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### **Response to second AIP OFCOM consultation.**

Sir

Having read your second consultation paper on AIP, as an AFIS provider I find the proposals are virtually unchanged from the totally unacceptable proposals contained in the initial consultation. I wish to register my objection to your plans in the strongest possible terms as a member of the General Aviation community and as an aerodrome operator.

You have decided to phase in the changes because I suspect you have had a strong negative response from the CAA and you will hope to demonstrate to the CAA that the industry is accepting the change which might be the effect in the first year of the changes. This is a cynical ploy which is unworthy of a government department tasked with ensuring sound management of a resource which is meant to be available for the benefit of all citizens.

To deal with your proposals in detail my first query is the destination of the fees which you wish to collect. There are no details on who would retain the fees or how they would be used. Are they forwarded to central government or are they retained by OFCOM to be used as you see fit? If the latter is the case it is a straight forward case of conflict of interest as you would be paying for your existence by extraction from your stakeholders. If the former is the case it is a straight stealth tax which has not been mentioned in any budgetary statement and is probably not even registered in the minds of Members of Parliament.

Para 1.4 You state that demand sometimes outstrips supply. That is correct, but your proposals are predicated on demand always outstripping supply and thus AIP is justified to ensure more efficient use of spectrum. To date when availability of frequencies was tight there has always been a solution forthcoming which solved the situation. It was called Spectrum Management and has never failed to produce a frequency when required, even if a previously allocated frequency had to be surrendered. AIP can never take the place of efficient management of frequencies, the imposition of road vehicle tax is not seen as a method of controlling the number of vehicles on the road.

Para 1.8 You mention potential users wishing to access the spectrum who cannot. Where is the evidence for this? What effect will AIP have on this group of potential users? If users have not been able to access spectrum and still continued to operate do you envisage the introduction of AIP will encourage him to apply for a frequency? You speculate spectrum users handing back unused frequencies to reduce cost. No member of the aviation community has frequency allocated which is not for a good reason, there is no point in retaining spectrum you don't use.

Para 1.17 Your table indicating the level of fees according to the type of service provided confirms the lack of understanding on your part of the aviation business. The highest scale of fees is allocated to Approach services where later in your document you explain that these charges can be recovered on a commercial passenger headcount basis. But elsewhere in the table you group TWR, AFIS and A/G together as though they were similar in service provided and methods of cost recovery. TWR is identical to APP in its customer base but AFIS and A/G are totally different from the type of service provision and the effect of AIP. There is no passenger count, there are no tickets sold and there are no commercial airlines to which a cost of £2600 could be passed. The frequency at an AFIS or A/G station is purely a safety feature which if charged at the proposed rates will probably be withdrawn completely with aircraft left to operate in a much reduced safety environment. Is this in the interests of citizens and consumers as you emphasize in para 1.18

Para 1.23 OFCOM does not give an impression of complete understanding of the regulation of the aviation industry. The CAA has for many years been a thorough and respected regulator for all aspects of UK aviation activity. In doing so the CAA decides the level of service which should be provided at any aerodrome licensed or unlicensed. The OFCOM AIP proposals now inject a new consideration based on its own justification of efficient use of spectrum. Methods of ensuring efficient use of spectrum are left to the market in this consultation, yet the results of this "market influence" will still be the subject of regulation by the CAA. So in the final analysis OFCOM'S justification of AIP can be cancelled out totally by another government organization which has been efficiently monitoring the spectrum for many years.

## Summary.

The OFCOM AIP proposal is focused on revenue collection from the traveling public and the general aviation community. Its justification is unsound, its understanding of the nature of the spectrum use is not evident and the main long term effect of the proposal will be a lowering of aviation safety standards

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