

ACT5

local public service television directory

**Local Public Service Television:
consumer research and
spectrum issues with Ofcom's
Digital Dividend Review** Paper
presented at Scottish consultation
event on Ofcom's DDR CoSLA,
Edinburgh

ACTO is an advisory committee of local television organisations working alongside the Institute of Local Television. **ACTO**'s initial objective is to share information supporting the introduction of local digital terrestrial television as an independent form of local public service broadcasting.

ACTO was established in 2003 by local television members of the Community Media Association to focus on the introduction of local digital terrestrial television services - or 'local DTT'.

Through the Institute of Local Television **ACTO** is represented on **Open Channels for Europe!** the organisation representing European local and open channels in exchanging information on European practice and in negotiation with the European parliament on small-scale TV provision.

Personal and institutional affiliation to **ACTO** is by a small annual subscription (see page 16) entitling subscribers to copies of Institute of Local Television research and reports as well as to **ACTO** directories. Subscribers also receive early announcement of local TV conferences, forums, workshops and are offered networking and support with submissions to regulators and government as well as encouragement with local-tv related activities.

ACTO - local public service television directory - encourages local lines of research and documentation and promotes publications which support a wide public engagement with small-scale local TV.

This is the twenty fifth edition of the **ACTO - local public service television directory**.

ACTO back issues can be downloaded from www.maccess.org.uk/members/ilt.html

WEBSITES

For information:

on local and community TV in Europe: www.obs.int/db/persky/eu.html

on community TV channels worldwide: www.openchannel.se/

UK's Community Media Association: www.commedia.org.uk/

UK examples of local and community TV programmes:

www.showcase.commedia.org.uk/

website of NvTv Belfast's Local TV Channel: www.nvtv.co.uk

Public Voice is the leading voluntary sector coalition campaigning for citizens' interests in communications policy and regulation:

[www.politics.co.uk/campaignsite/public-voice-\\$3436683.htm](http://www.politics.co.uk/campaignsite/public-voice-$3436683.htm)

Ofcom - the UK's independent regulator and competition authority - site includes sections on codes, guidelines and consultations: www.ofcom.org.uk/

..... provides an extensive catalogue of consultations and reports - for background to local TV look out the public service broadcasting consultations Phase 1-3 and you can join the Ofcom email list for updates on future consultations and publications

inter-ACT!#5 media activism in South Korea. You can subscribe to this regular

English language newsletter at <http://lists.riseup.net/www/info/inter-act>

Institute of Local Television www.localtvonline.com/ shared with The Broadcasting Trust, website lists publications, provides background papers, illustrates local TV DVDs, 2.4 Ghz TV studies

Ofcom's spectrum dividend review consultation

http://www.ofcom.org.uk/media/news/2005/11/nr_20051117

Local Public Service Television: consumer
research and spectrum issues with Ofcom's DDR

Scottish consultation event on Ofcom's DDR
CoSLA, Edinburgh

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For Ofcom's Digital Dividend Review the research of the public's view is presented as an annex and titled *A report of consumer research conducted for Ofcom by Holden Pearmain and ORC International*. (HPO). 'HPO' is available for download from the Ofcom website. The research finds respondents require the digital dividend be used for digital TV (DTT) services offering "universal coverage, which is viewed consensually as very important" (8.1). Ofcom's advocacy of auctions, markets and trading for the digital dividend spectrum is therefore not supported by the research evidence.

5.16 The qualitative research allowed and encouraged more consideration of the societal, as opposed to the private, benefits of DTT. The findings from this process showed a strong feeling that at the heart of any discussion about the value to society of DTT (or indeed any service) must come the principle of universal access. Respondents commonly felt that no segment of society should be denied access to the benefits of new DTT services because of financial, geographical or other barriers.

The delivery of Local TV services was either the first or second priority for use of the digital dividend. For example in this slide new digital services are rated and Local TV was valued very strongly:-

5.26 Respondents were asked to rate the importance of a series of statements that assessed the importance for UK society of new digital services. Statements that had the highest level of agreement tended to be focussed on local issues

- Local news and information available on TV at home
- Local news and information about your area available from at least one media source
- Programmes about community, local people and events are available on TV at home

HPO continue - (8.11) "Participants in the deliberative research were asked whether they

thought awarding the spectrum through the 'free market' would deliver the best, most valuable-to-society, outcome for the UK or whether 'Government' or some other authority should have some influence over how the spectrum is used. (8.12) There was universal agreement in the groups that some sort of intervention was necessary to ensure that services that are valuable to society are made available to the maximum number of people. Respondents felt that the private sector alone, being motivated by profit, would not necessarily deliver services that are valuable to society."

Again - (8.16) "It was also a common opinion that as the airwaves are a national resource, some control should remain with the Government. If this does not happen, then what was once available as a 'public' resource may be used for services that do not benefit society. The groups held the strong opinion that an independent body is required to ensure that a good quality service is provided to the maximum number of people. (8.17) Emphasis was placed on the quality of services, rather than the quantity of channels. It was unanimously thought that ensuring universal coverage should come before additional channels. Many of the current Freeview channels were thought to be of poor quality, and so adding more would be a waste of resources, unless some kind of regulation was in place to ensure the quality of new content. (8.18) In addition to the concerns about the quality of programming, there were also concerns that the proliferation of channels was potentially at odds with providing value to society"

It is very odd this HPO annex should be titled 'consumer' research: as yet none of the respondents are consumers of the digital dividend. Also, if markets were enabled in place of universal coverage many respondents would be unable to become 'consumers'.

In one of their annexes (A7.11) Ofcom write:-

"Consumer interests arise following the establishment of a market, in which individual consumers make decisions about the acquisition and/or use of goods and services, which are provided by suppliers."

The corollary of this is those outside a communications market are 'non-consumers'. The empowerment of these 'non-consumers' has been largely overlooked by Ofcom. But in HPO there is a demand from respondents for the regulator to take a more balanced view towards the demands of the citizen and consumer. Respondents favour intervention to ensure universal coverage of services and to minimise social exclusion from the market delivered services. HPO is also one of very few regulator studies in which Local TV has not been conflated with 'regional TV'. HPO restates the value of universal coverage as the foundational characteristic of PSB as well as this being a prerequisite for respondents' making their own selections. In other publications Ofcom's view of PSB has assiduously avoided restating the necessary underpinning of universal coverage - leaving the remaining PSB objectives they choose to emphasise easier to imagine from services delivered within markets. For example:

"In discussing the core purposes of public service, we refer to the purposes of PSB outlined in the PSB Review:

- Inform ourselves and others and to increase our understanding of the world
- Reflect and strengthen our cultural identity
- Stimulate our interest in and knowledge of art, science, history and other topics
- Make us aware of different cultures and alternative viewpoints"

(Vicki Nash, Director, Ofcom Scotland in recent correspondence.)

HPO's emphasis reminds us that Ofcom's primary duty is to further communications for the citizen although we remain cautious that the 'public's views' will overturn the market orientation favoured by Ofcom in its main DDR report. Historically in communications when a methodology becomes the touchstone of regulatory thinking it is difficult to shift - regardless of contrary evidence the policy overtakes evidence.

For example, in the early 1990s the ITC ignored the public's preference for smaller TV regions when the ITV franchises came up for renewal - explaining that competitive bids would not be so productive if the franchise areas were to be differently configured. The ITC did not stop and consider whether competitive bids would satisfy public communications requirements.

Again in 1995 the ITC maintained that the 'fifth channel' had to be 'essentially national' rather than city based - in spite of five's spectrum reaching only 60% of the population. TV boss David Elstein threatened the ITC with judicial review if Local TV - and in particular a local London TV service - were to emerge successfully from a bid. Pressed by the Local TV lobby the ITC belatedly did seek their own legal advice and then withdrew their 'essentially national' claim for channel five bids; but it was too late, just two months before the bids were due.

These are two examples from earlier regulation where Local TV made a strong case for spectrum. With digital switchover there is sufficient digital capacity to provide an accessible platform on which to deliver local public service television to all households.

This HPO research recommends Local TV but its findings must be argued onto centre stage at Ofcom. To take Local TV out of the auction process would not be to privilege this option (as Ofcom suggest in their main DDR document) because Local TV has had legislative backing since the 1984 cable and broadcasting act; it was a good prospect with the fifth and sixth channels; was offered MVDS in competition with cable (then withdrawn) and finally since 1998 local trials have been under way with the restricted service licences on analogue terrestrial. The fact that Local TV is not widely available in the UK in community and local forms is largely because of regulatory failure over two decades. In spite of the analogue RSLs having poor spectrum, suffering from confused regulation and uncertain long-term prospects these services have demonstrated there is public interest further afield as well as making successful the delivery of local public purpose. So local TV has been standing in line a very long time for a suitable platform to provide universal coverage in each area and across the UK as a whole.

However, I'm not able to contrast and compare the technical proposals for Local TV here because Ofcom hasn't yet published the conclusions in a useful form as part of DDR. The LS Telcom study as publishede was conducted on interleaved spectrum was completed last May. It is out of date and does not answer many important technical and coverage questions. A comparison of the interleaved spectrum option with add/drop - which offers 98.5% coverage - still needs to be made and this will be undertaken when more useful information emerges from Ofcom.

So ... in the absense of the Ofcom technical study today I want to do two things. Firstly I want to consider a point concerning Ofcom's interpretation of HPO and then to look at how auctions and trading will make spectrum efficiency worse not better for use of the digital dividend spectrum. Both considerations impact upon the successful introduction of Local TV on DTT. The HPO research rationalises the societal preferences as follows (and reproduced as a slide in presentation):-

8.4 The quantitative research suggested that respondents did not draw major distinctions between private /consumer value and value to society. Two hypotheses for this are:

8.4.1 Respondents viewed private value and value to society as one and the same, so the value to society is merely an aggregate of private needs (hence there is no additional value to society). The quantitative research comprised individual interviews, where there was no social pressure, as there may have been in the consensual context of the group research.

8.4.2 Respondents found it too difficult to imagine a 'national view', so instead gave an answer from their own perspective.

But mostly 8.4.1 and 8.4.2 provides the reasoning and guesswork on the part of the HPO researchers to explain the respondents' views. We might equally interpret the evidence here as having declared a preference for universal coverage *consensually* any further choices made individually are with services being universally available. From the Ofcom hypothesis - 'there is no additional value to society' and 'society is merely an aggregate of private needs' - Ofcom draw conclusions to favour auctions, markets and spectrum trading for delivering and regulating digital dividend services. Yet - as I suggest below - this auction will not ensure universal coverage - only regulation and intervention will secure this. So Ofcom's conclusion that markets etc will suffice seems unjustified by the research evidence.

Universal coverage is not a personal choice but a 'consensual preference'. And Ofcom finds itself on politically very thin ice with the inference 'there is no additional value to society' to conclude markets alone are sufficient. Without consensual preferences society ceases to exist. And without regulatory intervention communications markets do not deliver universal coverage. Markets satisfy only those inside the coverage areas that the operators choose to serve (Ofcom's vaunted consumers).

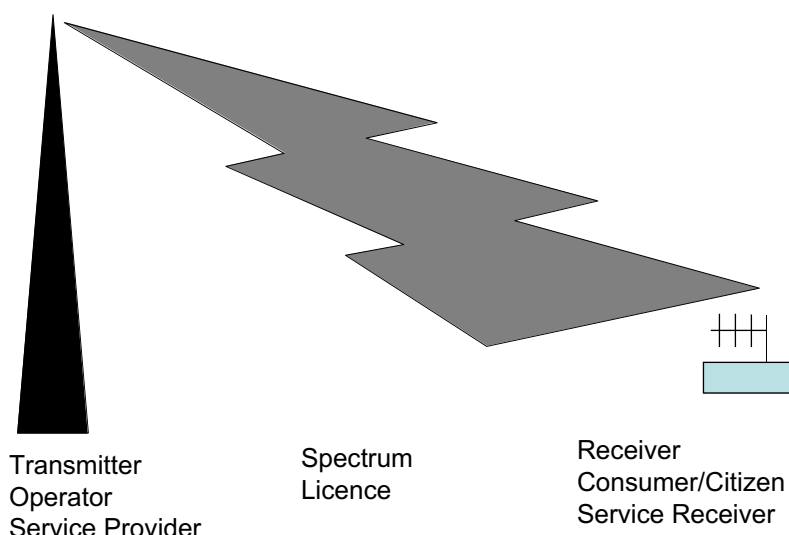
On the other hand if a market is regulated by intervention the difference between private and public choice is less significant - certainly for services without content (the phone for example). Here personal choice need not be made subject to either social or geographic inclusion and therefore by implication exclusion. The HPO respondents say something important about society and communications. The evidence of a selfless mutuality is extremely rare to find in an Ofcom document - so does this HPO research hint at a more inclusive voice, a social character and ambition emerging for future regulation in communications?

Communications markets are quite unlike other markets - where demand can simply drive supply. You could shout till the cows come home in Dumfries and Galloway but the volume of evidence of potential consumer demand will not of itself ensure that in this largely relay-dependent area a full range of spectrum based services will be supplied. Communications markets are not so much driven by evidence of markets as those markets in goods and services not dependent upon high 'delivery costs' cable and spectrum. HPO refuses to accept there should be an acceptance of service exclusion in the use of this valuable digital dividend 'public' spectrum. Spectrum as a communications resource is all pervasive so society as a whole should regulate its equitable use, with respondents in HPO wanting to see better quality DTT channels (including Local TV) as their overall preference, condemning much on offer as of poor quality and a 'waste of resources' (eg wasteful of spectrum).

A further factor with commercial broadcasting is that advertisers tend offer a premium for the

younger upwardly mobile and free-spending audience. The location of this demographic offers a disincentive for the commercial broadcasters to reach those households where the young are less evident. There is no commercial imperative to extend broadcasting services to the rural areas when coverage in the rural areas requires a large number of additional transmitters and relays. Allowed to become a market broadcasting communications is already becoming self-selecting and exclusive.

This is my second point, the Government's principal adviser on spectrum trading, Professor Martin Cave, is either mistaken or disingenuous to maintain that communications markets will regulate themselves to ensure greater spectrum efficiency with better use and less wastage. Or perhaps this thinking has just been stretched too far to include the television friendly UHF bands that will be released by DDR. What the HPO research finds the digital dividend wanted for broadcasting and clearly spectrum efficiency should be sought within this requirement. It is this evidenced outcome that must be delivered spectrum efficiently. The kind of efficiencies that are otherwise being considered in DDR seem to be closely associated with *operator efficiency* rather than with either *spectrum efficiency* or something more ends oriented such as *social efficacy* - which again appears to be much closer to the requirements found in the HPO research.



The objective of spectrum auctions and the subsequent trading of spectrum assets is supposed to be to improve spectrum's efficient use *for the benefit of society*. Ofcom believe this can be achieved by enabling a market value for spectrum assets to be established and by giving some encouragement to any surplus spectrum to be traded, creating *flexibility* to ensure another use is found when spectrum is not required.

The efficiency objective as a general principle does have laudible aims for society - but I am not convinced that the market will minimise spectrum *wastage* or reduce the volume of *unused* spectrum.

I suggest an efficient use of any part of the electro-magnetic spectrum requires both its successful reception as well as the transmission of the signal. Spectrum is only *used* in communications when a signal is transmitted and when it is received or when bandwidth is kept open for telecommunications purposes. Measurement of efficient spectrum use requires there be satisfactory reception in order to establish whether or not communication has taken place. And where there is satisfactory reception spectrum is 'used' or a telecommunications

link is 'open'. (1)

For some communications operators the day-to-day objective is to maintain an open and clear link. For broadcasters however the picture and/or sound signal carried on the spectrum must be received with minimal interference in order for satisfactory communication to occur.

(2) Protecting the spectrum assigned to a broadcaster against interference along the whole of the communication chain *from transmitter to receiver* is a function of wireless telegraphy licensing. For broadcast spectrum to be *used* satisfactory communications are necessary all the way between transmitter and receiver.

Wastage caused by interference by another spectrum user is regulated out so far as practicable. If no one at all receives a transmitted TV signal then the spectrum carrying that signal is *entirely wasted*. With television communications the signal's content must appear on a TV screen (or be recorded). Each viewer is therefore an active agent participating in the success or failure of a TV communication. Spectrum is not used simply by recognising its arrival at the aerial or the box: the signal carries content and requires a viewer for the communication act to be completed.

Professor Martin Cave's objective for spectrum efficiency is to reduce both *wastage* and *unused* spectrum (or spectrum hoarding where it has been assigned but not used).

Ofcom's and Cave both consider the service operators to be the spectrum *users* when they merely the service operators using the spectrum. The use of this spectrum efficiently depends upon the take up of their service or receipt of their transmitted signal. Although the TV Licence is something of an unwieldy device - the Licence recognises the balance of users involved in broadcasting by levying fees upon the *users* of TV's for broadcast communications. Ofcom's language and its regulatory focus errs towards the transmission front-end of any communications link involving spectrum placing those at the receiving-end in a more passive way as service consumers. They might be consumers of services but so far as spectrum use goes the viewer or consumer is an equal agent sharing with the operator both use and payment for spectrum (in broadcasting).

While the TV set may be capable of receiving many TV signals it is typically only displaying one channel at any time. In any household the spectrum that is being *used* is that delivering the channel being watched or recorded (in preparation for later viewing). What is not actually being watched or recorded is to a varying extent across the whole transmitter network and population covered being *wasted*: it is not fulfilling its full potential use.

Spectrum can best be understood as involving a more equal partnership of *conjoint use* between transmission and reception of any spectrum use. *Conjoint use* allows observations and calculations to be made of efficiency which sit much more comfortably with the social rather than private ownership (or access) to spectrum. *Conjoint use* leads to very different conclusions than Cave's in setting out to quantify and consider regulation of 'efficient use'.

For example, a low number (we'll say 35000) viewers might watch a digital quiz channel on a commercial mux. That relatively low viewer number might be commercially sufficient for this channel. But if we look at *conjoint use* this channel is *very wasteful* of DTT spectrum. If no one at all watched this quiz channel whatsoever - at this time or forever - then the spectrum used would be *entirely wasted*.

This hypothetical quiz channel - or a shopping or gambling channel may all require a few tens of thousands of viewers - but they use spectrum on a commercial mux that is broadcasting at sufficient power, from numerous sites and across sufficient locations to be received by as many as 70% of UK homes. Any home tuned into the relevant commercial DTT mux with a Freeview box could watch it - but very many don't.

In spite of the case for business efficiency made by these channels they are seldom watched

channels and are in varying degrees very wasteful of spectrum. The opportunity cost of this use is enormous. The quiz channel effectively excludes from the spectrum it is using other possible channels which perhaps would be viewed by greater numbers of viewers and therefore offer far greater spectrum efficiency.

Are low audience channels on DTT really being effectively regulated from a spectrum efficiency and opportunity cost point of view? Conjoint use has been made at various times to Ofcom through ACTO and in response to its consultations - yet Ofcom seem to ignore conjoint use in favour of talk of spectrum efficiencies closer to operator efficiencies rather than to an efficient and effective use of the electro-magnetic spectrum for society and for social objectives. *Conjoint use* requires both the transmitter and receiver to be an active and equal agents for an effective use of spectrum to take place.

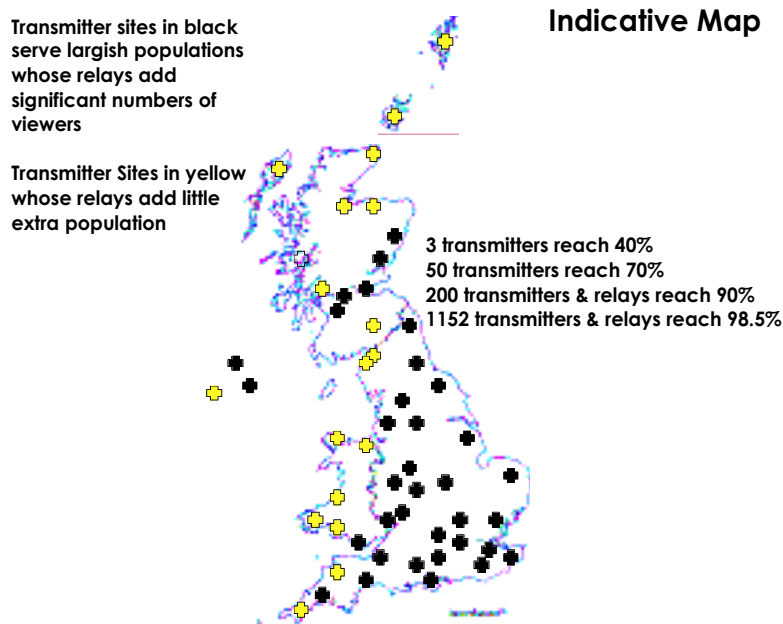
Last Winter (2005/6) the respondents to the Campaign for Local TV's questionnaire indicated they'd rather lose a quiz or shopping channel in favour of having a Local TV channel on the DDT muxes.

If public demand across the country were higher from *potential* consumers for spectrum to deliver Local TV across the UK - wouldn't this be a more efficient use of spectrum than its use and occupation by a quiz channel? If Local TV use would be more spectrum efficient - Why does Ofcom instead regulate spectrum use in order to *protect wasteful channels* when spectrum can be used to deliver services with far greater spectrum efficiency based on forecasts of demand? Here HPO provides an innovative piece of research - since it is asking about *future* service requirements from those who will be at the receiving end of spectrum: the potential viewers whose interests will in fact determine whether or not the digital dividend spectrum is *actually used well, poorly or not used at all*.

Ofcom's one sided or 'single end' view of spectrum users encourages and supports spectrum inefficiency enabling markets to gather consumers according to their own business efficiency models without needing to satisfy realistic spectrum efficiency criteria as objectives. Spectrum efficiency is the lucky outcome of a very popular commercial channel - it is not a driving or necessary force when factors such as premium rate dial-up or subscription support commercial success with small viewer numbers. By not looking at spectrum as a 'communications link' but as an 'effusion' or 'emanation' large parts of the electro-magnetic spectrum are and will continue to be *misused*. This is regulatory abuse of spectrum which will remain masked by an emphasis on commercial and market efficiency reflecting spectrum efficiencies.

An example of how *conjoint use* has been ignored can be found with the expansion of the current commercial digital muxes. A decision was made recently by the commercial mux operators to transmit their channels from just 81 transmitters. This was described by Ofcom as a 'commercial decision'.

Ofcom's involvement in this decision had been to invite the commercial muxes to select their consumers by transmitter site having offered them some 212 or so transmitters in all.



The commercial muxes decided not to transmit their channels to all the households accessible from 212 sites - and chose to leave to one side spectrum from the additional 130 or so transmitters that Ofcom had offered. The commercial operator estimated the viable commercial market. They made a choice in a form that is now likely to become a pattern to follow for future broadcast mux markets and spectrum trading. The operators estimate a viable coverage to enclose consumers enabling them to choose the channels they want to watch. Everyone who left outside the 'enclosure' will not be receiving a service. It is quite clear this is a commercially efficient decision, but how efficiently does 'spectrum use' emerge from this?

In spite of the commercial mux choice being presented as a commercial decision by Ofcom this decision is in fact a direct consequence of Ofcom's regulation: the commercial operators were invited to make their decision and could use just a subset of a portion of spectrum Ofcom had already selected abstractly in stipulating use of up to 212 transmitters. This limitation would itself exclude anything from 10-30% of the population. While Ofcom left it to the commercial muxes to decide which *particular* 10-30% would be the excluded non-consumers it was still Ofcom's policy to involve exclusion in the delivery of the commercial muxes. The particular 10-30% cast the commercial muxes in the role of selection. So was Ofcom's decision here in the public interest? Perhaps not in the interests of the public who were excluded.

"Ofcom's primary duty, as defined in Section 3 of the Communications Act 2003, is to further the interests of citizens in relation to communications matters and further the interests of consumers in relevant markets, where appropriate by promoting competition. Ofcom has a number of other statutory duties relevant to the Review, including a duty in the Act, to secure the optimal use of the electro-magnetic spectrum."

Is Ofcom in breach of its duties? Encouraging the commercial muxes to establish their market creates consumers. Consumers are those in that market and only they are they able to call on Ofcom as falling inside this 'relevant market'. Non-consumers - by definition have no voice: they are outside the 'relevant market' selected by the commercial mux. Of course this is tortuous. Taking another tack, it is also Ofcom's duty to *further the interests of citizens in*

relation to communications matters. So which comes first - the citizen 'who would like to have' or the consumer 'who has'? Perhaps Ofcom had surveyed demand for access to the commercial muxes - in the manner of the HPO research. From the HPO evidence we can infer viewer wants better quality channels for all. Is Ofcom's primary duty to defend operators from popular demand? But HPO did get the response from their research that viewers were unhappy with both the quality of much of the commercial mux channels and that communication markets were divisive and that fewer better channels should be delivered to everyone.

An Ofcom spokesperson appearing in a recent TV clip explained that the commercial mux decision to use just 81 transmitter sites might be changed. They were free to expand the number of transmitters they could use and 'Ofcom was not placing any restriction on them doing this'.

This seems entirely contrary to Ofcom's purpose to secure 'the optimal use of the electromagnetic spectrum'. Surely the spectrum these muxes might later require in order to transmit to more viewers is not going to just sit idle - the spectrum able to be used to transmit and receive television from up to 1071 further transmitters and relays? Left *unused* just in case the commercial muxes decide to expand later on? I am not being entirely facetious - but this operator priority highlights exactly the spectrum wastage that will be disguised by market trading in future.

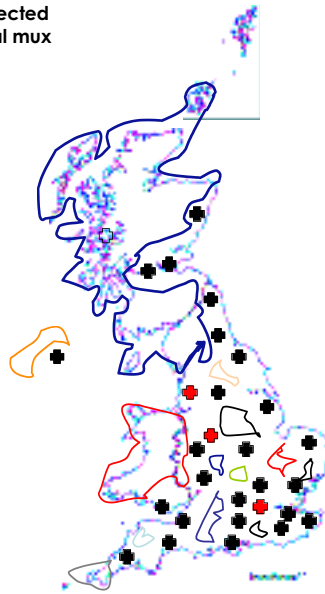
It is the efficient use of spectrum that's purportedly driving Ofcom towards greater market determination. Relinquishing regulation to the markets is supposed to ensure that when spectrum is not being used another user will be found. When the market fully arrives Ofcom believes the avoidance of commercial wastage will be the magic incentiviser to ensure maximum spectrum efficiency so that spectrum is not left unused or wasted.

It seems so far that efforts by Ofcom to promote spectrum efficiency by interventions through regulation have been very poor. But being a poor regulator is not itself excuse for having no regulation as a better regulator. Perhaps the real fault lies with 'spectrum efficiency' in Ofcom's view being tainted with assisting operator efficiency: ignoring the receiver and potential receiver as the necessary partner in spectrum use to ensure it is *actually used* and not simply pissed away.

Finally, looking to the digital dividend, imagine a new commercial mux operator that wins spectrum at auction but decides *not to use* some of the spectrum they have acquired: they are encouraged to dispose of any surplus on the market. No longer are they 'bad boys' for hoarding - they can put it up for alternate use.

Transmitter sites selected
by new commercial mux

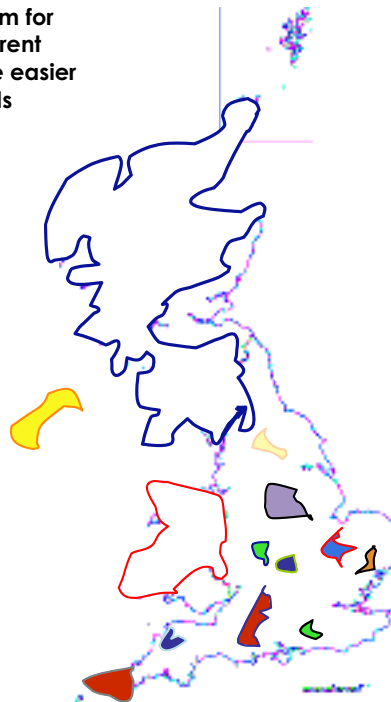
Indicative Map



If an operator decides they can't make a case for a semi-national mux on say 81 transmitters and decide to drop back to 60% coverage from just 50 transmitters - what shape would the spectrum take that they offer to the market for an alternative use or operation? Would the purposes this remaining somewhat peripheral spectrum be used for be as *useful*? What audiences and what services might this spectrum address? Could the peripheral audience expect the same quality of services at a comparable cost to the core audience reached from 50 transmitters?

Location of spectrum for
trade based on current
preference to serve easier
to reach households

Indicative Map



Who would want to use or operate services on spectrum configured so randomly across awkwardly shaped low-population, multi-relay areas after the primary operator had carved out for themselves the commercially viable service on the useful portion of efficient-to-supply spectrum isolating for themselves easily accessed consumers or subscribers?

This outcome is as familiar as that following the cable authority's relaxation of the cable operator's obligation to build cable past every home in their franchise area: cable stopped building no one else stepped in. Ofcom as a regulator is actually seeking to become absent from regulation and the poorly placed spectrum will be put (dumped) on the market to let the market decide its true value. If the market thinks this spectrum has no *commercial* value it will remain unused - unless taken up by public or social agencies to recover something of the service that it might otherwise have carried.

I'll leave this point hanging: today we are still near the beginning of the DDR consultation and it seems to me that auctions, markets and trading will encourage spectrum to be more *inefficiently* used and the conversation on *conjoint use* to begin.

Notes

1 For more on 'successful communication' see Rushton, S, 'Noisy Channel' in *Don Quixote's Art & Television: seeing things in art & television*, School Press (1998) and 'A General Theory of Spectrum' and 'Virtual Reality' in *Local Television Renewed: essays on local television 1993-2005*, School Press (2005).

2 In constructing a licence for TV (formerly radio and TV) reception the legislation recognises an equality in the transmission-reception chain and weights some of the responsibility for the cost of service on the consumer regardless of their location or (now) the means of delivery. Payment of the Licence Fee entitles the holder to reception but following the arrival of cable and satellite it does not guarantee reception from the non-terrestrial platforms. The emphasis on spectrum reception has been reduced and with the arrival of digital the TV Licence will not entitle households to the reception of channels from commercial muxes - which will be transmitting on a 'cherry-picked' selection of the television transmitter network (and built originally as a national project to achieve social and inclusive objectives requiring universal coverage).

"Section 363 of the Communications Act 2003 ("the 2003 Act") makes it an offence to install or use a television receiver unless that installation or use is authorised by a licence under Part 4 of that Act (defined by section 364(1) as "a TV licence"). It also makes it an offence for a person to have a television receiver in his possession or under his control either intending to install or use it without having an appropriate TV licence, or knowing (or having reasonable grounds for believing) that another person intends to do this." (4.1 EXPLANATORY MEMORANDUM TO THE COMMUNICATIONS (TELEVISION LICENSING)(AMENDMENT) REGULATIONS 2006, No. 619)

LOCAL TELEVISION PUBLICATIONS and DVDs from the Institute of Local Television

LOCAL television REPORT - ACTO local public service television papers, VOLUME TWO ISBN: 1 899405 08 9, published by School Press/ACTO/Institute of Local Television, (September 2006). Softback. CONTENTS Introduction, ONE Review & Analysis: Ofcom's *Digital Local: Options for the future of local video content and interactive services*, Ofcom's *Digital Local: Response and Further Review*. TWO Local Public Service Television Broadcasting: What is *not* clear about Public Service?, European Local Public Service Television, Delivering Ofcom's Digital Local with Public Purpose. THREE European Background: Assessing Opportunities for Local TV Across Europe, John Glover, Ofcom. FOUR: MORI's Local TV Study for Ofcom, Speed Reading MORI's 'Programmes in the Nations'. FIVE: Local TV: Who's interested? *Scottish Local TV Forum* Peter Williams, Kent; Eva Dekanovska, Slovakia; Nic Millington, Herefordshire; Brendan Murphy, Perthshire. *Borders Local TV Briefing* Scottish Borders Council, John Askew; Fife, MiMAC, Fife, Graeme Campbell; *Belfast NvTv*, Northern Visions. SIX Digital Frontline: Technical Overview, Programming Introduction, Grant & Production Funded Local TV. SEVEN Switchover and the Consumer: Trisha McAuley, Scottish Consumer Council. SEVEN Local DTT Engineering: Achilles' Heel or Fall Guy?, Add/Drop, Serge Francois, Terayon. £28.50 inc p&p 200pgs with DVD.

Two Volumes of DVDs each bound with a written introduction outlining the development of Community Television from the 1970s to the present day.

VOLUME ONE looks at European traditions which influenced the development of labour movement filmmaking, later community cinema and community cable TV in the UK - £25.00 inc p&p

COMMUNITY TELEVISION 'KEY TEXTS' VOLUME ONE: *DEADMEN ECHO* (1982) Montage from the (mostly silent) workers' films of the 1930s incorporating clips from various archives with a spoken analysis. *EUROPEAN MEETING OF LOCAL TELEVISIONS* (1991) Council of Europe meeting on local and community TV. Examples from Germany, UK and Netherlands with a valuable analysis of community television by Nick Jankowski. *OPEN CHANNELS FOR EUROPE* (1999) A compilation of short Hi-8 videos on some of the different approaches to community and access TV to be found in Germany, Sweden and Israel.

VOLUME TWO explores recent local terrestrial TV examples and the emergence of a local public service after the introduction of the UK's restricted services licences in 1997 - £25.00 inc p&p

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field trial of a low-cost licence-exempt neighbourhood TV technology which ran from September 2002-October 2003. Here, King Alfreds College filmed interviews and presentations from the Community TV Forum held in Aberfeldy in September 2002.

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LOCAL TELEVISION RENEWED is the fifth volume on local television to be published by the Institute of Local Television - published either with John Libbey, the Community Radio Association (CRA, now the Community Media Association) or on the ILT imprint: School Press.

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