

Title:

Mr

Forename:

Peter

Surname:

Norton

Representing:

Organisation

Organisation (if applicable):

British Helicopter Association

Email:

ceo@britishhelicopterassociation.org

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:

The thrust of this consultation is such that the questions are considered to be leading and based upon the assumption that AIP is inevitable and that industry comment is solely required to modify the proposal to an acceptable level.

Question 1: Do you consider that our proposed fee rates for licences in the aeronautical VHF frequencies are appropriate?:

No, we do not.

The proposal to levy any charge beyond the existing management fees is unacceptable. Given that aeronautical frequencies are assigned for use in the UK by the EU, any frequencies given up are directly returned to Europe for assignment elsewhere and cannot by definition be made available to other types of user in the UK. Thus, charging for frequency use will result in some frequencies being given up on the basis of cost and this will have an adverse effect upon flight safety without benefit to any other UK sector. The outcome of this process will simply be the introduction of a further tax on aviation with a particularly disproportionate effect upon SMEs and business operators.

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?:

Certain aviation management frequencies might be given up in favour of new technology for communications. However, were this to happen, the frequencies released would not be available to other sectors but would be returned to Europe. This process would not benefit AIP and there would be an overall loss of spectrum

Question 3: Do you agree with our proposal not to charge any fees for Fire assignments?:

Yes. All frequency use by public service operators should remain exempt from AIP.

Question 4: Do you agree with our proposal to set a £75 fee for licences in any of the sporting frequencies?:

Were a fee to be set for licenses in sporting categories, it is likely that users would simply not communicate in order to avoid charges. As argued under question 8, safety would be compromised and any CAA mandate to preserve safety by use of spectrum would negate the purpose of AIP since users would be forced to pay what amounts to a tax.

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?:

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?:

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.:

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.:

Under these proposals for AIP, minor airfields would be expected to recoup the considerable extra cost of licensing their assigned ground to air and ground to ground frequencies from the user. These small airfields do not operate large passenger transport aircraft where costs can be recovered un-noticed from the passenger through the ticketing charge. Rather, these costs would have to be collected from the individual pilot and in most cases, this pilot is prohibited by law from charging his passengers. In consequence, the pilot will seek to avoid using his radio as far as possible and the airport will similarly consider removing some radio facilities in order to control costs whilst continuing to provide a service. We have stated before that aeronautical use of the VHF spectrum is founded upon flight safety and the regulation of air traffic. You have suggested that the CAA has the power to mandate the use of radio in order to maintain an acceptable level of safety. Should this occur, no frequencies will be released and AIP will become in effect a tax on aviation.