

Member of the public 2

| Question | Your response |
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| <p>Question 1: Do you agree with our provisional conclusions from our review of the BBC's assessment of the public value of the proposals for:</p> <ul style="list-style-type: none"> I. the proposed DAB+ music stations; and II. 5 Sports Extra. <p>Please provide evidence to support your views, specifying which our conclusions you are referring to.</p> | <p>Confidential? – ¥ / N</p> <p>I agree with Ofcom's provisional conclusions regarding the proposed DAB+ music stations. The programming and strategy for R1D, R1A, and R3U has been well thought out and shows that the BBC is trying to reach new audiences. In particular, the BBC should be commended for its strategy on these stations, in prioritising British talent and promoting new music discovery by including a much wider range of unique songs than commercial operators. For example, R3U is a perfect illustration of how well the BBC has understood its target audience here by deliberately choosing to promote contemporary composers in the cross-genre and minimalist / progressive classical space. I am aged 34, so such just under the target age for R3U, nevertheless I have found that it meets my listening needs far better than alternatives (R3 is not well tailored for relaxing listening, and commercial stations interrupt the flow of listening when using R3U as calming background for focus on work and study or as a sleep aid). R3U has also positively helped me discover new music which I would never have encountered through an algorithmically produced streaming service.</p> <p>I agree slightly with Ofcom's provisional conclusions regarding R2E. Although the programming mix indicates a desire to reach underserved audiences and showcase a much broader range of music and talent than commercial stations, ultimately, the BBC's proposals fall short. The ethos of R2E remains vague and there has not been the testing of the concept via the BBC Sounds app and internet-enabled listening devices, in contrast to</p> |

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| | <p>R1D, R1A, and R3U. That said, the BBC is right to identify that it can do more with R2E to reach audiences, particularly in C2DE socio-economic backgrounds. In its final conclusions, Ofcom should signal that it would welcome revised proposals for R2E which better meet the BBC's regulatory obligations. If the BBC does not act in this space, it will lose more of the audiences it wishes to attract with this proposal.</p> <p>However, I disagree with Ofcom's provisional conclusions regarding 5SE. Ofcom is right to point out that the BBC's proposals for 5SE do not, at present, broaden its coverage of local and niche sports. However, I do not believe that is sufficient reason to refuse to vary the conditions for 5SE. In its final conclusions, Ofcom should signal that it would welcome revised proposals for 5SE which better meet the BBC's regulatory obligations. See further on Q2 and Q3.</p> |
| <p>Question 2: Do you agree with our assessment of the likely impact of the proposals on fair and effective competition (including as set out in annex 1)? Please provide your answer and any supporting evidence separately for:</p> <ul style="list-style-type: none"> I. R1A, R1D and R3U; II. R2E; and III. 5SE | <p>Confidential? – ¥ / N</p> <p>I agree with Ofcom's assessment of fair and effective competition for R1A, R1D, and R3U. The BBC is able to take risks in these spaces and bring a broad range of programming to underserved audiences whose needs are unlikely to be met by commercial operators (see further on public benefit in Q1).</p> <p>I slightly agree with Ofcom's assessment of fair and effective competition for R2E. In its report, Ofcom shows that since the BBC's announcement of plans for R2E, competition has been fierce and the commercial offering has radically re-organised in a matter of months. However, the fast-paced change in this sector means that when revised proposals for R2E come forward, as I hope they will, the question of competition will already have shifted</p> |

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| | <p>drastically. Rather than being mindful of the BBC's monopoly power in radio media generally, Ofcom should note that competition in the R2E space is very healthy. In a way, the BBC has been placed on the back foot by needing to publicly consult on its proposals for R2E, meanwhile commercial operators have no such constraints and have proceeded at pace. Ofcom should take this latter point into account when revised proposals for R2E are brought forward, to recognise that bureaucratic and regulatory constraints have prevented the BBC from being as agile and risk-taking in comparison to commercial competitors.</p> <p>Regarding 5SE, I believe that Ofcom is mistaken in taking the view that allowing 5SE to operate with extended hours would have the impact on fair and effective competition that the report outlines. The relevant considerations for competition in this space are at the level of sport broadcasting rights, which have already been acquired by the relevant duopoly broadcasters (BBC and talkSPORT). If Ofcom believes there is unfair market influence in the acquisition of broadcasting rights, it should consider making a reference to the Competition and Markets Authority, rather than intervening <i>post hoc</i> in the ability of pre-existing broadcasting rights to be exercised.</p> <p>talkSPORT is backed by one of the most influential broadcasting conglomerates in the world, and it should not be Ofcom's place to distort the market in its favour, beyond preventing the BBC as a monopoly player from abusing its position in radio media generally. If talkSPORT wants to increase its programming and reach, its owner should invest in it more (it has the means to do so but has presumably</p> |

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| | <p>decided against investing because the business case does not avail itself on the strength of talkSPORT's existing sport broadcasting rights, <i>not</i> its radio licensing conditions, which are more favourable than the BBC currently has with 5SE).</p> |
| <p>Question 3: Do you agree with our provisional conclusions on the BBC's proposed changes to its radio services? Please provide evidence to support your views, indicating which of the BBC's proposed changes you are referring to.</p> | <p>Confidential? – Y / N</p> <p>I agree with Ofcom's provisional conclusions regarding R1A, R1D and R3U. I also agree that the BBC's proposals for R2E are not yet fully formed. The BBC should be encouraged to test the R2E proof-of-concept as a new channel on the BBC Sounds app and internet-enabled devices (as it has done for R1A, R1D, and R3U). Once it has done so, Ofcom should look favourably on the BBC's resulting proposals for R2E, which are a good attempt to reach underserved audiences.</p> <p>I disagree with Ofcom's provisional conclusions regarding 5SE (see further on Q2). Ofcom's approach is too cautious and risks disincentivising investment in the outcomes Ofcom rightly says it wants to see. As stated in Q1, the BBC's proposals for 5SE do not, at present, involve a broader range of programming on local and niche sports. However, Ofcom's provisional conclusion to refuse to vary 5SE's licence conditions is misguided. Instead, Ofcom should vary 5SE's licence conditions to allow 5SE to establish itself as a home for sport. With increased listenership, the BBC will then have the incentive to take risks to obtain broadcasting rights for local and niche sports, which it can then include into its programming mix over time. Currently, the BBC broadcasts this content, but it is not achieving value for money nor reaching broad audiences precisely because the content is currently</p> |

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| | <p>broadcast in an <i>ad hoc</i> fashion across a disparate range of services. Ofcom should not let the perfect be the enemy of the good – instead, it should welcome the BBC’s proposals for 5SE as a step in the right direction. I agree that Ofcom should incentivise local and niche sports programming but its approach should instead be to include this as a condition for the variation of the licence, rather than an outright refusal.</p> |
| <p>Question 4: Do you agree with our proposal not to set additional operating licence conditions on R1D, R1A and R3U if we approve them?</p> | <p>Confidential? – Y / N</p> <p>Yes, I agree that the programming and strategy for these stations has been well thought out and the proof-of-concept has been well tested. Ofcom should proceed without imposing additional licence conditions.</p> |