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BRITISH GLIDING ASSOCIATION RESPONSE TO THE PLANNED OFCOM APPROACH TO AIP AS APPLIED TO THE VHF AERONAUTICAL BAND

The British Gliding Association (BGA) was disappointed with the results of OFCOM's application of AIP to the VHF aeronautical spectrum as published on 14th December 2010. We make the following comments;

In para 2.6, you assert that OFCOM has to ensure efficient use of the Spectrum.

The BGA has no control over the channel spacing used by gliding as it is allocated by the CAA, who in this case are acting as OFCOM agents. The BGA cannot unilaterally move to 8.33Khz channel spacing without the permission of the CAA. However, you go on to say at para 2.10 that "This will facilitate improved decision making, by ensuring that the cost of spectrum is given appropriate weight alongside other costs when determining how operational needs can best be met". The CAA make the decisions in this case. Most of the rest of your section on "Rationale for pricing" etc is just bureaucratic obfuscation.

It is interesting to note in para 3.102 that you move the emphasis on frequency congestion from the UK to Europe in an attempt to strengthen a somewhat fragile congestion case.

OFCOM must be aware that the introduction of 8.33Khz channel spacing below 19,500 feet is in the initial stages of consultation. Another point of note is that consultation with manufacturers of 25Khz channel spaced VHF Aeronautical radios reveals that for the last approximately 2 years they have been built to 8.33Khz standards. It is accepted that the 8.33 intermediate channels cannot be selected.

You assert in para 3.51 "Thus, for example, a gliding club with rights to transmit on five gliding frequencies would pay a single fee of £75." We bring to your attention that it is only BGA gliders, motor gliders and tugs that use 5 frequencies. Gliding clubs use only one frequency and that has limited coverage ie. an area of 10 nautical miles radius and 3000 feet high.

You state at para 3.44 that NATS criticised your application of the £75 charge. NATS is a commercial organization turning over £millions per year in direct support of a £billions industry that benefits from significant tax breaks. Gliding is a not for profit sporting activity funded by its participants taxed income and provides no income for NATS. We are unsurprised that NATS oppose a proportionate approach that would otherwise price air sport out of the spectrum.

Patron The Duke of Edinburgh KG

Vice Presidents Christopher R Simpson MA LLM, Roger Q Barrett, Ben Watson MA FCA, Bill Walker OBE, Air Vice Marshal Don Spottiswood CB, Dick Dixon FCI, Peter Hearne FREng, David Roberts B Comm FCA

Chief Executive Pete Stratten

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In your final report at para 3.52 you use the phrase "a reasonable amount of time". As this is undefined, we would be grateful if you would what that means - how long is a reasonable amount of time?

We find it surprising that you suggest that gliding can review its 5 frequencies and bandwidths. Once again we note that it is OFCOM's agents the CAA that allocate these assets to us, not the other way round. This application of AIP to our use of your spectrum as dictated by your agents can only be described as a tax which we would prefer not to pay out of previously taxed income.

In response to the latest element of the imposition of AIP on aviation in the UK published on 10 March 2011, the BGA makes the following points;

Question 1 We propose to derive fees for Air/Ground, Aerodrome Flight Information Service, Tower, Approach and ATIS assignments on a bespoke approach, under which fees would reflect the geographic impact of each individual assignment. What is your view of the merits of this approach compared with the alternative generic fees approach set out in the December 2010 statement? Do you take the same view about all of these service types?

We have no view on this, as our ground to air frequencies are set by your agents the CAA and we are unable to reduce the bandwidth we use. We are currently taking part in consultations with the CAA with reference to 8.33Khz spacing.

Question 2 Where an assignments prevents re-use of a frequency across an area which is larger than the area of the UK land mass, it appears to make little difference to potential alternative UK users whether the affected area is only marginally greater or is several times greater than the area of the UK land mass. Do you take a different view? Are there any reasons why very large service areas and associated separation zones do have greater impact on the availability of frequencies than assignments which impact a smaller area equivalent only to the size of the UK land mass? If so, please provide a full explanation of how this effect operates.

As this does not affect the BGA use of spectrum, we have no comment.

Question 3 We currently propose that there is little merit in notionally deriving fees for Area Control, ACARS, VOLMET and VDL assignments on a bespoke basis when fees will rarely, if ever, be other than £9900. However, we recognise that there may be merit in applying a bespoke approach to fee setting so that, if assignments are ever made which impact an area smaller than the area of the UK land mass, fees would be reduced proportionately. In your view, would a bespoke approach to fee setting for these service types have any practical value now or in the near term?

As this does not affect the BGA use of spectrum, we have no comment.

Question 4 Would there be any merit in fees for other assignment types being derived on a bespoke basis? If so, which other service types should be subject to bespoke fee and how should these fees be derived?

The BGA view is that no fees apart from recovery of bureaucratic costs should be applied to use of the Aeronautical VHF band.

Question 5 We are proposing to rely on ICAO's EUR Frequency Planning Manual when determining the size of the area in which one assignment prevents others from using the same frequency. For the purpose of setting fees, we propose not to take into account ICAO separation distance variables relating to adjacent channel use or bandwidth (although bandwidth will be reflected in fees as fees for 8.33 kHz and 50 kHz channels will be derived pro rata to fees for 25 kHz channels). We also propose to take into account the CAA's practice of applying, in the case of smaller DOCs, rules which ensure that an aircraft within one DOC cannot cause interference to the ground station of another. Are there other factors which should be taken into account when determining the size of the geographic area impacted by a particular assignment

We are unaware of any other factors, apart from anomalous propagation which can be quiet common in this frequency range i.e. the aeronautical VHF band.

Question 6

We are proposing that, until April 2016, bespoke fees should be capped at the level of the generic fees announced in December 2010. After that date, no bespoke fees will rise beyond £9900 per 25 kHz bandwidth, but some Air/Ground, Aerodrome Flight Information Service and Tower assignments with a relatively large DOC will attract bespoke fees in excess of the £2600 generic fee set out in December 2010. Does this timetable provide sufficient time for licensees to review their operational needs and, where appropriate, agree changes to their DOC, before fees, for some licensees, increase beyond the level announced in December 2010?

The BGA view is that your agent sets the rules and we will have to live with them. However, 10 years would be more appropriate.

Question 7 We propose to introduce a new licence class for each of (a) Air/Ground, Aerodrome Flight Information Service and Tower, (b) Approach, (c) ATIS, (d) Area Control, (e) VOLMET, (f) ACARS, (g) VDL, (h) Aerodrome Surface, OPC and Offshore, (i) GA Sporting frequencies and (j) Fire and Emergency frequencies. Are there reasons why the portfolio of licence types should differ from this proposal?

Do you mean apart from the generation of paperwork, the building of bureaucratic empires and generating jobs? Why not just have one type of licence?

Question 8 Do you have any specific additional information about the likely financial impact on licensees of these proposals to apply bespoke fees, instead of generic fees, for certain service types?

As previously stated, the proposals linked to the planned change to 8.33Khz will cost tax paying participants of sporting aviation many £millions.

EH Norman
Chairman
BGA Flight Operations Committee