

Title:

Dr

Forename:

James

Surname:

Tannock

Representing:

Self

Organisation (if applicable):

Email:

What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

Question 1: Do you consider that our proposed fee rates for licences in the aeronautical VHF frequencies are appropriate?:

No, the proposed fee rates are not appropriate. Three reasons are set out below:

Firstly, the fees are contrary to the public good. Fee rates set primarily by consideration of AIP are not appropriate for aviation uses. As has been amply pointed

out in response to the 2008 consultation, there is no real opportunity cost because of international allocation and regulation. Furthermore, such AIP-based fees will generate perverse incentives which will adversely influence aviation safety. Fees should be set only according to the cost of national and international spectrum administration.

Ofcom's egregious and elaborate attempts to persuade the reader that market forces should be applied in this area show only how out-of-touch and doctrinaire this organisation has become. Their response to similar points made in the previous consultation is blatant sophistry because other safety-related things cost money, so should spectrum! The adverse consequences to aeronautical safety are as clear as the benefits (apart from those to the Exchequer) are obscure. Then again, of course, if you don't want to pay and prefer to stop using a frequency, the CAA as regulator may force you to pay up anyway.

Secondly, the basis of charging is flawed, because it is based on a false premise that measurable congestion exists and will lead to demand. The asserted 'fact' that more than 720 aeronautical channels are 'sterilised' by assignment in any arbitrarily chosen 50km square of the country does not indicate that a market in frequencies does or can exist, indeed it strongly suggests the opposite. The basic data indeed seems flawed, as the Helios report contains an obvious basic mathematical error in calculating area sterilised for the Aerodrome Control stations. If they cannot get the basics right, I cannot have confidence in the Helios calculations.

More practically, there is no evidence that frequency congestion exists, indeed it is reported by an official at the CAA that there is no evidence of excess demand.

Thirdly, the proposed charges are deeply inequitable. As the Helios report (now, thankfully made available) clearly indicates, the proposed structure will have very serious economic consequences for parts of GA. While at a large airport, all the proposed charges can be passed through to vast numbers of passengers, as a negligible marginal charge, at many small GA aerodromes, these charges can amount to significant sums, more than a pound per movement. These sums will, in most cases, be paid by ordinary individuals from taxed income.

Question 2: In devising our revised proposals, have we identified all of the aeronautical uses of VHF communications frequencies which require a distinct approach to fee setting, as set out in tables 5 and 6?:

No, because you have still failed to properly address the potential use of AFIS, TWR, A/G and APP VHF frequencies for safety critical communications between aircraft and ground stations. Your responses to this point as made in the 2008 consultation shows that you still 'just don't get it!' Most aviation VHF voice frequencies are used for safety critical and emergency communications, as well as routine 'business' communications.

Question 3: Do you agree with our proposal not to charge any fees for Fire assignments?:

No. Indeed, if you propose to charge for other VHF voice frequencies you should charge for Fire as well. It stands to reason, as they are all equally vital in an emergency.

Question 4: Do you agree with our proposal to set a £75 fee for licences in any of the sporting frequencies?:

No. Whatever the byzantine arguments that might be advanced for AIP generally, these sporting frequencies are clearly not subject to any conception of an opportunity cost by the users of the ground stations. Such end-users have no prospect of trading (or indeed influencing the use of) these frequencies. This is simply an admin fee in disguise, and I note it is the same as the administration fee proposed for users of mobile offshore stations.

I would also question the claim that this would result in 50% of the fee expected from normal allocation of these 9 frequencies, and point out that such considerations should have no place in this document given the restrictions on Ofcom's remit.

Question 5: Do you agree with our proposal to set an annual fee of £19,800 per ACARS or VDL assignment, with no variation related to the number of transmitters?:

No comment

Question 6: Do you consider that our proposed approach to phasing in fees for use of the aeronautical VHF communications channels are appropriate? If there are particular reasons why you consider that any user or group of users would need longer phasing-in periods, please provide any supporting evidence for us to consider. Specifically, do you have any evidence for us to consider that would support either of Options 1 and 2 for the highest proposed fee in this sector?:

No comment

Question 7: Do you have any further quantified information to contribute to the analysis of financial impacts of the proposed fees on particular spectrum users, as set out in Annex 5? We would like to publish all responses, but will respect the confidentiality of any material which is clearly marked as such.:

No comment

Question 8: Do you consider that our assessment of the impacts of our proposals has taken full account of relevant factors? If you consider that there is additional evidence that would indicate particular impacts we should take into account, we would be grateful if you could provide this.:

No. See above