

Organisation (if applicable):

Arqiva Limited

Additional comments:

Arqiva welcomes the opportunity to provide a response to Ofcom's consultation on the Broadcast Digital Radio Technical Codes and Guidance. Our responses to the specific questions are below, and all reflect the context that radio is a medium transitioning rapidly to a digital future offering far greater choice to consumers, and the Code and Guidance should not represent an obstacle to that.

Arqiva broadly welcomes Ofcom's steps to reduce regulation and increase flexibility, which we believe will benefit radio listeners. In particular, we welcome the recognition that competition between services and from other media means that regulation of sound quality on Broadcast Digital Radio is no longer appropriate.

Question 1: Do you agree with our proposals for amending the Digital Radio Technical Code in relation to DAB+? Do you have any views on how we propose its use will be permitted?:

Arqiva would wish to see a level playing field for all national and local multiplexes, and would recommend that Ofcom permits the same degree of flexibility for Digital One and local multiplexes. It would seem perverse and unfair to have different regulatory regimes where it was possible for a DAB+ service to be automatically carried on the second national multiplex, yet for the same service to be carried on Digital One or any local multiplex would require Ofcom approval.

Furthermore, the consultation appears to read that only services on existing multiplexes could "switch to DAB+"; however it is not clear whether new services could launch on local multiplexes in DAB+ (which could make it easier for small local services to simulcast and assist filling empty capacity which exists on many local multiplexes), and whether this would require Ofcom approval. It is also not stated whether any new local multiplexes advertised would follow the more flexible regulatory approach for the second national multiplex. Arqiva would welcome clarity on this matter.

Arqiva assumes that the 30% limit on the total available multiplex capacity for DAB+ services would be in addition to the 30% currently permitted for use by data services, and would seek confirmation of this from Ofcom.

We would also seek to ensure that market demand for DAB+ services is a key factor in the review of the limit proposed by Ofcom. We would welcome the publication of a firm timescale for the review(s), the criteria Ofcom propose to use, and a commitment to the full involvement of industry in the review.

Question 2: Do you have any comments in relation to our proposals to amend the planning standards?:

Arqiva agrees with Ofcom's proposals.

Question 3: Do you have any comments on our proposed approach to Unequal Error Protection and Equal Error Protections?:

It does not appear clear whether Ofcom's proposal is for all services on the multiplex, or whether some can be UEP1 and some UEP 2/3. If Ofcom's proposal is that all services on a multiplex have a consistent protection level, then Arqiva considers that this appears to be an unwelcome move towards input regulation, against Ofcom's general regulatory principles. Arqiva believes that it would be preferable for the current flexibility to be retained.

While we understand Ofcom's intention is to protect consumers, we consider that in this case, listeners seek to listen to a particular service, rather than all services on a multiplex, and therefore it is not necessary for all services on a multiplex to be equally available. Additionally, it is possible that the introduction of DAB+ services will also mean that DAB and DAB+ broadcasts from the same multiplex will have different coverage areas, thus undermining the rationale underlying Ofcom's proposal.

Furthermore, the current flexibility allows the possibility for additional services to be accommodated on multiplexes where capacity may be limited. If this flexibility were removed, it may therefore have the unintended consequence of meaning a station could only be accommodated in mono, rather than stereo, or indeed preventing carriage altogether, and in doing so, reducing listener choice.

Paragraph 3.14 states that if "the licensee wishes to reduce the level of error protection Ofcom may require that any resulting loss of coverage...is addressed by the addition of new transmitter(s)." Arqiva suggests that it may be possible to mitigate the lower coverage by changes to the existing transmitter arrangements, e.g. higher ERPs (assuming the spectrum planning shows this is acceptable). Arqiva therefore considers that the Code should incorporate this option.

Question 4: Do you agree with our proposals in relation to management of Adjacent Channel Interference?:

Paragraph 4.10 states "Ofcom would however still need to approve proposals and would take into account the potential impact upon listeners where ACI is predicted to occur." Arqiva would welcome clarity on the basis for those decisions, for example, what the threshold would be to constitute an unacceptable impact upon listeners.

Paragraph 4.10 continues: "Ofcom would also be the body to make decisions on a proposed site if the DAB multiplex operators are unable to come to agreement." Again, Arqiva would welcome clarity on how these decisions would be taken, and the factors that would be considered in such a decision.

Arqiva notes that Paragraph 4.12 proposes "the RAL will be replaced by a list of agreed 'reference' sites... with the RAL as its historical basis".

The Reserved Assignments List (RAL) has not been updated for several years, during which time many new non-RAL transmitter sites have been added.

Additionally, Ofcom's approach to Adjacent Channel Interference (ACI) differs depending on whether a site is on the RAL, or non-RAL, which appears somewhat arbitrary and

inconsistent.

Arqiva considers that all current sites, whether on the RAL or non-RAL, should be incorporated as the basis of the list of agreed 'reference' sites proposed in paragraph 4.12.

Question 5: Do you agree with our proposals for amending the Digital Radio Technical Code in relation to multiplex capacity allocation? Do you have any alternative suggestions?:

Arqiva believes - and audience research consistently demonstrates - that people want to listen to radio for considerable periods of time, and to be able to fully enjoy the content they hear.

We strongly agree with Ofcom's conclusion that "competition between services and increasingly from other media will... provide an adequate form of self-regulation in matters of sound quality without significant further intervention."

Arqiva therefore warmly welcomes Ofcom's deregulatory approach that stations are given full responsibility for the delivery of their services. It remains clearly in the interests of the station operators to offer the best possible level of service that is considered appropriate for their listeners.

In addition, Arqiva believes there are other factors that also affect the listening experience, such as consistent audio levels across multiplexes and between differing platforms. We have been encouraged by the work done by the EBU in this field, and welcome the opportunity to take this forward.

Question 6: Do you agree with our proposals in relation to the management of TA/TP features on DAB? We are particularly interested to hear any views on issues that could affect implementation of these proposals.:

Arqiva broadly accepts this proposal.

We strongly consider that Ofcom should ensure, as noted in Paragraph 6.3.3, that car radios are switched to the radio station that is putting out the travel announcement only if they were tuned to other radio services if these are linked.

We suggest that the implementation of this be monitored to ensure that Ofcom's objective of a satisfactory experience for listeners is delivered.

We would also suggest that proposals are not limited to TA/TP flags, and that support for all announcement categories is managed in a similar manner.

Question 7: Do you have any additional comments on either the draft Digital Radio Technical Code or Technical Policy Guidance note?:

Annex 6: Draft Digital Radio Technical Code

3.3: Does the phrase "taken as a whole" mean that lower quality services may be balanced by services broadcast at higher qualities within the same multiplex?

Annex 7: Draft Technical Policy Guidance for DAB Multiplex Licensees

3.1: We would recommend that Ofcom include a statement to the effect of "Ofcom would generally expect transmitter parameters to be in line with the JPRG published documents" and not the original licence application details. In some instances there can be considerable differences between the original application and the JPRG proposals.

3.8: As stated above, Ofcom should consider including all existing DAB transmitter sites on the list of Reference Transmitters by replacing the words "The RAL" at the beginning of the second sentence with "The DAB transmitters currently in use".

3.10.3 & 3.23.2: Operators will in most cases use transmitter sites that are owned by third parties and may not be able to ensure that sites can be used by other operators. We suggest this paragraph should read: "where reasonably possible, ensure that sites can"

3.11: We would like to see a requirement for Ofcom to share details of approvals of site proposals where appropriate together with the criteria used to judge the acceptability of site proposals. The reference to Paragraph 2.10.5 should be 3.10.5

3.24: The reference 2.22.3 should be 3.23.3.

Section 4, Table 1 and Table 3: The Height Gain figure should be stated at a particular height, e.g. 10m.

4.14 to 4.17: We do not believe that the methods being proposed here are consistent with the UKPM model that was used within the JPRG. We believe the methods represent a simplified approach, which has now been superseded as laid out in Ofcom's report to Government on Digital Radio Annex E 'Technical Parameters and Algorithms for T-DAB Coverage Calculations April 2012 Document number DAB/1 Version 2.0 25 April 2012.

4.20: As noted earlier, a mitigation strategy may be possible by changing the parameters of existing transmitters, rather than adding more transmitters.

4.21: We agree that UEP3 should be used as the basis of coverage planning and interference assessment but suggest that Ofcom should retain the flexibility to agree alternative levels of error protection where appropriate.

Question 8: Do you have any other comments to make on any of the matters raised in this consultation?:

Nothing further