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Comments on RSPG Opinion on "Cognitive Technologies (RSPG 10-348 Draft for Consultation – Nov. 04th 2010)

The National Regulatory Authorities for Private Broadcasting in Germany (DLM) welcome the opportunity to comment on the Draft RSPG Opinion on "Cognitive Technologies" of 04 November 2010.

1. As independent Media Regulators DLM's main task is to ensure programme diversity in broadcasting and to promote broadcasting infrastructures so that a broad and pluralistic TV programme offer can reach the consumer.
2. Digital Terrestrial Television - DTT – is an important platform to realise these tasks. It constitutes an indispensable platform next to cable and satellite to ensure that the German consumer has access to broad and pluralistic information and to a diverse programme offer at affordable prices. Both public and private broadcasters use the wireless distribution of TV content via the UHF frequencies. DLM's view is that Broadband internet cannot and will not match the advantages that broadcast offers.

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3. DLM shares the RSPG's view that - in principle - cognitive technologies can be used in broadcasting bands and that they may in the long term provide means for a more efficient spectrum usage.
4. DLM however is concerned that the use of cognitive radio systems in White Spaces will cause harmful interferences to broadcasting services and that no proper solutions are at hand for the time being to ensure protection against these interferences. A comparable situation arises where frequency bands are used for DTT and for LTE.
5. It is too early to already decide which cognitive radio system - sensing, geo-location or beacons - is the most efficient and the most apt technology to ensure protection against interferences into DTT and cable receivers (in accordance with ECC Report 159 - Technical and operational requirements for the possible operation of cognitive radio systems in the white spaces of the frequency band 470-790)
6. Therefore, DLM supports consideration Nr. 3 and consideration Nr. 8d of the consultation paper: Additional studies are indispensable to examine the benefits but also the disadvantages that the use of cognitive radios systems in white spaces might cause. The protection of broadcasting services should be one of the priorities of further in depth studies.
7. Also, a detailed database providing information on important parameters like the allocation of frequencies, their location and their use is necessary. DLM supports Recommendation 1 of the Draft RSPG Opinion: National implementing measures to introduce cognitive radio technologies should be left to Member States. This does not exclude the exchange of information and of best practices between Member States.
8. It is DLM's view that an implementation of CR technologies in the national frequency management will take time. The ongoing discussions in the FCC reveal how difficult it is to agree on a workable common regulation. (????). If, following further research and in depth examination, cognitive radio systems prove to be useful and operational in the UHF band, the following principles must be respected in order to ensure media pluralism:
 - Protection of in-house broadcasting reception

- Use of white spaces devices only in bands not used by broadcasters as long as the protection of broadcasting services cannot be granted.
9. Cognitive radio systems use the “apparently” free space in spectrum that is already used by other spectrum users. The implementation of cognitive radio systems in the UHF band will mean that the actual usage of the spectrum by the broadcaster will be fixed and any future reallocation in order to allow a development of broadcasting services will become very difficult, if not impossible. This would contradict German constitutional law according to which broadcasting must be granted to develop its services.
 10. Therefore, the spectrum Bands II and IV/V will not be available for the implementation of CR technologies in the near future. Also, an implementation of cognitive radio in these bands will not be possible before a final decision on the introduction of DVB-T technology and DAB+ is taken by the German Government and switchover scenarios have been prepared.
 11. Finally, DLM likes to point out that besides the UHF band, various other bands may be appropriate for CR usage, e.g. 880-915/925-960 MHz (mobile services), 790-862 MHz (broadcast/mobile services), 1920-1980/2110-2170 MHz (mobile services and space research), 2500-2690 MHz (mobile services) or 3400-4200 MHz (satellite services). The RSPG should therefore not focus on the UHF band alone.

Prof. Wolfgang Thaenert
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