

## Your response

Question	Your response
<b>We invite interested parties to provide feedback on the Roadmap.</b>	Confidential? – N

### **Better Media - Ofcom Spectrum Roadmap Submission**

This submission is on behalf of Better Media, which is a members-based organisation, advocating for openness and transparency in media policy, pluralism in media ownership, and access to media platforms as a civic right. <https://bettermedia.uk/>

### **Delivering Small Scale DAB Radio**

In undertaking any planning and implementation work for Small Scale DAB, Better Media reminds Ofcom of the need to be transparent and timely with feedback in regard to the status and challenges of implementing and delivering the SSDAB roll-out. We would ask that Ofcom publishes regular monthly updates and briefings on issues that are being actioned and resolved in the technical licencing process, such as those dealt with by the Ofcom broadcast team as they approve and sign-off each of the multiplexes' transmission characteristics.

Better Media asks Ofcom, therefore, to maintain and publish an ongoing log and risk assessment of SSDAB service delivery. This log should specify how any advertised coverage area is fully built in and out, based on the applicants proposals, and what coverage is achieved in practice by each of the approved multiplex providers. Ofcom should make it a mandatory requirement of the licence process that as well as publishing tariff rates on the Ofcom website, to ensure market transparency and fairness, that Ofcom will also publish coverage maps that indicate what the advertised service area was, what the proposed service area was in the successful application, and what the achieved service area is at the time of broadcast service approval by Ofcom.

Better Media is particularly mindful that citizens and consumers in each of the advertised areas should be fully aware of, and able to receive full coverage within the advertised SSDAB polygon area, as specified in each of the rounds. Where a provider is not able to meet the advertised coverage requirements, we would expect Ofcom to ensure that the service providers make public statements of mitigation, so that consumers, who may wish to purchase DAB receivers, are aware prior to their purchases that they may not be able to receive the advertised and awarded SSDAB multiplex service. We would urge Ofcom to make this mitigation statement a requirement of the SSDAB application process, in the event that a service does not match the advertised transmission coverage area.

In addition, Better Media is conscious that multiplex services may operate outside of their licenced service area, and that these transmissions are not protected, and may be reduced when other services in neighbouring areas start to broadcast. We assert that Ofcom has a duty to ensure that citizens and consumers, as well as programme providers in these areas, must be made aware that programming services reaching beyond the advertised licenced service area do not constitute a permanent service, and that they may be replaced by other services in later licencing rounds.

Better Media also urges Ofcom to undertake regular assessments of the replication of existing broadcast services by FM and AM stations in comparison to the SSDAB multiplexes. This assessment should identify to what extent service coverage of FM/AM is contiguous with SSDAB coverage, and in what way it is not contiguous. Emphasis should be given to areas that have historically poor broadband and mobile phone coverage, where existing local analogue radio services are not covered and replicated by SSDAB services. We ask that Ofcom publish what mitigation and compensation requirements they are proposing to cover any gaps in the proposed and actual broadcast transmission planning in these areas, such as coverage extensions, use of available analogue spectrum, technical alternatives, and so on.

We also ask that Ofcom publish a review and assessment of the circumstances of any prospective broadcasters who are not able to obtain access to their preferred broadcast licence area because of any shortcomings of the SSDAB coverage areas that are advertised, proposed and implemented. This assessment should indicate what mitigating actions Ofcom is advising prospective broadcasters to take if they are unable to get on-air due to limited access or coverage by SSDAB multiplex providers. We believe that Ofcom should also track and monitor the economic viability of the programming services that are included in the awarded multiplex licences, and that any changes leading to a disparity between the projected and achieved services, are monitored and regularly reported in a way that can be easily tracked in an ongoing form.

### **Increasing Spectrum Access for Restricted Service Licences**

Limited access to spectrum has historically been noted by Ofcom as the core restraint placed on analogue broadcast radio licensing in the UK. However, with the shift away from large-scale international and national services, such as the BBC's recent announcement that they will start to close their AM transmitters after 2025, there is an opportunity to now begin to consult and plan for the suggested digital switchover for radio, as was recommended in the recent DCMS discussion paper, which the BBC have now started to anticipate.

Better Media is therefore supportive of the proposal to increase access to spectrum for Restricted Service Licences, using what are presently classified as 'sub-optimal' frequencies. We believe this gives an opportunity for Ofcom to test and assess the potential demand for additional services on these frequencies, and to test the licencing capability that Ofcom has to meet any potential increase of requests to licence additional analogue services prior to the implementation of any digital switchover. Better Media therefore urges Ofcom to expand this proposal, and to undertake a review of the available spectrum on the AM and FM bands, with the intention of identifying the likely additional capacity that modifications such as the relaxation of the RSL licencing arrangements would generate.

Better Media is mindful that a state mandated 'switch-over' for radio may be unfeasible, and that instead, a 'move-over' policy would be the pragmatic response - where regional and national services are moved to DAB, while local, independent and community services use remaining analogue spectrum. With DAB 'switch-off' in Ireland, and the halt of switch-over in Norway, Better Media contends that a pragmatic and pluralistic solution would better serve the public interest.

In addition, with the BBC's proposal to close their remaining transmitters, we would urge Ofcom to undertake an urgent review of the impact that this might have on the viability of existing radio transmission services by other providers, such as those who are co-located on these transmission sites, and who presently share the rental and servicing costs. We would expect Ofcom, therefore, to maintain and publish a risk-register for the management of digital switch/move-over for radio, which covers actions from all radio broadcast service providers in anticipation of a published and stated plan for switch/move-over.

Better Media recommends, therefore, that the proposal to relax the process for licencing RSL services, is an opportune moment to also review the viability of AM and FM spectrum. However, this must be based on independently gathered evidence, and should follow the wishes of a wide range of public interest and citizens groups, that reflect the concerns of consumers who are likely to be introduced to these new services, or who may wish to continue to make use of content that is already provided by independent and small-scale producers on AM and FM, such as local commercial and community providers.

Better Media contends that it is Ofcom's duty to support access for non-established and independent service providers, who would not easily get access to affordable broadcast platforms, and who wish to provide services based on limited coverage areas and non-traditional population integrity profiles. Better Media sees the benefit of this potential additional capacity, when combined with a relaxation of the RSL licencing process, as able to offer an opportunity for Ofcom to liberalise the otherwise tight regulatory process.

Better Media therefore sees no need to maintain a regulatory lock on this capacity in the future, and asks that Ofcom undertakes an evaluation and analysis of an on-demand approach to Restricted Service Licences, that can be offered across AM and FM, for extended periods, which will maximise the use of available frequencies where there are readily identifiable 'gaps'.

Better Media recognises that this may mean removing existing limitations on the RSL licence characteristics, such as the integrity of a place served, the timescale of the service, and the services characteristics as are presently defined in the RSL approval process. If Ofcom is expecting to licence a large number of C-DSP licences for the new SSDAB services, then we would ask that this feasibility study also identifies how lessons from the C-DSP licence process can be used to open-up, improve and maximise the AM/FM RSL licencing process, the Community Radio licencing process, and the commercial radio licencing process.