

Ofcom Consultation

British Entertainment Industry Radio Group (BEIRG)

Award of the 600 MHz Spectrum Band Response

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British Entertainment Industry Radio Group Response to Ofcom Consultation “Award of the 600 MHz Spectrum Band”

The British Entertainment Industry Radio Group (BEIRG) is an independent, not-for-profit organisation that works for the benefit of all those who produce, distribute and ultimately consume content made using radio spectrum in the UK. Productions that depend on radio spectrum include TV, film, sport, theatre, music, newsgathering, political and corporate events, and many others. In the context of the Digital Dividend Review (DDR), BEIRG campaigns for the maintenance of Programme Making and Special Events (PMSE) access to sufficient quantity of interference-free spectrum.

With growing demand for PMSE services, and an expanding consumer base, PMSE professionals require access to both the 600MHz and 700MHz bands. Any future denial of access to the 700 MHz band should not be permitted unless alternative bands, with long term security of access, have been identified. Due to the relatively limited tuning ranges of PMSE equipment access to contiguous bands of spectrum is very important for flexibility as well as quality of PMSE. Regional variation in spectrum use causes changing requirements for PMSE which must adapt to local availability. Putting more pressure on PMSE through an ever-decreasing amount of spectrum will be highly damaging for the long-term benefits that could be gained from UHF Bands IV and V through good management.

BEIRG welcomes the decision to award interim access of the 600 MHz band to DTT and PMSE. BEIRG still has concerns about allowing WSDs into the band, given the potential for interference with PMSE services. However, BEIRG is aware this is an area which Ofcom is working on. Whilst the decision to allow PMSE services in the 600 MHz band is welcome, whether or not there are DTT multiplexes established there, we do have concerns about the delay in making this decision. PMSE operators were told that they would have to move out of the 600 MHz band. As a result of this, many users have reinvested in equipment in the 700 MHz band and other areas of the UHF spectrum. This fact should be carefully considered with regards to any future decisions on the 700 MHz band. Compensated PMSE users who duly invested in 700 MHz equipment should not be penalised for equipment investment decisions which, at the time, were made in good faith.

In section 4.29 Ofcom states that “continued access to the 600 MHz spectrum for PMSE will avoid the potential ‘double hop’ that might have been required in cases where PMSE was moved from the 600 MHz band to the 700 MHz band, only to be moved again should the 700 MHz be cleared in the future”. BEIRG does not agree that a ‘double hop’ has been avoided, as this announcement has only been made after PMSE operators had already made arrangements to move from the 600 MHz band. There are also PMSE professionals who had equipment which operated in the 800 MHz band, but bought replacement equipment in the

700 MHz band (as they were advised to do) who will likely be required to replace their equipment again in the near future to move to the 600 MHz band.

Being allowed only five or six years of use out of new equipment, before new purchases must be made as a result of spectrum clearance is not feasible for the PMSE sector; as previously stated, the industry typically gets between fifteen and twenty years of use out of professional equipment. Ofcom must work to ensure that the least possible disruption is caused to PMSE services and operators. If a clearance of the 700 MHz band were put into place, the sector would require a formal compensation scheme far above the recent channel 69 funding scheme.

The notice to clear by the end of 2012 has meant that many PMSE users have vacated channels that had been used by the sector for some time. However, base transmitter frequencies in Channels 31 and 32 are currently licensed for use by Clearcom and Telex wireless communications on an interleaved basis. The implication of the rolling six months' notice, and then the subsequent change to extended for access for PMSE detailed in the consultation document implied that this could continue. However, the document reads as though these bands can still be used on an interleaved basis, but with no certainty as to whether this equipment will be made redundant at this stage. This kit is not very returnable, and is not manufactured in other bands. It is vital that Ofcom notes that this handful of spot frequencies provide the communications system that gives operational safety to dozens of shows. BEIRG is therefore extremely concerned about the repercussions that this could have for workplace safety at many events which rely on PMSE.

At present there is **no alternative product** anywhere near reliable enough to replace this wireless communication equipment.

Finally, as a more general point, BEIRG is concerned that, while PMSE is included in the consultation, it is still considered a consequential user that only receives intermittent access to white space within spectrum primarily reserved for DTT. It should be noted that our answers to Ofcom below are somewhat reliant on the white space maps of any planned DTT use in the future.

Question 1: Do you agree with our proposal not to include Channel 36 in the spectrum to be awarded?

Yes. Channel 36 should be considered as part of a larger contiguous block of spectrum in the medium to long term.

Question 2: Do you agree that the 600 MHz band should be awarded as a single 'lot'?

BEIRG is generally in favour of 600 MHz remaining as a single lot, rather than being split between several users. PMSE requires continuous access across several channels to operate effectively. If this is removed, the PMSE sector will suffer from a lack of clear spectrum, content production will be greatly affected, and this may subsequently provoke excessive costs to the industry in repurchasing or retuning new equipment. Ideally, BEIRG would prefer the 600 MHz band to be awarded as a smaller, single lot, with a separate, contiguous block of spectrum, dedicated for PMSE use. This block should be allocated on the basis that PMSE is its primary user and should consist of at least 3 contiguous 8 MHz channels.

Question 3: Do you agree that the licence should have an end date of 2026, with a minimum term until 31 December 2018 and a clause enabling it to be revoked after that date subject to at least 12 months notice being given?

The PMSE industry typically gets between fifteen and twenty years of use out of professional equipment. In order to ensure the PMSE companies have the confidence to invest in equipment to operate in the 600 MHz band, and that those services are viable, we propose the minimum term should be extended to 2026.

Question 4: Do you agree with the proposed service obligations for the licence, including roll-out and coverage obligations to ensure 50% UK coverage (and a minimum 25% in each UK nation)?

No Comment

Question 5: Do you agree with our proposals to apply a cost-based fee instead of AIP?

Yes, but re-adjustment will be required post PMSE spectrum allocation.

Question 6: Do you have any other comments on the non-technical licence conditions that are being proposed?

It should be ensured that no interference will be generated by any new services that might adversely impact on PMSE equipment.

Question 7: Do you agree with the technical licence conditions we propose to include in the licence?

No. At present, the proposed modulation schemes have not been sufficiently tested for compatibility with PMSE.

It is imperative that no interference is generated that will negatively impact on PMSE operations.

Question 8: Do you agree with our proposal not to restrict any party from participating this award process?

Whilst we agree that it is beneficial to consumers to having multiple parties applying for the award, it is essential that the award should not go to a party which cannot fully demonstrate how it will ensure that there is no negative impact on the ability of PMSE to provide its services.

Question 9: Do you have any comments on the proposed award process in the case of a single compliant Notice of Intention to Apply?

No Comment

Question 10: Do you have any comments on the proposed award process in the case of more than one compliant Notice of Intention to Apply?

No Comment