



**RESPONSE FROM DIGITAL UK TO
OFCOM'S CONSULTATION ON DIGITAL DIVIDEND REVIEW :
550-630MHz AND 790-854MHz (Cleared Spectrum)**

12th August 2008

**RESPONSE FROM DIGITAL UK TO
OFCOM'S CONSULTATION ON DIGITAL DIVIDEND REVIEW :
550-630MHz AND 790-854MHz (Cleared Spectrum)**

Introduction

Digital UK is the body established by broadcasters at the behest of Government to lead digital television switchover (DSO) in the UK.

DUK does not have a view on many of the issues identified in the consultation such as the design of the auction processes and this response is confined to matters which may impact on the DSO process. In particular, we are concerned that Ofcom should continue to ensure that the implementation of the DDR does not adversely impact upon

- Viewers' ability to receive DTT services after DSO
- The DSO timetable

Timing of Awards

Question 5 of the Consultation asks for views about Ofcom's proposal to hold the cleared award in Summer 2009.

Digital UK welcomes the opportunity for early clarity about the services that might become available to viewers as a result of the award and is, therefore, generally supportive of an early timetable.

However, there are still some considerable concerns about the impact of international co-ordination negotiations on the need for Parking Channels as part of the attempts to minimise disruption to viewers during the DSO process. In particular, it may be necessary to protect existing DTT viewers against incoming French interference along the South coast of the UK. Available frequencies are few and far between in this area and as a result it may prove necessary to consider use of Channel 36 on a temporary basis as a Parking Channel. For this reason:

DUK requests that Ofcom does not finalise the timetable for the auction of Channel 36 (or any other potential Parking Channels) until there is sufficient understanding of the French DSO plan to know whether these channels are required on a transitional basis to manage the complexities of DSO implementation.

It is possible that Channel 36 will not be required for use as a Parking Channel as Channels 34 and 37 may suffice but that cannot be confirmed until we have a co-ordinated plan with France. It could be that they would deploy Channel 34 and/or Channel 37 and make them unsuitable for UK Parking Channel useage in which case Channel 36 is the only suitable option.

TECHNICAL LICENCE CONDITIONS

As a general proposition, DUK is concerned that the introduction of new services under the DDR process should not adversely affect the choice of services to viewers *as currently predicted*.

The Digital UK Postcode Checker gives viewers a detailed understanding of the services available to them on DTT before, during and after DSO. Viewers are basing their decisions about choice of platform and possible aerial changes or upgrades on the information provided which includes, where applicable, choice of regional services and, importantly, the number of multiplexes receivable from different transmitters. In 2007/08, 4 million viewers used the PCD. Any decision to change the parameters for protection to existing services and/or choice of services could, therefore, have a significant impact.

Therefore, we welcome the proposals in the consultation to insert "Protection Clauses" in each of the licences for the cleared spectrum and we support the approach that Ofcom has adopted for affording protection to the post DSO DTT network.

We also note the intention to protect "existing DTT" but it is not clear that this extends to the full range of relevant circumstances. **We should like confirmation from Ofcom that the intention is to protect:**

- Existing low power DTT services in areas where DSO is yet to happen
- Existing low power DTT parking channels
- High power post DSO DTT services

We also note that in 5.58 and elsewhere (5.116 to 5.120) Ofcom has made provision for protection to Channel Five's analogue broadcasts until DSO but there is no mention of other analogue services. Clearly, once DSO has happened in a region there is no requirement to protect analogue services in that region but in order to maximise the chances of an orderly transition it is important that continuing analogue services in adjoining regions are protected until such time as they are switched off in accordance with the DSO timetable.

We welcome Ofcom's reference to the DUK postcode database (5.70 and footnote). As stated above, we agree strongly that it is important to avoid confusion for viewers about what services they will receive before, during and after DSO. In order to achieve this we agree with the contention in Q.11 that a protection clause should be inserted in licences for the cleared spectrum.

In Q.12 Ofcom asks for views about the best way to finalise the protection clause approach and to address the practical implementation issues. We agree that this should be done through direct engagement with interested stakeholders and would suggest that DMOL is the organisation that should have a pivotal role in that process.

This is of particular importance because of the need to ensure that there is not only protection to transmissions but also to reception - an issue that is addressed later in relation to interoperability.

NON-TECHNICAL LICENCE CONDITIONS

Digital UK agrees with the important assertion in 6.15 that to the viewer services on any new DTT multiplexes will be indistinguishable from the services on the existing six DTT multiplexes and they are likely to be seen as add-ons to the Freeview platform. It is important, therefore, that efforts should be made to ensure that new licensees -

albeit operating solely under a WT Act Licence - have obligations to ensure that they co-operate with and operate compatible systems with the existing DTT platform.

Digital UK wants the availability of new services to be a clear enhancement of the DTT offering to viewers. It could be highly detrimental to DSO if the arrival of new services created disruption.

To that end it is important to underline the need for Interoperability requirements to ensure that the services put to air by new multiplex licensees do not create problems for the existing population of receivers. So compliance with Technical Codes, Technical Standards and Conformance regimes is a necessary requirement together with co-operation with and, possibly, membership of DTG and DMOL.

DUK has concerns about the ability for new operators to inadvertently disrupt the performance of existing receivers during DSO. Even after 10 years experience of the transmission of the existing six DTT multiplexes there are still issues with receivers when some new (compliant) applications are launched. In order to maintain, as far as possible, the stability of the DTT platform during DSO we believe that Ofcom should include in new licences mandatory obligations regarding interoperability, co-operation with existing multiplex operators and between new operators both in respect of cleared and interleaved spectrum.

It is critical to the DSO process that new operators do not introduce any new transmissions that disrupt the operation of compliant receivers, which event could have a disastrous impact on DSO. It is essential that transmission streams, including SI, are fully compliant and subjected to rigorous testing via DMOL and DTG before being put to air and that this requirement is underpinned by licence requirements.

Service Obligations

Digital UK notes that it is Ofcom's intention not to impose 'use it or lose it' conditions nor roll out obligations. Nevertheless, it is hoped that Ofcom will encourage new licensees to make their plans public as soon as possible so that they can be included in communications to viewers about the services they can expect to receive as a result of the DDR and, therefore, as a consequence of DSO.

However, we anticipate that there will be difficulty in predicting and communicating the precise geographical availability of new services and would request that Ofcom encourage new licensees to make as much information available to DUK as early as possible so that viewer expectations can be suitably managed.

SUMMARY

DUK welcomes the clarity that Ofcom's Consultation begins to bring to the likely DDR award process. So long as it is carefully managed to protect existing services and the DSO timetable the process should provide a welcome indication to viewers of additional value of DSO in bringing them new services.

Our concerns expressed above are intended to ensure that those benefits are not negated by disruption to the fundamentals of DSO.

