

17 December 2015

By email: spectrumlicensingpolicy@acma.gov.au

Dear Sir/Madam

The Australian Subscription Television and Radio Association (ASTRA) welcomes the opportunity to comment on the Australian Communications and Media's (ACMA) Five Year Spectrum Outlook. We note the Outlook forms a key part of the ACMA's commitment to transparency and consultation and support the ACMA's ongoing efforts to engage with industry.

ASTRA's members make use of spectrum to deliver a diverse range of news, information, sport and entertainment programs which deliver significant social benefits to a broad cross-section of the Australian community. In 2015, one third of Australians subscribe, along with millions more who watch subscription content in public venues. Every week more than 1000 hours of first-run locally produced content is broadcast, as well as the best international content.

Use of spectrum also enables the subscription television industry to make substantial economic contributions. In 2014/15 ASTRA members invested more than \$796 million in local content production, added \$2.083 billion to the economy, and created jobs for 8370 Australians.

In order to deliver these outcomes, the industry has made substantial investments in infrastructure and operations based on existing spectrum allocations and designations.

For these reasons, our members have a significant interest in the strategies and procedures through which the ACMA considers possible changes to spectrum allocations and we welcome the ongoing consultation on these issues.

ASTRA is broadly supportive of the latest edition of the Outlook. It is useful to industry to have visibility of the regulator's view on the environmental, regulatory and policy factors which will influence the performance of its spectrum management functions. In particular, we welcome the ACMA's commitment to the Government's deregulatory agenda, including involvement in implementation of the Government's response to the recent Spectrum Review, and see this as an important priority across the entirety of the ACMA's regulatory functions.

Of particular interest to ASTRA has been the ACMA's reformulation of its mobile broadband strategy. ASTRA made a separate submission to the 'Beyond 2020' consultation. That submission welcomed the change in focus from the ACMA from quantitative targets to a contingency-based planning approach. ASTRA also welcomed the ACMA's acknowledgement of the importance of measures other than additional

spectrum in addressing increasing capacity demand and of the impact of spectrum re-farming on incumbent users. ASTRA looks forward to a continuation of this consultative approach regarding mobile broadband spectrum demand, particularly as outcomes of WRC-15 are known and the Beyond 2020 strategy is finalised.¹

To this end, we note with interest that the ACMA has conducted research into the development of a mobile network capacity forecasting model, forecasting implications for additional spectrum and infrastructure needs (Outlook, p 27). ASTRA suggests it would be valuable to release this research and seek industry views.

ASTRA notes that one of the key tasks the ACMA has identified in the Outlook is to assist the Government in implementing the findings of the Spectrum Review. Given the complexity of existing licensing and planning arrangements, ASTRA urges the ACMA to regularly seek input from industry regarding the impact of transitional measures.

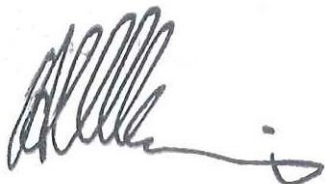
ASTRA also notes that the review of spectrum pricing to be undertaken by the Department of Communications will inform the ACMA's spectrum pricing work. ASTRA has consistently supported a market-based approach to spectrum pricing as the most efficient way of allocating this scarce public resource.

We note that a review of apparatus licence taxation arrangements for television outside broadcasting (TVOB) licences is planned to follow the findings of the Department's spectrum pricing review. ASTRA member Fox Sports was pleased to have confirmed earlier in 2014 that from 2016 it will be licensed to use spectrum in the 2268–2300 MHz band for television outside TVOB. Fox Sports will use this spectrum at live outside broadcasts of sporting events, with technologies such as wireless cameras and video links using the spectrum. ASTRA will shortly be publishing protocols for access to this spectrum by other subscription television industry participants.

Whilst the linkage between the pricing review and the review of apparatus licence taxation arrangements is understandable, ASTRA notes it would have been preferable for the TVOB licence fee review to have been brought forward, so that Fox Sports was not required to plan financially for one licensing arrangement only to have it superseded soon after being granted the licence.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Maiden', with a stylized flourish at the end.

Andrew Maiden
CEO

¹ We note that the band-by-band work program in the Outlook includes reference to reviews that will be informed by these outcomes (see pages 53 and 54). Reviews of interest to ASTRA members include:

- the FY17 review of the 1980–2010 and 2170–2200 MHz bands—Fox Sports currently uses these MSS bands for outside broadcasts; and
- the longer-term review of the 3575–3700 MHz bands, which are just below the standard C-Band spectrum used to receive overseas program channels.