

The Ofcom consultation document refers “to clearing the 800 MHz band claiming it being strongly in the interest of citizens and consumers”, with focus given to the desire to “maximise the total value to society that using this spectrum is likely to generate” and question 16 says “Do you agree that with our analysis of the key impacts of our policy options? Are there any other key impacts we should assess”?

In response, this Ofcom consultation document has not taken any account of the serious impact to millions of viewers of television through the proposed measures and consequently social and economic costs to viewers as well as to current stakeholders, not only terrestrial broadcasters but also the Cable Operators that are already involved in delivery of TV and broadband internet services to the millions of UK consumers and have made significant investments in their networks and Customer Premise Equipment, built and maintained for some decades using the full band IV and V.

A number of studies already carried out and in progress identify potentially serious interference to millions of viewers of current TV services as well to broadband internet services. These findings demonstrate significant impact to society and to stakeholders of current communications systems.

Ofcom is requested to refer to the following references and considerations:

1. Report commissioned by Ofcom dated 31st March 2009 (*Impact of interference from ECN terminal stations operating in the band 790 – 862 MHz on digital TV receivers operating below 790 MHz – Fixed digital TV reception*).

- (i) This Ofcom report provides a clear statement in section 1.3 that a separation distance of between 22 and 40 meters radius is required to prevent interference to viewers.
- (ii) This separation distance does not appear to address the base station transmitters which will be at higher powers.

2. Studies on interference to Cable viewers is already being assessed by the European Countries, such as studies by Germany (www.anga.de) that find significant interference will be received by viewers at similar ranges to those in the OFCOM report (*Impact of interference from ECN terminal stations operating in the band 790 – 862 MHz on digital TV receivers operating below 790 MHz*) and unlike the off air receivers will not be able to filter out the “interference” as the full band up to 862MHz is in use.

3. The European Cable Industry is carrying out its own evaluations and assessments that already indicate potentially significant impact to currently millions of viewers of TV services and users of broadband internet services provided through Cable Communication Networks from the proposed reuse of the 790-862MHz spectrum. Therefore Ofcom are requested to give immediate attention to and find answers to these issues before making any decision that has serious financial, social and economic impact through the proposed measures as given in the consultation document.

4. Earlier documents from Ofcom such as the Digital Dividend Review, cable is clearly recognised as a delivery platform and a clear aim of that review was given as, “Our main duty is to protect the interests of citizens and consumers” however this main duty has not yet been achieved.

In response to the specific questions:

Question 2: No, see information as given above

Question 4: The timing should take into account the time required to solve the “viewers” problems identified as given above

Question 6: No, see information as given above

Question 7: No, see information as given above

Question 16: No, do not agree you have not identified the key impacts of your policy having totally ignored off-air and cable viewers that are the majority users of this band. Once the viewers have been taken into consideration your economic models will require revision.

In Summary

Ofcom has neglected to consider the impact to some 20+ million viewers in UK that receive their TV services and broadband internet services through Cable Network Operators.

The measures proposed by the Ofcom consultation document has some way to go to fully assess the financial, social and economic, impact to UK viewers and industry stakeholders in the reuse of the 790-862 MHz frequency spectrum.

As a pre-requisite to any decision by Ofcom to their proposal to reuse the 790-862 MHz frequency spectrum, they should first urgently address these significant problems with key studies and impact assessments.

Such an evaluation most likely will change the picture to the economic benefits as currently suggested by the consultation for the reuse of 790-862 MHz.

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