

Ofcom Consultation

British Entertainment Industry Radio Group (BEIRG)

Ofcom Draft Annual Plan 2017/2018

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Contact Details:

Adam Nice
Ranelagh Political Communications on behalf of the BEIRG Steering Committee
8.10 Central House
Ballards Lane
London N3 1LQ

Tel: 020 36422754

adam.nice@ranelaghuk.com

Executive Summary

- BEIRG has two main priorities for 2017/18: attempting to resolve the outstanding issues with the alternative spectrum for PMSE in the 960-1164 MHz band and engaging with the process that BEIRG trusts will achieve a fair and comprehensive funding scheme for all PMSE professionals affected by the upcoming 700 MHz clearance.
- BEIRG is grateful to Ofcom UK for recognising that the impending loss of access to 96 MHz of spectrum will have a negative impact on PMSE services. BEIRG is also grateful for Ofcom's work to provide access to alternative spectrum to mitigate this loss.
- However, there are still unresolved issues with the 960-1164 MHz band which need to be addressed before manufacturers can commit to manufacturing equipment for the band.
- Specifically, Ofcom UK should endeavour to achieve wider international harmonization of the 960-1164 MHz band by promoting its use for PMSE abroad; release finalised post-700 MHz clearance spectrum maps for the 470-694 MHz band as soon as possible; given the ongoing issues surrounding the 960-1164

MHz band, continue to monitor developments within CEPT with regards to other frequency bands that are being recommended for use by audio PMSE devices. BEIRG welcomes the UK Government's decision to provide funding for PMSE users affected by the 700 MHz clearance and looks forward to engaging with Ofcom on the design of this scheme. Timely release of 470-694 MHz white space maps will greatly assist professional audio PMSE users and manufacturers to plan for the future.

- BEIRG believes that that no PMSE user should be disadvantaged, lose assets or be less able to fulfil their role as a result of the clearance of the 700 MHz band.

Introduction

BEIRG welcomes Ofcom UK's continued engagement with the audio PMSE industry over recent years. There is still much work to do and we look forward to continuing to work with Ofcom with the same spirit of cooperation to find a successful solution to audio PMSE's future spectrum deficit.

In 2017/18 Ofcom must continue its engagement with the audio PMSE sector, an industry which provides the foundations for the UK's world-leading creative industries. Our two priorities for this period are attempting to resolve the outstanding issues with the 960-1164 MHz band and achieving a fair and comprehensive funding scheme for all PMSE professionals affected by the 700 MHz clearance.

The 960-1164 MHz band

We are appreciative of the work that Ofcom UK has done in identifying the impending shortfall of spectrum availability for PMSE following the 700 MHz clearance. We are also grateful for the work Ofcom UK has undertaken in identifying and allocating the 960-1164 MHz band of spectrum to partially mitigate the loss of access to the 700 MHz band. However, there are still a number of unresolved issues with the 900-1164 MHz band.

The 960-1164 MHz band does not provide a large enough quantity of spectrum to adequately compensate for the loss of access to the 700 MHz band, which provides PMSE with access to 96 MHz of spectrum in many UK locations, in particular, London. The 960-1164 MHz band by contrast only provides access to up to 50 MHz of spectrum in key locations such as London due to the density and nature of incumbent aeronautical use. In its original consultation, Ofcom UK identified the 1525-1559 MHz band as a potential candidate band for audio PMSE sharing. Both bands together would have come closer to fully mitigating the loss of access to the 700 MHz band. Unfortunately however, Ofcom UK has, thus far, only opened up access to the 960-1164 MHz band. Recent developments within CEPT have seen two new frequency bands being identified for potential audio PMSE deployment within both ECC Recommendations 70-03 and 25-10; 1518-1525 MHz and 1350-1400 MHz. BEIRG encourages Ofcom UK to monitor developments in all potential audio PMSE bands. For example, both Germany and Austria have 'opened' the 1350-1400 MHz band for deployment of PMSE applications.

While Ofcom UK has now opened up access to the 960-1164 MHz band, no commercially available audio PMSE equipment yet exists for the band. This is because manufacturers have yet to be convinced of the business case for building equipment for the band. There are three main reasons why manufacturers are reticent to build equipment for use in the band. The first is that, while the aeronautical band is harmonised across Europe for use by aeronautical applications, no other administrations have yet committed to using the band for PMSE. Recent developments at WGF#87 have demonstrated just how much opposition there is to audio PMSE being deployed in the 960-1164 MHz band, both from other CEPT administrations and aero industry representatives. If this level of opposition continues, this could mean that the 960-1164 MHz band will just be a UK-only solution, severely limiting the market size and potential return on investment for manufacturers.

The second cause for concern is the legal and regulatory landscape of the 960-1164 MHz band. It is currently Ofcom UK's intention that PMSE equipment will not need to adhere to any aeronautical or other additional technical specifications and that licensing enforcement will be sufficient regulation of the band. Manufacturers need assurance that they will not have to bear the cost of recalling and modifying equipment should that situation change. Additionally, manufacturers and producers need clarification of their own liability in the event that equipment designed for use in the 960-1164 MHz band is misused and a clear understanding of the future regulation of cross-border transportation of 960-1164 MHz PMSE equipment.

Thirdly, there are differing views as to the long-term viability of the band for audio PMSE deployment, in terms of future spectrum availability. While Ofcom UK take the view that any future aero system deployments have been taken into account in their estimations of future spectrum availability, the aero industry tells a very different story; new systems will be deployed in the mid-term which will 'use up' the spectrum that Ofcom UK has identified as being available for audio PMSE deployment.

Therefore, with regards to audio PMSE, Ofcom should consider the resolution of these issues to be a priority during the 2017/18 period. In particular, Ofcom should continue to promote the use of the 960-1164 MHz band abroad for PMSE use and perhaps intensify its involvement within CEPT in an effort to persuade other CEPT administrations as to the validity of their work in identifying 960-1164 MHz as a suitable band for audio PMSE.

To give manufacturers a clearer idea of the potential market size for new equipment if the band remains a UK-only solution, Ofcom UK should work to release finalised post-700 MHz clearance 470-694 MHz national white space maps. In the intervening time, Ofcom should keep the industry up to date with the work as it develops. The attractiveness of any new equipment in the 960-1164 MHz band will also be contingent upon the details of the funding scheme, particularly as any new equipment for use in the 960-1164 MHz band will likely represent an upgrade on existing equipment, rather than a strictly like-for-like replacement. Therefore, Ofcom UK should engage with the audio PMSE sector with regards to the funding scheme as early as possible.

Finally, Ofcom UK should continue to work with stakeholders in both the PMSE and aeronautical industries to provide clarity over all aspects of the legal and regulatory landscape of the 960-1164 MHz band.

Funding for PMSE

BEIRG welcomes Ofcom UK's commitment to design a funding scheme for audio PMSE to mitigate the impact of the 700 MHz clearance. It is BEIRG's position that no PMSE user should be disadvantaged, lose assets or be less able to fulfil their role as a result of the clearance of the 700 MHz band.

BEIRG believes that compensation should be provided for:

- Replacing equipment that tunes, to any degree, to the frequencies within the 700 MHz band, and will therefore lose functionality as a result of the clearance. It is BEIRG's belief that, as no PMSE user should be disadvantaged by the clearance of the 700 MHz band, even a small reduction in functionality is unacceptable and should be compensated.
- Replacing equipment that operates in the spectrum below 694 MHz that will no longer be able to operate at those frequencies in that location due to the re-planning of DTT broadcasts.
- Replacing equipment that, whilst not directly affected by the 700 MHz band clearance, is paired with now obsolete equipment that is affected, for example racks and antennas.
- Additional costs associated with replacing or otherwise altering equipment affected by the 700 MHz clearance.

Below are examples of additional costs associated with replacing equipment affected by the 700 MHz band clearance. The list is non exhaustive.

- Costs (such as overtime payments) associated with gaining access to theatres outside of show and rehearsal times, in order to remove old, defunct equipment, dispose of it and replace it with new equipment.
- Testing new equipment – additional full rehearsals with cast, orchestra and crew (possibly more than once).
- Administrative work which will need to be undertaken by those who claim under any compensation scheme. During the 800 MHz band clearance, one company (a BEIRG member) was forced to commit 501 ‘man’ days to the process of identifying which equipment would need to be replaced at a cost of well over £100,000. The process included liaising with customers already using kit, creating new frequency plans, applying to revise licences held, programming new equipment, installing and testing it, removing the old units and processing their return to Equiniti and completing the necessary administration for Ofcom and Equiniti.
- Research and development costs incurred by manufacturers who are forced to develop new product lines because of the migration.

We look forward to engaging with Ofcom on the design of the scheme later this year.

Conclusion

The PMSE sector faces a damaging loss of spectrum access as a result of the 700 MHz spectrum clearance. This loss of spectrum access will make it more difficult to stage some of the country’s largest and most culturally significant events and will hamper the growth of the PMSE sector and the wider creative industries. We are grateful to Ofcom for recognising this problem and for working to mitigate the shortfall. However, the threats facing the PMSE industry are being exacerbated by the pace of change. The accelerated timetable of the 700 MHz clearance and the continuing lack of certainty over the currently offered 960-1164 MHz replacement spectrum present very significant challenges to the audio PMSE industry. Crucial information has either been presented to the PMSE industry too late, or is not yet available at all. BEIRG advocates that Ofcom UK consider it a priority to work through the remaining barriers to the uptake of the 960-1164 MHz band and to further consider other candidate frequency bands before the clearance begins in 2020.

British Entertainment Industry Radio Group

The British Entertainment Industry Radio Group (BEIRG) is an independent, not-for-profit organisation that works for the benefit of all those who produce, distribute and ultimately consume content made using radio spectrum in the UK. Venues and productions that depend on radio spectrum include TV, film, sport, theatre, churches, schools, live music, newsgathering, political and corporate events, and many others. BEIRG campaigns for the maintenance of ‘Programme Making and Special Events’ (PMSE) access to sufficient quantity of interference-free spectrum for use by wireless production tools such as wireless microphones and wireless in-ear monitor (IEM) systems.

As well as being vital in producing live content, wireless audio PMSE technologies play a key role in helping to improve security and safety levels within the entertainment industry and other sectors. Their benefits include improving the management of electrical safety, the reduction of noise levels, the development of safety in communications and reducing trip hazards as well as providing an essential tool for the security orientated services. Wireless equipment and the spectrum it operates in are now crucial to the British entertainment industry.

BEIRG is a member of the Association of Professional Wireless Production Technologies (APWPT)¹, which promotes on an international level the efficient and demand-driven provision and use of production frequencies for professional event productions, as well as safeguarding such production frequencies for the users on the long run.

¹<http://www.apwpt.org/>