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Ofcom invited UKQRM to its London office to have a meeting about PLT interference. 27/01/2009



Representing **UKQRM** its large membership and supporters was;

Mike Trodd founder member.

Ken Underwood (G3SDW) group moderator and policy group member.

Richard Yarnall (M0SNR) policy group member very active supporter



K-M-R

For Ofcom;

Clive Corrie (investigations and policy manager)

Paul Mercer (Head of spectrum investigations)

Paul Jarvis (Head of business radio, spectrum policy group, also represents marine, aeronautical amateur and CB users and emergency services.)

Dave Donachie (Spectrum and international policy team including T-Cam committee)

The meeting was chaired by Clive.

We started off by looking at the eight questions that were selected from members of the **UKQRM** group.

So below I reproduce those questions together with Ofcom's response.

Q1) Does OFCOM appreciate the economic and social impact on UK PLC as a result of manufacturers, distribution and dealership jobs being lost as a result of these companies going out of business because their Shortwave Receiver products will become unusable and so unsellable in the presence of the radiated interference from these devices?

A1) the evidence that we have at the moment is that there is 500,000 + pairs of PLT devices actually in use in the UK.

Yet we have maybe 70 cases of interference to HF radio that have been reported to us and of those there are maybe only ten that have not been resolved.

These remaining cases are being actively worked on towards a resolution.

So that as of today we don't have any evidence of any significant amount of interference from PLT devices.

It was Ofcom's view that there would be no impact on the HF radio trade.

UKQRM reply: We dispute that there are actually 500,000 + PLT devices in use as very few people with BT Vision for example use the supplied PLT in our experience.

Otherwise why would there be so many Comtrends on sale on Ebay etc.

Ofcom reply: We disagree as those being sold on Ebay will be used and we have clear evidence probably 25,000 devices are sold in the UK every month.

UKQRM reply: We still disagree that currently there are that many PLTs in use and also we feel that there must be an extensive number of people who are being affected by PLT interference who do not know what it is or how to report it!

Ofcom agreed that this was a clear possibility.

Paul Mercer then asked us to explain the difference between [UPA \(Comtrend\) and HPA \(Advent, Solwise etc\)](#) according to our findings. We then explained that the UPA type was by far the worst for HF radio interference as it sends out a 1K scream 24/7 which was very obtrusive and impossible to work around. While the HPA types were still obtrusive and we maintain outside of compliance, they were by and large less annoying as they only send when being used to transfer data, apart from a regular click pop noise when in standby.

Paul Jarvis asked about the range of the interference and we stated that in the UPA case this was normally 200 meters from the house using them and anything up to 500 meters or more depending on conditions.

Q2) Do Ofcom agree that every UK citizen has the right under Article 10(1) of the European Convention on Human Rights, now incorporated into UK law under Schedule 1 of the Human Rights Act 1998 to receive information by radio including short wave radio; and

Do Ofcom accept that failure to remove any harmful interference, arising from the use of plt units which prejudices the reception of such information, is a breach of that right?

A2) We refer you to the previous answer given, we have not had a complaint from anyone other than radio enthusiasts.

We need to have complaints from the BBC or other broadcasters for example. We need evidence.

In principle we agree with the question, but Ofcom has to act in a proportional manner we can not take a knee jerk reaction.

We accept that anyone buying/using a shortwave radio has a right to use it without undue interference.

UKQRM reply: We are pleased to hear that you agree that people have a right to use their radios without undue interference.

And that Ofcom has been instrumental in removing such interference when it is from a BT installation, but what happens when the interference is from a device privately purchased? And an example of such a case was given that has an Ofcom case number and remains unresolved.

Ofcom reply: We will address them on a case by case basis and would examine all the options that are available to us.

We can not have a general rule for dealing with this issue; we may refer the matter to our legal team for example.

Q3) Tests have shown these devices do not comply with EN55022 and empirical observations show they do not comply with essential requirements, therefore they are outside of the conditions to carry a CE mark (WTA 2006 Sec 21 2a) Does Ofcom now intend to use UK and EU law to stop the use of and remove these illegal products.

A3) Well they don't have to comply with EN55022. We are considering what enforcement action Ofcom will take. We do accept that Ofcom has a responsibility.

At the moment we are in the investigation phase, we are an evidence based regulator and so we are gathering the evidence in order to decide what action is going to fit in with our enforcement policy.

UKQRM reply: But we have evidence that these devices do not meet the essential requirements so they should not be on the market.

Ofcom reply: If apparatus do not comply then we have guidance on what must happen (at this point copies of this guidance were handed to **UKQRM** for our information) This includes the EU commission, the UK Government directive.

UKQRM reply: The Wireless Telegraphy Act 2006 (WTA) clearly says that if a device does not meet the essential requirements then it should not be on the market.

Ofcom reply: the WTA does not apply here as these are not wireless telegraphy equipment.

Don't think that we have not sat down with our lawyers and toiled long and hard over PLT. You have to accept that the WTA does not legally apply to PLT.

A debate then took place regarding this. It was said that PLT uses guided media (wires) to transmit its signal.

I stated that it was a bit like trying to blow gas along a wire, it would escape. This was a simple law of physics just as radio frequency energy would escape from a unshielded wire!

We left this discussion as we were clearly talking about legal interpretations and not physics. There was agreement in the room.

Dave Donachie said that Ofcom has to look at the wide picture, was there a benefit to the UK public from PLT and its use of the spectrum?

UKQRM said that we accept that PLT may have a role to play but that it should not be using a radio spectrum that is already in use! And that why was it considered to be 'using' the spectrum if it is not a radio transmitting device? We said that if PLT had its own allocation away from in use spectrum then this problem would not exist!

Dave Donachie then said that this was part of the problem we all had. PLT is not classed as radio equipment but it is due to the way it works. PLT is unique in this regard. If it was classed as radio equipment then it would be dealt with differently.

We then discussed the legal implications of deliberate interference. Was, for example a PLT user who has been informed they are causing interference and refuses to desist, now classed as causing deliberate interference? Ofcom said that their lawyers say no as the user is using the device to communicate between other devices in the home and not to cause interference.

We were referred to an EU document about PLT and that it recommends that PLT should come under EMC and not the WTA.

[You may find this here.](#)

The EMC regulations apply to PLT.

Q4) Has Ofcom contacted the German test house which CE approved PLTs by the TCF route and what response has there been?

A4) No

Q5) What powers of enforcement are available to Ofcom to deal with PLT interference? Ofcom can make regulations under Section 54 of the Wireless Telegraphy Act 2006 enabling them legally to take such steps.

A5) We don't have any currently. However you are correct that WTA S54 does allow us to make regulations and our lawyers are looking at this now to see if we can implement regulations to deal with PLT. This is not a simple process! We have to consider many other matters such as EU directives.

UKQRM reply: We said we were pleased to hear this and noted that Ofcom are taking this matter very seriously.

Q6) Will Ofcom force BT Vision to stop including non compliant PLTs with their products?

A6) We can not comment on any specific manufacturer or supplier.

UKQRM reply: Ask for clarification on this and who would be responsible for the devices.

Ofcom said that the person who first places the device onto the market is responsible. So in the case of BT they are just the customer.

As an example **Paul Mercer** said that 'This was an interesting concept. If every single PLT device on the UK market was imported from Spain then it would be a matter for the Spanish administration and Ofcom would not be able to deal with it'

You have to look at it as a single market.

So the responsible person is the one who first placed the device on the market within the EU. I.E. The importer or manufacturer.

Q7) Would Ofcom support complainants who took civil action against a (non compliant) PLT user who refused to stop using it? What enforcement power would Ofcom use in this event?

A7) If someone asked for an Ofcom engineer to act as a witness in a civil case then Ofcom would refer this to its legal department to see if this was possible. What we would like is the power if somebody is not willing to cooperate with efforts to remove the interference, and then what we would like is the power to serve that person with a notice telling them they can no longer use this equipment and you must comply. If they breach this then we would have the power to seize the equipment and take them to court. That's what we would like but we don't know if we will get it.

UKQRM reply: Well that would solve much of, if not all the current problems! We welcome the fact that Ofcom is trying for this.

Q8) It is an offence to aid and abet others to break the TV licence non-interference condition

Have Ofcom made BT aware they are committing this offence.

A8) We can't comment on any individual company or case. It would be the BBC who would have to take action in this case.

We then had a discussion about plasma screens causing interference and other related matters.

Paul Mercer then explained that there may currently be a handful of PLT interference cases that can not be resolved as the user has refused to remove them or accept an alternative. Ofcom would consider this to be unreasonable and this is why Ofcom is working with its lawyers to see if this can be addressed.

Paul then said he had seen the e-petition on the NO. 10 web site and had spoken to the RSGB a number of times and that radio enthusiasts may have felt of the last two years that Ofcom are ignoring the problem.

'Possibly' that may have been true 2, 3 or 4 years ago. This was due to the low number of PLT products in use.

'But following the reports and cases we have received recently we are taking it **absolutely seriously!**

We have a situation now where technology has moved on and left the regulations and legislation behind.

It has to be accepted that where that happens Ofcom firstly has to recognise there is a gap in the legislation that needs to be filled.

Once we have recognised the gap we have to make a decision as to if we should try and change the regulations or not.

And this is the sort of discussions we are having now.

If we decided we do need to change the regulations then that is going to take time.'

Dave Donachie said it can take up to a year to make the changes.

Paul Mercer then said he had been working within Ofcom and with their technology group about how to deal with new technologies and they were pressing for a research project to be commissioned to look specifically at PLT to examine what might happen if there was a proliferation of PLT devices across the UK, if the modulation used by the equipment was to change.

They are trying to look into the future to avoid the circumstances that **UKQRM** is alluding to now (mass roll out of PLT)

I then asked if he had seen the NATO report? Paul said no and a copy has now been provided along with other data and sound sample of the UPA and HPA types.

Paul then said that Ofcom would need to gather some very solid evidence before taking any action against a PLT manufacturer. If the situation was to become much more serious than it is today.

Currently the cases of PLT interference does not constitute sufficient evidence of a wide spread and serious problem.

Ofcom has to act retrospectively in these cases.

UKQRM then pointed out that some PLT devices claimed compliance with EN55022 when very clearly they do not.

Paul explained that yes, some of the paper work was poor and that as a regulator they would have to look into this but this did not mean they could suspend the license for the equipment. When enforcing the regulations Ofcom has a choice as to what action if any they take.

Clive Corrie agreed that generally the documentation was not as good as it should be!

We then said what would happen when DRM takes off. What would happen then as DRM users would not know they were being interfered with?

Clive responded that Ofcom was concerned about this and was seeking to carry our research on this very matter.

‘You may think Ofcom is ignoring the situation but we are not. We have to work within the law and gather evidence.’

After this we were shown an interesting Ofcom video explaining the work done by their investigations department.

In summing up, there was agreement on Ofcom’s part that PLT presented a unique problem.

They are taking it seriously and will act to remove interference as far as they can within the current laws.

UKQRM asked if the professional radio users were aware of PLT and what it sounded like?

Clive Corrie said there was a standards committee looking at this and setting a standard for PLT.

PLT manufactures then may choose to comply with any recommendation.

This could include dynamic notches. **UKQRM** said they felt this system could never work.

The meeting was a full two hours and was conducted very openly in a free and friendly manner.

Paul Mercer said that they accept the responsibility of protecting the spectrum from harmful interference.

Clive Corrie said that there were about 24000 RSGB members and yet we still only have 70 cases of people whose pastime is being disrupted.

We again countered that many people are still unaware of what the interference sounds like and did not know they could do anything about it!

Ofcom said that for a case to be taken on, the PLT must be stopping the HF users from hearing a legitimate station and not just apparent in the background. It was also unacceptable for people to go out looking for PLT interference and reporting this.

UKQRM countered that there were clear cases of PLT interference being propagated so that initially while it may be weak during the day it may become a big problem at night.

As a final question I asked if Ofcom could ever see a day when PLT would be declared a better use of the HF spectrum and as such shortwave radio as we know it would be lost.

They answered no, it was their job to protect the radio spectrum and they would continue to do this.

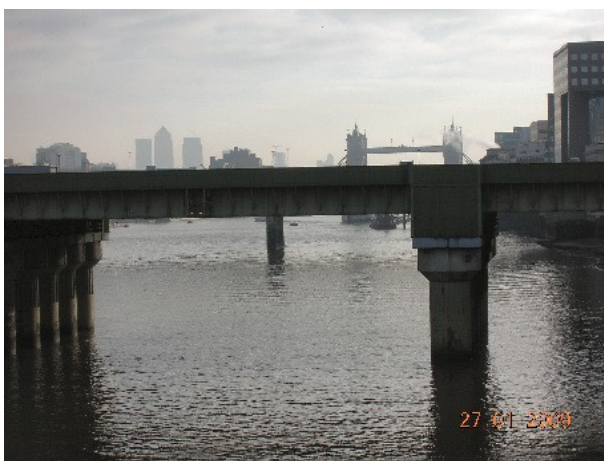
UKQRM came away feeling very satisfied with this first meeting and with the feeling that Ofcom was doing its job as far as it currently can to protect shortwave radio.

UKQRM would like to thank Ofcom for inviting us to this meeting and giving us a considerable amount of time with some of their senior people.
A good example of working together.

Mikesndbs 2009

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This document is believed to be an accurate account of the meeting and was derived from notes and memory. E&OE



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