

Digital Dividend Review – Ofcom consultation

Response from TAG

1. TAG welcomes the opportunity to respond to the Ofcom consultation on the Digital Dividend Review (DDR). As a consortium of the full range of national and regional organisations in the UK working on behalf of deaf people, TAG promotes equality of access to electronic communications, including telecommunications and broadcasting, for deaf, deafened, hard-of-hearing, deafblind people and sign language users. In this response the word “deaf” will be used to cover the complete range of hearing loss unless otherwise specified.
2. This response will not attempt to answer all the questions posed in the consultation but will highlight the issues that we believe are relevant to the constituency that TAG represents.
3. TAG notes that Ofcom is recommending a market-led approach to the allocation of spectrum under the DDR. We would emphasise that historically such an approach has only proved effective for mainstream markets, and has tended to lead to exclusion of specific groups of consumers whose requirements are not easily met by mainstream products and services. We note that in 5.27 the document does recognise that “there may be circumstances under which a market-led approach may not maximise the value to society”, but we do not believe the subsequent discussion in section 6 has properly identified the dangers that the market-led approach might create for specific groups such as deaf and hard of hearing consumers whose needs may not be met. A further concern about a market led approach is that those who are unable to pay for them are likely to lose out on the new services that Ofcom envisages will become available.
4. There is only one section of the document - 4.90 to 4.93 – that specifically deals with viewers with particular accessibility requirements, such as closed signing, a sign language channel and clean audio. The conclusion reached in the document seems to be that these needs can be met in other ways and do not need to be included in the DDR. TAG disagrees with this view, since there is increasing pressure on the existing spectrum available for DTT and the likelihood of this being used for increased accessibility, which is again not a mainstream requirement, would appear to be remote. We do not believe the arguments should be dismissed in such a summary fashion. It is imperative that some of the freed spectrum is used to drive social benefit objectives of access and equality and to deliver services that were not feasible in the past, such as signed television services (which could be interpreted programmes, BSL presented programmes, or a mix of these).
5. TAG also notes that Ofcom is recommending that the newly available spectrum should be awarded by means of an auction or auctions. While we applaud the statement in 1.22 that it is not Ofcom’s “objective to manage the spectrum so as to raise revenue for the Exchequer” we fail to see how an

auction process can have any other tangible result. No matter what safeguards are put in place an auction will result in spectrum being allocated to those who can best afford to pay for it, which is bound to lead to attempts to outbid each other and for only those with huge financial resources to end up successful. TAG does not believe that this process in any way guarantees that the end result will maximise the value to society and particularly to deaf and hard of hearing people, or that it meets Ofcom's duties to promote the interests of citizens and consumers.

6. TAG understands Ofcom's belief that the pace of change is so fast that it is extremely difficult, if not impossible, to predict what uses of the spectrum may become possible in the next few years. We therefore understand Ofcom's reluctance to specify particular uses and to allocate for those. We would however note that the spectrum that will become available is highly suitable for broadcasting applications, and care is needed in assigning it to other uses as there is a danger that if new broadcasting uses appear there will be no suitable spectrum available. We note that question 9 asks if respondents believe that some spectrum should therefore be held back for future innovation. TAG believes that would be a sensible course of action, as the only other way of ensuring availability for innovation is to buy back spectrum that has already been allocated, which could pose difficulties and high costs. We are less sure for how long such spectrum should be held back, but would propose a minimum of five years.
7. TAG does not agree with the approach that Ofcom has taken to the development of high definition (HD) services. Whilst the market for HD has yet to mature there is already considerable uptake on cable and satellite channels. TAG believes that it will be important to deliver HD services over DTT, as well as other platforms. Deaf and hard of hearing people may also have low incomes, and therefore might not be able to afford more expensive options such as satellite and cable. If HD were only to be available on those platforms there would be a danger of creating a two tier society, those who can afford HD services and those who cannot. As HD services develop it seems socially irresponsible to take steps that would make it a luxury rather than something anybody can obtain. TAG believes that spectrum should be made available so that HD services can be delivered over DTT. But if spectrum is made available to deliver these HD services it is essential that it should include the delivery of access services such as subtitles and signing, and that there should be an obligation on broadcasters to deliver these access services.
8. Local television is of great importance for deaf and hard of hearing consumers and spectrum must be kept available to ensure that they have full access to these developing services. The technical proposals for the provision of these services will make the ability of consumers to receive them very much of a lottery and unlikely to make them fully accessible. It must be an absolute condition that any service or new technology to which the spectrum is allocated must be fully accessible to deaf and hard of hearing people. Spectrum is a public asset and must be used for the benefit of all UK citizens, not just those in the mainstream with ability to pay.

9. TAG was surprised to read in section 2.11 of the document that after switchover the coverage of DTT will be extended from the current 73% to 98.5% **only** for the three PSB multiplexes, whereas coverage on the other three commercial multiplexes will only be extended to about 90%. The fact that only half the digital channels will be available via DTT to 98.5% of the population seems to have been very much glossed over and TAG does not believe that the majority of people are aware that this will be the case. We have concerns that three of the existing multiplexes will not be available to 10% of the population on DTT after switchover, and believe that steps should be taken to increase the coverage of them. It is vital that sufficient spectrum is retained to ensure that Freeview coverage is maximised and improved for all the multiplexes.

10. In summary, TAG has deep concerns about the market-led approach that Ofcom is proposing for the allocation of spectrum that will become available. We do not believe this will maximise the value to society, especially for those whose requirements are not met by mainstream products and services. The evidence so far has shown that users with specific needs, such as deaf and hard of hearing people, have not benefited as much from convergence and advances in technology, and indeed have often lost out as new services and products are developed. We believe that better safeguards need to be in place for those groups, and that some spectrum should be held back for uses that would be socially valuable but cannot currently be foreseen. Ofcom has a duty to all citizens and consumers, and must therefore put inclusivity at the forefront of how it allocates the spectrum that will become available.

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