



Commission for  
**Communications Regulation**

# **Application Form**

## **Release of 1800 MHz spectrum rights of use**

### **Application Form**

**Reference:** ComReg 13/104A

**Version:** Final

**Date:** 6 December 2013

**An Coimisiún um Rialáil Cumarsáide**

**Commission for Communications Regulation**

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# Application Form

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 Bidder materials for the Award Process 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:  Fax:

<p>Bank details of Applicant (for the purpose of returning part or all of the Applicant's Deposit where applicable)</p>	<p>Name of Bank and address of relevant branch:</p>   <p>Account Number:</p> <p>Sort Code:</p> <p>BIC Code:</p> <p>IBAN No:</p>
<p>Name of Applicant's Authorised Agent 1** (Block capitals)</p>	<p>Name:</p>
<p>Position of Applicant's Authorised Agent 1</p>	<p>Position:</p>
<p>Telephone numbers, fax number and e-mail address of Applicants Authorised Agent 1</p>	<p>Telephone (fixed):</p> <p>Telephone (mobile):</p> <p>Fax:</p> <p>Email:</p>
<p>Specimen signature of Applicant's Authorised Agent 1 Witnessed By</p>	<p>Signature 1:</p>  <p>Name:</p> <p>Position:</p> <p>Signature:</p>
<p>Name of Applicant's Authorised Agent 2*** (Block capitals)</p>	<p>Name:</p>

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 authority to submit Bids in respect of any of Lots available in the Award Process and to commit to payment of the necessary amount if the Bidder is granted spectrum.

\*\*\* 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 paragraph 3.26 of the Information Memorandum, must be attached hereto.

## Part 2: Applicant Declaration

The concepts of “Associated Persons”, “Applicant”, “Bidding Group”, “Connected Person”, “Confidential Information”, “Insider”, “Legal Entity” and “Mobile Operator” for the purposes of this declaration shall be construed as defined in the Information Memorandum (Document 13/104).

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 the Applicant, discloses Confidential Information only to the extent it is necessary and then 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.
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 until the Licences have been issued and from exchanging Confidential information with other parties regarding the Applicant's strategy for obtaining and use of the Licence or Licences.
5. 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 1800 MHz 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 1800 MHz 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
  - regulates 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.

To the extent that agreements already entered into or understandings already established, as mentioned in this paragraph 6, have not been terminated, the Applicant has ensured that such agreements are in compliance with competition law and the existence thereof has been disclosed in an appendix to this Declaration.

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 during the term of the 1800 MHz Licences, 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 1800 MHz 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 Auction 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 Auction Rules from the date of publication of the Information Memorandum until the commencement of the 1800 MHz Licences awarded.
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 Persons.
12. The Applicant will ensure that, in accordance with subsection 3.3 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 is (i) 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) 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.





### Part 3: Lot/Package Application Form

The submission of this Lot Application Form as part of a complete Application represents a binding offer by an Applicant to make the payments of the Upfront Fee and SUFs determined to be payable in respect of any one of its Bids specified herein determined to be a Winning Bid by the Auction Rules.

The Lot Application Form, including all Packages of Lots and associated Reserve Prices is set out in Table 8 below.

Deposits are to be paid into ComReg’s bank account using the following details:

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 “1800 MHz Spectrum Award”
  - Your Bank quotes your Account Number (if an existing ComReg account holder) in making the transfer to ComReg.

<b>Applicant Name:</b>	
<b>Total amount of Deposit (largest value in column E):</b>	

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Package	Lots Included in Package	Package Reserve Price (€)	Amount Bid in excess of the Reserve Price (€)	Total (Column C + D) (€)
1	I			
2	J			
3	K			
4	I & J			
5	I & K			
6	J & K			
7	I, J & K			

**Table 2: Lot Application Form**

To avoid doubt, Applicants are requested to strike out any package for which they are not Bidding on.

Applicant Name:

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(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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Date (DD/MM/YYYY):

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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 18 completed and signed.

- Appropriate evidence for signatory of Application as specified in paragraph 3.26 of the Information Memorandum
- Ownership Structure Document as specified in paragraph 3.3 of the Information Memorandum

Part 2: Applicant Declaration signed

Part 3: Lot Application Form completed and signed

## Application Procedure

The application procedure is set out in subsection 3.3.5 of the Information Memorandum and states that

In order to take part in the Award Process, Applicants must submit, four completed and identical Application Forms on paper including four identical copies of an Ownership Structure Document on paper and an electronic copy 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 13 December 2013 between 10.00 and 16.00 hours (Irish time). 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 Dr. **Samuel Ritchie** between **10 December 2013 and 11 December 2013**, and between 10.00 to 13:00 and 14:00 to 16.00 hours (Irish time) at:

**Phone: 00 353 (0)1 804 9619**

All applications will be date and time stamped. Applicants will be given a receipt acknowledging the submission of its application.

No Applications will be opened by ComReg until after 16.00 hours (Irish time) on the closing date for receipt of applications. Applications will be opened in the presence of an independent auditor.

The deadline for receipt of Deposits, as set out in subsection 3.3.3 of the Information Memorandum will be 23:59 on the Application Date of **13 December 2013**.