



Commission for  
**Communications Regulation**

## Guidance Notes

# Digital Television Delivery Systems at 12GHz

## Guidance Notes for Applicants

**Programme Services Distribution Licence  
to be issued under Wireless Telegraphy  
(Multipoint Microwave Distribution System)  
Regulations 2003  
S.I. No. 529 of 2003**

<b>Document No:</b>	<b>ComReg 04/27</b>
<b>Date:</b>	<b>March 2004</b>

**An Coimisiún um Rialáil Cumarsáide**

**Commission for Communications Regulation**

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email [info@comreg.ie](mailto:info@comreg.ie) Web [www.comreg.ie](http://www.comreg.ie)

## **Contents**

1	Introduction .....	3
2	The Licence.....	4
3	The Application.....	5
4	Information to be provided by the applicant .....	7
5	Fees .....	8
5	Offer of a licence .....	9

## 1. Introduction

This document provides information for those intending to apply for a Programme Services Distribution Licence using digital means and operating at 11.7-12.5 GHz.. This document should be read in conjunction with the Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations, 2003, S.I. No. 529 of 2003 (“the Regulations”). Further information can be found in Document No. ODTR 01/69 – “Licensing Regional or Locally Based Digital Television Delivery- Consultation Paper” and Document No. ODTR 01/97 – “Licensing Regional or Locally Based Digital Television Delivery - Response to Consultation”. These should be reviewed in order to understand the context of the scheme.

Potential applicants may submit questions in writing concerning the application procedure. These questions should be sent by post, fax or e-mail to the address at the end of this section. They should be labelled “**Questions: Digital Television Delivery Systems at 12GHz Application Procedure**” and should include full details (name, contact person address, fax no, e-mail) to enable a response. Questions addressed in any other way will not be answered.

Address to which questions concerning the application procedure should be sent:

Ms. S Ward,  
Commission for Communications Regulation,  
Abbey Court,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1.  
Fax: (+ 353 1) 804 9671  
Email: [sharon.ward@comreg.ie](mailto:sharon.ward@comreg.ie)

## **2. THE LICENCE**

Licences awarded under this scheme will authorise the operation at 11.7-12.5 GHz of MMDS station(s) utilising a maximum of ten frequency channels in respect of any single location.

The number of frequency channels authorised will be dependent on the number of programme services to be carried and evidence will be required that negotiations are in hand or completed with rights holders in respect of such programme services. The terms and conditions of the licence are as set out in the Regulations.

While ComReg will endeavour to minimise the potential for interference between users and services, no liability shall accrue to ComReg arising from interference. Licensed operators are required to co-operate with ComReg and other licensed operators in resolving occurrences of interference.

A licence does not confer any right of ownership of the frequency spectrum. It allows the assigned frequency channel to be used during the term of the licence in accordance with the conditions of the licence.

### 3. THE APPLICATION

#### 3.1 Procedures

Applicants should submit the completed application form along with accompanying documentation and maps to the following address:

Ms Sharon Ward,  
Commission for Communications Regulation,  
Abbey Court,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1.

The envelope or package should be addressed as above and clearly marked “**Application:** Digital Television Delivery System at 12GHz”. The name and address of the applicant should also be clearly marked on the envelope or package. Upon receipt, an acknowledgement will be issued by ComReg.

#### 3.2 The Application Process

Applications will only be considered if the "Declaration by the Applicant" at the end of the application form is signed and dated. The decision on whether or not to grant a licence will, in the absence of applications for overlapping catchment areas, be based on an assessment of the information set out in, and accompanying, the application form and any further information supplied in response to any subsequent request by ComReg. It is important therefore that the application form is fully completed and that administrative details are in order.

The evaluation of an application will consist of a two, or possibly three, stage process, as follows:

##### **Stage 1 – Assessment of validity of Application Form**

All applications must satisfy basic criteria set out below in order to be considered by the Commission. Failure to meet all of the criteria will result in the application being deemed ineligible and any such application will not proceed forward for further evaluation. The criteria for eligibility are:

- (a) Receipt of application by ComReg;
- (b) Submission of application by a natural person or a properly constituted legal entity (*Applications in the name of groups, communities or associations which have not been incorporated will not be accepted. Where an applicant is located outside the EU, the applicant should provide an address in Ireland for the purposes of sending any notices should a licence ultimately be granted*) ;
- (c) Completion of application form, receipt of all relevant supporting material and completion of “Declaration by the Applicant”.
- (d) Demonstration of competence to establish and operate the system.

ComReg will notify an applicant where there is an error in, or omission from, their application.

### **Stage 2- Technical Assessment**

All applications which have satisfied the requirements of Stage 1 will be assessed under the following heads:

- (a) (i) Availability of the frequencies requested (and special circumstances justifying any request for particular frequencies); (ii) Evidence of the need for the number of frequency channels requested.
- (b) Suitability of the technical characteristics of the proposed transmission system;
- (c) Likelihood of significant interference to domestic satellite TV reception and measures proposed to minimise same. (*ComReg will use a threshold field strength as described in the technical conditions at 10 metres above ground level in determining the nominal acceptability of transmitter proposals*);
- (d) Difficulty likely to arise in obtaining international co-ordination of spectrum sought by applicant.

Where the Commission considers that an application might otherwise be acceptable if the technical characteristics proposed by the applicant were modified, the Commission may offer to the applicant a licence subject to such technical characteristics as the Commission considers appropriate.

### **Stage 3**

Where applications which have satisfied the requirements at Stages 1 and 2 but involve the use of frequencies which are likely to cause significant interference with one another, stage 3 evaluation will be undertaken.

When the proposals in an application are likely to cause interference to an other applicant or existing licensed operators, applicants will be given the opportunity to modify their application with a view to avoiding (or significantly reducing the likelihood of) interference.

In circumstances where applicants cannot propose a solution resolving the problem to the satisfaction of the Commission, the Commission will decide whether and to whom to offer a licence by reference to the following:

- avoidance of concentration of ownership of television delivery platforms and generally favouring applicants who are not already delivering licensed programme services.
- favour granting a licence to the applicant whose final proposals, as modified if appropriate, would serve the greatest number of households in the shortest time.
- If following the above, it is not possible to differentiate between applicants, the award of the licence will be decided by lot.

## **4. INFORMATION TO BE PROVIDED BY THE APPLICANT**

### **4.1 Application Sheets**

The Application form requests the following information:

<b>Applica tion Form</b>	<b>Nature of information requested</b>	<b>Reason for information requested</b>
<b>Part 1</b>	Name, address, telephone and fax number of applicant. Contact details. Details of legal structure.	Record keeping and contact data.
<b>Part 2 – 2.1</b>	Details of the geographic area to be serviced.	To clearly identify the nature of the proposed service,.
<b>Part 2 – 2.2</b>	Implementation/ development plan	To ensure the competence of the applicant to establish and operate the system.
<b>Part 3</b>	Technical details on the service to be provided, frequencies applied for and transmitter site.	To ensure that the service conforms to the ComReg spectrum management requirements.

## **5.FEES**

### **5.1 Application Fee**

No application fee is associated with applications under the Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations 2003, S.I. No, 529 of 2003.

### **5.2 Licence Fee**

Licence fees are payable on an annual basis in advance.



## **6. Offer of a licence**

If, following an assessment of the application, ComReg decides to offer a licence to an applicant, the applicant will be contacted and given one month to formally accept a licence and pay the initial licence fee.

*It is important to note that by granting a licence the Commission is in no way endorsing the specific plans of an operator. Indeed, the Commission in no way makes or implies any comments on the operator's plans. The grant of a licence cannot therefore be relied upon as an assessment of the likely commercial success or otherwise of the applicant's business plan*