



## **Ofcom consultation: Digital dividend: 600 MHz band and geographic interleaved spectrum**

### **A response by MG ALBA**

#### **1. About MG ALBA**

MG ALBA (the operating name of Seirbheis nam Meadhanan Gàidhlig or Gaelic Media Service) has formed a partnership with the BBC to broadcast BBC ALBA, the Gaelic digital television channel, which was launched in September 2008. BBC ALBA is the first partnership channel to operate under a BBC licence. BBC ALBA is currently available on Sky 168 and Freesat 110. Carriage on digital terrestrial television (Freeview) is currently being considered by the BBC Trust as part of its review of the service, and a decision is expected in autumn 2010.

MG ALBA was originally established (as the Gaelic Television Committee) under the Broadcasting Act 1990, and its current remit under the Communications Act 2003 is to secure that a wide and diverse range of high quality programmes in Gaelic is made available to persons in Scotland. MG ALBA is funded by the Scottish Government and regulated by Ofcom.

#### **2. Carriage for BBC ALBA in the context of the digital dividend**

MG ALBA recognises that there is a wide range of potential uses for the 600 MHz band and geographic interleaved spectrum, including television broadcasting, and that Ofcom's stated objective is to maximise the overall social value of the spectrum. We also recognise that there could be distinctive considerations and uses for this spectrum in Scotland. We are confining our response to the non-technical questions posed in the consultation paper. The main issue of concern to MG ALBA is audience access to BBC ALBA on Digital Terrestrial Television.

We are aware that it has been suggested that packages of geographic interleaved spectrum could be made available for Scottish television broadcasting, including BBC ALBA and the proposed Scottish Digital Network. At present, the question of BBC ALBA being carried on Digital Terrestrial Television is being considered by the BBC Trust, and a decision is expected in autumn 2010. The proposal under consideration is for BBC ALBA to be carried on BBC capacity, which would achieve the 98.5% coverage required for public service broadcasting.

We are given to understand that the geographic interleaved spectrum, possibly packaged with some cleared spectrum, could be configured to achieve coverage of around 84%<sup>1</sup>, but that this would not become available until late 2012. Given these limitations, MG ALBA's priority remains to secure carriage for BBC ALBA on gifted spectrum as digital switchover progresses in Scotland.

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<sup>1</sup> See Ofcom, *Digital dividend: consultation on potential uses of the 600 MHz band and geographic interleaved spectrum*, 18 February 2010, Table 2, p. 36, at [http://www.ofcom.org.uk/consult/condocs/600mhz\\_geographic/600condoc.pdf](http://www.ofcom.org.uk/consult/condocs/600mhz_geographic/600condoc.pdf).

With respect to Irish language broadcasting in Northern Ireland, we note that the UK Government has indicated that it is minded to direct Ofcom to identify *and award* suitable interleaved spectrum whose preferred use would be the relay of an additional low-capacity, low-power DTT multiplex in Northern Ireland capable of carrying the three services RTÉ One, RTÉ Two and TG4 on the three Northern Ireland main transmitters.<sup>2</sup> We further note that because the technical feasibility and the quality of available interleaved spectrum have yet to be established (and other uncertainties), the option of carrying TG4 on the Digital 3&4 PSB multiplex in Northern Ireland after DSO in 2012 is being held open by DCMS. This appears to us to be a laudable piece of contingency planning by the UK Government. We would welcome clarification of the differences in principle between this approach and the current position in respect of MG ALBA.

We would also draw your attention to the following recommendations and comments previously made by Ofcom with regard to BBC ALBA (then known as the Gaelic Digital Service):

“Capacity should, in principle, be reserved for core PSB services on universal coverage (PSB) multiplexes, including Five and S4C, TG4 and the Gaelic Digital Service (GDS) – if approved for DTT carriage by the BBC Trust.”

“We note there was very little dispute among respondents over the objective of accommodating Five, S4C, TG4 and the GDS on PSB multiplexes from DSO ... Our view remains that the Five, S4C and TG4 services should be carried on Multiplex 2 and that the GDS service should be carried on BBC Capacity, if the BBC Trust subsequently approves its carriage on DTT.”

“We therefore consider that the movement of services in the reorganisation should be changed as follows ... ITV will accommodate TG4 in Northern Ireland (on Multiplex 2); Channel 4 will accommodate S4C in Wales (on Multiplex 2); BBC will accommodate GDS in Scotland, should it proceed in the future.”<sup>3</sup>

### **3. Specific points on Scottish broadcasting**

We note the points raised in paragraphs 3.40 to 3.44 of the consultation paper. MG ALBA participated in the consultation process that led to the Scottish Broadcasting Commission report<sup>4</sup>, and we liaise regularly with our funders in the Scottish Government and our broadcast partners at BBC Scotland. We will be happy to answer any questions from Ofcom on Gaelic broadcasting, including sports and events coverage on BBC ALBA.

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<sup>2</sup> See Ofcom, *Digital dividend: consultation on potential uses of the 600 MHz band and geographic interleaved spectrum*, 18 February 2010, p. 11, at [http://www.ofcom.org.uk/consult/condocs/600mhz\\_geographic/600condoc.pdf](http://www.ofcom.org.uk/consult/condocs/600mhz_geographic/600condoc.pdf).

<sup>3</sup> See Ofcom, *Digital Television: Enabling New Services – Statement*, 03 April 2008, pp. 4, 32-33 and 35, at <http://www.ofcom.org.uk/consult/condocs/dttfuture/statement/statement.pdf>

<sup>4</sup> Which received unanimous cross party support from the Scottish Parliament.

#### **4. Other uses of the 600 MHz band and geographic interleaved spectrum**

MG ALBA recognises that there are other uses for this spectrum besides television broadcasting, and that it could also be used to improve radio and mobile broadband coverage. There is still significant underprovision of broadband services in many areas of Scotland, including remote and rural areas in the Highlands and Islands, and we believe that universal availability of high-speed broadband will be essential in promoting media literacy and enabling the creation and consumption of Gaelic content across television, radio, internet and wireless services.

We do not believe that a market-led approach to the licensing and use of this spectrum is the best way to ensure the development of next-generation communications infrastructure and services in Scotland<sup>5</sup>, particularly as there appears to be a growing consensus that high quality broadband should be regarded as an essential utility across the UK. Instead Ofcom should liaise with the UK and Scottish Governments and with stakeholders to establish how this spectrum, which is a finite resource and a national asset, can be used to achieve the best value to society, especially in areas where the major investment required is unlikely to be forthcoming without Government intervention, and only when these requirements are satisfied should excess spectrum be sold off for other uses.

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<sup>5</sup> Indeed, we note that the DDR itself is subject to major influence from significant public interventions such as: (1) the preferential treatment of the spectrum required for the six existing DTT multiplexes; (2) Ofcom's decision to redesign the digital-dividend awards in order to permit a realignment of the upper cleared band with the 800 MHz band selected for release by a number of other European countries; and (3) the very fact that the DDR awards will have to be packaged in ways which will by definition reflect *perceived* demand and thus favour certain usages over others. It seems inconsistent, therefore, not to extend this 'managed approach' to other areas where optimising social value is paramount and, it would appear to us, far from assured via the adoption of a fully market-led approach.