

Response to Ofcom's Consultation on the Spectrum Framework Review.

The British Entertainment Industry Radio Group is a trade association for those who use radio spectrum in the Programme Making & Special Events (PMSE) industry.

Our aim is to continue the high standard of professional entertainment created in the UK and enjoyed worldwide by promoting our industry's need for continuing access to the quantity and quality of radio spectrum required.

BEIRG is therefore responding to the consultation questions that relate to PMSE.

Q1: Are there any other medium- to long-term spectrum management issues.....

Yes. As more of the spectrum, currently used by analogue television and radio, becomes available for other uses after digital switchover, the long term future of content creation in PMSE has to be carefully planned and catered for.

Q2: Do you believe it is useful to publish a compendium of issues? How frequently should it be published? What information should be included?

Yes. This could perhaps be maintained as a 'live' document on Ofcom's web site, with an Update email sent to registered users when significant changes are made. It should include all national and international issues which may affect spectrum access or use in the UK.

Q3: Are there any other issues of sufficient significance to merit mention in this document?

Our answer is the same as for question 1.

Q4: Are there important lessons to be learnt from experience in other countries that are not addressed here?

We believe Ofcom needs to look carefully at the countries where trading and liberalisation are currently operated.

Some of these countries do not have the same density of population relative to their use of spectrum.

In Germany the regulator (RegTP) recognises the importance of PMSE - tv, radio, theatre, sports events, and includes schools, conference centres, museum tour guides, discothechs and private usage. Because of this, PMSE in Germany has been allocated spectrum as primary users, and can be issued specified frequencies as a secondary user.

Q5: Do you agree with Ofcom's intent to maximise the use of trading and liberalisation?

In principle this is the correct way to proceed, but Ofcom must note that there are sound reasons why some spectrum has historically been segregated. Liberalisation may not be possible in areas where it would bring incompatible services into conflict. BEIRG believes that most programme-making services fall within this category, due to their peripatetic operation, sensitivity to interference, and complex frequency-planning requirements.

Q6: Are there other areas, apart from those identified above, where trading and liberalisation should be restricted? Are there areas identified above where you believe the trading and liberalisation could be fully implemented?

Our answer is the same as for question 5.

Q7: Do you agree with Ofcom's approach to providing spectrum for licence-exempt use?

In general, yes. Ofcom must however ensure that when licence-exempt operation is considered for bands where there are existing users operating on a co-ordinated basis, such users are adequately protected.

Q8: Is Ofcom's proposed methodology to estimate the amount of spectrum provided for licence-exempt use likely to deliver the right results?

Probably, but Ofcom must consult appropriately on proposals to extend licence-exempt use to specific frequency bands.

Q9: What is the appropriate timing and frequency bands for making available any additional spectrum needed for licence-exempt use?

The timing of any release should be as a result of a consultation as stated in our answer to Q9. The bands should be that in which do not interfere with existing users.

Q10: Do you agree with Ofcom's longer term proposals for spectrum trading?

In principle yes, but with due observance of

"The Ofcom Spectrum Vision

3. Rights of spectrum users should be clearly defined and users should feel comfortable that they will not be changed without good cause."

Q12: Should Ofcom do more to resolve interference?

Yes, but BEIRG recognises that interference resolution is often a time- and resource-consuming activity, and therefore it may be uneconomic to substantially improve the existing facilities. For this reason however it is important that spectrum trading and liberalisation do not themselves lead to a general increase in interference.