

Ofcom: Draft Annual Plan 2012/13

British Entertainment Industry Radio Group (BEIRG) Consultation Response

February 2012

About BEIRG

BEIRG is a non-profit making organisation set up to represent users of radio spectrum in the Programme Making and Special Events (PMSE) sector. BEIRG's members are involved in the production of all areas of television content, at national, regional and local level.

The PMSE sector is a key component of the British entertainment and creative industries, which according to Government statistics contribute at least £36.3 billion annually to the UK economy.¹ The sector relies upon wireless equipment such as microphones, in-ear monitor systems, talk back and instrument systems. Over the last 50 years such technologies have largely been utilised in television and radio programming. However, increasingly high levels of audio quality and ease of use has also led to their deployment across a much wider array of event production. Theatres, film, broadcasting and live sports events all rely on PMSE equipment for production of their content.

What is essential for PMSE users is that they are able to access clean, interference free spectrum. PMSE equipment operates at the forefront of the production chain and thus any interference will affect live content at source. Interference can lead to shows, events or live broadcasts being cancelled. This has serious repercussions, and in the shorter term, can result in the cancellation of shows and events. In the longer term, failure to address the PMSE industry's need for clean, interference free spectrum could result in a widespread reduction of the industry's ability to produce the quality live entertainment content which the UK is renowned for worldwide.

Response

General comments

BEIRG believes that the priorities laid out in the 2012/13 Draft Annual Plan are too narrowly focused on economic imperatives and liberalisation of the market, with insufficient attention paid to the wider social and cultural benefits that stem from the UK's burgeoning entertainment and creative industries. Indeed, the contribution of these industries to the UK's economy has recently received much recognition in Parliament, with Minister for Culture, Communications and the Creative

¹ DCMS Report, December 2011: <http://www.culture.gov.uk/images/research/Creative-Industries-Economic-Estimates-Report-2011-update.pdf>

Industries Ed Vaizey MP highlighting the industries' potential to drive economic growth. BEIRG would like to see greater emphasis on the importance of our creative and entertainment industries reflected in Ofcom's Annual Plan, as while the value gained from the PMSE sector may be difficult to quantify, the social and cultural benefits that this sector brings are there for all to see.

Given the PMSE sector's reliance on access to spectrum, BEIRG will limit its response to this strategic priority within the Draft Annual Plan, i.e. that which aims to promote the efficient use of public assets.

Auctioning of the 800MHz, 2.6 GHz and 600MHz spectrum bands

BEIRG has already responded to Ofcom's consultations on the 800MHz, 2.6GHz and 600MHz bands², and is aware that decisions have already been made to auction these bands in the 2012/13 financial year. The consequences of the auctioning of these bands for the PMSE sector are huge, as a significant proportion of the interleaved spectrum on which they rely will be taken away from them.

From late 2012 PMSE users will have been cleared from the 800MHz band. This means that PMSE users have lost their previously dedicated channel, channel 69, which was an essential component of PMSE use of spectrum, being the only channel available UK-wide. PMSE users are now in the process of moving to a new dedicated channel - channel 38. However, the clearance of users from channel 69 has caused a great deal of disruption to the entertainment industry, with high financial cost.

Following PMSE's eviction from channel 69, many users have been advised by Ofcom, Equiniti and the PMSE band manager JFMG that channel 70 is available as an alternative to channel 69. Ofcom should now take steps to protect those users who are migrating to channel 70. In particular, the issue of interference in channel 70 must be considered carefully as Ofcom should not continue to advise users to move to channel 70 if there is likely to be such a level of interference from adjacent users that the band is unusable. If no protection is available, it is essential that Ofcom makes every effort to warn users that channel 70 will most likely become unusable once new services come online.

Ofcom must also make every effort to ensure that new use of the 800MHz band does not interfere with adjacent users. Given the disruption already faced by the PMSE sector, any further detrimental impact would be unacceptable.

The Draft Annual Plan includes Ofcom's stated intention to work on managing interference issues, including a fully operational testing facility for short range devices and work to mitigate interference from mobile broadband. These should be in place before the auction goes ahead, as interference cannot be easily rectified. BEIRG believes that if new service operators breach the technical conditions of their licence and cause interference to adjacent users, this must be considered a suitable condition for their licence to be revoked. PMSE users, who have already seen degradation in the quantity of spectrum available for their industry, should not also suffer a reduction in the quality of remaining spectrum as a result of new mobile services.

²Responses at: <http://stakeholders.ofcom.org.uk/consultations/combined-award/?showResponses=true> and http://stakeholders.ofcom.org.uk/consultations/600mhz_geographic/?showResponses=true

The Olympics

The 2012 Olympics is set to be the largest event ever held in the UK and will be broadcast to a global audience of billions of people. As Ofcom has acknowledged, the event is set to present a unique logistical challenge, with up to 20,000 wireless frequencies expected to be used for the Games. The PMSE industry will have a vital role to play throughout and will certainly be a key component of Olympic success.

However, the PMSE sector is concerned that future events of this scale and magnitude will no longer be possible if there is not sufficient spectrum available which will be needed to broadcast the event. As part of the post-Games analysis detailed within the Draft Annual Plan, Ofcom (together with JFMG) must publish information about the quantity of spectrum used at peak times during the Games and about whether future events could take place on a similar scale after planned spectrum auctions have taken place.

White Space Devices

PMSE users heavily rely upon access to the TV white spaces currently available on a regional basis. However, under Ofcom's plans, White Space Devices (WSD) in the form of hand-held mobile devices are set to be allowed to operate using the interleaved spectrum without requiring a licence to do so. Geolocation databases are due to be set up and a statutory instrument exempting mobile devices from Wireless Telegraphy Act licence arrangements is due to be published, instead of waiting for a harmonised European standards approach.

BEIRG are extremely concerned about the threat posed by WSD to PMSE's interference-free operating environment. WSD are, as yet, untried and untested in a real life environment. While Ofcom has acknowledged a need for testing, they have yet to set up any such trials themselves. Instead, Ofcom consistently refer to testing currently underway in Cambridge and Bute, which in our opinion BEIRG does not believe will, in their enforcement, provide sufficient evidence on which to base firm conclusions about WSD interference. As current proposals stand, where interference does occur, the suggested mechanism will only allow for correction after the event. In a live content production environment, retrospective responses to interference are not acceptable.

BEIRG is not opposed to innovation; however we are committed to ensuring that the entertainment and creative industries are not damaged by unnecessary haste in allowing new unlicensed devices access to spectrum without adequate safeguards in place to prevent interference. The anticipated level of interference which WSD could cause could make wireless microphones unusable in many, particularly densely populated, locations. Any form of interference during live events will lead to financial and reputational damage.

Future spectrum policy development

Ofcom outline within the Draft Annual Plan a priority to develop a future-looking spectrum policy work programme which takes into account market developments and future demand for spectrum. BEIRG is supportive of this holistic approach to policy development and looks forward to engaging with Ofcom on the future of UHF spectrum bands IV and V.

Given the current strength of the entertainment and creative industries and their potential to drive economic growth, consideration of the needs of these industries must be paramount in future spectrum strategy. PMSE use of spectrum has been increasing year on year in the UK, with world-renowned shows and live events pushing new boundaries in audio, visual and special effects. Increasing demand for greater spectrum for PMSE users should be reflected in future Ofcom policy.

BEIRG is very concerned that Ofcom's drive towards greater spectrum efficiency and enabling new spectrum awards must not simply push out pre-existing users of radio spectrum. The PMSE community are already efficient users of radio spectrum. However, taking into consideration all of the above, once the planned 2012/13 auctions have taken place, PMSE users will no longer have access to 790-862MHz, they will see a potential loss of the 550-606MHz band, 65 channels of 8MHz will be used across the country for local TV, and WSD will be operating in the geographic interleaved. So while increasing spectrum efficiency is favourable in many respects if this maximises spectrum potential, this cannot go on indefinitely. If the squeeze on spectrum availability continues, Ofcom must proactively work with industry to identify potential replacement spectrum for PMSE operations.

Finally, BEIRG would like to emphasise the importance of early and well informed decision-making on the future of spectrum allocation in order to provide clarity to those working in this sector so that forward planning can take place. Given the disruption that some PMSE users have experienced in migrating from channel 69, it is important that in the future this is minimised.

Conclusion

- Ofcom's emphasis on economic growth and liberalisation of the market obscures social and cultural benefits of the entertainment and creative industries. The value gained from the PMSE sector is there for all to see in the production of content that receives world-wide acclaim and continues to attract a global audience.
- PMSE users have seen access to spectrum restricted and diminished. This cannot continue without irrevocably damaging the entertainment and creative industries. As these industries continue to grow PMSE users require *increased* spectrum access.
- White space devices present a huge danger to the PMSE sector. Ofcom must ensure that sufficient testing of these takes place to prevent interference with PMSE equipment, which would cause substantial financial and reputational damage.
- BEIRG is very concerned that Ofcom's drive towards greater spectrum efficiency and enabling new spectrum awards will push out pre-existing users of radio spectrum. Ofcom must proactively work with industry to assess the needs of different users of spectrum. BEIRG looks forward to engaging in this process on the future of UHF spectrum bands IV and V.