

Consultation response form

Question	Your response
<p data-bbox="204 353 695 421">Do you have any comments on Ofcom's proposed changes?</p>	<p data-bbox="810 353 1391 421">Force Majeure - Transmission equipment failure</p> <p data-bbox="810 443 1391 810">Many of our customers require a reasonable degree of certainty of transmission being provided. Therefore we provide transmission with the most unreliable parts (typically STL links) duplicated or triplicated using IP technologies. Furthermore other key components (such as transmitters) are duplicated, and the systems are monitored. We also have a backup antenna on almost all installations, as when antennas fail it is generally in inhospitable weather conditions.</p> <p data-bbox="810 891 1391 1146">We believe we are fortunate to be able to provide such services, but such installations come at a cost. Multiple antennas on masts, transmitters, etc, all cost money - both in terms of capital and operating costs in terms of redundant antennas (most landlords charge per antenna), batteries/generators (maintenance), etc.</p> <p data-bbox="810 1236 1391 1361">For smaller broadcasters or AM installations, backup equipment is generally prohibitively expensive. Furthermore broadcasters generally do not wish to have downtimes.</p> <p data-bbox="810 1451 1391 1809">We therefore urge Ofcom to consider looking at service availability over a sensible period, perhaps a year. We would feel 99.7% availability (in line with ITU recommendations allowing 0.1% downtime for equipment failure, 0.1% for communication circuit failure and 0.1% for operator error) would be sensible and in line with ITU recommendations. This equates to 1 day, 2 hours, 17 minutes full outage per year.</p> <p data-bbox="810 1899 1391 2020">Furthermore in the case of equipment failure, leniency should be given where a broadcaster finds it necessary to operate with reduced parameters in the case of</p>

awaiting supplies, such as reduced audio quality whilst a third-party telephone circuit is repaired, reduced transmission power whilst a new transmitter arrives on a 1 week leadtime, etc. Clearly it is not appropriate to sanction the broadcaster in these cases and often a broadcaster would prefer to use a certain supplier and would not wish to be forced into purchasing substandard equipment simply because that supplier has the equipment "on the shelf" instead of having a 1-week leadtime, especially considering they are on air at perhaps 25-50% power and therefore most listeners would be satisfied with the service.

It is perhaps reasonable that broadcasters will have some outages during their license period and it is clearly necessary to distinguish between a broadcaster in a heavily contested license area who is not interested in restoring service in a timely matter befitting a responsible broadcaster and those who genuinely are having difficulties or reasonable failures.

It should be considered however the frequency of failures, that in the case of frequent repair of a faulty component, any responsible broadcaster would replace the unreliable unit, and for a broadcaster to continue to "nurse along" end of life equipment is not responsible.

We would suggest a logbook be kept by broadcasters detailing off-air periods, and a fault report given detailing the reasons for it, the duration and the remedial action. These would help Ofcom determine if the faults are reasonable and if the broadcaster is acting responsibly in rectifying the issues.

Force Majeure - COVID

Some of our clients have made representations to us that they operate in areas which are heavily contested for licenses (such as for example an AM licensee who has applied on several

occasions for FM licences and been refused due to lack of spectrum), and in those areas there exist FM licensees who due to COVID are not operating within their license conditions, such as not providing training or including the target demographic in the production of the service.

It is quite clear that COVID will be here for some time.

Therefore we feel it is unreasonable to continue to apply Force Majeure to licensees due to COVID and that where a licensee is unlikely to be able to return to providing a service in line with their license obligations under COVID conditions, they are considered for a sanction and/or revocation such that their license may be re-advertised so that others who are providing a COVID compliant service may apply for a FM license.

We would find it wholly unacceptable that if a license renewal is due during this COVID period and a licensee has not been meeting it's license obligations due to COVID, and is unlikely to be able to meet it's license obligations due to COVID that Ofcom should renew their license.

To renew a license knowing that the licensee has failed to meet their obligations and will continue to fail to meet their obligations makes a complete farce of the entire licensing process. In these cases the license should be re-advertised such that the original licensee may reapply under more favourable terms but this will also afford other groups in the area the opportunity to provide a COVID compliant service.

Retention of recordings

Ofcom proposes to amend the specification for the retention of recordings, stating they must be "broadcast quality". In theory this

means a high bitrate, or possibly uncompressed (where the licensee broadcasts from FLAC audio source with a digital chain).

We consider the burden of retaining such recordings to this quality would be excessively burdensome on the licensee and/or their agents, as it will require a considerable increase in storage capacity. Furthermore during interference investigations Ofcom has asked for a whole hour recording but only accepted a file of 8mb size - we would consider an hour of "broadcast grade" audio to be circa 500mb, so the proposal is for a recording to be made in excess of the quality that you will accept as a submission.

We therefore consider that the recordings should be retained at CCIR "Grade 4", which is where impairments must not affect the intelligibility and must not be annoying, but can be noticeable. AAC recordings at 32kbit/sec would fit into this category.

To describe the quality as "broadcast quality" could in theory mean that a DAB+ broadcaster has to retain recordings at a higher bitrate than they are actually broadcasting, where they have chosen to use a high bitrate, or an AM broadcaster is forced to use Hi-Fi recordings with 15khz frequency response, Stereo, when they are not broadcasting at this quality.