

Ofcom Consultation

British Entertainment Industry Radio Group (BEIRG)

Ofcom Draft Annual Plan 2018/2019

Date: February 2018

Executive Summary

- BEIRG has two main priorities for 2018/19: supporting Ofcom in delivering a fair and equitable funding scheme for users of Programme Making and Special Events equipment displaced by the clearance of the 700 MHz band and campaigning for Ofcom to redress the shortfall of spectrum for PMSE caused by the 700 MHz band clearance.
- BEIRG awaits the publication of the funding scheme for PMSE equipment owners displaced by the 700 MHz band clearance. The funding scheme must ensure that all owners and operators of PMSE equipment affected in any way by the 700 MHz clearance should be left no worse off. BEIRG strongly advises that Ofcom take into account our response to their consultation on the funding scheme.
- BEIRG is grateful for Ofcom's work in identifying the 961-1015 MHz, 1045-1075 MHz, and 1105-1154 MHz bands of spectrum for PMSE sharing. However, there is a lot of work still to do to make the use of these bands a practical success.
- BEIRG further encourages Ofcom to investigate additional opportunities for PMSE sharing, particularly in line with other European administrations. The 1350-1400 MHz band specifically is either being actively considered or already allocated for PMSE sharing by a number of European administrations.

Introduction

BEIRG has two main priorities for 2018/19. First, BEIRG hopes to support Ofcom in delivering a fair and equitable funding scheme for users of Programme Making and Special Events equipment displaced by the clearance of the 700 MHz band. BEIRG awaits Ofcom's imminent statement on the subject. Second, BEIRG is campaigning for Ofcom to redress the shortfall of spectrum for PMSE caused by the 700 MHz band clearance. This will involve trying to resolve barriers to the uptake of the 960-1164 MHz band and trying to gain access to bands that other European administrations are opening up for PMSE.

Funding for PMSE

The 700 MHz band clearance will mean that PMSE equipment which currently operates in the band will become unusable. The movement of DTT channels associated with clearance will also have an impact on some equipment which operates below 694 MHz. Ofcom is currently designing a scheme to compensate PMSE equipment owners displaced by the 700 MHz clearance. BEIRG has always been clear that the funding scheme must ensure that equipment owners are left no worse off by clearance. The draft of the funding scheme presented for consultation did not achieve this.

To summarise BEIRG's objections to the draft funding scheme:

- Funding only covers 47% of the value of the equipment. This will provide inadequate funding for the majority of users. This figure makes erroneous assumptions about the way PMSE businesses budget for new equipment, predicating payment on the idea that they will have been saving for new equipment as it depreciates on their accounts, rather than in response to new business opportunities as is more normally the case. This assumption will have a devastating effect on the sector as it is not cash-rich and it will likely foster debt and hamper long-term investment.
- Equipment must have more than 50% of its tuning range in the 700 MHz band – this means that businesses can lose almost 50% of their equipment's functionality without being eligible for funding, making it harder for them to deliver their services and leaving them worse off. It also excludes owners of sub-694 MHz equipment who are affected by the DTT re-plan.
- Funding does not currently cover additional and incremental costs – these include switching out old equipment, running additional rehearsals with new equipment, testing, transporting and a host of other issues. These costs have been recognised by Ofcom in previous publications and are directly attributable to Ofcom's decision to clear the band. Ofcom's proposed funding scheme for the Digital Television infrastructure also affected by the clearance does make allowances for these additional costs but inexplicably the PMSE industry is expected to absorb the significant cost and make up the shortfall in its case.

BEIRG awaits the publication of the scheme and hopes that Ofcom has taken into account the industry's response to the consultation.

The 961-1015 MHz, 1045-1075 MHz, and 1105-1154 MHz bands

BEIRG is grateful to Ofcom for identifying and opening up the 961-1015 MHz, 1045-1075 MHz, and 1105-1154 MHz bands ('air band') of spectrum for PMSE sharing. However, the bands remain a UK-only solution, limiting their attractiveness to manufacturers and limiting the quantity and range of equipment that may be available for use in the bands. There remain legal and regulatory concerns surrounding PMSE access to the bands and BEIRG awaits the publication of a safety case which may allay some of these fears. BEIRG urges Ofcom to continue promoting the shared use of these 'air bands' in international forums and to fully commit to ongoing discussions in CEPT on the subject.

At the same time that Ofcom is pursuing the use of the 961-1015 MHz, 1045-1075 MHz, and 1105-1154 MHz bands for PMSE sharing, other European administrations – including Germany, Austria and in all likelihood, France – are opening up some or all of the 1350-1400 MHz band. In addition to the "air bands", this spectrum would come closer to fully compensating the PMSE for the loss of the 700 MHz band. The 1350-1400 MHz band would also have the advantage of a high degree of harmonisation across Europe and introducing sharing into the upper

portion of the band would contribute towards the MoD's obligation to open up its spectrum for alternative uses. BEIRG encourages Ofcom to revisit its assessment of the suitability of the 1350-1400 MHz band for PMSE sharing.

A programme of work surrounding new spectrum for PMSE should be added to Ofcom's annual plan. BEIRG is concerned that Ofcom considers the work on the PMSE review complete because it has identified and allocated some new spectrum. The success of the review will be contingent on the success of how it is implemented and Ofcom must not lose sight of this.

Conclusion

The PMSE sector faces a damaging loss of spectrum access as a result of the 700 MHz spectrum clearance. This loss of spectrum access will make it more difficult to stage some of the country's largest and most culturally significant events and will hamper the growth of the PMSE sector and the wider creative industries. BEIRG is grateful to Ofcom for recognising this problem and for working to mitigate the shortfall. However, the threats facing the PMSE industry are being exacerbated by the pace of change. The accelerated timetable of the 700 MHz clearance and the continuing lack of certainty over the currently offered 960-1164 MHz sub-bands present very significant challenges to the audio PMSE industry. Crucial information has either been presented to the PMSE industry too late, or is not yet available at all. BEIRG advocates that Ofcom consider it a priority to work through the remaining barriers to the uptake of the 960-1164 MHz bands and to further consider other candidate frequency bands before the clearance begins in 2020.

British Entertainment Industry Radio Group

The British Entertainment Industry Radio Group (BEIRG) is an independent, not-for-profit organisation that works for the benefit of all those who produce, distribute and ultimately consume content made using radio spectrum in the UK. Venues and productions that depend on radio spectrum include TV, film, sport, theatre, churches, schools, live music, newsgathering, political and corporate events, and many others. BEIRG campaigns for the maintenance of 'Programme Making and Special Events' (PMSE) access to sufficient quantity of interference-free spectrum for use by wireless production tools such as wireless microphones and wireless in-ear monitor (IEM) systems.

As well as being vital in producing live content, wireless audio PMSE technologies play a key role in helping to improve security and safety levels within the entertainment industry and other sectors. Their benefits include improving the management of electrical safety, the reduction of noise levels, the development of safety in communications and reducing trip hazards as well as providing an essential tool for the security orientated services. Wireless equipment and the spectrum it operates in are now crucial to the British entertainment industry.

BEIRG is a member of the Association of Professional Wireless Production Technologies (APWPT)¹, which promotes on an international level the efficient and demand-driven provision and use of production frequencies for professional event productions, as well as safeguarding such production frequencies for the users on the long run.

¹<http://www.apwpt.org/>