

Question 1: Do you agree that we have identified the objectives which the small scale DAB multiplex trial should seek to achieve?

The Community Media Association believes that limiting the trial of small-scaled DAB to only three trial multiplexes is unlikely to provide the "robust evidence" [1.15] that Ofcom seeks.

Ofcom has identified three principal objectives to be achieved want to achieve from a trial of small-scale DAB:

- a) To test the function, capability and stability of software-defined DAB multiplex services, particularly in an SFN mode;
- b) To test how well the available technology lends itself to several parties coordinating their services into the multiplex (many small scale radio services do not have experience of using multiplexing technology); and
- c) To give the market an opportunity to learn about the software-defined DAB platform and the potential opportunities it affords, particularly for those stakeholders who are not familiar with digital broadcasting.

Given that there is a need to test software-defined DAB multiplex services particularly in an SFN mode then objective a) above is sound.

However, with regard to the level of Governmental support that Ofcom has received from DCMS, it is possibly short-sighted of Ofcom to limit this trial to a mere three multiplex areas – especially when there is so much interest in small-scale DAB and there is such a pressing need to find new broadcast spectrum. As only three trials have been proposed then the unit cost of each trial is unlikely to be perceived as delivering “value for money” [1.15] to stakeholders.

Furthermore it is also difficult to see how such a small number of services would provide Ofcom with the required breadth of statistical and other data to allow it to make a properly evidence-based decision about the future of such services.

Therefore the Community Media Association believes that the technical trial of small-scale DAB services should be extended to considerably more than three tests to better fulfil objectives b) and c) above.

It is our view that specifying [1.37] that trial applicants should state the type of trial licence for which they are applying (i.e. a single transmitter multiplex, an SFN, or an SFN incorporating an on-channel repeater) should be formulated as a preference rather than as a definite choice.

It is unlikely that all applicants will have the requisite technical expertise to make an informed assessment of their technical needs. And without applicants having relevant technical knowledge, Ofcom is likely to receive applications for trials of a single transmitter multiplex, an SFN, or an SFN with an on-channel repeater which are based on the applicants’ best guess about the likelihood of

being awarded a licence rather than the most appropriate solution for the applicants' requirements. As the regulator, with a clear understanding of DAB coverage planning and of the objectives of the overall trial in mind, Ofcom is best placed to make final decisions in this regard.

For the purposes of transparency, we propose where more than one application for a particular trial licence (Trial 1, Trial 2 or Trial 3) is received that meet the requisite eligibility criteria [1.39], that Ofcom publishes the reasons for awarding the licence to the applicant who appears to be best able to successfully carry out the trial with particular regard to the following conditions:

- the objectives of the trials identified in paragraphs 1.12 and 1.13
- Ofcom's assessment of how well the applicants meet the following eligibility criteria:
 - readiness to establish the service;
 - access to suitable transmission site(s);
 - provision of services; and
 - understanding of the installation and operating costs.

We would also advise that licensees' capacity to cope with the reporting requirements [2.50] will be relevant to successful participation in the technical trial and Ofcom should offer administrative assistance in this regard if this criterion might potentially exclude some potential licensees from taking part in the trial.

Question 2: Are there any other questions or issues which the small scale DAB multiplex trial should seek to address?

Given that that software defined radio is 'platform agnostic' and can theoretically be run on any computing substrate it would be useful and of practical interest to trial different configurations of broadcast components - for example by hosting the multiplex functions on a virtual machine located remotely in the 'cloud'. The current configurations of Trials 1/2/3 do not permit the testing of a 'cloud multiplex' set-up – yet virtually hosted multiplexes could potentially be a low-cost solution that some stations might like to deploy when a permanent small-scale DAB licensing framework is in place.

It is the view of the Community Media Association that a limit of one controlling interest in a multiplex licence per body corporate should be introduced (accommodating additional minority interests as necessary) in order to preserve localness and to prevent aggregation, consolidation, and concentration of this new tier of low-power DAB multiplexes into a small number of owners.

Furthermore, we propose that multiplex ownership should be restricted to not-for-profit organisations - for over a decade, a similar approach to community radio licensing has ensured that stations have remained focused on the needs of their target communities and this stipulation has been transparent and simple to regulate.

Additionally, we propose that the business objectives of the multiplex owner should be to generate a surplus that will support community broadcasting in that multiplex locality so as to help alleviate the regrettable short-fall of funding for community radio that is unlikely to improve in the foreseeable future. We also recommend that there should be a must-carry rule on each local multiplex for community radio stations for which the multiplex owner may charge out at wholesale

cost – this is to ensure that community radio stations can get fair access to low-cost small-scale DAB broadcasting in the event that the multiplex is owned by a non-community radio broadcaster.

The above-mentioned constraints on licences would not prevent existing actors (such as Arqiva) from providing technical services, or from collaborations between multiplex operators. However it would help to ensure that local broadcasting was absolutely central to the services carried on the multiplex.

The "beauty contest" rules for multiplex licensing in the 1996 Act should be interpreted to prioritise the importance of local ownership and the carriage of local services as a priority. And this approach would require only a minor alteration to the existing Broadcasting Act (1996).

The Community Media Association (CMA) recommends that Ofcom uses this opportunity of trialling small-scale DAB to develop methods of measuring audience size for smaller radio broadcasters. This might be through establishing an agreement with RAJAR or by developing an alternative, yet credible, affordable method of measuring audience size for community radio and small commercial broadcasters.

Question 3: Do you agree with our proposed technical licence conditions?

If there is the possibility that the technical trials will need to be extended [5.9], there is a risk using frequency block 11A [2.44] for the trial multiplexes as 11a is designated for use by the third national DAB multiplex. If alternative, more persistent, frequencies are available in the selected trial areas that are acceptable to use in the long term then these should be used in preference to 11A on the grounds that this will remove the requirement for stations to switch frequencies at a later date and then have to re-advertise to listeners to retune their receivers.

The impact on long-term spectrum efficiency must be considered if multiple low-power allocations [2.45] are made using some portions of spectrum interleaved amongst the other DAB multiplexes that operate in blocks 10B to 12D in order to accommodate the trial services, dependent on location and frequency availability.

Additionally as the number of low power interleaved services increases, this is inevitably going to impact on the ability to re-plan and adjust the pre-existing high power allocations on the relevant frequencies. It should also be noted that the use of frequency blocks below 10D will require a full re-scan on certain types of DAB receiver.

Question 4: Do you agree with our approach to non-technical licence conditions and requirements?

Beyond the ending of DCMS funding in March 2016 (end of financial year 2015/2016), there seems little tangible reason to end these small-scale DAB trials after an arbitrary nine-month period [5.11]. This particularly applies should a decision be taken to licence such services on a longer-term basis.

Question 5: Do you agree with our proposed approach to awarding trial licences?

As stated earlier, application for a Single Transmitter, a Single Frequency Network, or an On-Channel Filler trial should be presented as a preference rather than a definitive choice as not all applicants

are likely to have sufficient practical knowledge to make an informed assessment of their technical needs.

Without appropriate technical knowledge, Ofcom is likely to receive applications for trial licences which have been based on the applicants' assessment of the likelihood of being awarded a licence rather than on the basis of what type of trial is most suited to their particular location and station need.

Ofcom is best placed to make final decisions in this regard and should allocate trials of Single Transmitter, Single Frequency Network, or On-Channel Filler on the basis of the expressions of interest received.

Question 6: Do you agree with our proposals set out in this section in relation to final reporting obligations, the recovery of the equipment and the extension of trial licence duration?

The CMA would like to stress that community radio stations are already operating on extremely limited resources and that the small-scale DAB reporting requirements [2.50] should be devised in order to reflect this. Email is undoubtedly an effective way for participating stations to submit progress reports [2.51] as unchanged elements from previous forms can easily be cut and pasted into a current report. Ofcom should provide pro forma reports for stations to complete that will assist and guide the reporting process and thus help to reduce the administrative burden on the licensee. Participating stations should be able to obtain assistance with reporting from Ofcom as needs dictate.

We suggest that licensees are given the option to be able to purchase the loaned transmission equipment at cost from Ofcom in order to be able to use it when small-scale DAB licences are eventually issued. The multiplex operator will have established a working modus operandi as to how to use the transmission equipment and this knowledge is likely to be lost by breaking up working multiplexes and returning the equipment to Ofcom.

The CMA requests that Ofcom's final report on the small-scale DAB trials includes a handbook or manual documenting the technical steps required to set-up the transmission equipment for use by community and small commercial broadcasters at a later date when small-scale DAB licences are eventually authorised. This will enable full-time small-scale DAB broadcasting to be established in a shorter time and with lower barriers to entry when permanent licences are finally enabled.

We would recommend that the final results of the tests of small-scale DAB are disseminated through a seminar event similar to the events held in London and Baldock that introduced the small-scale DAB trials. This is for interested stations to extract the most value from the results of the trials and to be able to discuss the next steps involved for stakeholders.

The CMA proposes that trial licence terms should be extended [5.11] if a permanent small scale DAB licensing framework is expected to be in place by 2016 as to dismantle a working broadcast system that has built up a significant audience on DAB would be disruptive to the participating stations' listeners, station image and thus listener loyalty.