



Response to Ofcom Consultation: Digital Dividend Review: geographic interleaved awards 470 – 550 MHz and 630 – 790 MHz Consultation on detailed award design.

1. Company profile

JFMG Ltd is the dedicated band manager for programme-making, entertainment, special events and related activities. It is a privately owned company created specifically to ensure continued and equitable spectrum access to all areas of the programme-making industry.

JFMG successfully coordinates the use of spectrum, issues licences and collects licence fees on behalf of Ofcom, and have done so since 1997. The spectrum we manage ranges from 47MHz to 48GHz and requires expert knowledge of the bands, their uses and restrictions. This includes the spectrum included within Ofcom's Digital Dividend Review, and most importantly for this consultation the interleaved spectrum. JFMG own bespoke tools that uniquely enable us to coordinate interleaved spectrum, ensuring both protection for broadcasting and effective access for programme makers.

In the UK, the professional use of radio for programme making and entertainment purposes is referred to as Programme Making and Special Events (PMSE). PMSE applications include:-

- Broadcast television studio production
- Broadcast television and radio coverage of news, sport or other public events including state occasions
- Theatre and touring shows (e.g. Doctor Dolittle, Cirque du Soleil)
- Music and other entertainment productions (e.g. Live8, Mandela, Glastonbury, T in the Park)
- Motor sport communications and remote monitoring (e.g. F1GP, Moto GP)
- Conferences, and corporate presentations and events
- Movie film productions

As the dedicated band manager JFMG Ltd facilitates the successful running of these events. JFMG also provide on-site consultancy services and are dedicated to leading the industry through the transitional period ahead.

2. Consultation Questions

JFMG has responded only to questions that we believe are relevant to the management of PMSE in the DDR spectrum. Some questions also appear in the Band Manager Award consultation published on 31 July so where there are duplicate questions we have not responded to them here. We will instead respond in full within our Band Manager response.

Question 1): *The executive summary sets out our proposals for the digital dividend geographic interleaved award. Do you agree with these proposals?*

Our initial response to the Digital Dividend Review back in March 2007 stated that JFMG agreed with Ofcom's proposals to package some 50 – 100 lots of interleaved spectrum in a way that would be suitable for use by local television. We agreed that PMSE users were likely to be able to coexist with local television services and also indicated our belief that the loss of these lots was unlikely to harm PMSE capacity and geographical availability significantly. We also highlighted that some of the proposed lots could be used for PMSE services in fixed sites throughout the UK.

Our agreement with these proposals was based on the assumption that PMSE capacity would be broadly similar to that of today, but at that time there was no information available that would confirm this either way. Since then announcements have been made regarding the additional loss of channels 38, 61 and 62.



In January 2008 Ofcom published details regarding the interleaved capacity that PMSE users may gain access to and this provided us with the opportunity to analyse what the new digital interleaved spectrum really meant for our customers.

Our work focused on over 1700 location points across the UK designed to represent real PMSE activity. We then compared current capacity with that of 2012 at each location. Our analysis took into account the loss of lots in 25 locations that had been identified by Ofcom in the DDR statement made in December 2007. It also excluded channels 61 and 62, but included channel 38.

Table 1 below illustrates the number of areas where there will be very limited interleaved spectrum available from 2012.

	Interleaved spectrum available				
	Nil	1x 8MHz	2x 8MHz	3x 8MHz	4x 8MHz
2008	0	0	2	6	13
2012	11	16	39	43	92

Table 1. No. of test locations with less than 5x 8MHz available from interleaved spectrum for indoor or other use

Our results showed that all of our test locations currently have at least 2x 8MHz of interleaved spectrum available. However from 2012 there will be 11 where there is none whatsoever.

Since this work was produced further proposals have been made, most notably the vacation of Channel 38 by radio astronomy. The auction of which will result in the loss of a further channel for PMSE. JFMG intend to look at the impact this will have in more detail and will provide full details within our Band Manager response.

In addition, this analysis only took into account the loss of 1 channel in 25 locations, whilst the geographic interleaved consultation now lists an additional 1 or 2 channels at these sites. What's more is that as a result of stakeholder engagement the list of 25 locations has now increased to a possible 81. This means that it is likely the number of PMSE locations where interleaved spectrum is low or indeed 0 could increase. JFMG intend to undertake further analysis work to verify whether the loss of these additional channels will significantly impact on availability of spectrum for PMSE or not. Once we have completed this work we will pass our findings to Ofcom to consider.

Question 10): Do you agree with our approach to expressions of interest in order to finalise the spectrum lots appropriate to allocate by auction?

JFMG agree with Ofcom's approach to expressions of interest in order to finalise the spectrum lots appropriate to allocate by auction.

We strongly believe that convincing evidence of intended services and financial support should be provided in order to ensure that there is real demand for channels. PMSE use of these channels will be lost in areas where they are auctioned and as previously explained we are concerned that this could have a very negative impact in some areas.

JFMG would also like to suggest that when Ofcom considers an expression of interest, an impact analysis is undertaken to identify how the loss of that channel in that geographical area will affect PMSE usage. Only once Ofcom are satisfied that the impact is acceptable would they go ahead with auctioning that lot. JFMG could help with such analyses.

Question 17): Do you have any comments on the technical licence conditions we are proposing to include in the licences?

JFMG believes that basing the technical licence conditions on DTT use only could exclude and deter other potential bidders for geographical interleaved spectrum.



The document clearly states that PMSE has been identified as the other most suitable use for the interleaved spectrum, yet no licence provision has been made.

Whilst the consultation states that all requests to amend TLC's will be considered after the auction, the absence of a suitable TLC for PMSE could deter risk-averse bidders.

Ofcom's Band Manager consultation talks about encouraging the PMSE industry to further engage in market mechanisms beyond the Band Manager relationship. Therefore the introduction of TLC's suitable for PMSE use could make it more attractive to potential PMSE bidders and help facilitate early entry into the market.

Whilst JFMG understand that Ofcom would not want to create TLC's for uses that may not eventually come to fruition, it seems to be consistent with the cleared award where several SUR types have been created for likely uses. In addition we believe that the Technical Licence Conditions for interleaved spectrum in the Band Manager award could be used as a template.
