

Response to the Digital Dividend Review from Northern Visions/NvTv.

23 Donegall Street,
Belfast BT1 2FF.
Tel: 028 9024 5495
www.nvtv.co.uk

Northern Visions is an open access media centre offering skills training, project support, advice and access to resources in film and television production. An active citizenship programme gives production opportunities to people marginalised by mainstream media or denied self and/or collective expression.

Northern Visions holds the licence from OFCOM for the free-to-air, terrestrial local television service broadcasting to the Belfast area, NvTv. Broadcasting, through NvTv, enables local community/cultural groups, individual artists and filmmakers and interested citizens to communicate and engage with the wider public.

These are not-for-profit community ventures which seek to create a civic space where

***new faces are brought to the screen:
local issues are presented in informative and entertaining ways:
health, education and economic resources in the community are
promoted:
local talent and cultural initiatives are celebrated and participation
is inclusive of all underrepresented communities (whether
geographical, racial, ethnic, cultural or generational).***

An important element of this service is to act as a forum for public discussion and good relations and to promote community access to television broadcasting.

Currently NvTv broadcasts, a terrestrial picture, with an analogue frequency (Channel 62/ 799.276MHz).

Northern Ireland has been in the forefront of providing local television services in the UK and currently has two local television stations enjoying widespread support within the community. (Annex 1)

This community support has been recognised by central government which has supported certain initiatives including research and development for Northern Visions/NvTv via the Department of Culture, Arts & Leisure 'Unlocking Creativity' funds, training and programme production via the Irish Language Broadcast Fund and Renewing Communities (St Andrews Agreement: Annex B). Renewing Communities '*sets a challenging agenda for change for all of us. We want to improve life prospects, build community capacity, improve public service.. ..this will require a genuinely joined up approach from*

Government...I believe it will contribute to a better future for Northern Ireland – a shared future. Social Development Minister, David Hanson, Labour MP for Delvin

Northern Visions, as a non profit distributing company, also supports similar projects through redistribution of profits from corporate works.

Question 1

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

Ofcom's consumer research conducted by Holden Pearmain and ORC International for the Digital Dividend Review on the importance of digital technologies (and their value to individuals versus value to society), asked respondents how important it was that a range of digital technologies were made available to them personally and to all UK citizens. These technologies included more DTT channels, HDTV, Mobile BB, Mobile TV and Local TV. On both counts of availability to UK citizens and to them personally, respondents chose local television as the most important.

Similarly, Ofcom's review, Digital Local, acknowledged the important public-service role played by local (rather than regional) television. It acknowledged that the many benefits of local services were unlikely to be provided by commercial concerns. It highlighted that a dedicated block of capacity on a national public-service broadcasting multiplex for local channels would be best suited to provide local television. It somewhat contradicts these findings by going on to say that this public service role and its use of spectrum would be best served by market forces.

The Campaign for Local TV established that viewers would rather have a Local TV channel than an unwatched Quiz channel. So far as viewers were concerned (as with Ofcom's respondents for the DDR) many of the commercial mux channels offer poor quality and are wasteful because they are both unwanted and unwatched.

It is essential that local TV be rooted in the public-service multiplex to ensure universal access. Digital spectrum is a scarce resource and the needs of public service broadcasting, and any future needs with regard to local television as identified by the research, should be met before any consideration of selling spectrum in the market place to the highest bidder. Government should be accountable to the wishes of its citizens and consumers and it is clear that local television is one of the services they wish to have control over and to receive.

We are concerned that 'Northern Ireland's' spectrum will be sold off nationally and little or no benefit will be accrued for its citizens and consumers. There is no national spectrum per se because there are no national transmitters. Although services operate within the constraints of the transmitter network and distribution, we believe not enough consideration has been given to the wishes of 'nation' defined as Scotland, Wales and Northern Ireland, 'local' defined as local television and spectrum assignment. Local public service television should be available on a universal basis across the

UK.

Question 2

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

We believe Ofcom has not evidenced sufficiently why a commercial constraint be advocated for spectrum and not a civic constraint.

Recent European planning - leading to legislation - suggests that spectrum should be reserved for broadcasting services, which goes against Ofcom's proposals for a "free market" auction and imposing no restrictions on spectrum usage.

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?

Ofcom has favoured a market led approach to the disposal of spectrum, but its own consumer research appears to suggest otherwise. There is clearly a consensus for universal coverage of all DD services regardless of whether these are personal or public choice. Furthermore, Ofcom's assessment of value to society is flawed and does not capture the true benefits of community media to society.

Ofcom's assessment of public interest in local TV would appear to contradict the research recently conducted by Ofcom which showed that 60% of people saw value in these services and would like high quality local TV as a universal service.

Contributions by economists may make interesting reading and contribute to the debate on the digital dividend. What is clear is that these contributions are not 'evidence' and should not be construed as such. They should also be rigorously checked with a view to viability, particularly on the engineering side.

As stated earlier, local TV as a universal service is the most desired option emanating from consumer research. This is where the cleared spectrum should be allocated.

Ofcom's approach that "interleaved" spectrum where local television channels would use a patchwork of unused spectrum will not give universal coverage for local television, a third of the sites offered are out of group and inaccessible to viewers and the remainder have unspecified antenna restrictions. It follows that this use of spectrum for local television is wasteful. PMSE is a better choice for interleaved spectrum as it will use this spectrum more efficiently.

To be consistent with the Ofcom consumer research that local TV be a universal service, every household in the UK should be able to access their local television channel through a self-supporting network of individual channels.

Northern Visions/NvTv is supportive of the Local Network Channel proposition, which, in association with other local television broadcasters would introduce three LNC in PSB muxes to deliver bandwidth and SI for insertion of up to 243 Local TV channels configured by three 'add/drop boxes' at each main transmitter site (81 sites) and would enhance local services through networking and exchange of 'community of interest' programming.

Our understanding, based on information forwarded by NG Wireless, is that the introduction of new compression techniques from 2008 may allow this to happen without any disadvantage to existing services by being located in the spectrum released from 16-64Qam during switchover.

Allied to this there should be 'must carry' obligations on cable operators for the local television channels and a guarantee that the services have preferential positions on the electronic programme guide (EPG).

Furthermore with regard to a Local Network Channel:

It supports a solution, which requires no transmitters or antennas, a comprehensive, universal service, which also allows for programme sharing among communities of interest.

This service must be universally available within the licensed area and that this approach is a key requirement for providing a local PSB television service in Northern Ireland given the sectarian geography of the region and the strive towards a peaceful and equitable society.

The spectrum identified would therefore be within those bands being used to transmit the other PSB from the appropriate transmitter site. This approach is necessary to ensure the signal can be received in the home on the set top box.

The installed base of TVs and aerials is the base for this service. This service must reach all Freeview homes without additional cost or inconvenience to the Freeview viewer. The necessary SI resolution will only work with an add/drop approach.

The add/drop solution is the least expensive and most comprehensive option. It is the most efficient use of bandwidth and requires no frequency planning or new transmitters or antennas - is received as readily by the viewer as other DTT channels. Similarly the Local Network Channel ensures the 'national' spectrum can be retrieved and ensures greater efficiency.

This is the more efficient use of spectrum for local television.

On economic grounds local television decentralises production centres and spreads the media economy back out across the UK, closer to the sites of training, literacy, innovation and spectrum use.

Add/drop technology is available. The current re-design plan of the architecture of the multiplexes can accommodate these proposals.

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?

The evidence, which Ofcom has amassed, is overwhelmingly, indeed almost entirely for the interventionist approach.

It is disingenuous for Ofcom to assert that interventionism creates a tendency towards favoured services when it is obvious to everyone that non-intervention and market led processes create a favourable environment for those who wish to make money!

A market led approach does not ensure the economic use of spectrum. Larger operators may block buy spectrum, keep it until they wish to use it or until it may be traded for greater profit. This may lead to large amounts of spectrum remaining unused and a new "futures market" for making money.

Awarding spectrum requires more thought be applied to the social benefits of local television rather than the standard market led approach. For example:

It is important to maintain plurality of PSB in the digital age. There will always be an ongoing need for television services in the UK which inform the distinctive political and cultural life of the locale and reflect local identities.

There will be a need to bridge the digital divide, incorporating social inclusion and media literacy approaches to local television with consumers becoming active citizens - participating in programme making.

There will be a need for good community relations and in Northern Ireland, the strengthening of the Peace Process through better local communication networks of which local television is primary.

We accept that this approach may need to be seen in relation to the local television service being a not for profit entity.

Question 6

Do you agree with our proposals to continue making available channel 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?

Yes

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?

Yes

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

It may be beneficial to encourage those poorly supported commercial mux channels without large audiences to migrate to satellite.

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

Already stated above.

If some spectrum is reserved for future developments it could be put to use to pilot local public service television, similar to the Access Radio initiative. This may support those local television stations already broadcasting whose experience would inform new services coming online and grow the sector.

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?

No. Interleaved spectrum is unsuitable. Other spectrum – cleared or PSB 16-64Qam released – should be allocated. Add/drop is the only universal non-interfering option.

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?

Wireless broadband may be a possibility in interleaved spectrum for rural areas where there are fewer demands for PMSE.

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?

No. Broadcast spectrum should be for broadcast.

Using 12 of the 15 channels for HDTV is not an efficient use of spectrum and due to the uncertainty of uptake of this service it seems inappropriate to reserve such a large part of the spectrum for this use.

Question 13

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

No. Local TV requires regulatory intervention and political support. It has suffered immeasurably from the denial of spectrum on a universal basis, which has both limited its growth and served to undermine sustainability. It is a testament to its continued popularity that despite receiving scraps of analogue spectrum, it survives and is a desired service in a number of local areas throughout the UK. We can think of no other broadcasting service, which has faced such adversity and still remains one of the most popular and important choices for citizens as evidenced by Ofcom research.

Local TV should be allocated spectrum now. It is capable of picking up the PSB responsibilities of regional ITV as it retreats from the regions. It should be given PSB status and spectrum – the add/drop solution.

Question 14

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

No.

Lack of evidence.

The resources required to allow all users to access spectrum are unrealistic and there is no indication of where these resources will come from.

A market led approach is unlikely to have the effect that Ofcom predicts and will not lead to economy of use and best use of spectrum.

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.

The secondary market will operate as a purely financial market, selling to the highest bidder.

Question 16

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

There should be no auction packages.

Question 17

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

There should be no auction packages.

Question 18

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

There should be no auction packages.

Question 19

Do you agree with Ofcom's proposals for the non-technical terms of the licenses to be awarded for use of the UHF spectrum?

With no "use it or lose it" clause, we are likely to see the block buying of spectrum by large commercial operators and large parts of the spectrum being unused for long periods of time, perhaps for all time, with subsequent loss of any ability to ensure future commitment to socially valuable purposes.

Question 20

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

Given the history of local television to date, we are amazed that Ofcom would offer a package of in/out of group, antenna restricted variables and unknowns for local television.