



Commission for
Communications Regulation

Information Notice

Re-opening of 26 GHz band for Fixed Wireless Access Local Area (FWALA) Licensing

Document No:	07/91
Date:	14 November 2007

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1 Introduction

On the 5th April 2006, the 26 GHz band was temporarily closed to any further Fixed Wireless Access Local Area (FWALA) applications to facilitate ComReg’s rationalisation of this spectrum band.

This rationalising process is now complete and ComReg has identified five frequency channels for FWALA 26 GHz licensing, as shown in Figure 1 below.

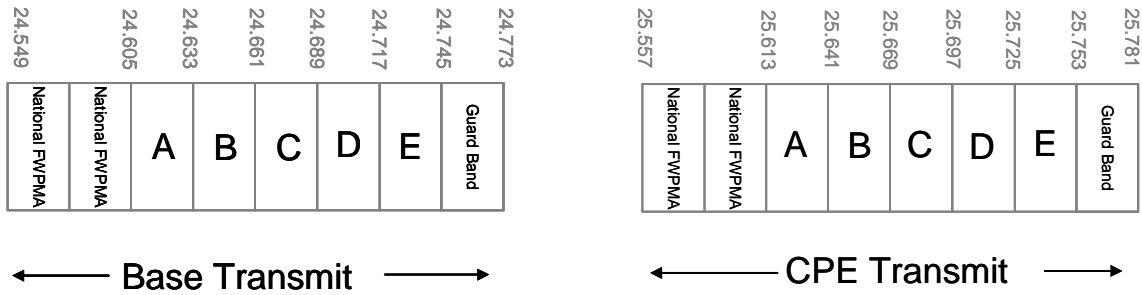


Figure 1: The 26 GHz FWALA channel plan¹

As of today, ComReg is re-opening the 26 GHz band for FWALA licensing and inviting applications. The FWALA 26 GHz application process is set-out below.

¹ In accordance with ECC Recommendation (00) 05 use of the band 24.5 – 26.5 GHz for Fixed Wireless Access.

2 Existing 26 GHz FWALA channels & licences

Table 1 below sets out the 26 GHz FWALA channel plan, detailing the channel bandwidth and mode of operation.

Table 1: The 26 GHz FWALA plan details

26 GHz band Channels	Channel Bandwidth	Mode of Operation
A	2 x 28 MHz	FDD
B	2 x 28 MHz	FDD
C	2 x 28 MHz	FDD
D	2 x 28 MHz	FDD
E	2 x 28 MHz	FDD

ComReg has issued a number of FWALA 26 GHz licences. ComReg has updated the 26 GHz FWALA maps on its website identifying all existing licences at this time. Potential FWALA applicants can use these maps to identify the geographical areas in Ireland where 26 GHz FWALA spectrum may be currently available. The 26 GHz FWALA maps can be found at http://www.comreg.ie/radio_spectrum/search.541.874.rslicensing.html.

3 FWALA 26 GHz application process

The “Revised Guidelines to Applicants for Fixed Wireless Access Local Area (FWALA) Licences” (ComReg Document 06/17R3) provides guidance on the general terms and conditions associated with the FWALA licencing process. All 26 GHz applications should be in compliance with those guidelines unless indicated otherwise in this Information Memorandum.

In re-opening the 26 GHz band for FWALA licensing, ComReg expects that in certain areas of the country there may be more demand for spectrum than channels available. Consequently the 26 GHz FWALA application process is split into two phases.

- Phase 1: Comparative Evaluation Competition
- Phase 2: First Come First Served.

In order to promote competition, to ensure the efficient use of the radio spectrum and to maximise the benefit to end users, holders of National Fixed Wireless Point to Multipoint Access (FWPMA) licences will not be granted Fixed Wireless Access local Area Licences.

3.1 Phase 1: Comparative Evaluation Competition

All 26 GHz FWALA applications received from today to **5.00 pm on the 12th of December 2007** will enter a comparative evaluation.

Details on the 26 GHz FWALA comparative evaluation process details are set out in Annex 2 to this Information Note.

In the interest of promoting competition, applicants will only be awarded one FWALA 26 GHz licence in any given geographical area during this phase and existing 26 GHz FWALA licensees cannot apply for another FWALA 26 GHz licence in the same geographic area. Connected persons of an applicant or applicant group must not be connected persons of another applicant or applicant group as defined in Annex 1 below. Applicants and applicant groups may not be connected to each other. Applicants which are found to have such relationships will not have their applications processed.

To submit a valid 26 GHz FWALA application for this comparative evaluation stage it is necessary:

- to submit a valid application using the FWALA Application Form (Annex 4) **AND**
- to submit the full fees **AND**
- to complete and submit the Comparative Evaluation Form as set out in Annex 2 of this Information Notice **AND**
- that ComReg receives this application before **5.00 pm on the 12th of December 2007**

3.2 Phase 2: First Come First Served

All FWALA applications received **after 5.00 pm on the 12th December 2007** shall be considered on a First Come First Served (FCFS) basis subject to spectrum availability and in accordance with revised Guidelines for Applicants (ComReg Document 06/17R3). The minimum requirements for an application are set-out in that document.

Annex 1 – Connected Persons

“Connected person” means a Person who controls an Applicant or is controlled by an Applicant.

A Person shall be deemed to control a body corporate if –

- a) they have a controlling interest in it;
- b) they have a controlling interest in a body corporate which has a controlling interest in the body corporate; or
- c) although they do not have such an interest in the body corporate, or in any body corporate with a controlling interest in the body corporate, it is reasonable, having regard to all the circumstances, to expect that they will be able, by whatever means and whether directly or indirectly, to achieve the result that the affairs of the body corporate are conducted in accordance with its wishes;

and for this purpose a Person has a controlling interest in a body if he holds, or is beneficially entitled to, 50% or more of the equity share capital in the body corporate, or possesses 50% or more of the voting power in it and a Person shall be deemed to control a body corporate where that Person controls another Person which controls that body corporate.

“Person” means an individual, a body corporate or an unincorporated body of persons.

“Group” means for the purposes of this information memorandum, in relation to the Applicant/Licensee:

- a. any parent undertaking of the Applicant/Licensee;
- b. any subsidiary undertaking of the Applicant/Licensee;
- c. any subsidiary undertaking of any parent undertaking referred to in a);
- d. a shareholder or partner in the Applicant/Licensee which beneficially owns (directly or indirectly) shares in the Applicant/Licensee in circumstances where there is one other shareholder or partner in the Applicant/Licensee which beneficially owns (directly or indirectly) the remaining shares in circumstances where neither shareholder or partner has control;
- e. any undertaking of which the Applicant/Licensee beneficially owns (directly or indirectly) shares in circumstances where there is one other shareholder or partner in that undertaking which beneficially owns (directly or indirectly) the remaining shares in circumstances where neither shareholder nor partner has control;
- f. any undertaking in circumstances where two or more of its shareholders or partners which acting in concert together beneficially own (directly or

indirectly) more than 50% of the shares or voting rights in that undertaking, acting in concert together beneficially own (directly or indirectly) more than 50% of the shares, or voting rights of the Applicant/Licensee; and

- g. any undertaking of which the Applicant/Licensee beneficially owns (directly or indirectly) together with one or more undertakings acting in concert more than 50% of the shares or voting rights of that undertaking.

Annex 2 – 26 GHz FWALA Comparative Evaluation Process

In addition to the FWALA application form (Annex 4) which is required for every application, additional detail is required for the comparative evaluation process. This additional detail is collected using the form set out in Annex 3 of this Information Notice.

The form set out in Annex 3 shows the pro-forma licence into which the voluntary offerings (if any) in respect of the comparative evaluation procedure will be inserted.

It is ComReg's view that the 26 GHz band is primarily suited for business offerings and will not be asking interested parties to submit residential tariff offerings as part of the comparative evaluation process. However this does not exclude operators from offering services to residential customers should they wish. Specifically, applicants are invited to make voluntary commitments in respect of the following:

1. A commitment to provide to ComReg a **performance bond**, up to the value of €15,000 in respect of the conditions attached to the FWALA licence. The period of validity of the performance bond will be 24 months from the date of licence commencement. The performance bond may be forfeit in the event of a failure to comply with any of the FWALA licence conditions. The value of the performance bond committed to will be used as a comparative evaluation criterion.
2. A **Business service offering** to provide a stand-alone and unbundled data service with the following characteristics: 2 Mbit/s nominal downstream data rate, 2 Mbit/s upstream, a maximum 10:1 contention ratio and an unlimited data volume, at a **maximum monthly tariff** specified by the applicant.

The tariff offering must be all inclusive (**no hidden extras**) and include, for example, installation cost and equipment rental. Any tariff commitments must be valid for a period of 12 months from the launch of the service, subject to the renewal of the licence. Applicants must commit to make available to any customer(s) within the coverage of the FWALA service area on request and where reasonable, whichever of the above service offerings their committed tariff(s) relate to, for a period of 12 months from the date of service launch. The committed tariff(s) must not be exceeded during that period. **For the avoidance of doubt applicants will, however, be free to offer additional services beyond those to which their committed tariff(s) relate.**

A1. Comparative Evaluation Criteria

Voluntary offerings will be evaluated where the number of valid applications received for the same or overlapping areas exceeds the number of licences which are available. If ComReg decides that a comparative evaluation is necessary, the application will be subjected to a comparative evaluation on the basis of the amount of the performance bond to which the applicant has committed and the applicant's committed monthly business tariff as summarised in Table A1:

Evaluation Criteria	Marks
Performance Bond	50
Business Tariff	50

Table A1: Summary of evaluation criteria and associated marks

Where tariff commitments are made, the following shall be included in the commitments:

1. The applicant shall provide the services and the associated tariff(s) for a period of 12 months from date of service launch;
2. The tariff(s), where offered, must be offered on a ‘stand alone’, unbundled basis for one or other or both of the data service offerings;
3. The tariff(s) must be clear, unambiguous, all inclusive with no hidden extras;
4. The applicant must commit to make available to all customers within coverage of the FWALA service area, on request and where reasonable, whichever of the above service offerings their quoted tariff(s) relate to, for a period of 12 months from the date of service launch;
5. The quoted tariff(s) must not be exceeded during that period.

All applications will be evaluated in accordance with Regulation 11.(3) of the Authorisation Regulations (S.I. 306 of 2003).

Upon completion of the process each applicant will be informed of the outcome and presented with a summary of the evaluation result regarding their application.

A2. Licence Offers

As a result of the comparative evaluation procedure a licence may be offered to the applicant who meets the minimum admittance criteria and is ranked highest on the basis of the comparative evaluation criteria. Any remaining licence(s) in that geographical area will then be offered to the next highest ranked eligible applicant and so on. In the event that a successful applicant does not accept a licence, the licence will be offered to the next highest ranked applicant and so on.

In the unlikely event that two or more FWALA licence applications cannot be differentiated by this comparative evaluation procedure, the licences shall be awarded by drawing of lots.

Where a FWALA licence is offered, whether by comparative evaluation or not, ComReg may incorporate conditions into the licence based on the commitments contained in the application submitted.

Successful applicants will be notified in writing by ComReg. From the date of notification the applicant will have 14 days to accept the licence and 30 days to lodge their committed performance bond with ComReg.

The licence offer will be deemed to have lapsed if it is not accepted within 14 days or if the performance bond is not lodged with ComReg within 30 days.

The performance bond to be submitted to ComReg has to be valid for a period of 24 months from the date of licence commencement. The performance bond must be secured

26GHz FWALA Licensing – Comparative Evaluation Stage

by means of a cash deposit or by means of a guarantee provided by a reputable bank. Any performance bond held by ComReg and not forfeited will be returned to the licensee after the appropriate period of time stated above has lapsed. Non-compliance with any of the licence conditions may result in enforcement action, including the forfeit of the performance bond.

Annex 3 – 26 GHz FWALA Comparative Evaluation Application Form

In addition to the FWALA application form in Annex 4 which is required for every application, additional detail is required for the comparative evaluation process. This information is collected using this form, which is set-out in the form of a pro-forma licence.

Reference information to FWALA Application Form

FWALA Service Area ²	Name:
Name & Location	Location (e.g. town, county)

Applicants are invited to accept, delete or amend this pro-forma licence text, as appropriate, to reflect the offering(s) being made in respect of performance bond and tariff(s).

Pro-Forma Licence Text and Voluntary Offerings

Part VIII: Commitments made as part of a comparative evaluation process

Part VIII(1): Service Offerings –

Commitment regarding Business service and maximum tariff offerings:

The Licensee shall make available on request to all of its customers within coverage an unbundled and stand-alone fixed wireless access service having the following attributes:

- Nominal data transmission rate, network to subscriber : 2 Mbit/s
- Nominal data transmission rate, subscriber to network: 2 Mbit/s
- Maximum contention ratio: 10:1
- Unlimited data transmission

The Licensee shall launch commercial service no later than eleven months after the date of commencement of this licence as stated in Part VII of this schedule.

The Licensee shall make such a service available at a maximum tariff not exceeding € _____ per month, excluding VAT but including all hidden charges, installation charges and equipment rental.

Part VIII(2): Performance Bond –

² The service area for a licence is defined by a centre point and a maximum permitted radius from that point. The centre point is normally the geographic location of the base station.

Where the Licensee fails to comply with any of the conditions of its licence for the period of 24 months from the date of commencement of the licence as stated in Part VII of this schedule the Licensee agrees to pay to ComReg by way of a performance guarantee the amount of € _____.

In order to discharge this guarantee the Licensee must satisfy ComReg 28 days prior to the date of the renewal of the licence that they have complied with their licence conditions. Failure to supply ComReg with appropriate information reasonably requested may lead to the discharge of the guarantee. This performance guarantee remains valid for the period of 24 months from the date of commencement of the licence as stated in Part VII of this schedule.

Collection or payment of the Performance Guarantee set out above shall not hinder or reduce ComReg's right under the relevant national and international law to take whatever other measures it may deem necessary to ensure compliance with the licence obligations.

The licensee shall launch commercial service no later than eleven months after the date of commencement of this licence as stated in Part VII of this schedule.

Annex 4 – 26 GHz FWALA Application Form

Notes for Applicants

1. In accordance with the Wireless Telegraphy Act, 1926, the appropriate licence must be held to cover possession or use of radio equipment. Possession or use of radio equipment without a licence is an offence which renders the offender liable to prosecution and, on conviction, fines and confiscation of equipment.
2. This application form sets out the standard information that is required for a single Fixed Wireless Access Local Area (FWALA) licence. In certain cases, the Commission for Communications Regulation may seek further information or clarification from the applicant.
3. A FWALA licence allows the Licensee to offer telecommunications services by means of a local area fixed wireless access network in the defined FWALA service area. A separate FWALA application is required for each FWALA service area.

4. Applications for a FWALA licence must be submitted along with the appropriate fee to:

The Commission for Communications Regulation
Licensing Section (Ref: **FWALA** Licensing Scheme),
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

5. To submit a valid application (new application or amendment) it is necessary:
 - To complete all sections of the form in line with the Revised Guidelines to Applicants for FWALA Licences, ComReg Document 06/17R2.
 - To submit the full licence fee with your application.

Application forms not adequately completed cannot be considered as valid applications and will be returned to the applicant.

6. If there is insufficient space available on the application form, please attach any additional information on a separate sheet(s), indicating the appropriate section and question.
7. Every effort will be made to process applications quickly so that operations can start at the earliest possible date. To facilitate speed of processing, please ensure that your application is legible i.e. typed or completed in block capitals.
8. While ComReg makes every effort to accommodate each applicant's requirements, it should be appreciated that this may not be possible in all cases.
9. The annual licence fee for all new FWALA applications is €2800.

APPLICATION FOR FWALA LICENCE

Section 1: Contact Details

1A: Applicant Details

Full Name of the Company, Firm or Person in whose name the Licence is sought:	
Registered Number in the Companies Registration Office:	
Trading Name: (If different from above)	
ComReg Account Number³: (If applicable)	
Business Address:	Address: County or Postcode: Country:
Contact Name⁴:	
Phone No:	
Fax No:	
E-Mail:	
Name and Address to which the Licence / Correspondence is to be sent: (if different from address given above)	Name: Address: County or Postcode: Country:

³ This is the account number allocated to you by ComReg; it is unique for you/your company. You generally have an account number if you applied in the past to ComReg for any type of licence. This account number is printed on ComReg correspondence such as invoices, renewal notices etc.

⁴ Generally this is the person in your organisation to contact in relation to the licence application.

1B: Technical Contact Details⁵

Name:	
Address:	Address: County or Postcode: Country:
Phone No:	
Fax No:	
E-Mail:	

⁵ If the technical contact person is not the same as the person(s) in the Applicant Details section, the applicant should nominate a technical contact who will be in a position to act for the applicant and to furnish information about the application if called upon to do so.

Section 2: FWALA Application Details

Type of Application Please tick one box only	<input type="checkbox"/> New Application <input type="checkbox"/> Amendment to Existing Licence
Frequency band Please tick one box only	<input type="checkbox"/> 26 GHz
Preferred Channel(s) in frequency band for which the application should be considered⁶	Specific Channels in order of preference 1. _____ 2. _____ 3. _____ 4. _____ 5. _____

For Amendment Request Only:

Existing Licence Number to be amended:	
Details of amendment:	<input type="checkbox"/> Additional Channel Bandwidth Requested (This is only applicable where the existing licence has not been allocated the full channel bandwidth available) <input type="checkbox"/> Other _____ Details of Amendment

⁶ Note: The channel plans and bandwidths for each of the FWALA frequency bands are set out in the Revised Guidelines to Applicants for FWALA Licences, ComReg Document 06/17R3.

Section 3: FWALA Service Area Site Details

FWALA Service Area⁷ Name & Location	Name: Location (e.g. town, county)
Service Area Centre Point Co-ordinates	<u>Site Co-ordinates:</u> Easting: ----- AND Northing: -----
Radius of Service Area Requested (km)	<input type="checkbox"/> <u>Maximum for Band</u> <input type="checkbox"/> <u>Other, please specify in km</u>

⁷ The service area for a licence is defined by a centre point and a maximum permitted radius from that point. The centre point is normally the geographic location of the base station.

Section 4: Declaration Form – Fixed Wireless Access Local Area

I have read the Revised Guidelines to Applicants for FWALA Licences, ComReg Document 06/17R2 and the guidance notes associated with each question in the application form.

I accept that ComReg may publish information relating to licensed radio systems and that certain information relating to any licence issued pursuant to this application may be contained in any such publication.

I agree to comply fully with all the terms and conditions of the licence, if granted, in accordance with the Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003.

I agree to comply with the Field Strength Limits as detailed in the Revised Guidelines to Applicants (06)17R2 (and its revisions) and which will be condition of the licence, if granted.

I certify that all equipment to be used under this FWALA licence, if granted, will be R&TTE compliant

ComReg will endeavour to minimise the potential for interference. I accept that ComReg will not be liable for any interference received and that I will comply with whatever ComReg requests in preventing interference being caused by this system to other licensed users of the radio spectrum.

I accept that 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.

I certify that all information provided on this form, including all documentation attached, is true and accurate.

Signature of Applicant: _____

On behalf of (Company): _____

Name in Block Letters: _____

Date: _____

(If applicant is part of a company, please state position held):

Section 5: Fees and Method of Payment

5A: FWALA Licence Fee

The annual licence fee for all new FWALA applications is €2800.

Where an existing Licensee is licensed for part of a FWALA channel, it may submit and amendment to ComReg for additional channel bandwidth. The fee for this amendment is based upon the following table:

Licensed Bandwidth	Licence Fee (€)
Up to 7MHz	1500
Over 7MHz and up to 14MHz	2000
Over 14MHz and up to 28MHz	2800

5B: Method of Payment:

<input type="checkbox"/> Cheque / Postal Order	Cheques / Postal Orders should be crossed and made payable to <i>The Commission for Communications Regulation</i>
<input type="checkbox"/> Bank Transfer / Electronic Funds Transfer (EFT)	<p>Transfers to ComReg’s account should be made to: Bank of Ireland, 6 Lower O’Connell Street, Dublin 1. Account Number: 17806887 Sort Code: 90-00-33 BIC Code: BOFIIIE2D IBAN No: IE62 BOFI 9000 3317 8068 87.</p> <p>If making a bank transfer/EFT, please ensure that:</p> <ul style="list-style-type: none"> · Your Bank quotes your Name and “FWALA Application” in making the transfer to ComReg. · You forward details of the date of and amount of payment to our Accounts Department (accounts@comreg.ie).
<input type="checkbox"/> Credit Card	<p>Credit card payments can be accepted</p> <ul style="list-style-type: none"> ○ By completing the Credit Card payment form below <p>For existing ComReg account holders, payments can made</p> <ul style="list-style-type: none"> ○ Over the telephone - contact accounts at 01 8049618 ○ On-Line, using www.elicensing.comreg.ie

Credit Card Payment Form:

Type of Card: **Visa** **Access / MasterCard** **Laser**

Card Number : ___ ___ ___ / ___ ___ ___ / ___ ___ ___ / ___ ___ ___

Cardholder’s Name: _____

Cardholder’s Address: _____

Expiry Date: ___ ___ / ___ ___

Signature: _____ Date: _____