for providing future access to this spectrum?*

As an absolute minimum this transitional protection is required. The transitional period should be made longer until it is clarified whether the existing equipment is about to be made obsolete by the changes. It would appear to me that each PMSE set will need to be retuned or replaced sometime in the period 2008-2012, and subsequently replaced again after 2012 when the as yet unspecified alternative arrangements are in place. These costs would ideally be borne by the highest bidder in the auction rather than penalising the disenfranchised user.

*Question.8 : Do you consider that additional spectrum from the digital dividend should be reserved for low power applications? If so, please provide as much evidence as possible about the nature of the application and its potential value to society.*

*Question 9 : Do you consider that it would be desirable to hold back some spectrum from award with a view to its potential use for future innovation? If so, please provide comments on how much spectrum should be held back, and for how long*

It would seem wise to reserve a useful (in the order of 20MHz) block of spectrum for future innovation. This could be done by awarding one or more blocks on a shorter term than the others. Alternatively this could provide a means of accommodating PMSE users for a number of years while proper alternative arrangements are found and put in place.

*Question.10 : Do you agree with our proposal that we should package the interleaved spectrum in a way that would be suitable for use by local television services, but not reserve spectrum solely for this use?*

*Question 11 : Do you agree with our proposal to package the spectrum in a way which does not preclude mobile broadband use, but to take no further action in relation to this use?*

*Question.12 : Do you agree with our proposal that we should not intervene in the award of this spectrum to reserve spectrum for DTT? Do you agree that we should package the spectrum in a way which is suitable for DTT use?*

*Question 13 : Do you consider that we have included in our analysis the most material risks in relation to market failure?*

*Question 14 : Do you agree with our proposal to auction licences for the use of the available UHF spectrum?*

No. As stated in response to Question 1, I do not think that auction alone allows fair representation of smaller users, notably PMSE users, and does not reflect the social capital brought by their contribution to the entertainment industry.

*Question 15 : Do you agree with Ofcom's proposals as to the timing of any auction? If not, what alternative proposal would you make and why, and what evidence and analysis can you provide in support of your alternative proposal?*

No. I would request that a second consultation period be offered and the public be given a better chance to respond. This consultation has not achieved a sufficiently high public profile despite the far-reaching consequences of its affect on PMSE usage.

Members of Parliament have been signing an Early Day Motion in the past few weeks and the number of signatories has exceeded 137 in recent days. This reflects a late, growing public concern at the likely impact on film, theatre, live music and TV.

*Question 16 : Do you have any views on which of the packaging options identified for the cleared spectrum would be most suitable?*

*Question 17 : Do you have any views on which of the packaging options identified for the interleaved spectrum would be most suitable?*

*Question 18 : Do you have any views on which of the auction design options would be most suitable?*

*Question 19 : Do you agree with Ofcom's proposals for the non-technical terms of the licences to be awarded for use of the UHF spectrum?*

*Question 20: Do you agree with the analysis of the options as set out in this Impact Assessment?*