

**Title:**

Mr

**Forename:**

alec

**Surname:**

Trevett

**Representing:**

Self

**Organisation (if applicable):**

**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:**

Fundamental consultation response to this proposal:

1. This proposal is fundamentally inappropriate. Aeronautical communications are used to provide safety-related services and are used at UK aerodromes to provide a safe and efficient service which minimizes the risk of accidental deaths from mid-air collisions between aircraft and other types of aeronautical accidents such as collisions between aircraft and vehicles on the runway. If one single UK aerodrome opts to

divest itself of aeronautical spectrum as a result of this OFCOM initiative, very real and tangible safety consequences could result. This consequence is foreseeable and those responsible have accountability for the injury and loss of life which could result.

2. The spectrum in question is provided as part of the United Kingdom's international obligations under the Chicago convention. Aircraft transiting the UK and/or landing and taking off from UK aerodromes expect to receive Air Traffic Services - this is a safety-related obligation. The proposed pricing would act as a disincentive to the provision of such services and is singularly inappropriate.

3. European Regulations, developed by the European Aviation Safety Agency (EASA), notably Regulation EC 1108/2009 in the field of aerodromes, air traffic management and air navigation services, require that "communication services shall achieve and maintain sufficient performance with regard to their availability, integrity, continuity and timeliness. They shall be expeditious and protected from corruption". This is European Law. The OFCOM proposal runs counter to this and, if realized, could render the United Kingdom Government vulnerable to punitive legal action.

More detailed comments.

4. "However, we are proposing to phase in some of the changes over up to five years to minimise avoidable disruption to the aeronautical sector and to enable regulatory authorities to monitor and respond to any unforeseen consequences."

Progressively increasing the annual fees will not "minimise disruption" - this is simply a euphemism for "sugaring the pill". Regulatory authorities will, as is their duty, monitor and respond to consequences (unforeseen or not) irrespective of whatever charging level is set.

5. "We are proposing to apply AIP only to particular VHF spectrum used by ground stations (typically aerodromes and air traffic controllers). ..We are making no proposals to apply AIP to aircraft radio licences?"

Given that any transmission made by ATC or a pilot using this spectrum elicits a response from the other party, the above statements are disingenuous. This spectrum is used in equal proportion by the airspace users - pilots. Charges would, no doubt, be passed on to airspace users through increased landing/handling fees etc and so parties other than Air Traffic service providers would be disadvantaged.

6. "AIP is intended to apply market disciplines to the holding and use of spectrum rights, by prompting users to consider their spectrum needs in light of the AIP fees payable?"

This principle is inappropriate to a safety-related service. It would be like imposing a tax on small businesses based upon the number of fire extinguishers held (and required by law)!

7. "licences to use spectrum in areas of high demand (for example in South East England where there are many aerodromes and denser air traffic patterns) attract the same fee as licences to use similar spectrum in remote areas with little or no demand from other potential users. We do not think this approach promotes optimal use of

spectrum and our revised proposals are intended to reflect these factors in the AIP fees payable.?

Many small aerodromes use only a single VHF frequency. It does not matter whether the aerodrome is located in the far North of Scotland or the South East of England ? their need for a frequency which can be used to provide an ATS to aircraft is the same. The frequency is denied to other users whether it is used for communication with a single aircraft or with thirty!

8. ?If, in response to AIP, an existing user gives up some spectrum because that user values the spectrum at less than the AIP, and this is taken up by a new user who (necessarily) values it at more than the AIP, then it is reasonable to conclude that the value derived by society from using the spectrum has increased as a result of AIP.?

The model used here may work in a commercial, mobile telephone provider context, but is inappropriate to spectrum which is used to provide a safety-related ATS.

9. ?For example, we are proposing that, as and when 8.33kHz channels are deployed in place of 25kHz channels, fees will be reduced pro rata.?

This does not properly reflect the additional costs which need to be borne by the aircraft operating community which is forced to procure and install new radios (with associated airworthiness certification costs).

10. ?Geographic differentiation reflecting varied levels of demand ? We are also proposing that some fees should vary according to the location of the transmitter. Fees for localised applications (i.e. excluding those which impact most of the UK) would be discounted by 20% in parts of the North and West of the UK, and by 50% in some parts of Northern Scotland. We believe this approach is more appropriate than the alternative of a uniform set of fees to apply across all of the UK.?

Flawed logic here ? see earlier comment.

11. ?Phasing in of larger fees increases. Reflecting the concern expressed by stakeholders, that large increases in fees could have unintended impacts on the aeronautical sector in the shorter term, we are proposing to phase in significant fee increase over up to five years. We believe this should give the sector and its regulator sufficient time to respond to changes efficiently and safely.?

Non-Sequitur - if a large fee is inappropriate now it will still be inappropriate in 5 years time!

12. £2600 for ATC, AFIS A/G. £9900 for ATIS

The above fees are ridiculously large and could not be sustained at most UK aerodromes. A FORESEEABLE consequence of this level of charging is that it would put many aerodromes out of business and/or would be passed on to aircraft operators, flying schools AOC-holders etc who would be forced out of business. This has the

potential to kill what is left of the UK aviation industry!

An ATIS reduces congestion and the need for repetitive transmissions on other ATC frequencies ? it therefore enhances efficiency, and improves safety. Charging at this level will act as a disincentive to the provision of ATIS and will lead to potentially more hazardous frequency congestion as ATIS information would need to be passed individually by ATC to each speaking unit.

13. ?we have worked closely with Government, and the CAA as the regulator with specialist sector expertise, ?? to enable them to consider our proposals?.and let us know their views.?

But what are the views of the safety regulator (CAA)? The text does not shed light on this.

14. ??fees applied directly to end users are likely to be more effective in driving spectrum efficiency changes?.

This is flawed logic in the context of spectrum which is used for a safety-related service. As a consumer, I have a choice in whether to use, for example, a mobile phone. As a pilot, I am encouraged (and in some cases required) to establish VHF communications with a ATS provider in order to minimize the risk of an accident.

15. ?there is excess demand for spectrum used for aeronautical VHF communications.?

Leaving aside the simple principle that no-one ever feels they have enough spectrum ? where is the justification for the above statement?

16. ??and, where these practices are unregulated, this may cause the CAA to conclude that it should review the adequacy of existing sector regulation in the light of the changed circumstances.?

It would appear that an argument is being made here for greater regulation. This, surely, runs counter to ?Better Government? principles?

17. ?We recognise the critical importance of safety in the aeronautical sector?

This proposal clearly shows that you do not.

**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?:**

Your identification is inappropriate

**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 - unsustainable charges will be just as much of a problem in 5 years time as they would if imposed now.

**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.:**

No

**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 in first comment box.