

British Gliding Association - Consultation Document Response

Applying Spectrum Pricing to the Maritime and Aeronautical Sectors

General Comments

The British Gliding Association is commenting on this consultation on behalf of its 9000 members who carry out approximately 820 000 movements each year in some 2500 gliders and 70 powered aircraft (approximately 10% of the total nationally registered fleet of aircraft) at some 95 clubs across the UK. Clearly our concern relates to cost recovery primarily associated with use of VHF frequencies.

Assumptions are made with respect the way that communications are used within the aeronautical sector that if unchallenged are likely to lead to both unfairness and significant reductions in safety, and in particular within recreational gliding where cost recovery will result in hugely disproportionate charging. For example, at unlicensed airfields and elsewhere within uncontrolled airspace, VHF radio is used by ground stations and aircraft including gliders to improve *airborne* situational awareness *thus increasing safety* and is not mandatory as assumed. Additional cost on an activity already facing unprecedented costs due to European and UK regulatory development will result in non-use of radio with the associated negative impact on safety. There is no doubt that if the consultation outcome results in fees to air sport clubs and participants similar to those identified in the consultation, the anticipated incurred cost per gliding participant will result in a reduction in participation in the sport of gliding.

Gliding

Gliding in the UK is allocated a small number of simplex 25 kHz fixed frequencies which are available for use by all glider pilots and all gliding sites throughout the UK. These are assigned by the CAA for the purpose of communications within the UK between:

- Gliders
- Gliders and gliding aeronautical ground stations
- Gliders and their mobile retrieve crews

The frequencies (below) are assigned on a shared basis and are not afforded any protection against mutual interference.

Frequency	Comments
129.900	Ground to ground safety management
130.100	Gliding safety/sporting use
130.125	Gliding safety/sporting use
130.400	Gliding safety/sporting use
129.975	Common Field Frequency. Safety and sporting use within 10nm and 3,000' of a gliding airfield

These frequencies are used by some 2500 gliders and up to 100 supporting powered aircraft throughout the UK and represent a highly efficient usage of spectrum - virtually all gliding related radio traffic is conducted on these five channels.

To enable glider retrieve crews to communicate with their glider in the air using sporting frequencies and on then ground using 129.900 after it has landed in, for example, a farmers field, the CAA permit mobile ground stations to be licensed to use the gliding frequencies. Originally these were permanently installed in vehicles but are more commonly hand-held portable radios.

Use is generally, but not exclusively, limited to competitions or events and as such they are in use for only a few days a year. Their range is very limited.

Pricing Proposals & Impact

The estimated economic impact of fees of 3.9 pence per passenger movement (page 72) has no meaning in the general, sporting and recreational aviation sector. An estimate based on the proposal identifies that a typical gliding club with say 100 members occasionally using two of the gliding frequencies for safety management would cost each member about £100 per year based on the proposed fee per 25 kHz channel.

A fee of £4,950 per handheld radio is in fact a higher annual fee than the capital cost of many gliders. Typically hand held radios are personal items and under the proposals would incur a totally disproportionate fee.

Unintended Consequences?

Smaller airfields do not typically provide air traffic control services. They more appropriately provide a radio service using approved holders of the standard aeronautical VHF Radio Telephony licence. The operator is frequently unpaid or performing the service additional to another role such as flight instructor. If an operator is not available aircraft make position reports joining and within the circuit making 'blind' calls. These airfields are not obliged to provide a service – they do so to improve safety. There is no legal alternative to VHF radio.

For small airfields, airstrips and gliding sites the primary benefit of an aeronautical ground station is safety. It allows air traffic in, and joining the circuit, to become aware of one another and to avoid collisions. It also avoids the need for visual signals to be placed in a signal area and to be observed by arriving aircraft by flying overhead the airfield before joining the circuit. Again this improves safety.

This consultation appears to be based on assumptions derived from knowledge of commercial aviation, where use of VHF is mandatory in controlled airspace, is not optional and there are no permitted alternatives, without considering the potential impact of sporting and recreational aviation.

It is clear to the BGA that Ofcom should ensure that the objective of increasing the efficient use of the spectrum does not in due course result in negative impact to sporting and recreational flight safety and in a negative economic impact on private citizens participating in air sport.

Answers to Specific Consultation Questions

Question 1: How should Ofcom manage the process of taking advice from users, regulators and government on efficient apportionment of AIP fees in the maritime and aeronautical sectors? Are any new institutional arrangements needed?

End user sporting and recreational aviation organisations, such as the BGA, should be included as stakeholders to ensure that their needs are adequately understood. There is a tendency by some agencies to overlook sporting and recreational aviation needs where in fact the impact of strategic decision making can present significant economic and safety challenges in that sector.

Question 2: If you consider that our proposals for pricing ground station users for any spectrum would be likely to have a detrimental impact on safety, please let us know. In order for us to understand your assessment fully, it would be helpful if you could outline the mechanisms whereby this might happen?

Some 280 unlicensed airfields, 95 gliding club aerodromes and the thousands of pilot owners that use allocated VHF frequencies for situational awareness and safety management will be forced to either pass on significant new costs or become non-radio with the inevitable safety impact. There are no permitted alternatives to VHF use other than non-radio.

Question 3: Do you have any evidence which indicates that AIP charged to ground stations could have a material detrimental impact on UK competitiveness?

The UK could quite easily become even less competitive in the European and International flight training market.

Question 4: Taking into account the information available in this document, including that set out in Annex 5, our initial views on VHF radio communications licence fees and on the reference rates for bands in other uses, and any information you have about the organisations to whom we are proposing to charge fees, please provide any evidence that you think is relevant to us in considering the financial impact of the fees we intend to propose for VHF radio communications, or for other uses

Of course the impact described within this document and the covering letter applies equally to other air sports other than gliding, but as described earlier in this document, gliding utilises a number of common frequencies. It would be helpful to understand how a scale factor could apply where frequencies are commonly used throughout the UK.

Question 5: Do you agree that there is little to be gained, in terms of economic efficiency, from charging AIP to WT Act licences for aircraft?

Although it is possible that efficiencies are possible within the commercial air transport sector, we would argue that charging is not the only solution and would like to understand why it is proposed that aviation frequencies are charged more than maritime frequencies. However the BGA agrees strongly that there is little to be gained but much to be lost by charging AIP to air sport use of VHF whether ground based or aircraft based.

Question 6: Do you consider that we should discount fees for any particular user or type of user? Specifically, do you consider that there should be a discount for charities whose object is the safety of human life in an emergency?

Gliding and other air sport clubs and sporting participant users of allocated VHF frequencies should be discounted to zero. Specifically, the discounted use by charities involved in saving life is important as is the need to recognise that in air sport, use is almost exclusively associated with safety.

Question 7: Do you agree that Ofcom should apply AIP to ground stations' use of maritime and aeronautical VHF radio communications channels, to help manage growing congestion in current use and to ensure that the cost of denying access to this spectrum by potential alternative applications is faced by current users?

The BGA disagrees with the blanket approach identified within the proposals. Commercial air transport uses VHF for commercial gain as well as safety although of course there is no permitted alternatives. Sporting and recreational aviation uses VHF for safety purposes, therefore its participants and clubs should not be forced to pay to use a very small part of the spectrum within which efficiencies, if needed, could be managed directly with the relevant agency. In this case charging appears to be an unjustified and disproportional tax on private citizens who already pay to licence the VHF equipment they rarely use.

Question 8: Do you agree with our initial view that it would be appropriate to apply a pricing system similar to that already existing for Business Radio licences to maritime and aeronautical VHF communications? If not, what are your reasons for proposing that we should develop a fee structure for maritime and aeronautical VHF channels that is distinct from that already established for Business Radio?

No. Most aviation channels are not used for business purposes. The primary use is flight safety.

Question 9: Are there any short-term reasons specific to the sector(s) why it would be inappropriate to apply fees from April 2009?

Yes. At a strategic level, there is clearly a need to understand the macro economic situation. At an air sport level, if the proposals result in fees to air sport clubs and participants, the anticipated per club member cost increase clearly indicates that advanced budgetary planning will be required to cope with the expected reduction in participation that is an inevitable result of the proposed charging. In addition, governing bodies, clubs and participants will need time to consult with Parliamentary representatives and others regarding the totally disproportionate approach taken by Ofcom in ensuring spectrum use 'efficiency' and its effect on sporting participation.

Question 10: Ofcom would welcome stakeholders' views on the factors that should be taken into account when apportioning fees between individual users of radars and racons.

Unable to comment.

Question 11: Do you agree with our initial view that a reference rate of £126k per 1 MHz of national spectrum for L band and S band radar spectrum would achieve an appropriate balance between providing incentives to ensure efficient use of spectrum while guarding against the risks of regulatory failure in setting the reference rate too high? If you consider a different rate would be more appropriate, please provide any evidence that you think we should take into account.

Unable to comment.

Question 12: Do you agree with our initial view that a reference rate of £25k per single MHz of national spectrum would be appropriate for deriving fees for licences to use X band radar?

Unable to comment.

Question 13: Do you agree that, generally, spectrum used by aeronautical radio navigation aids is currently uncongested? Do you believe that this may change during the next few years and, if so, approximately when?

Unable to comment.

Question 14: Do you agree with the basis on which Ofcom has arrived at its initial view on reference rates for aeronautical radio navigation aids?

Unable to comment.

Pete Stratten
For the British Gliding Association

13th October 2008