

**Question 1: How should Ofcom manage the process of taking advice from users, regulators and government on efficient apportionment of AIP fees in the maritime and aeronautical sectors? Are any new institutional arrangements needed?:**

It appears that a new mechanism may well be needed to ensure that spectrum used by charitable and emergency support services are dealt with in a way that recognises their essential humanitarian nature. The application of dogmatic commercial rules would simply ensure that such services as search and rescue would end up collecting charitable donations and turning them into a tax for the government.

**Question 2: If you consider that our proposals for pricing ground station users for any spectrum would be likely to have a detrimental impact on safety, please let us know. In order for us to understand your assessment fully, it would be helpful if you could outline the mechanisms whereby this might happen.?:**

It has already become clear the search and rescue service will end up paying substantially increased taxes for their charitably supported communications needs as a result of this light headed scheme. Such organisations will face three possible courses, use spectrum illegally, ignore their health and safety objectives or simply turn charitable donations into tax. The latter being perhaps what this government would like, fails to meet what most would regard as equitable and human action.

**Question 3: Do you have any evidence which indicates that AIP charged to ground stations could have a material detrimental impact on UK competitiveness?:**

No, though no tax has ever improved competitiveness.

**Question 4: Taking into account the information available in this document, including that set out in Annex 5, our initial views on VHF radiocommunications licence fees and on the reference rates for bands in other uses, and any information you have about the organisations to whom we are proposing to charge fees, please provide any evidence that you think is relevant to us in considering the financial impact of the fees we intend to propose for VHF radiocommunications, or for other uses:**

Many of those affected are charitable bodies unable to dip into the trough of government funding so will be badly affected by this theft of what were given as charitable collections.

**Question 5: Do you agree that there is little to be gained, in terms of economic efficiency, from charging AIP to WT Act licences for aircraft:**

Open question, not studied in enough depth.

**Question 6: Do you consider that we should discount fees for any particular user or type of user? Specifically, do you consider that there should be a discount for charities whose object is the safety of human life in an emergency:**

Yes a 100% discount subject only to them being able to justify that the frequencies and band width are limited to the essential needs of their health and safety role.

**Question 7: Do you agree that Ofcom should apply AIP to ground stations? use of maritime and aeronautical VHF radiocommunications channels, to help manage growing congestion in current use and to ensure that the cost of denying access to this spectrum by potential alternative applications is faced by current users?:**

No as this simplistic statement fails to understand the basic differences between different classes of use and user. The only exception being that true commercial users should face equal competition to ensure that they do appreciate the value of the assets that they try to deploy.

**Question 8: Do you agree with our initial view that it would be appropriate to apply a pricing system similar to that already existing for Business Radio licences to maritime and aeronautical VHF communications? If not, what are your reasons for proposing that we should develop a fee structure for maritime and aeronautical VHF channels which is distinct from that already established for Business Radio?:**

Clearly established in points above, all classes of potential users are not equal, Government and commercial users should not compete with charitable and health and safety organisations who in turn should not have to pay commercial rates to save lives. It is this warped thinking that has given us the drug use refusal agency, the so called NICE, pronounced "nasty".

**Question 9: Are there any short term reasons specific to the sector(s) why it would be inappropriate to apply fees from April 2009?:**

See above, however they are also long term unless they are able to develop some line of sight alternative low cost technologies to support their health and safety objective.

**Question 10: Ofcom would welcome stakeholders' views on the factors which should be taken into account when apportioning fees between individual users of radars and racons:**

No Comment

**Question 11: Do you agree with our initial view that a reference rate of £126k per 1 MHz of national spectrum for L band and S band radar**

**spectrum would achieve an appropriate balance between providing incentives to ensure efficient use of spectrum while guarding against the risks of regulatory failure in setting the reference rate too high? If you consider a different rate would be more appropriate, please provide any evidence that you think we should take into account.:**

Subject to same consideration of the above comments it should ONLY be applied to commercial operations.

**Question 12: Do you agree with our initial view that a reference rate of £25k per single MHz of national spectrum would be appropriate for deriving fees for licences to use X band radar?:**

No comment

**Question 13: Do you agree that, generally, spectrum used by aeronautical radionavigation aids is currently uncongested? Do you believe that this may change during the next few years and, if so, approximately when?:**

No comment

**Question 14: Do you agree with the basis on which Ofcom has arrived at its initial view on reference rates for aeronautical radionavigation aids?:**

No comment

### **Comments:**

While "user pays" has some visceral appeal it has become clear that applied without thought or logic it has no sensible application. Consideration should always be given to the law of unintended consequences.