

### **Additional comments:**

Adrian Pickering is a academic engineer in Electronics and Computer Science, University of Southampton. He is an associate of the Institute of Broadcast Sound and is Sound Supervisor for Highfield Church, Southampton. He is particularly concerned that the community sector (e.g. churches, universities) has reasonable access to 'PMSE' spectrum in order to carry out their social obligations.

### **Question 1: Do you agree that clearing DTT from channels 61 and 62 and PMSE from channel 69 to align the upper band of cleared spectrum in the UK with the emerging digital dividend in other European countries is likely to further the interests of citizens and consumers to the greatest extent?:**

Yes. However, the impact of doing so on incumbent users MUST be properly managed. It is not fair that such hitherto legitimate users of the spectrum pay disproportionately for generally 'further[ing] the interests of citizens and consumers'. Community users do not have the resources to absorb such costs and there is a real risk of non-compliance. To achieve the benefits there must be publicity, as there is for DTT, and (financial) incentives to comply.

### **Question 2: Do you agree that the proposed DTT migration criteria are proportionate and appropriate? If not, please explain why and clearly identify any other criteria you believe should be adopted and why.:**

DTT are not the only users of Channels 61 and 62. Nothing is said about the move of radio microphone users. Such users in these channels should be treated in the same manner as those moving from Channel 69 since they have experienced the same late policy changes.

### **Question 3: Do you have views on the options identified and our assessment of them? Do you believe there are other, superior options, and, if so, why? Do you agree that the hybrid option is most consistent with the DTT migration criteria?:**

See answer to Q2. The impact on other legitimate users of Channels 61 and 62 must be managed. Any scenario that involves temporary use of these channels during the 'shuffle down' must not ignore incumbent users.

Q4

### **Question 4: Do you have views on the implementation-timing options identified and our assessment of them? Do you agree that DSO-integrated implementation is most consistent with the DTT migration criteria? If not, why not?:**

See answers to Q2 and Q3.

**Question 5: Do you agree that a programme-control and -governance arrangement such as that outlined above is appropriate?:**

The management structure proposed is wholly broadcast focused. I expect to see involvement from the Band Manager so that the interests of incumbent non-broadcast use of the channels are met.

**Question 6: Do you agree that the four cost categories adequately capture the costs associated with clearing DTT from channels 61 and 62? Are there any costs that do not appear to have been accounted for in any of these categories?:**

Again, other incumbent use is omitted. The impact of the changes and the costs of implementing them must be planned and managed.

**Question 7: Do you agree that our cost profile is a reasonable basis for planning the capital expenditure for clearing DTT from channels 61 and 62?:**

The costs of moving PMSE users from Channels 61 and 62 have been ignored. These may be comparatively small, but the impact on those users will be high. Accordingly, a decision must be taken on how to incentivise users to vacate the channels.

**Question 8: Do you agree that these are the most appropriate criteria to assess which spectrum is the best alternative to channel 69 for PMSE?:**

Broadly, yes. However, each should be considered through all the intermediate implementation phases. For example, the 'flight' from Channel 69 might impose too heavy demands on Channel 70. Whether such users are licensed or not, this could impede the programme as users would likely retune to a non-compliant part of the spectrum.

**Question 9: Do you agree with our technical and coverage analysis of the possible alternatives to channel 69 for PMSE?:**

Channel 69 is recognized for its importance for nomadic PMSE use. However, quite a number of community users have adopted it for static use. This was an unintended consequence of the way the licences were priced. Any analysis should focus on nomadic requirements and legitimate static users should be encouraged to use interleaved spectrum. Any analysis of current Channel 69 use needs to be done with care because it will include static users.

**Question 10: Do you agree with our economic assessment of the realistic alternatives to channel 69 for PMSE?:**

Broadly, yes. However, the costs of the policy change to the UK radio microphone industry have not been included. There is an increasing risk that further delay may cause these industries to cease and, thereby, increase the costs of the spectrum

changes i.e. UK-manufactured equipment needing to be completely replaced with foreign-sourced equipment rather than converted.

**Question 11: Do you agree that channel 38 is the best alternative to channel 69 for PMSE?:**

Yes, subject to the technical requirements being met, notably regards adjacent channel interference.

**Question 12: Do you agree that we should award channel 38 to the band manager on the same terms as would have applied to channel 69?:**

Yes. Guidance should be given to the Band Manager on incentivising the best use of Channel 38 i.e. that it is used ONLY for nomadic PMSE use. Prior static Channel 69 users should be counselled and encouraged to use suitable interleaved spectrum. Clearly, if it is cheaper to use interleaved spectrum then that is an incentive to use it. Thus, suitable spectrum pricing by Ofcom might generate this technically desirable outcome. This could embody the earlier suggestion that registered charities get a reduced licence rate.

**Question 13: Do you agree with our proposal to maintain PMSE access to channel 36 on 12 months? notice to cease and to the rest of the cleared spectrum (channels 31-35, 37 and 61-69) until DSO is completed in the UK in late 2012?:**

Anything that helps resolve the Channel 69 issue quickly is desirable. At this stage we seek certainty and suggesting extended use of the current spectrum plan is possibly not helpful (5.67). A clear, firm well-publicised plan is now required, backed by proper incentives to incumbent users to comply with it in a timely manner. This will also attract the best price at auction for 'vacant possession' of re-purposed spectrum.

**Question 14: Do you agree with our approach to determining eligibility for, and our assessment of the level of, funding to move PMSE from channel 69?:**

No.

Eligibility: The Sagentia study showed that there are a lot of unlicensed users of radio microphones. For whatever reason, the requirement to license such equipment and, thence, be informed of the anticipated changes, has not been well communicated. Ofcom needs to work with the situation its consultants have identified. Churches and other community users are least able to afford the change but are going to be its prime victims. Since it is in Ofcom's interests to be able to offer 'vacant possession' to spectrum, it should now take positive action to secure this. Once the rate of compensation is agreed (see 'Level' below) a time-limited amnesty is announced for registered charities to lodge a properly-justified claim. Note that the same compensation scheme should also apply to Channel 61 and 62 users (see Q7). By implication, the suggested eligibility date needs to be reviewed.

Level: It is accepted that any user (charities included) should be writing-off radio microphone equipment over its lifetime, which Ofcom assume to be 10 years. For community users, a specialist will usually be involved in sourcing and installing the equipment, so the TOTAL cost of acquisition needs to be taken into account, not just the cost of the equipment. Some acknowledgement of the organisation's extra overhead costs in making an earlier-than-necessary change should also be included.

The Band Manager costs are not mentioned. Since this independently-run operation is going to be crucial to the success of the changes, such management costs should be included.

**Question 15: Do you agree that three years is long enough for PMSE to move from channel 69?:**

Yes, provided that a firm plan is established quickly and the compensation arrangements are resolved and fast IMPLEMENTED. Notably, confidence among the radio microphone manufacturers needs to be (re)gained so that they can plan to respond appropriately.

**Question 16: Do you agree that with our analysis of the key impacts of our policy options? Are there any other key impacts we should assess?:**

A6.46 states that PMSE has not be modelled. Since Ofcom has probably underestimated the (economic) impact of the changes to the sector, this needs to be revisited.