

RESPONSE OF CHANNEL 5 BROADCASTING LTD (FIVE) TO OFCOM CONSULTATION ON POTENTIAL USES OF THE 600 MHz BAND AND GEOGRAPHIC INTERLEAVED SPECTRUM

Five welcomes the opportunity to submit a short response to this consultation. Our major concerns are that any interference to analogue or terrestrial transmissions are kept to the absolute minimum; and that any expansion of the Digital Terrestrial Television (DTT) should be designed to protect and enhance the future of that platform.

Consultation Questions

Question 1: Do you have any comments on the application of the protection clause to all new licences for the 600 MHz band and geographic interleaved spectrum?

Five is very supportive of the work Ofcom is currently undertaking to devise an effective protection clause regime for those companies that take over 800 MHz spectrum released as a result of analogue switchoff and believe it is essential that measures are put in place to minimise interference in DTT transmissions. We agree that it would be sensible to apply the same regime to 600 MHz spectrum, whatever use it is put to.

Over 23 million households will have chosen digital television in the 12 years between 1998 and 2012, in the belief that they will be able to continue receiving a good quality digital television service from the platform of their choice. We believe Ofcom should be assiduous in putting in place measures that safeguard DTT viewers.

Question 2: Do you have any comments on our approach to technical licence conditions for the 600 MHz band and geographic interleaved spectrum?

We agree that in addition to the standard protection clause regime being developed by Ofcom, other measures such as guard bands may be appropriate, depending on the technology deployed.

Question 3: Do you have any evidence using frequency offsets with DVB-T2 EC signals might have an adverse impact on uses of adjacent interleaved spectrum?

Question 4: Do you have any evidence mobile services using the 600 MHz band and geographic interleaved spectrum could cause harmful interference to cable television?

Question 5: Do you have any comments on protecting PMSE in channel 38?

Five has no fresh evidence or views on these issues

Question 6: Do you have any comments on non-technical licence issues and the way we propose to approach them?

Five has not changed its views since our previous submission to Ofcom on this subject. We continue to believe that any new DTT multiplexes established as a result of the auction should come under broadly the same regulatory regime as the existing commercial DTT multiplexes and that interoperability with existing DTT multiplexes should be mandated¹.

Question 7: Do you have any comments on our assessment of the most likely uses of the 600 MHz band and geographic interleaved spectrum? Are there any potential uses we have not mentioned that should be considered?

We do not have any insights that would lead us to disagree with Ofcom's analysis. However, we do not believe there is any demand to establish further DTT services on a free-to-air basis, as the economic model for such services does not exist. We do believe there are other services (such as pay services and HD channels) that are viable and would enhance the DTT platform, although we believe the competition concerns raised by Ofcom's previous consultation (for example, over ownership of multiplex licences or of pay TV services) would need to be addressed ahead of an auction taking place.

Question 8: Are there any distinctive considerations and uses for this spectrum in the nations and regions of the UK?

Five recognises there may be some public policy considerations about the availability of spectrum in the nations and/or the regions and localities of the UK which need to be assessed ahead of the auction.

¹ *Response of Channel 5 Broadcasting Ltd (Five) to Ofcom's Consultation on the Digital Dividend Review Detailed Award Design (550-630 MHz and 790-854 MHz), August 2008; answers to questions 17 and 18, page 4*

Question 9: Do you have any comments on our continued inclusion of channel 36 in the award of the 600 MHz band?

Five agrees with Ofcom that Channel 36 should not be auctioned separately from the rest of the 600 MHz band. We supported Ofcom's 2007 decision to auction Channel 36 alongside cleared spectrum rather than separately, and do not believe there are compelling reasons for Ofcom to change its mind now. As Ofcom points out, the demand for DVB-H mobile television has failed to develop while there is no evidence of any other technology that could make a success from the discrete use of Channel 36. At the same time, the disadvantages of separating Channel 36 from the rest of the 600 MHz band remain.

Five continues to have concerns about launching mobile television or other services in Channel 36 while Five continues to broadcast in analogue on Channels 35 and 37. We spelt out our concerns in our response to the original DDR consultation², in which we said "Five would be opposed to Channel 36 being utilised for a new purpose ahead of switchover until Ofcom carries out further analyses into potential interference issues and puts in place a regime that safeguards fully the interests of Five and our analogue viewers up to switchover". We are glad that Ofcom acknowledged these concerns in its DDR Statement, in which it said it would only allow "early use of Channel 36 that does not materially degrade analogue television services operating in adjacent channels"³.

We recognise that, because of the delay in the original DDR auction timetable, any decision by Ofcom to auction Channel 36 early and independently of the rest of the 600 MHz band would make it unlikely for a new service in that channel to become available for more than a year (at most) before the end of the digital switchover process. But as some viewers would still rely on Five's analogue signal for that period, a complicated and costly mitigation regime would still be necessary. The costs of putting in place such a regime for a relatively short period of time would not be likely to be cost effective for the service provider, nor to represent efficient use of spectrum.

Question 10: Do you have any comments on our intention to maintain a market-led approach to awarding the 600 MHz band and geographic interleaved spectrum?

Five has consistently taken the view that public policy considerations should temper the inclination to follow market-led solutions.

If the most likely demand for the 600 MHz band is for one or two DTT multiplexes, then Five believes Ofcom should consult on the nature of the services most likely to feature on those multiplexes and the effect such new services would have on the future ecology of the DTT platform. The future of the main free-to-air transmission programme is too important to be left solely to the market (as Ofcom recognised

² *Response of Channel 5 Broadcasting Ltd (Five) to Ofcom's Consultation on the Digital Dividend Review*, March 2007, answers to Questions 2 & 3, pages 11-2

³ Ofcom, *Digital Dividend Review: a statement on our approach to awarding the digital dividend*, December 2007, paragraph 160

when it consulted on the future of the DTT platform, an intervention that led directly to the launch of HD services on Freeview).

Ofcom should consider whether any planned new DTT services are to be high definition or standard definition; free-to-air or pay; whether they utilise DVB-T or DVB-T2, and MPEG2 or MPEG4, technologies; and whether any competition concerns are raised by the providers of such services and of the multiplexes on which they sit. Such consideration is essential to ensure the platform is neither fragmented nor subject in material respects to the control of a single “gatekeeper”; and that the future strength, diversity and overall health of the platform is maintained.

Question 11: What information can you provide on packaging and award design considerations?

Question 12: When would you like to start operating new services using the 600 MHz band and/or geographic interleaved spectrum?

Five has no comments on these questions.

Channel 5 Broadcasting Ltd

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