

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 new processes or arrangements are necessary because Ofcom should not charge for frequencies in these sectors.

This is because these frequencies are allocated to their respective user groups by international agreement and so cannot be allocated to other user groups.

It follows, then, that these frequencies are of no value to anyone else except the allocated user groups. Therefore AIP as defined by Ofcom is simply not applicable and so charges should not be levied under this mechanism.

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.?:

Bottom end commercial air operators and their support activities (aerodromes) operate in a highly price sensitive environment.

Recreational air operators and their support activities (aerodromes and clubs) are even more price sensitive.

Charging for frequencies would drive some, possibly many, of these support activities to abandon use of radio communication and navigation stations. This will have a detrimental effect on flight safety.

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

Following from my answer to question 2, if aerodromes and/or clubs cease to use radio communications and navigation stations, some aviation activities may re-locate to other nearby countries. Foreign aviators may avoid the UK and visit other nearby countries instead.

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:

Following from my answer to question 2, aerodromes and/or clubs are likely to be unable to afford the proposed fees. Therefore the financial impact will be such as to cause them to give up their radio station.

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:

There is nothing at all to be gained, in terms of economic efficiency, from charging AIP to WT Act aircraft licences.

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:

I consider it essential that fees should be heavily discounted, and preferably waived, for this type of user.

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?:

I do not agree with this. AIP is not applicable because the spectrum concerned is assigned by international agreement and so is beyond the gift of Ofcom to re-assign it to any other user.

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?:

I do not agree with this. It is not appropriate to apply similar pricing to that imposed on Business radio licences because the spectrum concerned is assigned by international agreement and so is beyond the gift of Ofcom to re-assign it to any other user.

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

No.

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 view.

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

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?:

It is congested, but workable. As greater use is made of GPS and similar radio navigation systems, the number of more traditional radio navigation aids may reduce, thereby reducing congestion.

However this will not enable elements of the spectrum to be re-allocated because it is assigned by international agreement and so is beyond the gift of Ofcom.

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:

The concept of applying AIP to the aeronautical and maritime radio band is fundamentally flawed. This is because the spectrum in these bands is assigned by international agreement and so is beyond the gift of Ofcom to re-assign it.