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European Commission
Information Society and Media Directorate-General
Electronic Communications Policy Group
Brussels

Via E-Mail

Heidelberg, 30 June 2009

PUBLIC CONSULTATION ON THE DIGITAL DIVIDEND

Dear Sir or Madam,

Kabel BW is Baden-Württemberg's fast-growing, innovative provider for fast Internet, telephone and TV (Triple Play). Kabel BW currently has 2.3 million customers and is one of the largest cable operators in Europe, with every second household in Baden-Württemberg using their products. Kabel BW offers attractive packages with an excellent price/performance ratio and the highest Internet bandwidths (up to 100 MBit/s) as well as telephone flat rates. Thanks to the large-scale modernization of networks, 99% of the 3.5 million cable households in Baden-Württemberg are now able to use the "CleverKabel" products. More than 4 GBit/s (4000 MBit/s) are available to each household for Internet, telephone and TV in the modernized cable network. Our infrastructure is located both in suburban and rural areas. Kabel BW customers currently have both analog and digital reception of up to 400 TV programs (including HDTV) as well as 150 radio channels.

Kabel BW's upgraded networks are using the spectrum range up to 862 MHz. In the Moment the upper spectrum 790 – 862 MHz is used for digital TV-Services, but we also plan to use it for HDTV-services and data-services, if the bandwidth is necessary.

Therefore we foresee a great impact on our business models, if the addressed spectrum will be used for mobile telecommunication services, because of interferences between the end-user-devices for TV and broadband and the mobile communication device of LTE / HSDPA. On further details please refer to the enclosed circumstantial statement of ANGA, which we support fully.

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We request that the mentioned issues are identified as critical issues within the decision-making process of releasing the Digital Dividend spectrum. In our view they need to be studied in detail. A solution, which enables all existing and future users of the spectrum range in question to commonly use that band without or at least with minimum possible interference, should be the core objective before any decisions on releasing the Digital Dividend are taken. Simply ignoring the potential interference issues would effectively mean preferential treatment of one possible broadband infrastructure over another, which would result in unfair competition and a restriction of trade for the cable operators who are heavily investing in a very successful NGA-fit infrastructure located both in suburban and rural areas.

Best regards,



i.V. Martin Herkommer

Director PR & PA



i.V. Lars Ziegenhagen

Director Regulation & Law

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