

Digital UK Consultation
Reorganisation of the DTT LCN listing and changes to Digital UK's LCN Policy
Response by Multiplex Broadcasting Services (NI) Ltd. (Nimux)

Introduction

Nimux welcomes the opportunity to respond to this Consultation. LCN Policy is a critical issue for the continued success of Digital Terrestrial Television. Freeview is a vitally important platform delivering services to viewers on a free-to-air basis.

In order to remain competitive, it is vital that the platform's LCN allocation policy is reviewed regularly so that Freeview remains the preferred platform for the reception of broadcast services free-to-air.

Nimux Response

Nimux has carefully reviewed the Consultation document and responds to the questions raised as follows:

1. *Do you believe that Option A would be a suitable new LCN listing structure for the DTT platform?*

Option A would be a suitable new LCN listing structure for the platform.

2. *Do you believe that Option B would be a suitable new LCN listing structure for the DTT platform?*

While Option B is a workable solution we do not believe that it is a suitable listing structure as it places the Adult Genre only 20 slots away from the Children Genre. The level of proximity of the Adult to the Children's Genre is too close and should be avoided. We, therefore, welcome the additional level of consumer protection afforded by Option A over Option B.

3. *Do you have a preference for one option over the other?*

Option A is our preferred option.

4. *Do you have any other comments on Digital UK's proposed changes to the LCN listing? Wherever possible, please provide evidence-based reasons for your response.*

We agree with the reservation of space for IP services which will assist in the development of the platform. We also welcome the continued reservation of 800-899 for "manufacturers' use". Given the importance of overspill from the Republic of Ireland (ROI) to viewers in Northern Ireland (NI), Freeview HD receivers place ROI channels in the 800-899 range thereby enabling NI viewers to continue to receive ROI channels where available on overspill.

5. *Do you agree with Digital UK's proposed approach to the timing of any changes?*

Timing of any platform changes is a crucial issue. We are mindful of the upcoming 700MHz Clearance programme. The choice of date for implementation of the proposed LCN changes should take cognisance of the first 700 Clearance event.

6. *Do you agree with Digital UK's proposals regarding minimum broadcast hours?*
The current situation whereby there is no minimum number of broadcast hours should be changed. It makes sense, therefore, to opt for a realistic minimum number of broadcast hours for each LCN. The proposed minimum of 14 broadcast hours per LCN is sensible and consistent with the rules of competing platforms.
7. *Do you agree with Digital UK's proposed new launch process and timings?*
The timings proposed seem reasonable. Not to accept a formal application until eight weeks prior to the proposed launch date is sensible as launch plans should be well underway and the applicant should be able to clearly demonstrate an ability to meet the proposed launch date. The minimum application period of four weeks prior to launch is also reasonable. We would suggest that any postponement of the proposed launch date for a new service should only be accepted under force majeure.
8. *Do you agree with Digital UK's proposed approach to LCN sharing?*
The proposed approach seems reasonable. "Coverage expansion" should, however, be defined. To what extent does coverage have to change to be determined as coverage expansion? This is relevant to the upcoming 700 Clearance programme where coverage may change due to alterations in antenna coverage patterns arising from frequency changes.
9. *Do you agree with Digital UK's definition of 'common control'?*
It seems sensible to adopt the principles of Company Law in determining whether channels are under "common control" or not. We have a concern with the proposed additional test of commonality of branding to be used in determining common control. There is a danger that a decision made on such a subjective basis could be disputed by the channel operator concerned, or by a third party. Consideration should be given to have any disputes arising from a Digital UK decision using the proposed subjective criteria should be referred to a suitable third party for determination.
10. *Do you agree with Digital UK's proposal regarding the 'public service rule'?*
Nimux is of the view that this is a sensible proposal.
11. *Do you agree with Digital UK's proposal regarding the 'associated channels rule'?*
We are of the view that Digital UK's proposal relating to associated channels is reasonable.
12. *We would welcome stakeholder's views on the options for Stage 3 of the vacated LCN rules.*
Any change to the Stage 3 process does require careful consideration. Nimux welcomes Digital UK's intention to hold a separate consultation in the event it does decide to change the Stage 3 process.
13. *Do you agree with Digital UK's proposed timeline for channels to complete an LCN move following an allocation under the vacated channel rules?*

In order to ensure the smooth running of the platform, a window period of up into eight weeks to effect a move to a different LCN seems reasonable.

14. Do you agree with Digital UK's proposals to amend the rules around channel providers reordering channels within their channel portfolio?

On the assumption that Digital UK will always act reasonably, the proposed approach to reordering channels is reasonable.

15. We welcome stakeholder views on whether public service channels should be permitted to reorder the channels they control within a genre.

It is reasonable that public service channels should be allowed reorder channels within a particular genre.

16. Do you agree with Digital UK's proposals around channels changing their name and/or content?

The approach suggested seems reasonable.

17. Do you agree with Digital UK's proposal to retain but re-word the 'shuffle-up' rule?

The approach suggested seems reasonable. We would argue that "shuffle up" should only be deployed after a minimum period has elapsed since the last "shuffle up". We would suggest a "shuffle up" should only take place once in any 12 month period. This will minimise the impact on channel operators' service promotion, marketing collateral etc. More frequent "shuffle ups" would, in our view, be disruptive to both broadcasters and viewers and listeners.

18. Do you agree with Digital UK's proposals around the treatment of streamed services?

The approach suggests seems reasonable. We are of the view that it is of paramount importance that material categorised as "adult" must be allocated LCNs as far removed from the Children's genre as is reasonably practicable.

19. Do you have any comments on the proposed new wording and structure of the LCN Policy, aside from issues you have mentioned in response to other consultation questions?

We have no further comments on the proposed wording of the LCN Policy.

16th December 2016