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Ref DAP/S&SM/OfcomSFRCconsult

Dear Laurence

**SPECTRUM FRAMEWORK REVIEW FOR THE PUBLIC SECTOR – OFCOM
PROPOSAL TO MAKE REGULATIONS ON RECOGNISED SPECTRUM ACCESS FOR
PUBLIC BODIES**

Thank you for the opportunity to comment on the subject consultation. As you are aware, with the possible exception of the frequencies 416.4 MHz and 416.675 MHz, the aeronautical sector should not be affected by either in-band or adjacent band interference from the band covered by this consultation. Furthermore, there are many key issues around the associated principles and arrangements concerning spectrum reform which are being addressed through the BERR sponsored working groups, which report to SSIG. Given that this work is still ongoing, the following comments are quite general and mainly address matters of principle rather than technical issues.

The consultation questions are not open in structure but are closed looking for a specific response. Whilst this is sometimes necessary, this does not seem to be consistent with the spirit of the Government's Better Regulation guidelines on consultation.

In making proposals on spectrum reform, there is a need for caution as to how you protect the needs of large volume national requirements (e.g. Olympics) without devaluing the resource.

Para 3.6 – Whilst the broad principle is that trading and liberalisation will necessarily secure the best use of spectrum, it has to be recognised that for sectors such as aviation the implementation of the principles to deliver the postulated benefits effectively is a complex issue.

Para 3.7 says that it is an Ofcom policy to remove unnecessary restrictions on the use to which spectrum may be put. Whilst we can support this general principle, it is important to ensure that international obligations are recognised as a 'necessary restriction'. I believe that this has been acknowledged within the consultation, as it appears in several places throughout the document, most notably in para 7.18 bullet 4, para 7.21 and also in Annex 7 under the section concerning revocation of the granting of RSA.

Para 3.7 – it is stated that trading enables spectrum to be transferred to those who can use it best to generate economic and social benefits and to migrate to the most valuable use for society. I assume that the mechanism for judging the most valuable use would be financially based, probably a CBA. However, other considerations must also be taken into account, such as international obligations and the execution of Government policy in other areas, which may not directly produce the most financially attractive benefits.

Para 3.13 - Aviation will not normally engage with the market for spectrum to support global interoperability for safety systems.

Para 4.6 – we agree with the principle of setting technical limits to avoid causing harmful interference.

Question 1. The use of SURs to determine the acceptable levels of interference is considered appropriate. However, the SUR limits in this consultation apply at a height of 1.5 metres above the ground. In any future consultation that affects aeronautical bands, we will need to ensure that appropriate protection limits also apply at heights appropriate to aircraft in flight, so as to take into account the cumulative effect of having potentially large numbers of ground transmitters within line of sight of an aircraft. It should also be noted that pfd limits may vary according to the technology deployed so may not always be the best way of defining protection.

Para 5.9 – Whilst setting time limits for dealing with applications of RSA is necessary to ensure efficient and best practise, the time limit must be appropriate to the nature of the task and must recognise the potential complexities in ensuring a safe set of arrangements are proposed.

Para 5.10 - This consultation does not apply to the Isle of Man and Jersey but aeronautical spectrum management is still carried out by the CAA on their behalf.

Para 6.5 recognises that where a safety-critical application is involved, it will also be necessary to consider the safety case – this is fundamental and strongly supported.

Para 6.30 - Requires a clause addressing safety of life services.

Para 7.30 – Question 2 - no explanation as to why 6.25 kHz and 50km have been chosen as the criteria?

Table 8.1 – Questions 3&4. Some users may have some concerns over the disclosure of the required data. That said, much aeronautical information has to be promulgated in the public arena already, as it is vital for safe operations so a pragmatic view is appropriate. However, information on power, emission code etc would need to be included. From our perspective, there will need to be a cautious approach as to how this information is handled.

Question 5 - Agreed

Para 9.6 – CAA is participating in the BERR sponsored WGs to address a range of institutional issues including financial and charging arrangements. As such it is only appropriate at this stage to state that whatever process is implemented, we require transparency of the mechanism of apportionment of fees and their subsequent allocation.

Annex 7 provides a WT licence template. Within the section on Revocation, would it be appropriate to see a clause that enables Ofcom to revoke a licence if harmful interference, or interference to a safety service, is experienced?

The RIA does not present a strong case in terms of supporting the detailed implementation rather than the high level principles. Given the implications of the proposals and the principles they set, this seems rather surprising.

We are content for this response to be published on the Ofcom website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A P Knill', written in a cursive style.

A P Knill
Head Surveillance and Spectrum Management