



Office of the Director of  
**Telecommunications  
Regulation**

**CONSULTATION PAPER**

# Licensing Regional or Locally Based Digital Television Delivery- Consultation Paper

**Document No:** 01/69

**Date:** 31 August 2001

**Oifig an Stiúirthóra Rialála Teileachumarsáide**

**Office of the Director of Telecommunications Regulation**

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## 1 Executive Summary

In March, the Broadcasting Act 2001 was enacted. The key provisions of the legislation included the establishment and operation of DTT (Digital Terrestrial Television) on a national basis. Following the enactment of the Act, the ODTR outlined its framework for the licensing of national DTT in the report on the consultation on Licensing Digital Terrestrial Television (ODTR 01/17) and Information Notice (ODTR 01/52).

Under the 2001 Act, the Director may issue licences for additional multiplexes above and beyond the six that the Minister will directly deal with under the Act. Similarly, the Director may issue further licences to other entities in respect of transmission facilities.

The Director now considers it appropriate to examine the role, which regional or locally based DTT might play in the broadcast transmission market.

This paper will:

- Set out the possibility for providing digital television services on a regional or local basis;
- Set out the Director's position in relation to possible licensing of regional or locally based operations in the 12 GHz and UHF bands.

If, following this consultation, it is decided to proceed to licensing services as outlined, it should be noted that such licences would issue under the Wireless Telegraphy Acts, 1926-1988. Prior to licensing, it would be necessary for the Director to make regulations to permit licensing and such regulations require the consent of the Minister for Public Enterprise.

The Director welcomes comments from interested parties in relation to any of the issues raised in this paper. The closing date for receipt of comments is 12<sup>th</sup> October 2001. Please see Section 6 for details on submitting comments on this paper.

**This consultation paper does not constitute legal, commercial or technical advice. The Director is not bound by it. The consultation is without prejudice to the legal position of the Director and to her rights and duties under legislation.**

## 2 Introduction

The Director of Telecommunications Regulation (the ‘Director’) and her Office (the ‘ODTR’) are responsible for the regulation of the telecommunications market and of broadcasting transmission in Ireland in accordance with EU and national legislation.

One of the ODTR’s key objectives is to create conditions to enable the optimum development of digital services in Ireland. The aim is to facilitate general access to high quality digital TV services at a reasonable price. A key factor in the provision of quality services and appropriate pricing is the development of effective competition in the provision of such services so as to offer consumers a choice of service providers each with a range of service offerings and competitive prices.

In ODTR 98/20, the Director indicated that foremost consideration is given to universal provision of free-to-air national television services, universal access to the main UK television services and promotion of consumer interests through the facilitation of consumer choice and fair competition in the market. The emergence of regional or locally based DTT operations could, in the Director’s opinion, help to develop the availability of digital services and promote competition through facilitating choice in the selection of service provider.

### 2.1 Legislative Background

The Broadcasting Act 2001 and the Wireless Telegraphy Acts 1926–1988 form the statutory basis for the licensing of DTT.

The provisions of the 2001 Act provide for the designation by the Minister of Arts, Heritage, Gaeltacht and the Islands of a “Multiplex Company” and a “Transmission Company” for the provision of DTT in Ireland. Following designation, the Director is required by the Act to issue the companies with licences under the Wireless Telegraphy Acts, 1926-1988<sup>1</sup>.

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<sup>1</sup> Draft Regulations & Licences in connection with licences which will issue have been published as Information Notice ODTR 01/52.

The 2001 Act provides that the issuing of the Digital Multiplex Licence and the DTT Licence does not prevent the Director from granting further licences – to the existing licensees or to anyone else – under the Wireless Telegraphy Acts, 1926-1988 for the transmission or multiplexing of programme material or other data in digital form.

## 2.2 Spectrum

The Director has a duty to ensure that spectrum is used efficiently and effectively. Before determining whether to licence delivery platforms, she must be satisfied that the intended use of the spectrum involved is appropriate and that an alternative use would not be more fitting. In the period whilst both analogue and digital services are operating there will be difficulties in accommodating in any one given area a large number of competing services in the UHF television bands.

The Director has planned for and reserved spectrum for the introduction of national digital terrestrial television. As national DTT will operate in the same frequency bands as the existing analogue services, the ODTR planned for the initial phases of DTT transmission facilities taking account of the analogue national services. Deflector operators, who also use the same frequency band, were granted licences on the basis that such operations should not compromise the development of DTT services. Consequently such operators have not been considered in the context of spectrum planning for DTT. Similarly, if the Director decides to provide for regional or local DTT services in the UHF bands, the current use of spectrum by deflectors would not be regarded as an inhibiting factor when considering the availability of frequency.

The Director recently announced that the licensing scheme for analogue deflectors was being extended to 31 December 2003. There is as yet no firm launch date for national DTT and, subject to observance of licence conditions, it is envisaged that deflector licences can be renewed before their current expiry date in November 2001.

Availability of spectrum resources for services additional to existing and planned services is not evenly distributed in all areas. As frequencies used by television are largely dependent on line of sight, areas with hills and valleys place greater demands on spectrum resources. Such areas frequently require a dedicated fill in transposer to ensure that adequate signal strength can be delivered. A further complicating factor in spectrum planning is the variation in signal level that can occur for small percentages of

time. As a result the spectrum demands presented by the national services are not equal in all parts of the country.

The scope for licensing regional or local DTT in any particular area will be dependent on the current and future utilisation of spectrum for national services in that area and adjoining areas. This in turn is largely dependent on the power and location of transmitters used to provide such services. Furthermore, before licensing any transmission facilities, the Director is obliged under international treaties to seek international agreement where signals from Ireland might cause interference to services in neighbouring countries. The Director will also carry out a review of UHF spectrum usage in 2003 with a view to informing policy regarding such spectrum usage in the future.

### **2.3 Review of Pay-TV Market**

The market for television services (additional to free-to-air) in Ireland is currently or is intended shortly to be served by a number of platforms as set out below. As noted, the Broadcasting Act 2001 has made provision for DTT to begin operations as a further delivery platform. It is also possible that at a later date, other means of delivering services will be developed as commercial services.

#### **Cable and MMDS**

- New licences were issued in 1999 under the Wireless Telegraphy (Programme Services Distribution) Regulations (S.I. No. 73 of 1999);
- These are the only platforms currently licensed to provide digital TV services;
- At the end of March 2001, about 1 million households were passed by cable and MMDS, with approximately 635,000 subscribers;
- The provision of digital services began in the fourth quarter of 2000. At the end of December 2000, over 190,000 homes were passed by such services, primarily by MMDS.
- Ntl is due to launch digital television services to approximately 140,000 in Dublin, Galway and Waterford by the end of September 2001.

#### **National Digital Terrestrial Television**

- Under the Broadcasting Act 2001, the Minister for Arts, Heritage, the Gaeltacht and the Islands will designate the transmission and multiplex companies, following which the Director will award licences to the designated companies;
- Spectrum planning for the initial introduction of DTT is underway and transmission and multiplex operators are in the process of being designated by the Minister;
- The licence framework was set out in the report on the Consultation for Licensing Digital Terrestrial Television (Document No. ODTR 01/17) and Information Notice (Document No. ODTR 01/52);
- National DTT is expected to launch during 2002 but there is no firm launch date as yet.

### **Satellite**

- Services currently available in Ireland, such as Sky Digital, are operated and regulated from outside Ireland;
- The Irish national channels along with UK channels, ITV and Channel 4, are not available to Irish subscribers on the Satellite platform;
- BSkyB is reported to have about 140,000 Direct to Home (DTH) subscribers in Ireland.

### **Deflectors**

- 33 Licences were issued under Regulations made in 1999.<sup>2</sup>
- At end 2000 an estimated 23,000 households subscribed to deflector operators;
- Regulations were recently made to allow for the extension of deflector licences beyond 31<sup>st</sup> December 2001 arising from the delay in establishing national DTT. Under the amended regulations<sup>3</sup>, the Director may extend licences to no later than 31 December 2003. Subject to the observance of licence conditions, it is envisaged that deflector licences will be renewed before their current expiry date in November 2001. As indicated in ODTR 99/55, following the termination of the current scheme, any future award of deflector licences would be by way of a competitive process.

### **Analogue only Cable**

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<sup>2</sup> Wireless Telegraphy (UHF Television Programme Retransmission) Regulations (S.I. 348 of 1999) and Wireless Telegraphy (Carrigaline UHF Television Programme Retransmission) Regulations (S.I. 347 of 1999).

<sup>3</sup> Wireless Telegraphy (UHF Television Programme Retransmission) (Amendment) Regulations, (S.I. 190 of 2001) and Wireless Telegraphy (Carrigaline UHF Television Programme Retransmission) (Amendment) Regulations, (S.I. 189 of 2001).

- There are six analogue cable operators licensed under the Wireless Telegraphy (Wired Broadcast Relay licence) Regulations, 1974 (S.I. 67 of 1974) operating in Bagnalstown, Boyle, Cavan, Clane, Longford, Lusk, Ballymoney and Wexford.

### **ADSL**

- Following the consultation on the Delivery of Licensed Services last year<sup>4</sup>, the ODTR is of the view that ADSL networks are not in a position to provide a technical equivalent service to cable television services in the short term;
- There may be scope for the provision of licensed programme services in the future when a sufficiently high technical standard can be ensured;

In the coming months, as indicated in ODTR 01/63, the ODTR will consider the issue of competition in the market for television distribution. It will issue a consultation paper on licensing for television distribution in a market without platform exclusivity, with a view to establishing a new licensing regime in early 2002.

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<sup>4</sup> Consultation paper (ODTR 00/51) and Report on the Consultation (ODTR 00/98).



### 3 Regional/Local DTT

In November 1999 Southcoast Community Television<sup>5</sup> applied to the ODTR for a test licence in relation to a system to operate in the 11.7-12.5 GHz band which would potentially afford the means to provide digital television services. A test licence was granted in July 2000. A further three-month test licence was granted in October 2000. The company has since made a request to the Director for a “licence to transmit digital broadcast terrestrial television in the frequency band 11.7 GHz to 12.5 GHz”.

While there have been some tentative enquiries made regarding the possibility of the ODTR licensing regional or locally based DTT services in the UHF bands, no proposals have been made from operators seeking to provide such services. In the context of considering the request by Southcoast Community Television, the Director is anxious to establish what interest exists for the provision of regional/local DTT services either in the 12 GHz band or the UHF bands.

The proposals set out in this section and the following section are indicative only. The Director would be prepared to publish more definitive proposals if she is satisfied that there is a reasonable level of interest among suitably qualified parties in providing such services.

#### **Rollout of DTT services**

When the Director issued new licences to cable and MMDS operators in 1999, she required operators to roll out services to ensure that digital services were offered to households at an early date. In a similar fashion, National DTT will be required to meet roll out obligations as a licence condition. As indicated in document ODTR 01/17 the roll out obligation will require coverage of approximately 65% of the population at launch and 95% coverage within 5 years of launch. The target coverage level is 99% of the population to be achieved no later than ten years after launch.

ODTR 98/20 stated that there may be scope for regional and local DTT services in the future. In the period before the full rollout of DTT, there may be some opportunity for alternative systems to introduce digital television services within a Regional or Local context. The Director’s objective is to provide for the delivery of digital television

services nation-wide with as much competition as possible, providing choice to consumers in as many parts of the country as possible.

Whilst the possibilities offered by digital technology for the delivery of additional content are well known, it is not clear what impact the availability of such services on sub-national basis might have on rollout of national DTT. It would be unsatisfactory if such licensing prejudiced the timely rollout of national DTT on account of insufficient spectrum in an area. Accordingly, any introduction of Regional or Local DTT must be capable of accommodating the future rollout requirements of National DTT. This concern only arises in the context of possible use of the UHF bands for such services.

**Q1 Would you be interested in providing either digital transmission services or multiplex facilities on a regional or local basis?**

**Q 2 Please indicate what type of geographic area you would consider as regional or local.**

**Q3 Do you agree that regional/local DTT services should be licensed? If not please state reasons.**

**Q4 Do you consider that the development of regional/local DTT services could impact on the rollout of national DTT?**

### 3.1 Types of service proposed

The Director recognises that one possible use of a local DTT service would be for the provision of a multiplex carrying local or community content as defined in the Broadcasting Act 2001. Such proposals would most likely only require the utilisation of one frequency channel per area. Such content would however require to be authorised and the means of such authorisation need to be addressed by the relevant authorities. The Director recognises that part of the capacity of a local/regional multiplex could be used for the carriage of programme services currently retransmitted by analogue deflectors, which currently utilise four frequency channels.

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<sup>5</sup> Carrigaline Community Television Broadcasting Ltd.

**Q5 Would you now or in the future be interested in providing such services? What services would you consider could be provided? Please give as much detail as possible.**

**Q6 What are your views regarding the possibility of utilising one frequency channel for local/community content supplemented by additional licensed programme services?**

Apart from systems which may provide local and community content, in the longer term it might also be possible to establish a network or networks using a number of frequency channels to provide direct competition to National DTT. Should such licences be offered in the future, the Director considers that a limit should be set to the number of frequency channels that might be licensed to any one operator. Such a limit might be set at a maximum of six to ensure that no one operator acquires all of the available frequencies in any location and to facilitate the use of remaining frequencies for other local/community operators if demand for such services existed. For the avoidance of doubt, the Director considers that the national DTT operator would also be free to seek licences for further multiplexes over and above the six mandated by legislation.

Alternately such systems could be licensed on a temporary basis pending the rollout of national DTT utilising frequency channels, which are planned for use for the provision of National DTT. In the light of uncertainty regarding the long term availability of spectrum required for such a service, it seems however, unlikely that this would be an attractive business proposal. Accordingly the Director does not propose to offer licences for such systems at present but may consider doing so if there is a demonstrated demand.

A data cap of up to 20% of the capacity of each multiplex at any one time, subject to an aggregate maximum of 15% over a 24-hour period will apply to the national multiplex licence. The Director is minded to apply the same data cap to any regional or locally based DTT multiplexes.

**Q7 Do you agree with the proposals to limit the number of frequency channels available to any one operator for the provision of programme services in the circumstances described above? Please give reasons.**

### 3.2 Licensing Considerations

In the Report on the Consultation on the Licensing of DTT (ODTR 00/17) the Director expressed her intention to use the national transmission and multiplex licensing framework as a basis for any possible licensing of regional/local DTT. In particular, there would be separate transmission and multiplex licences. It is currently envisaged that applicants for a DTT transmission licence, under any possible scheme, would need to indicate whether the specific frequency allocation being sought was intended for the provision of regional/local licensed programme services, generally available licensed programme services (distribution/re-distribution of commercial programming) or a mixture of categories. In the case of licensed programme services, a multiplex licence would be required. It is not envisaged that the holders of the licences for transmission and multiplexing operations need necessarily be the same.

**Q8 Do you consider that the national transmission and multiplex licensing framework is appropriate for the licensing of regional/local DTT? If not, please state reasons.**

### 3.3 Licence Conditions

**The following are indicative only, not exhaustive, and are set out for the purpose of defining a framework around which respondents may provide views.**

**Licence Duration:** Because UHF spectrum to be utilised for such licences may in the future be required for other users, it is envisaged that the duration of such transmission licences will be set for no more than 5 years. If it is decided that the 12GHz band should be utilised for DTT, it is possible that a longer licence duration may be set. In the case of multiplex licences it is intended that such licences would be coterminous with the associated transmission licence. Alternatively, such licences could be issued on an annual basis with renewal subject to satisfactory observance of the licence conditions.

**Licence Fees:** The Director considers that it would be appropriate, in line with licence fees payable by other platforms, that a fee of 3.5% of gross revenue arising from the provision of licensed services shall be payable by each multiplex licensee to the ODTR subject to the payment of a minimum amount.

**Customer Care:** Cable, MMDS and national DTT licensees are required to implement an appropriate code of practice for dealing with customer complaints. A Decision Notice<sup>6</sup> has been issued concerning mandatory elements of such a code for cable and MMDS operators. The Director considers that similar licence requirements should apply to regional or local operators of DTT if they have a customer base above 2,500. The Director is of the view that below such a threshold there should be no statutory requirement but would expect that such operators would follow similar or equivalent customer relations practices.

**Commencement of Services:** If a licensee fails to commence service within six months of licence issue, the Director would be minded to revoke the licence or remove the authorisation for the particular spectrum assignment, as appropriate. This is to ensure that spectrum is utilised effectively.

**Rollout Obligations:** The Director is seeking views on whether it would be appropriate to include rollout obligations in regional/local DTT licences.

**Transfer of Licences:** Licences would be personal to the licensee and transfer of transmission licences would be subject to the Director's prior approval which may have conditions attached. In considering granting consent, including any conditions, the Director would have regard to the ability to maintain and enhance the delivery of services to customers and to any financial gain resulting from the transfer.

**Q9 Do you consider the above outline indicative licence conditions appropriate? If not please state reasons, giving detailed justification for alternative conditions.**

**Q10 What are your views concerning the appropriateness of regional or local DTT operators being subject to roll out obligations. Please address the UHF**

<sup>6</sup> Codes of Practice by Cable/MMDS operators for handling consumer complaints – Decision Note D6/01 and Response to the Consultation, ODTR 01/22.

**bands and the 12 GHz band separately. If you consider that it would be appropriate, on what basis should such obligations be set?**

**Q11 If you consider that rollout obligations should attach to regional or local DTT do you also consider that performance guarantees should be sought in result of such obligations?**

### **3.4 Application Process**

In the event that the Director is satisfied that there could be an interest in providing digital services on a regional or local level she will be prepared to issue more detailed proposals. A licensing process would involve the ODTR advertising the fact that it will consider applications for such licences within a defined time-scale i.e. a licensing round. Adequate time would be allowed between such announcement and the final date for receipt of applications to afford potential applicants the opportunity to prepare applications.

The application process would involve an applicant establishing, to the satisfaction of the ODTR, their ability to finance the proposed operations and to meet the technical conditions of a transmission licence. This is required to ensure that in the event of a licence being awarded, the operator is in position to accomplish the purposes for which the spectrum was licensed and the risk of harmful interference is minimised.

In the event of the number of frequency channels available in any given area being less than the number of channels required to satisfy all applications, a comparative process would be used to decide on the award of the licence or licences.

An application fee, based on the estimated costs to the ODTR of processing applications, would be payable.

Details of any application or competition process will be finalised by the ODTR if it is satisfied there is a reasonable interest in providing such services. Among the assessment criteria to be employed by the Director will be a requirement on applicants to demonstrate, to the Director's satisfaction, that their services will not cause interference to other licensed systems. Following any initial licensing round, the Director may

consider whether it would be appropriate to hold further licensing rounds or to receive applications on an open-door basis.

Should the Director decide to proceed to licensing DTT in the 12 GHz band, there will be a requirement on applicants to demonstrate, to the Director's satisfaction, their ability to finance the operations, to roll out services within a licensed area and to demonstrate that their services will not cause interference to domestic satellite users.

**Q12 Do you agree with the above proposals regarding an application process? If not, please state reasons and suggest alternatives.**

## 4 Spectrum considerations

### 4.1 12GHz Band

As noted in section 3, Southcoast Community Television has made a request to the ODTR for a “licence to transmit digital broadcast terrestrial television in the frequency band 11.7 GHz to 12.5 GHz”.

The band 11.7-12.5 GHz is allocated to the fixed, broadcasting and broadcasting satellite services in the ITU radio regulations. The European Table of Frequency Allocations and Utilisations<sup>7</sup>, which in effect sets out a spectrum usage framework for Europe, designates the band 11.7-12.5GHz to fixed and broadcasting-satellite on a co-primary basis<sup>8</sup>. One of the aims of The European Table of Frequency Allocations and Utilisations and ERC Decisions is to harmonise spectrum use across Europe. The ODTR, through participation in the work of CEPT, actively supports these efforts towards harmonisation of spectrum, which facilitates the development of new services, for use in pan European harmonised bands, by reducing equipment complexity and cost. The recent ERC Decision has come about due to difficulties in sharing between terrestrial services and satellite receiving earth stations. A question that arises now is whether Ireland should implement the ERC Decision.

There are advantages and disadvantages to licensing terrestrial broadcast audio-visual services at 12GHz. As with other spectrum there are other uses which could be made of the spectrum. Satellite services are currently operating in the band. The ERC Decision proposes that the band be used for satellite reception. There would therefore be potential for interference from a terrestrial transmitter to satellite receivers operating in the same section of the band. On the other hand, allowing the band to be used for the delivery of terrestrial digital licensed programme services might increase choice for the consumer. Southcoast has intimated that the results of tests carried out under its test licences indicate that its proposed system will not interfere with satellite reception.

The Director is conscious that any decision to licence terrestrial audio-visual services in the 12GHz band might preclude the extension to Ireland of reception of any future

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<sup>7</sup> ERC Report 25.

<sup>8</sup> ERC Decision of 19 October 2000 on the use of the band 10.7-12.5 GHz by the fixed service and earth stations of the broadcasting-satellite and fixed satellite service (space to Earth) (ERC/DEC/(00)08). It is available at [www.ero.dk](http://www.ero.dk).



satellite based services. Ireland's overall commitment to European harmonisation and the potential difficulties that could arise where dissimilar systems are licensed in neighbouring countries, also tend to support a view that terrestrial services should not be licensed in the 12GHz band. The Director must weigh up the advantages and disadvantages to licensing terrestrial audio-visual services at 12GHz and would welcome views from interested parties on the question.

**Q13 Do you agree that the 11.7-12.5 GHz band should be licensed for terrestrial broadcast audio-visual services? Please state reasons for your views.**

**Q14 Do you think that the band should be licensed for other types of services? If yes please describe the type of service and the reasons for licensing it in this band.**

**Q15 Do you consider that Ireland should implement the ERC Decision?**

#### **4.2 UHF Bands IV/V**

After providing for national analogue services and planning for national DTT, where spectrum is identified as being available, the ODTR considers that such spectrum could be made available for licensing for the delivery of regional or locally based DTT services. Should any licensing scheme be set up the award of such licences would be by way of a competitive process. It is envisaged that regional/local DTT services would take priority over analogue defectors in the allocation of spectrum in the UHF bands. The Director will carry out a review of UHF spectrum usage in 2003 with a view to informing policy regarding such spectrum usage in the future.

The Director considers that all operators of DTT in the UHF Bands IV/V should be required to comply with the technical conditions, which are applicable to the national DTT licenses. The purpose of those conditions is to ensure that the risk of harmful interference arising from such operations is minimised

**Q16 Do you consider the technical conditions for national DTT licences are appropriate for regional/local DTT in the UHF Band? If not, please state reasons.**

## 5 Spectrum Availability

There are 49 frequency channels in the UHF Bands IV/V. In most areas after providing for existing (excluding analogue deflectors) and planned services and taking steps to avoid harmful interference there may be up to ten frequency channels available for use. As the Director wishes to ensure the satisfactory availability of National DTT services, she does not propose to licence services, which could unduly increase the risk of interference.

As digital signals suffer from the cliff edge effect, the introduction of additional regional or local services co-channel with National DTT services could result in a reduction in coverage of the national multiplex and smaller than anticipated coverage for the additional service. Therefore pending the completion of national DTT rollout, the spectrum that could be released for regional/local multiplexes would of necessity be limited. That is to say, it might not be possible to facilitate local or regional services in all areas and the number of frequency channels available might not be the same in all areas. Accordingly it seems unlikely that proposals requiring multiple frequency channels in the UHF Bands IV/V could be licensed in the short term.

At 12 GHz the system proposed by Southcoast Community Television to the ODTR would use digital modulation at microwave frequencies in accord with the DVB-S specifications and would require approximately 40 MHz per multiplex, thus 20 multiplexes could be accommodated in the band.

In the event that the Director decided to make the 12GHz band available for terrestrial television she is, in the interest of promoting competition for the use of the band for the provision of such services, minded to limit to not more than 6, the number of frequency channels which could be allocated to any one operator. She is also minded, in the event of her initiating a licensing scheme, to advertise the availability of such licences on a competitive basis and to seek proposals from prospective licensees, which may include alternative systems to that proposed by Southcoast.

The Director is of the opinion that the operators of systems in the 12GHz band should be responsible for correcting any interference caused by them to licensed satellite receiving earth stations such as cable television head ends and to domestic satellite users.

**Q17 Do you agree that multiple frequency channel systems in the UHF Bands may not be licensable in the short term? If not, please give reasons and give alternative proposals.**

**Q18 Is the Director's proposal to mitigate against interference to other systems adequate and appropriate? Please give reasons.**

## **5.1 Licensed area/Coverage area**

The available spectrum at 12 GHz differs from that in the UHF Bands IV/V in that it would be possible to assign a block of spectrum to a single operator for use in a given area, leading to the possibility to define a geographic licensed area. Whilst this approach is not possible at UHF, where national analogue and DTT services are operational and planned, the licensed area can be viewed as that within which an interference free service can be received. As such each individual licensed station can be said to have a licensed area or coverage area.

The Director considers that networks should be deployed in a fashion, which maximises service availability to all areas. It would be necessary to consider, therefore, whether it would be appropriate to define geographic areas where a licensee would be expected to provide service. The Director is of the view that any potential licensee should be prepared to guarantee the reasonable availability of service to any household within the licensed area which requests service.

**Q19 Do you agree that defined service areas should be set in any licence issued? Please give reasons.**

**Q20 On what basis should such areas be defined? Should a minimum service area be required of applicants e.g. provincial, county, sub-county etc.? Please give reasons.**

## 6 Submitting comments

All comments are welcome, but it would make the task of analysing responses easier if comments were referenced to the relevant question numbers from this document.

The consultation period will run to Friday, 12th October 2001 during which the Director welcomes written comments on any of the issues raised in this paper. Having analysed and considered the comments received, the ODTR will review the licensing of regional/local DTT and publish a report on the consultation in November or as soon as practicable thereafter which will, inter alia summarise the responses to the consultation. In order to promote further openness and transparency the ODTR will publish the names of all respondents and make available for inspection responses to the consultation at her Offices. During the consultation period, the Director will not be in a position to engage in discussion or enter into correspondence with individual parties on the subject matter of the consultation.

The Director appreciates that many of the issues raised in this paper may require respondents to provide confidential information if their comments are to be meaningful. Respondents are requested to clearly identify confidential material and if possible to include it in a separate annex to the response. Such information will be treated as strictly confidential.

All responses to this consultation should be clearly marked "Reference: Submission re ODTR [01/69]" and sent by post, facsimile or e-mail to:

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to arrive on or before **5pm on Friday, 12<sup>th</sup> October 2001.**

Office of the Director of Telecommunications Regulation

31 August 2001

