



700MHz Clearance – Management of transitional coverage issues

Consultation on updates to the Code of Practice on
Changes to Existing Transmission and Reception
Arrangements

Publication date: 30 July 2015

Closing Date for Responses: 8 October 2015

About this document

This document is a consultation on an updated Code of Practice on the management of transitional issues during the preparation for the clearance of the 700MHz spectrum band.

In November 2014, Ofcom set out its decision and planned timescale to clear the 700MHz frequency band for mobile use. This band is currently used for digital terrestrial TV and programme making and special events services, and will also be used for TV White Spaces in the future. Clearance of the 700MHz band is due to be completed by 2022.

In order to achieve this transition, a programme of upgrading will take place on the UK's digital TV transmission infrastructure.

The updated Code of Practice is designed to ensure broadcasters and transmission companies make clear arrangements to keep any potential disruption to viewers and listeners to a minimum during the transition stage of 700MHz clearance.

This consultation closes on 8 October 2015.

Contents

Section		Page
1	Introduction	1
2	Developments since 2010 and clearance of the 700MHz band	3
3	Proposed changes to the Code	5
Annex		Page
2	Responding to this consultation	7
3	Ofcom's consultation principles	9
4	Consultation response cover sheet	10
5	Consultation question	12
6	Impact Assessment	13

Section 1

Introduction

- 1.1 The licences held by the Digital Terrestrial Television (DTT) multiplex operators include a condition requiring the licensees to comply with a Code of Practice on Changes to Existing Transmission and Reception Arrangements (the Code). The Independent Television Commission originally drew up this Code to provide guidance to the broadcasters on how to minimise the impact on analogue reception of the initial launch of DTT in 1998.
- 1.2 In 2005 the Government confirmed that digital switchover (DSO) would occur across the UK on a region-by-region basis between 2008 and 2012. The programme of switchover involved engineering works being carried out at every one of the UK's television transmitters.
- 1.3 During the period between the start of DSO preparation work in 2006 and the end of DSO roll out in 2012, the implementation of DSO had the potential to cause some interference to the normal reception of the analogue terrestrial services (BBC1, BBC2, Channel 3, Channel 4/S4C and Channel 5), the pre-switchover DTT services, and the six DTT multiplex services as they were broadcast after switchover on a region-by-region basis.
- 1.4 Therefore, Ofcom updated the Code in 2007 to reflect the work involved in DSO and to provide guidance to the broadcasters on the priorities they should adopt when planning and carrying out DSO.
- 1.5 In 2009, Ofcom confirmed the UK would conform with the European position on clearing the frequency channels 61 to 69 (known as the 800MHz band).¹ This required making further changes to the UK's frequency plan. These changes were largely incorporated at the same time as switchover, but some of the work needed to be carried out in regions that had already completed switchover (the "DTT Clearance Retrofit Programme"). Ofcom updated the Code again in 2010 to reflect the work associated with 800MHz clearance.²
- 1.6 In November 2014, Ofcom announced that the UK would align itself with the emerging European approach to clearing the 700MHz band.³ This will involve making further changes to the frequencies used by some of the UK's transmitters, and moving services broadcast within this band to alternative frequencies.
- 1.7 Ofcom believes that it is important that any disruption to viewers caused by the implementation of 700MHz clearance, and any future clearance programmes if relevant, is minimised, whilst enabling the broadcasters to implement these complex projects in a timely and cost effective manner. It is therefore pertinent for Ofcom to update the wording of the Code once again.
- 1.8 This consultation document sets out Ofcom's proposals for how the Code should be revised to achieve these objectives. It is intended to provide clear guidance to the DTT multiplex licensees about how they should seek to minimise the impact of 700MHz clearance on current DTT viewers.

¹ <http://stakeholders.ofcom.org.uk/consultations/800mhz/statement/>

² http://stakeholders.ofcom.org.uk/broadcasting/guidance/tech-guidance/codes_guidance/cop/

³ <http://stakeholders.ofcom.org.uk/consultations/700MHz/statement/>

- 1.9 Ofcom considers that this is not a matter which involves any fundamental change in policy and is not proposing any change to the conditions in the multiplex licences to reflect these proposed changes. Nevertheless we consider that it is appropriate that we make the interested parties aware of the issues, and give them the opportunity to comment on the proposed changes to the Code of Practice.

Section 2

Developments since 2010 and clearance of the 700MHz band

Multiplexes launched since 2010

- 2.1 In 2010, the latest time the Code was updated, the DTT platform consisted of six multiplexes: three PSB multiplexes and three commercial multiplexes. Since then, several additional multiplexes have launched: the Northern Ireland multiplex, the geographic interleaved (GI) spectrum multiplexes, the local TV multiplex, and interim multiplexes.
- 2.2 The Northern Ireland multiplex (NI mux) launched in October 2012, and broadcasts TG4, RTÉ One and RTÉ Two services on Freeview to viewers in Northern Ireland. Historically, a large proportion of viewers in Northern Ireland have been able to watch free-to-air transmissions of public service channels from the Republic of Ireland (RoI). This is through what is termed “overspill” (i.e. signals transmitted in the RoI, but capable of reception in Northern Ireland).
- 2.3 The creation of NI mux was part of the UK government’s fulfilment of a 2010 Memorandum of Understanding (MOU) between the UK and Irish governments regarding digital switchover. This MOU committed both governments to co-operate to help ensure the continuing widespread availability of TG4 and RTÉ services in Northern Ireland.
- 2.4 The GI multiplexes are intended to use two portions of spectrum to provide DTT services in Manchester and Cardiff. The Manchester multiplex is licensed to Canis Media, and launched in 2012. The multiplex in Cardiff, licensed to Cube Interactive, has not been launched.
- 2.5 The local TV multiplex is licensed to Comux, and launched in 2013. Ofcom awarded Comux the licence for a period of 12 years, and the award specifically referred to the possibility of change of use of the 700MHz band. Comux has plans to broadcast from 40-60 transmitter sites and achieve coverage of up to 50% of households. Since Comux won its licence, Ofcom has been awarding licences for local TV services in various locations to be carried on this multiplex.
- 2.6 In July 2013, we also awarded the 600MHz spectrum band (550 to 606MHz) to Arqiva on an interim basis for the use of DTT multiplexes.⁴ Arqiva has launched two multiplexes in this spectrum, which are known as the ‘interim multiplexes’ and currently broadcast a number of HD and SD services. The basis on which we made the 600MHz band available was to support the interim use of this spectrum for DTT multiplexes using the DVB-T2/MPEG 4 technology to encourage its uptake by consumers. The terms of the award set out specifically a power for Ofcom to revoke the licence to enable change of use of the 700MHz band if we made a decision in favour of such a change. The licence will run until 2026, but with a minimum duration to 31 December 2018, and is subject to revocation on 24 months’ notice.

⁴ <http://stakeholders.ofcom.org.uk/consultations/600mhz-award/statement>

700MHz band clearance

- 2.7 In November 2014, Ofcom published a statement announcing its decision to make the 700MHz band available for use by mobile data, thus aligning with the approach emerging from Europe.⁵ This will involve making further changes to the frequencies used by some of the UK's transmitters, and moving services broadcast within this band to alternative frequencies. We expect the majority of European states to go through a similar process over the coming years; France and Germany for example are well advanced in this process.
- 2.8 We expect that around two-thirds of the UK's 80 principal transmitters and all of the 1,100 smaller relay transmitters will be affected by clearing the 700MHz band. Therefore, in a similar fashion to DSO and 800MHz clearance, the phased implementation of clearance has the potential to cause some temporary disruption to the normal reception of DTT services. This may affect a relatively small number of viewers in the same or adjacent regions.
- 2.9 The engineering planning bodies responsible for technical planning and oversight of the 700MHz programme have been asked to deal with potential interference between transmitters that may arise from clearance, and aim to minimise the consequential impact on viewers. These planning bodies include the DTT Frequency Planning Group (DFPG)⁶ and Clearance Planning Oversight Group (CPOG).⁷
- 2.10 The proposed amendments to the Code do not intend to address issues which may arise from the future use of the 700MHz frequency band by new users. Rather it is concerned with temporary disruption caused by the phased implementation of clearance of the 700MHz frequency band.

⁵ <http://stakeholders.ofcom.org.uk/consultations/700MHz/statement/>

⁶ The DFPG is responsible for developing the clearance frequency plan. It is chaired by Ofcom, and includes representatives from BBC, Arqiva and Digital UK.

⁷ The CPOG's function is to oversee and review the technical planning work for the infrastructure related aspects of the clearance programme. It is chaired by Ofcom, and includes representatives from multiplex licensees, Arqiva, BBC and Digital UK.

Section 3

Proposed changes to the Code

- 3.1 The Code has worked well in the past to provide guidance to the broadcasters during DSO and 800MHz clearance. The existing wording is however based upon protection of analogue and pre-switchover DTT services, and the Clearance Retrofit Programme relating to 800MHz clearance.
- 3.2 As DSO and 800MHz clearance have now been completed, we propose to make changes to the wording of the Code to reflect and give guidance on the most appropriate ways to mitigate the possible impacts of the 700MHz and, as far as possible, any potential future clearance programmes.
- 3.3 Ofcom has prepared a revised Code and a copy is attached to this consultation. The existing multiplex licences already require that the licensees adhere to the Code as revised from time to time. The key issue which we welcome views on is whether the provisions of the proposed revised Code, as drafted, represent an appropriate way to manage this issue.
- 3.4 We have summarised the proposed changes to the Code below:
- 3.4.1 Removing redundant references to switchover and analogue services throughout the document, affecting the following sections as titled in the current Code:
- section 1 'Introduction'
 - section 3 'Types of work expected'
 - section 4 'Categories of viewers expected to be affected'
 - section 5 'Priorities to be adopted during switchover', now deleted
 - section 7 'Remedial actions during switchover', now deleted
- 3.4.2 Aligning section 2, 'Regulatory Principles', to the high level objectives as set out in our November 2014 statement.
- 3.4.3 Including three additional categories of viewers in section 4 'Categories of viewers expected to be affected' to take into account viewers who receive services from NI mux and/or overspill in Northern Ireland, and viewers who receive local TV services.
- 3.4.4 Revisions to section 5, 'Priorities to be adopted during clearance' (previously section 6, 'Priorities to be adopted during the DTT Clearance Retrofit Programme') to take account of clearance activities in general.
- 3.4.5 Revisions to section 6, 'Remedial actions during the clearance' (previously section 8, 'Remedial actions during the DTT Retrofit Programme') to also take account of clearance activities in general.
- 3.4.6 Including references to the DPF and CPOG in section 7, 'Process' (previously section 9).

- 3.4.7 Deleting a sentence in section 7 which said, should loss of service to Priority 1 or 2 viewers be predicted, broadcasters should prepare a paper and recommend a course of action for Ofcom. In reality, this process imposed a significant burden on broadcasters and Ofcom. We will seek to achieve the same aims in a more streamlined and proportionate manner for 700MHz clearance using modern electronic tools.
- 3.5 With the exception of some minor editorial amendments, other provisions of the Code remain unchanged.
- 3.6 Ofcom is publishing this consultation together with the draft revised Code in order to facilitate a discussion on its proposed approach. A key issue Ofcom would welcome views on is whether the Code as currently drafted provides a suitable means of managing this complex issue.

Question: Do you have any comments on Ofcom's proposed revisions to the Code of Practice on Changes to Existing Transmission and Reception Arrangements?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 8 October 2015**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/700-code-practice>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email copupdate@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Peter Madry
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Peter Madry on 020 7783 4325.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/terms-of-use/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement in autumn 2015.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: <http://www.ofcom.org.uk/email-updates/>

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at <http://stakeholders.ofcom.org.uk/consultations/>.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation question

- A4.1 Ofcom has proposed making some changes to the Code of Practice on Changes to Existing Transmission and Reception Arrangements. These changes are intended to provide guidance to broadcasters when planning and making changes to their transmitter networks relating to the clearance of the 700MHz band.

Do you have any comments on Ofcom's proposed revisions to the Code of Practice on Changes to Existing Transmission and Reception Arrangements?

Annex 5

Impact Assessment

Introduction

- A5.1 The analysis presented in this annex represents an impact assessment, as defined in section 7 of the Communications Act 2003 (the Act).
- A5.2 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom's approach to impact assessment, which are on our website:
<http://www.ofcom.org.uk/about/policies-and-guidelines/better-policy-making-ofcoms-approach-to-impact-assessment/>

The citizen and/or consumer interest

- A5.4 700MHz clearance will make available a proportion of UHF spectrum for mobile data. This is an issue of major interest to citizens and consumers, since consumers value mobile data highly.⁸ Ofcom's decision to align with the emerging European position in clearing the 700MHz band frequencies offers further benefits with the potential for mobile services using those frequencies to be available in more than one country.
- A5.5 However, the implementation of 700MHz clearance also has the potential to cause some temporary disruption to the coverage of some television services for some viewers. It is therefore in the viewers' interest that Ofcom provides clear guidance to the broadcasters regarding what reasonable steps should be taken to minimise any such disruption.
- A5.6 The existing Code of Practice has worked well in providing guidance on managing the impact of switchover on UK citizens and consumers. The proposed update to the Code of Practice contained in this consultation is in Ofcom's view an appropriate and proportionate way of managing the potential impact that the phased clearance of the 700MHz frequencies may temporarily have on UK television viewers.

⁸ Consumer research, commissioned for our UHF strategy consultation, showed that 73% of consumers would be willing to pay £10 a month more for improved mobile coverage and more data capacity

Ofcom's policy objective

- A5.7 Ofcom's objective is to establish a framework which will enable the DTT multiplex operators to implement the process of clearing the 700MHz band, while ensuring that viewers' interests are taken into account in their implementation of these programmes.
- A5.8 Ofcom has considered three different ways by which this process could be managed:
- Option 1: Provide no additional guidance to the broadcasters
 - Option 2: Provide an updated Code of Practice to the broadcasters, identifying how best to manage any temporary disruption to services as a result of the work being carried out to implement the 700MHz clearance programme.
 - Option 3: Require the broadcasters to ensure that no viewer suffers any disruption to their service as a result of the additional work carried out in order to implement the 700MHz clearance programme.

Analysis of the different options

- A5.9 The broadcasters have asked for clarity over the level of protection that they are required to afford to viewers while carrying out 700MHz clearance work. Adopting Option 1 would not improve clarity for the broadcasters with the result that their plans would continue to carry a greater degree of uncertainty (and therefore a greater allowance for risk and higher attendant cost) than would otherwise be the case.
- A5.10 The adoption of Option 2 represents an approach that is consistent with that adopted for DSO and 800MHz clearance, and which Ofcom considers has worked well in practice. This also strikes a balance between allowing some disruption to viewers whilst enabling the broadcasters to carry out works in a timely and cost effective manner.
- A5.11 The adoption of Option 3 is likely to significantly increase the costs of the 700MHz clearance work and may well result in delays to the implementation programme. Whilst this may ensure that viewers experience minimal disruption, this is likely to delay the benefits the release of the 700MHz spectrum is expected to yield for the UK economy and UK consumers.

The preferred option

- A5.12 Ofcom's strong preference is that it adopts the proposed updated version of the Code and engages with the broadcasters to ensure its effective implementation.