

Name and title under which you would like this response to appear:

N Ward Research Director

Representing:

Organisation

Organisation (if applicable):

General Lighthouse Authorities

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

Question 1: Do you agree with Ofcom's proposed overall approach to improving the management of public sector spectrum holdings and, in particular, with Ofcom's conclusion that it will generally be preferable for public sector bodies to interact directly with the market?:

No, because the public sector cannot compete on level terms with the private sector. This will inevitably place long-term, strategic public sector interests at a disadvantage.

In practice it will probably have very limited application to maritime services, for the reasons outlined below.

Question 2: What factors do you consider Ofcom should take into account in determining the programme of reform in the framework for managing public sector spectrum holdings?:

Most of the bands used for maritime services are internationally coordinated and the equipment and frequencies used are governed by international conventions. Changes

made by the UK would not be applicable to non-UK registered vessels, unless international consensus could be reached, which would take years, if not decades.

Question 3: Do you consider that the proposals should be phased in?:

Yes, phasing in would allow the scale of these problems to be assessed and reduce the waste of resources and credibility that might result from the introduction of unworkable measures.

Question 4: Do you agree with Ofcom's proposals about the frequency bands that offer the greatest potential benefits from band sharing? Are there other frequency bands where the facility to trade or lease spectrum from public sector bodies would be particularly attractive?:

No, 2.9-3.1 GHz is a good example of the problems that might be encountered. This band is used internationally by radars in maritime, aeronautical and other services. Any sharing of the band would have immediate safety consequences and could only be considered after exhaustive study. The band does not contain discrete channels, because of the nature of current radar technology. Releasing sections of the band could only be achieved by a change in technology. This is just starting to happen in the maritime sector, but it will require international agreement on technical characteristics, performance standards and carriage requirements. This would be followed by a lengthy changeover period (assuming mandatory carriage is approved, which is not certain), before any spectrum could be released. This may happen, regardless of national initiatives on spectrum trading, but will certainly take in excess of a decade.

Question 5: Do you agree with Ofcom's proposed approach to awarding public sector licences and RSA?:

No, the introduction of RSA clarifies the position of those public bodies not subject to licensing, but does not deal with the changes in remit and additional resources that would be needed for public bodies to undertake spectrum trading.

Question 6: Should public sector spectrum trading be introduced at this stage in the Channel Islands and Isle of Man?:

Yes, the Channel Islands and the Isle of Man are part of an integrated maritime system, controlled by the same international regulations, so the same limitations on the scope for spectrum trading would apply. Radio signals do not respect national boundaries and the introduction of spectrum trading in any limited area brings with it the risk of unfair competition.

Question 7: Should there be additional grounds, eg safety-related, for Ofcom to refuse consent to a proposed trade in certain frequency bands or for certain applications?:

Yes, the potential costs of the impact on safety of life at sea and damage to the environment resulting from a degradation in safety services must be taken into account in the risk assessment required before any such change is carried out. Cost benefit analysis should also take these factors into account, as well as the added costs to the public sector of involvement in spectrum trading. Safety should be paramount when considering the possibility of spectrum trading. Market mechanisms do not work in favour of safety, if it has no direct monetary value.

Comments:

Informative Note on the General Lighthouse Authorities

The Corporation of Trinity House, the Commissioners of Northern Lighthouses (operating as the Northern Lighthouse Board) and the Commissioners of Irish Lights are the General Lighthouse Authorities (GLA) for the UK (including the Channel Islands and the Isle of Man) and the Republic of Ireland pursuant to the Merchant Shipping Act 1995, as amended and the Merchant Shipping Act 1894 in respect of the statutory undertaking of the Commissioners of Irish Lights in the Republic of Ireland. The GLA have statutory responsibility for the provision of maritime aids to navigation in UK and Irish waters, including radio-navigation systems. The GLA are therefore service providers using radio spectrum for safety of life and wreck-marking applications. The provision of maritime aids to navigation by the GLA is funded from Light Dues charged on certain ships, regardless of where they are registered, entering UK and Irish ports, but not on ships in transit through those waters. Light Dues are paid into the General Lighthouse Fund, which is administered by the Secretary of State for Transport pursuant to the Merchant Shipping legislation.

General Comments

1. The GLA fully agree with the need to maximise efficiency of spectrum use, subject to safety considerations, protection of the environment, national security and the need to ensure compliance with international obligations.
2. The GLA would also support reducing regulatory barriers and simplifying processes, enabling faster access to spectrum, as long as harmful interference is prevented.
3. The GLA note the statement that 'Spectrum trading and liberalisation play a key role as they promote spectrum efficiency', but assume that, in accordance with the definition given, Recognised Spectrum Access will not be applicable to the services they provide since all of them fall under the licensing regime (at present).
4. It is noted that the band 2.7-3.4 GHz will be among the first to which the changes will be applied. It is also noted that within this band 2.9 - 3.1 GHz is allocated jointly for defence, civil aeronautical and civil maritime use. It is pointed out that the GLA provide, at a cost to the General Lighthouse Fund, (licensed) radar beacons as aids to navigation within this band to meet the safety needs of maritime users. The user pays principle applies to vessels entering UK and Irish ports, but cannot be applied to passing traffic. Clarification would be appreciated as to how such licensed safety services will be treated if the band as a whole is subjected to spectrum trading and

liberalisation.

5. Radio-navigation services are also provided by the GLA in other bands on the same basis, i.e. as aids to navigation, licensed and at a cost to the General Lighthouse Fund, pursuant to statutory responsibilities ? legislation would be required to change this situation.

6. Since the GLA are only one of a number of public bodies providing safety services within these bands, at a cost, further explanation would be appreciated as to how market mechanisms can be applied equitably (including revenue mechanisms), given that such bodies themselves have neither the expertise nor the resources to apply them.