

**Title:**

Mr

**Forename:**

Stuart

**Surname:**

Carruthers

**Name and title under which you would like this response to appear:**

Stuart Carruthers Cruising Manager

**Representing:**

Organisation

**Organisation (if applicable):**

Royal Yachting Association

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

Yes

**Question 1: Do you agree with Ofcom's proposed overall approach to improving the management of public sector spectrum holdings and, in**

**particular, with Ofcom's conclusion that it will generally be preferable for public sector bodies to interact directly with the market?:**

The RYA understands that Ofcom has a statutory duty to secure optimal use of the radio spectrum in order to promote the interest of citizens and consumers and that Ofcom considers that market forces are the best way of achieving this. However, while market mechanisms extending to spectrum use in the commercial sector are relatively mature and sophisticated, we believe that public sector bodies have not yet reach the level of business expertise needed to compete in direct engagement with the market as proposed in Section 4. The RYA does not agree with Ofcom's conclusion that it will generally be preferable for public sector bodies to interact directly with the market at the moment.

**Question 2: What factors do you consider Ofcom should take into account in determining the programme of reform in the framework for managing public sector spectrum holdings?:**

The RYA believes that Ofcom must ensure that the Spectrum trading framework is robust enough to guarantee that any impact on public sector spectrum holdings does not compromise public safety, national security, UK international obligations under GMDSS and UK sea-going trade. For these reasons Ofcom must satisfy stakeholders that it has considered and put in place effective mechanisms to scrutinise trading proposals between a commercial proposer and public sector holder, not least to prevent trading in spectrum held by one public body that is essential for the operation of another.

**Question 3: Do you consider that the proposals should be phased in?:**

The RYA believes that it is essential to phase in public sector spectrum trading in those frequency bands that Ofcom have identified as offering realistic prospects of significant early gains from release or sharing. Currently there is a total lack of technical evidence to support the concept and feasibility of band sharing and to ensure that safety aspects are not compromised by such proposals. A phased approach is vital to ensure that impact assessments are carried out at every stage of implementation and mechanisms must be put in place to return to the status quo if significant adverse issues emerge.

**Question 4: Do you agree with Ofcom's proposals about the frequency bands that offer the greatest potential benefits from band sharing? Are there other frequency bands where the facility to trade or lease spectrum from public sector bodies would be particularly attractive?:**

The RYA recognises that the bands that offer the greatest potential benefits from band sharing are those which attract the greatest commercial interest and their suitability for alternative services. Further opportunities to trade and/or release spectrum will be driven by commercial demand. The Spectrum Framework Review must identify mechanisms to release unwanted spectrum where there is no demand from commercial operators. The reasons why the spectrum between 400MHz and 3GHz is

particularly valuable are understood, but the commercial pressure to share this part of the spectrum must not compromise maritime safety or radar protection criteria.

**Question 5: Do you agree with Ofcom's proposed approach to awarding public sector licences and RSA?:**

The RYA believes that Ofcom has not published enough detail in the consultation on proposals for a sufficiently informed opinion to be articulated in this response. Furthermore, experience gained in relation to the Astronomy RSA is limited. In reality there is very little flexibility in the Maritime bands as most of it is internationally harmonised.

**Question 6: Should public sector spectrum trading be introduced at this stage in the Channel Islands and Isle of Man?:**

Where the WT Act has been extended to the Channel Islands and the Isle of Man it would seem reasonable to extend RSA, trading and conversion regulations to these territories. However, such considerations fall outside the RYA's sphere of competence and we can not comment further.

**Question 7: Should there be additional grounds, eg safety-related, for Ofcom to refuse consent to a proposed trade in certain frequency bands or for certain applications?:**

The RYA believes that Ofcom should have an unequivocal right to refuse consent where public safety and the operating effectiveness of public sector bodies may be compromised. The RYA does not wish to be specific as to how this might be achieved, but it does wish to be assured that such a mechanism will exist. Where it is though that a trading transaction might not be in the public interest then the burden of proof to demonstrate that it should be on the acquiring operator.

**Comments:**

The RYA is surprised by the timing of this consultation which comes in advance of the Ofcom consultation on AIP. Only when this is complete will it be better understood how and where AIP will be applied, the ease of making assignments and the resulting opportunity costs that might arise give public sector use of bands where commercial operator interest is most likely.