



FUNDACION ESPAÑOLA DE USUARIOS DE MEDIOS AUDIOVISUALES

Response to Draft RSPG Opinion on Common Policy Objectives for WRC-15

January 2015

Executive summary

- 1.1 The Fundación Aprender a Mirar (Fundación Aprender a Mirar) is an independent non-sectarian Foundation under the laws of Spain which objectives are the defence of the Rights of citizens and consumers of audiovisual media, with special focus in childhood and youth, either through Media Literacy and before Broadcasters and Content producers, Political Institutions and Advertisers.
- 1.2 FUNDACIÓN APRENDER A MIRAR welcomes the opportunity to respond to the Draft RSPG Opinion on Common Policy Objectives for the WRC-15. In our response we have focused on the issue of the allocation of the Ultra High Frequency (UHF) bands to television broadcasting and the potential for the re-allocation of all or part of that spectrum to other uses, notably Mobile Telephony (MT) and Wireless Broadband (WBB).
- 1.3 Although the picture in different European countries varies, FUNDACIÓN APRENDER A MIRAR notes that the **Digital Terrestrial Platform (DTT) is well established** in most and indeed dominant in many. FUNDACIÓN APRENDER A MIRAR believes that the DTT platform **supports crucial public policy goals** and thus wants to see this platform continue to
 - make a considerable contribution to competition and innovation in the broadcast markets,
 - enable (public service) broadcasters and the European audiovisual sector to play a critical role in the promotion of European cultural diversity, notably through considerable investment in original content, and
 - allow Europeans to reap these benefits via such a reliable and cost effective means of delivery, without gatekeepers and free at the point of use.

1.4 Thus, **FUNDACIÓN APRENDER A MIRAR** opposes any spectrum re-allocations that put at risk the availability and future sustainability of the DTT platform and the free-to-air services associated with it.

1.5 Regarding the growing demands of MT and WBB operators on the UHF spectrum currently used by DTT, FUNDACIÓN APRENDER A MIRAR strongly supports **evidence**-based policy. To this end, FUNDACIÓN APRENDER A MIRAR :

- is deeply concerned at the highly divergent mobile data traffic projection claims made to justify calls for more spectrum to be given to MT and WBB, stresses the need for reliable data, and calls for rigorous scrutiny of these projections,
- calls for concrete evidence and transparency of the way the MT and WBB industry is using already allocated spectrum, including the recently repurposed 800 MHz band,
- would like to see that the obligation to deliver spectrum efficiency is placed equally on all communication market players and firmly on the MT and WBB industry which requests additional spectrum.

1.6 Related to point 1.5, in the event that the evidence shows that the MT and WBB industry is going to grow significantly in the foreseeable future, FUNDACIÓN APRENDER A MIRAR calls on the WRC, national governments and their regulatory authorities to assess **whether more (UHF) spectrum is the best way to solve broadband Internet access**. FUNDACIÓN APRENDER A MIRAR supports the (wireless) broadband targets in the *Digital Agenda* for Europe but believes that a **comprehensive review** of the contribution different elements (e.g. different technologies) and players (e.g. fixed and wireless) in **the electronic communications sector** can make towards the implementation of these targets **as well as a cost-benefit analysis** are essential before further decisions to allocate more spectrum to MT/WBB are taken. Such an analysis would need to consider questions like:

- is more UHF spectrum and the concomitant shrinking of DTT the best solution or could spectrum outside the UHF band (for instance, above 6 GHz) be equally useful and, more importantly, could be provided with considerably less disruption and without threatening the stated benefits of DTT referred to in point 1.3 What are the incremental benefits of releasing more spectrum to the MT/WBB industry and what overall economic and social impact would such a move entail?
- is the problem insufficient spectrum and/or insufficient investment in cell towers and fixed (in particular backhaul) networks?
- are there any (further) policy measures (e.g. national roaming) and market developments (e.g. the increased consolidation in the European mobile

markets) which could reduce demands on spectrum by the MT and WBB industry without sacrificing its growth?

1.7 In view of the above, FUNDACIÓN APRENDER A MIRAR calls for caution and is against hurried decisions. It believes that were the forthcoming WRC-15 to re-allocate the **UHF 700 MHz** frequencies from DTT to MT and WBB (as seems likely, regrettably), it is crucial that the equally legitimate needs of the DTT operators and its users are recognised, and that the WRC-15 assures the long-term viability of the DTT platform, allowing it to continue to innovate and compete on equal terms with others platforms. Moreover, FUNDACIÓN APRENDER A MIRAR thinks it is essential that affected countries ensure that any **costs** associated with such a potential re-allocation are covered in their entirety by the MT and WBB operators, the only ones who stand to benefit from such a move.

1.8 FUNDACIÓN APRENDER A MIRAR welcomes and fully supports the RSPG recommendation that the **470-694 MHz band** should remain available for DTT until at least 2030. FUNDACIÓN APRENDER A MIRAR understands that this refers to the entire band and opposes any attempt by WRC-15 to allow the use of this band for WBB downlink as this would defeat the objective of the RSPG recommendation.

1.9 FUNDACIÓN APRENDER A MIRAR thinks that building flexibility in a potential WRC-15 decision in order to allow some countries to move ahead with using the 470-694 MHz band for WBB downlink would, in the absence of harmonisation, *not* deliver the anticipated benefits of pan-European economies of scale and roaming to the MT/WBB industry, a scenario which would, in addition, adversely affect the interests of consumer electronics manufacturers and in turn would result in higher costs to consumers.

RESPONSE

1 Introduction

1.1 The Fundación Aprender a Mirar (Fundación Aprender a Mirar) is an independent non-sectarian Foundation under the laws of Spain which objectives are the defence of the Rights of citizens and consumers of audiovisual media, with special focus in childhood and youth, either through Media Literacy and before Broadcasters and Content producers, Political Institutions and Advertisers.

1.2. FUNDACIÓN APRENDER A MIRAR welcomes the opportunity to respond to the Draft RSPG Opinion on Common Policy Objectives for the WRC-15. In our response we have focused on the issue of the allocation of the Ultra High Frequency (UHF) bands to television broadcasting and the potential for the re-allocation of all or part of that spectrum to other uses, notably Mobile Telephony (MT) and Wireless Broadband (WBB).

2 Context

The significance of DTT

- 2.1 Although the picture in different European countries varies, the DTT platform is well established in most. In some countries (such as Greece, Italy and Spain), the DTT platform is dominant; even in countries where the DTT platform has been facing strong competition from cable, satellite and IPTV (like Britain and France), DTT remains the only platform that achieves universality; and, quite remarkably, in other countries the penetration of DTT has increased in recent years as in Poland and offers competition to subscription-based platforms.
- 2.2 The **DTT platform delivers crucial public policy goals**. It makes a considerable contribution to innovation as well as competition to other (typically subscription-based) television platforms. Moreover, as a key platform for many major broadcasters, the DTT platform enables considerable investment in original content and thus supports the European audiovisual sector and promotes European cultural diversity. The DTT platform is a cost effective and reliable means of delivery, with no gatekeepers that can deliver these benefits to citizens free at the point of access. It allows national governments and regulatory authorities to impose public service requirements on the basis that the broadcasters use a public resource.
- 2.3 FUNDACIÓN APRENDER A MIRAR wants to see the DTT platform continue to play this valuable economic, social and cultural role. It believes that the many millions of European viewers who rely on DTT (57% of all TV households in the EU28 receive DTT on at least one TV set - and in Spain could be said the 99% -) should be able to carry on reaping these benefits. This can only happen if there is spectrum certainty and commitment to the terrestrial platform in order to enable DTT operators to plan ahead and undertake the necessary investment for further innovation and growth.
- 2.4 Decisions at the WRC international level will shape European and subsequently national decisions. FUNDACIÓN APRENDER A MIRAR recognises the legitimate interests of other market players, notably MT and WBB operators, but is concerned of the implications for DTT and its users of any hurried policy decisions based on doubtful data to minimise (or worse eliminate) spectrum for DTT.

The digital switchover process has come at a considerable cost and inconvenience for broadcasters, multiplex operators and viewers. The

subsequent re-allocation in many European countries of the 800 MHz band from DTT to the MT/WBB industry to use for 4G technology has affected some DTT viewers.¹ The cumulative impact of the surrender of the 800 MHz band and the likely release of the 700MHz will amount to nearly 60% of the spectrum broadcasting occupied in the analogue era. Any further re-allocations from DTT to MT/WBB in the sub-700 MHz band (or the award of co-primary status) would not only fatally jeopardise the future and viability of the DTT platform in conditions of minimal spectrum but, importantly, would not be accompanied by any benefits that could justify the extra cost and inconvenience to DTT operators and viewers.

A weakened DTT platform will result in powerful gatekeepers and too much market power in the hands of players (e.g. telecommunications operators) who have not been subject to content regulation traditionally thereby putting at risk the significant public policy goals associated with DTT.

FUNDACIÓN APRENDER A MIRAR thinks that mobile broadcast technologies cannot, at least in the foreseeable future, meet the same levels of quality, universality and cost-effectiveness that the DTT in the UHF bands offers.² Besides technical questions, various operational and policy issues remain unresolved. For instance, data caps in pricing schemes would not allow the consumption of television content (unless it is offloaded on WiFi networks as is currently the practice) or would make such consumption prohibitively expensive; the presence of strong gatekeepers is a real risk and this in turn could threaten investment in original content and undermine cultural diversity; the extent to which mobile broadcast technologies can support simultaneous viewing is unclear; consumer devices that can support mobile broadcast are not widespread.

Evidence-based policy

- 2.5 FUNDACIÓN APRENDER A MIRAR is deeply concerned at the highly divergent mobile data traffic projection claims made to justify calls for more spectrum to be given to MT and WBB. FUNDACIÓN APRENDER A MIRAR strongly supports evidence-based policy and to this end stresses the need for national governments and regulatory authorities to test rigorously these projections. FUNDACIÓN APRENDER A MIRAR believes that radio spectrum policy debates, let alone decisions, need to be premised on clear, transparent and complete

¹ E.g. DMSL [UK] (2014) *Response to Ofcom's Consultation on the future use of the 700 MHz band – Cost Benefit analysis of changing its use to mobile services*, http://stakeholders.ofcom.org.uk/binaries/consultations/700MHz/responses/Digital_Mobile_Spectrum_Ltd.pdf

² See: EBU (2014) *Delivery of Broadcast Content over LTE Networks* <https://tech.ebu.ch/docs/techreports/tr027.pdf>.

Plum Consulting and Farncombe (2014) *Challenges and Opportunities of Broadcast-Broadband Convergence and its Impact on Spectrum and Network Use*.

http://www.plumconsulting.co.uk/pdfs/Plum_Dec2014_Broadcast-broadband_convergence_and_impact_on_spectrum_and_network_use.pdf

data.

- 2.6 Moreover and related, FUNDACIÓN APRENDER A MIRAR calls for concrete evidence and transparency of the way the MT/WBB industry is using existing spectrum allocations, including the recently repurposed 800 MHz band. Increased transparency of spectrum usage should aim to match the transparency that broadcasters provide and have improved upon as a result of the digital switchover process.
- 2.7 The digital switchover process is strong proof of the innovation that the broadcasting industry has delivered. Broadcasters and their audiences have proven their commitment in delivering considerable spectrum efficiencies through the substantially costly process of switching-over from analogue to digital services and through the subsequent release of the upper regions of the UHF band – the so-called 800 MHz band – to the mobile industry to deliver 4G services. These efficiencies, while welcome, have facilitated growing demands of MT and WBB operators on DTT spectrum. FUNDACIÓN APRENDER A MIRAR recognises the importance of innovation and spectrum efficiency and believes that the same obligation to deliver these goals should be placed equally on all players and firmly on the MT/WBB industry in particular in relation to bands that are less harmful to public services. The intensification of the research and innovation efforts of the MT/WBB industry should aim to reach the considerable spectrum efficiencies delivered by the broadcasters and their audiences.
- 2.8 In the event that the evidence shows that the MT/WBB industry will grow substantially in the foreseeable future, FUNDACIÓN APRENDER A MIRAR calls on the WRC, national governments and their regulatory authorities to assess whether more (UHF) spectrum is the best way of delivering broadband Internet access.

FUNDACIÓN APRENDER A MIRAR supports the *Digital Europe Agenda* and the broadband (mobile) targets therein. It calls for strong evidence regarding the best way of addressing broadband Internet access in urban and rural areas and believes that a **comprehensive review of** the contribution different elements (e.g. various technologies) and players (e.g. fixed and wireless) in **the electronic communications sector** can make towards the implementation of these targets **as well as a cost-benefit analysis** are essential before further decisions to allocate more spectrum to MT/WBB are taken. A number of outstanding issues remain. For instance:

- is more UHF spectrum and the concomitant shrinking of DTT the best solution or could spectrum outside the UHF band (for instance above 6 GHz) be equally useful and, more importantly, could be provided with considerably less disruption and without threatening the stated benefits of DTT referred to above? What are the incremental benefits of releasing more spectrum to the MT/WBB industry and what overall economic and social impact would such a

move entail?

- is the problem insufficient spectrum and/or insufficient investment in cell towers and fixed (in particular backhaul) networks?

- are there any (further) policy measures (e.g. national roaming) and market developments (e.g. increased consolidation in the European mobile market³) which could reduce demands on spectrum by the MT and WBB industry without sacrificing the growth of this industry?

FUNDACIÓN APRENDER A MIRAR position on the RSPG opinions

Information Society – Electronic Communications (Section 4.1 addressing WRC-15 Agenda Items 1.1 – 1.3)

2.9 FUNDACIÓN APRENDER A MIRAR opposes any spectrum re-allocations that put at risk the availability and future sustainability of the DTT platform and the significant public policy goals it supports.

2.10 FUNDACIÓN APRENDER A MIRAR calls for caution and is against hasty decisions based on uncertain data. It believes that concrete evidence is needed before any decisions are taken, including a cost and benefit analysis and a comprehensive review of the electronic communications sector and the role its various parts can play to the fulfilment of the Digital Agenda broadband targets (points 2.6-2.9 above).

2.11 FUNDACIÓN APRENDER A MIRAR believes that were the forthcoming WRC-15 to re-allocate the **UHF 700 MHz** frequencies from DTT to MT and WBB (as seems likely, regrettably), it is crucial that the equally legitimate needs of the DTT operators and its users are recognised, and that the WRC-15 assures the long-term viability of the DTT platform, allowing it to continue to innovate and compete on equal terms with others platforms.

Moreover, FUNDACIÓN APRENDER A MIRAR thinks it is essential that affected countries ensure that any costs associated with such a re-allocation are covered in their entirety by the MT and WBB operators, the only ones who stand to benefit from such a move.

2.12 FUNDACIÓN APRENDER A MIRAR welcomes and fully supports the RSPG recommendation that the **470-694 MHz band** should remain available for DTT until at least 2030. FUNDACIÓN APRENDER A MIRAR understands that this refers to the entire band and opposes any attempt by WRC-15 to allow the use

³ TAC notes the growing consolidation that is underway in the European mobile markets. The announcement in December 2014 in Britain by BT to buy the merged operator EE is the latest move. If, as a result of this consolidation process, the European market ends up with fewer mobile players, then arguably the requirements for spectrum will be less.

of this band for WBB downlink as it believes that this would undermine the RSPG recommendation.

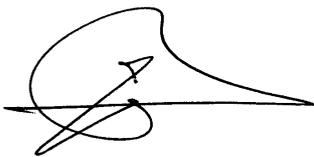
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2.14 FUNDACIÓN APRENDER A MIRAR would further welcome evidence about the suitability of spectrum in other non-UHF bands for the delivery of fifth generation mobile networks (5G). As the RSPG states in its opinion, this spectrum should be supplied above 6GHz.

END

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Signed on behalf of
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