



Commission for  
**Communications Regulation**

# **ComReg's Transition Project Plan for Time Slice 1 of the Multi-Band Spectrum Award (MBSA) process**

Information Notice

**Reference:** ComReg 13/19

**Date:** 25 February 2013

**An Coimisiún um Rialáil Cumarsáide  
Commission for Communications Regulation**

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## Additional Information

Document No: 13/19  
Date: 25 February 2013

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## Chapter 1

# 1 Introduction and Background

- 1.1 The purpose of this document is to set out the Commission for Communications Regulation's (ComReg) Transition Project Plan (TPP) for Time Slice 1<sup>1</sup> in respect of its Multi-Band Spectrum Award (MBSA) Process. This document does not consider transitional activities which may take place between Time Slice 1 and Time Slice 2<sup>2</sup>.
- 1.2 The TPP sets out the "Transition" activities required to be completed by the Existing GSM Licensees to alter their respective networks to operate using the new spectrum assignments determined by the MBSA process, and associated milestones and timeframes.

## 1.1 Background: The GSM and New MBSA frequency assignments

- 1.3 In the 900 MHz and 1800 MHz spectrum bands, there were three Existing GSM Licensees, namely Vodafone Ireland Ltd (Vodafone), Telefónica Ireland Ltd (Telefónica) and Meteor Mobile Communications Ltd (Meteor), which is part of eircom Group.
- 1.4 Prior to the MBSA process, each of these Existing GSM Licensees had a spectrum assignment of 2 x 7.2 MHz in the 900 MHz band and 2 x 14.4 MHz in the 1800 MHz band. The frequency assignments associated with their GSM Licences are set out in Table 1 below.

**Table 1: Frequency assignments of the Existing GSM Licensees**

	<b>900 MHz band</b>	<b>1800 MHz band</b>
<b>Vodafone</b>	900.1 – 907.3 MHz / 945.1 – 952.3 MHz	1736.3 - 1750.7 / 1831.3 - 1845.7 MHz
<b>Telefónica</b>	907.5 - 914.7 MHz / 952.5 - 959.7 MHz	1750.9 - 1765.3 MHz / 1845.9 - 1860.3 MHz
<b>Meteor</b>	892.7 - 899.9 MHz / 937.7 - 944.9 MHz	1765.5 - 1779.9 MHz / 1860.5 - 1874.9 MHz

<sup>1</sup> "Time Slice 1" is the period from 1 February 2013 until 12 July 2015.

<sup>2</sup> "Time Slice 2" is the period from 13 July 2015 until 12 July 2030.

- 1.5 In the MBSA process, liberalised spectrum rights of use in the 800 MHz, 900 MHz and 1800 MHz bands were secured by four Winning Bidders, being the three Existing GSM Licensees (i.e. Vodafone, Telefónica and Meteor) and Hutchison 3G Ireland Ltd (H3GI).
- 1.6 The results of the MBSA process, including the associated frequency assignments, were set out in ComReg Document 12/131<sup>3</sup>. Table 2 below summarises the MBSA frequency assignments for the 900 MHz and 1800 MHz bands in Time Slice 1.

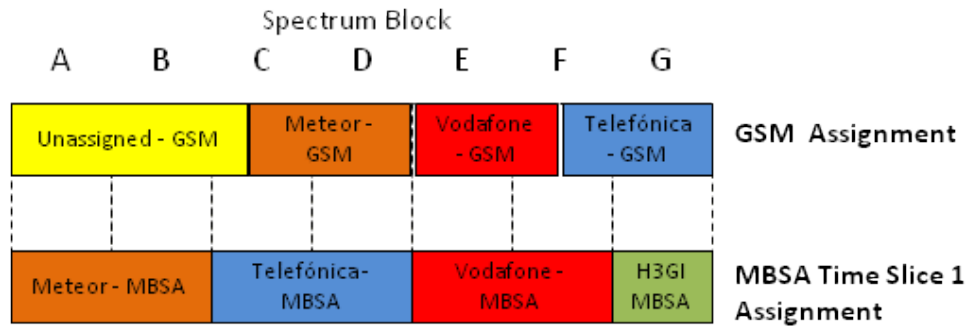
**Table 2: The MBSA frequency assignments in Time Slice 1**

Winning Bidder	900 MHz band	1800 MHz band
Vodafone	Blocks E and F (900 – 910 MHz / 945 – 955 MHz )	Blocks F, G and H (1735 - 1750 / 1830 - 1845 MHz)
Telefónica	Blocks C and D (890 - 900 MHz / 935 - 945 MHz)	Blocks A, B and C (1710 - 1725 MHz / 1805 - 1820 MHz)
Meteor	Blocks A and B (880 - 890 MHz / 925 - 935 MHz)	Blocks L, M, N and O (1765 – 1785 MHz / 1860 – 1880 MHz)
H3GI	Block G (910 – 915 MHz / 955 – 960 MHz )	Blocks D and E (1725 - 1735 MHz / 1820 - 1830 MHz)

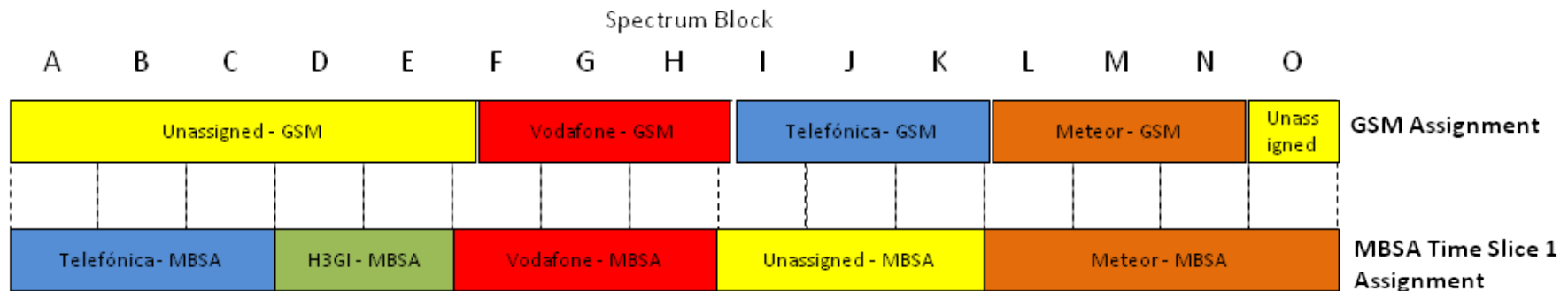
- 1.7 The new MBSA frequency assignments in the 900 MHz and 1800 MHz bands in Time Slice 1 differ from the GSM frequency assignments previously in place (see Figure 1 below) and therefore a Transition Phase is required by the Existing GSM Licensees to alter their networks to the new MBSA spectrum assignments. In particular, Transition activities are required by:
- Meteor in the 900 MHz band;
  - Telefónica in the 900 MHz and 1800 MHz bands; and
  - Vodafone in the 1800 MHz band.
- 1.8 The TPP sets out the Transition activities, associated milestones and timeframes, and other matters (including the potential for Liquidated Damages to be applied) during this Transition Phase.

<sup>3</sup> Document 12/131, “Frequency Arrangements and Results of the Multi-Band Spectrum Award Process”, Information Notice, Published 5 December 2012.  
<http://www.comreg.ie/fileupload/publications/ComReg12131.pdf>

### The 900 MHz band



### The 1800 MHz band



**Figure 1: The new MBSA frequency assignments in Time Slice 1 in the 900 MHz and 1800 MHz bands and the existing GSM frequency assignments.**



## Chapter 2

# 2 The Transition Project Plan

- 2.1 Having carefully considered all relevant Transition information available to it, and having considered its statutory functions, objectives and duties, ComReg has decided to adopt the Transition Project Plan (TPP) as set out in this document as the finalised TPP for Time Slice 1 of the Multi-Band Spectrum Award (MBSA) Process.
- 2.2 The relevant Transition information considered by ComReg includes:
- the complete MBSA results and information concerning the legacy frequency assignments of the Existing GSM Licensees;
  - the individual Transition proposals of the Winning Bidders received on 12 December 2012, as published in Document 13/06<sup>4</sup>;
  - the Red-M/Vilicom<sup>5</sup> report of 20 December 2012, which was published by ComReg in Document 13/06;
  - ComReg's draft Transition Project Plan ("Draft TPP") of 21 December 2012, which was published in Document 13/06;
  - the responses received from Winning Bidders to the Draft TPP, contained in Document 13/06 and Document 13/18;
  - the Red-M/Vilicom report of 20 February 2013, published by ComReg in Document 13/19a);
  - the analysis of the respondents' views on Transition, as set out in Annex 2 of this document; and
  - a letter from Vodafone dated 31 January 2013, confirming that Vodafone had completed its Transition activities
- 2.3 Interested parties are referred to Annex 2 of this document for background and supporting material relevant to the positions taken by ComReg in the TPP.

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<sup>4</sup> ComReg Document 13/06- GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg's written responses to same) relating to 'Transition' issues and Interim GSM 900 MHz licences dating from 18 September 2012 to 9 January 2013– published 15 January 2013.

<sup>5</sup> ComReg has contracted Red-M Wireless Limited and Vilicom Limited ('Red-M/Vilicom') to provide expert technical advice to ComReg on the Transition activities associated with the MBSA process.

## 2.1 Introduction

2.4 The Transition Project Plan sets out the “Transition” (in particular “Relocation”<sup>6</sup>) activities required to be completed by the Existing GSM Licensees to alter their respective networks to the new spectrum assignments in the 900 MHz and 1800 MHz bands in Time Slice 1 as determined by the MBSA process, and the associated milestones and timeframes.

## 2.2 The 900 MHz Transition activities

2.5 The TPP adopts the 900 MHz Transition activities and milestones proposed in the Red-M/Vilicom report of 20 February 2013 (Document 13/19a). This sets a 900 MHz band Transition-completion date of:

- **2 April 2013** for Meteor (“Meteor’s 900 MHz Transition-completion date”); and
- **Meteor’s 900 MHz Transition-completion date plus 4 weeks** for Telefónica (“Telefónica’s 900 MHz Transition-completion date”)<sup>7</sup>.

2.6 To complete the 900 MHz band Transition:

- Meteor is required on or before Meteor’s 900 MHz Transition-completion date to have relocated into Lots 900/A and 900/B and vacated Lots 900/C and 900/D so that Lots 900/C and 900/D can be made available to Telefónica to relocate into; and
- Telefónica is required on or before Telefónica’s 900 MHz Transition-completion date to have relocated into Lots 900/C and 900/D and vacated Lots 900/F and 900/G, so that:

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<sup>6</sup> Given the outcome of the MBSA process only Relocation activities (and no Retuning activities) are required in the 900 MHz and 1800 MHz bands:

“*Relocation*” refers to the situation where an Existing GSM Licensee obtains an equal amount or a greater amount of spectrum rights in the 900/1800 MHz band and has to relocate its network to this new spectrum location: source footnote 81 of Document 12/52; and

“*Retuning*” refers to the situation where an Existing GSM Licensee obtains less or no spectrum in the 900/1800 MHz band and has to retune its network to a point within this new spectrum bandwidth: source footnote 82 of Document 12/52.

<sup>7</sup> i.e. 30 April 2013 where Meteor completes its 900 MHz Transition on 2 April 2013.

- Lot 900/F can be made available to Vodafone for liberalised use; and
- Lot 900/G can be made available to H3GI for liberalised use.

2.7 ComReg notes that no 900 MHz Transition activities are required by Vodafone given the frequency assignment obtained by it in the MBSA process.

## 2.3 The 1800 MHz Transition activities

2.8 The TPP also adopts the 1800 MHz Transition activities and milestones proposed in the Red-M/Vilicom report of 20 February 2013 (Document 13/19a) for Time Slice 1. This sets a 1800 MHz band Transition-completion date of:

- **31 January 2013** for Vodafone (“Vodafone’s 1800 MHz Transition-completion date”); and
- **Telefónica’s 900 MHz Transition-completion date plus 3 weeks** for Telefónica (“Telefónica’s 1800 MHz Transition-completion date”)<sup>8</sup>.

2.9 To complete the 1800 MHz band Transition:

- Vodafone was required to have relocated into Lots 1800/F 1800/G and 1800/H and vacated Lot 1800/I on or before Vodafone’s 1800 MHz Transition-completion date so that Lot 1800/I is no longer encumbered by Vodafone;<sup>9</sup> and
- Telefónica is required to have relocated into Lots 1800/A 1800/B and 1800/C and vacated Lot 1800/I, 1800/J, 1800/K and 1800/L on or before Telefónica’s 1800 MHz Transition-completion date, so that
  - Lot 1800/L can be made available to Meteor for liberalised use;<sup>10</sup> and
  - Lots 1800/I, 1800/J, 1800/K are no longer encumbered by Telefónica.

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<sup>8</sup> i.e. 21 May 2013 where Telefónica completes its 900 MHz Transition on 30 April 2013.

<sup>9</sup> As Vodafone has confirmed that it has completed these activities, this is not considered further.

<sup>10</sup> The milestone date proposed in the Red-M/Vilicom report of 20 February 2013 for this activity is 26 March 2013

2.10 No 1800 MHz Transition activities are required by Meteor given the frequency assignment obtained by it in the MBSA process.

## 2.4 Grace period in respect of Liquidated Damages

2.11 In recognition of the fact that reasonably unforeseen events could lead to delays in the achievement of the Transition- completion dates identified above, ComReg has decided to provide a 'grace period' during which Liquidated Damages<sup>11</sup> will not be imposed where these Transition-completion dates are not achieved.

2.12 This grace period consists of:

- a **period of 3 weeks** which is to be applied from the above Transition-completion dates; and
- an **additional period of 8 days** which is contingent upon the Existing GSM Licensee providing evidence to ComReg's satisfaction that it has been reasonably required to conduct a "Roll-Back"<sup>12</sup> in relation to its Transition activity.

## 2.5 Reporting method

2.13 ComReg has adopted the reporting method set out in the Red-M/Vilicom report of 20 February 2013 (Document 13/19a) in conjunction with the TPP. In summary, this requires the Existing GSM Licensees to:

- provide a fortnightly progress report to ComReg and other Winning Bidders concerning their respective progress against the milestone dates in the TPP;
- clearly and promptly identify any risks of delays and mitigating actions that might be adopted;
- clearly and promptly identify whether there may be opportunities to accelerate the completion of their activities (for instance, where hardware delivery dates can be brought forward); and

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<sup>11</sup> As defined in Document 12/52.

<sup>12</sup> Prior to the Relocation of a network, the configuration of the operational network is archived in a known, good, state. In the event that the network does not function satisfactorily following the Relocation, the archived network state can be recovered, i.e. the network can be "rolled back" to the previous known good state.

- immediately notify ComReg and the other Winning Bidders when it has vacated spectrum and when it has completed its respective Transition activity.

## 2.6 Other issues

- 2.14 ComReg may take into account any reasonably unforeseen events that are not under the control of the party required to conduct Transition activities (“*force majeure*”) events. For the avoidance of doubt, ComReg does not regard delays in the equipment supply chain as being *force majeure* events given the time and opportunities which the Winning Bidders have had to date to source such equipment.
- 2.15 Where appropriate, in the context of ComReg’s statutory functions, objectives and duties, and objectively justified, ComReg will take such matters into account in respect of the Transition-completion dates identified above.

# Annex 1: Glossary

## A1.1 Definitions

- A 1.1 The definitions in this glossary shall apply to this Information Notice.
- A 1.2 Where a term in this glossary is defined by reference to a definition in a section or paragraph and an explanation of that term is provided in this glossary, the latter explanation is for convenience only and reference should be made to the appropriate part of the document for the definitive meaning of that term in its appropriate context.
- A 1.3 Any reference to any provision of any legislation shall include any modification re-enactment or extension thereof.
- A 1.4 The headings contained in this document are inserted for convenience of reference only and shall not in any way form part of or affect or be taken into account in the construction or interpretation of any provision of this document or the Annexes or Schedules hereto.
- A 1.5 Capitalised terms used in this document and not otherwise defined shall, unless the context otherwise requires or admits, bear the meaning ascribed to them in the Information Memorandum as amended.
- A 1.6 The singular shall include the plural and the plural shall include the singular.
- A 1.7 Terms defined in this document shall, unless the context otherwise requires or admits, have the meaning set out below and cognate terms shall be construed accordingly:

800MHz band	The frequency range 791 – 821 MHz paired with 832 – 862 MHz
900MHz band	The frequency range 880 – 915 MHz paired with 925 – 960 MHz
1800MHz band	The frequency range 1710 – 1785 MHz paired with 1805 – 1880 MHz
Document 12/52	Information Memorandum, “Multi-Band Spectrum Release”,

	published 25 May 2012
Document 13/06	GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg's written responses to same) relating to 'Transition' issues and Interim GSM 900 MHz licences dating from 18 September 2012 to 9 January 2013, published 15 January 2013.
Existing GSM Licence	A Licence relating to GSM-only rights of spectrum use in the 900MHz and/or 1800MHz bands in Time Slice 1.
Existing GSM Licensee	A holder of a Licence relating to GSM-only rights of spectrum use in the 900MHz and/or 1800MHz bands in Time Slice 1.
Existing Licence	A Licence currently held under a Wireless Telegraphy Regulation.
GSM 900 MHz Licence	A Licence issued under the Wireless Telegraphy (GSM Mobile Telephony Licence) (Amendment) Regulations 2003 (S.I. 339 of 2003) for GSM use in the 900 MHz band.
GSM 1800 MHz Licence	A Licence issued under the Wireless Telegraphy (GSM Mobile Telephony Licence) (Amendment) Regulations 2003 (S.I. 339 of 2003) for GSM use in the 1800 MHz band.
GSM Licence	A GSM900 MHz Licence or a GSM1800 MHz Licence or an Interim GSM900 MHz Licence as the case may be an Existing GSM Licensee shall be construed accordingly.
Information Memorandum / IM	Document 12/52 as amended.
Liberalised Use Licence (or a Liberalised Licence)	A Licence issued under Schedule 1 of SI 251 of 2012 which entitles the holder to use certain Specific Lots of spectrum in the Bands, subject to the terms and conditions set out therein.
Lot / Block	A 2 × 5 MHz block of spectrum in a specified band (the 800MHz, 900MHz or 1800MHz band).

Multi-Band Spectrum Award (MBSA) Process	The process to award spectrum in the 800 MHz, 900 MHz and 1800 MHz bands in accordance with the substantive decisions set out in Document 12/25 and the processes and procedures set out in the Information Memorandum (Document 12/52) as amended.
Relocation	The activities required of an Existing GSM 900 MHz Licensees to relocate to a different spectrum assignment within the 900 MHz band compared to its existing spectrum assignment.
Retuning	An Existing GSM Licensee reducing its existing spectrum assignments to a smaller assignment as a result of the MBSA Process.
Time Slice	A time period for which licences are being allocated within the MBSA Process. There are two distinct Time Slices for which Lots in all bands (800 MHz, 900 MHz, 1800 MHz) are being allocated, and each Licence shall be in respect of one Time Slice: <ul style="list-style-type: none"> <li>• 1 February 2013 – 12 July 2015; and</li> <li>• 13 July 2015 – 12 July 2030.</li> </ul>
Time Slice 1	A time period from 1 February 2013 to 12 July 2015 (as may be amended by ComReg).
Time Slice 2	A time period from 13 July 2015 – 12 July 2030 (as may be amended by ComReg).
Transition	Relocating or Retuning of existing spectrum assignments
Transition Phase	The phase required to facilitate the network adjustments required by the Existing GSM Licensees (and potentially Winning Bidders in Time Slice 1 in advance of the commencement date of Time Slice 2) to retune or relocate parts of their networks to the new spectrum assignments determined by the MBSA process (the “Transition Phase”).
Transition Project Plan (TPP)	The plan which sets out the Transition activities, milestones and timeframes for completing the Transition Phase associated with the MBSA process.



Transition Rules	Rules regarding transition, as set out in section 3.8 of the IM
Winning Bidder	A Bidder which won at least one Lot in the MBSA Process.

## A1.2 European and Governmental Bodies, Regulatory and Standardisation Organisations

ComReg	Commission for Communications Regulation
EC	European Commission
EU	European Union

## A1.3 Primary and Secondary Legislation

SI	Statutory Instrument
2002 Act	The Communications Regulation Act 2002 (No. 20 of 2002), as amended <sup>13</sup>
Act of 1926	The Wireless Telegraphy Act 1926 (No. 45 of 1926) as amended
Authorisation Regulations	European Communities (Electronic Communication Networks and Services) (Authorisation) Regulations 2011 ( <a href="#">S.I. No 335 of 2011</a> )
EC Decision 2009/766/EC	European Commission Decision on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community

<sup>13</sup> Includes the Communications Regulation (Amendment) Act 2007 and the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010.

EC Decision 2010/267/EU	European Commission Decision on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union
EC Decision 2011/251/EU	European Commission Decision, amending Decision 2009/766/EC, on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community
Framework Directive	Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services, as amended
Framework Regulations	European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 ( <a href="#">S.I. No 333 of 2011</a> )
The Minister	Minister for Communications, Energy and Natural Resources
Specific Regulations	Specific Regulations has the same meaning as set out in Regulation 2 of Framework Regulations 2011 (S.I. No. 333 of 2011)

## A1.4 Glossary of Technical Terms

3G	Third Generation Mobile System (e.g. UMTS)
2G	Second generation mobile services (e.g. GSM)
AFP	Automatic Frequency Plan
eircom/Meteor	eircom Group or Meteor Mobile Communications or Meteor

GSM	Global System for Mobile Communications
Hertz or Hz	Unit of Frequency
H3GI	Hutchison 3G Ireland
kHz	Kilo Hertz (1,000 Hertz)
LTE	Long Term Evolution of 3G
MHz	Megahertz (1,000,000 Hertz)
MNO	Mobile Network Operator
Mosaic	Meteor and Telefónica rely on a shared resource called 'Mosaic' for the operation and maintenance of their respective radio access networks.
RF Cavity Combiner or Cavity Combiner	<p>A piece of apparatus as a whole which combines the RF output of two or more RF cavity filters on two or more different frequencies into one RF output signal for transmission in a shared antenna system.</p> <p>This allows the integration of many such devices at a typical base transceiver station (BTS) into a single device to facilitate antenna sharing and reducing losses due to coupling of outputs.</p>
Telefónica	Telefónica Ireland Ltd
UMTS	Universal Mobile Telecommunications System.
Vodafone	Vodafone Ireland Limited

## Annex 2: Analysis of respondents' views on Transition

A 2.1 The Transition Phase of the MBSA process is the phase required by the Existing GSM Licensees (and potentially Winning Bidders<sup>14</sup> in Time Slice 1 in advance of the commencement date of Time Slice 2) to alter their respective networks to the new spectrum assignments determined by the MBSA process. In summary this phase consists of three parts, namely:

- the submission of a **Transition Project Proposal** by the Existing GSM Licensees. For Transition in Time Slice 1, the deadline date for the submission of any such proposal was 12 December 2012. As discussed further below, no collectively formulated and agreed Transition Project Proposal was submitted by the deadline;
- the finalisation of the **Transition Project Plan (TPP)** by ComReg. As discussed further below, ComReg issued a Draft TPP for Transition in Time Slice 1 on 21 December 2012; and
- the **implementation of the Transition activities** by the Existing GSM Licensees in accordance with the TPP.

### A2.1 The Transition Project Proposals of the Winning Bidders

A 2.2 On 12 December 2012, the four Winning Bidders separately wrote to ComReg regarding Transition. From these letters, it is apparent that the Winning Bidders had two meetings (on 10 December 2012 and 11 December (the second meeting by conference call)) to discuss the formulation of a Transition Project Proposal.

A 2.3 Agreement on a Transition Project Proposal was not reached by all Winning Bidders. Consequently, no collectively formulated and

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<sup>14</sup> The Winning Bidders in the MBSA process were:

- Vodafone Ireland Ltd (Vodafone);
- Telefónica Ireland Ltd (Telefónica);
- Meteor Mobile Communications Ltd (Meteor) which is part of eircom Group; and
- Hutchison 3G Ireland Ltd (H3GI).

agreed Transition Project Proposal was submitted to ComReg. However:

- two Winning Bidders (Telefónica and Meteor) separately submitted an individual Transition Project Proposal; and
- the remaining two Winning Bidders (Vodafone and H3GI) separately submitted comments on the Transition Project Proposals being submitted by Telefónica and Meteor.

A 2.4 Meteor proposed a completion date of 16 June 2013 for its Transition activities in the 900 MHz band, noting that its *“aggressive ambition”* was to have these Transition activities completed by 16 April 2013.

A 2.5 Telefónica’s individual proposal for its Transition activities in the 900 MHz and 1800 MHz bands included a ‘Project Date’ and a ‘Deadline Date’ for these Transition activities. In that regard, the Project Date referred to the date that Telefónica would work towards having the project completed, and the Deadline Date was a later date that provided for contingencies arising during the course of its implementation of these Transition Activities.

A 2.6 In relation to the 900 MHz band, Telefónica noted that the completion of its 900 MHz Transition activities is dependent upon Meteor vacating Lots C and D. Based on Telefónica’s understanding that Meteor expected to vacate Lots C and D by 16 April 2013, Telefónica proposed:

- a Project Date of confirmed spectrum availability from Meteor + 3 Weeks (i.e. 7 May 2013); and
- a Deadline Date of confirmed spectrum availability from Meteor + 6 Weeks (i.e. 28 May 2013).

A 2.7 In relation to the 1800 MHz band, Telefónica noted that it currently occupies three 2 x 200 kHz carriers within Lot L and proposed to relocate these carriers to a position within Lots A, B or C on 26 March 2013. Telefónica proposed to implement its main 1800 MHz Transition immediately after the successful completion of its 900 MHz Transition, and proposed:

- a Project Date of Telefónica 900 MHz Transition complete + 3 weeks (i.e. 28 May 2013); and
- a Deadline Date of Telefónica 900 MHz Transition complete + 6 weeks (i.e. 18 June 2013).

- A 2.8 Vodafone did not submit an individual Transition Project Proposal on its Transition activities, but instead provided comments on the proposals from Telefónica and Meteor and, in that regard, stated that it had *“no objections to the dates proposed by Meteor and O2 for their required spectrum moves.”*
- A 2.9 H3GI commented on the individual proposals of Telefónica and Meteor and stated, amongst other things, that *“...as ComReg is aware, H3GI believes that the 900 MHz Transition activities can be completed by 1 February 2013. Without prejudice to this position, H3GI is willing to accept a transition project plan with a deadline for 900 MHz transitional activities of 16 April 2013 and three weeks ie 7 May 2013 (the “May Deadline”).”*
- A 2.10 H3GI additionally stated that:

- *“it is not willing to accept a transition project plan with a deadline for 900 MHz transitional activities of 16 June 2013 and six weeks ie 28 July 2013 (the “July Deadline”). The May Deadline is more than generous and consistent with ComReg's position as stated in the Interim GSM 900 MHz Rights of Use Consultation ie the end of April 2013. Meteor and O2 have both stated that they can complete 900 MHz Transition activities by the May Deadline. The July Deadline is disproportionate and will result in, amongst other matters, an unacceptable delay to the provision of advanced services to consumers.”*

## **A2.2 ComReg’s Draft Transition Project Plan**

### **A 2.2.1 Red-M/Vilicom’s report of 20 December 2012**

- A 2.11 In accordance with the Document 12/52, and noting that no collectively formulated and agreed Transition Project Proposal was submitted by the Winning Bidders, ComReg requested Red-M Wireless Limited and Vilicom Limited (‘Red-M/Vilicom’)<sup>15</sup> to review all relevant Transition material and, on the basis of that review, to recommend a TPP to ComReg that would take into account. The following materials and considerations were included in the Red-M/Vilicom review:

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<sup>15</sup> ComReg has contracted Red-M Wireless Limited and Vilicom Limited (‘Red-M/Vilicom’) to provide expert technical advice to ComReg on the Transition activities associated with the MBSA process.

- the submissions of the Winning Bidders of 12 December 2012;
- other relevant responses (including the responses to Document 12/127) and materials; and
- the desirability of enabling all Winning Bidders to deploy advanced services as early as reasonably practicable.

A 2.12 Having considered this material, Red-M/Vilicom set out its analysis and recommendations to ComReg in its report of 20 December 2012.

A 2.13 In relation to the 900 MHz band, Red-M/Vilicom recommended a two-week reduction in the timescales for Transition activities identified in the individual proposals, and noted that the proposed reduction could be obtained by way of a number of minor modifications to the individual proposals. Amongst other things, Red-M/Vilicom noted that:

- for the “Shared Site Works”<sup>16</sup> activity of Meteor and Telefónica, different completion dates were quoted by Meteor (22 March) and Telefónica (15 March). As Meteor and Telefónica’s activities should be capable of completion at the same time, one week was removed from the timeframes provided by Meteor;
- for the “Meteor Repeaters”<sup>17</sup> activity, two weeks were removed as Red-M/Vilicom considered that Meteor appeared to have significantly fewer repeaters than Telefónica and, given a similar level of effort, it should be possible to complete this activity quicker than Telefónica; and
- further reductions appeared to be possible should:
  - equipment manufacturers deliver the relevant replacement equipment at an earlier date;

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<sup>16</sup> These are the sites shared by Meteor and Telefónica that require hardware changes as a result of the relocation activity.

<sup>17</sup> Repeaters provide additional coverage in ‘hard to reach’ areas. Repeaters are tuned to the frequencies of the specific MNO whose coverage they are extending. Some categories of repeater need to be replaced or retuned manually when the respective MNO frequencies change.

- Meteor implement steps 2 and 3 of its 3-stage 'lift and shift' process<sup>18</sup> for the combiner equipment after the Transition project have been completed; and
- alternative solutions to the cavity combiner activity<sup>19</sup> (for example logical site sharing) result in this task being completed earlier.

A 2.14 In relation to the 1800 MHz band, Red-M/Vilicom recommended that Telefónica relocate in the 1800 MHz band immediately after the 1800 MHz Automatic Frequency Plan<sup>20</sup> (AFP) process is prepared. It stated that it did not see any reason why Telefónica would not relocate at this time, while waiting for Meteor to complete its 900 MHz Relocation activity.

A 2.15 Overall, Red-M/Vilicom recommended a TPP that:

- requires that the Transition activities in the 900 MHz band be completed by the end of week 17 (i.e. 26 April 2013);
- requires that the Transition activities in the 1800 MHz band be completed by end of week 14 (i.e. 5 April 2013); and
- incorporates a fortnightly reporting period.

A 2.16 In arriving at these recommendations, Red-M/Vilicom stated: “we consider that the Recommended Transition Plan is both viable and achievable within the proposed timescales while avoiding any undue delay in the availability of liberalised spectrum. We therefore recommend that ComReg adopt this Recommended Transition Plan as its finalised Transition Project Plan for both the 900MHz and 1800MHz bands.”

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<sup>18</sup> The 3 stages identified in the Red-M/Vilicom report are:

1. Replacing the existing cavity combiners with hybrids;
2. Retuning the cavities offsite (or purchasing new ones); and
3. Replacing the hybrid combiner with the new retuned cavity combiner.

<sup>19</sup> The activity refers to the hardware changes that are required at the shared sites of Meteor and Telefónica.

<sup>20</sup> AFP refers to a computer generated list of new frequencies for the network. The plan must include neighbour relations and take into account coordination activities with other operators, for example on the border with Northern Ireland.



## A 2.2.2 The Draft TPP

- A 2.17 On the basis of the final spectrum assignments determined by the MBSA process (see Document 12/131), and following careful consideration of the Transition information provided by the Winning Bidders and the analysis and recommendations set out by Red-M Wireless Limited and Vilicom Limited ('Red-M/Vilicom') in its report of 20 December 2012, ComReg's Draft TPP adopted the recommendations in the Red-M/Vilicom report.
- A 2.18 ComReg wrote to the Winning Bidders on 21 December 2012 with regard to its Draft TPP and the immediate next steps to finalise this plan.<sup>21</sup> As stated in that letter, ComReg formed the view that the timeframes identified in the Draft TPP was achievable by all relevant parties without imposing overly onerous obligations on the Winning Bidders, and that it would therefore be a proportionate measure.
- A 2.19 In summary, the Draft TPP identified the following **Transition-completion dates** for the 900 MHz and 1800 MHz bands.

**Table 3: Draft TPP Transition-completion dates**

<b>Existing GSM Licensee</b>	<b>900 MHz Transition-completion dates</b>	<b>1800 MHz Transition-completion dates</b>
Vodafone	No Transition necessary	31 January 2013
Meteor	5 April 2013	No Transition necessary
Telefónica	Meteor's 900 MHz Transition-completion date + 3 Weeks (i.e. 26 April 2013)	5 April 2013

- A 2.20 In addition, as ComReg recognised that reasonably unforeseen events could lead to delays in the achievement of these Transition-completion dates, the Draft TPP included a two-week "**grace**

<sup>21</sup> See items 14, 32, 42 and 51 in ComReg Document 13/06, "GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg's written responses to same) relating to 'Transition' issues and Interim GSM 900 MHz licences dating from 18 September 2012 to 9 January 2013", Information Notice, published 15 January 2013.

**period”** whereby Liquidated Damages would not be considered by ComReg to be triggered where these Transition-completion dates were not achieved.

A 2.21 Finally, the Draft TPP included a **reporting mechanism** where the Existing GSM Licensees would provide updates to ComReg and other Winning Bidders, on a fortnightly basis, concerning their respective progress against the milestone dates and the identification of any risks and mitigating actions.

A 2.22 ComReg sought the views of Winning Bidders on its Draft TPP.

### **A2.3 Responses received to the Draft TPP**

A 2.23 ComReg received responses from all four Winning Bidders on the Draft TPP, non-confidential versions of which have been published by ComReg in Document 13/06<sup>22</sup> and Document 13/18.

A 2.24 Generally speaking, two respondents (Meteor and Telefónica) did not support specific aspects of the Draft TPP, whereas the remaining two respondents (H3GI and Vodafone) welcomed or did not raise objections to it. The specific comments of the respondents are set out below.

#### **A 2.3.1 Respondents' views - 900 MHz Transition activities**

A 2.25 Three Winning Bidders (Meteor, Telefónica, and H3GI) provided comments on 900 MHz Transition activities identified in the Draft TPP.

A 2.26 Firstly, Meteor did not support the timelines in the Draft TPP and believed that these timelines would “*put Meteor in the invidious position of compromising its technical implementation to its detriment and to the detriment of its customers and / or facing the risk of substantial financial penalties which could be in the order of €40k per day's delay beyond a stipulated date.*”

A 2.27 Meteor submitted that the Draft TPP “*reached erroneous conclusions*” and it provided specific information on a number of the 900 MHz Transition activities as outlined below:

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<sup>22</sup> ComReg Document 13/06- GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg's written responses to same) relating to 'Transition' issues and Interim GSM 900 MHz licences dating from 18 September 2012 to 9 January 2013– published 15 January 2013.

- Equipment Lead time: Meteor noted that “*the main equipment required for this project is Radio Base Station cards and hybrid combiners*” and provided the following information on the delivery dates for this equipment:
  - in its meeting with ComReg on 15 January 2013, Meteor confirmed that ‘Mosaic’<sup>23</sup> already had access to sufficient stocks of the hybrid combiner equipment;
  - in its e-mail to ComReg of 22 January, Meteor confirmed that the expected delivery dates for the Radio Base Station cards had been pulled back to 28 February 2013<sup>24</sup>;
- Meteor and Telefónica shared sites: Meteor stated that Mosaic had provided two completion dates in relation to this work, namely 15 March and 22 March. Meteor stated that the 22 March date was a date that Mosaic “*felt reasonably confident of achieving*”, whereas the 15 March date was a date which Mosaic did not have “*any confidence of achieving*”. Given this, Meteor stated that it is “*not possible to achieve completion by 15 March*”. In its e-mail of 22 January, Meteor stated 23 March 2013 as the completion date of work for this activity;
- Meteor Repeaters: Meteor stated that the replacement/retune of repeaters were not “*on the critical path for this project and therefore any reduction in time is irrelevant to the overall timeline*”. It added that “*the repeater retune must take place immediately prior to the network retune*”;
- Network Relocation: in its e-mail of 22 January, Meteor confirmed its plans to carry out the network “*retune*” on 29 March;
- Decision on Rollback<sup>25</sup>: In its meeting with ComReg on 15 January, Meteor stated that it would have verified whether the

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<sup>23</sup> eircom Group explained that both “*Meteor and Telefónica rely on a shared resource for the operation and maintenance of their respective radio access networks*” and that this resource is referred to as ‘Mosaic’.

<sup>24</sup> In its meeting on 15 January 2013, Meteor advised ComReg that the expected delivery date was 8 March 2013 and not 28 February 2013 as previously advised by Meteor as per its letter of 9 January 2013.

<sup>25</sup> Prior to the Relocation of a network, the configuration of the operational network is archived in a known, good, state. In the event that the network does not function satisfactorily following the Relocation, the archived network state can be recovered, i.e. the network can be “rolled back” to the previous known good state.

relocated network was operating correctly within two to three days of its network “retune” (i.e. by 2 April 2013 where its “retune” was on 29 March). If the network was operating correctly and no ‘Rollback’ was required, Meteor acknowledged that Lots 900/C and 900/D would be available for Telefónica to relocate into from then;

- Project Completion date: following the network “retune”, Meteor stated that a period of time was required for the “*optimisation and resolution of performance issues and a stabilisation period*” thereby making 16 April as its 900 MHz Transition-completion date.

A 2.28 Meteor also commented on areas where Red-M/Vilicom suggested that accelerations to the timetable provided by Meteor might be possible. In summary, Meteor was of the view that these suggestions had already been considered by it, and:

- in relation to ‘lift and shift’ process for the combiner equipment Meteor stated that this advice “*is already reflected in the timescales put forward by Meteor.*”; and
- in relation to alternative solutions to the cavity combiner activity, Meteor noted that its proposal had already considered this advice and that its “*proposed plan includes logical sharing on 19 of the 77 sites*”.

A 2.29 Telefónica noted that its 900 MHz Transition activities are contingent on Meteor having first completed its 900 MHz Transition activities, and stated that it could agree to the Draft TPP proposal that Telefónica complete its 900 MHz Transition activities by 26 April 2013 (being 3 weeks after the completion of Meteor’s 900 MHz transition activities).

A 2.30 Subsequent to the publication of Document 13/06, H3GI commented on the responses of Meteor and Telefónica as outlined above and encouraged ComReg to abide by the Draft TPP. In relation to 900 MHz Transition activities, H3GI stated that “*both O2 and Meteor have had a number of years to plan for transition. It is not a sudden workload for the staff responsible. In particular, O2 and Meteor should not be excused for mistakes or poor implementation.*”

### **A 2.3.2 Respondents' views - 1800 MHz Transition activities**

- A 2.31 All four Winning Bidders (Meteor, Telefónica, Vodafone and H3GI) provided comments on the 1800 MHz Transition activities set out in the Draft TPP.
- A 2.32 Vodafone stated it had no objections to the Draft TPP in this regard and, on 31 January 2013, notified ComReg that it had completed its 1800 MHz Transition activities.
- A 2.33 Telefónica did not support the Draft TPP in the context of 1800 MHz Transition and believed that it would be unwise and risky to undertake Telefónica's 1800 MHz Transition activities at the same time as Meteor's 900 MHz Transition activities. It additionally stated that this would likely increase the overall cost to Telefónica.
- A 2.34 Noting that Lots 1800/I, 1800/J and 1800/K are unassigned, Telefónica reiterated its proposal of 12 December 2012, where its 1800 MHz Transition activities would be carried out in two stages such that:
- its Transition activities in Lot 1800/L be completed by 26 March 2013; and
  - its main 1800 MHz Transition activities be completed 3 weeks after its 900 MHz Transition-completion date.
- A 2.35 Meteor did not support the Draft TPP in the context of 1800 MHz Transition as it believed that the recommendation that Telefónica's 1800 MHz Transition activities be carried out at the same time as Meteor's 900 MHz Transition activities *"creates unnecessary exposure for Meteor in respect of successfully implementing its 900MHz transition in an effective and timely manner"*.
- A 2.36 Meteor instead supported the two-stage 1800 MHz Transition proposal put forward by Telefónica and stated that *"a more pragmatic approach would be for Telefonica to migrate from the few channels it occupies in Block 1800/L during March, allowing Meteor full access to its 1800MHz blocks. Telefonica can then complete its 1800MHz transition in an orderly manner after the 900MHz transition is fully complete."*
- A 2.37 H3GI reiterated its request for its Liberalised Use Licence, once granted, to be amended (by substituting Blocks 1800/I and 1800/J, or 1800/J and 1800/K for Blocks 1800/D and 1800/E in Time Slice 1)

and stated that *“ComReg should promote timely transition in the 1800 MHz band”*.

A 2.38 In addition, H3GI commented on the responses of Meteor and Telefónica as follows:

- *“from a ‘National Strategic Perspective’, H3GI does not believe that there is a risk for consumer services. H3GI believes that O2 and Meteor are using this as a ‘smokescreen’ to delay transitional activities and avoid cost.”*; and
- *“whilst O2 and Meteor have common resources in the form of Mosaic, H3GI submits that both O2 and Meteor have adequate resources for the purposes of ComReg’s transition plan proposal and can source additional resources, if desired.”*

### **A 2.3.3 Respondents’ views - Liquidated Damages**

A 2.39 Three Winning Bidders (Meteor, Telefónica and Vodafone) provided comments on the Liquidated Damages aspect of the Draft TPP and the times proposed by ComReg for same to come into effect.

A 2.40 Meteor stated that it could not accept the proposed date of 19 April as the binding date from which Liquidated Damages would come into effect in relation to its transition activities. It stated that its *“aggressive target date of 16<sup>th</sup> April 2013 does not contain any buffer or contingency timescale”* and noted that its transition project is fully reliant on its third party suppliers to deliver on time. In that context, Meteor stated that ComReg should establish *“a reasonable period of time to allow for contingency for unforeseen events”*, and:

- proposed that *“the completion date including the grace period (i.e. the date from which liquidated damages would accrue) should at the very least be 16<sup>th</sup> May 2013”*; and
- requested that ComReg acknowledge that Liquidated Damages *“will not arise in the event of force majeure”*.

A 2.41 Telefónica believed that the proposed grace period of 2 weeks was insufficient and noted that it had originally proposed a 3 week period in its proposal of 12 December 2012. Telefónica stated that it was willing to work with the proposed 900 MHz Transition dates with caution, and stated that *“if the attempted transition fails for whatever reason, then a roll-back will be necessary. In this event, two weeks will likely be insufficient to re-design and re-implement the change.”*

A 2.42 Telefónica noted ComReg's comments in its letter of 21 December 2012, and stated that Telefónica "*continues to reserve its position on this matter*" (i.e. Liquidated Damages).

A 2.43 Vodafone commented on the calculation of Liquidated Damages and stated its belief that the Liquidated Damages for which Vodafone could potentially be liable for would be valued at €0. Vodafone explained that the basis for this view was that "*because no licensee is to be assigned the 1800 MHz spectrum we are required to vacate under the Transition Project Plan until July 2015, no loss would be incurred to any other Licensee from delay beyond the timelines set out in the Plan. Nor would ComReg incur any loss in terms of spectrum licence fee payments being reduced or deferred.*"

#### **A 2.3.4 Respondents' views - The Reporting Mechanism**

A 2.44 One Winning Bidder, H3GI, commented on the proposed reporting mechanism and stated that "*ComReg should adopt all of the reporting mechanisms recommended by Red-M and Vilicom in section 1.2.3 of their joint report dated 20 December*".

### **A 2.4 ComReg's position on the responses received**

A 2.45 Before setting out ComReg's position on the specific details of the Draft TPP, ComReg believes that it is important to first discuss a number of general matters that provide context to ComReg's position.

A 2.46 From correspondence with the Winning Bidders, ComReg notes that the completion of Transition activities as early as reasonably practicable appears to be a common goal among all the Winning Bidders and the activities of the Existing GSM Licensees would appear to suggest that they are working towards the achievement of that goal. Amongst other things, ComReg notes that:

- the Existing GSM Licensees would have an incentive to carry out their respective Transition activities in a timely manner, insofar as their respective access to liberalised use spectrum rights in these bands is dependent upon the prior completion of their Transition activities;
- one Existing GSM Licensee, Vodafone, has already completed its required Transition activities; and



- the remaining two Existing GSM Licensees, Meteor and Telefónica, appear to be working towards the completion of their respective Transition activities in a timely fashion and, in that regard, ComReg notes, for example, Meteor's e-mail of 22 January (published in Document 13/18) where it appears that Mosaic has brought forward the delivery date of equipment (from 8 March 2013 to 28 February 2013) through discussions with the equipment manufacturer.

A 2.47 To the extent that Meteor and/or Telefónica may have incentives to delay the timely completion of their Transition Activities, ComReg believes that the appropriate means of addressing any such incentives would be via (i) the setting of reasonable and objectively justified Transition-completion dates in the TPP, (ii) the inclusion of a robust reporting mechanism which will allow ComReg and all Winning Bidders to monitor progress, and (iii) the appropriate imposition, if necessary, of Liquidated Damages.

A 2.48 In relation to the setting of reasonable and objectively justified Transition-completion dates for the TPP, ComReg recognises that there is a significant degree of information asymmetry in favour of the Existing GSM Licensees. ComReg has sought to appropriately overcome this information asymmetry by, amongst other things:

- the engagement of independent industry experts (Red-M/Vilicom);
- requesting documentary evidence of claims where appropriate (including use of formal information gathering powers under section 13D of the 2002 Act); and
- seeking the views of other Winning Bidders on the Transition proposals and other material received.

A 2.49 Given the steps employed, ComReg believes that it has sufficiently tested the veracity of the proposals and material before it and will continue to do so during the implementation of the TPP.

#### **A 2.4.1 ComReg's position - 900 MHz Transition activities**

A 2.50 In the 900 MHz band Transition activities are required by Meteor and Telefónica.

A 2.51 Given the matters set out above and on the basis of the information currently before it, ComReg considers it appropriate to adopt the 900 MHz Transition activities and timescales as proposed by Meteor (in



its letter of 9 January 2013 and its email of 22 January 2013) with the exception that the Transition-completion deadline is defined by the date at which Lots 900/C and 900/D are available to Telefónica to relocate into.

- A 2.52 As noted in ComReg's meeting with Meteor on 15 January, Meteor stated that it would have verified whether the relocated network was operating correctly within two to three days of its network relocation (which is planned for 29 March) and it acknowledged that if the network was operating correctly and no 'Rollback' was required, Lots 900/C and 900/D would be available for Telefónica to relocate into from then. Given this, ComReg considers it appropriate to set 2 April 2013 as the 900 MHz Transition-completion date for Meteor.
- A 2.53 ComReg notes that the setting of this Transition-completion date does not prevent Meteor from carrying out the post-relocation optimisation activities, (i.e. the optimisation and resolution of performance issues), in line with its proposal of 9 January 2013 and its email of 22 January 2013.
- A 2.54 In relation to Telefónica, ComReg notes that it proposed a 900 MHz Transition-completion date of Meteor's Transition-completion date plus 3 weeks. Given that Meteor's post-relocation optimisation activities are likely to be carried out directly after its Transition-completion date of 2 April, and noting that Meteor and Telefónica are reliant upon the shared resource, 'Mosaic', for the completion of their respective Transition activities, ComReg is of the view that it is appropriate to allow Telefónica a slightly longer time period, from 2 April, within which it would complete its Transition activities. In that regard, ComReg considers a 4-week time period would be appropriate.
- A 2.55 Accordingly, ComReg considers that Telefónica's 900 MHz Transition-completion date should be the date that Meteor's Transition-Completion date plus 4 weeks (i.e. 30 April 2013 based upon Meteor's Transition-completion being 2 April 2013).
- A 2.56 Once Telefónica has completed its relocation and confirmed that no Rollback is necessary, its post relocation optimisation activities can be completed without impacting the availability of Lots 900/F and 900/G for liberalised use.

### **A 2.4.2 ComReg's position - 1800 MHz Transition activities**

A 2.57 ComReg welcomes H3GI's view that ComReg should promote timely Transition in the 1800 MHz band. At the same time, ComReg notes the views of Telefónica and Meteor that the completion of Telefónica's full 1800 MHz Transition simultaneous with Meteor's 900 MHz Transition activity may bring additional unnecessary risks.

A 2.58 Whilst ComReg clearly appreciates the need for the earliest completion of transition activities, ComReg also recognises that requiring such activities to be done in a manner which might create additional and/or unnecessary risks, could create the potential for both additional delays (such as where simultaneous relocations might increase the risk of one or more rollbacks) and negative effects to end-consumer services. In the present circumstances, ComReg believes that it is appropriate to adopt the 1800 MHz Transition proposal of Telefónica, whereby:

- Telefónica's Transition activities in Lot 1800/L would be completed by 26 March 2013; and
- Telefónica's main 1800 MHz Transition activity would be completed 3 weeks after its 900 MHz Transition-completion date. (i.e. by 21 May 2013 based upon a 900 MHz Transition-completion date of 30 April 2013).

### **A 2.4.3 ComReg's position - Liquidated Damages**

A 2.59 Noting that reasonably unforeseen circumstances may arise in the course of the implementation of Transition activities, ComReg considers that it is appropriate to permit a 'grace period' of 3 weeks to apply after the above Transition-completion dates of Meteor and Telefonica, during which Liquidated damages will not be imposed. For the avoidance of doubt, ComReg does not regard delays in the equipment supply chain as being *force majeure* events given the time and opportunities which the Winning Bidders have had to date to source such equipment.

A 2.60 In addition, ComReg notes that both Meteor and Telefónica raised specific concerns about the possibility of a roll-back. Noting that a roll-back event is unlikely to occur where relocation planning has been completed and new configurations have been tested, and that an operator is unlikely to request a roll-back unless it was strictly necessary, ComReg believes that it also appropriate to provide an

additional 'roll-back grace period' of 8 days<sup>26</sup> where an Existing GSM Licensee can demonstrate to ComReg's satisfaction that a roll-back was reasonably required.

- A 2.61 In relation to Meteor's request that Liquidated Damages "*will not arise in the event of force majeure*", ComReg notes that (subject to the foregoing comments in relation to *force majeure*) *force majeure* events will be properly considered by ComReg in its monitoring of the Transition activities and timeframes and, where appropriate and objectively justified, reflected in Transition-completion dates.
- A 2.62 In relation to the remaining matters raised by respondents in relation to Liquidated Damages, ComReg notes:
- Vodafone's calculation of the Liquidated Damages that could potentially apply to it should it not complete its 1800 MHz Transition activities by the deadline date; and
  - Telefónica's statement that it continues to reserve its position of Liquidated Damages. In that regard, ComReg re-iterates its position as set out in its letter to Telefónica of 21 December 2012 (see item 14 in Document 13/06).

#### **A 2.4.4 ComReg's position - Reporting Mechanism**

- A 2.63 ComReg notes that there were no objections raised to the reporting mechanism proposed in the Draft TPP, and that one respondent, H3GI, supported this proposal. Given this, ComReg believes that it is appropriate to adopt the reporting mechanisms as proposed in the Draft TPP.
- A 2.64 In addition, given the importance of the reporting mechanism to maintaining the appropriate incentives for timely completion, ComReg believes that in reporting progress against the milestone dates in TPP, Existing GSM Licensees should, in addition to identifying risks of delays and mitigation actions, also clearly indicate whether there may be opportunities to accelerate the completion of their activities (such as where hardware delivery dates can be brought forward).
- A 2.65 As noted above, ComReg will also take into account any reasonably unforeseen events that are not under the control of the Licensee and

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<sup>26</sup> ComReg notes Red-M/Vilicom's advice that a rollback activity would add approximately eight days to a relocation activity

the reports should also include information on any such delays should they occur or be anticipated.