

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 was the belief of the LBIA management that the Cave report recommended that where international agreements preclude the reallocation of spectrum as is the case with Aviation related spectrum then the opportunity cost would be deemed zero.

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.?:

Aviation requires that workload both within Air Traffic Control and within the cockpit is kept at reasonable levels to ensure the high levels of concentration necessary to fulfil tasks safely and efficiently. Aviation also has a comprehensive series of failsafe systems to ensure safety is not compromised in all circumstances. This can include the provision of navigation aids, which are partially duplicated or different to the primary navigation aid to provide cross checking and backup facilities in the event of a failure of the primary aid. The significant cost of AIP is likely to reduce the number of VHF frequencies used at any given location, potentially increasing workload on the remaining frequencies. AIP could also incentivise the removal of additional navigation aids, which are not primary aids but could be used in failure of primary aid situations, or used a cross check of performance of primary aids.

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

UK regional airports are under significant pressure from customers to reduce costs, whilst regulatory costs are rising considerably. The costs indicated in the consultation for AIP do not reflect the level of business an airport attracts and will therefore be significant and disproportionate for medium to smaller airports, which are important infrastructure supporting UK regional development.

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:

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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 the nature of agreements between airports and many of their customers would make it difficult to pass on any AIP charges to many customers, additionally there is no charging mechanism for aircraft requesting a service from an airport Air Traffic Control Unit when that aircraft is not landing at the airport.

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:

LBIA management believe that the recommendations of the Cave report should be upheld and that spectrum subject to international agreement should have an opportunity cost of zero.

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?:

The aviation industry has regularly invested in improved technology to achieve more discreet frequencies (especially VHF) from the internationally allocated bandwidth, whilst maintaining sufficient geographical separation to ensure no interference for safety reasons. The continue growth of aviation will require even further technology investment over time to ensure the most efficient use of the internationally available spectrum and to enhance the environmentally and commercially efficient operation of aircraft.

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?:

See answer to question 6.

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

Aviation has many challenges to it's growth, especially efficient and safe use of airspace and airports infrastructure. Technologies for increasing capacity safely and to deal with threats (such as wind farm development interfering with radar operation)

often require the combining of multiple spectrum based facilities (e.g. wind farms blanked out on the main primary radar but the airspace picture being completed with an alternative radar source not affected by the turbine filling in the gap created in the picture e.g. a mosaic picture). Also technologies being developed for the safe movement of aircraft on airfields in low visibility. Clearly costs associated with AIP could make some of these technological solutions non viable.

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:

See answer to Q6 above.

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.:

See answer to Q6 above.

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?:

See answer to Q6 above

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?:

Yes, spectrum used by aeronautical navigation aids is currently uncongested. Clearly as aviation develops and more efficient use of airspace and airport infrastructure is required navigation aids will need to increase to allow safe operation at higher densities. However, as previously mentioned improving technologies should allow better use of the internationally allocated spectrum as the technologies associated with capacity enhancements must be achievable on an international basis to ensure safe operation of all aircraft.

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

LBIA management believe that the international agreements in place for the allocation of aviation related spectrum precludes the reallocation of any spectrum that could be released. This is especially so in the UK as it is in close proximity to other European users of that protected spectrum and safety could be compromised if the spectrum is allocated for alternative use in contravention of the international agreements.

Comments:

The economic contribution which aviation makes to the UK economy is significant at £11.4 billion (Oxford Economic Forecasting 2006). This is especially important in the regions where links to other parts of the UK, Europe and the World has an important part to play in regional development and decisions by key organisations to invest in that region. The disproportionate impact AIP would have on the costs of safe and efficient Air Navigation Service Provision in the regions would potentially have detrimental effect on the growth of those regions.