

Communications Consumer Panel and ACOD response to Ofcom's consultation on improving spectrum access for consumers in the 5GHz band

The Communications Consumer Panel (the Panel) and the Advisory Committee for Older and Disabled People (ACOD) welcome the opportunity to respond to this consultation on improving spectrum access for consumers in the 5GHz band.

The Panel works to protect and promote people's interests in the communications sector, including the postal sector. We are an independent statutory body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and microbusinesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Response

The Panel believes that it is important to keep pace with demand for Wi-Fi, so that changes can be made to benefit consumers. The consultation document highlights the importance of maintaining a consistently high speed and good experience through Wi-Fi as broadband speeds to the home improve. We support Ofcom's proactive proposals to open up an additional 'sub-band' within the 5 GHz frequency range for Wi-Fi as soon as possible, to allow the UK access to spectrum that is used in other countries (such as the US) for the same purpose.

We recognise the potential improved access for consumers that opening up more of the 5GHz band offers, with less congestion, due to fewer overlapping channels; a reduction in delays; and improved speed, consistency and quality of experience.

We support Ofcom's efforts to understand first any risk of harmful interference to existing services that provide benefits to consumers and citizens. We agree that these should be explored fully before new uses are authorised. Any costs to consumers from interference as a result should, in our opinion, be borne by industry.

Demand

Connectivity ‘on the go’ is increasingly important to consumers and micro businesses, as highlighted in Ofcom’s recent ‘Smartphone by Default’¹ research. The research showed that it is especially important to micro business owners, who need to be able to work from different locations while remaining able to connect to customers and to online banking.

The consultation document highlights an increasing demand for video. This increase can be seen in Ofcom’s Communications Market Review 2015²: 42% of smartphone users said they watched short videos from services including YouTube, Instagram Video and Vine on their phone. The ‘Smartphone by Default’ report highlights the benefits of video as a low-cost training option, with a specific example of a smartphone user who was seeking employment. However, this requires a consistently reliable connection and speed, which are currently not always possible.

We welcomed the Government’s commitment to free Wi-Fi on trains from 2017³, which will benefit consumers and micro businesses - and this will also increase the need for extra bandwidth.

As highlighted in the consultation document, the implementation of a broadband USO is likely to increase demand, not only for access to the internet, but for consistency of service - and we have encouraged providers to use all forms of technology available to them to meet demand.

Whether Ofcom’s proposals are put into place in their current form or not, we also believe that there is an important wider role for Ofcom in the management of spectrum - ensuring that allocated spectrum is fully utilised - and we recommend that a ‘use it or lose it’ policy is put in place to ensure that sought-after spectrum is used.

Proposals

In principle, we support the proposals set out in the consultation document, specifically:

- opening up a further 125 MHz of 5 GHz in the 5725-5850 range (after establishment of protection of existing users of that band) which Ofcom explains is not restricted by international regulations and may be able to take place before the end of 2017;
- re-examination of the way Dynamic Frequency Selection, regarding the protection of users of radar, is applied and removing it if it is found to be no longer necessary;

¹ <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/smartphone-by-default-2016/>

² <http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr15/>

³ <http://www.communicationsconsumerpanel.org.uk/news-latest/latest/post/466-free-wi-fi-to-help-commuters-stay-connected>

- in the longer term, the potential to convert indoor-only spectrum to outdoor use, allowing more public Wi-Fi, removing restrictions to the 5150-5350 MHz range and to increase power in the 5150-5350 range;
- potentially opening up the 'centre gap', allowing 160MHz more spectrum, depending on the result of testing.

We note that the consultation document makes references to European legislation and that the impact of departure from the European Union, whenever that happens, will not have been taken into account, as the consultation document was drafted before the referendum.