

**Title:**

Mr

**Forename:**

Michael

**Surname:**

O'Donoghue

**Representing:**

Organisation

**Organisation (if applicable):**

General Aviation Safety Council

**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:**

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Applying spectrum pricing to the Maritime and Aeronautical sectors

To (Ofcom contact):

Name of respondent: Michael O'Donoghue  
Representing (self or organisation/s): General Aviation Safety Council (GASCo)  
Address (if not received by email):

#### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing Name/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

#### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name Michael O'Donoghue Signed (if hard copy)

A0.1 The General Aviation Safety Council (GASCo) is an educational charity dedicated to the improvement of flight safety in all forms of General Aviation in the United Kingdom.

A0.2 GASCo understands and supports the need to preserve bandwidth and to operate the Aeronautical Mobile Service (AMS) efficiently and has not taken issue with the introduction of technical optimisation measures in the past such as the 8 kHz frequency spacing.

A0.3 The consultation document and accompanying notes together with briefings that we have received make it clear that as far as AIP is concerned, safety is not a consideration for Ofcom as the requirement to regulate safety falls within the ambit of the CAA. The inference of the consultation is therefore that safety is not a matter for consideration at this stage. We disagree.

A0.4 Aeronautical frequency allocation is internationally regulated and the long and convoluted consultation document does not make it clear how the proposed incentivisation scheme would actually free up more spectrum in the process. It is therefore hard to see the scheme as anything but a stealth tax on aeronautical communications.

A0.5 Aeronautical communications are, in almost all cases provided solely and exclusively to ensure the safety of all forms of aviation and importantly population

beneath. GASCo acknowledges that there are a small number of frequencies in the AMS frequency bands that are used for commercial purposes, for example, company frequencies used by commercial air traffic to exchange operational and maintenance details of flights between aircraft and operators. With this exception all other frequencies are primarily concerned with the safety of flight.

A0.6 In General Aviation, the imposition of a tax on these safety frequencies will inevitably lead to some rationalisation of the spectrum to avoid unaffordable cost increases on an already hard pressed industry which is of great importance to the UK. While, on the one hand, this may be viewed as an example of the successful use of the AIP to drive efficient use of spectrum, it is likely to lead to congestion of frequencies (e.g. we will get by with a combined frequency for say tower and ground and we will dispense with a separate DATIS frequency). Such congestions will lead to more transmissions being 'stepped on', repetitions leading to late position reporting and pilots perhaps doing without useful and important airfield information.

A0.7 An example of unintended consequences could arise from training use of the International Distress Frequency on the VHF (AM) band, frequency 121.5 MHz. General Aviation pilots are exhorted by the CAA and other bodies concerned with safety to make practice PAN, PAN calls so that they know how to use the resources of the Distress & Diversion Cell at Swanwick in a real emergency. Such practice transmissions are the source of complaints from Commercial Air Traffic who find them distracting to the extent that the UK Flight Safety Committee is looking into the matter. Clearly, distress and emergency frequencies are specifically excluded from the AIP but, in this case, a possible solution might be to make an additional frequency available for practice or training calls which might, arguably, then fall out of the distress and emergency categories. This scenario may not be much affected by incentivisation pricing because an organisation such as the MOD or NATS may well consider the additional cost trivial whereas at small General Aviation airfields any additional cost may be unaffordable may lead to the cessation or abandonment of the use safety related but non critical frequencies.

A0.8 GASCo deplores any management, cost reduction or income generating initiative that would have the unintended consequence of reducing flight safety. We believe that the AIP falls within this category and should not be adopted. In this case, it is not enough to say that safety matters are the responsibility of another organisation when the vast proportion of the spectrum that it is proposed to incentivise is, by definition, wholly designated for the purpose of flight safety as the Aeronautical Mobile Service. Therefore, the AIP as conceived should be abandoned.

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

No

**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?:**

Yes

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

Yes

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

No

**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

**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 (See additional comments)

**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.:**

See additional comments

**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 additional comments