

Question 1: Do you agree with the planning principles and methodologies that we will use in our work to refine the coverage area plan for small-scale DAB?

We broadly agree with the principles set forward by Ofcom in relation to how they propose to licence spectrum for use in SSDAB. We believe that the imposition of a 40% limit on population, rather than geographic area, may be particularly troublesome in some regions – particularly cities – where high population density in centres may result in an unreasonable limitation in coverage in outlying areas. However, we are encouraged that Ofcom has retained some latitude in their ability to impose this limitation, and we hope that in cases where this is a clear issue (and the operator does not intend to replicate the local provision), Ofcom exercises leniency.

A lot of work has gone into the spectrum planning for the roll out of SSDAB. Therefore, it would be potentially troublesome for us to suggest that applicants could revise the polygons during the application process. However, there may be some areas where applicants have knowledge of the locality that could support slight adjustments in the polygon. We believe Ofcom should be open to entertain these requests where there is a) an exceptionally compelling reason to do so, beyond a simple increase in coverage, b) a clear and well defined technical case supporting the methodology being used to cover that area, and c) enough headroom in the 40% value in order to not cover an area too excessive in relation to existing multiplexes. We would suggest that Ofcom's initial stance should be to reject all applications to adjust polygons unless all three conditions above are met with crystal clear clarity.

Question 2: Do you agree with our proposed approach to the required technical licence conditions for small-scale radio multiplex services, and the proposed amendments to the Digital Radio Technical Code?

Again, we broadly agree with Ofcom and their suggestions in regard to this element of the consultation. We welcome (broadly speaking) the requirement for multiplexes to transmit services only in DAB+, although we would suggest it might be useful for Ofcom to retain the ability to allow some SSDAB multiplexes to broadcast services in MPEG L2 in the case that there is sufficient capacity to do so. We would suggest that this is on the proviso that capacity must be freed if a suitable licence holder were to apply (and they would have redress to Ofcom if refused). There should be some latitude for existing trial licencees who go on to successfully obtain a SSDAB multiplex licence '*proper*' to retain services which are currently in DAB format. It also seems to us, particularly in the case of new SSDAB multiplexes, there may be (temporary) unused capacity that could be used to provide services in standard DAB format. It may even be worthwhile, in those instances, new SSDAB multiplexes broadcasting an audio information channel for reception by receivers which are not DAB compatible, which has the explicit purpose of raising awareness amongst listeners with incompatible handsets. This channel could be removed once capacity constraints become an issue. However, if you enforce DAB+ only additions, this cannot happen.

However, with the above said, we don't have any particularly strong objection should Ofcom wish to proceed with only licencing services in DAB+.

We concur with Ofcom's analysis in regard to the use of vertical polarisation.

Question 3: Do you agree with Ofcom’s proposed approach to setting the level of reserved capacity for C-DSP services on small-scale radio multiplex services?

We agree fully with the intent of this condition. However, we would propose that in the process of doing this, current community radio stations which hold a standard DSPS licence and are broadcasting on a SSDAB multiplex should have their DSPS licences (if they so request) converted to the new C-DSP at no fee. These services are already broadcasting an existing community radio service and therefore meet the relevant criteria, provided that the DSPS licence is only used in regard that service.

Additional point re: the publication of rate cards on websites

We understand the reasoning behind this and the rationale for doing so. However, we strongly disagree that posting this information on an operator’s website is a sensible approach. Each multiplex operator will be in a unique environment. For instance, two multiplexes may have significantly different costs in setting up their service; for instance, some may have their rent granted gratis, others may not. As the costs in establishing each service are likely to be different, it flows that the carriage fees they charge will also be different. This does not mean that the operator is behaving unfairly. However, by publishing the information in the public domain, anyone who operates a multiplex that needs to recuperate costs at a higher level than another, may be considered (by those unaware of the relevant outlay) to be ‘profiteering’ from this layer of DAB coverage. This is profoundly unfair on those services. In a worst-case scenario, these services may seek to cut costs by forgoing things like purchasing backup equipment or choosing suboptimal options for connectivity.

Furthermore, if new multiplexes were to be licenced in any given area, these operators may use existing public rate cards to set their prices. If this was the case, then it is clear that these rates are no longer based on the cost/revenue targets of that specific operator with regard to their setting up and managing the service, but rather the rates elsewhere. For example, if a multiplex operator identifies another operator charging double what they had planned, they quite easily could – with justification – charge the higher fees, considering them as the ‘going rate’. These higher costs will be borne by the service providers.

We also do not believe there has been any evidence to suggest that this is necessary. All of the trial multiplexes operate in a manner where the carriage fees are not public, as they are specific to each operator, yet we have not received any complaints that this is an inappropriate way to operate. To our knowledge, no other service provider has received a complaint that the carriage fees should be public knowledge. Furthermore, Ofcom’s own assessment (during earlier consultations) suggests that operators charge reasonably consistent carriage fees across the trial multiplexes. This did not require Ofcom’s intervention.

However, as we said earlier, we do believe that fair charging is important in helping this sector of DAB achieve the goals set forth by the legislation. Also, while we would suggest that the trial licencees have shown that operators are naturally charging reasonable fees, with an increase in number comes an increase in risk. Therefore, we believe it should be a requirement that the operators provide carriage fee information to Ofcom upon the addition of a service. Ofcom should

also retain the immediate right to instruct the multiplex provider that the level of fees they propose are either unacceptable or above – say – a ceiling charge, to be determined by Ofcom. Service providers should have the ability to redress, via Ofcom, unacceptably high carriage fees - particularly if being used to deter services from carriage.

With that said, we believe strongly that requiring operators to publicly publish rate cards is counterproductive and unsupported by evidence.

Question 4: Do you agree with the factors we are proposing to take into account of in deciding the order and timescale in which Ofcom will advertise small-scale radio multiplex licences?

We agree with the approach Ofcom is proposing to take in regard the order in which multiplexes are licenced.

Question 5: Do you agree with our proposed approach for assessing the technical plans submitted in small-scale radio multiplex licence applications?

We agree with the approach Ofcom is proposing to take in regard how they assess applications in reference to their technical proposals. In some instances, securing space may require detailed negotiations and we'd therefore recommend that Ofcom allows good time between the announcement of licence advertisement and the deadline for their applications.

Ofcom, of course, must assess coverage as the key component of the technical plan. However, we feel that Ofcom should be mindful that presenting this as the main criteria on which an award will be given is precarious. Stipulating that coverage is the primary end goal for awarded licencees may lead to an increase in applications which provide both unrealistic and financially unsound technical submissions when considered in practice.

Question 6: Do you agree with our proposed approach for assessing the ability of applicants to establish their proposed small-scale radio multiplex service?

We agree, broadly, with the approach adopted by Ofcom in regard to measuring the ability of an operator to provide the licenced service.

Question 7: Should Ofcom require that the studio of a C-DSP licensee be located within the coverage area of the small-scale radio multiplex service it plans to broadcast on? Please explain the reasons for your view.

This is a reasonable condition. As the operators of a community radio service ourselves, one of the key elements to our service is that we are embedded and available within the community. It is difficult to envisage a situation in which physically locating a studio outside of the local area would allow stations to consider themselves 'community'. Given that C-DSP licences, *essentially*, guarantee carriage (subject to availability), it seems ineffective to allow these spaces to be taken by services which may be physically located outside of the coverage area.

However, it is clear there are – in some cases – stations which are aimed primarily at a community of interest which is defined by other characteristics beyond their geographical location. In these instances, we would envisage that Ofcom retains some flexibility to disapply this restriction in these exceptional cases. We would expect these to be rare, and clear and solid cases should be expected for these types of application.

We would expect Ofcom to apply similar provisions around the generation of locally produced and original content to these licensees. Where services have a dispensation in regard their location, we would still expect Ofcom to enforce the levels of original content. Locally produced content should be measured from the network's home studio.

While we would welcome Ofcom retaining some flexibility for certain cases, we would expect that applications for a 'community of interest' C-DSP network will represent a very small component of the C-DSP licencing application work.

Question 8: We propose that holders of corresponding analogue community radio and DSP licences apportion their income equally across their licences, unless there are compelling reasons why a different apportionment is reasonable. Do you agree with our suggested approach?

We see no problems with this approach.

Question 9: Do you agree with our proposal that a prospective C-DSP service provider will be able to apply for a C-DSP licence once we have invited applications for the small-scale radio multiplex licence upon which their proposed C-DSP service is intended to be provided?

This approach seems to be reasonable. We would expect that a number of services which may broadcast using the C-DSP licencing route may already be involved in multiplex applications anyway, so operating the process in this manner seems sensible.