

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?:

No comment

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.?:

Probably the most important role for the aeronautical radio spectrum is to facilitate the safe conduct of flights. Anything (eg these proposals) which could reduce the availability of VHF channels is likely to have a detrimental effect on safety. For example if an airfield chooses, due to the proposed fees, to cease its radio station aircraft using the airfield would be placed at greater risk through lack of clear information about other aircraft in the vicinity and about the airfield.

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

Anything (eg these proposals) which would increase the costs of UK airfields and hence flying training organisations and aircraft operators must increase the risk of business being lost to overseas competitors who would not face the same fees. By their nature and international agreements aircraft registration and flying training are both highly portable.

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:

See other answers.

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:

If Ofcom starts charging additional licence fees to aircraft then owners will be able to re-register aircraft in another country and continue using the 'UK spectrum'. Hence it would make no sense at all to charge aircraft fees.

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:

All uses of aeronautical frequencies are doing so to achieve safe flights ie to minimise the risk to human life. Hence I don't think any additional fees should be charged whether to charities, individuals or businesses.

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. This question highlights the illogical nature of these proposals. Because these frequencies are governed by international agreements there is no possibility of them being either available or denied to other users. The frequencies are only available for their existing internationally agreed aeronautical / maritime use! Ofcom could price their usage to nil in the UK, the frequencies still would not be available for any other use.

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?:

See answer to Q7. Due to the international agreements regulating use of these frequencies making reuse impossible it is completely inappropriate to compare these VHF channels with Business Radio.

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

The current economic slowdown would make the imposition of any new fees especially burdensome.

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:

No comment

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 comment

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 comment

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?:

Aeronautical radio aid spectrum is governed by international agreements to ensure safe usage and prevent loss of life. It might appear uncongested but that's exactly how anyone on board an aircraft (or on the ground beneath an aircraft relying on radio navigation aids) wants it!

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 comment

Comments:

Ofcom appears to be proposing to charge fees where it has no legal right to do so. There is no prospect of any alternative uses being made of these frequencies because their use is governed by international agreements. The proposal appears to be a simple "tax" on users with no prospect of improving efficiency of spectrum use or enabling spectrum reuse.