

**Spectrum Framework review: the Public Sector.**

**A Response from the Public Safety Spectrum Policy Group**

The Consultation asks six questions. The PSSPG offers the answers below for Ofcom consideration.

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 conclusions that it will be preferable for public sector bodies to interact directly with the market?*

PSSPG believe the ability for public safety services to manage their own spectrum holdings is the most appropriate way forward as a means of ensuring operational effectiveness is not compromised through spectrum issues. However, the ability to interact with the market in a meaningful way as envisaged is limited and unlikely to be economically viable for the following reasons:-

PSSPG spectrum holdings are relatively small;

Much of PSSPG spectrum is already shared, the emergency services being a secondary user in many cases;

Operational and interoperability requirements tend to be national, limiting the scope to share spectrum without compromising operations;

The greatest scope to share spectrum potentially will be in low density rural areas. Demand for spectrum in these areas is anticipated to be low.

The potential need to engage with the market to obtain new spectrum is recognised. However, PSSPG have reservations over how emergency service operational effectiveness would be protected should they be unable to obtain sufficient and suitable spectrum for their purpose in a timely manner.

The initial value of public sector holding must be set at a rate directly comparable to similar commercial holdings.

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

The programme of reform must;

- not prejudice the effectiveness of the emergency and public safety services to deliver statutory obligations
- take into consideration the special requirement (in some cases unique) requirements of the emergency services
- take into consideration the fact that the emergency services have no income other than that provided via tax payers
- ensure that sufficient and suitable spectrum is released as early as possible to the market, to ensure spectrum availability if required to meet emerging core requirements.

3. *Do you consider the proposal should be phased in?*

Yes. Each area of spectrum has its own degree of complexity and challenges. A phased approach is necessary to allow risks to be identified and managed through a learning approach.

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?*

Yes, subject to the specific area of spectrum the emergency services have an interest.

5. *Do you agree with Ofcom's proposed approach to awarding public sector Licences and RSA?*

Yes: However in the case of the emergency services some revision may be required to ensure that;

- responsibility for regulatory compliance remains with the end user
- end users remain subject to a fee for spectrum use, and the necessary regulatory arrangements are in place for a third party to collect fees.

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

- No comment

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; in respect of the operational effectiveness of the emergency services if this is not covered under the more generic label of national security.

Additional comments for consideration

In table 3.1 on page 14 Ofcom indicate that PSSPG plan assignments. It is believed that Ofcom plan assignments.

In 4.10 Ofcom repeat the Government statement that sufficient spectrum will remain available for national security defence and essential public safety services. Ofcom are however silent on how they propose to discharge this.

On page 25 bullet 3 Ofcom repeat the government statement in response to the Audit that the public sector should pay for use of spectrum on a comparable basis to the private sector. It would be appropriate for this statement to lead Ofcom's thinking when it comes to considering licensee fee increases proposed in the 470 – 3 GHz area.

**Comment:** I believe it would help to incorporate these comments in the response, but not obviously in this 'discussion' form.