

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?:

In order to ensure that the needs of the nation are best served, any such actions should be subject to parliamentary approval.

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.?:

Yes, I conclude that these proposals will have a detrimental impact upon safety. The uptake of any service reduces as the cost increases. If that service provides a safety benefit, then charging will ipso facto reduce that benefit.

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

That depends upon what you count as "evidence". If you include logical reasoning, then yes I do. As mentioned above, charging will reduce utilisation of frequencies and the provision of less service. And since aviation frequencies are reserved by international treaties solely for aviation use, the freeing up of frequencies in the UK will simply result in them being reallocated to other nations (who most probably do not charge for their use). So not only do we reduce our service provision, but we concurrently benefit the service provision of other nations, thus doubly impacting our 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:

See Q3.

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:

Almost. I actually agree that there is NOTHING to be gained in terms of economic efficiency from this, and indeed from the whole proposal for charging in the first place.

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:

Since the SOLE purpose of aviation frequencies is safety, ALL users of these frequencies should be exempt from charging.

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?:

Since these frequencies are reserved for their application by international treaties, there are no potential alternative applications. Therefore there is no cost of denying access to the spectrum by such alternate applications, and therefore the whole idea of charging to cover this cost is nonsense. So no - I don't agree.

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?:

No, I do not agree with this view. Business radio licences are used for commercial purposes and therefore it is not unreasonable to apply commercial principles to their allocation. Aeronautical and marine radio licences are used solely for the safety of UK citizens and visitors. Ideally their allocated should be based on a nationwide safety impact assessment.

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

You mean apart from the current global economic climate?

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:

One factor only - safety. That alone necessitates the exemption of fees.

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.:

No. The rate should be zero. The allocation should be based upon a safety impact assessment.

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. See Q11.

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?:

I have no data on this issue. However, I predict that within the next few decades the pressures of climate change and fuel costs will cause aviation to peak and then decline, with associated effect on demand for these services.

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. OFCOM has applied a commercial model to a service that must remain free from commercial pressures. Furthermore, OFCOM's brief is to maximise the efficiency of use of spectrum. Since these frequencies are ring-fenced for their specific applications, this exercise will fail in that regard. I suspect that the fundamental problem is that OFCOM is using the wrong definition of efficiency for this context.

Comments: