

Ofcom Consultation: **Revisions to Digital Radio Technical Codes**

Wireless response – March 2019

This response is submitted by Wireless Group Limited (“Wireless”), a leading commercial radio operator in the UK (www.wirelessgroup.co.uk). Wireless is a wholly owned subsidiary of News UK and Ireland Limited, part of News Corporation.

Wireless operates, via its Switchdigital subsidiaries (www.switchdigital.com), three DAB transmission networks covering London, Central Scotland and Aberdeen. In addition, Wireless has joint venture interests in the ‘London III’ multiplex operated by Global Radio on behalf of DRG (London) Limited, and the second national commercial multiplex operated by Arqiva on behalf of Sound Digital Limited. Wireless broadcasts six national radio brands across national DAB networks in the UK along with a number of services on local DAB multiplexes.

Question 1 Do you agree with our proposed changes to the ACI/blocking procedures?

Wireless’ detailed comments on the draft Guidance is given in our response to Question 5 below.

In general, Wireless notes that the existing arrangements for dealing with ACI, and the way that the various stakeholders have handled the issue of ACI/blocking to-date have been largely satisfactory. However, with a large number of small-scale licences about to be brought on-stream in the foreseeable future, Wireless welcomes Ofcom’s timely intervention to refresh these procedures.

Our first observation from the consultation document and the revised Guidance are repeated caveats that seem to discourage the use of spectrum planning software. It is not clear what Ofcom’s intentions are in this respect. Admittedly, computer simulations can never produce outputs that are 100% accurate. However the performance of the UK Planning Model has been remarkably robust, and it has been an absolutely essential tool in navigating thorny ACI issues and getting the coverage of the local DAB layer (in particular) to its current levels of FM equivalence. Therefore, we do not see any need to regress from this standard or indeed discard computer simulations generated by credible software. The alternative, where the assessment of new proposals relies on real world testing, will create an unmanageable burden on stakeholders and potentially seriously disrupt listening to existing BBC and commercial services. We cannot imagine this is Ofcom’s intention.

We welcome Ofcom’s attempts to refine the procedures to ensure requests are processed in timely fashion. However, the emphasis does not need to be on the proposer or the

'victim' muxco. Both parties must be dealt with fairly, especially in light of small-scale DAB network roll-out, so that neither party's time is being wasted nor unduly burdened. Adequate response times are therefore helpful. As are clear rules for proposers to ensure all plans for new transmitters have been drawn up by professional, highly competent RF experts using industry recognised tools, which are then submitted in full so as to allow the 'victim' muxco to make an accurate assessment of all proposals without the need for any further analysis. Our proposed amendments to the Guidance have this simple objective in mind.

We note the process still retains the requirement for final Ofcom approval before any new transmitters are commissioned and brought into service. However, we do not believe that victim muxco approval should ever be implied; rather it must always be explicitly given. With the number of proposals likely to be spikey in number when small-scale DAB licensing commences, it will be possible for proposals to slip through the net. It is therefore important that this final check and balance is in place to stop such things occurring.

Question 2 Do you have any comments on the adoption of the new ETSI mask characteristic and on the potential use of the non-critical spectrum mask?

Wireless defers to the technical recommendation of the expert advice of its transmission provider, Arqiva, who recommends that the ETSI critical mask continues to be adopted in the UK until there is further information on the performance of receivers.

Currently there is a single set of protection ratios and it is unclear as to which is the dominant effect: ACI or Blocking. Wireless understands that the split of the impact between blocking and ACI in the generation of the protection ratios is dependent on the design of any given receiver. As the performance of all receivers in the market is unclear, it is not possible to truly know the impact of using the non-critical mask.

Therefore, Wireless supports the view that Ofcom continue to use the critical mask until Ofcom has a data set of receiver tests which shows the true performance of the critical and non-critical mask on 1st and 2nd adjacent services. Only once this information is collected can an informed decision be made. Until then, Wireless recommends the industry remains with critical mask filtering.

Wireless looks forward to having the opportunity to engage with Ofcom following the further analysis Ofcom will be undertaking later this year (as mentioned in clause 4.34 of the consultation document).

Question 3 Do you agree with our proposed changes on DAB+ audio encoding?

Wireless welcomes Ofcom's move to put the two encoding formats on a more equal footing and remove DAB+ quotas. However, the condition proposed by Ofcom in the last sentence

of Clause 3.7 of the Code is not workable. It must therefore be amended or, preferably, removed.

The proposed condition requires multiplex operators to inform service providers' listeners of any move to DAB+. However, multiplex operators, as simple platform operators, are not in a position to provide information to service providers' listeners via on-air announcements. This would require the multiplex operator to have the ability to exert some control over the on-air output of service providers' stations (by forcing them to play-out some form of approved on-air messaging); which clearly they are not in any position to do.

Any condition/requirement to inform listeners therefore: either needs to be placed on the service provider (not the multiplex operator); or removed entirely. Given the clear incentive of service providers to act in the best interests of their listeners, Wireless' preference would be for this unnecessary piece of regulation not to be introduced. There have been numerous examples of services moving from DAB to DAB+ in recent years that have been effected without this regulatory condition being in place.

Question 4 *Do you agree with our other proposed revisions to the Digital Radio Technical Code outlined in Section 6 of this document? Do you have any views on alternative models for dealing with the administration of SId and TII codes?*

Wireless does not believe that any error correction regulation is required, or that banning the deployment of error correction levels below UEP3 is in the best interests of consumers. We therefore support the deletion of the newly proposed draft clauses 3.14 and 3.15 of the Technical Code, along with the deletion of clauses 4.20 and 4.21, and the redrafting of clause 4.19, of the Guidance.

Numerous services currently exist at UEP4, for example, and we are not aware that these services are in any way harming consumers. Indeed, quite the opposite, as being able to utilise lower amounts of capacity these services are able to remain financially viable and consequently on-air. Banning the use of UEP4 and 5 could therefore lead to a reduction in consumer choice. Furthermore, reception is only effected on the margins of network coverage.

This is not an area where any regulatory intervention is required. Radio multiplex licensees require flexibility in how they allocate capacity, and regulation should not seek to restrict this. As Ofcom recognises, in the vast majority of cases, the broadcaster and/or multiplex operator will be best placed to determine the characteristics of the services they are providing. Choosing the appropriate level of error protection is one such case.

As regards alternative models for dealing with the administration of SId and TII codes, Wireless believe it is essential this function is handled by an independent body, and Ofcom

is ideally placed, skilled and resourced to maintain this role. Indeed it is hard to see any logic or benefit in Ofcom divesting itself of such an important function.

Question 5 *Do you agree with our other proposed revisions to the Technical Policy Guidance for DAB Multiplex Licensees document outlined in Section 7 of this document?*

Our comments on the Proposed Technical Policy Guidance for DAB Multiplex Licensees are as follows:

- Strengthen the obligation in Clause 3.8 such that licensees that do not possess the necessary skills must be required to engage the services of competent RF engineering contractors.
- Clause 3.24 and A1. Check sheet - the response time for **Green** sites should be raised from ten (10) working days to twenty (20) working days. Ten days' notice is too short.
- The following sentence in Clause 3.26 to be deleted – *“If no response is received after either twenty working days or a notified extended period, the receiving multiplex operator will be deemed to have agreed to the proposal.”*
- In Clause 3.34 the details of “alternative methods” that proposers may use to quantify the impact of new sites must be set out and standardised so that all relevant information and data are captured in a robust, reliable and consistent manner. This will impact Clause 3.36 as the presentation of the information should be such that will easily allow the victim muxco to make a reliable and accurate decision, without the need for any further analysis. Clauses 3.42 to 3.45 will also need to be amended to set out the equipment and software compliance requirements for drive tests and how the data gathered from such tests are presented.
- Table 1 below clause 3.34 and A1. Check sheet - information required for **Green** sites must also include a full assessment of why the site has been classified as such, and include details of the power levels of other multiplex services and the site details for any adjacent existing site.
- The language needs to be strengthened so it is clear that notice periods will not commence until full details have been supplied. So, for instance, at the A1. Check list: *“Proposers agree that failure to supply full details will result in the recipient refusing to consider your proposal. Notice periods will not commence until the recipient multiplex operator(s) are in receipt of the full details.”* The final sentence of A1. Check List to be deleted: *“If the recipient ... be informed immediately.”* This sentence is not required as (a) the recipient's obligations to respond are already dealt with, and (b) in any event the obligation to provide full information is that of the Proposer, not the recipient.
- Listener tests carried out under clause 3.47 must not be undertaken during daytime programming or take place during special events. It is imperative that BBC and commercial services are not unduly disrupted by such tests.