

A Response to Ofcom questions for the AIP Consultation (as updated 2008-10-20)

October 2008

Respondent:
Kintail Mountain Rescue Team, Morvich, Ross-shire

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 is regrettable that the update of 20th October 2008 appeared at such a late date. Voluntary emergency organisations are an extremely well known and vital part of emergency response frameworks in the UK. Clarity regarding their place in this proposed new order might have been expected earlier in the process.

The earliest consultations on AIP in other sectors commenced several years ago. It may have been wiser at that stage to consult with a wider range of radio users about this new departure in spectrum management which undoubtedly will have affected the entire radio spectrum through displacement effects: that is what market forces do.

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.

Spectrum pricing will prompt displacement of spectrum use away from higher priced channels and indeed that is its purpose. There has to be concern about the potential effect of this displacement on future use of the UK Land SAR Band Plan. The Band Plan exists so that voluntary rescue organisations can work together effectively with their public sector, and commercial, colleagues during large and complex public safety operations, often in challenging conditions of topography and weather. Pricing may put pressure on the Band Plan from users displaced by cost pressures on other channels and leave insufficient free channels for the inevitable expansion of activity during large operations.

This team's district has been the scene of several large mountain rescue operations involving several MRT and multiple helicopter providers. The team has also been involved in operations in other districts involving a very wide range of participants. These give us a good understanding of the communication problems that arise in large operations when users from different backgrounds with different approaches to radio discipline must work together.

It is essential that we are free to invite any user to join us on the Band Plan channels if that invitation serves public safety during an operation. This may include, but is not limited to, military aircraft, civilian aircraft including air ambulances, police, fire services, ambulance service, military land forces, local hill workers, mountaineering clubs, canoeing groups, outdoor instructors and school groups.

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When charges for the Band Plan channels are not levied directly upon the voluntary mountain rescue teams, it is worth considering that the effects are out of sight of the regulator. Ofcom's recently-stated policy of not imposing charges on mountain rescue teams may therefore not be effective for preventing all the effects of pricing from reaching the teams. In an age of increasing commercialisation of government affairs, it is difficult to predict what pressures might be upon us in the future and a firm policy for the position of the UK Land SAR Band Plan, and all UK voluntary rescue organisations, preferably enshrined in legislation, is highly desirable.

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

Not applicable to this team's activities and therefore no response is offered.

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.

Not applicable to this team's activities and therefore no response is offered.

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?

Not applicable to this team's activities and therefore no response is offered.

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?

The update of 20th October 2008 clarifies Ofcom's position for mountain rescue teams. However, in relation to MCA allocations for rescue, RNLI allocations and any arrangements for the UK SAR Band Plan, Ofcom should consider Article 2 of the European Convention on Human Rights, the initial statement of which reads "Everyone's right to life shall be protected by law." This article is scheduled in the Human Rights Act of 1998.

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?

Market forces are never an adequate replacement for good management.

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?

Not applicable to this team's activities and therefore no response is offered.

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 response is offered.

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.

Not applicable to this team's activities and therefore no response is offered.

Question 11: Do you agree with our initial view that a reference rate of £126k per 1MHz 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 Applying AIP to the Maritime and Aeronautical sectors 65 high? If you consider a different rate would be more appropriate, please provide any evidence that you think we should take into account.

Not applicable to this team's activities and therefore no response is offered.

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?

Not applicable to this team's activities and therefore no response is offered.

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?

Not applicable to this team's activities and therefore no response is offered.

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

Not applicable to this team's activities and therefore no response is offered.

Additional Comments

No further response is offered.

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