
Guido Gybels, RNID Director of New Technologies

Summary Statement

• Ofcom’s proposals for the award of geographic interleaved spectrum ignore the needs of vulnerable consumers and will not ensure full inclusion and accessibility. RNID urges Ofcom to address these concerns and to create a greater balance between business need and consumer interest.

• Consideration should be given to using a proportion of the geographic interleaved spectrum for increased provision of access services e.g. subtitling, on local and regional television and where possible for increasing the reach of digital terrestrial television after switchover.

• In setting out its proposals, Ofcom is not taking into account a wealth of evidence on how a purely market-led approach fails vulnerable citizen-consumers.

Introduction

1. RNID welcomes the opportunity to submit comments to Ofcom regarding this further consultation on the Digital Dividend Review. We are the largest charity representing the 9 million deaf and hard of hearing people in the UK. These comments deal only with the specific issues of particular relevance to deaf, hard of hearing, deafblind and speech-impaired people. The phrase “deaf and hard of hearing people” in this response is used to cover all people affected by hearing loss or permanent tinnitus.

2. Our vision is a world where deafness or hearing does not limit or determine opportunity, and where people value their hearing.

3. This response restates RNID’s key concerns around the overall approach to the various aspects of the Digital Dividend spectrum award process as we laid out in our response to the related consultation “Digital Dividend Review: 550-630MHz and 790-854MHz, Consultation on detailed award design”. Central to these concerns is our belief that that there has been a lack of in-depth public debate on the matter of spectrum. We consider this particularly damaging since the outcomes of this process has the potential to determine the landscape of the UHF spectrum for many decades to come. Spectrum is a public and scarce resource, yet the public has not been effectively consulted as part of the decision making process.

4. RNID is also worried about the lack of strong consumer focus throughout all aspects of the Digital Dividend Review, which has led to an overall Ofcom strategy that still appears to favour industry interests. This is in contrast to Ofcom’s primary duty under the Communications Act 2003, which is to further the interests of citizens and consumers. Ofcom’s approach to the Digital Dividend is unlikely to maximise benefit to consumers overall, and will contribute even less to wider UK policy objectives of a more inclusive society from the perspective of disabled people in general and deaf and hard of hearing people in particular.

Q1: The executive summary sets out our proposals for the digital dividend geographic interleaved award. Do you agree with these proposals?

5. No. As RNID has argued elsewhere, and in line with what is said by other key disability or general consumer stakeholders, the release of significant portions of UHF spectrum is a once in
a lifetime opportunity and will potentially have repercussions for decades to come. It is therefore essential to seek lasting benefits for all consumers, including disabled people. The Ofcom proposals do not achieve this.

6. RNID does not believe that the proposed model of an exclusive auction would realise the full potential for inclusion that this interleaved spectrum holds. The geographic interleaved spectrum has particular potential as a means to enhance the cover of the commercial channels on digital terrestrial broadcasting after switchover. According to Ofcom’s figures, after switchover the three commercial digital terrestrial multiplexes will only cover about 90% of the population in the UK, in contrast to current analogue broadcasting where these channels cover 98.5%. RNID therefore strongly advocates using at least part of the geographic interleaved spectrum where this would add to better cover after switchover. We do not expect that by itself this spectrum will be enough for the purpose of achieving 98.5%, which is why we have also argued for similar use of part of the freed spectrum in the 550-630MHz and 790-854MHz bands.

7. Secondly, this spectrum offers great potential for improved access services provision for regional and local broadcasting. However, Ofcom’s proposals do not properly consider this as an option.

8. RNID does not believe that Ofcom’s proposals properly take into account, or protect, the interests of disabled people.

Q2: Do you have any comments on our assessment of the most likely uses of the geographic interleaved lots? Are there potential uses which should be considered that we have not mentioned?

9. As stated above, RNID believes that the geographic interleaved spectrum has good potential both for increasing the reach of digital terrestrial television after switchover and for delivering more accessible local and regional television programmes by increasing the amount of access services such as subtitling and audio description, or for the provision of regional and local sign language television content.

10. However, we do not believe that Ofcom has given due consideration to the potential use of this spectrum for such purposes of increasing accessibility and reach of television, which is so important to all citizens.

11. As the proposed auction model relies purely on free market mechanisms, there is no real prospect of this spectrum being used for the purposes we describe above. This is why Ofcom should not simply auction off this spectrum, but should set aside a reasonable and just proportion of it in order to bring benefits to those groups who would otherwise remain at the wrong side of the digital divide.

12. RNID believes that high definition television (HDTV) will become a prime service in the years to come. The level of access service provision on HDTV is already low and without additional spectrum, there is little prospect of improving that situation. Again, it would therefore make sense for Ofcom to investigate what role the geographic interleaved spectrum can play in ensuring a reasonable amount of access services provision on future HD channels. This ought to be done in conjunction with similar action on the freed up spectrum in the 550-630MHz and 790-854MHz bands that is the subject of another consultation and award process.

Q4: Are there any potential future PMSE applications, others than currently available wireless microphones, in-ear monitors and talkback systems, that you consider should be protected from potential cognitive devices?

13. There might be useful applications of cognitive technology for the delivery of localised text equivalents of spoken announcements for deaf and hard of hearing people, or indeed for voice equivalent output of important visual information for blind and partially sighted people. Where
such technology would be deployed, technical and regulatory instruments should be available to protect it against other uses by less critical applications.

14. While not subject to this particular consultation, RNID would like to remind Ofcom of the fact that wireless microphone systems using Channel 69 are often used as input drivers for an induction loop system, used by hard of hearing users who wear hearing aids to listen into meetings, conferences, lectures, theatres etc. As such, precautions have to be taken to ensure that other applications of spectrum in adjacent bands or licensing decisions do not interfere with this use of Channel 69.

Q23: Do you have particular concerns about possibilities for award outcomes to fail to fully promote competition in downstream markets or to result in inefficient use of spectrum? If so, please explain what these are and provide supporting evidence.

15. As we have argued elsewhere in this response, RNID is seriously concerned about Ofcom’s one-sided concern for the impact of award outcomes in terms of competition while seemingly ignoring the strong need for the protection of vulnerable consumers, of which disabled people are a particularly affected group.

16. Ofcom offers no evidence to demonstrate how its proposed auction model will lead to more inclusive, better, more accessible, more user-friendly products and services or will contribute to the UK’s overall policy objectives of increased inclusion. Indeed, it could be argued that in ignoring this wider policy framework as set out by Parliament and the UK government, Ofcom is not fulfilling its remit.

17. RNID also continues to believe that in not considering the wider strategic policy objectives around inclusion, Ofcom might put the UK at risk of being in breach of its obligations under the 2002 European framework for electronic communications, which explicitly require the regulator to ensure that spectrum allocation is objective and non-discriminatory.

**RNID - The Royal National Institute for Deaf People**

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RNID is the largest charity working to change the world for the UK’s 9 million deaf and hard of hearing people.

Our vision is a world where deafness or hearing does not limit or determine opportunity, and where people value their hearing. We aim to achieve this vision by:

- being a powerful force for change in government and public and private sector organisations.
- changing radically the attitudes and behaviour of individuals towards deaf and hard of hearing people.
- providing services and support directly to deaf and hard of hearing people and their families to improve their everyday lives.
- being a catalyst for social, medical and technical research to improve the lives of people with a hearing loss and those with tinnitus.

We seek to work in partnership with those who share our vision and mission.