

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?:

No comment.

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.?:

We are a small, member-run, sailing club. We exist to provide dinghy racing in coastal waters off Herne Bay in Kent and our use of VHF radiocommunications is limited to a few hours per week and seven months of the year. VHF is employed during races to maintain contact between our safety boats and our shore base. Most sailing clubs are small operations with low membership bases and limited finances and we fear that the imposition of further charges for the use of the radio spectrum may drive sailing clubs to abandon VHF radiocommunications in favour of less reliable alternatives, with an inevitable negative impact on safety.

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

As we are a not-for-profit organisation we do not feel it appropriate to comment on this question.

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:

We do not accept that VHF radiocommunications in the maritime spectrum can be priced with reference to opportunity costs since opportunity costs do not exist except where there is a reasonable prospect of them being realised through alternative use of the frequencies. There is no prospect that opportunity costs can be realised without overturning international agreements, which seems unlikely. Thus the proposed pricing is arbitrary. In addition, Ofcom needs to consider further the asymmetric risks of poorly thought out pricing bands that categorize sailing clubs and marinas as identical simply because they are subject to similar restrictions in the frequencies they may use. They operate on entirely different business models.

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:

No comment.

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. We strongly believe that charities such as the RNLI should be exempted from charges arising from the application of AIP. Further, we submit that using a pricing system devised for business radio licences is also inappropriate for not-for-profit organisations such as sailing clubs. We consider that Ofcom is misguided in its plans to apply the same charges to commercial marinas and sailing clubs. A Club such as ours depends on two-way communication for the efficient and safe management of dinghy races. We use radiocommunications for no more than a few hours per week and we cannot be compared to a commercial marina which may have hundreds of customers and must be able to send and receive radio traffic 24 hours per day.

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. In spite of operating in what Ofcom regard as an area of Medium Congestion, on the North coast of Kent, we are unable to detect any evidence of congestion of the airwaves in our locality. Our experience is that we are able to transmit freely, as and when circumstances require us to use our radio and we receive transmissions from other stations only infrequently. The existing three marina/sailing club channels are sufficient to ensure that there is no congestion here. We see no need for AIP.

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?:

As stated in our answer to Question 6, we consider that using a pricing system devised for business radio licences is inappropriate for not-for-profit organisations such as sailing clubs and for charities. We would expect significant discounts to be applied to not-for-profit organisations and charities.

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

No comment.

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.:

No comment.

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: