

Telecom operators must adopt and finance measures to prevent interferences to DTT

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The Official Journal of Spain (abbrev.: BOE) published on Saturday 28 February Order IET/329/2015, of 26 February, laying down the actions to be performed by mobile electronic communications services provider operators (carriers) in the digital dividend band to ensure that the commissioning of stations broadcasting in this band does not affect the reception of the television service.

After conducting technical tests, the Ministry of Industry, Energy and Tourism has found that under certain circumstances electronic communications services may adversely affect the reception of the digital terrestrial television (DTT) service, that it is possible to identify where interferences are most likely depending on the type of television reception installation and that such interferences can be prevented and resolved, particularly by installing filters. Therefore, in order to prevent electronic communications services provided in the 800 MHz (digital dividend) frequency band from causing interferences to the television broadcasting service that continues to be provided in the lower adjacent frequency band (470- 790MHz), Order IET/329/2015 of 26 February (the Order) requires operators of mobile electronic communications in the digital dividend band to take various measures to ensure that the commissioning of stations broadcasting in this band does not affect the existing reception of the television service.

1. Obligors

The Order imposes obligations on Vodafone España, S.A.U., Telefónica Móviles España, S.A.U. and France Telecom España, S.A.U., that is, the exclusive use concessionaires of public airwaves in the digital dividend band - 790-862 MHz or 800 MHz.

2. Obligations

Within one month after the entry into force of the Order (before 1 April 2015), the operators must jointly draw up and submit to the Secretariat of State (Junior Minister's Office) for Telecommunications and the Information Society (abbrev.: SETSI) a detailed joint action plan for compliance with the Order's provisions.

2.1. Measures prior to the putting into operation of radio stations and corrective measures

Prior to commissioning of the base stations of mobile electronic communications services in the 800 MHz band or the modification of the technical broadcasting characteristics of the base stations that are already in operation, the operators must assess where interferences may be greater taking into account the parameters set out in the schedule to the Order.

For this purpose, both the licensees of television broadcasting services and the SETSI must provide the operators with information regarding the location of their broadcasting and relay centres and their relevant service area.

Once the stations have been commissioned or technical broadcasting characteristics have been modified, the operators must take corrective actions, such as the installation of filters, to solve the interferences that may arise.

Noteworthy is the possibility given to the operators under art. 6 of the Order of fulfilling their obligations under arts. 3 (pre-commissioning actions) and 4 (post-commissioning corrective actions) by delivering to the owners for installation the filters or other interference-avoidance systems. These systems become the property of the owners. What is striking is that according to the wording of the rule, this manner of fulfilling obligations by the operators is at the discretion of the owners who "may request" delivery "of the filter, system or equipment deemed suitable by the operators for elimination of the interference, in order to proceed to install it themselves."

2.2. Individualised information to DTT users

The operators must inform citizens on the procedure to follow if the reception of the television service is affected by the commissioning of the mobile electronic communications stations in the 790-862 MHz band.

In addition, the operators must conduct the necessary individualised communication to ensure that the residents of buildings equipped with facilities for reception of digital terrestrial television that are located within the most affected areas are aware that the operators will carry out, for free, actions to analyse and resolve potential interference. This individualised communication must be conducted before commissioning or modification of the technical broadcasting characteristics of the base station, so as to ensure that the checks and, if necessary, technical actions to avoid potential interferences, can be completed prior to commissioning of the station.

2.3. User Care Centre

The Order obligates operators to jointly create a User Care Centre, which will handle

requests from citizens whose reception of the television service may be affected.

Operators must check and, if necessary, resolve, interferences communicated by citizens to the User Care Centre provided that the following apply: a) involves a building located within the base station's coverage area; b) arises from the commissioning or modification of the technical characteristics of a base station; c) has been *notified within six months* from commissioning or modification of the technical characteristics of the base station.

Maximum time limits are also set to respond to these requests and requires that related telephone and electronic communications are free of charge.

3. Financing of the measures

The costs of all actions carried out by the operators, including those deriving from modifications and corrective actions that may be required by the SETSI, will be borne by the operators (art. 11)

Obviously, one can anticipate that the operators will pass on this cost in the price of telecommunications services billed to users.

4. Scrutiny by the SETSI and resolution of complaints

The Order attributes to the SETSI the power to monitor the actions taken by the operators, to verify compliance with the actions required to resolve interferences, (where appropriate) obligate, impose or modify the technical solutions required to prevent interferences and resolve any complaints lodged by users under the general regulated procedure under Order ITC/1030/2007 of 12 April regulating the procedure for the resolution of complaints between end users and electronic communications services operators and user care by operators.

To this end, operators awarded the 800 MHz bands shall designate a Project Manager who will act as interlocutor with the Secretariat of State for Telecommunications and the Information Society.

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