



**BBC response to Ofcom's Consultation
"Public Sector Spectrum Release (PSSR)"**

Overview

The BBC welcomes the opportunity to respond to Ofcom's consultation on Public Sector Spectrum release, published on 19 February 2014.

Our interest in this consultation lies principally in Section 8, Programme making and special events (PMSE). The use of wireless cameras and auxiliary equipment is crucial to high quality UK news gathering services and the production of sporting and cultural events. Without secure access to significant quantities of suitable spectrum to facilitate deployment of wireless cameras, the BBC's newsgathering functions would become fatally undermined. Our ability to provide quality TV productions – such as Formula One or Glastonbury – would be seriously called into question.

With that in mind, we have engaged constructively with Ofcom and DCMS over the past decade to try to find a long-term solution for video-PMSE to ensure that sufficient spectrum between 2-4 GHz is retained for use by wireless cameras. This has been in the context of recognising spectrum needs to be exploited by other services to ensure that it is used in the most efficient way for all users. Much of our engagement has been through the auspices of the industry grouping, Spectrum for Programme Makers Forum, whose parallel submission to this consultation we fully endorse.

Our long-held view is that three criteria need to be addressed to ensure the long-term viability of the video-PMSE community, namely:

- There must be sufficient bandwidth available for the sector to enable it to carry out its news gathering and event production functions effectively. This must take into account the need for significant quantities of spectrum in the 2-4 GHz range to enable the deployment of truly mobile camera use where line of sight from transmitter to receiver cannot be guaranteed;
- Access to spectrum must come with sufficient security to enable important investment decisions to be made. This is particularly the case in an environment where frequencies are constantly being targeted for use for IMT services; and
- Terms of access should be reasonable, especially any future provisions that are made related to spectrum pricing.

This consultation represents welcome progress in addressing the first and second of these issues. We are grateful to both Ofcom and DCMS for the concerted efforts that they have made in understanding our concerns in this area, particularly to Ofcom's Spectrum Policy Group for working closely with industry to reach a satisfactory outcome for all parties. This has been particularly the case over the past year in response to some of the initial options that Government were considering as part of its spectrum release programme.

The proposal to apply a five year notice period to the 2025-2110 MHz band is particularly welcome. We similarly welcome the commitment to establish security of tenure provisions in the 2200-2290 MHz band, though would request that this duration should be no less than that granted for the lower 2 GHz band to ensure certainty for investment decisions.

We set out more detailed comments below in response to the specific questions raised in the consultation.

In the meantime, we look forward to discussing the other outstanding issues relating to future video-PMSE access to spectrum. To that end, we are keen to discuss at Ofcom's earliest convenience options for how best spectrum access for PMSE can be arranged at a structural and institutional level in the longer-term.

Responses to questions

(Q8.1) Do you agree that the available mitigations address the potential shortfall of spectrum for PMSE at major events and that no additional regulatory intervention is necessary to protect PMSE in frequencies adjacent to the award bands?

1. The mitigations as set out by Ofcom are certainly a step in the right direction to addressing shortfalls for PMSE at major events. However, we note that the issue of new channels being required simultaneously for both events and news functions has not yet been resolved. With that in mind, we would argue that more work needs to be done to ensure that sufficient spectrum would be available for those events where this is a consideration.
2. On the specific issue of mitigation being required for the spectrum adjacent to the award bands, we recognise the potential significant value of this spectrum for mobile services – much of which would be used to distribute the content provided by the PMSE sector. With that in mind and with the progress being made elsewhere in securing sufficient bandwidth for video-PMSE, we would not argue for further regulatory intervention to protect PMSE in those adjacent frequencies.

(Q8.2) Do you agree that PMSE should have some continuing access to spectrum in the 3.4 GHz band until new services are rolled out in an area?

3. We very much welcome this proposal and would request an ongoing dialogue with Ofcom so that we can understand how long this access would likely last for.

(Q8.3) Which option for the provision of information about the roll-out of new services is most the appropriate? Should the requirement to supply information apply only in designated locations?

4. In terms of who provides this information, Arqiva PMSE would intuitively be the most appropriate body as this is where the day to day licensing relationship with the BBC sits.
5. We understand that the second part of this question refers to information only being made available in areas where there is known areas of high demand (such as special events). Our view on this is that there would also be value in knowing where spectrum is available more widely for, for example, news gathering purposes. However, we accept that this would need to be proportionate with the cost and effort required to provide the information on this wider basis.

(Q8.4) Do you agree that any continuing access should be limited to five years from the award of new 2.3 and 3.4 GHz licences?

6. We are unclear what purpose this rather arbitrary cut-off point serves. Mindful that Ofcom's Statutory Duty in this area is to secure "the optimal use for wireless telegraphy of the electro-magnetic spectrum"; we fail to see how this would be served by

potentially having spectrum sitting fallow in 5 years' time that valuable services had a demand to use.

7. It is, of course, possible that Ofcom is trying to incentivise wireless camera licensees to adopt different technologies or use different bands by having a cliff-edge for access to the 3.4 GHz band. Whilst we recognise some logic in this approach, Ofcom needs to be aware that the BBC (and PMSE sector in general) fully understands the temporary arrangement for access to the 3.4 GHz band. This has been unequivocally established over the past decade and longer term investment decisions would therefore not be predicated on longer-term access to these frequencies.
8. In the meantime, there would be significant value in PMSE retaining access, for as long as possible, to bands where existing equipment can operate.
9. Therefore, we would suggest that Ofcom does not adopt this 5 year cut-off point, ensuring that spectrum is being used most efficiently wherever possible and with little risk of providing perverse incentives to stakeholders who fully understand the importance of longer-term thinking in their investments.

(Q8.5) Do you agree with our assessment that there is little incremental benefit in on-going PMSE access to the 2.3 GHz award band?

10. Our response to this question is similar to the previous one. The 2.3 GHz is much less lightly used than the 3.4 GHz band. However, there are occasions where PMSE does have demand for these frequencies and it would, therefore, represent inefficient use of spectrum to leave them otherwise fallow.
11. We repeat our observation of previously, that we would be accessing such frequencies fully aware of the temporary nature of that access and recognising the need to consider more sustainable long-term investments.