

## emap radio Response to DCMS Consultation

### 'DATA LIMITS AND DATA SERVICES ON RADIO MULTIPLEXES'

emap radio welcomes the opportunity to comment on the DCMS consultation 'Data Limits And Data Services On Radio Multiplexes'. emap has significant interests in DAB as both a multiplex operator and content provider; we control 12 DAB multiplex licences and have equity interests in 6 others, we provide over 110 digital sound programme services across the UK on 40 local multiplexes.

**emap radio supports the relaxation of the data limit to 30% and associated legislation changes to allow the introduction of Mobile TV on radio multiplexes.**

We believe this relaxation will benefit consumers by driving more DAB sets into the market place and expanding the DAB proposition for consumers. However in supporting this move we would wish to see the equivalent regulatory flexibility granted to Digital One being applied to local multiplex licensees and at the same time to ensure that other unwelcome regulatory precedents are not being set.

#### 1. Equivalence of Regulatory Treatment of Local Multiplex Licensees

The background to the introduction of a significant data service to the D1 national multiplex includes the early withdrawal of two sound programme services from the original bouquet of 10 services. More recently a third sound programme service has withdrawn and it remains unclear when or whether it will be replaced.

In the case of the D1 national licence, Ofcom is not permitted to approve a proposed variation relating to the programme services provided under the licence if it appears that, by doing so, the capacity of those programme services to appeal to a variety of tastes and interests would be unacceptably diminished.

We infer from this that the withdrawal of two (possibly three) sound programme services was not judged by Ofcom to unacceptably diminish the appeal of the only national DAB bouquet. We would hope in turn, that under similar circumstances, local multiplex operators would be offered similar flexibility in the terms of the conditions applying to local multiplex licence variations.

#### 2. Regulatory Precedents

The discussion of the circumstances of the D1 multiplex within the consultation document gives us cause for concern that unwelcome regulatory precedents may have been established. We are not aware that the mono/stereo mode of DAB radio services has previously been a licence condition requiring regulatory approval. Our understanding is that the only technical compliance issues relate to bit rate minima and the requirement to maintain an agreed minimum error protection (UEP) setting. We would point out for clarity that, for example, an 80kbps mono service generally has 'better' audio quality than a 128kb stereo service, notwithstanding the lack of stereo image. While actual bit rates and mono/stereo status have been recorded in multiplex licences, we understood these were solely for administrative purposes and not regulatory restrictions.

We would welcome clarifications on both these points and while supportive of the regulatory relaxations to enable Mobile TV on Digital One, we would welcome similar flexibility on local licence variations and would resist any tightening of technical regulation of sound programme services.

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