



TELEWIZJA POLSKA

Response of Telewizja Polska S.A. (TVP) to the consultation on the future use of the UHF TV broadcasting band: the Lamy Report

1 Respondents' profile

I am responding as:

- An individual in my personal capacity
- The representative of an organisation/company

What is your nationality?

- Poland

Please enter your full name: Paweł Kącki

Please enter your organisation /company name: Telewizja Polska S.A. (TVP)

Please enter your organisation/company address

Telewizja Polska S.A.
ul. Jana Pawła Woronicza 17
00-999 Warszawa
Polska

My organisation/business operates in:

- Poland

Please enter your email address: pawel.kacki@tvp.pl

2 Confidentiality

Your contribution will be considered public and will be published unless you mark it as confidential. In this case your contribution will be used to provide a summary of the consultation results but will not be published individually.

- Please consider my contribution as confidential

Your name will be linked to your contribution unless you mark it as anonymous. In this case your contribution will be published without your name.

- I prefer to remain anonymous.

3 The citizen's dimension

The questions in this section are addressed to individuals. Therefore, TVP does not provide the answers. However TVP fully sympathises with comments made by European Broadcasting Union (EBU) in its response to the consultation in regard to paragraph 3 "The citizen's dimension". In order to maintain the consistency of this response these comments are cited below (in italic).

EBU members are interested in distributing their content in ways which are convenient for the public to access. We recognise that there is interest in accessing content in a non-linear fashion, and that broadband services are the appropriate way to achieve that. However, linear distribution is still hugely pre-eminent in TV consumption, and premature disruption of that is unnecessary and avoidable.

In general, the EBU is concerned that this consultation reframes Lamy's conclusions in such a way as to imply recommendations which are absent from Lamy's report. Some questions are presented as clear binary choices where, in fact, more nuanced consideration is required.

Three of the questions in Section 3 of this consultation address a possible spectrum re-allocation from DTT to wireless broadband services. These questions prompt the following concerns:

- 1. These questions imply that the suggested reallocation of the TV spectrum to wireless broadband is a pre-requisite for better coverage and higher speed of wireless broadband and that there are no alternatives. This implication is incorrect as better wireless broadband can be provided without further reallocation of the UHF spectrum i.e. by improving mobile network topology, making use of the already available but underused spectrum for wireless broadband, and implementing the most spectrally efficient mobile broadband technologies.*
- 2. From the way in which the questions are formulated it may also be understood that such spectrum reallocation would inevitably result in consumer benefit in wireless broadband coverage and speed. However, there are no guarantees that the benefits of spectrum reallocation, if any, would be passed on to the consumers, as this largely depends on the operators' business decisions.*
- 3. Some questions are ambiguously worded as it is unclear what is meant by e.g. 'the gradual shift from TV to 'wireless broadband', or 'temporary degradation of DTT services'.*
- 4. Neither the questions nor the background document address the broader implications of spectrum reallocation from DTT to wireless broadband, in particular a possible adverse impact of such a reallocation on the future viability of DTT, on market competition, on free-to-air and public service TV, and on the content production value chain.*

The EBU is therefore of the view that this section of the consultation document related to a possible reallocation of the UHF spectrum from DTT to wireless broadband has not been formulated appropriately.

Furthermore, the issues related to UHF spectrum allocations are complex. Without sufficient background material, and it will be difficult for the members of the public to provide informed responses.

It is important that the Commission understands that the growing demand for services on mobile devices is largely satisfied by Wi-Fi as has been demonstrated e.g. by a study¹ for the European Commission which states that "the surprising and little recognized reality is that, according to credible data captured from a range of sources, the visible growth in macro cellular mobile network traffic appears to be only the tip of a much larger iceberg. The volume of traffic that is already being off-loaded, chiefly to Wi-Fi in the home, already exceeds that of the mobile network, and can be expected to grow even faster as well".

It can be reasonably assumed Wi-Fi will remain the consumer's technology of choice for wireless broadband services wherever possible, especially as it is substantially less expensive than mobile

¹ Study on impact of traffic off-loading and related technological trends on the demand for wireless broadband spectrum (<http://bookshop.europa.eu/en/study-on-impact-of-traffic-off-loading-and-related-technological-trends-on-the-demand-for-wireless-broadband-spectrum-pbKK0113239/>)

broadband provided over cellular networks.

4 Potential repurposing of the 694-790 ('700') MHz band

What long-term advantages and disadvantages do you see in using the 700 MHz band for wireless broadband services in the Union?

The UHF band is the core frequency band for digital terrestrial TV (DTT) and PMSE services in Europe and beyond. DTT is the only TV platform that provides free-to-air services and has the potential to reach everyone, enabling PSBs to fulfil their public service obligations. After the release of the 700 MHz band, the total achievable DTT transmission capacity will lower significantly. The release of the band would also have negative impact on PMSE.

On the other hand the radio propagation characteristics of frequency bands under 1 GHz are not suitable for development of a dense broadband network.

What merits do you see in a coordinated EU approach for changing the use of the 700 MHz band in the Union from broadcasting to wireless broadband services?

Coordinated EU approach should be concentrated on ensuring cross-border compatibility by assisting Member States in reaching bilateral and multilateral cross-border frequency coordination agreements.

Also there is a need to encourage Member States to provide full compensation of the costs incurred by broadcasting and PMSE sectors, and the viewers. The EU should reconsider its state aid rules in this respect and give appropriate guidance to Member States.

In your opinion what should a potential EU coordination cover?

Should there be a common EU deadline for making the 700 MHz band available for use for wireless broadband services across the EU?

- Yes
- No

Please provide justification of your answer on a common EU deadline including cost assessment.

There are different national circumstances and constraints across the EU, in particular with regard to the importance and extent of use of the terrestrial broadcasting platform and the duration of the existing DTT licenses. The DTT services have been introduced by the Member States on different dates and basing on varying business models. Therefore adequate and sufficient period of time has to be guaranteed for each MS in order to verify the actual needs and to guarantee the investment payback.

Also, what is explicitly stated in the Lamy Report, 'sufficient time must be foreseen to complete the cross-border coordination before the changes are implemented in the networks'. Because of different national circumstances across the EU this process might be more time-consuming for some countries.

Also PMSE sector might be unevenly affected across the EU and might require different timeframes in order to reallocate to different frequency bands. This also forms an argument against a common EU deadline.

Taking into account the above a common EU deadline may introduce unnecessary constraints.

Which date would you propose for such a deadline [The Lamy report proposes a deadline of 2020 +/- 2 years]?

Given the issues outlined above, taking into account that DTT licenses in Poland remain in force until the end of 2024, TVP is of the opinion that the proposed deadline for completing the release of the 700 MHz band (i.e. 2020 +/- 2 years) cannot be accepted, especially if a common EU deadline is set.

Therefore 2025 should be considered to be a more realistic time frame.

Also it has to be taken into account after reducing the spectrum amount available for DTT as a result of releasing 700 MHz band new transmission and coding technologies would have to be introduced by broadcasters in order to maintain the number of channels available without compromising their technical quality. This will result in simulcasting requiring additional frequencies for some period of time and should also be taken into consideration when setting a deadline for releasing of the 700 MHz band.

Should there be measures at EU level mandating use of the latest, most spectrum-efficient technologies for DTT equipment (such as DVB-T2, HEVC etc.)?

- Yes
 No

Please specify which measures you would propose to mandate.

A harmonised minimum technical standard for DTT receivers might be helpful in order to guarantee sufficient market penetration and acceptable price level.

Which date would you propose to mandate such spectrum-efficient technologies?

Such measures should be adopted and communicated as soon as possible.

However, they should enter into force after a period of time long enough to guarantee sufficient market penetration and acceptable price level of DTT receivers (i.e. about 2018).

5 Ensuring regulatory certainty for current users of spectrum

Should there be a common EU deadline for safeguarding primary use of the 470-694 MHz band for DTT and further use for wireless microphones and other wireless audio equipment?

- Yes
 No

Yes, there is a need to set a common EU date until which access to spectrum would be guaranteed for DTT on the basis of an exclusive primary allocation.

After this date use for DTT shall be possible, subject to market demand, on co-primary basis.

Please provide justification of your answer on a common EU deadline to safeguard existing uses.

TVP believes that in foreseeable future DTT will remain the basic mean of delivering audiovisual content. This point of view was also reflected in the RSPG Opinion and the the Lamy Report. In order to allow its development (i.e. increase in the number of programmes, expansion of HDTV, Ultra High Definition TV, etc.) sufficient spectrum and legal certainty is absolutely essential.

Which date would you propose for such a deadline [The Lamy report proposes a deadline of 2030]?

The date for an exclusive primary allocation for DTT in the band 470-694 MHz shall be set beyond 2030.

6 Flexibility of use of sub-700 MHz (470-694 MHz) spectrum

[The Lamy Report recommends a "flexibility option" in the band 470-694 MHz. This means that broadcasting use would always have priority in this band, yet specific channels or locations not used for terrestrial broadcasting or wireless audio applications (PMSE) could become available for downlink-only wireless broadband applications depending on national circumstances.]

Do you support flexible downlink-only use of the 470-694 MHz band also for wireless broadband services, which safeguards primary use of this band for DTT according to national circumstances?

- Yes
 No

What scenarios and conditions should be studied to allow flexible downlink-only use in the 470-694 MHz band? In particular, should these include primacy for the provision of audiovisual services to mass audiences?

Due to its radio propagation characteristics the frequency band 470-694 MHz is ideal for downstream distribution of audiovisual services to mass audiences. This is currently achieved by means of DTT. Introduction of any other broadband radio links in this band might be considered only when appropriate protection measures are undertaken in order to avoid harmful interference or any other constraints in DTT operation.

Therefore there is a need to clarify the meaning and extent of such a 'flexible use' and its timeframes.

7 Harmonisation of use of sub-700 MHz (470-694 MHz) spectrum in the long-term, the European approach and the International Telecommunication Union (ITU) context.

Do you see merits in a common EU position on the UHF band for World Radiocommunication Conference 2015?

- Yes
 No

Do you see merits in a common EU position on the UHF band for future World Radiocommunication Conferences?

- Yes
 No

What should be the EU position with regard to the 470-694 MHz band for World Radiocommunication Conference 2015?

The EU position with regard to the 470-694 MHz band for the WRC-15 should be against a co-primary allocation to the mobile service in this frequency band (i.e. 'No change' to the current allocation). This would reflect the growing consensus in Europe and beyond that this frequency band is essential for DTT, and would be consistent with the Lamy Report, the RSPG Opinion on Common Policy Objectives for WRC-15, and the RSPG Opinion on the future use of the UHF band.

What should be the EU position with regard to the 470-694 MHz band for World Radiocommunication Conferences beyond 2015?

The EU position with regard to the 470-694 MHz band for the WRCs beyond 2015 should continue to be against a co-primary mobile allocation in this frequency band (i.e. 'No change' to the current allocation) until the market review mentioned in Section 8 of this has been carried out. This would also be in line

with the Lamy Report.

What measures would be needed at national and/or EU and/or ITU level to safeguard flexible downlink-only use in the 470-694 MHz band?

Long term access to the frequency band 470-694 MHz for DTT on the basis of an exclusive primary allocation should be safeguarded in the relevant EU legislation, including the future Radio Spectrum Policy Programme, and the EU policy objectives for the WRC-15 and the subsequent WRCs.

Any measures to facilitate a 'flexibility option' recommended in the Lamy Report cannot be considered until the necessary studies have been completed and shown that the WBB downlink-only use of the band 470-694 MHz would not have an adverse impact on DTT or PMSE.

8 Market review of the state-of-play of broadcasting and wireless broadband services

Should there be a common EU deadline for conducting a review exercise regarding market developments?

Yes

No

Which date would you propose for such a deadline [The Lamy report proposes a deadline of 2025]?

Such a market review should take place not earlier than in 2025.

What objectives, scope and method should such a review exercise pursue?

At least the following measures should be taken into consideration:

- market demand,
- obligations imposed on broadcasters and particularly on PSBs by national and EU legislation,
- video consumption estimates,
- availability of alternative delivery platforms.

9 Other comments

Do you have further comments related to the Lamy Report?

Do you have further comments regarding relevant issues in the context of the future use of the UHF band (470-790 MHz)?