



Commission for  
**Communications Regulation**

## **26 GHz Change of use**

**Request from Telefónica Ireland for change of use of its 26 GHz National Point-to-Multipoint block licences.**

**Consultation and Draft Decision**

**Reference:** ComReg 12/64

**Version:** Final

**Date:** 18/06/2012

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

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All responses to this consultation should be clearly marked:-  
"Reference: Submission re ComReg 12/64" as indicated above, and sent by post, facsimile or e-mail to arrive on or before 2.30 p.m., on July 13 2012, to:

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Please note ComReg will publish all respondents submissions with the Response to this Consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24

# Content

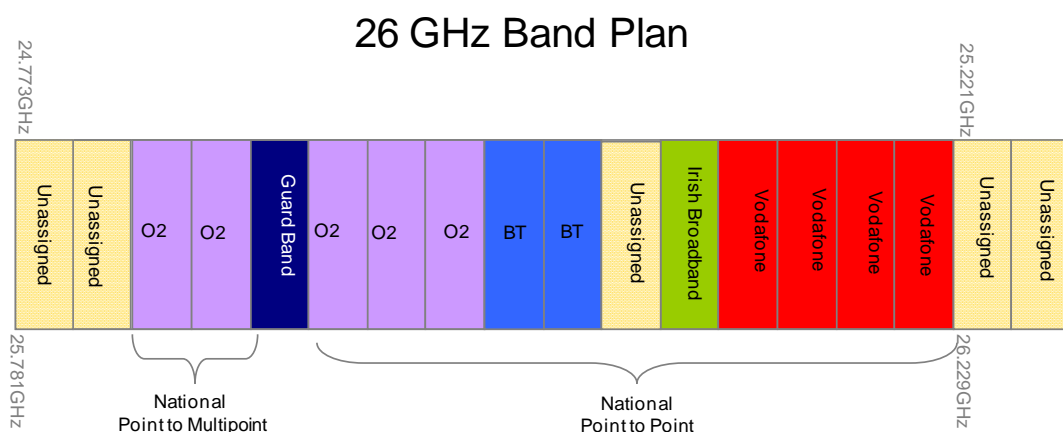
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# 1 Introduction

- 1 In 2007 the Commission for Communications Regulation ("ComReg") conducted an auction for the award of spectrum rights of use in the 26 GHz frequency band<sup>1</sup>. At the conclusion of the auction used to assign the spectrum rights, thirteen national channels were licensed to 5 different bidders to support Point to Point<sup>2</sup>(P2P) and Point to Multipoint<sup>3</sup> (PMP) applications. One successful bidder, Digiweb Limited, subsequently surrendered its PMP block in 2009.
- 2 The current bandplan is shown in Figure 1.



**Figure 1. Current 26 GHz Band Plan**

- 3 In May 2011 ComReg received a request from Telefónica Ireland Limited<sup>4</sup> to change its two PMP spectrum blocks to two P2P spectrum blocks.

<sup>1</sup> ComReg document 07/93R - The award of National Block Point to Point and Point to Multipoint Assignments in the 26 GHz band.

<sup>2</sup> A radiocommunication system that establishes a connection between two end points only. These systems may be cascaded geographically, including in the form of a ring

<sup>3</sup> A radiocommunication system that establishes a connection between a single station located at a specified fixed point and a number of stations located at specified fixed points in the same geographical area.

<sup>4</sup> The request is attached in Annex 2.

- 4 This Consultation is being carried out in accordance with Regulation 15 of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations<sup>5</sup> and gives notice of ComReg's intention to amend Telefónica Ireland's licence for PMP spectrum blocks<sup>6</sup> to provide for a change in the nature of service in the frequency block 24,829 - 24,885 MHz paired with 25,837-25,893 MHz from PMP to P2P and invites interested parties, including users and consumers to make representations on the proposed amendment. A draft Decision instrument is at Annex 1.

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<sup>5</sup> S.I. No. 335 of 2011, hereafter the "Authorisation Regulations"

<sup>6</sup> Wireless Telegraphy National Point-To-Multipoint Block Licence in the 26Ghz Band, valid from 6 June 2006 to 5 June 2018, hereafter the "PMP licence"

## 2 Discussion

### 2.1 Request from Telefónica Ireland

5 In May 2011 Telefónica Ireland submitted a formal request to ComReg seeking to convert the two channels assigned as PMP lots to P2P lots (see Annex 2). Telefónica Ireland have not deployed any PMP links in these two lots designated for PMP to date and cite the following reasons for its change request;

- It is more efficient in Telefónica Ireland's view to deploy P2P links than PMP links in this band;
- It stated that it has found *"few cases where a sufficient number of base stations have line-of-sight from the central station and within a sector in order for pmp to be cost effective"*<sup>7</sup>;
- The reduced reach of PMP compared to P2P; and,
- *"In general a much larger and more competitive ptp market resulting in faster ongoing technology development and price completion [sic]"*<sup>8</sup>.

### 2.2 Provision for Change of Use

6 In its Information Memorandum "The award of National Block Point to Point and Point to Multipoint Assignments in the 26 GHz band" (ComReg document 07/93R, section 3.1.4) ComReg took into account the possible future requirement of operators to change the use of its spectrum assignments as follows;

*"ComReg appreciates that the demand profile of bidders may change during the licence period, leading them to require more or less P2P and PMP spectrum. In this case, licensees have the options to return underused spectrum to ComReg and/or request ComReg to allow a change of use (subject to protecting the rights of other users)."*

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<sup>7</sup> See bullet point 1 of the letter in Annex 2.

<sup>8</sup> See bullet point 3 of the letter in Annex 2

## 2.3 ComReg's view

- 7 Acceding to Telefónica Ireland's request would require ComReg to amend Telefónica Ireland's PMP licence to provide that P2P can be provided in the frequency block 24,857 - 24,913 MHz paired with 25,865-25,921 MHz. This would simply mean that the existing guard band separating P2P deployments from PMP deployments would be shifted from its current frequency of 24.885-24.913GHz/25.893-25.921GHz to 24.829-24.857GHz/25.837-25.865GHz as shown in the bandplan in Figure 2.

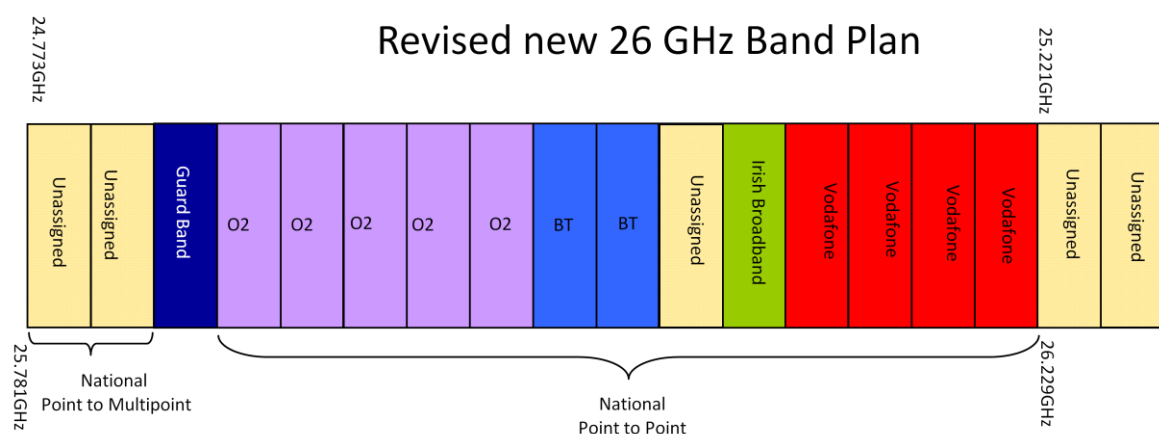


Figure 2. Revised 26 GHz bandplan

- 8 This proposed change of use will have no affect on any future assignment of 26 GHz blocks.
- 9 ComReg considers that permitting the change of use should result in a more efficient use of the spectrum blocks in question. Currently the spectrum blocks are allocated to PMP and are unused. P2P links are more likely to be deployed in these spectrum blocks. It is clear that since the auction in 2007 the use of PMP is no longer Telefónica Ireland's preferred option in the 26 GHz band. ComReg has a statutory objective to "ensure that radio frequencies are efficiently and effectively used."<sup>9</sup>
- 10 ComReg is of the view that its proposal is in line with a technology neutral stance. ComReg is obliged to "take the utmost account of the desirability of technological neutrality."<sup>10</sup>

<sup>9</sup> Regulation 9(11) of the European Communities (Electronic Communications Networks and Services (Authorisation) Regulations 2011. See also s.12(1)(b) of the Communications Regulation Acts 2002 to 2011 and Regulation 17(1) of the European Communities (Electronic Communications Networks and Services )(Framework) Regulations 2011

<sup>10</sup> Pursuant to Regulation 16(1) of the European Communities (Electronic Communications Networks and Services )(Framework) Regulations 2011



- 11 As shown in Figure 2 no other licensee's spectrum would be affected by Telefónica Ireland changing its PMP spectrum blocks to P2P. The operator adjacent to Telefónica Ireland in the bandplan would not be adversely affected by the proposed change of use.
- 12 The licence fee for PMP and P2P spectrum blocks is the same and therefore if the proposed amendment is made it will have no impact on the annual licence fee payable by Telefónica Ireland.

## 2.4 Consultation Questions

- Q. 1 Do you agree with ComReg's proposal to amend Telefónica Ireland 's licence for PMP spectrum blocks to provide for a change in the nature of service in the frequency block 24913 - 24997 paired with 25921-26005 from PMP to P2P?
- Q. 2 Are there any additional economic, legal technical or other considerations ComReg should take into account when making its decision in relation to the proposal detailed in Q1?

## 3 Submitting Comments

- 13 All comments are welcome.
- 14 The consultation period will run from 18 June 2012 to 13 July 2012 during which the Commission welcomes written comments on the issue raised in this paper.
- 15 Having analysed and considered the comments received, ComReg will review the draft Decision to amend Telefónica Ireland's 26 GHz licence and publish a response to consultation which will, inter alia summarise the responses to the consultation.
- 16 In order to promote further openness and transparency ComReg will publish all respondents submissions to this consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24. We request that electronic submissions be submitted in an unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.
- 17 Please note: ComReg appreciates that many of the issues raised in this paper may require respondents to provide confidential information if their comments are to be meaningful.
- 18 As it is ComReg's policy to make all responses available on its web-site and for inspection generally, respondents to consultations are requested to clearly identify confidential material and place confidential material in a separate annex to their response. Such information will be treated in accordance with the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24.

# Annex: 1 Draft decision instrument

## A 1.1 Statutory and legal powers

This decision is made by the Commission for Communications Regulation ("ComReg"):

- Pursuant to Regulation 10 of the Wireless Telegraphy (National Point-to-Point and Point-to-Multipoint Block Licences) Regulations 2007<sup>11</sup>; and
- Pursuant to Regulation 15 of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2011<sup>12</sup>; and
- Pursuant to the functions and objectives of ComReg as set out in sections 10 and 12 respectively of the Communications Regulation Acts 2002 to 2011 and Regulation 16 of the European Communities (Electronic Networks and Services) (Framework) Regulations 2011<sup>13</sup>; and
- Having had regard to ComReg document 07/93R; and
- Having had regard to ComReg's obligations under Regulation 9 of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2011; and
- Having, where appropriate, complied with policy directions made by the Minister for Communications, Marine and Natural Resources under Section 13 of the Communications Regulation Act 2002<sup>14</sup>; and
- Having, where appropriate, complied with its obligations under Regulation 17 of the European Communities (Electronic Networks and Services)(Framework) Regulations 2011; and
- Having regard to sections 5 and 6 of the Wireless Telegraphy Acts 1926 to 2009; and
- Having by way of public consultation given all interested parties the opportunity to make representations on the proposed amendment<sup>15</sup> and having taken into account the view of interested parties who responded;

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<sup>11</sup> S.I. No.762 of 2007

<sup>12</sup> S.I. No. 335 of 2011

<sup>13</sup> S.I. No. 333 of 2011

<sup>14</sup> Dated 21 February 2003 and 26 March 2004.

<sup>15</sup> Pursuant to its obligations under Regulation 12 of the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2011 and Regulation 15 of the

### A 1.1 Decision

ComReg hereby decides:

- To amend Telefónica Ireland Limited's licence for Point to Multi Point spectrum blocks (Wireless Telegraphy National Point-To-Multipoint Block Licence in the 26Ghz Band, valid from 6 June 2006 to 5 June 2018) to provide for a change in the nature of service in the frequency block 24913 - 24997 paired with 25921-26005 from Point to Multi Point to Point to Point.
- In this decision, references to Point to Multi Point means a radiocommunication system that establishes a connection between a single station located at a specified fixed point and a number of stations located at specified fixed points in the same geographical area.
- In this decision, references to Point to Point means a radiocommunication system that establishes a connection between two end points only. These systems may be cascaded geographically, including in the form of a ring

### A 1.2 Statutory powers not affected

If any section, clause or provision (or portion thereof) contained in this decision instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section, clause or provision (or portion thereof) shall, to the extent required be severed from this decision instrument and rendered ineffective as far as possible without modifying the remaining section(s), clauses(s) or provision(s) (or portion thereof) of this decision instrument, and shall not in any way affect the validity or enforcement of this decision instrument.

Nothing in this decision shall operate to limit ComReg in the exercise of discretions or powers, or the performance of functions or duties, or the attainment of objectives under any primary or secondary legislation applicable to ComReg from time to time.

This Decision instrument will be effective from [INSERT DATE]

ALEX CHISHOLM

CHAIRPERSON

THE COMMISSION FOR COMMUNICATIONS REGULATION

18.1 THE [INSERT] DAY OF [INSERT]

# **Annex: 2 Letter From Telefónica Ireland**

13<sup>th</sup> May 2011

Ms Tara Kavanagh  
Commission for Communications Regulation  
Abbey Court  
Irish Life Centre  
Lower Abbey Street  
Dublin 1

Dear Tara

### **26GHz Radio Links – Application for Change of Configuration**

Telefonica Ireland currently holds nationwide licences to operate both point to point (ptp) and point to multi-point (pmp) fixed links in the 26GHz band. These licences were first awarded following an auction process in 2008, and Telefonica is licensed to operate on two pmp, and three ptp channels.

ComReg's diagram showing current assignments in the band is reproduced in the attachment to this letter. In order to reduce interference, a single channel guard band was retained between the ptp and pmp assignments. Telefonica Ireland specifically bid for and was assigned the channels immediately adjacent to the guard band on both the ptp and pmp sides.

In the practical deployment of 26GHz links within our network, we have found that in almost all cases, it is more efficient to use ptp than pmp and we have not deployed any pmp links yet. There are several reasons for this, including:

- we have found few cases where a sufficient number of base stations have line-of-sight from the central station and within a sector in order for pmp to be cost effective
- reduced reach of pmp compared to ptp
- in general a much larger and more competitive ptp market resulting in faster ongoing technology development and price completion.

As a result we have not been able to use the two pmp channels assigned at the auction.

Telefonica Ireland now wishes to convert the two channels assigned as pmp to ptp. In order to preserve the guard band between ptp and pmp, it will be necessary to swap the position of the guard band as shown in the attachment. It is not anticipated that this will cause any difficulty, as there is no impact on any other user of the band. In addition, there is no implication for the auction process that was used to make the assignments – Telefonica specifically bid for and won the assignments on the border between pmp and ptp.

Telefonica Ireland now applies to have the above amendments made to the assignments in the 26GHz band. We can provide further information to support this application if required.

Yours Sincerely

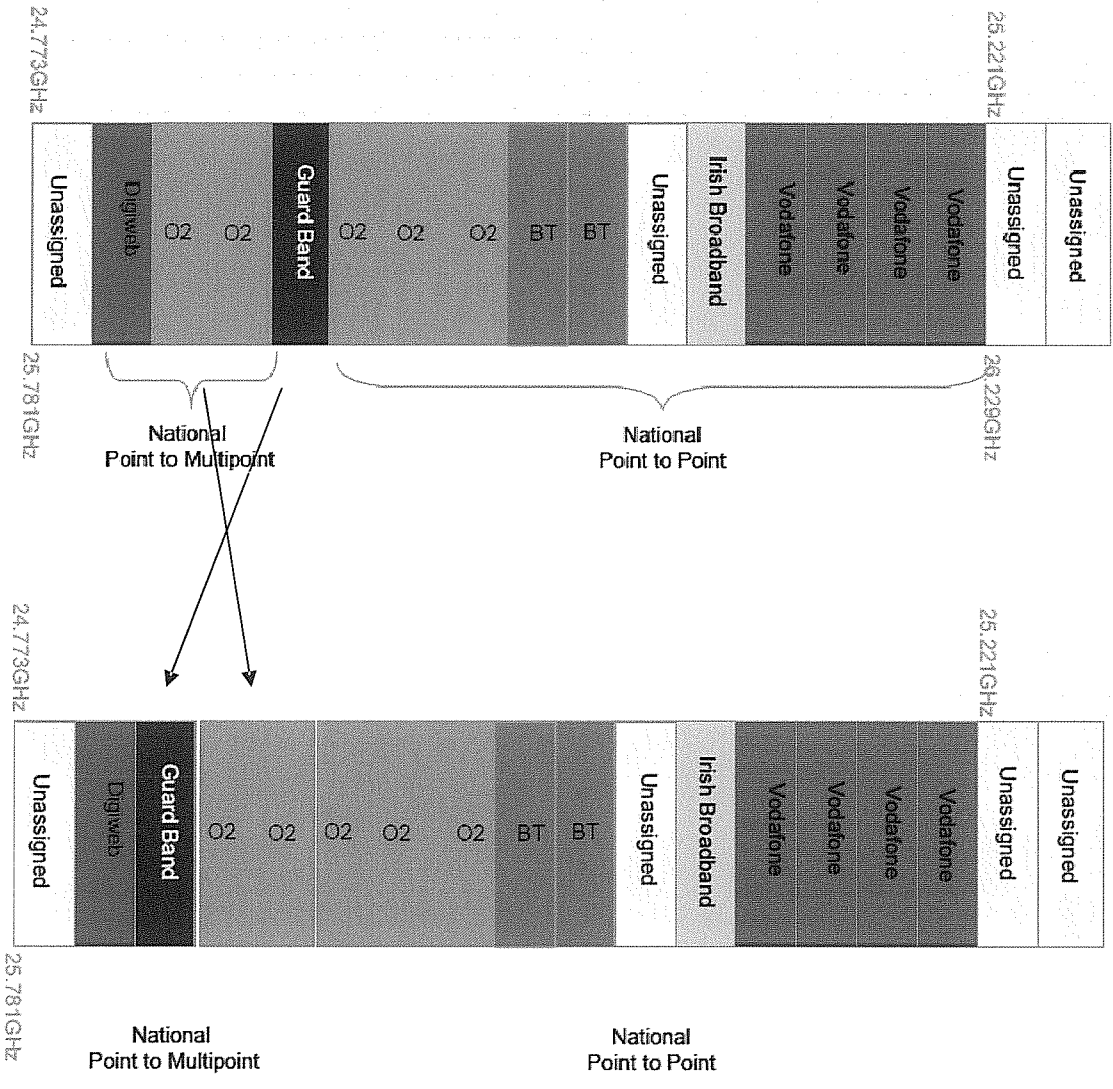


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Tom Hickey



### Current 26GHz Assignments



### 26GHz Assignments Post-Amendment