



Commission for
Communications Regulation

Information Notice

Fixed Wireless Access Local Area Licensing

End date of the FWALA licensing scheme in the 3.6 GHz band

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1 Introduction

The Fixed Wireless Access Local Area (FWALA) licensing scheme was launched by the Commission for Communications Regulation (“ComReg”) in 2003 and has since resulted in the successful roll out of broadband wireless access services to over 103,000 customers in Ireland, using spectrum in the 3.6 GHz, 10.5 GHz, and 26 GHz frequency bands.

ComReg stated that it would conduct a review of the FWALA licensing scheme 7 years after its implementation¹ and ComReg will begin that review in 2010. The review will address not only the future use of the frequency bands at 3.6 GHz, 10.5 GHz and 26 GHz but also appropriate licensing schemes and award criteria.

This information notice relates to FWALA spectrum in the 3400 to 3800 MHz band (“the 3.6 GHz band”). At present, there are 163 FWALA licences and 16 licensed operators in the 3.6 GHz band. The existing 3.6 GHz FWALA licensing regime does not currently permit the provision of mobile wireless access (MWA) services and only allows for the provision of fixed wireless access (FWA) and nomadic wireless access (NWA)² services. This restriction is now affected by a decision of the European Commission (“*Commission Decision of 21 May 2008 on the harmonisation of the 3400-3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community*”)³ which requires all Member States to designate and make available the 3.6 GHz band for fixed, nomadic and mobile wireless access systems (“the EC Decision”).

2 End date for FWALA licensing in the 3.6 GHz band

In order to maximise the efficient use of the 3.6 GHz band, and particularly in light of the EC Decision which Ireland must implement, ComReg must ultimately replace the current 3.6 GHz FWALA licensing scheme with a scheme that best facilitates the provision of fixed, nomadic and mobile wireless access services.

While ComReg will consult shortly on the narrow issue of the introduction of mobility into the 3.6 GHz band, it must also prepare for its upcoming FWALA review.

The upcoming FWALA review is particularly timely in light of the EC Decision and in preparing for the review, ComReg considers it appropriate to set an end-date for the current 3.6 GHz FWALA licensing scheme in order that the future of this band can be determined absent of constraints at that end date. As 3.6 GHz FWALA

¹ ComReg 07/72: FWALA Geographical Service Areas (GSAs).

² Rec. ITU-R F.1399-1 1: Vocabulary of terms for wireless access. See http://www.itu.int/dms_pubrec/itu-r/rec/f/R-REC-F.1399-1-200105-I!!PDF-E.pdf

FWA is defined as a “wireless access application in which the location of the end-user termination and the network access point to be connected to the end-user are fixed.”

NWA is defined as a “wireless access application in which the location of the end-user termination may be in different places but it must be stationary while in use.

MWA is defined as a “wireless access application in which the location of the end-user termination is mobile.”

³ See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:144:0077:0081:EN:PDF>

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licences were granted for a maximum period of 7 years⁴, ComReg considers that 31 July 2017 is an appropriate end date for the 3.6 GHz FWALA licensing scheme. Any 3.6 GHz FWALA licences still active at that date shall expire and shall not be renewed.

Establishing an end date of 31 July 2017 for the 3.6 GHz FWALA licensing scheme should achieve the following:

- It gives all current 3.6 GHz FWALA licensees the reassurance that their licences will run for the full 7-year duration (subject of course to annual renewal and compliance with all licence conditions);
- it clearly informs prospective licensees that 31 July 2017 is the end-date for the current 3.6 GHz FWALA licensing scheme and that no 3.6 GHz FWALA licence shall be renewed or extended beyond that date; and
- it ensures that an unfettered 3.6 GHz band would be created by 31 July 2017, in order that future licensing of the band can best facilitate the provision of fixed, nomadic and mobile wireless access services.

For the sake of clarity, it should be noted that nothing in this Information Notice affects the 7-year duration of 3.6 GHz FWALA licences which expire before 31 July 2017. Spectrum released by an expired licence would be made available by ComReg under the existing FWALA scheme. For example, a 3.6 GHz FWALA licence which was first granted on 1 January 2007 shall still expire 1 January 2014, 7 years after it was granted, and shall not be renewed or extended beyond that expiry date. Any new FWALA licence so issued would run for a maximum of 3 years, 7 months (from 1 January 2014 to expire fully on 31 July 2017).

ComReg will issue Revised FWALA Guidance Notes (ComReg Document 06/17R6) to reflect the end date for the FWALA licensing scheme in the 3.6 GHz band.

Please note that ComReg will continue to accept and process applications for FWALA licences in the 3.6 GHz band, in line with the above approach.

In terms of next steps, ComReg will shortly consult on the narrow issue of the introduction of mobility to the 3.6 GHz band in Ireland, in line with the requirements of the EC Decision. ComReg will publish an Information Notice which will address the upcoming issue of FWALA licence expiry and the application process for same. Soon after, ComReg will begin its review of the FWALA bands (3.6 GHz, 10.5 GHz and 26 GHz).

⁴ See Section 5.2 of ComReg Document 06/17R6 "Revised Guidelines to Applicants for Fixed Wireless Access Local Area (FWALA) Licences"