

Question 1: The executive summary sets out our proposals for the DDR band manager award. Do you agree with these proposals?:

Not entirely, no.

Question 2: Do you agree with our proposal to award access rights to channel 38 that will last as long as we sustain the protection of radioastronomy in the UK?:

Yes

Question 3: Do you agree with our proposal to include the interleaved spectrum in channels 61 and 62 in the cleared award?:

Rather irrelevant if a harmonised European mobile service operates between 61 and 69 and Ofcom are pressured to comply.

In principle we disagree simply because it further erodes the usable spectrum left after various other proposals that chip away at PMSE spectrum.

Question 4: Do you have any views on our proposed approach to protecting reception of DTT services?:

Recent history has shown that proposals to approaches after switchover are pointless as what will actually happen with signals is circumspect. Any approach that actually increases the amount of PMSE spectrum available as well as decreasing the amount of equipment required to access it nationally is welcomed.

Question 5: Do you agree with our proposal not to award the bands between 11.7 GHz and 12 GHz to the band manager?:

We feel strongly that Ofcom should focus on adequate, fair access to usable spectrum.

Question 6: Do you agree with our general approach of awarding the remaining 49 Ofcom-managed bands allocated to PMSE but lying outside the digital dividend to the band manager?:

We feel strongly that Ofcom should focus on adequate, fair access to usable spectrum.

Question 7: Do you agree with our proposal to award key PMSE bands to the band manager?:

In principle, yes but subject to improved, clarified criteria for the appointment of the Band Manager. Those criteria must include an understanding of Ofcom's powers of enforcement and an ability to effectively police the use of PMSE spectrum and sanction pirate users.

Question 8: Do you agree with our proposal to award 2290-2300 MHz to the band manager on the same terms as other wireless-camera channels at 2 GHz?:

In principle, yes.

Question 9: Do you agree with our proposal to award low-demand PMSE bands to the band manager?:

If technology can move us into those bands, yes. It seems from your own report that this won't be the case.

Question 10: Do you agree with our proposal to award no-demand PMSE bands to the band manager?:

What would the opportunity cost be? It would be lucrative for the Treasury if Ofcom could charge the band manager for useless spectrum - if it were all about the money. Which it isn't.

Question 11: Are there any other types of DTT transmission that should be protected from potential cognitive devices or other factors that we should take into account?:

That's not for us to say. It's probably a question that Ofcom should have answered by this stage.

Question 12: Are there any potential future PMSE applications other than currently available wireless microphones, in-ear monitors and talkback systems that you consider should be protected from potential cognitive devices?:

There are already wireless links to small loudspeakers; there is potential for every wired link in the audio chain to be wireless. It isn't the devices that need protection, it is the spectrum they use.

Question 13: Is there sufficient evidence to require protection for other services such as mobile television, bearing in mind the potentially negative implications of such protection for deploying cognitive devices?:

A very difficult question to answer as cognitive devices don't actually exist, unlike the market that relies heavily on PMSE spectrum.

Question 14: Do you have any views on the appropriate notice period for temporary PMSE access to channels 63-68 and/or on whether we should extend temporary access to channels 31-40?:

Future Notice periods are becoming more irrelevant given the damage that is currently being done by the doubt that has been dumped on the market by constant the phenomenally low decision/consultation ratio being delivered by Ofcom. As 63-68 is the most heavily used part of the spectrum, temporary access, while being most welcome, would perhaps benefit few. Unless compensation was offered to those switching from 63-68 to 31-40 the back to 65 from 69 and then to the digital interleaved.

Question 15: Do you agree with our proposal that the licence to be awarded should have an indefinite duration?:

We agree that access to sufficient PMSE spectrum should be indefinite.

Question 16: Do you agree with our proposal that the licence to be awarded in respect of bands currently used for PMSE should be subject to no initial period?:

This may help to ensure the many unknowns are answered.

Question 17: Do you agree with our proposal that the licence to be awarded in respect of bands currently used for PMSE should be subject to a notice period for variation or revocation on spectrum-management grounds of one year?:

'Spectrum Management Grounds' should be clearly defined if they are to be used for licence revocation.

Question 18: Do you agree with our proposed approach to allowing the new institutional arrangements for PMSE spectrum access to bed down?:

We agree that the need exists, the approach will depend on how soon the as yet unanswered variables are sorted out.

Question 19: Do you agree with our proposal that the licence to be awarded in respect of bands with no current PMSE use should be subject to no initial period?:

YEs - Ofcom should focus on ensuring there is suitable and sufficient PMSE Spectrum available.

Question 20: Do you agree with our proposal that the licence to be awarded in respect of bands with no current PMSE use should be subject to a notice period for variation or revocation on spectrum-management grounds of five years?:

Again, 'Spectrum Management Grounds' is open to interpretation.

Question 21: Do you agree with our proposals for varying or revoking the band manager's licence during the notice period?:

Yes

Question 22: Are there bands where PMSE users require earlier certainty about longer-term access in the interests of promoting spectrum efficiency than our timetable for the band manager award allows?:

Yes, uncertainty will only serve to delay the development of efficient technologies and methods.

Question 23: Do you agree with our proposals for the three selection criteria by which we will assess applications for the licence to be awarded?:

NO, we strongly believe that a fourth element should be added: efficient marketing and enforcement. The consequences of unlicensed use and the effective policing is essential to enable a clear picture of the scaler of PMSE use to emerge. FRND access to spectrum can only be defined with clear, accurate user figures. A false picture of user demand could lead to band managers licensing spectrum to non PMSE users that is needed by those that have licensed their use. One possible system could be similar to congestion charging where payment in advance is far less costly than in arrears which in turn is far less costly than being caught with no intention of paying.

Question 24: Do you agree with our proposal to enshrine the commitments to PMSE users made by the successful applicant in the licence awarded to it?:

Yes, subject to those commitments being in the true interest of PMSE users.

Question 25: Do you agree with our proposed approach to assessing applications?:

As above

Question 26: Do you agree with our proposal to use the block-edge mask approach to determine the technical licence conditions relevant to this award and to base these masks broadly on existing arrangements for PMSE spectrum access?:

In principle

Question 27: Do you agree with our proposal to set a separate fee for each Ofcom-managed band to be awarded?:

That very much depends on the fees and their phased introduction. Your proposal sets out theory which still leaves PMSE users guessing. How much is available, where is it and how much will it cost are the essential questions that now need answering.

Question 28: Do you agree with our proposal initially to set fees for access to MOD-managed spectrum on a comparable basis?:

In principle, yes.

Question 29: Do you agree with our proposal to determine the band manager's licence fee first by deriving estimates of the opportunity costs of the spectrum to be awarded and second by setting band-by-band prices that strike an appropriate balance between our objectives for this award?:

Opportunity cost depends on prevailing market conditions so the timing of the calculation may be important.

Question 30: What are your views on the options for phasing in AIP to full opportunity cost?:

This will require a full and detailed explanation of how OC/AIP is calculated.

Question 31: Do you agree with our proposal to set the band manager's licence fee for three years and to review it after that period?:

Sufficient notice of the increased amount will be required; don't forget that the band manager will have to communicate with a disparate market and changes will have to have notice periods that reflect this.

Question 32: Do you agree with our proposal to review the band manager's licence fee periodically but no more frequently than every three years thereafter?:

As above.

Question 33: Do you agree that where the interleaved spectrum to be awarded to the band manager is used for the operation of a DTT multiplex, we should replicate the ownership restrictions in the Broadcasting Act regime relating to (a) local authorities, (b) political bodies, (c) religious bodies and (d) bodies exerting undue influence but not replicate restrictions relating to (e) broadcasting bodies and (f) advertising agencies?:

The 'it isn't broken so don't fix it' rule applies. Shame this is the only area it does.

Question 34: Do you agree that we should facilitate interoperability between existing DTT multiplex operators and new operators using the interleaved spectrum awarded to the band manager?:

Ofcom should simply undertake to provide access that is suitable and sufficient for PMSE use.

Question 35: What are the merits of our proposed approach to providing spectrum information, in particular concerning the type of information that might be helpful and any impact that publishing information might have both on licensees and the wider spectrum market?:

The approach needs to be to provide accurate information on what will be available, where and at what cost. TV stations know where they are going, some are already there. PMSE users don't, that is damaging businesses right now.

Question 36: Do you agree with our assessment of whether our approach to awarding this spectrum appropriately promotes competition and efficiency?:

The question is whether competition is appropriate and whether efficiency is possible.

Question 37: Do you agree with our proposal that ?reasonable? PMSE demand for the spectrum awarded to the band manager should be defined as the actual demand from PMSE users at FRND prices?:

Not without efficient marketing, enforcement and powers of sanction, no.

Question 38: Do you agree with our proposals for ensuring that the band manager meets reasonable PMSE demand on FRND terms?:

NO - for reasons previously mentioned.

Question 39: Do you agree with our proposal to incorporate a suitable licence condition to enable us to access the spectrum awarded to the band manager to meet the requirements of the London 2012 Olympic Games and Paralympic Games and the Glasgow 2014 Commonwealth Games?:

As long as the people of the UK understand that they will be the last events produced using wireless equipment and that countries with more forward thinking approaches to PMSE access will win bid for such events in the future.

Question 40: Do you agree with our proposed approach to spectrum access for other major events?:

They are another reason for effective enforcement. It also seems that our disagreement would hold less weight than agreement from mobile operators.

Question 41: Do you agree with our proposals concerning disputes between the band manager and PMSE users as a whole?:

Almost.

Question 42: Do you agree with our proposals concerning disputes between the band manager and individual PMSE users?:

Almost

Question 43: Do you agree with our estimate that the band manager will require six months from licence award until it begins operating?:

That very much depends on Ofcom and would be for the band managers to decide.

Comments:

The lack of solution or suggestion from Ofcom on where PMSE access is likely to be is causing real damage to business continuity. Where do these businesses go to seek redress; Ofcom, or is there a regulator for regulators?