

Question 1: This executive summary sets out Ofcom's proposals for the release of the digital dividend. Do you agree with these proposals?..:

No. The spectrum should be available to all stakeholders. Primarily, there are concerns about the market-led approach. Many essential services for consumers and communities are not led by market forces but more often by market failure. As has been seen previously with spectrum auctions, market failure and under-utilisation of resource is far too often the result of such auctions - we should learn from previous mistakes and not adopt a market-led approach. This is a national, public resource which should be accessible by all, not just those who can afford it.

Question 2: Do you have any comments on our analysis of the essential constraints that will apply to the available UHF spectrum?..:

This country requires a flexible range of solutions in order to deliver services consumers want, now and in the future, and in some regions the telcos refuse to tread because there are deemed to be insufficient profits. Local and community groups have broader social-centric scope than commercial telcos (that are intrinsically constrained by conventional shareholder capital value maximisation) - consequently community broadband networks have demonstrated a remarkable degree of practical broadband self-provisioning, particularly in the first mile from the consumer where ADSL fails for perhaps one million UK citizens based on Notspot survey results ABC/CBN 2006, and this problem will continue unless faced head on now with the DDR spectrum sale and potential uses.

OPLAN (Open Public Local Access Networks) could be built using a mix of fibre and wireless which would allow operators (including altnets and community networks) the chance to share costs for build, maintenance, bandwidth etc, whilst extending national coverage and allowing consumers greater choice of provider, services, etc.

Question 3: Do you agree with the more detailed analysis and proposals regarding these technical constraints as set out in Annex 10?..:

Question 4: Do you have any comments on Ofcom's assessment of the potential uses of this spectrum? Are there any potential uses which should be considered that are not mentioned in this document?..:

Almost all of the proposed uses could be delivered over the Internet/IP now or in the near future; however, in order to do so, we need a high bandwidth, symmetrical network. This would be a better use of the spectrum, and benefit the public to a far greater degree than selling off spectrum to service providers who then sit on the spectrum, and under-utilise this scarce, national resource (as was the case with the 3.4Ghz licenses, 3G etc).

Many other nations now offer consumers symmetrical 10Mbps, 100Mbps and even 1Gbps broadband connections at prices equal to or lower than the 'legacy' broadband services available in the UK. Developing wireless networks in rural and remote areas,

as well as urban notspots, would help bring UK back in line with other nations, and encourage telcos to deliver higher bandwidth services in areas they wish to 'cherry pick', whilst decreasing the impact of the growing digital divide between UK and other nations.

Question 5: Do you have any comments on our analysis of the choice between a market-led and an interventionist approach to the release of this spectrum? Do you agree with the analysis of different mechanisms for intervening to remedy potential market failures?.

The choice of market-driven or interventionist precludes the third way, namely for OFCOM to either licence-exempt the spectrum released by Analogue TV switch off or, if that is too radical a step, the Band C "Light Licencing" approach which has real merit.

Adopting a market-led approach will prevent the creation of services for the consumer and community which are not seen as profitable by industry; will stymie innovation at grassroots; and put spectrum beyond the financial reach of consumers and communities. What is needed is an approach which benefits UK Plc and citizens, not the telcos and Treasury.

The point is that Treasury will see a greater overall indirect benefit from grassroots innovation in this freshly released spectrum in the form of economic and productivity growth plus significant contributions to reductions in green house gas emission by providing rural residents and businesses with the same capability as urban dweller to reduce their usage of all forms of transport by exchanging physical travel for effective symmetrical megabyte+ broadband.

Many of the services of huge social benefit may not be deemed to be profitable to industry and will therefore be unattainable if the market is allowed to dictate progress and developments, as has been permitted with copper and fibre to the detriment of UK plc.

Interventions to date by government have failed to address many problems felt when market failure occurs eg at grassroots level, because of the failure to actually include consumers and citizens in the Ofcom Consumer Panel etc. Regulations on fibre need to be changed before creating further problems with spectrum and potentially worsening the ever-widening digital divide. For instance, reviews of licences etc need to be based on consumer feedback more than on industry say so.

Question 6: Do you agree with our proposals to continue making available channel 69 for use by low power PMSE devices? Do you agree with our proposal to make some or all of the spectrum available for use on a licence-exempt basis?.

YES making all of the spectrum available on a licence-exempt or light-licencing basis would be the optimum outcome for the UK Community and UK PLC!
As we have seen with 802.11, licence-exemption brings innovation, fast development

of the market place, creation of exciting services, ubiquity and affordability, mainly, at the outset, from grassroots level implementation, which is then "adopted" by industry. The failure of correct licensing for 5.8Ghz (when the industry managed to manipulate bands A and B licensing to their own ends) also illustrates that licence-exemption is essential to prevent the spectrum being under-utilised. Ditto 3G, 3.4Ghz etc. Licence exemption is vital for a large block of this spectrum, at least.

Question 7: Do you agree that there should be transitional protection for professional PMSE users to ensure that they can continue to access interleaved capacity until at least the end of 2012? Do you have any views on the mechanism for providing future access to this spectrum?..:

Question 8: Do you consider that additional spectrum from the digital dividend should be reserved for low power applications? If so, please provide as much evidence as possible about the nature of the application and its potential value to society.:

YES!!!! The spectrum in question has significantly better non line of sight NLOS characteristics than the 2.4GHz and 5GHz licence exempt bands hence would be of great utility for users unable to access the existing L/Ex bands due to tree coverage for example - ie if this spectrum is used at similar power levels to existing L/Ex bands then it will be possible to achieve considerable frequency reuse whereas continuing to use this spectrum for high power applications will limit localised reuse of a frequency range able to solve common topographical problems.

Question 9: Do you consider that it would be desirable to hold back some spectrum from award with a view to its potential use for future innovation? If so, please provide comments on how much spectrum should be held back, and for how long.:

Yes. It is impossible to know what applications and technologies will appear in the next year, let alone 20 years into the future. Last year no-one had even heard of YouTube, now it is one of the biggest bandwidth consumers after P2P.

The optimum outcome for innovation is to have the complete spectrum available on L/Ex or Lite/L for at least 5 years in order to encourage both academic/PhD and commercial/community exploitation, as has been seen with Lancaster University's project in Wray for instance.

Consumer creation of content is on the increase, but asymmetrical and bandwidth-restricted telco-run networks are preventing frustration-free usage of such services by consumers. Wireless spectrum (as with fibre technologies) allows the development of symmetrical networks.

Also, unless there is significant investment or intervention in first mile solutions, and

changes to a restrictive regulatory environment, very soon (eg with FTTC, FTTH, sub-loop unbundling for VDSL etc), the wireless spectrum may be the only chance we have in the UK to provide high speed first mile connectivity to consumers and communities. The agenda for this essential investment is currently difficult to envisage with all the hype surrounding 21CN etc, so it may be deemed necessary in 1-5 years time to use this spectrum to reduce the digital divide in the first mile.

Question 10:Do you agree with our proposal that we should package the interleaved spectrum in a way that would be suitable for use by local television services, but not reserve spectrum solely for this use?..:

NO as local TV can be provided over IP.

Question 11:Do you agree with our proposal to package the spectrum in a way which does not preclude mobile broadband use, but to take no further action in relation to this use?..:

Mobile broadband use, as in technology neutral mobile broadband use, not as in use of broadband on mobile telephones, is already on the increase with the use of laptops, PDAs, smartphones etc which do not necessarily use GSM or 3G technology to connect but often wi-fi. This low-cost, easy to use form of mobile broadband should be encouraged and kept away from the monopolies.

One way to do this is to ensure that a national wireless network exists that can be broken out locally (in the first mile) and usable on 2.4Ghz devices. If spectrum is not made available for this type of infrastructure, the consumer and citizen will continue to be hit by ever-increasing usage costs as data demands increase for mobile broadband usage and the mobile operators cash in.

Question 12:Do you agree with our proposal that we should not intervene in the award of this spectrum to reserve spectrum for DTT? Do you agree that we should package the spectrum in a way which is suitable for DTT use?..:

NO, the whole raison d'etre of the digital dividend is that spectrum is being relinquished by analogue to digital switchover - failing to intervene not to mention any active steps on OFCOM's part to then return spectrum to DTT (Digital Terrestrial Television) would frankly make a mockery of the whole exercise.

Question 13:Do you consider that we have included in our analysis the most material risks in relation to market failure?..:

No

Question 14:Do you agree with our proposal to auction licences for the use of the available UHF spectrum?..:

Absolutely opposed to this proposal as this course of action will serve to inhibit innovation and hence serve to minimise the digital dividend that would otherwise be realised were the spectrum to be made available on L/Ex or Lite/L basis as for 2.4GHz and 5GHz bands. Any and all licences must be affordable to every sector eg communities and citizens as well as industry.

Question 15:Do you agree with Ofcom?s proposals as to the timing of any auction? If not, what alternative proposal would you make and why, and what evidence and analysis can you provide in support of your alternative proposal?..:

No. Much of the spectrum could be made available regionally, without auction, as soon as available, to consumers, citizens and local organisations to see what use it can be put to for social benefit, before considering auctions to the telcos.

This is what happened with 2.4Ghz and we have seen far greater innovation, and faster growth and adoption with wi-fi from grassroots than in the market-driven sector.

Question 16:Do you have any views on which of the packaging options identified for the cleared spectrum would be most suitable?..:

Question 17:Do you have any views on which of the packaging options identified for the interleaved spectrum would be most suitable?..:

Question 18:Do you have any views on which of the auction design options would be most suitable?..:

None is suitable as the whole concept of auctioning of this community resource is flawed and will inevitably lead to a sub-optimal outcome for the citizens and economy of the UK

Question 19:Do you agree with Ofcom?s proposals for the non-technical terms of the licences to be awarded for use of the UHF spectrum?..:

Question 20:Do you agree with the analysis of the options as set out in this Impact Assessment?..:

Additional comments:

ABC believes that the spectrum should be made available to serve all consumers and communities with a ubiquitous service accessible to, and licences affordable by, consumers and communities.

We do not believe that the telecommunications companies have proven able to put the consumer and community needs before profits, and we therefore think that this government has a responsibility to the citizens and businesses of the

UK to ensure that this national resource is protected and used responsibly and wisely for present and future generations