

Question 1: How should Ofcom manage the process of taking advice from users, regulators and government on efficient apportionment of AIP fees in the maritime and aeronautical sectors? Are any new institutional arrangements needed?:

Ofcom should not be engaging in this process as the existence of international obligations renders the exercise flawed. Further Ofcom's decision to apply a hypothetical market to artificially derive a notional value may well exceed Ofcom's legal powers and authority.

Question 2: If you consider that our proposals for pricing ground station users for any spectrum would be likely to have a detrimental impact on safety, please let us know. In order for us to understand your assessment fully, it would be helpful if you could outline the mechanisms whereby this might happen.?:

Charging for the use of the RF spectrum used for navigation and communication in a safety critical environment will potentially lead to less radio use and thus a real concern over reduced levels of safety. e.g. the normal aviation comms frequencies are used to check navigational data, position reports and advice. The pilots of GA craft in particular rely on building up a mental picture of traffic based on monitoring RT. Anything which deters RT or limits its availability is likely to put lives at risk. As far as Nav Aids are concerned if the cost reduces availability then navigation becomes less precise and the opportunity for calamity increases.

Question 3: Do you have any evidence which indicates that AIP charged to ground stations could have a material detrimental impact on UK competitiveness?:

How many flyers and others will choose not to opt for operations in the UK given the availability of other choices elsewhere in Europe? If any elect not to operate in an environment perceived by them to be less safe than UK business will take another hit at a time of economic challenge (though this would be true regardless of the economic backcloth) It is difficult to give hard evidence for something which has not happened and which is so potentially damaging that few contemplated the circumstance until this proposal emerged.

Question 4: Taking into account the information available in this document, including that set out in Annex 5, our initial views on VHF radiocommunications licence fees and on the reference rates for bands in other uses, and any information you have about the organisations to whom we are proposing to charge fees, please provide any evidence that you think is relevant to us in considering the financial impact of the fees we intend to propose for VHF radiocommunications, or for other uses:

The small scale of UK GA and the challenges from fuel price inflation, the economic downturn and range of other inhibitors to prosperity in this sector are well documented elsewhere and anything which could inhibit activity due to concerns over

increased risk to life and limb or in some cases direct cost is best avoided. As in 3 above you are seeking evidence about something which has not been tried. However there are some things which should not be tried on account of the potential level of risk to life and limb as well as that element of our fragile economy.

Question 5: Do you agree that there is little to be gained, in terms of economic efficiency, from charging AIP to WT Act licences for aircraft:

yes

Question 6: Do you consider that we should discount fees for any particular user or type of user? Specifically, do you consider that there should be a discount for charities whose object is the safety of human life in an emergency:

Yes if theoretical alleged efficiencies are to be used as the basis of fees then the smallest operators whose business is most challenged by cost should be given a substantial (100%) discount so that the safety issues are mitigated to the greatest extent. If Ofcom does not see that it will be liable for any consequent disaster arising from its application of an unaffordable fee and so apply a total discount then at very least those directly involved in life saving or other charitable use of the frequencies should be exempt.

Question 7: Do you agree that Ofcom should apply AIP to ground stations? use of maritime and aeronautical VHF radiocommunications channels, to help manage growing congestion in current use and to ensure that the cost of denying access to this spectrum by potential alternative applications is faced by current users?:

No

Question 8: Do you agree with our initial view that it would be appropriate to apply a pricing system similar to that already existing for Business Radio licences to maritime and aeronautical VHF communications? If not, what are your reasons for proposing that we should develop a fee structure for maritime and aeronautical VHF channels which is distinct from that already established for Business Radio?:

No, because the use of these frequencies by non business, not for profit organisations and the special safety related concerns make this suggestion wholly unreasonable and potentially dangerous.

Question 9: Are there any short term reasons specific to the sector(s) why it would be inappropriate to apply fees from April 2009?:

Apart from the financial meltdown of the global economy and the tenuous nature of the finances of those engaged at the bottom end of marine and aviation activities - and their users, individual private sailors and pilots at this time there are several short and long term reasons. The principal one being that if these fees result in loss of frequencies to other countries that is an instant loss of safety, instant increase in UK costs and loss of future opportunity - for little or no gain (assuming my fears about financial viability of many affected by these suggestions are correct)

Question 10: Ofcom would welcome stakeholders? views on the factors which should be taken into account when apportioning fees between individual users of radars and racons:

If this is driven through despite concerns over safety and business viability then at least there should be attempts to limit these possible effects by exempting or heavily discounting smaller businesses and not for profit organisations and agencies, especially those directly involved in safety and rescue.

Question 11: Do you agree with our initial view that a reference rate of £126k per 1 MHz of national spectrum for L band and S band radar spectrum would achieve an appropriate balance between providing incentives to ensure efficient use of spectrum while guarding against the risks of regulatory failure in setting the reference rate too high? If you consider a different rate would be more appropriate, please provide any evidence that you think we should take into account.:

No - As for evidence please see my logic above. Put simply anything which may lead to a decision not to pay by withdrawing a service increases real risk to life not simply to a particular interpretation of "regulatory failure"

Question 12: Do you agree with our initial view that a reference rate of £25k per single MHz of national spectrum would be appropriate for deriving fees for licences to use X band radar?:

No

Question 13: Do you agree that, generally, spectrum used by aeronautical radionavigation aids is currently uncongested? Do you believe that this may change during the next few years and, if so, approximately when?:

There is an aviation industry operating to high levels of safety at present, that is evidence that congestion is not a major issue. Given the economic downturn it is possible to conjecture that there may be less pressure on the traffic using these bands in the next few years. However the long term is another matter.

Question 14: Do you agree with the basis on which Ofcom has arrived at its initial view on reference rates for aeronautical radionavigation aids?:

No

Comments:

Most other business use of the RF frequencies is not principally about safety, rescue or safe navigation it is about commerce. The difference is stark and there is weak logic in saying that because one sector is charged in this way all should be. Anyone would rather be in a taxi without radio than in an aircraft with less radio assistance than now if that is the effect of these proposals should they be proceeded with.