



Office of the Director of  
**Telecommunications  
Regulation**

## **Establishment of Telecommunications Networks**

### **Information on Licensing Procedures**

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## **Establishment of Telecommunications Networks Information on Licensing Procedures**

### **1. Introduction**

This document is a brief guide to interested parties on when an infrastructure licence is needed and how and where to apply for a licence. It is not a legal document. For details of the legal framework for the licensing scheme please refer to the recent Statutory Instrument<sup>1</sup> on telecommunications infrastructure and the related legislation which is available from the Government Publications Office, Molesworth Street, Dublin 2.

As part of the movement towards a more open and competitive telecommunications market in Ireland, the establishment of telecommunications networks is permitted from 1 July 1997 for the provision of liberalised telecommunications services.

On 31 July 1997 the Minister for Public Enterprise introduced a Statutory Instrument which provides for the licensing of such networks. The Director of Telecommunications Regulation is the appropriate authority for the issue of these licences. The Director has now developed a licensing scheme which is designed to reflect and encourage new openness in the market and to facilitate emerging competition in the sector.

### **2. Infrastructure Licence**

#### **When is it required?**

It is necessary to hold a specific licence in order to establish telecommunications networks for the following purposes:

- Where the network is to be used for the provision of liberalised telecommunications services. (It is important to note that any party providing telecommunications services over such a network must hold an appropriate services licence - see section 3 below for more detail).

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<sup>1</sup>The European Communities (Telecommunications Infrastructure) Regulations, 1997 (S.I. No. 338 of 1997).

- where it is intended to provide capacity on the network, or any part thereof, to third parties, either for the provision of telecommunications services or for their own use.

This licensing scheme also applies to networks established prior to 1 July 1997 which are to be used for telecommunications purposes.

There are certain circumstances where an infrastructure licence is **not** required and these are detailed in the relevant legislation. In particular no licence is needed where the network is established by any party solely for their own use, that is where no service is to be provided to any third party.

### **What does the Licence permit?**

The Licence permits the holder to establish a telecommunications network and to provide capacity on the network to third parties for their use. If the holder of the licence wishes to provide liberalised telecommunications services over the network an additional licence is required (see section 3).

The Licence is valid from the time of issue up to 30 June 1999 at which time it will expire.

### **What is not permitted by the Licence?**

The Licensee may not use the network for the provision of voice telephony services which are reserved to Telecom Eireann until 1 January 2000.

The Licence does not absolve the Licensee from any other requirements under the law relating to the establishment of a telecommunications network e.g. planning permission, the holding of an appropriate telecommunications services licence for the provision of services, or the holding of a wireless telegraphy licence where there is use of radio based systems.

The Licence does not entitle the holder to numbers from the national numbering scheme.

### **How to get a Licence.**

Application forms are available from the Office of the Director of Telecommunications Regulation, Abbey Court, Lower Abbey Street, Dublin 1. All parts of the application form should be fully completed and all supplementary information should be attached before it is returned to this Office. The processing of applications will be greatly speeded up if full details are supplied with the initial application.

The fee for the licence is £1,000 and this should be included with the completed application form.

Further information may be requested on foot of the application.

The final licence document is issued in accordance with section 111(3) of the Postal and Telecommunications Services Act, 1983 as inserted by the European Communities (Telecommunications Infrastructure) Regulations, 1997 and will be sent to the name and address supplied on the form.

## **3. Other Telecommunications Licences**

### **What other licences are needed?**

In order to provide liberalised telecommunications services to the public over a network which you intend to establish yourself, or if you wish to provide such services over a third party network, you must hold an appropriate licence to do so. The relevant telecommunications services licences are:

- A licence under section 111 (3) of the Postal and Telecommunications Services Act, 1983 to provide telecommunications services to the public. This licence authorises the provision of liberalised telecommunications services except for mobile telephony services and paging services. Application forms are available from the Office of the Director of Telecommunications Regulation,

- A licence under section 111(2) of the Postal and Telecommunications Services Act, 1983 to provide mobile and personal communications systems. These are mobile telephony licences and are in general awarded pursuant to open competitions which are advertised from time to time. Specific licences will also be awarded for paging services.

To use radio based infrastructure as part or all of a telecommunications network, an appropriate licence under the Wireless Telegraphy Acts must be obtained. The application procedure for such licences is separate and relevant documentation including guidelines and application forms can be obtained from this Office.

#### 4. Documentation

<b>Document</b>	<b>Available From</b>	<b>Telephone</b>
Establishment of Telecommunications Networks - Information on Licensing Procedures. (ODTR 97/06)	Peter McKenna	804 9652
Form for Application for a licence under Section 111 (3) of the Postal and Telecommunications Services Act, 1983 to provide Telecommunications Services for the Public. (ODTR 97/08)	Peter McKenna	804 9652
Form for Application for a licence under Section 111 (3) of the Postal and Telecommunications Services Act, 1983 to provide Telecommunications Infrastructure. (ODTR 97/07)	Peter McKenna	804 9652
Explanatory Notes for Applicants for Point to Point Radio Link Licences in Spectrum above 1 GHz. (ODTR 97/2)	Margaret O'Sullivan	804 9612
Application form for Point to Point Radio Link Licences above 1 GHz - Stage 1. (97/03)	Margaret O'Sullivan	804 9612
Application form for Point to Point Radio Link Licences above 1 GHz - Stage 2. (97/04)	Margaret O'Sullivan	804 9612