

Title:

Mr

Forename:

Ken

Surname:

Ashton

Representing:

Organisation

Organisation (if applicable):

NATS

Email:

What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Comments:

NATS recognises that Ofcom has invested considerable effort in analysing and responding to responses to the July 2008 Consultation 'Applying spectrum pricing to the Maritime and Aeronautical sectors' and that Ofcom has accepted many of the issues raised, including the constraints imposed by international obligations, regulation, licence fee granularity and phase in of changes.

NATS has no opinion on the proposals within the August 2009 consultation in respect of AIP for Maritime VHF spectrum and has therefore not responded to the specific questions within the consultation document relating to the proposed arrangements for maritime VHF communication frequencies. NATS will provide its comments in respect of AIP in the Aeronautical VHF band in our response to the December 2009 consultation addressing this issue.

Question 1: Do you consider that the fee rates set out in Table 8 for assignments in the eight core international maritime simplex channels are appropriate?:

Question 2: Do our revised proposals reflect appropriately the distinctions between the different uses of particular internationally allocated maritime channels, as set out in Table 9:

Question 3: Do you agree with our proposals not to set any fees for use of the calling and distress channels, the search and rescue channels, the AIS channels, or for exceptional shore-based use of the intership channels?:

Question 4: Do you agree with our proposals to set administrative cost-based fees for licences to use the package of 3 marina channels?:

Question 5: Do you agree with our proposal to set administrative cost-based fees for licences to use the internationally-allocated duplex channels?:

Question 6: Do you consider that the fee rates set out in Tables 10 and 11 for assignments in the UK-allocated working channels (that is, not including the search and rescue or marina channels) are appropriate?:

Question 7: Do our revised proposals correctly identify all of the UK allocated maritime channels which are assigned to specific applications which require a specific approach to fee setting, as set out in table 12:

Question 8: Do you agree with our proposal to set no fees to licensees for use of the two UK-allocated search and rescue channels?:

Question 9: If you are a maritime organisation with the safety of human life in an emergency as your sole or main objective, would you be interested in accessing spectrum for working purposes (ie other than SAR or other emergency response uses) under a private commons basis, shared with other users with the same objectives and co-ordinated by the MCA, and free of any spectrum fee?:

Question 10: Do you consider that our proposed fee rates for area-defined licences (where feasible) in the eight core internationally-allocated maritime simplex channels are appropriate?:

Question 11: Do you agree that area-defined licences in the international duplex channels should be based on a minimum cost of £75 for 4 squares, with larger areas priced on a case by case basis? :

Question 12: Do you consider that our proposed fee rates for area-defined licences in the UK allocated working channels (that is, not including the search and rescue channels or the marina channel) are appropriate?:

Question 13: Do you agree with our proposal to set an administrative fee of £75 for maritime radio (suppliers and demonstration) licences?:

Question 14: Do you agree with our proposal to bring the arrangements for temporary maritime licences into line with those in other sectors?:

Question 15: Do our proposals for phasing in some of the proposed fee increases provide sufficient time for you to accommodate the additional costs, without undue disruption to your operations which could reasonably be avoided by a phasing arrangement? We would like to be able to publish all responses to this question. However, if you wish your response to this question to remain confidential, please provide your response on a separate sheet clearly marked to that effect. Your request for confidentiality will be respected:

Question 16: Do you consider that our phasing proposals for the maritime licences for which we propose to set AIP-based fees are appropriate? If there are particular reasons why you consider that any user or group of users would need longer phasing-in periods, please provide any supporting evidence for us to consider.:

Question 17: 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 7? We would like to publish all responses, but will respect the confidentiality of any material which is clearly marked as such.:

Question 18: If the Government were to assume the strategic management role for the radar and aeronautical navigation aids spectrum that we propose, do you agree that we should not develop proposals for AIP licence fees?:

NATS' view is that proposals for AIP should not be developed at this time whether or not the Government assumes the strategic management role. The question of future pricing for radar and navigation spectrum should be determined when the wider policy issues have been resolved.

NATS is pleased that Ofcom has recognised from the responses to the previous consultation that there are significant international obligations and other policy constraints within the radar and Navigation bands and that AIP levied on users is unable to deliver the changes desired. NATS therefore agrees with the proposal within the August 2009 consultation that Ofcom does not apply AIP to aeronautical and maritime radar systems and aeronautical navigation aids at this time but is proposing revised arrangements under which Government would undertake a new strategic management role with respect to the spectrum used by these systems.

NATS remains opposed to AIP that would implement punitive spectrum costs for spectrum uses for which there are no viable alternative solutions that improve the spectrum efficiency and allow the operational requirement to be met. As one of the major users of radar and aeronautical navigation spectrum, we offer to co-operate with The Department for Transport, MoD and CAA in the determination of the long term use and pricing proposals for these bands.