

THE ROYAL AERO CLUB RECORDS RACING AND RALLY ASSOCIATION (3RS)

Royal Aero Club 3Rs Submission to the Second (December 2009) Ofcom Consultation On The Proposal To Apply Spectrum Pricing To The Aeronautical Sector

1 General:

- a) In framing its objectives, the Royal Aero Club 3Rs asserts that Ofcom has utterly failed to take sufficient account of the detrimental effects that Spectrum Charging could have on the continued provision of essential VHF communications, whose sole purpose is to facilitate the safety of air navigation.
- b) Operational flight safety has never been dependent solely upon meeting minimum standards prescribed by regulation, but upon maintaining sensible margins that protect flyers from catastrophe arising from shortfalls in either human or technical performance.
- c) The Royal Aero Club 3Rs asserts that Spectrum Charging could result in the removal, on cost grounds, of many valuable channels of aeronautical communication. These might even include those used to broadcast highly important information for common usage (VOLMET and ATIS). It would certainly include VHF telecommunications used to facilitate safe operations by general aviation aircraft.
- d) This may erase those essential safety margins that both private and professional pilots rely upon to help them avoid both incidents and accidents.
- e) The Consultation places an excessively high level of reliance upon the Civil Aviation Authority (CAA) to ensure the maintenance of the desired level of safety solely through regulation.
- f) The Royal Aero Club 3Rs considers that the CAA alone should be tasked by its sponsoring Department, (the Department for Transport,) on behalf of Government, to manage the efficient allocation and management of VHF frequencies used for all purposes in the aeronautical sector. This function should not be permitted to become distorted by considerations of cost.
- g) Reliance upon AIP may well generate unforeseen consequences that could impact adversely upon the safety of flight operations.
- h) It should be remembered that the CAA derives its income from those it regulates, so tasking the CAA to manage the aeronautical spectrum in toto ought not to cause any financial burden to be borne by the Government or be passed on to UK citizens at large through general taxation.

2 Specific Observations

- a) **VOLMET & ATIS:** The UK Met Authority supplies operators, flight crew members, ATS units, airport management and other civil aviation users with meteorological information necessary for the performance of their respective functions. Pilots obtain aerodrome weather information from recorded VOLMET and ATIS broadcasts, or by request made to an ATS unit, although in fact these services are ultimately provided by NATS. This Consultation contains proposals to apply AIP to stations that supply VOLMET and ATIS broadcasts.
- i) **VOLMET:** There are only four VOLMET stations in the UK (London Main, London North, London South, and Scottish). So far as we are aware NATS has no choice, under the terms of its licence, whether to continue or discontinue this service. This is because the provision of this service is referenced in Annex 3 to the Chicago Convention as being determined by the relevant ICAO Regional Air Navigation Plan, which also specifies the four channels currently in use.
- ii) Charging for this service would thus result merely in money from one government department merely being transferred to another, with no benefit to provision of the service, but with all the attendant administrative cost that would entail.
- iii) It seems highly undesirable therefore, that these four stations should be considered liable for AIP given that they would fail to satisfy either of the two key questions relating to fee setting. Fees applied to VOLMET
- (a) would do nothing to manage the demand for this facility and
- (b) would do nothing to help influence optimal spectrum use.
- iv) **ATIS:** Many of the 143 aerodromes currently listed in the UK AIP provide ATIS for arriving and/or departing aircraft. ATIS messages are intended to provide pilots with a range of safety critical information that will enable them to make potentially vital decisions about whether to take-off, or regarding their approach and landing (CAP 493).
- v) ATIS also functions to reduce ATC VHF air-ground communications workload, which can be considerable, (CAP 670).
- vi) Like VOLMET, the ATIS service is provided by means of common-use transmissions that are freely available to any and all aircraft whose pilots require the details they contain.
- vii) There is a powerful argument for declaring that they should be treated like navigation aids in relation to AIP proposals and exempted from AIP as a means of optimising spectrum use.

- b) **Other ground-station spectrum assignments:** This paragraph refers to spectrum assignments to ground stations of frequencies other than those used for;
 - i) managing aircraft in distress,
 - ii) by the fire services,
 - iii) for the communication of aerodrome weather and information essential for planning approach and landing or take-off,
- c) These frequencies are used to facilitate the provision of essential air traffic or flight information services. Where such services are provided, their prime purpose will be to ensure the safe separation of aircraft on the ground and in the air.
- d) **Licensed aerodromes:** Frequencies in use for this purpose already provide the most valuable of services. It is highly unlikely that either NATS or the licensed aerodrome operators would be permitted to decommission these frequencies following the application of AIP. This is because;
 - i) they are needed for the reason stated above and
 - ii) the CAA would not allow it, because it would result in an unacceptable weakening of flight safety.

Once again, the application of AIP would therefore be of no discernible value. Once again, the result would be money from one government department merely being transferred to another, with no benefit to provision of the service, but with all the attendant administrative cost that would entail.

- e) **Unlicensed aerodromes:** Ground based VHF radio at unlicensed aerodromes is most commonly operated by operators who work on very tight margins of profitability, and their provision of a VHF radio service has hitherto been 'discretionary'. If AIP charging is imposed on these operators, there is a serious risk that these operators will merely decommission their equipment, thus seriously lessening the safety benefits such facilities currently provide.
- f) It is wrong to assume that because the provision of VHF communications in such places is discretionary that their provision is merely 'desirable'. Rather, it is the case that failing to have such a facility can be described as *highly undesirable*. Nevertheless, this may not be sufficient grounds for making a direction, and the Authority may not in consequence feel able to require reinstatement of that facility.
- g) Relying then upon the CAA to intervene in order to uphold an adequate level of safety in these instances is a situation that can and should be avoided. The time and effort the CAA would have to apply to examine each case and identify a safety shortfall before a direction could be made would be costly in terms of both personnel resources and money.
- h) There should be no doubt that the removal of air/ground frequencies at such aerodromes, where large numbers of sport and recreational movements take

place, will deprive particularly inexperienced pilots of a valuable training service. They will lose access to;

- i) information needed to obtain separation from other aircraft, and
- ii) facilities to prevent flights being conducted in weather conditions beyond the competency of the aircraft commander or the capability of the aircraft.

If AIP is applied in circumstances where air/ground frequencies are employed to promote safe operations by general aviation aircraft, any decommissioning of frequencies will in turn increase the risk that serious incidents and accidents might occur.

3 Conclusion

- a) THE ROYAL AERO CLUB 3RS urges Ofcom to reconsider its proposals regarding the application of AIP as a means by which to suppress any supposed inefficient use of the VHF communications spectrum in the aeronautical sector. The application of spectrum pricing is a grossly inappropriate means to apply within this sector and its application seriously risks degrading the safe conduct of flight operations.
- b) **Specifically, The Royal Aero Club 3Rs requests that Government, acting through the agency of the Department for Transport's Civil Aviation Agency, should manage the efficient use of the aeronautical spectrum,**
- c) Only the CAA is qualified to assess flight safety issues and already holds delegated powers to issue directions. It already controls safety standards, not least by means of assessing and reviewing licence applications.
- d) As the Consultation states, 'safety in the aeronautical sector is ultimately a matter for the CAA'.

APPENDIX

Responses to Consultation Questions

- 1 **Question:** *Do you consider that the proposed fee rates for licences in the aeronautical VHF frequencies are appropriate?*

Response: the Royal Aero Club 3Rs considers that the zero charges proposed for emergency frequencies are appropriate, but should be extended to include at least all **VOLMET** and **ATIS** broadcast stations.

- 2 **Question:** *Has Ofcom identified all aeronautical uses of VHF communications frequencies that require a distinct approach to fee setting?*

Response: No comment.

- 3 **Question:** *Do you agree with our proposal not to charge any fees for Fire assignments?*

Response: Yes.

- 4 **Question:** *Do you agree with our proposal to set a £75 fee for licences in any of the sporting frequencies?*

Response: The Royal Aero Club 3Rs asserts that AIP should not be applied to frequencies used at any aerodromes where sport and recreational flying predominate. It needs to be understood that;

- these establishments provide valuable training practice in the use of VHF radio to student and inexperienced private pilots, who are being trained to venture further afield, where their radio skills will need to be adequate to ensure their own flight safety and that of other persons flying in their vicinity.
- such frequencies are also employed for the more general purpose of communicating aircraft movement, aerodrome and weather conditions to pilots operating at that aerodrome/airstrip or in its vicinity,
- almost all of these establishments operate on very tight profit margins.

- 5 **Question:** *Do you agree with the proposal to set an annual fee of £19,800 per ACARS or VDL assignment, with no variation related to the number of transmitters?*

Response: AIP ought not to be applied to any station whose function is to facilitate the safety, regularity and efficiency of air navigation. We would agree that it is appropriate that no variation should be applied related to the number of transmitters.

- 6 **Question:** *Do you consider that the proposed general approach to phasing-in fees for use of the aeronautical VHF communications channels are appropriate?*

Response: The Royal Aero Club 3Rs asserts that AIP ought not to be applied to any station whose function is to facilitate the safety, regularity and efficiency of air navigation.

7 **Question:** *Do you have any further quantified information to contribute to the analysis of financial impacts of the proposed fees on particular spectrum users, as set out in Annex 5?*

Response: No comment.

8 **Question:**

a) *Do you consider that Ofcom's assessment of the impacts of their proposals has taken full account of relevant factors?*

Response: NO!

b) *If you consider that there is additional evidence that would indicate particular impacts Ofcom should take into account, Ofcom would be grateful if you could provide this.*

Response: No comment.

General

The Royal Aero Club 3Rs submits that the proposals display an inadequate understanding of the requirement and need for aeronautical radio communication.

It is totally inappropriate to impose user fees for spectrum usage where there is no alternative. It is a mandated service entirely voted for the expeditious use of airspace for safety of not only the users but the population as a whole.

It is our opinion that the exercise is nothing more than an attempt to raise further revenue in a sector that has no alternative. It is immoral to raise tax in this way.