



**BBC response to Ofcom's Consultation  
"Broadcast Digital Radio Technical Codes  
and Guidance"**

## Overview

The BBC welcomes the opportunity to respond to Ofcom's consultation on Broadcast Digital Radio Technical Codes and Guidance, published on 11 April 2014.

We note that the proposals affecting the services within a multiplex would not apply to our national DAB network. However, since many BBC services are carried on Ofcom-licensed local multiplexes, these proposals would impact on those. Furthermore, ensuring effective and efficient planning and build-out of networks to extend DAB coverage to more listeners is important to the BBC for both national and local services.

In that context, we have some concerns on specific proposals within the draft code and guidance. These relate principally to:

- Ofcom proposing to intervene in areas where industry would be best placed to make decisions which would benefit listeners;
- Lack of clarity on details of proposals; and
- Points of inaccuracy which underpin a number of Ofcom's proposals.

As a general point, we endorse Ofcom's approach of not intervening in the market unless there is a good reason to do so as set out in paragraph 1.2:

*One of Ofcom's aims is to regulate only where necessary*

In that respect, we were concerned to see a number of proposals in this consultation which appear to be in conflict with this aim. We set out below in more detail where we consider these contradictions to be.

We look forward to engaging constructively with Ofcom as part of this ongoing consultation process.

## Responses to questions

*(Q1) Do you agree with our proposals for amending the Digital Radio Technical Code in relation to DAB+? Do you have any views on how we propose its use will be permitted?*

1. We support the proposal of including the DAB+ standard as an option for broadcasters. However, we are unclear why Ofcom has proposed to limit the total multiplex capacity that could be occupied by DAB+. We would argue that, where a sound business and public interest case is made by an applicant for the second national commercial radio multiplex licence, there should be no limit on the capacity allocated to DAB+ services. Certainly, no evidence has been given as to why 30% would be the right level at which to set any limit or why this would not apply to existing commercial multiplex licences.
2. Ofcom suggests that the 30% limit might be changed in future but does not set out what would initiate such a review, whether these reviews would set at regular intervals, or what factors would be used to guide any changes.
3. Programme providers are intuitively best placed to assess multiplex capacity to be occupied by DAB+ services. This would be on the basis of the interests of their audiences and commercial realities of ensuring sufficient reach for their programmes. We would therefore argue that there should be no stipulated limit such as set out in this proposal. We consider that restricting the availability of DAB+ services risks jeopardising the business model of licensees, and leaving the UK behind when seen in context of the very widespread acceptance of DAB+ as the de facto standard across many territories. This could lead to a long-term disbenefit for consumers.

*(Q2) Do you have any comments in relation to our proposals to amend the planning standards?*

4. As a member of the DAB Joint Planning for Radio Group, we agree with the proposed revisions to the planning standards as set out.
5. However, we should point out that these revised threshold level applies only to Unequal Error Protection level 3 (for DAB) and are similar to requirements for Equal Error Protection level 3A (for DAB+). Other UEP and EEP levels would equate to different threshold levels. As we set out below in our answer to question 3, we do not agree with the subsequent proposal that all DAB coverage assessment should be carried out on the basis of UEP-3 and EEP-3A being used.

*(Q3) Do you have any comments on our proposed approach to Unequal Error Protection and Equal Error Protections?*

6. We do not agree with Ofcom's proposed approach that UEP3, UEP3-A and EEP3 should be exclusively used to make coverage predictions. This is an example of Ofcom proposing to intervene in an area where it would be best left for industry to decide. We also note that the nomenclature is incorrect - there is no such thing as UEP3-A, nor EEP3; these most likely should read EEP-3A in both cases.

7. There are some circumstances where different error protection levels may be more suitable. For example, where new services are being rolled out, there may be good reasons for a lower error protection level to allow more programme capacity. We, therefore, would suggest that Ofcom removes this proposal.

*(Q4) Do you agree with our proposals in relation to management of Adjacent Channel Interference?*

8. As a general principle, we agree that a more pragmatic approach to dealing with ACI should be adopted. Where ACI mitigation requires the use of a 'hole filling relay', the BBC believes this should be done as efficiently as possible, minimising the risk of undermining listener enjoyment of digital radio services.
9. More specifically, we have two concerns with the flowchart which sets out the proposed site procedure as set out in Annex 7.
10. The first of these is that Ofcom asks whether there will be a "significant impact" twice within the process without defining what this means in practice. We would suggest that more clarity is given to what is meant here.
11. The second concern relates to the part of the flowchart which states "further consideration" where affected parties disagree. This is a key element to the procedure and more detail needs to be given as to what this consideration would look like and involve. For example, what would Ofcom's role be (if any) in helping to broker an agreement between parties?
12. Further to this, we would suggest more clarity be given on the factors to be considered by Ofcom when "taking into account the interests of consumers". This is another area where industry, noting the General Principles, should be left to decide unless affected parties are unable to reach agreement.
13. Annex 7 paragraphs 3.10.3 and 3.23.2 both state that multiplex operators should "ensure that sites can be used by other operators should they wish to do so". This is clearly out of the control of a multiplex operator. The most a multiplex operator could do is to give consideration to sites that benefit all interested parties and may be available for other operators to implement, if they decide to do so.
14. In light of Ofcom's objective to only intervene where necessary, we do not believe that the provision in the process flowcharts in Annex 7 to "Seek Ofcom Agreement" is strictly necessary. We would therefore be grateful if Ofcom could set out why it would need to sanction (or otherwise) agreements that are likely to be best left to industry.

*(Q5) Do you agree with our proposals for amending the Digital Radio Technical Code in relation to multiplex capacity allocation? Do you have any alternative suggestions?*

15. We are unsure that sufficient clarity is offered by the statement "audio quality should generally be of a standard consistent with reasonable expectations of the majority of

listeners”, however we do note that audio quality is dependent on a number of factors in the broadcast chain aside from the bitrate within the multiplex.

16. We also note that Section 2.2 of Annex 7 appears inconsistent with Ofcom’s proposal to remove bit-rate requirements, specifically, “We do not accept, however, that left to itself, the market will necessarily reflect the interests of consumers.”

*(Q6) Do you agree with our proposals in relation to the management of TA/TP features on DAB? We are particularly interested to hear any views on issues that could affect implementation of these proposals.*

17. The thrust of the proposals appear to be to provide a similar requirement for traffic announcements on DAB as currently exist for FM-RDS i.e. to try to ensure that listeners are not "captured" by misuse of the announcement feature of DAB.
18. However, DAB announcements are signalled in a completely different way to FM-RDS and therefore the use of the TA/TP nomenclature from RDS is insufficient to describe the proposal. DAB offers 16 different announcement types (11 currently defined) of which traffic is but one, and provides various filtering mechanisms to control whether an interruption to a given service is permitted from a signalled announcement.
19. We believe that in the case of FM-RDS, the requirements on broadcasters stem in part from the behaviour implemented in receivers. Therefore we would wish to see proper use of the filtering mechanisms, and in particular the behaviour in relation to Cluster IDs, to form part of the requirements for broadcasters in relation to announcements via DAB.

*(Q7) Do you have any additional comments on either the draft Digital Radio Technical Code or Technical Policy Guidance note?*

20. No

*(Q8) Do you have any other comments to make on any of the matters raised in this consultation?*

21. No.