

**Virgin Radio Response to the DCMS Consultation Paper on Data
Limits and Data Services on Radio Multiplexes**

1. Do respondents agree that DCMS should introduce an order which would allow TV services to be carried on a radio multiplex without the need for the radio multiplex to be reclassified as a TV multiplex?

Virgin Radio is broadly in agreement with this proposal, as long as it is clear that a minimum of 51% of all available and useable capacity on any radio multiplex is used for the provision of radio/audio services.

Establishing such a minimum level would future proof the necessity to revisit this question and would therefore also enshrine the integrity of the original award of previous and future DAB licences, whilst not jeopardizing the future development and ability to adapt to market conditions of DAB Digital Radio multiplexes.

2. Do respondents agree that the data limits on radio multiplexes should be increased to 30%?

Virgin Radio has consistently argued for data limits on DAB digital multiplexes to be increased and believe that a limit of 30% is appropriate.

Indeed, in line with previous consultation responses by Virgin Radio to Ofcom, and also with our thoughts in Question 1 above, we believe that as long as the majority of a platform is used for its initial purpose – in this case radio/audio broadcasting – and as long as any changes have either been consulted upon or sanctioned by the communications regulator at the time (or both), then changes in levels of usage should be permitted, as long they sit under the minimum position stated in our answer to Question 1. In a converging world, where much of media delivery is platform neutral, we believe that such a stance is most beneficial to the consumer, while giving platform owners continued incentives to develop new and exciting services.