

24 January 2014

David Hendon
Chair
4G/TV Coexistence Oversight Board

Philip Marnick
Group Director, Spectrum Policy Group

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Dear David

Agreement to trial the KPI regime proposed by the Oversight Board

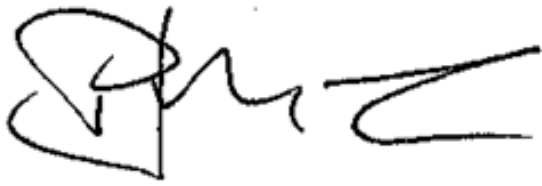
Thank you for your letter of 18 December which outlined a proposal from the Oversight Board for a new Key Performance Indicator (KPI) and Operational Condition regime in relation to the Notice of DTT interference mitigation procedures required under spectrum access licences for the 800 MHz band (the Notice). Ofcom has considered the Oversight Board's proposal and the supporting evidence in your letter. Based on this, we agree that trialling the proposals is likely to be beneficial to consumers and for this reason we agree to forbear from enforcement of the Operational Conditions and KPIs in the Notice on a trial basis until 1 October 2014.

Ofcom will monitor the effectiveness of the Oversight Board's proposals during the trial period under the existing reporting arrangements with the Oversight Board. If at any point during the trial period it appears appropriate to do so we may decide to bring the trial period to an end, and resume enforcement of the Operational Conditions and KPIs in the Notice.

At the end of the trial period, Ofcom will consider whether it is appropriate to vary the 800 MHz licences and/or the Notice in any respect; and what process should be used to adopt any such variation.

You have also brought to my attention a potential breach of KPI 3, which occurred in November 2013, in the Oxford reporting region. This was due to a single case of a filter which was delivered within four days rather than three days (as required by KPI 3). You noted that the delay occurred because at800 arranged an installer visit to assist the viewer, rather than simply posting the filter, and the date was agreed with the viewer. Taking into account the advice of the Oversight Board, Ofcom does not intend to take any enforcement action relating to this case.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Philip Marnick', written in a cursive style.

Philip Marnick

cc. Oversight Board, Ben Roome