

An tAonán Cumarsáide,
Fuinneadh agus Aerthráil Ríochtúla
Bala Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

2009

M/s A&L Goodbody,
International Financial Services Centre,
North Wall Quay,
Dublin 1.

F.O.I Request Reference F.O.I 2009/12.

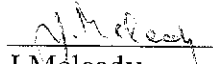
Dear Sir/Madam,

I refer to your F.O.I request under section 7 of the Freedom of Information Acts, 1997 and 2003 received in this Department on 17 April, 2009 requesting records regarding the awarding of 3 National DTT multiplex contracts to Boxer DTT Ltd.

I am enclosing copies of all records held by this Department which are relevant to the request. As the Boxer contract is strictly a matter for the Broadcasting Commission of Ireland, the number of relevant records held by the Department is extremely limited. A copy of the application by Boxer is publicly available on the website of the Broadcasting Commission of Ireland.

The Freedom of Information Act provides the right to appeal a decision taken under the Act within 4 weeks of the initial decision. Should you wish to make such an appeal, you can do so by writing to Ms. Carmel Cosgrove, F.O.I Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan.

Yours sincerely,


J. Meleady
Broadcasting Policy Division.
14 May, 2009.

Schedule of Records:

Record no.	Brief description & date of record.	File ref.	No of pages.	Grant/refuse. part-grant.	Basis of refusal: Section of Act.
1.	Copy of correspondence dated 16 January, 2008 from Mr. P.O'Neill to Mr. M. O'Keeffe, Chief Executive, BCI. seeking information for discussion with Minister. including details of timeline..	S1/468-Q07.	3	Grant.	
2.	Copy of correspondence dated 6 February, 2008 from Mr. M. O'Keeffe, Chief Executive, BCI. to Department of Communications in response to letter dated 16 Jan.08..	S1/468-Q07.	3.	Grant	
3.	Copy of Department's Press Release outlining Minister's welcome for BCI decision on DTT service provider.		2.	Grant.	



An Páirt Cumarsáide,
Fuinneamh agus Ábhaíocht Náisiúnta
Bóla Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

16 January 2008

Mr. Michael O'Keeffe,
Chief Executive,
BCI,
2-5 Warrington Place,
Dublin 2.

Dear Michael,

Thank you very much for your letter of 7th December in which you set out plans and timeframes for the development of commercial multiplexes for DTT in Ireland in preparation for analogue switch off and our recent meetings in which you discussed your BCI policy document relating to commercial DTT.

We are now preparing an assessment of the information we received from RTE, BCI and ComReg in order to report to the Minister on the overall state of preparedness for DTT rollout. In this regard we have summarised the information you have given and compiled a short timeline for DTT rollout in respect of the BCI process – see attached. Before we report to the Minister I would be grateful if you could confirm that our understanding of the BCI timelines is correct. In addition it would be useful if you could update us on the status of the BCI Licensing Policy relating to DTT.

There are a number of policy concerns that are central to the Department and Minister's thinking in relation to DTT. These include:

- Fast rollout of commercial DTT.
- Compatibility of multiplexes and ease of use for consumers at the set top box level.
- Enforceability of such policies through appropriate licence conditions

At its meetings with the BCI, DCENR has highlighted the importance of commercial DTT as a tool for encouraging the rollout and take-up of DTT in Ireland. It is anticipated that the BCI Licensing Policy will provide for commercial DTT contracts aimed at encouraging the optimum and timely take up of DTT, particularly amongst those who currently rely on analogue terrestrial TV. In particular DCENR considers that the availability of commercial DTT multiplexes can play an important role in encouraging a switch from analogue terrestrial to digital terrestrial TV throughout the country.

Ireland is committed to an analogue switchover date of 2012, at the latest, in line with EU deadlines and in order to ensure a smooth transition to digital television across the Island of Ireland. Without rollout of commercial multiplexes by end 2010, analogue switchover by 2012 may not be achieved.

In this regard it is important that commercial DTT operators be encouraged interalia to:

- Provide the maximum coverage of commercial multiplexes – in particular in areas where cable/MMDS is not available;
- Provide for a product which eases the transition from analogue to digital (public service plus commercial) for the consumer, for example, consumer equipment should be readily available, affordable and consumers should not have to purchase multiple set top boxes to obtain access to multiple muxes (the Department is aware of other European jurisdictions where this was achieved through licence conditions);
- Provide for a speedy rollout of DTT with set dates and sanctions if such dates are not met. Such rollout should, by 2010 at the latest, provide for commercial services from the full number of transmission sites necessary to reach 90% of population.

I would be grateful for a response from you in relation to these issues, as it will be useful in our discussions with the Minister.



Peter O'Neill
Assistant Secretary

Timeline 2008	BCI
January	Publish DTT Licensing Policy
February	Finalise evaluation and application process
Feb/March	Invite Applications
April	Closing date for applications
May	Evaluation
June/July	Award of contracts

Paula
for file
Susan
19/2/08

W. O'Brien
Ar 6/2

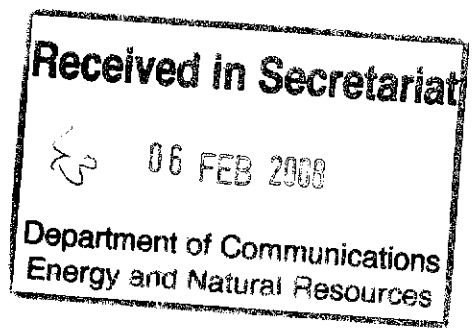
I have notes to
at O'Keefe. Can we
discuss.



Broadcasting Commission of Ireland
Coimisiún Craolacháin na hÉireann

6th February, 2008

Mr. Peter O'Neill
Assistant Secretary
Department of Communications,
Energy and Natural Resources
29-31 Adelaide Road
Dublin 2



Re: Digital Terrestrial Television

Dear Peter

I refer to your letter of 16th January 2008 regarding the above.

Firstly, I would confirm that the timelines in your letter are broadly correct but I would add the following. At the Board meeting on 28th January, the Commission approved the framework for the evaluation and decision-making in determining the award of Mux contracts as well as an outline Guide to Submissions for applicants. We are currently awaiting sight of the model for tariff charges from RTÉ and the final licence conditions from ComReg. It is expected that these will be received shortly.

On the assumption that the above material will be made available within the next seven days, we will be in a position to invite applications for the three national commercial multiplexes on w/c 3rd March next. The remainder of the proposed timeline is as per your letter.

The Licensing Policy was approved at the Board meeting in December with a number of additional matters finalised on 28th January. The finalised document will be available to all applicants in advance of the commencement of the licensing process. With regard to the specific issues raised in your letter, I would respond as follows.

- **Coverage and rollout of Commercial Multiplexes** – The Commission will require a minimum of 90% coverage of population before or at the date of analogue switch-off. This approach is based on the operation of a minimum of thirteen transmitter sites by the multiplex operator (or operators). The Commission will also encourage a greater degree of coverage at the outset of transmission and over the period of the contract.

In this regard, the Commission will encourage applicants to submit proposals that go beyond the minimum transmission requirements. In determining the most suitable applicant, a greater score under this section of the application may be afforded to applicants who can provide a greater level of coverage than the minimum within the shortest timeframe.

- ***DTT Receiver Issues*** – The Commission endorsed the key principles of availability, affordability and interoperability.

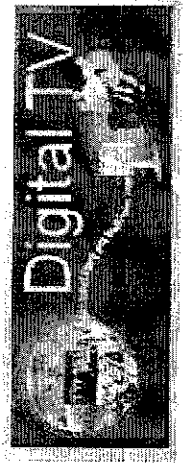
On the question of DTT receivers, the Commission is satisfied to continue to work with the DTT Pilot Stakeholders Group (PSG) towards the development of a national minimum specification in sufficient time to facilitate the availability of DTT receivers for the commencement of DTT broadcasting in Ireland. However, the Commission also reserves its position to adopt a different strategy to the development of a national minimum specification, should the need arise, in order to meet the required timeframe and objectives for the roll-out of DTT.

With regard to the principle of interoperability, the Commission will set out to applicants its expectation that any or all set top boxes/DTT receivers supporting BCI licensed multiplex operators, shall be capable of receiving and displaying any free to air content from RTE or BCI licensed multiplexes. Furthermore, interoperability between BCI licensed multiplexes is considered to be highly desirable by the Commission. While the Commission will take account of applicants concerns regarding conditional access/security issues in considering applications for the BCI multiplexes, a greater score may be awarded under this section of the application, to applicants that best satisfy the principle of interoperability.

- ***Enforceability through Licence Conditions*** – The Commission is satisfied that the statutory provisions, together with rigorous nature of the licence application process and subsequent contract negotiation process, will provide the necessary assurances that the licensing policy obligations and commitments in applications will be fully adhered to by successful applicants. It is common practice for the Commission to attach specific conditions in the award of a licence in principle and to build in specific conditions within contracts in respect of all licences and the DTT contracts will be no different in this regard.

On foot of discussions with officials in your Department, we have examined the concept of introducing sanctions, including the use of performance bonds. Having had regard to the various mechanisms in the statutory provisions, flexibility afforded to it in the award of a contract, the range of contractual provisions available to it and legal advice received, the Commission decided that it will not include such a provision within the DTT multiplex contracts to be awarded.

However, as indicated above, we are satisfied that the current licence application and contract negotiation processes provide sufficient comfort in this regard.



Department of Communications, Energy and Natural Resources
An Roinn Cumarsáide, Fuinnimh agus Aerhíneolaíochtaí

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Minister Ryan welcomes BCI decision on DTT service provider - Switch from analogue to digital on schedule

22 July 2008

Communications Minister Eamon Ryan, TD, welcomed today's announcement from the Broadcasting Commission of Ireland on the conclusion of the competition for a commercial Digital Terrestrial service provider for Ireland.

Under the Broadcasting Act, 2007, RTE is required to provide a digital television service offering access to the Irish national channels - RTE, TG4 and TV3 - on a free to air basis. In addition, the Broadcasting Commission of Ireland, an independent regulatory body, is required to identify commercial DTT service providers.

Welcoming the announcement, Minister Ryan said 'This marks an important milestone in the independent BCI process. The Broadcasting (Amendment) Act 2007, assigned the task of finding a commercial DTT provider for Ireland to the BCI and I am delighted at the speed at which they have pursued this activity. I am looking forward to the BCI continuing the process and finalising contracts with Boxer DTT Limited, their chosen service provider.'

I know that RTE have commenced work on upgrading their analogue television network and that they expect to provide national free to air digital services starting from Autumn 2009. This, coupled with today's decision, means that we are on schedule for the switch over to digital television in Ireland.'

-ENDS-

Note to Editors

1. Digital Terrestrial Television (DTT) upgrades the current analogue terrestrial television service using digital technologies. DTT uses less radio frequency space/spectrum than analogue television and can offer more services - such as more television channels, electronic programme guides and even high definition television services.

2. DTT will eventually replace the analogue television network and the spectrum freed by this process will be used for other services – for example, other television services or for broadband or mobile services.

3. In developing DTT services for Ireland it is expected that RTE and any commercial DTT service providers will co-operate to ensure that their networks are compatible and to provide maximum choice for Irish TV households.

For further information, please contact:

Press Office

Department of Communications, Energy and
Natural Resources

T: 678 2441

E.mail: press.office@dcenr.gov.ie

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Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha

28/04/2009

A & L Goodbody
International Financial Services Centre,
North Wall Quay,
Dublin 1,

FOI Request Reference: FOI/2009/12

Dear Sir/Madam,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 17/04/2009 requesting records regarding the awarding of 3 National DTT multiplex contracts to Boxer DTT Ltd. The application was received along with the associated fee.

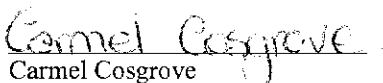
The officer handling your request will be Mr Joe Meleady, Broadcasting Policy Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Joe can be contacted on 016783094

You can expect to receive your decision by the 15/05/2009.

If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Cosgrove

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782902

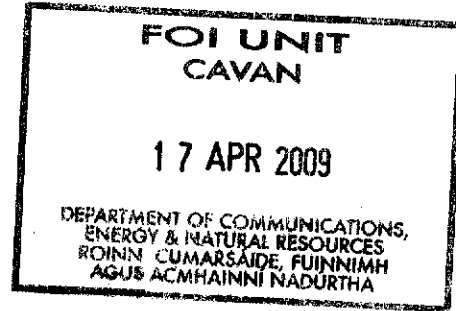
A&L Goodbody

our ref: CM

your ref |

date | 15 April 2009

Freedom of Information Officer ✓
Department of Communications, Energy & Natural Resources
FOI Unit,
Elm House,
Earlsvale Road,
Cavan.



A&L
LG

Via post

Freedom of Information Act 1997 (as amended)

Dear Madam or Sir

Pursuant to Section 7 of the Freedom of Information Act 1997 (as amended) (**FOI Act**), we have been instructed to request that the Department of Communications, Energy & Natural Resources (**Department**) furnishes to us, in paper format, a copy of each and every record (as defined by Section 2(1) of the FOI Act) or document (regardless of the media used) that was created in relation to the decision to award the three national Digital Terrestrial Television (**DTT**) multiplex contracts to Boxer DTT Limited (**Boxer DTT**), as announced by the Broadcasting Commission of Ireland (**BCI**) on 21 July 2008.

In addition, please furnish us, in paper format, with a copy of each and every record (as defined by Section 2(1) of the FOI Act) or document (regardless of the media used) that was created subsequent to the award of the DTT tender to Boxer DTT concerning:

- Boxer DTT's willingness (or otherwise) to take-up the BCI contract (**Contract**) on its original terms;
- any proposal to vary the terms of the Contract;
- any lobbying for or consideration of change of commercial or other terms of the Contract;
- any lobbying for or consideration of a proposal to give Boxer DTT retransmission rights, as envisaged by the Broadcast Bill 2008 or otherwise; and
- any effect on Radio Telefís Éireann if Boxer DTT does not proceed with DTT.

To the extent that there are any relevant records or documents, including those created prior to 21 April 1998, we also hereby request that the Department furnishes us paper copies of these under Section 6(5)(a) of the FOI Act as it may be necessary to have such records or documents to understand the records or documents requested in the immediately preceding paragraphs.

In accordance with the provisions of the FOI Act, we have enclosed a cheque in the sum of €15.00.

Please acknowledge receipt of this letter in writing.

Yours faithfully

M-6883347-1

Dublin Belfast London Boston New York

S.C. Hamilton	J.H. Hickson	J.G. Grennan	S.M. Doggett	S. O'Riordan	K.P. Allen	N. O'Sullivan	S. O'Cróinín	M.F. Barr	A. Roberts	D. Main
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