

# Annex 3: Application Form<sup>1</sup>

Applicants must complete Parts 1, 2 and 3 of this Application Form. Any additional documentation required to be supplied by the Applicant as part of its Application is to be appended to this Application Form.

## Part 1: Administrative Information

For an Application to be complete, the administrative information listed in Table 1 below must be provided. Note that the Applicant name provided will be that to whom licences will be awarded where relevant. Contact details for Authorised Agents are those that will be used by ComReg for circulating Assignment Options for the Assignment Round and for contacting the Bidder during the Award Process if necessary.

Information required	Information provided
Name of Applicant*	Name:
Complete postal address of registered office or, if it does not have a registered office, the principal place where it carries on business and, if different, address to which all communications will be sent regarding the Award Process	Address 1:
	Address 2 (if different):
Telephone/ fax number for Applicant	Telephone:

<sup>1</sup> A writeable PDF format of this form will be made available on the ComReg website.

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Information required	Information provided
	Fax:
Bank details of Applicant (for the purpose of returning part or all of the Applicant's Deposit where applicable)	Name of Bank and address of relevant branch:  Account Number:  Sort Code:  BIC Code:  IBAN No:
Name of Applicant's Authorised Agent 1** (Block capitals)	Name:
Position of Applicant's Authorised Agent 1	Position:
Telephone numbers, fax number and e-mail address of Applicants Authorised Agent 1	Telephone (fixed):  Telephone (mobile):  Fax:  Email:
Specimen signature of Applicant's Authorised Agent 1 Witnessed By	Signature 1:  Name:

Information required	Information provided
	Position:  Signature:
Name of Applicant's Authorised Agent 2*** (Block capitals)	Name:
Position of Applicant's Authorised Agent 2	Position:
Telephone numbers, fax number and e-mail address of Applicants Authorised Agent 2	Telephone (fixed):  Telephone (mobile):  Fax:  Email:
Specimen signature of Applicant's Authorised Agent 2 Witnessed By	Signature:  Name:  Position:  Signature:

**Table 1: Administrative information**

\* Note: In the case of Applicants that are bodies corporate, attach a certified copy of Certificate of Registration along with Articles of Association and Memorandum of Association or equivalent together with a certified translation thereof into English or Irish, where the original is not in English or Irish. Company Secretary or authorised signatory is required to certify the copy.

\*\* Note: Authorised Agents must be authorised to bind the Bidder and to take all decisions or communicate all decisions connected with the Award Process on the Bidder's behalf including, but not limited to, the

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authority to submit Bids in respect of any of the Lots available in the Award Process and to commit to payment of the necessary amount if the Bidder is granted spectrum. If Applicants wish to have the ability to participate in the Assignment Stage as part of an Alliance, Authorised Agents must further be authorised to delegate the power to make Assignment Stage Bids, which are binding on the Applicant on a joint and several basis with all members of the Alliance, to up to two Authorised Agents of another member of the Alliance.

\*\*\* Note: Applicants can authorise one more person, who could act as the Alternate Authorised Agent in case of unavailability of the primary Authorised Person. In case of any duplication of submissions made on behalf of the Bidder by different Authorised Agents, the submission made by the first Authorised Agent would be considered as final and binding.

**Appropriate evidence of the authorisation of Authorised Agents, as per Section 3.4.1 of the IM, must be attached hereto.**

## Part 2: Applicant Declaration

The terms “Award Rules”, “Associated Bidders”, “Applicant”, “Bidding Group”, “Connected Person”, “Confidential Information” and “Insider” for the purposes of this declaration shall be construed as defined in the Information Memorandum.

We, the undersigned, being Authorised Agents of [\_\_\_\_\_] (the “**Applicant**”) hereby undertake, warrant and declare, and to the extent that anything contemplated hereunder remains to be done, covenant, both on our own behalf and on behalf of the Applicant, having made all reasonable inquiries that:

1. The Applicant is entitled to submit the Application and participate in the Award Process, and the Applicant has obtained all necessary declarations of consent, permissions and approvals.
2. The Applicant has ensured and will ensure that all information and all declarations contained in the Application and appendices attached thereto are correct and accurate.
3. The Applicant has and will ensure that, until public announcement by ComReg on the outcome of the Award Process, the Applicant discloses Confidential Information only to the extent it is necessary and then, save as expressly permitted by the Information Memorandum, only to other parties within the Applicant's own Bidding Group or to persons who, prior to such disclosure, are Insiders in relation to the same Applicant and that the Applicant shall take all reasonable measures with a view to ensuring that the person who receives such Confidential Information treats it as confidential at all times until public announcement by ComReg on the outcome of the Award Process.
4. The Applicant has ensured and will ensure that the Applicant, the Applicant's employees, board of directors (where Applicant is a body corporate) and persons connected with the Applicant or Insiders refrain from disclosing Confidential Information to parties other than as specified in paragraph 3 above and from exchanging Confidential Information with other parties regarding the Applicant's strategy for obtaining and use of the Licence or Licences until public announcement by ComReg on the outcome of the Award Process.
5. Save as expressly permitted by the Information Memorandum, the Applicant will ensure that the Applicant and any Connected Persons and any Insiders - shall refrain from entering into agreements or negotiations with a view to entering into agreements with other Interested Parties or their Connected Persons in relation to matters concerning the Award Process, including without

prejudice to the generality of the foregoing agreements relating to spectrum, network or infrastructure sharing, from the time at which this Application is submitted to the date of the issue of the Licences.

6. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, any Connected Persons and any Insiders - neither prior to the submission of the Application, nor after the submission thereof and until the Licences have been issued, shall enter into agreements or establish any understanding with a provider of equipment or software which:
  - regulates such provider's possibility of supplying equipment or software to another Applicant or their Connected Persons concerning the planning, establishment or operation of a network using the frequencies dealt with in this Award Process, or
  - regulate the prices or other terms and conditions that a provider of equipment or software may offer another Applicant or their Connected Persons in connection with the planning, establishment or operation of a network using the frequencies dealt with in this Award Process.

The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in this paragraph 6, have been terminated, and to the best knowledge of the Applicant, any Connected Persons and any Insider have ensured that any such agreements or understandings have been terminated.

7. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, any Connected Persons and any Insider - does not enter into agreements or establish any understanding with a third party, either prior to or during the Award Process, for the access to or the use of the Applicant's network or networks using the frequencies dealt with in this Award Process, if the agreement or the understanding directs such third party not to participate or limits such third party's ability to participate in the Award Process.
8. The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in the above paragraph, have been terminated, including to the best knowledge of the Applicant, any Connected Persons and any Insider have ensured such agreements or understandings have been terminated.
9. The Applicant has ensured and will ensure that the Applicant – and, to the best knowledge of the Applicant, any Connected Persons and any Insiders – both prior to and after the submission of an Application and until the Licences have

been issued, refrains from any action that could have an adverse effect on the Award Process.

10. The Applicant shall comply with the Award Rules as contained in the Information Memorandum including, without limitation, the provisions of Chapter 4 at all times and shall procure that its personnel, Insiders and Connected Persons, to the extent appropriate, shall also comply with the Award Rules from the date of publication of the Information Memorandum until the commencement of the Licences.
11. The Applicant has ensured and will ensure that prior to the filing of its Application, the Applicant takes all reasonable measures with a view to identifying its Connected Persons and Associated Bidders.
12. The Applicant will ensure that, in accordance with Section 3.4 of the Information Memorandum, after submitting its Application all relevant changes to its ownership structures are notified to ComReg.
13. Save as disclosed in an appendix attached to this Declaration, the Applicant (i) is not, or, in case the Applicant is a partnership, a joint venture or equivalent, the relevant partners or participants are not, nor is expected to be subject to an insolvency process including, without prejudice to the generality of the foregoing, liquidation, examinership, receivership, bankruptcy, winding-up proceedings or equivalent proceedings in other jurisdictions and (ii) is capable of paying its debts as they fall due.
14. Save as disclosed in an appendix attached to this Declaration, the Applicant is not, or, in case the Applicant is a partnership, a joint venture or equivalent, the relevant partners or participants are not, nor is expected to be involved in any disputes which may in any material and adverse way affect the Applicant's possibility of complying with the terms of the Licence, if the Applicant is awarded such Licence.
15. The Applicant agrees that any disclosure made under paragraph 13 and/or paragraph 14 above must contain sufficiently clear and detailed information to allow ComReg to assess the Applicant's capacity to participate in the Award Process, to comply with the Award Rules and to comply with the terms of the Licence. The Applicant agrees that ComReg's decision further to any assessment in this respect shall be final and that ComReg reserves the right to, where necessary and proportionate, seek further information or clarification from an Applicant, to specify the level of detail required and the timescales within which it must be provided. The Applicant agrees that any failure to cooperate fully with this disclosure requirement may result in an Applicant's





### **Part 3: Lot Application Form**

The submission of this Lot Application Form as part of a complete Application represents a binding offer to pay the upfront and annual fees linked to each of the Lots specified herein in exchange for a Licence for those Lots. The Initial Bid Form, including Lots in all Lot categories, Reserve Prices and Associated Eligibility Points are presented in Table 2 below. Note that for an Initial Bid Form to be valid, it must:

- Adhere to the Award Rules on Competition Caps; and
- Be accompanied by a Deposit paid into ComReg’s bank account that shall at least correspond to the sum of the Reserve Prices of Lots requested by the Applicant by the deadline of **23:59 hours on 21 May 2018**.

All Deposits are to be paid into ComReg’s bank account. Transfers to ComReg’s account should be made to:

Bank of Ireland, 2 College Green, Dublin 2, Ireland.  
Account Number: 96614639  
Sort Code: 90-00-17  
BIC Code: BOFIE2D  
IBAN No: IE96 BOFI 9000 1796 6146 39

If making a bank transfer/EFT, please ensure that:

- Reference is “26 GHz Award”; and
- Your Bank quotes your Account Number (if an existing ComReg account holder) in making the transfer to ComReg.

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Information Required	Information Provided
<b>Applicant Name:</b>	
<b>Total amount of Deposit (largest value in Bid Amount column):</b>	

**Table 2: Applicant and total amount of Deposit**

Number of Lots in Bid	Sum of Reserve Prices of all Lots in Bid (EUR)	Bid Amount (numerical form, EUR)	Bid Amount (written form)
1	70,000		
2	140,000		
3	210,000		
4	280,000		
5	350,000		

**Table 3: Lot Application From**

For the avoidance of doubt, Applicants are requested to strike out any package for which they do not wish to submit a Bid.

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Applicant Name: \_\_\_\_\_

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

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## Application Checklist

Tick the boxes to ensure that all the required information is included in your Application. A complete Application must consist of the following:

Part 1: Administrative Information – All sections of Table 1 completed and signed

- Appropriate evidence for signatory of Application as specified in Section 3.4 of the Information Memorandum
- Ownership Structure Document as specified in Section 3.4

Part 2: Applicant Declaration signed

Part 3: Lot Application Form completed and signed

## Application Procedure

The Application procedure is set out in Section 3.100 of the Information Memorandum and states that:

In order to participate as a Bidder in the Award Process, an Applicant must submit four completed and identical Application Forms in paper format, including four identical copies of an Ownership Structure Document and electronic copies of same in an editable format on CD-ROM. The container(s) in which the Application Form and Ownership Structure Documents and CD-ROM are submitted must not in any way disclose the identity of the Applicant.

ComReg will only accept applications on Working Days from **15 May 2018 to 21 May 2018** between **09.00 and 17.30 hours (Irish time)** ((as described in Para 3.101 of the IM). Applicants are required to make an appointment with ComReg to submit an Application. To make an appointment to submit an Application, Applicants are required to contact **Mr Patrick Bolton** on Working Days between **11 May 2018 and 18 May 2018**, and between **10:00 to 13:00 and 14:00 to 16.00 hours (Irish time)** at:

**Phone: 00 353 (0)1 633 8596**

ComReg will be recording all phone calls made or received during the Auction in order to manage technical issues and risks arising and to ensure the integrity and administrative efficiency of the Award Process. These recordings, which shall be stored securely, shall be retained and used only for these purposes and shall be deleted once they are no longer required by ComReg for these purposes. In the event of a dispute arising ComReg may seek to rely on the contents of these recordings.

All Applications will be date and time stamped. Applicants will be given a receipt acknowledging the submission of their Application.

No Applications will be opened by ComReg until **after 17:30 hours (Irish time)** on Monday **21 May 2018**. Applications will be opened in the presence of an independent auditor.

The deadline for receipt of Deposits, as set out in Section 3.4.3, will be **23:59 hours (Irish time)** on the Application Date **21 May 2018**.