



Office of the Director of
**Telecommunications
Regulation**

Licensing Digital Terrestrial Television (DTT)

Draft DTT Multiplex and Transmission Licences Regulations,
Information Notice

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I.

I.1 Introduction

The introduction of digital technology in terrestrial television broadcasting offers the consumer a number of benefits, including an increase in the number of TV channels that can be transmitted and the possibility of new interactive multimedia applications. Digital technology, at its current stage of development, makes more efficient use of the available spectrum, by enabling up to five programme services to be compressed into the space currently required to transmit one analogue service, all with the possibility of high quality sound and vision.

I.2 Background

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

The Minister for Arts, Heritage, Gaeltacht and the Islands, Ms. Síle de Valera T.D. (“the Minister”), presented the Broadcasting Bill, 1999 to Dáil Eireann on 27 May 1999. In addition to dealing with other broadcasting issues, the legislation provides for the establishment and operation of DTT on a national basis and requires the Director to issue the necessary licences. The legislation was enacted on 14th March 2001 as the Broadcasting Act, 2001 (No. 4 of 2001).

Following a public consultation process and taking into account her duties under relevant EC and national legislation and in particular the provisions of the Broadcasting Act, 2001, the Director published a Report in March 2001 (ODTR Doc. 01/17) outlining her intentions in relation to Regulations for licensing DTT. The draft Regulations set out in Part II and III cover matters including the form, conditions and fees (for the multiplex licence only at present) for the licensing of a multiplex company and a transmission company under the Broadcasting Act, 2001 and the Wireless Telegraphy Acts, 1926 – 1988, in line with the March Report.

The Director proposes to issue a Digital Multiplex Licence to the multiplex company, and a Digital Terrestrial Television Licence to the transmission company in the form indicated in the draft Regulations once the companies have been designated by the Minister for Arts, Heritage, Gaeltacht and the Islands under the 2001 Act.

I.3 Regulatory Framework

The draft licences contain conditions reflecting the requirements for the multiplex and the transmission companies as provided for in the 2001 Act, as well as additional conditions deemed necessary and appropriate by the Director.

The interrelationship between the transmission and multiplex operators is a key issue in framing the licensing regime for DTT. The parameters within which this relationship will operate are defined in the 2001 Act. This relationship is reflected in the regulations and licence conditions set out herein.

1.4 Consultations

In October 1999, the Director published a consultation document, *Licensing Digital Terrestrial Television* (ODTR 99/57), seeking views on her proposals for the framework within which she intended to license and regulate DTT. Following substantive amendments to the Broadcasting Bill during its passage through the Oireachtas, in January 2001 the Director invited interested parties to submit further comments.

In March 2001 the Director published a report on the consultation, *Licensing Digital Terrestrial Television* (ODTR 01/17) summarising the responses to the consultation document and the subsequent submissions following the Broadcasting Bill amendments and outlining the conclusions reached by the Director, taking account of the submissions received and other relevant legal and technical considerations.

1.5 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. The manner and method of designation of these companies is not specified in the Act and is a matter for the Minister.

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.

In addition, the Digital Multiplex Licensee may, depending on the nature of any additional services to be provided, require a Telecommunications Licence to be issued in accordance with section 111 of the Postal and Telecommunications Services Act, 1983 (as amended).

1.6 Licence Fees

It is intended that the amount in fees payable by the multiplex company shall be equivalent to 3.5% of the gross revenue of the licensee in respect of the distribution by the licensee of the licensed services. This fee shall be payable by quarterly instalments for every year for which the licence continues in force. This is the same fee as applies in respect of licences issued for cable, MMDS and deflectors.

No provision has been made for charging the transmission company a licence fee. This is in line with the approach to date in Ireland to fees for broadcasting spectrum. The current approach is therefore without prejudice to the outcome of any reviews in respect of charges for spectrum fees that may be carried out and any future policies or decisions, including the

possible charging of fees for broadcasting spectrum including DTT.

I.7 Legal Notice

The draft Regulations set out herein are for information purposes only on the type of Regulations which the Director intends to make in accordance with her powers and duties in law on designation of a multiplex and a transmission company by the Minister. This information notice does not constitute legal, commercial or technical advice or an administrative decision or act by the Director. The Director is not bound by it. The contents herein are without prejudice to the legal position of the Director, or her rights and duties under the legislation. The final Regulations will in any event require the consent of the Minister for Public Enterprise and this information notice in no way prejudices the rights and obligations of that Minister.

II. Draft Multiplex Regulations

III. Draft Transmission Regulations