



Commission for  
**Communications Regulation**

## Application Form

### **Application Form for an Extension to the duration of a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence**

<b>Document No:</b>	<b>13/09</b>
<b>Date:</b>	<b>23 January 2013</b>

**An Coimisiún um Rialáil Cumarsáide**

**Commission for Communications Regulation**

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## Notes for Applicants

1. In May 2011, the Commission for Communications Regulation ("ComReg") granted Interim GSM Mobile Telephony Licences ("Interim Licences") to each of Vodafone Ireland Limited (Vodafone) and Telefónica Ireland Limited (Telefónica) (individually, "Applicant"; together, "the Applicants"). These Interim Licences are for the provision of only GSM Mobile Telephony Services in the 900 MHz band and they were granted:
  - pursuant to the substantive decisions set out in ComReg Document 11/29 and ComReg Decision No. D03/11<sup>1</sup>; and
  - under the Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations 2011 (S.I. No 189 of 2011) (the "Regulations").
2. These Interim Licences commenced on 16 May 2011 and they are due to expire on 31 January 2013.
3. On 15 January 2013 ComReg published ComReg Document 13/05 and ComReg Decision No. D02/13<sup>2</sup>, which, amongst other things, set out its substantive decision to seek the consent of the Minister for Communications, Energy and Natural Resources ("the Minister") to its proposed amendment of the Regulations so as to make provision for the extension to the duration of the Interim Licences, and in particular, by means of a Primary Extension, an Additional Extension 1 and an Additional Extension 2, upon application being properly made to ComReg<sup>3</sup>, where:
  - a "**Primary Extension**" means an extension of the duration of an Interim Licence of up to 3 months' duration, commencing from 1 February 2013, granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13;
  - an "**Additional Extension 1**" means an extension of the duration of a Licence of up to 2 months' duration, commencing from 1 May 2013 (or from whatever is the day and date immediately following the date of the expiration of a Primary Extension granted by the Commission), granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13; and
  - an "**Additional Extension 2**" means an extension of the duration of a Licence of up to 2 months' duration, commencing from 1 July 2013 (or from whatever is the day and date immediately following the date of the

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<sup>1</sup> Document 11/29 and Decision D03/11, "*Interim Licences for the 900 MHz band*", Response to Consultation and Decision, 13 April 2011.

<sup>2</sup> Document 13/05 and Decision D02/13, "*Proposal to Extend the Duration of Existing Interim GSM 900 MHz Rights of Use*", Response to Consultation and Decision, 15 January 2013.

<sup>3</sup> Note that unless the context otherwise admits or requires, subsequent references in this document to "the Regulations" are references to the Regulations as so amended.

expiration of Additional Extension 1 granted by the Commission), granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13.

4. As on 23 January 2013 ComReg has sought, and is awaiting, the consent of the Minister to the making by it of regulations amending the Regulations so as to make provision for these extensions to the duration of the Interim Licences.
5. A draft of the proposed amending regulations was included in Annex 3 to ComReg Document 13/05.
6. This Application Form has been prepared and published by ComReg in anticipation of the Minister's consent in fact being obtained, and in light of the need for Applicants and ComReg, respectively, to submit and entertain applications for extensions to the duration of Interim Licences in a timely way.
7. For the avoidance of doubt, however, whilst applications may, respectively, be made and processed in accordance with the provisions of this form, the validity of those provisions and the ability of ComReg actually to determine any application made on foot hereof is wholly contingent on obtaining the Minister's consent to the regulations set out in Annex 3 to ComReg Document 13/05. The contents of this form should, accordingly, be read in light of the contents of this paragraph.
8. The Regulations detail the form and duration of, and the restrictions and conditions subject to which, Wireless Telegraphy (Interim GSM Mobile Telephony) Licences are granted by the Commission for Communications Regulation (ComReg).
9. This application form ("Application Form") sets out the information required from an Applicant to obtain a Primary Extension, an Additional Extension 1 or an Additional Extension 2, as the case may be, to its Wireless Telegraphy (Interim GSM Mobile Telephony) Licence.
10. To submit a valid application, an applicant **MUST**:
  - properly complete all sections of the Application Form, including:
    - provide both a soft copy<sup>4</sup> and a hard-copy list of the locations at which the applicant seeks to be authorised to keep and have possession of the 900 MHz GSM Mobile Telephony Service Apparatus;
    - provide details of the 900 MHz GSM Mobile Telephony Service Apparatus which the applicant seeks to be authorised to keep and have possession of, in a soft-copy<sup>5</sup> and hard-copy format;

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<sup>4</sup> Soft copy information should be in Microsoft excel format.

<sup>5</sup> Soft copy should be in Microsoft excel format only.

- include full payment for the applicable Wireless Telegraphy (Interim GSM Mobile Telephony) Licence fee with the completed Application Form (see Part 4 below); and
- sign the Declaration Form (Part 5).

11. The annual Wireless Telegraphy (Interim GSM Mobile Telephony) Licence fee will be €72,772 for each duplex channel of 200 kHz. Where an Interim Licence is granted or renewed for a part of a year, the fee in respect of the Licence shall be calculated on a *pro-rata* daily basis until its expiry. Full payment in respect of the requested duplex channels appropriate to the period of licence-extension applied for must be included with the completed Application Form<sup>6</sup>.

12. Applications for a **Primary Extension** must be received by ComReg **no later than 5.00p.m on Monday 28 January 2013**. Where the maximum number of 36 duplex channels of 200 kHz (i.e. 2 x 7.2 MHz of GSM 900 MHz spectrum) and the maximum duration of a Primary Extension (i.e. from 1 February 2013 to 30 April 2013) is applied for, the total fee payable is €638,798.60 (i.e. €72,772 x 36 channels x 89 days / 365 days).

13. Applications for an Additional Extension 1 and an Additional Extension 2 may be submitted in line with the provisions of ComReg Decision No. D02/13 and ComReg Document 13/05, and, in particular, Chapter 4 of that document. In particular, Applications for an Additional Extension must be accompanied by a detailed explanation, along with supporting documentation as appropriate, as to why the Applicant considers that the grant by ComReg to it of an Additional Extension for the period applied for would be objectively justified, non-discriminatory and proportionate.<sup>7</sup>

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<sup>6</sup> Note that ComReg retains discretion in relation to the particular duration of licence-extension it might grant (if any). Therefore, the particular period of extension applied for by an Applicant may not in fact be granted by ComReg. Notwithstanding this, Applicants must nevertheless include with their completed Application Forms the full amount payable in respect of the requested duplex channels appropriate to the period of licence-extension applied for by them. Where ComReg does not grant an extension for the duration, or the full duration, applied for by an Applicant, it will refund to the Applicant so much of the amount paid by the Applicant as is appropriate having regard to the extension-of-duration in fact decided upon by ComReg (if any). Equally, where the applicant wishes to surrender an Interim Licence granted under the Regulations early, ComReg will refund to the Applicant so much of the amount paid by the Applicant as is appropriate having regard to the extension-of-duration in fact utilised by the Applicant.

<sup>7</sup> Applicants must also clearly identify any material submitted considered by it to be confidential (including reasons for same in relation to each so considered) to enable ComReg to publish and invite views from interested parties on applications received by it in a timely manner.

14.Applications must be submitted to the following address:

The Commission for Communications Regulation  
Licensing Section (Ref: **Wireless Telegraphy (Interim GSM Mobile  
Telephony) Licence**)  
Abbey Court  
Irish Life Centre  
Lower Abbey Street  
Dublin 1  
Ireland

## Application Form

<b>Part 1: Applicant Details</b>	
<b>Full Name of the Applicant:</b>	
<b>Registered Number (if the Applicant is a company):</b>	
<b>Country of registration:</b>	
<b>Full Postal Address (address of registered office in the case of a company):</b>	
<b>Contact Name:</b>	
<b>Contact Phone Number:</b>	
<b>Contact E-mail:</b>	
<b>Contact Facsimile Number:</b>	
<b>Address to which Licence is to be sent:</b>	

<b>Part 2: Details of Application</b>	
<b>Extension Type Requested</b>	<p>Please tick appropriate Extension type (one only)</p> <p><input type="checkbox"/> Primary Extension (up to 3 calendar months)</p> <p><input type="checkbox"/> Additional Extension 1 (up to 2 calendar months)</p> <p><input type="checkbox"/> Additional Extension 2 (up to 2 calendar months)</p>
<b>Time Period of Extension Requested</b>	<p>Commencement Date: _____</p> <p>Expiry Date: _____</p>
<b>Details of the locations where the Applicant is seeking to keep and have possession of GSM Mobile Telephony Service Apparatus (per Schedule 1 of the Regulations as amended)</b>	<p><input type="checkbox"/> A list of locations is provided in soft copy<sup>8</sup> and hard-copy with this Application.</p>
<b>Details of the GSM Mobile Telephony Service Apparatus which the Applicant is seeking to keep and have possession of (per Schedule 2 of the Regulations as amended)</b>	<p><input type="checkbox"/> Details of the GSM Mobile Telephony Service Apparatus is provided in soft copy<sup>9</sup> and hard-copy with this Application.</p>

<sup>8</sup> Soft copy information should be in Microsoft excel format.

<sup>9</sup> Soft copy information should be in Microsoft excel format.

**Part 3: Frequency of operation of the Wireless Telegraphy (Interim GSM Mobile Telephony) Licence (per Schedule 1 of the Regulations as amended)**

**Table 1: Permitted range of frequencies for Telefónica only**

*Note: If less than 36 duplex 200 kHz channels are requested, applicants must ensure that the requested duplex channels are contiguous.*

Required Channel (please tick as appropriate)	Base Tx ( MHz )	Base Rx ( MHz )	Channel Number
	952.60	907.60	1
	952.80	907.80	2
	953.00	908.00	3
	953.20	908.20	4
	953.40	908.40	5
	953.60	908.60	6
	953.80	908.80	7
	954.00	909.00	8
	954.20	909.20	9
	954.40	909.40	10
	954.60	909.60	11
	954.80	909.80	12
	955.00	910.00	13
	955.20	910.20	14
	955.40	910.40	15
	955.60	910.60	16
	955.80	910.80	17
	956.00	911.00	18
	956.20	911.20	19
	956.40	911.40	20
	956.60	911.60	21
	956.80	911.80	22
	957.00	912.00	23
	957.20	912.20	24
	957.40	912.40	25
	957.60	912.60	26
	957.80	912.80	27
	958.00	913.00	28
	958.20	913.20	29
	958.40	913.40	30
	958.60	913.60	31
	958.80	913.80	32
	959.00	914.00	33
	959.20	914.20	34
	959.40	914.40	35
	959.60	914.60	36



**Part 3: Frequency of operation of the Wireless Telegraphy (Interim GSM Mobile Telephony) Licence (per Schedule 1 of the Regulations as amended)**

**Table 2: Permitted range of frequencies for Vodafone only**

*Note: If less than 11.5 duplex 200 kHz channels are requested, applicants must ensure that the requested duplex channels are contiguous.*

Required Channel (please tick as appropriate)	Base Tx ( MHz )	Base Rx ( MHz )	Channel Number
	950.00	905.00	75 (Note 1)
	950.20	905.20	76
	950.40	905.40	77
	950.60	905.60	78
	950.80	905.80	79
	951.00	906.00	80
	951.20	906.20	81
	951.40	906.40	82
	951.60	906.60	83
	951.80	906.80	84
	952.00	907.00	85
	952.20	907.20	86

Note 1: Channel Number 75 refers to half a duplex 200 KHz channel, as the other half of this channel falls within Lot 900/E of Vodafone's Liberalised Use Licence entitlements.

<p><b>Part 4: Wireless Telegraphy (Interim GSM Mobile Telephony) Licence Fee and Method of Payment</b></p>
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***Annual Wireless Telegraphy (Interim GSM Mobile Telephony) Licence Fee***

The annual Wireless Telegraphy (Interim GSM Mobile Telephony) Licence fee will be €72,772 for a duplex channel of 200 kHz. Where an Interim Licence is granted or renewed for a part of a year, the fee in respect of the Licence shall be calculated on a *pro-rata* daily basis until its expiry.

Full payment in respect of the number of requested duplex channels appropriate to the period of licence-extension applied for, must be included with the completed Application Form<sup>10</sup>.

***Method of Payment***

<b>Cheque / Bank Draft</b>	<p>Cheques / Bank Draft should be crossed and made payable to:</p> <p><i>The Commission for Communications Regulation</i></p>
<b>Bank Transfer / Electronic Funds Transfer (EFT)</b>	<p>Transfers to ComReg's account should be made to:</p> <p>Bank of Ireland, 6 Lower O'Connell Street, Dublin 1.  Account Number: 17806887  Sort Code: 90-00-33  BIC Code: BOFIIIE2D  IBAN No: IE62 BOFI 9000 3317 8068 87.</p> <p>If making a bank transfer/EFT, please ensure that:</p> <ul style="list-style-type: none"> <li>· your bank quotes <b>your Account Number</b> and "<b>Wireless Telegraphy (Interim GSM Mobile Telephony) Licence Application</b>" in making the transfer to ComReg; and</li> <li>· you forward details of the date of and amount of payment to our Accounts Department (<a href="mailto:accounts@comreg.ie">accounts@comreg.ie</a>).</li> </ul>

<sup>10</sup> Note that ComReg retains a discretion in relation to the particular duration of licence-extension it might grant (if any). Therefore, the particular period of extension sought by an Applicant may not in fact be granted by ComReg. Notwithstanding this, Applicants must nevertheless include with their completed Application Forms the full amount payable in respect of the requested duplex channels appropriate to the period of licence-extension applied for by them. Where ComReg does not grant an extension for the duration, or the full duration, applied for by an Applicant, it will refund to the Applicant so much of the amount paid by the Applicant as is appropriate having regard to the extension-of-duration in fact decided upon by ComReg (if any). Equally, where the applicant wishes to surrender an Interim Licence granted under the Regulations early, ComReg will refund to the Applicant so much of the amount paid by the Applicant as is appropriate having regard to the extension-of-duration in fact utilised by the Applicant.

**Part 5: Declaration Form****Declaration by Applicant****Application for an Extension to a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence**

I/we hereby certify that the information provided in this application is, to the best of my/our knowledge and belief, true, accurate and complete and not misleading, and I/we accept and understand that ComReg may by law require the provision of such information, and that the provision of incorrect, incomplete, inaccurate or misleading information, or mis-declarations in this Application Form, may cause this application not to comply with the requirements of the Regulations. In the event that this application does not comply with the Regulations, ComReg may, amongst other things, refuse to grant a licence.

In accordance with the Wireless Telegraphy Act of 1926, as amended, I/we accept responsibility for the installation and maintenance of the Wireless Telegraphy apparatus.

I/we accept that a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence granted does not confer any right of ownership or exclusive right of use of the frequency spectrum to which the Licence relates, and agree to abide by all conditions of the a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence and any direction made by ComReg from time to time.

I/we accept that ComReg makes no commitment to extend, renew or otherwise prolong the duration of a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence granted on foot of this application beyond 31 August 2013 or such shorter period as may be specified by ComReg, whether at all, or for any particular period or on any particular terms.

I/we accept and understand that ComReg may publish and/or make available information relating to Wireless Telegraphy (Interim GSM Mobile Telephony) Licences, and that certain information from, or relating to, this Application Form may be contained in such publications or disclosures.

I/we confirm that we will notify ComReg promptly of any change to the information set out at Part 1 above and I/we acknowledge that any change to the details set out at Part 2 above is subject to the prior approval of ComReg.

**For and on behalf of:**

\_\_\_\_\_  
**(Applicant)**

**Signature:**

\_\_\_\_\_  
**(Authorised Signatory)**

**Name in Capital Letters Only:**

\_\_\_\_\_

**Position:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_