

Switchdigital (S&S) Limited

Q1 Do you think that the proposed change to this licensed area would unacceptably narrow the range of DAB programme services which will be available in the relevant local multiplex area (Mid & West Wales)? Please explain the reasons for your view.

We do not have any views on this question, other than that rejecting this request would not have any unacceptable consequences on any of the DAB programme services on the Mid & West Wales multiplex.

Q2 Do you consider that the proposed change set out in the application would help to promote the development of local digital sound broadcasting otherwise than by satellite? Please explain the reasons for your view.

Switchdigital consider the proposed change could operate to harm the development of DAB sound broadcasting for the following reasons: 1. The proposed extension of the Mid & West Wales licensed area would operate to require Switchdigital's Swansea multiplex to 'fill' the Mid & West Wales mux, in the event the Swansea mux took the decision to enhance its coverage in the extension area. This would create an unacceptable financial burden on the Swansea multiplex. 2. In the MuxCo letter to Ofcom, dated 28 November 2016, a key reason for the proposed extension is that "it will make the multiplex more attractive to potential service providers" at the expense of the Swansea multiplex, which is specifically designed to cover this key conurbation. Ofcom should therefore reject this application, given one of its key explicit aims is to weaken the relative attractiveness and hence financial viability of the adjacent Swansea multiplex.

Q3 Do you consider that the licensees' proposed coverage plan is satisfactory? Please explain the reasons for your view.

We consider the proposed coverage plan to be unsatisfactory, given there is no proposed coverage plan; other than to maintain the use of the out of area site, Kilvey Hill.

Q4 Do you consider that the licensee has the ability to maintain its local multiplex service if their request is granted? Please explain the reasons for your view.

We do not have any particular insight into MuxCo's ability to maintain its local mux service; however, the fact that there has been: (a) considerable delay in the participation of the Mid & West Wales mux in the Step 1 build out plan (executed by the rest of the commercial multiplex operators); and (b) some resistance by the Mid & West Wales mux in accepting the proposed Step 1 site enhancements in its core coverage/licensed area, indicates to us that there may be underlying financial viability issues, especially when considered alongside the desire to stake a claim to the core coverage area of the adjacent (Swansea) multiplex rather than focus on the distinctive coverage the Mid & West Wales mux can offer. We suggest that both these inactions/actions raise a question mark over the core viability of this multiplex.

Q5 Do you consider that there are sufficient safeguards in place to protect the rights and interests of stations carried on the Mid & West Wales multiplex and the rights and interests of other multiplex operators and the stations they carry, in the event that any change to the licensed area is permitted. Please explain the reasons for your view.

For the reasons set out above, Switchdigital believes that the rights and interests of the Swansea multiplex will be damaged by this proposed extension to the Mid & West Wales licensed area.

Q6 Do you consider that there are any other grounds on which Ofcom should approve, or not approve, this variation request. Please explain the reasons for your view.

As set out above, Switchdigital believe Ofcom should reject this application. In addition, we note that this request is not made as part of the other changes requested by multiplex operators back in 2015, where (as part of facilitating the Framework Agreement) the other mux operators sought various changes to mux licensed areas to conform licensed areas to county and editorial boundaries. This request is rather an opportunistic move to legitimise out of area coverage and weaken the adjacent multiplex by claiming the core area that adjacent (Swansea) mux was licensed to cover.