

"Working for quality
and diversity in
British broadcasting"



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Response from the Voice of the Listener & Viewer to the Communications Consumer Panel Consultation on its draft Work Plan 2013/14

Voice of the Listener & Viewer (VLV) is an independent, non-profit-making association, free from political, commercial and sectarian affiliations, working for quality and diversity in British broadcasting. VLV represents the interests of listeners and viewers as citizens and consumers across the full range of broadcasting issues. VLV is concerned with the structures, regulation, funding and institutions that underpin the British broadcasting system.

1. Voice of the Listener & Viewer (VLV) welcomes the opportunity to comment on the Communications Consumer Panel Work Plan for 2013/4. The work plan covers a wide range of communications issues and five key areas of engagement. VLV is a citizen and consumer group with interests across broadcasting issues so our response is limited to fifth key area, the coexistence of new services in the 800 MHz band.

2. We have taken an interest in this issue since the use of the spectrum freed up by the switch to digital broadcasting for terrestrial television became a subject of public debate. VLV has responded to several Ofcom consultations on this subject - see especially the responses to *the Digital Dividend Review* (March 2007); *Ofcom's Second consultation on coexistence of new services in the 800 MHz band with digital terrestrial television* (May 2012) and *Securing long term benefits from scarce resources - A strategy for UHF bands IV and V* (June 2012). We have also responded in detail to the spectrum issues in the Ofcom Draft Annual Plan 2013/14.

3. The VLV position is similar to that outlined at the Panel's fifth key objective and can be summarised as follows:

(a) The UK is a two class society in terms of the reception of digital TV services. Ofcom's 2012 *Communications Market Report* indicates that 54 per cent of UK homes now subscribe to pay television. The main television set in these homes will not be adversely affected by the consequences of the recent 4G auction. However there are second and third television sets in many pay TV households that rely upon free-to-air reception. A proportion of the remaining 46 per cent of households, which currently totally rely upon free-to-air reception using Freeview technology, will be adversely affected.

(b) VLV's objective is to mitigate this divide and played a significant role in promoting Freeview (DTT) and Freesat to ensure everyone could continue to receive digital TV "free at point of use". VLV is now seriously concerned that some of those households totally dependant on DTT for reception will lose their services due to the effect of the introduction of 4G mobile technology. We are pleased that, following consultations, some monitoring of the roll out and mitigation is now in place. However VLV is concerned that the provision for mitigation through DMSL may not be adequate. The initial 4G auction is now complete and planning has begun to auction off even more of this "public" resource.

4. The panel work plan states viewers "be enabled to access an equivalent service following the rollout of new 4G services without suffering significant financial detriment". VLV would like the panel to take a stronger view and ensure that:

- there is no financial cost incurred by viewers during the introduction of this technology
- that free access at point of use continues throughout the use of 4G mobile technology
- there is a call centre able to give advice to viewers effected by 4G rollout
- there is an adequate scheme of practical professional help available to the elderly, disabled and other key citizens at risk in the form of a help scheme. This was organised most successfully for the roll out of digital TV.

VLV recognises that the Panel has limited resources and considers that this stronger view can be achieved within the implementation of the specific objective for this key area.

5. At Figure 2 (outline Panel draft Work Plan 2013/14) this key area is shown in the first three quarters of the year. VLV considers that as the roll out of 4G technology will not begin until June 2013 this key objective should continue as active work up to March 2014. It should also be kept under review as a possible key area of work in 2014/15 and not relegated to an area for review.

6. VLV supports the extension of the improvement in access to mobile services via 4G to all citizens. It is a valuable and worthy goal. However the impact on all citizens must be taken into account and the communication needs of all met, including those currently with "free at point of use" DTT.

A longer term spectrum coexistence concern

7. VLV is concerned that the growth of demand for spectrum for mobile technology means that other parts of the spectrum used by DTT will be demanded by communications companies. This will put further pressure on households using DTT (see Appendix 1 on the following page).

Therefore we ask the panel exceptionally to consider adding long term spectrum coexistence to the areas under review for 2013/14.

In particular can the panel seek assurances that the needs of citizens using DTT are protected when the mobile technology companies buy more spectrum and ask to see the government long term strategy for spectrum use . Also ensure that any lessons learnt from the impact of the current 800 MHz exercise are used in developing future plans.

Prepared by Robert Clark
Secretary to the VLV Board
Thursday 14 March 2013

Appendix 1

Securing long term benefits from scarce resources A strategy for UHF bands IV and V

Executive summary - Extract

In 2007 VLV stated "the UHF spectrum is so important for the concept of broadcasting, i.e. one to many at low capital cost, that some spectrum should be reserved for future broadcast systems. Given the rapid pace of technological development, it is impossible to say that new systems will not be invented that will require UHF spectrum post switchover." Since 1961 public service interest issues have led planners to apply the highest protection to this spectrum. We expect that the protection afforded public service broadcasting (PSB) and other closely related services that make up the free-to-air platform will continue. VLV has been dismayed by recent proposals that appear to break that historic rule.

Most of this response consists of answers to the 23 questions asked in the consultation document. However we also make some general points:

1. The highly technical and complex nature of the process and the content of the consultation documents make it very difficult for consumer groups, often with limited resources, to comprehend the consequences of what is proposed. Therefore it is challenging to form a view of the likely impact on consumers. This concern applies to most consultations on spectrum issues.
2. This is compounded by the piecemeal approach to the consultation process. The whole picture of what is being envisaged over a long period of time is not apparent or, at least, is not treated as a whole. The present consultation should have come before the more detailed one from Ofcom about the 800 MHz spectrum (from 23 February to 19 April 2012) to which VLV responded in detail.
3. We are very concerned about the impact on the most vulnerable citizens of the United Kingdom, who have just had to cope with the uncertainty and costs of the switch to digital television. Along with many consumer organisations, we supported the technology used by the Freeview system as we expected it would lead to a stable future and provide a simple and cheap method of receiving digital television. This certainty is now in doubt.
4. We are very concerned about interference to the DTT services caused by poor regulation of some services and the use of inadequate equipment by these often low budget operators. Digital transmission methods are known for their "cliff edge" failure characteristic and so even a modest amount of interference can cause a failure to receive a wanted service. It is therefore important in future planning to take account of the greater threat from interference.

From VLV June 2012