**MEMORANDUM OF UNDERSTANDING BETWEEN DIGITAL MOBILE SPECTRUM LTD & THE 4G/TV CO-EXISTENCE OVERSIGHT BOARD**

**Purpose:**

* The Memorandum of Understanding sets out the high level principles underpinning the working relationship between Digital Mobile Spectrum Limited (DMSL) and the 4G/TV Coexistence Oversight Board

**Principles:**

* DMSL is responsible for delivering assistance to consumers affected by television interference caused by the roll-out of 4G in the 800 MHz spectrum band, subject to the provisions of the 800 MHz licences
* The Oversight Board is responsible for providing advice, guidance, support and challenge to DMSL in the delivery of assistance to consumers
* It expects to be consulted on the key aspects of DMSL’s operation and to monitor delivery after assistance is rolled out to consumers. A list of these key services is below. This is not exhaustive and is likely to change
* The Oversight Board expects DMSL to take account of its views but its role is not to accredit or approve key aspects of DMSL’s services
* The Oversight Board has a formal role in monitoring DMSL’s performance against its KPIs, and reporting to DCMS and Ofcom. This may include making recommendations to Ofcom on the use of its statutory powers should KPIs or Operational Conditions be breached
* The high level arrangements for performance reporting to the Oversight Board to DMSL are set out below. These are likely to change with experience
* There may also be other information, including other Performance Indicators, which the Oversight Board would like to receive from DMSL on a regular basis. This, and the timing of any changes to reporting requirements, will be subject to discussion and agreement between the Board and DMSL
* If the Oversight Board wishes to audit an aspect of DMSL’s service or its performance against its KPIs, and other indicators, the Oversight Board will provide DMSL with reasonable notice of its intention to do so, and DMSL will provide the Oversight Board or its representatives with access to the information that it needs to the extent that it is legally and contractually able to do so

**Key Aspects of DMSL’s Operation**

* Interference Model (n.b. requirement to consult in draft licences)
* DMSL Code of Service (n.b. requirement to consult in draft licences)
* Complaints handling procedure (n.b. requirement to consult in draft licences
* Filter standards (n.b. requirement to consult in draft licences)
* Pilots, Testing & Trials
* Initial phase of operation
* Information provision for consumers, including those defined as vulnerable
* Online portal
* Contact centre
* Diagnostic processes
* Voucher scheme for masthead installation
* Platform Change Solutions
* Arrangements for Bespoke Solutions
* Filters for secondary sets
* Budget Management
* Press, PR & wider Communications
* Fulfilment/Distribution

**Key Performance Indicators**

* DMSL will report to the Oversight Board on its performance against its KPIs at the end of each calendar month. For KPIs 1 and, possibly KPIs 2 & 6, it may be necessary for DMSL to report more frequently. It is expected that formal reporting will begin at the end of May 2013, although this may change to reflect the 800 MHz licensees confirmed rollout plans. DMSL’s pilot work will not be subject to formal reporting
* The report will set out whether DMSL considers that the KPIs have been met or not, as well as providing the reporting evidence that supports their judgement
* The 800 MHz licensees will be required to automatically comply with the Operational Conditions (OCs) if they are in breach of a KPI, (unless DMSL or the 800 MHz licensees convince the Oversight Board, and Ofcom agrees that the OCs should not imposed because of a *force majeure* event or other exceptional circumstances that justify relief being granted)
* The Oversight Board will report to Ofcom if DMSL exhibits persistent failure against its KPIs, or there is evidence, through the audit process, that licensees have not complied with the KPI and OC regime as a whole
* Members of the Oversight Board, in consultation with DMSL, may recommend changes to the KPIs or Operational Conditions (OCs) to reflect the practical experience of dealing with interference. Generally, these will be limited to the parameters set out in the licence documentation. The Oversight Board will only recommend changes to the KPIs when they consider that there is a clear and demonstrable case for change. Ofcom will be responsible for considering the Board’s recommendations and making any decisions to modify any of the KPIs or OCs, subject first to any procedural requirements being met

**Specific provisions relating to the Interference Model**

* The licensee shall consult the Oversight Board on its permanent interference model, and agree the model with Ofcom
* Prior to making any material amendments to the model, DMSL will consult with the Oversight Board and Ofcom, and agree any changes with them both

The Oversight Board is able to audit the permanent model from time to time, including (but not limited to) facilitating the Oversight Board with access to the relevant software, input parameters and underlying algorithms