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Dear Donald

Thank you for your recent letter. It was good to hear your views and have a constructive dialogue. I would concur with your conclusion that “we agreed to differ”. You see PLT as a current and increasing threat to the radio spectrum, where as we see the potential for harmful interference, but believe it is, and can continue to be, held in check.

PLT has now been around for a number of years and we have not so far seen an unacceptable level of general interference. The Ofcom commissioned PA report suggests that the level of interference can remain within reasonable bounds by continued developments in the standards and technology. It is our belief that this evolution continues to take place.

I have spoken to colleagues both within BIS and in Ofcom and we remain of the view that there is so far minimal evidence that the use of this technology has significantly impacted upon the integrity of the radio spectrum. Ofcom have not so far found that there is a breach of the EMC essential requirements by a particular manufacturer of the equipment in question.

Currently, there is no suitable Harmonised Standard and as a result manufacturers have adopted the self assessment or Notified Body approach to product compliance. In addition it should be noted that the use of harmonised standards is voluntary, and the PLT manufacturer always has the option to carry out an EMC assessment without applying the limits of EN 55022. It is understood that many products on the market follow this option, with or without the involvement of a Notified Body.

Any action that the Government or UK market surveillance authority takes has to be demonstrably proportionate, consistent, transparent and in keeping with the guidance from Crown Prosecution Service. We are also required to ensure that we meet our obligations to EU treaties and processes. We believe that the actions we have taken to date meet these obligations. We will take appropriate action if a product is found that breaches the essential requirements.

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Additionally we understand that Ofcom is reviewing its powers by exploring the possibility of implementing provisions contained in the Wireless Telegraphy Act 2006. This would introduce legislation to address interference issues associated with the use of all electrical apparatus including PLT.

You will no doubt be aware that the ITU standard that is currently being drafted is likely to be the main standard for PLT in the future. This is being done under the overall ITU umbrella, and spectrum interests are included in this activity. Notching has been a useful tool in interference minimisation so far. The improved dynamic notching in the ITU standard may be expected to be a further improvement. We note your concerns about this technique, as well as in the CENELEC WG11 standard

We would encourage you to continue your engagement with the international standards making groups and continue to represent your members and their interests within the debate and standards making process.

We and Ofcom remain open to all parties as we move forward and I welcome your suggestions as to how we might utilise the spectrum below 40 MHz. However we do not seek to direct commercial and standards work and we note that at this juncture it is unlikely that bodies would redirect their work along these lines. However we would encourage you in association with the IARU to make these suggestions to standards bodies and manufacturers.

I thank you again for your constructive dialogue on this issue and hope that we can move forward to a solution at the international and national level that is workable for all parties involved. We do regard the spectrum as a valuable natural resource, and we wish to continue to maximise its use for society as a whole

Yours sincerely,

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