

Definitive Direction

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Additional comments:

I work as a consultant on the business side of telecom and broadcasting.

- The document makes no mention of the likely structure of MitCo in terms of background and experience of key personnel, anticipated staffing levels, etc. From reading the requirements it would seem advisable that it is almost split into two - a separate reporting section that is solely responsible for monitoring, gathering and disseminating key metrics to the Supervisory Board and an operational section that actually ensures all the obligations and KPIs are met. Otherwise there is a real danger that MitCo will spend more time reporting than actually carrying out the necessary work to ensure that consumers don't suffer.

- To try and minimize unwanted filters not being returned consumers should be able to drop off unneeded filters at the retail premises of any of the 800MHz licensees, who should be responsible for returning them to MitCo for redistribution.

- What provision is being made to protect MitCo from lawsuits from consumers who injure themselves or their property fitting the filters? Putting a foot through the ceiling where the installation is in the loft for example?

- In principle removing a handset away from the DTT receiver is easy to do. However we live in multi-media world of social networking. Consumers don't just sit and watch TV. The 2011 TV and Video Consumer Trend Report from Ericsson showed that almost 50% of viewers also talked on the phone whilst viewing and over 40% were using social media - at least some of this would be on a smart phone. Many couches are not 3 meters away from the receivers. MitCo needs to be prepared for complaints about this type of interference.

Question 7.1: Do you agree that it is best to seek to establish MitCo in advance of the auction for later transferral to 800 MHz licensees?:

7.1 Absolutely for two reasons: firstly the new licensees will have enough to do without the additional burden of setting up MitCo and coordinating their thoughts on how it should be set up and secondly it is in their interest that the mechanisms are in place to avoid any delay in initiating service and starting to recoup their investment.

Question 7.2: Do you agree with our initial views on MitCo's constitution and governance?:

2 I agree that MitCo should be responsible to the supervisory board. It will also be important to have someone neutral at the top with suitable background to understand the issues of the stakeholders but not to represent them to the detriment of the consumers.

Overall the internal workings of MitCo need to be transparent and subject to review if KPIs not being met, but it is equally important not to create an organisation that is so burdened

with reporting structures that it is not able to devote the majority of its time to meeting its key objective, namely that as few consumers as possible are impacted by the switch on of services in the 800MHz frequencies. MitCo needs to be a nimble organisation in order to respond in a timely manner to issues as they arise.

Question 7.3: Do you have any views on the proposed approach to the Supervisory Board.:

Yes, with the caveat expressed in 7.2

Question 7.4: We propose that the 50 gain share be split between 800 MHz licensees based on the volume of spectrum they hold in the 800 MHz band. Do you have any comments on this proposal?:

I think it is the most practical and equitable way to deal with gainshare.

Question 7.5: Are the information parameters defined above and in Annex 5 sufficient to allow MitCo to accurately and reliably forecast the scale and scope of households affected by DTT interference?:

No comment - I leave this one to the engineers.

Question 7.6: Do you agree the KPIs related to MitCo's activities are appropriate and robust?:

Yes with the following two caveats: KP1 - Three calendar months in advance is too much - the information will be forgotten and lost. 6 weeks is far enough in advance.

KP3 and KP6 appear to be in conflict. KP3 states that 99.9% of filters should be delivered within 5 working days. KP6 states that no more than 5% of households who request a filter complain that they have not received it within 5 working days. If KP3 is being applied, no more than 0.1% of households who have requested a filter should complain that they have not received it within 5 working days.

Question 7.7: Do you agree that the KPI for incentivising and measuring the proactive supply of DTT receiver filters to households affected by interference should be based on an assessment of the outcomes rather than the activities performed by MitCo?:

7.7 Absolutely - it is not in the consumers' interest to do it any other way.

Question 7.8: Do you agree with the approach we have outlined for incentivising KPI achievement and managing cases of non-compliance with KPIs?:

Generally yes - they all appear to be in the consumers' best interest. However it may be more expedient to consider exception reporting and oversight and less frequent audits which can be very time consuming and potentially reduce MitCo's effectiveness if it results in effort being

diverted to reporting which could be more effectively used providing the service to consumers.

Question 7.9: Do you agree with our proposed approach for managing MitCo's performance against other elements of service delivery that are not captured by KPIs?:

Yes.

Question 7.10: Do you think a hard or soft limit should be set in relation to platform changes? Do you have any other comments in relation to the platform change cap?:

There is a lot of uncertainty surrounding the likely impact on DTT consumers therefore putting hard caps in place for this - or anything else - is a sub-optimum situation. It is in no ones interest to choose a platform change over other mitigation methods. This will therefore be a situation of last resort for the consumer as much as for MitCo. Therefore it is unlikely that these will be offered as a solution in preference to other methods except as a last resort.

If a platform change results in a subscription service - who pays for that?

Question 7.11: Do you agree with the requirements we propose to place on licensees to address interference after MitCo closes?:

Yes.

Question 8.1: Do you have any views on the nature or detail of the requirements we propose may be necessary as set out in this Section?:

No comment.