

Additional comments:

Response to Ofcom Consultation – DDR Clearing the 800MHz Band

The Spectrum for Programme Makers Forum wishes to respond to Ofcom's consultation on Clearing the 800MHz Band. The Forum has no constitution and so this response to the consultation is general in nature. Members of the Forum will most likely be responding individually and their responses may contain more detailed points. This document raises some points of concern that are common across the PMSE sector.

Channel 69

SPMF members are very concerned that the publication of this consultation has added to the uncertainty over spectrum for radio microphones (and in ear monitoring devices) that has existed since the announcement of DDR. The potential end of availability of Channel 69 for PMSE use announced in the consultation adds significantly to the uncertainty over spectrum availability making decisions on investment in equipment even more problematic. This has left some operators working with old unreliable equipment which they feel unable to replace and there is a consequential impact on equipment manufacturers and suppliers.

We broadly welcome Ofcom's comments contained in clauses 3.23 and 3.24 and can see the logic for suggesting Channel 38 as alternative spectrum to Channel 69. We remain concerned about Ofcom's proposal in three areas:

- that the clearing of the 800 MHz band as proposed does not address the strong representations from some groups within PMSE who believe that there will be insufficient spectrum available for radio microphones (&IEM) after digital switch over. We would add our voice to the request for updated white space maps so that these concerns can be addressed
- that the period between the publication of the current consultation and 2012 when it is envisaged that Channel 38 would become available nationally is too long and will have damaging consequences on business and output within PMSE.
- That the financial compensation arrangements outlined in the consultation are inadequate to mitigate the consequences of the changes proposed in the consultation. Given the very high estimates of the economic benefit of clearing the 800MHz band mentioned by Ofcom, we see no economic reason why the costs of those licencees displaced by this proposal should not be fully compensated for their resultant costs.

Conclusion

SPMF appreciates the constructive meetings we have had with Ofcom representatives in regard to this consultation and other spectrum issues. We look forward to continuing that dialogue and hope that this response will form part of that process by which we seek to protect and develop access to spectrum for programme makers.

Question 1: Do you agree that clearing DTT from channels 61 and 62 and PMSE from channel 69 to align the upper band of cleared

spectrum in the UK with the emerging digital dividend in other European countries is likely to further the interests of citizens and consumers to the greatest extent?:

Question 2: Do you agree that the proposed DTT migration criteria are proportionate and appropriate? If not, please explain why and clearly identify any other criteria you believe should be adopted and why.:

Question 3: Do you have views on the options identified and our assessment of them? Do you believe there are other, superior options, and, if so, why? Do you agree that the hybrid option is most consistent with the DTT migration criteria?:

Question 4: Do you have views on the implementation-timing options identified and our assessment of them? Do you agree that DSO-integrated implementation is most consistent with the DTT migration criteria? If not, why not?:

Question 5: Do you agree that a programme-control and -governance arrangement such as that outlined above is appropriate?:

Question 6: Do you agree that the four cost categories adequately capture the costs associated with clearing DTT from channels 61 and 62? Are there any costs that do not appear to have been accounted for in any of these categories?:

Question 7: Do you agree that our cost profile is a reasonable basis for planning the capital expenditure for clearing DTT from channels 61 and 62?:

Question 8: Do you agree that these are the most appropriate criteria to assess which spectrum is the best alternative to channel 69 for PMSE?:

We agree these are appropriate criteria

We note that there is considerable advantage to users of current equipment that is able to tune across Channel 69 and the unlicensed spectrum in Channel 70. We are concerned that, once Channel 69 is no longer available, equipment that can use only Channel 70 will become considerably more expensive given the loss of aggregation in the uses. This will impinge on voluntary groups, churches etc. who are least able to bear the additional costs. There is also a concern that unlicensed use might increase.

Question 9: Do you agree with our technical and coverage analysis of the possible alternatives to channel 69 for PMSE?:

We do not agree that interleaved spectrum alone could be considered as a realistic alternative to Channel 69

Clause 5.29 sets out the reasons we do not consider interleaved spectrum to be a possible alternative to channel 69 and it is not clear from the document how Ofcom have reached their conclusion that it is given the acknowledgement of the issues in the previous paragraphs.

There is a lack of evidence to support the assumptions made in 5.30 until the white space maps are published. Furthermore, there is uncertainty over the development of equipment with sufficient tuning range to make this option technically possible.

Question 10: Do you agree with our economic assessment of the realistic alternatives to channel 69 for PMSE?:

We are unable to agree or disagree at this time because some of the information required to make a judgement is not available. We believe Ofcom intends to publish some relevant information on calculating opportunity cost in the second band manager consultation document.

We can see the logic for Channel 38 having a lower opportunity cost than interleaved spectrum but this logic only applies for as long as radio astronomy use continues in the Netherlands. Therefore a move to Channel 38 may not offer the long term security of tenure and much needed certainty for radio microphone users in the UK.

We would ask Ofcom to clarify what length of time that PMSE users could reasonably expect to have access to Channel 38 free from interference and without a significant increase in cost.

Question 11: Do you agree that channel 38 is the best alternative to channel 69 for PMSE?:

We agree.

Question 12: Do you agree that we should award channel 38 to the band manager on the same terms as would have applied to channel 69?:

We agree that Channel 38 should be awarded to the Band Manager as soon as possible.

We would support an indefinite award with a revocation clause rather than a fixed renewable term as this would give a much needed degree of certainty.

Question 13: Do you agree with our proposal to maintain PMSE access to channel 36 on 12 months? notice to cease and to the rest of the cleared spectrum (channels 31-35, 37 and 61-69) until DSO is completed in the UK in late 2012?:

We agree with this proposal.

We can see no value to society in spectrum lying fallow. The continued availability of

cleared spectrum for use by PMSE would help to ensure there is adequate suitable spectrum for the London Olympics and equipment able to utilise it.

Question 14: Do you agree with our approach to determining eligibility for, and our assessment of the level of, funding to move PMSE from channel 69?:

We are not able to support this approach although there elements within it that we would agree with.

The criteria that concern us are the cut off date and the life cycle.

- we cannot see how the cut off date of 2nd February 2009 can be fair or reasonable. The level of uncertainty over the future access to spectrum for radio microphones was increased considerably on this date and therefore it is unreasonable in our view that equipment bought after this date would be excluded from compensation. The need for a cut off date is understood but this date needs to be set when the level of uncertainty falls rather than rises ie. the date should be set once Ofcom makes clear what spectrum will be available for this use and how much there will be available.
- Members tell us that the life cycle of some relevant equipment is in many cases 15 years not 10 years.

We are not able to offer meaningful comment on the level of funding required but would be willing to discuss this with Ofcom representatives if that were thought to be useful.

Question 15: Do you agree that three years is long enough for PMSE to move from channel 69?:

We agree that 3 years could be a realistic timetable.

This would require the identification of which channels will be available and how much spectrum they will contain very soon so that transitioning from channel 69 can begin. If there is a delay in making the replacement spectrum available, then the 3 years timetable will be reduced and become unworkable.

In addition, the arrangements for compensation would need to be known. If this is not clear then equipment owners will not be willing to invest in replacement or in retuning.

While we do not represent users in Channel 70 per se, we are concerned that the arrangements for their continued access to spectrum are also made clear in the same timescale.

Question 16: Do you agree that with our analysis of the key impacts of our policy options? Are there any other key impacts we should assess?: