



Local DAB Multiplex Change Request: Mid & West Wales

Consultation on extending the Mid & West Wales
licensed area

Consultation

Publication date: 30 January 2017

Closing Date for Responses: 28 February 2017

About this document

This document seeks views on a request to change the area to be served by the Mid & West Wales local radio multiplex service.

A radio multiplex service is the means by which DAB digital radio stations are broadcast. Ofcom is required to consult before deciding whether to agree to such a request. This document is the consultation, and includes questions to help respondents frame their responses.

The proposed area change is entirely administrative, in that it would not affect the services that currently can be received in the Mid & West Wales area nor the coverage of those services.

The closing-date for responses to this consultation is 28 February 2017.

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Section 1

Executive summary

- 1.1 Legislation permits a local radio multiplex operator to apply to Ofcom to extend the area served under its licence.
- 1.2 Ofcom has received an application from MuxCo Wales Limited regarding its Mid & West Wales multiplex. The application requests an extension of the licensed area to the south and east of the present area, to include the city of Swansea.
- 1.3 Section 54A of the Broadcasting Act 1996 gives Ofcom the power to agree to such a change provided certain requirements are met.
- 1.4 Before deciding whether to agree to this request, Ofcom is legally required to seek representations from any interested parties. This consultation represents that opportunity. The closing-date for representations to be made is Thursday 28 February 2017; any submissions received after this date may not be considered.
- 1.5 The relevant statute states that Ofcom can agree to the request only if we are satisfied that the change would not unacceptably narrow the range of local DAB programme services available to listeners in the Mid & West Wales area. MuxCo Wales is not proposing to change the line-up of such services available.
- 1.6 Provided that the request meets the terms of the statute, the decision whether or not to agree to the request is at Ofcom's discretion. Our general policy is to grant requests from local radio multiplex licensees to change their licensed areas provided we are satisfied that:
 - i. doing so would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite;
 - ii. the licensee's proposed coverage plans are satisfactory;
 - iii. the licensee has the ability to maintain the licensed service, and;
 - iv. there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplex, and the rights and interests of other multiplex operators (and the stations they carry).
- 1.7 We seek views on whether Ofcom should approve the request from MuxCo Wales to extend the licensed area of the Mid & West Wales local radio multiplex service.

Section 2

Details and background information

- 2.1 Local radio multiplex licences are granted by Ofcom to enable the provision of radio stations and other types of service (e.g. data) on the DAB (Digital Audio Broadcasting) platform. The holder of a local radio multiplex licence is responsible for, among other things, delivering coverage in the local area, and facilitating the provision of a range of radio services to listeners in that area. Local radio multiplex services carry both commercial radio services and BBC Local or Nations' services.
- 2.2 The local radio multiplex licence for the Mid & West Wales area was awarded in March 2008 to MuxCo Wales Limited. The licence commenced when the multiplex service was launched in August 2013, and is designed to cover an area defined as the counties of Pembrokeshire, Carmarthenshire, Ceredigion and part of Powys. This area is known as the 'licensed area'.
- 2.3 A local radio multiplex service will provide coverage to as much of its 'licensed area' as is reasonably practicable, but the signal is unlikely to be receivable in every location within that area. The area which a local radio multiplex service actually covers within its 'licensed area' is known as the 'coverage area'.
- 2.4 We have received an application from MuxCo Wales Limited requesting a variation to the licensed area of the Mid & West Wales multiplex. This application is at Annex 4. MuxCo Wales is not proposing to change its coverage area.
- 2.5 Under section 54A of the Broadcasting Act 1996, which was inserted by the Digital Economy Act 2010, Ofcom may vary a local radio multiplex licence by:
 - a) varying the frequency on which the licensed service is provided;
 - b) reducing the area or locality in which the licensed service is required to be available; or
 - c) extending that area or locality to include an adjoining area or locality
 provided requirements specified in the legislation are met.
- 2.6 These requirements include that Ofcom must have received an application from the licence holder, and that this application must include a technical plan relating to the service proposed to be provided under the licence indicating, in particular:
 - a) the area or locality which would be within the coverage area of the service;
 - b) the timetable in accordance with which that coverage would be achieved; and
 - c) the technical means by which it would be achieved.
- 2.7 Section 54A also states that before deciding whether to agree to a request from a local radio multiplex licence holder to change a licensed area and/or a frequency, Ofcom must seek representations on the request from any interested parties. This consultation represents that opportunity in respect of the change requested by MuxCo Wales in respect of the Mid & West Wales local radio multiplex service.

- 2.8 Finally, the legislation stipulates that before deciding whether or not to agree to a request to change a licensed area or frequency, Ofcom must be satisfied that the change would not unacceptably narrow the range of local digital radio programme services available to listeners in the area for which, before the proposed variation, the relevant local radio multiplex service is required to be available.
- 2.9 The multiplex licensee has stated that its application is to “formally incorporate coverage [of the city and county of Swansea] that the multiplex already delivers”. There are no proposed changes to either the line-up of programme services available on the Mid & West Wales multiplex, or the coverage it provides.
- 2.10 Ofcom can still decide not to agree to MuxCo Wales’s request even if it is satisfied in relation to the criterion specified in the legislation. In other words, agreeing to the request is at Ofcom’s discretion provided that the request meets the terms of the statute.
- 2.11 Our general policy is to grant a request from a licensee to change its licensed area provided we are satisfied that:
- i. doing so would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite;
 - ii. the licensee’s proposed coverage plans are satisfactory;
 - iii. the licensee has the ability to maintain the licensed service, and;
 - iv. there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplex, and the rights and interests of other multiplex operators (and the stations they carry).
- 2.12 As part of its application, MuxCo Wales has stated its view as to how its request satisfies these criteria, as follows:
- i) “by granting MuxCo Wales Ltd an extension to the current West & Mid Wales [sic] PPA, we will increase the number of adults within the PPA by 111,639 adults 15+. The number of adults served by the multiplex would increase from 135,078 (62.9% of the adult population) to 245,144 (75.1%). The number of roads covered by the multiplex would increase from 711 km (53.8%) to 894 km (62.3%).”
 - ii) a technical plan has been submitted for assessment.
 - iii) “MuxCo Wales Ltd is an established multiplex operator that has successfully operated the West & Mid Wales [sic] DAB multiplex since August 2013. MuxCo Wales Ltd is owned by Nation Broadcasting Ltd who also operate the local DAB multiplex licence for North West Wales and has investments in the North East Wales & West Cheshire and Suffolk multiplexes”.
 - iv) MuxCo can “confirm that there are safeguard [sic] in place to protect the rights and interests of stations carried on the multiplex, and that there will be no impact on other local DAB multiplexes in South Wales. We have discussed the proposed changes, which have no impact on the terms and conditions of any existing carriage agreements, with service providers on these multiplexes. As part of the wider industry discussions, we believe that there are sufficient safeguards in place to protect the rights and interests of other multiplex operators and the services they carry”.

- 2.13 We seek views on the extent to which the request from MuxCo Wales satisfies any or all of the policy criteria (see Annex 3 for a list of specific questions).

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, **by 3pm on 28 February 2017**.
- A1.2 We strongly prefer to receive responses via the online form at <http://www.ofcom.org.uk/consultations-and-statements/category-3/local-dab-change>. We also provide a cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>) for responses sent by email or post; please fill this in, as it helps us to maintain your confidentiality, and speeds up our work. You do not need to do this if you respond using the online form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to commercial.radio@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation.
- Local DAB Multiplex Change Request
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 If you would like to submit your response in an alternative format (e.g. a video or audio file), please contact Paul Boon on 020 7981 3616 or email paul.boon@ofcom.org.uk.
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 2. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Paul Boon on 020 7981 3616, or by email paul.boon@ofcom.org.uk

Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited

resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in Spring 2017.
- A1.15 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details, please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please call our consultation helpdesk on 020 7981 3003 or email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601
Email steve.gettings@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

A2.2 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about whom we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.

A2.5 We will consult for up to ten weeks, depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Local DAB Multiplex Change Request

To: Paul Boon

Name of respondent:

Representing (self or organisation/s):

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

Signed (if hard copy)

Annex 3

Consultation questions

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.

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.

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

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.

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.

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.

Annex 4

Application from MuxCo Wales

Neil Stock
Ofcom
Riverside House
2A Southwark Bridge Road
London
SE1 9HA

28th November 2016

Dear Neil,

Request to extend the PPA of the West & Mid Wales multiplex

MuxCo Wales Ltd is making a request to Ofcom to extend the PPA of the West & Mid Wales local DAB multiplex to include the City and County of Swansea.

The West & Mid Wales multiplex launched on 30th August 2013 using transmitters at Preseli, Greenhill, Carmel and Kilvey Hill. The former sites are located within Pembrokeshire and Carmarthenshire, whilst the latter is within the City and County of Swansea.

Under the Framework Agreement, it is planned that additional sites will be introduced at Carmarthen and Fishguard.

MuxCo Wales requests Ofcom to approve the change for the following reasons:

- It will formally incorporate coverage that the multiplex already delivers in the multiplex licence.
- It will make the multiplex more attractive to potential service providers thereby enhancing the multiplex's financial viability. In turn, this will help MuxCo Wales meet the additional costs of transmission which it will incur under the Framework Agreement expansion.

In accordance with Section 54A of the Broadcasting Act 1996 (as amended by the Digital Economy Act 2010), MuxCo Wales Ltd asks that Ofcom consider this request against the following statutory criterion:

The application must include a technical plan detailing the proposed coverage area, estimated timetable and the technical means by which it would be achieved;

- A map detailing the current and proposed PPA boundaries is attached as Annex 1.
- A map showing coverage from the launch and Step 1 sites is attached as Annex 3.

The extension would be calculated to maintain or promote the development of digital sound broadcasting otherwise than by satellite;

- By granting MuxCo Wales Ltd an extension to the current West & Mid Wales PPA, we will increase the number of adults within the PPA by 111,639 adults 15+.
- The number of adults served by the multiplex would increase from 135,078 (62.9% of the adult population) to 245,144 (75.1%).
- The number of roads covered by the multiplex would increase from 711 km (53.8%) to 894 km (62.3%).
- The proposed change will not alter the services carried on the multiplex and therefore will not narrow the range of programmes available by way of local digital sound programme services to persons living in the multiplex area.

the licensees have the ability to maintain the licensed service;

- MuxCo Wales Ltd is an established multiplex operator that has successfully operated the West & Mid Wales DAB multiplex since August 2013. MuxCo Wales Ltd is owned by Nation Broadcasting Ltd who also operate the local DAB multiplex licence for North West Wales and has investments in the North East Wales & West Cheshire and Suffolk multiplexes.

there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry).

- We can confirm that there are safeguard in place to protect the rights and interests of stations carried on the multiplex, and that there will be no impact on other local DAB multiplexes in South Wales.
- We have discussed the proposed changes, which have no impact on the terms and conditions of any existing carriage agreements, with service providers on these multiplexes. As part of the wider industry discussions, we believe that there are sufficient safeguards in place to protect the rights and interests of other multiplex operators and the services they carry.

If there is any further information we can provide, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "G. Watson".

Gregory Watson

Annex 1 - Map detailing the current PPA boundary and the proposed new PPA boundary

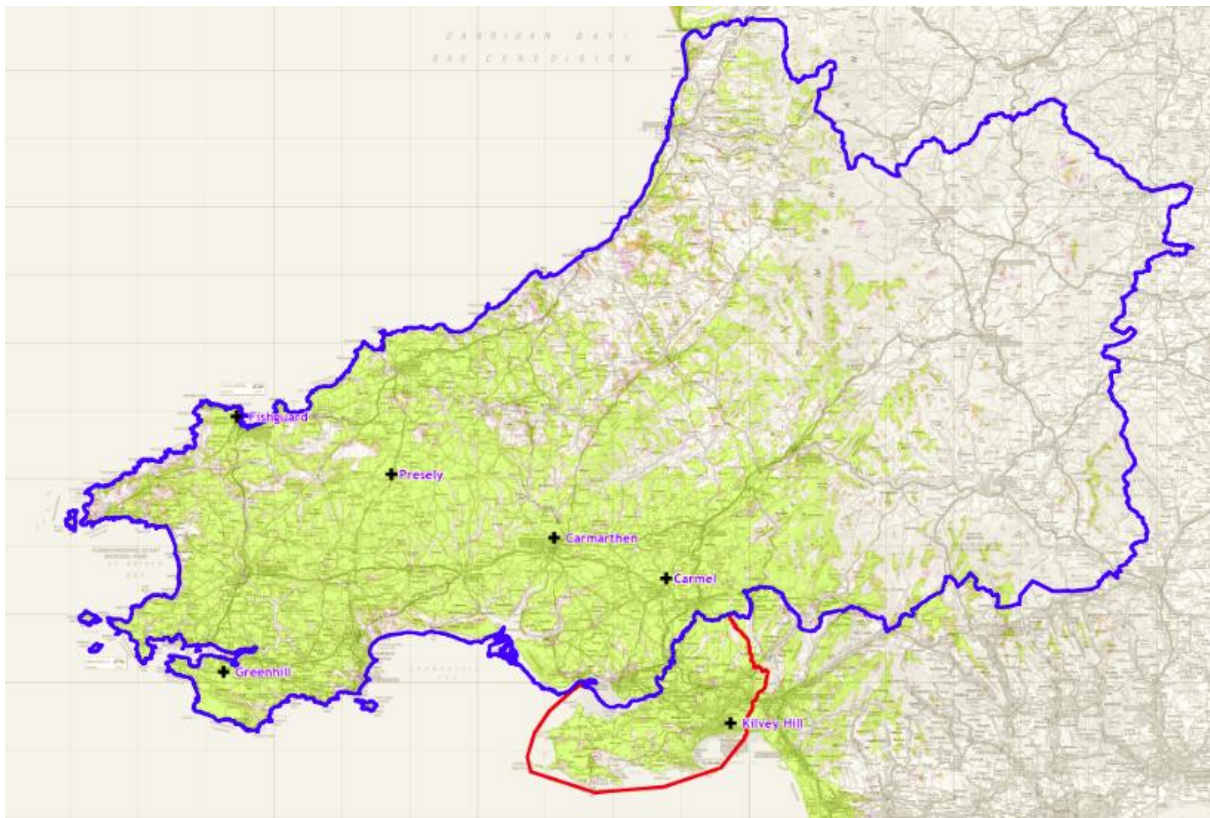


Annex 2 – Population and Coverage Numbers

Current Boundary			Proposed Boundary		
<u>1% Time Interference</u>			<u>1% Time Interference</u>		
	In PPA	%		In PPA	%
Roads (km)	574	43.4%	Roads (km)	766	55.5%
Indoor	115,153	53.6%	Indoor	233,899	71.6%
<u>Normal Propagation</u>			<u>Normal Propagation</u>		
	In PPA	%		In PPA	%
Roads (km)	711	53.8%	Roads (km)	894	62.3%
Indoor	135,078	62.9%	Indoor	245,144	75.1%
Total population in boundary: 214,845			Total population in boundary: 326,484		
Total Roads in boundary: 1,322km			Total Roads in boundary: 1,433km		

Annex 3 – Coverage delivered by the multiplex (existing transmitters)

Indoor



Outdoor

