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Australian Communications and Media Authority  
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### **Review of the 2.5GHz band and long-term arrangements for ENG – Designation Proposal**

The Australian Subscription Television and Radio Association (ASTRA) welcomes the opportunity to comment on the draft reallocation designation for the 2.5GHz mid-band gap.

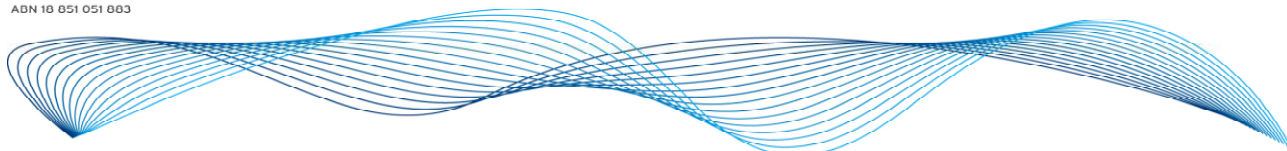
As indicated in the discussion paper, the ACMA proposes to recommend to the Minister that he issue a notice under section 36 of the *Radiocommunications Act 1992* designating that the 2570-2620 MHz band be allocated using spectrum licences. ASTRA notes that the ACMA proposes to recommend the issue of spectrum licences “in order to provide long-term certainty to broadcasters” about the ongoing viability for spectrum for electronic news gathering (ENG) services. The proposed designation would enable the ACMA to convert existing ENG apparatus licences to 15-year spectrum licences.

The subscription television (STV) industry recognises that planning and future allocation of the 2.5 GHz band needs to maximise the overall benefit that can be derived from this band. However, ASTRA reiterates concerns repeatedly raised by the STV industry throughout the 2.5 GHz band review process that adequate, secure and direct access for STV to spectrum suitable for ENG, electronic field production (EFP) and television outside broadcast operations (TVOB) is essential to ensure sufficient growth capacity for future coverage of news, sporting and other major events broadcast by STV.

A number of ASTRA members made submissions in response to the ACMA’s discussion paper, the *Review of the 2.5 GHz band and long-term arrangements for ENG*, released in January 2010. As you would be aware, STV makes extensive use of the 2.5 GHz band for ENG, EFP and TVOB, however access to the 2.5 GHz band for STV is through largely informal commercial arrangements with free-to-air commercial television broadcasters that currently hold apparatus licences for the 2.5 GHz band.

ASTRA expresses strong disappointment that ACMA’s proposal does not allow for direct licensed access for those ENG, EFP or TVOB users other than the free-to-air commercial and national broadcasters in either the ‘mid-band gap’ (2570-2620 MHz) or elsewhere.

ASTRA reiterates the need for organisations other than the incumbent free-to-air broadcasters to have direct access to spectrum supporting ENG, EFP and TVOB operations. As noted in the submissions by Premier Media Group and Foxtel to the 2.5 GHz Review, STV channels are some of the biggest users, directly and indirectly, of ENG spectrum, including extensive use for daily news and sports news gathering activities.



ASTRA reiterates that spectrum licences for the ‘mid-band gap’ should be subject to an open allocation process, where all users have the opportunity to obtain licenses to spectrum supporting ENG, EFP and TVOB services.

ASTRA acknowledges the availability of support for licensing arrangements in alternative spectrum bands, particularly for spectrum suitable for planned TVOB operations but also some ENG applications. In particular, ASTRA acknowledges ACMA’s cooperation in providing a temporary solution for TVOB operations for sports broadcasts.

However, as the ACMA has recognised, the 2.5 GHz band has optimal propagation characteristics for ENG. The ACMA stated in its response to submissions to the review of the 2.5 MHz mid-band gap that:

The ACMA understands that where pay television operators, third-party production companies and equipment suppliers require access to ENG spectrum, it tends to be for planned events rather than for the rapid, unplanned deployment that characterises the electronic newsgathering undertaken by the free-to-air broadcasters.<sup>1</sup>

ASTRA submits that this represents a significant misunderstanding of current and future ENG spectrum use by the STV sector. STV news and sports news providers operate 24 hours a day, 7 days a week, undertaking significant and increasing ENG activities, and these providers should be afforded the opportunity for the same long-term certainty to the current incumbent apparatus licence holders in the 2.5 GHz band. There would be nothing to prevent, for example, free-to-air broadcasters entering commercial deals with spectrum licensees, in the same way that the STV sector currently accesses spectrum for ENG.

The ACMA further stated that:

...a significant amount of equipment used [by pay TV and third party operators] is capable of operating in the alternative bands, though modifications may be required to ancillary equipment to support operation in the proposed alternative bands.<sup>2</sup>

The STV sector is facing substantial equipment swap-out costs were it to be denied access to mid-band gap spectrum and forced to move to alternative frequencies for ENG, EFP and TVOB operations. The incumbent free-to-air broadcasters face no such equipment modification costs (as well as enjoying the certainty of spectrum access).

ASTRA does recognise the limited spectrum capacity that will be available in the ‘mid-band gap’ after the reallocation of the 2.5 GHz band. ASTRA submits that spectrum in the alternative bands must be made available on an open auction basis with no preferential access to free to air broadcasters or any other category of spectrum user.

ASTRA further submits that sufficient spectrum needs to be made available in these alternative bands to give STV and other third-party 2.5 GHz band users certainty for future operational needs. As noted in ASTRA’s response to the ACMA’s Towards 2020 Paper, some of the alternative spectrum bands nominated by the ACMA in its 2.5 GHz Review have also been identified as potential sources of additional spectrum for future mobile broadband requirements, giving the STV industry even less certainty regarding its long-term ENG requirements.

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<sup>1</sup> ACMA, Review of the 2.5 GHz band and long-term arrangements for ENG—Response to submissions, October 2010, p.16.

<sup>2</sup> Ibid.

Please contact myself or Simon Curtis, Policy and Regulatory Affairs Manager at ASTRA on (02) 9776 2688, if you wish to discuss further anything in the above.

Yours sincerely

A handwritten signature in black ink that reads "Petra Buchanan". The signature is written in a cursive, flowing style.

Petra Buchanan  
CEO