



Commission for
Communications Regulation

Information Notice

GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg's written responses to same) relating to MBSA process dating from 13 July 2012 to 3 January 2013

Document No:	13/29d
Date:	22 March 2013

A.1 Non-confidential correspondence and other material provided by interested parties (and ComReg’s written responses to same) relating to MBSA process dating from 13 July 2012 to 3 January 2013. Presented in six volumes (a – f).

Document 13/29a

1. ComReg: letter to Telefonica “Bidder Materials and mock auctions for Multi-Band Spectrum Award” [Redacted] (letter dated 26 July 2012)
2. ComReg: letter to Telefonica “Deposit” [Redacted] (letter dated 26 July 2012)
3. ComReg: letter to Telefonica “MBSA Application Clarifications” [Redacted] (letter dated 8 August 2012)
4. ComReg: letter to Telefonica “Review of MBSA Application” [Redacted] (letter dated 24 August 2012)
5. ComReg: letter to Telefonica “Multi-Band Spectrum Award – Adjustment to the auction timetable” (letter dated 14 September 2012)
6. ComReg: letter to Telefonica “Amendment to ComReg Document 12/52 Information Memorandum (“IM”)” (letter dated 20 September 2012)
7. ComReg: letter to Telefonica “ComReg’s letter to you of the 14 September 2012” (letter dated 27 September 2012)
8. ComReg: letter to Telefonica “Updated Bidder Materials for Multi-Band Spectrum Award” [Redacted] (letter dated 3 October 2012)
9. A&L Goodbody: letter to ComReg “Multi-Band Spectrum Auction - 800 MHz, 900 MHz & 1800 MHz (“the Auction”)” (letter dated 31 October 2012)
10. Irish Independent: Article “State can make €533m in digital switch” (article dated 25 October 2012)
11. Public Policy.ie: Article “Budget 2013 – Saorview Switchover a Windfall for Government” (article dated 24 October 2012)
12. ComReg: letter to A&L Goodbody “Multi-band Spectrum Auction – 800 MHz, 900 MHz & 1800 MHz” (letter dated 1 November 2012)
13. ComReg: letter to Telefonica “Article entitled “*Low phone use puts O2 on hold*”” (letter dated 31 October 2012)
14. Sunday Times: Article “Low phone use puts O2 on hold” (article dated 28 October 2012)
15. Telefonica: letter to ComReg “Letter dated 31st October 2012” (letter dated 1 November 2012)
16. ComReg: letter to Telefonica “MBSA – Deposit Call” [Redacted] (letter dated 2 November 2012)
17. Telefonica: letter to ComReg “Deposit Call” [Redacted] (letter dated 2 November 2012)
18. ComReg: letter to Telefonica “Deposit Call” [Redacted] (letter dated 6 November 2012)
19. ComReg: letter to Telefonica “MBSA – Receipt of Deposit Call” [Redacted] (letter dated 8 November 2012)
20. ComReg: letter to Telefonica “Telefonica’s participation in the MBSA process” (letter dated 15 November 2012)
21. ComReg: letter to Telefonica “MBSA process” (letter dated 20 November 2012)
22. ComReg: letter to Telefonica “Return of Surplus Deposit plus Interest Earned” [Redacted] (letter dated 22 November 2012)

23. Telefonica: letter to ComReg “Deposit Interest” [Redacted] (letter dated 28 November 2012)
24. ComReg: letter to Telefonica “Deposit Interest” [Redacted] (letter dated 30 November 2012)
25. ComReg: letter to Telefonica “Return of Additional Interest Earned” [Redacted] (letter dated 30 November 2012)
26. ComReg: letter to Telefonica “End of Assignment Stage and Auction” (letter dated 5 December 2012)
27. Telefonica: letter to ComReg “MBSA Assignments” (letter dated 28 November 2012)
28. ComReg: letter to Telefonica “MBSA process” (letter dated 4 December 2012)
29. ComReg: letter to Telefonica “Entitlement to apply for a Preparatory and a Liberalised Use Licence” (letter dated 18 December 2012)

Document 13/29b

30. ComReg: letter to Vodafone “Joint Venture arrangement between Vodafone Ireland Limited and Hutchinson 3G Ireland Limited” (letter dated 13 July 2012)
31. ComReg/Vodafone: Email exchange between Vodafone and ComReg “Draft Response regarding query / Strictly Confidential: ComReg MBSA Application form (ComReg document 12/52aR)” (final email dated 13 July 2012)
32. ComReg: letter to Vodafone “Bidder Materials and mock auctions for Multi-Band Spectrum Award” [Redacted] (letter dated 26 July 2012)
33. ComReg: letter to Vodafone “Deposit” [Redacted] (letter dated 26 July 2012)
34. ComReg: letter to Vodafone “MBSA Application Clarifications” [Redacted] (letter dated 8 August 2012)
35. Vodafone: letter to ComReg “Vodafone Questions and Requests Following MBSA Mock Auction” [Redacted] (letter dated 15 August 2012)
36. ComReg: letter to Vodafone “Letter of 15th August” (letter dated 15 August 2012)
37. ComReg: letter to Vodafone “Review of MBSA Application” [Redacted] (letter dated 24 August 2012)
38. Vodafone: letter to ComReg “Vodafone’s Second Mock Auction” (letter dated 7 September 2012)
39. ComReg: letter to Vodafone “ComReg Multi-Band Spectrum Award (MBSA) Process – Vodafone’s second mock auction of 7 September 2012” (letter dated 10 September 2012)
40. Vodafone: emails to ComReg “MSA” (emails dated 13 September 2012)
41. ComReg: letter to Vodafone “Email of the 13 September” (letter dated 14 September 2012)
42. ComReg: letter to Vodafone “Multi-Band Spectrum Award – Adjustment to the auction timetable” (letter dated 14 September 2012)
43. ComReg/Vodafone: Email exchange between Vodafone and ComReg “Multiband Spectrum Auction: ComReg Publication of Spectrum Correspondence” (final email dated 12 September 2012)
44. Vodafone: letter to ComReg “Multi-Band Spectrum Award Process” (letter dated 12 September 2012)
45. ComReg: letter to Vodafone “Multi-Band Spectrum Award – file formats” (letter dated 18 September 2012)

46. Vodafone: letter to ComReg “Multi-Band Spectrum Release: Outstanding Technical Issues” (letter dated 18 September 2012)
47. ComReg: letter to Vodafone “Multi-Band Spectrum Release: Outstanding Technical Issues” [Redacted] (letter dated 20 September 2012)
48. ComReg: letter to Vodafone “Amendment to ComReg Document 12/52 Information Memorandum (“IM”)” (letter dated 20 September 2012)
49. ComReg: letter to Vodafone “ComReg’s letter to you of the 14 September 2012” (letter dated 27 September 2012)
50. Vodafone: letter to ComReg “Mock Auction for Multi-Band Spectrum Award Process (“Mock Auction”)” [Redacted] (letter dated 2 October 2012)
51. ComReg: letter to Vodafone “Mock Auction for Multi-Band Spectrum Award Process” (letter dated 3 October 2012)
52. ComReg: letter to Vodafone “Updated Bidder Materials for Multi-Band Spectrum Award” [Redacted] (letter dated 3 October 2012)
53. Vodafone: letter to ComReg “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” (letter dated 8 October 2012)
54. ComReg: letter to Vodafone “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” (letter dated 11 October 2012)
55. Vodafone: letter to ComReg “Updated Bidder Materials for Multi-Band Spectrum Award” (letter dated 12 October 2012)
56. ComReg: letter to Vodafone “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” [Redacted] (letter dated 12 October 2012)
57. Vodafone: letter to ComReg “Multi-Band Spectrum Award (“MBSA”) Process” (letter dated 31 October 2012)
58. ComReg: letter to Vodafone “Multi-Band Spectrum Award (“MBSA”) Process” (letter dated 2 November 2012)
59. ComReg: letter to Vodafone “MBSA – Deposit Call” [Redacted] (letter dated 2 November 2012)
60. ComReg: letter to Vodafone “MBSA – Receipt of Deposit Call” [Redacted] (letter dated 7 November 2012)
61. ComReg: letter to Vodafone “Vodafone’s participation in the MBSA process” (letter dated 11 November 2012)
62. ComReg: letter to Vodafone “MBSA process” (letter dated 20 November 2012)
63. ComReg: letter to Vodafone “Return of Surplus Deposit plus Interest Earned” [Redacted] (letter dated 22 November 2012)
64. ComReg: letter to Vodafone “Return of Additional Interest Earned” [Redacted] (letter dated 30 November 2012)
65. ComReg: letter to Vodafone “End of the Assignment Stage and Auction” (letter dated 5 December 2012)
66. Vodafone: letter to ComReg “Multi-Band Spectrum Auction (“MBSA”) Process” (letter dated 21 November 2012)
67. ComReg: letter to Vodafone “MBSA process” (letter dated 23 November 2012)
68. ComReg: letter to Vodafone “Entitlement to apply for a Preparatory and a Liberalised Use Licence” (letter dated 18 December 2012)

Document 13/29c

69. ComReg: letter to MMC “Bidder Materials and mock auctions for Multi-Band Spectrum Award” [Redacted] (letter dated 26 July 2012)
70. ComReg: letter to MMC “Deposit” [Redacted] (letter dated 26 July 2012)

71. ComReg: letter to MMC “MBSA Application Clarifications” [Redacted] (letter dated 8 August 2012)
72. ComReg: letter to MMC “Review of MBSA Application” [Redacted] (letter dated 24 August 2012)
73. MMC: letter to ComReg “Multi-Band Spectrum Award” [Redacted] (letter dated 7 September 2012)
74. ComReg: letter to MMC “Letter of the 7th September” (letter dated 14 September 2012)
75. ComReg: letter to MMC “Multi-Band Spectrum Award – Adjustment to the auction timetable” [Redacted] (letter dated 14 September 2012)
76. MMC: letter to ComReg “Multi-Band Spectrum Award – Adjustment to the auction timetable” (letter dated 18 September 2012)
77. ComReg: letter to MMC “MBSA – Adjustment to the auction timetable” (letter dated 20 September 2012)
78. ComReg: letter to MMC “Confidential – Amendment to ComReg Document 12/52 Information Memorandum (“IM”)” (letter dated 20 September 2012)
79. ComReg: letter to MMC “ComReg’s letter to you of the 14 September 2012” [Redacted] (letter dated 27 September 2012)
80. ComReg: letter to MMC “Updated Bidder Materials for Multi-Band Spectrum Award” (letter dated 3 October 2012)
81. ComReg: letter to MMC “Statement made by Mr Paul Bradley on “*The Last Word with Matt Cooper*”” (letter dated 31 October 2012)
82. MMC: letter to ComReg “Multi-Band Spectrum Award – Alleged breach of confidentiality obligations” (letter dated 1 November 2012)
83. ComReg: letter to MMC “Letter of 1 November 2012” (letter dated 2 November 2012)
84. ComReg: letter to MMC “MBSA – Deposit Call” [Redacted] (letter dated 2 November 2012)
85. MMC: letter to ComReg “Multi-Band Spectrum Auction” [Redacted] (letter dated 6 November 2012)
86. ComReg: letter to MMC “Multi-Band Spectrum Auction” [Redacted] (letter dated 7 November 2012)
87. ComReg: letter to MMC “MBSA – Receipt of Deposit Call” [Redacted] (letter dated 7 November 2012)
88. ComReg: letter to MMC “Meteor’s participation in the MBSA process” (letter dated 15 November 2012)
89. ComReg: letter to MMC “MBSA process” (letter dated 20 November 2012)
90. ComReg: letter to MMC “Return of Surplus Deposit plus Interest Earned” [Redacted] (letter dated 22 November 2012)
91. ComReg: letter to MMC “Return of Additional Interest Earned” [Redacted] (letter dated 30 November 2012)
92. ComReg/MMC: Email exchange between MMC and ComReg “MBSA – next steps” (final email dated 19 November 2012)
93. MMC: email to ComReg “T1 Licences” (email dated 20 November 2012)
94. ComReg: letter to MMC “Multi-Band Spectrum Award” (letter dated 23 November 2012)
95. MMC: email to ComReg “SUF Timing” (email dated 15 November 2012)
96. MMC: letter to ComReg “Multi-Band Spectrum Award – Notification of Lots retained for GSM purposes” (letter dated 28 November 2012)

97. ComReg: letter to MMC “Multi-Band Spectrum Award – Notification of Lots retained for GSM purposes” (letter dated 4 December 2012)
98. ComReg: letter to MMC “End of Assignment Stage and Auction” (letter dated 5 December 2012)
99. ComReg: letter to MMC “Entitlement to apply for a Preparatory and a Liberalised Use Licence” (letter dated 18 December 2012)

Document 13/29d

100. ComReg: letter to H3GI “Joint Venture arrangement between Vodafone Ireland Limited and Hutchinson 3G Ireland Limited” (letter dated 13 July 2012)
101. ComReg: letter to H3GI “Bidder Materials and mock auctions for Multi-Band Spectrum Award” [Redacted] (letter dated 26 July 2012)
102. ComReg: letter to H3GI “Deposit” [Redacted] (letter dated 26 July 2012)
103. ComReg: letter to H3GI “MBSA Application Clarifications” [Redacted] (letter dated 8 August 2012)
104. ComReg: letter to H3GI “Review of MBSA Application” [Redacted] (letter dated 24 August 2012)
105. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” (letter dated 4 September 2012)
106. ComReg: letter to H3GI “Letter of the 4th September” (letter dated 12 September 2012)
107. ComReg: letter to H3GI “Multi-Band Spectrum Award – Adjustment to the auction timetable” (letter dated 14 September 2012)
108. H3GI: letter to ComReg “COMREG DOC. NO. 12/52 – POSSIBLE ERROR” (letter dated 13 September 2012)
109. ComReg: letter to H3GI “Letter of 13 September 2012” (letter dated 20 September 2012)
110. ComReg: letter to H3GI “Amendment to ComReg Document 12/52 Information Memorandum (“IM”)” (letter dated 20 September 2012)
111. H3GI: letter to ComReg “COMREG DOC. NO. 12/52 – MOCK AUCTION ASSIGNMENT ROUND OPTIONS” (letter dated 20 September 2012)
112. ComReg: letter to H3GI “Mock Auction Assignment Round Options” (letter dated 26 September 2012)
113. ComReg: letter to H3GI “ComReg’s letter to you of the 14 September 2012” [Redacted] (letter dated 27 September 2012)
114. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” (letter dated 1 October 2012)
115. ComReg: letter to H3GI “Updated Bidder Materials for Multi-Band Spectrum Award” [Redacted] (letter dated 3 October 2012)
116. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” [Redacted] (letter dated 12 October 2012)
117. ComReg: letter to H3GI “Letter of 12 October” (letter dated 12 October 2012)
118. ComReg: letter to H3GI “MBSA –Deposit Call” (letter dated 2 November 2012)
119. ComReg: letter to H3GI “H3GI’s participation in the MBSA process” (letter dated 15 November 2012)
120. H3GI: letter to ComReg “MULTI-BAND SPECTRUM AWARD” (letter dated 15 November 2012)

121. ComReg: letter to H3GI “Multi-Band Spectrum Award” (letter dated 21 November 2012)
122. ComReg: letter to H3GI “MBSA process” (letter dated 20 November 2012)
123. ComReg: letter to H3GI “Return of Surplus Deposit plus Interest Earned” [Redacted] (letter dated 22 November 2012)
124. ComReg: letter to H3GI “End of Assignment Stage and Auction” (letter dated 5 December 2012)
125. H3GI: email to ComReg “MBSA – Preparatory and Test and Trial Licences” (email dated 21 November 2012)
126. ComReg: letter to H3GI “Multi-Band Spectrum Award” (letter dated 23 November 2012)
127. H3GI: letter to ComReg “MULTI-BAND SPECTRUM AWARD” (letter dated 28 November 2012)
128. ComReg: letter to H3GI “MBSA process” (letter dated 4 December 2012)
129. ComReg: letter to H3GI “Entitlement to apply for a Preparatory and a Liberalised Use Licence” (letter dated 18 December 2012)
130. ComReg: letter to H3GI “Correction to Letter of 18 December 2012” (letter dated 3 January 2013)

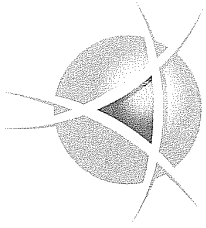
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131. ComReg: to All Bidders “Dot econ : Downloadable files” (Report dated 14 September 2012)
132. ComReg: to All Bidders “Dot econ Report: Eligibility-reducing relaxed primary bids in ComReg’s multiband auction” (Report dated 20 September 2012)
133. ComReg: to All Bidders “Clarification on Multi-Band Spectrum Auction” (letter dated 3 October 2012)

Document 13/29f

134. ComReg: to All Bidders “Dot-econ: WebBidder User Manual for the Irish Multi-Band Spectrum Award” (Manual dated October 2012)
135. ComReg: to All Winning Bidders “Clarification in response to query received by ComReg” (letter dated 28 November 2012)
136. ComReg: letter to DCENR “ComReg’s Multi-Band Spectrum Award (MBSA process)” (letter dated 1 October 2012)
137. DCENR: letter to ComReg “letter of 1 October” (letter dated 16 October 2012)

100. ComReg: letter to H3GI “Joint Venture arrangement between Vodafone Ireland Limited and Hutchinson 3G Ireland Limited” (letter dated 13 July 2012)



Commission for
Communications Regulation

13 July 2012

Mr David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

By post and e-mail: David.Hennessy@three.ie

**Joint venture arrangement between Hutchison 3G Ireland Limited
and Vodafone Ireland Limited**

Dear David,

We refer to your letter of today's date regarding the above.

Thank you for notifying us about the joint venture arrangement between Vodafone Ireland Limited (Vodafone) and Hutchison 3G Ireland Limited (H3GI) ("the Joint Venture Arrangement"). We note the details provided about the Joint Venture Arrangement as set out in your letter.

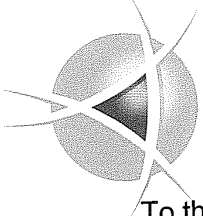
ComReg notes that Recital 12 of the RSPD Decision¹ encourages infrastructure sharing:

Easy access to spectrum may require innovative types of authorisation such as collective use of spectrum, or infrastructure sharing.

ComReg welcomes initiatives such as infrastructure sharing, which it hopes will contribute to increased coverage, reduced costs and reduced energy consumption, subject to such initiatives being permissible.

In particular, as H3GI would no doubt be aware, the Joint Venture Arrangement is subject to compliance with, amongst other things, relevant provisions of the Competition Act 2002 (as amended), including section 4 thereof and the parties to the Joint Venture Arrangement should satisfy themselves that this agreement is in compliance with section 4 and the Competition Act 2002 generally.

¹ Decision No 243/2012/EU Of The European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme.



To the extent that the Joint Venture Arrangement may be relevant to the Commission for Communications Regulation's (ComReg) Multi-Band Spectrum Award (MBSA) Process, we would draw H3GI's particular attention to:

- the Application Form (ComReg Document 12/52aR) including, in particular, paragraphs 5 and 6 of the Applicant Declaration;
- ComReg's Questions and Answers and Clarifications on its MBSA Process (ComReg Document 12/73), including its answer to question 78; and
- the restrictions on communication of Confidential Information as described in Document 12/52 and the Application Form (ComReg Document 12/52aR).

H3GI should satisfy itself that any joint venture agreement is either concluded before the restrictions of paragraph 5 of the Applicant Declaration take effect or any negotiations are suspended until those restrictions end.

Moreover, H3GI should satisfy itself that the agreement does not contain any provisions of the kind prohibited by paragraph 6 of the Applicant Declaration.

ComReg would be happy to meet with H3GI and/or Vodafone to learn more about the Joint Venture Arrangement following announcement of the results of the MBSA (in accordance with section 4.6 of Document 12/52).

Yours sincerely

A handwritten signature in black ink, appearing to read 'George Merrigan'.

George Merrigan

101. ComReg: letter to H3GI “Bidder Materials and mock auctions for Multi-Band Spectrum Award” [Redacted] (letter dated 26 July 2012)

Mr. Robert Finnegan
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

BY HAND – 26 July 2012

Confidential

Bidder Materials and mock auctions for Multi-Band Spectrum Award

I am writing to you in your capacity as first Authorised Agent for H3GI concerning H3GI's participation in the Commission for Communications Regulation's (ComReg) Multi-Band Spectrum Award (MBSA).

Bidder Materials

Please find enclosed the Bidder Materials for accessing and using the Electronic Auction System ("EAS"), comprising:

- a CD-ROM, containing:
 - the digital certificates required to access the EAS for both the mock auction and the real auction, if required.;
 - a set of one-time passwords for authenticating telephone and fax communications during the actual auction, if required;
 - the EAS User Manual (in PDF format); and
- a sheet detailing your login credentials for H3GI's mock auction.

The certificate password for your digital certificates (required to decrypt and install the digital certificates on your bidding computer) has been handed over under separate cover.

The enclosed CD-ROM contains two digital certificates, being:

- a certificate authority (CA) certificate (cacert.der); and
- a bidder key certificate (with a filename of the form X.pfx).

You will need to install both digital certificates on your bidding computer (and backups) to be able to access the EAS for both the mock auction and the actual auction if required. You may also need to install Java (if this is not already installed). This process is described in the enclosed EAS User Manual. You should leave sufficient time for these preparations.

Mock Auction

ComReg has scheduled a mock auction for H3GI on Wednesday, 1 August 2012. If H3GI is not able to participate on that date, you should contact Dr. Samuel Ritchie at ComReg to agree upon another date for the mock auction. Please note that no other day in the week commencing 30 July is available.

The EAS will be made available for use from 10am on the day of the mock auction.¹ It is expected that the first bidding round will start at 11am, with the mock auction concluding at around 3pm.

You should use the time prior to the start of the first round of the mock auction to ensure that you can log into the EAS. If you have technical problems, telephone support will be available from 10am (on the telephone number identified in the attached sheet). Please note that support will only be provided on technical issues related to accessing and using the EAS. Please also note that telephone and fax bids will not be accepted for the mock auction - you must use the EAS to make bids in the mock auction.

Please note that the Primary Bid rounds in the mock auction are likely to be as short as possible to allow the mock auction to run through all stages of the auction within a reasonable time. For the avoidance of doubt, this does not in any way indicate the approach

¹ Please note that whilst the EAS is currently under testing, ComReg is providing access to the EAS at an early stage to assist in your preparations for the actual auction. Consequently, it is possible that changes may be made to the EAS prior to the actual auction, if required. ComReg therefore reserves the right to issue a revised EAS User Manual.

that ComReg may or may not adopt in the actual auction, if required.

For the purposes of the mock auction, all participating Bidders will have initial eligibility set at the maximum possible (i.e. 14 eligibility points). This may differ from H3GI's initial eligibility in the actual auction (as will be determined by H3GI's Application and Deposit), if required.

The attached sheet details your login credentials for the mock auction (which are required in addition to the digital certificates provided in the Bidder Materials). These login credentials are specific to the mock auction. Please note that new login credentials will be used for the actual auction, if required, and will be distributed to an Authorised Agent of Qualified Bidders. However, the same digital certificates will be used in both the mock auction and the actual auction, if required, to assist participants in determining that the certificates are properly installed and operational. Therefore, it is essential that appropriate steps be taken to secure any computer on which you install these certificates and to maintain its security between the mock auction and the actual auction, if required.

Please note that a revised support number along with telephone and fax numbers for backup bidding will be provided prior to the actual auction together with your login credentials.

Your Bidder Materials contains a set of 100 random passwords on your CD-ROM. These are only for use in the actual auction, if required, not during the mock auction. These may be used for authentication of telephone and fax communications. For example, on a telephone call you might be asked to provide character N from password M. You can also use this sheet to authenticate communication from the Auctioneer by asking the Auctioneer to provide characters from your sheet.

Yours sincerely

Dr. Samuel Ritchie

H3GI's MOCK AUCTION – Wednesday, 1 August 2012

Bidder identifier (This serial number appears only on our digital certificate CD)	[REDACTED]
URL to log in to EAS for mock auction (Note: this is Case sensitive)	https:// [REDACTED] [REDACTED]
Login password for mock auction (Note: This is Case sensitive)	[REDACTED]
Telephone support number for technical issues (from 10am)	[REDACTED]


Bidder identifier (This serial number appears on your digital certificate CD)	[REDACTED]
Certificate installation password	[REDACTED]

102. ComReg: letter to H3GI “Deposit” [Redacted] (letter dated 26 July 2012)

Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Robert Finnegan

I am writing to you in your capacity as first Authorised Agent for H3GI concerning H3GI's application submitted as part of ComReg's Multi-Band Spectrum Award Process.

I confirm that ComReg received, in its bank account on 19 July 2012, the sum of  from H3GI.

Yours Sincerely

Dr. Samuel Ritchie

26 July 2012

103. ComReg: letter to H3GI “MBSA Application Clarifications” [Redacted]
(letter dated 8 August 2012)

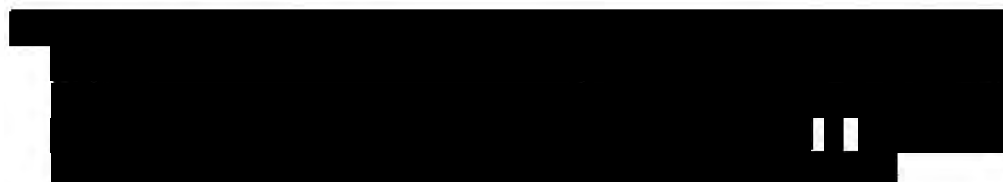


David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hennessy

I refer to the application submitted by Hutchison 3G Ireland Limited (the "Applicant") in connection with ComReg's Multi Band Spectrum Award (the "Application") received by ComReg on 20 July 2012.

I am writing to you in your capacity as principal Authorised Agent for the Applicant. ComReg has reviewed the Application and, in line with section 3.4.2 of the Information Memorandum (Document 12/52), is now seeking the following clarification and verification in relation to the Application.



In responding to this information request, please certify that all information provided with respect to group structure and ownership is, to the best of your knowledge, true, complete and accurate, subject to any corrections of information (in addition to the above) that you may consider appropriate to make. Please also certify that, in light of any additional/amended information provided, the ownership structure is still compliant with the ownership rules set out in section 3.3.4 of the Information Memorandum. Please also incorporate the above information in the ownership structure document which was furnished with the Application, as appropriate.

2. The Certificate of Incorporation, Certificate of Incorporation on Change of Name and the Memorandum and Articles of Association which accompanied the Application were certified as true copies on

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3 February 2012. Given the period of time which has elapsed since the date of certification, please provide up to date certified copies.

In accordance with the Application process, your response to the above information request must be provided in the form of **four identical paper copies** and **one** electronic copy in an editable format on CD-ROM. The container(s) in which the documents and CD-ROM are submitted must not in any way disclose the identity of the Applicant.

ComReg will only accept this information during the period **Thursday 16 August 2012 to Friday 17 August 2012** between 10.00 and 16.00 hours (Irish time). You are required to make an appointment with ComReg to submit this information. To make an appointment, you are required to contact **Dr Samuel Ritchie** on **Tuesday 14 August 2012** between 10.00 to 13:00 and 14:00 to 16.00 hours (Irish time) at phone number 00 353 (0)1 804 9619

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Ritchie', is written over a light blue horizontal line.

Dr. Samuel Ritchie

104. ComReg: letter to H3GI “Review of MBSA Application” [Redacted] (letter dated 24 August 2012)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

24 August 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hennessy

I refer to the application (the "Application") submitted by Hutchison 3G Ireland Limited to the Commission for Communications Regulation ("ComReg"), on 20 July 2012, concerning the Multi Band Spectrum Award, and to subsequent clarifications received by ComReg in relation to same. I am writing to you in your capacity as principal Authorised Agent for the Applicant.

ComReg has now completed its review of the Application and in accordance with section 3.4.1 of the Information Memorandum (Document 12/52). ComReg confirms:

- that the Applicant has qualified to become a Bidder (and is hereafter referred to as the "Bidder") and
- that an Auction Main Stage is required and will now proceed.

ComReg also confirms that the Bidder's Initial Eligibility to Bid for Lots in each Time Slice in the first Primary Bid Round is as follows:

- Time Slice 1: [REDACTED]
- Time Slice 2: [REDACTED]

This eligibility is broken down as follows:

Lot Category number and name	Number of Lots available	Eligibility points per Lot	Eligibility points associated with Lots applied for in Lot Category by Bidder
800/1	6	2	[REDACTED]

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 Web www.comreg.ie

Lot Category number and name	Number of Lots available	Eligibility points per Lot	Eligibility points associated with Lots applied for in Lot Category by Bidder
800/2	6	2	
900/1	5	2	
900/2	7	2	
1800/1	6	1	
1800/2	15	1	

Please also note that, following requests for same, ComReg has decided to facilitate one additional mock auction for each Bidder prior to commencement of the Auction. An additional mock auction has been scheduled for the Bidder, starting at **10 a.m.** (Irish time) on **5 September 2012**.¹

The Bidder must confirm to ComReg whether it wishes to avail of the additional mock auction by contacting Dr Samuel Ritchie before **4 p.m.** (Irish time) on **Thursday 30 August 2012**, at telephone number **00 353 (0)1 804 9619**. If no such confirmation is received, ComReg will proceed on the basis that the Bidder does not wish to participate in a mock auction and the scheduled mock auction will be cancelled.

In light of the additional mock auctions, the start date of the first Primary Bid Round will be **10 a.m.** (Irish time) on **Monday 24 September 2012**. However, this start date is subject to such change as may be necessitated by amendments to the Auction software or other unforeseen issues as may arise.

The Electronic Auction System (EAS) will be made available from **10 a.m.** on **Friday 21 September 2012** for Bidders to ensure connectivity issues are resolved.² On successful logon, each Bidder will have access to information on the aggregate demand for lots in each of Lot Categories 1 to 6 and the Round Price for each Lot Category in the first Primary Bid Round.

Yours sincerely



Dr. Samuel Ritchie

¹ Bidders participating in the additional mock auction are required to use the same certificates, URL and passwords as previously used.

² It is intended that the EAS will remain continuously online from 10 am on Friday 21 September 2012 until the end of the auction.

105. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” (letter dated 4 September 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Multi-Band Spectrum Award
Commission for Communications Regulation
Abbey Court, Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland
BY COURIER

4 September 2012

Dear Dr Ritchie

COMREG DOC. NO. 12/52

I refer to ComReg Doc. No. 12/52, "Multi-band Spectrum Release Information Memorandum" (the "Information Memorandum").

Hutchison 3G Ireland Limited ("H3GI") hereby notifies ComReg of a possible error.

Possible Error

Sub-section 4.78 of the Information Memorandum provides as follows:

"Therefore, in the case that a Bidder submits a Relaxed Primary Bid that strictly exceeds its current Eligibility in one Time Slice, but its activity in the other Time Slice is strictly less than its current Eligibility in that Time Slice, its Eligibility in the former Time Slice will be maintained and its Eligibility in the latter Time Slice will be reduced."

As a result of this section (and as illustrated in the simple example below), the relative price cap is affected as follows: a bid on a package A can be constrained by a bid on a package B and a bid on a package B can be constrained by a bid on a package A, and no other constraints apply to bids on these two packages by virtue of the relative price cap.

Example:

Assume that a bidder is only bidding for 800 MHz spectrum in Time Slice 1 and 2 and that bids for all other categories are zero. The bidder is interested in 4 packages:

	800/1	800/2
Package A	2	2
Package B	2	1
Package C	1	2
Package D	1	1

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Registered Number: 316982
Place of Registration: Republic of Ireland



The bidding unfolds as follows:

Package	Round	800/1	800/2	Bid type	EP 1	EP 2	Act 1	Act 2
Package A	1	2	2	Standard	4	4	4	4
Package B	2	2	1	Standard	4	4	4	2
Package C	3	1	2	Relaxed	4	2	2	4
Package D	4	1	1	Standard	2	2	2	2

EP = Eligibility Points

Act = Activity

The last time the bidder was eligible to bid for Package A was round 2, in which it bid for Package B. So the relative cap for Package A is tied to (the best bid for) Package B. The last time the bidder was eligible to bid for Package B was round 3, in which it bid for Package C, so the relative cap for Package B is tied to (the best bid for) Package C. The last time the bidder was eligible to bid for Package C was round 2, so the relative cap for Package C is tied to (the best bid for) Package B. Packages B & C are tied to each other and Package A is tied to Packages B & C. However, Packages A, B and C are not tied to Package D or other packages that the bidder may subsequently bid for.

This would appear to be inconsistent with sub-section 4.156 of the Information Memorandum which provides that: "... *The rule above has the effect of creating a chain of constraints that cap the Supplementary Bid for any package of Lots X relative to the last Bid made for a package of Lots not exceeding the Bidder's Eligibility in the final Primary Round*".

Please confirm: (i) whether this is an error or not; and (ii) if not, that the electronic auction software reflects our interpretation of the auction rules and permits bidding in accordance with this interpretation.

This letter is submitted to ComReg for the sole purpose of H3GI seeking to establish whether the Information Memorandum contains an error. This letter and all of its contents are confidential to H3GI and could, if released have the effect of revealing a possible H3GI bidding strategy. The disclosure by ComReg of this letter, the fact that it has been sent, or any information it contains, would amount to a breach by ComReg of the obligation of confidentiality in respect of same.

Yours sincerely

MARK HUGHES
Head of Regulatory

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
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106. ComReg: letter to H3GI “Letter of the 4th September” (letter dated 12 September 2012)



Mr. Mark Hughes
Head of Regulatory
H3GI

12 September 2012

Dear Mark

I refer to your letter dated 4 September 2012. This relates to a possible error in the Multi-band Spectrum Release Information Memorandum (ComReg Document 12/52) which you have brought to our attention in accordance with section 5.2.5 of the Information Memorandum. ComReg is grateful to you for bringing this to our attention.

In accordance with paragraph 5.30 of the IM, ComReg will address the matter directly with all Bidders in due course.

Kind Regards



Dr. Samuel Ritchie
Manager Spectrum Operations

107. ComReg: letter to H3GI “Multi-Band Spectrum Award – Adjustment to the auction timetable” (letter dated 14 September 2012)



By Hand – ~~Strictly Confidential~~

14 September 2012

Mr. David Hennessy
Head of Regulatory
Hutchison 3G Ireland
3rd Floor One Clarendon Row
Dublin 2

Matter: ~~Confidential~~ - Multi-Band Spectrum Award – Adjustment to the auction timetable

Dear Mr. Hennessy

In accordance with the provisions of the Information Memorandum (ComReg Document 12/52) (the “IM”), ComReg hereby gives notice of an adjustment of the Auction timetable.

ComReg now intends that the Main Stage of the auction will start on Tuesday 16 October, with access to the Electronic Auction System (EAS) being made available from Monday 15 October. ComReg apologises for any inconvenience arising from the adjustment of the Auction timetable.

Developments

Three developments have influenced ComReg’s decision to alter the Auction timetable:

1. Together with this notice, ComReg has included a document and sample files on CD that detail the formats to be used for downloadable data

1

from the EAS. Some minor changes have been made to the format of this data in light of comments and queries received in the course of the two rounds of mock auctions;

2. In the course of testing the EAS and the performance of the Auction Rules, it has become apparent that, in certain circumstances, the current Auction Activity Rules are too permissive. Accordingly, ComReg intends to make a minor modification to the Auction Rules as described in more detail below; and
3. In addition, one Qualified Bidder has specifically requested a further mock auction in order to verify its understanding of the formats of the downloadable data.

After careful consideration, ComReg has decided that it is appropriate to adjust the previously announced timetable in order to allow Qualified Bidders to fully consider the effects of 1 and 2 above. Moreover, in light of these changes and the request at 3 above, ComReg is of the view that it is appropriate to give all Qualified Bidders the opportunity to participate in a further set of mock auctions to enhance their familiarity and understanding of the downloadable data formats and the modification to the Auction Rules described below.

ComReg is aware of the limited time for transition available after the Auction and has consequently adjusted the timetable by the minimum amount that it considers necessary to ensure that all Qualified Bidders are appropriately prepared to participate in the Auction. ComReg does not anticipate any further changes to the exportable files formats but, in the event that it is necessary to do so, ComReg will provide adequate notice to all Qualified Bidders.

Modification to Auction Rules

Whereas the clear intention of the Auction Rules is to create a chain of Relative Caps constraining the Bids that may be made for larger packages relative to smaller packages, this link may in certain limited cases become broken.

Specifically, where a Bidder makes a Relaxed Primary Bid that reduces Eligibility in one category, then further Bids in respect of packages bid for up to

this point may not be constrained by Relative Caps created by subsequent reductions in Eligibility. Such Bids would still remain constrained by the Final Price Cap, but the continuity of the chain of Relative Caps from larger to smaller packages would be broken. This is contrary to the underlying intent of the Activity Rules (see paragraph 4.156 of the IM).

This issue arises due to there being two categories of Eligibility, one for each Time Slice. It is a consequence of the rule that Eligibility in a round is determined to be the smaller of bidding activity and previous Eligibility in each Time Slice. This rule creates the possibility of a Relaxed Primary Bid that reduces Eligibility. However, the IM omits to include a modification of the Relative Cap rules that addresses this scenario to prevent the continuity of the chain of Relative Caps being broken.

ComReg, along with its advisors DotEcon, have carefully considered the impact of this omission in the Auction Rules. Although we consider that the circumstances in which it could be exploited are limited, we cannot rule out the possibility that it could be relevant and affect the Auction outcome. The issue can be addressed by ensuring that, where a Bidder does make a Relaxed Primary Bid that reduces Eligibility, the first subsequent reduction in Eligibility (if any) will create a Relative Cap back to a constraining package already bid for.

Given that this omission can be addressed with only a small modification to the Auction Rules, and this change is entirely consistent with the spirit and intent of the Auction Rules as consulted upon, ComReg is amending the IM in accordance with paragraph 5.30 to correct this omission.

Next Steps

In relation to data file formats, ComReg has together with this notice, included a document and sample files on CD that detail the formats to be used for downloadable data from the EAS.

The small amendment of the IM and the modification of the Auction Rules mentioned above, together with a report explaining in detail the nature of the issue and the implications of the change, will be distributed to Qualified Bidders shortly. This notice is being issued prior to the report being ready for

distribution as ComReg wishes to give Qualified Bidders the earliest possible notice of this change.

ComReg will shortly make contact with all Qualified Bidders with regards to the further round of mock auctions. Your mock auction will take place in the week beginning Monday 8 October 2012.

You should note that ComReg continues to reserve its rights to exercise its discretion in relation to the Award Process, including, without limitation to the generality of the foregoing, the right to make further amendments to the IM.

ComReg would also like to remind you of your obligations in relation to confidentiality under the terms of the IM, including under section 5.2.4 of the IM.

Furthermore, in order to ensure the confidentiality and integrity of communications in relation to the Award Process, all further communication relating to the Award Process must be hand delivered in a sealed envelope marked "Strictly Confidential" and for the attention of Samuel Ritchie to:

Dr. Samuel Ritchie
Commission for Communications Regulation
Abbey Court, Irish Life Centre,
Dublin 1.

Save where ComReg in writing and from this date explicitly permit otherwise (and specifically provided for in the IM), ComReg hereby gives notice that it will not be accepting communication from, or on behalf of, Qualified Bidders in any other form or by any other means until the completion of the Award Process.

Yours sincerely



Dr. Samuel Ritchie

108. H3GI: letter to ComReg “COMREG DOC. NO. 12/52 – POSSIBLE ERROR”
(letter dated 13 September 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Multi-Band Spectrum Award
Commission for Communications Regulation
Abbey Court, Irish Life Centre
Lower Abbey Street
Dublin 1
Ireland
BY COURIER

13 September 2012

Dear Dr Ritchie

COMREG DOC. NO. 12/52 – POSSIBLE ERROR

I refer to: (i) ComReg Doc. No. 12/52, *“Multi-band Spectrum Release Information Memorandum”* (the “Information Memorandum”); (ii) my letter to you dated 4 September 2012; and (iii) your response dated 12 September 2012. In my letter to you, Hutchison 3G Ireland Limited (“H3GI”) notified ComReg of a possible error. In your response, you refer to my letter, express ComReg’s gratitude to H3GI for bringing same to ComReg’s attention and state: *“In accordance with paragraph 5.30 of the IM, ComReg will address the matter directly with all Bidders in due course”*. Paragraph 5.30 of the Information Memorandum provides: *“ComReg reserves, at its discretion, the right, at any time until the conclusion or termination of the Award Process, to amend or modify this Information Memorandum or Award Process in any respect by way of clarification, addition, deletion or otherwise. ComReg will inform Interested Parties of any such amendments or modifications, if appropriate”*.

H3GI is deeply concerned about the nature of ComReg’s response and the prospect of delay in relation to the commencement of the auction.

In relation to the nature of ComReg’s response, *inter alia*:

1. ComReg does not clearly state that there is an error. Instead, this is implicit by virtue of the fact that ComReg does not deny there is an error and indicates that ComReg will address the matter directly with all Bidders in accordance with paragraph 5.30 of the Information Memorandum (Amendments). Please confirm the exact position.
2. ComReg does not address the implications of the possible error, eg: (i) how long (or how long does ComReg estimate) will it take ComReg to devise a solution; (ii) how long will interested parties be given to comment in respect of any proposed amendment; (iii) will interested parties be given an opportunity to test any amendment by way of mock auction; (iv) will interested parties be given an opportunity to run additional mock auctions (other than to test the amendment); (v) how long will these mock auctions take; (vi) finally and most importantly, will the possible error and all of the above matters have an impact on the current timing of the auction (scheduled to commence in eight working days time)? Given the possible error, the process that has to be observed in order to

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Place of Registration: Republic of Ireland



rectify it and the current timing of the auction, H3GI expects that ComReg will have to postpone the commencement date of the auction.

3. ComReg gives no indication of when it proposes to communicate this matter to interested parties other than to say "*in due course*". This is unacceptable. Interested parties are preparing for the auction on the basis of the current auction rules. They have dedicated significant resources to these preparations at considerable cost. If the auction rules have to be changed, ComReg should notify interested parties immediately (It is now over ten days since this matter was brought to ComReg's attention).

The prospect of delay in relation to the commencement of the auction would have significant adverse consequences for H3GI *inter alia*:

1. Dedicated and significant resources (internal, external, local, international, senior and specialist) will have to be re-scheduled at considerable cost.
2. The period for transitional activities up until 1 February 2013 is shortened. As highlighted previously by H3GI to ComReg, proper and prompt completion of transitional activities is critical to the promotion of competition.
3. Significant deposits paid to ComReg will continue to be held by ComReg when they could have been/be used for other purposes.

It is totally unacceptable that ComReg and DotEcon Ltd ("DotEcon") could have drafted auction rules with this error and H3GI reserves all rights in respect of this matter, including the right to claim all costs arising as a result of any delay caused to the commencement of the auction by virtue of this error.

At this stage, it is critical that ComReg uses its best endeavours to make prompt progress to resolve this situation within as short a timeframe as possible, whilst ensuring that the procedural rights of interested parties are protected. This includes publishing a timetable for resolution of this matter and the auction that addresses each of the matters set out above together with regular updates. H3GI hereby requests ComReg to respond to this letter by cob tomorrow: Friday 14 September 2012.

This letter and all of its contents are confidential to H3GI. The disclosure by ComReg of this letter, the fact that it has been sent, or any information it contains, would amount to a breach by ComReg of the obligation of confidentiality in respect of same, particularly as it would reveal the identity of H3GI as an interested party to other participants in the auction.

Yours sincerely


MARK HUGHES
Head of Regulatory

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109. ComReg: letter to H3GI “Letter of 13 September 2012” (letter dated 20 September 2012)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

By Hand - ~~Confidential~~

20 September 2012

Mr. Mark Hughes
Head of Regulatory
Hutchison 3G Ireland Ltd
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hughes,

Thank you for your letter of 13 September 2012.

As you will be aware, ComReg has today issued a further note to all Qualified Bidders which, together with ComReg's letter of 14 September, addresses the points raised by you in your letter.

As you yourself note, ComReg's Information Memorandum (IM) foresaw the possibility of a matter or matters such as this arising and ComReg has now acted in accordance with same.

Once again, thank you for your assistance in bringing this to our attention.

Yours sincerely,

Dr. Samuel Ritchie

110. ComReg: letter to H3GI “Amendment to ComReg Document 12/52 Information Memorandum (“IM”)” (letter dated 20 September 2012)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

By Hand – ~~Strictly Confidential~~

20 September 2012

Mr. David Hennessy
Head of Regulatory
Hutchison 3G Ireland
3rd Floor One Clarendon Row
Dublin 2

Matter: ~~Confidential~~ – Amendment to ComReg Document 12/52 Information Memorandum (“IM”)

Dear Bidder,

As notified to you by letter of 14 September, in the course of testing the EAS and the performance of the Auction Rules, it has become apparent that, in certain circumstances, the current Auction Activity Rules are too permissive. Whereas the clear intention of the Auction Rules is to create a chain of Relative Caps constraining the Bids that may be made for larger packages relative to smaller packages, this link may in certain limited cases become broken. This is contrary to the underlying intent of the Activity Rules (see paragraph 4.156 of the IM).

ComReg has discussed this matter in detail with its advisors DotEcon and has carefully considered the impact of this omission on the Auction Rules. Although ComReg considers that the circumstances in which it could be

1

Commission for Communications Regulation
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exploited are limited, we cannot rule out the possibility that it could be relevant and affect the Auction outcome. As a result, ComReg has concluded that it is necessary to address this issue.

The attached DotEcon report "*Eligibility reducing relaxed bids in ComReg's multiband auction*" explains in detail the nature and implications of the issue and contains recommendations on how the issue can be corrected through a modification of the Auction Rules. It is clear that this issue can be addressed with only a minor modification to the Auction Rules and that this modification is entirely consistent with the spirit and intent of the Auction Rules as consulted upon. After careful consideration, ComReg has therefore decided to modify the Auction Rules, in accordance with paragraph 5.30 of the Information Memorandum, by adopting the amendments to the Information Memorandum proposed in Annexes B and C of the Report. The Information Memorandum, as amended, should now be read in conjunction with Annexes B and C of the Report.

Additionally, and consequent to our letter of 14 September, some concern has been expressed with regard to the time now available to conclude transitional activities in advance of the expiry of existing Interim GSM 900 MHz rights of use. Please note that ComReg is aware of the limited time now available for transition before the commencement of Time Slice 1. ComReg is also aware of the expiration of existing GSM 900 MHz interim licences on 31 January 2013. ComReg can, therefore, confirm that it has now commenced consideration of the requirement for and details of a consultation on the need for the short term extension of the duration of existing Interim GSM rights of use in the 900 MHz band. You will appreciate, of course, that the ability to issue such a consultation is severely curtailed in advance of knowing the precise nature of the transition activities required to be undertaken by Existing GSM licensees. ComReg can assure all Qualified Bidders that it will act swiftly to resolve any such issues arising as soon as the auction outcome is clear.

You should note that ComReg continues to reserve its rights to exercise its discretion in relation to the Award Process, including, without limitation to the generality of the foregoing, the right to make further amendments to the IM.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Ritchie', is written over a light blue circular stamp.

Dr. Samuel Ritchie

111. H3GI: letter to ComReg “COMREG DOC. NO. 12/52 – MOCK AUCTION ASSIGNMENT ROUND OPTIONS” (letter dated 20 September 2012)

Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland



Dr Samuel Ritchie
Commission for Communications Regulation
Abbey Court, Irish Life Centre
Dublin 1
BY COURIER

20 September 2012

~~THIS LETTER AND ALL ITS CONTENTS ARE CONFIDENTIAL~~

Dear Dr Ritchie

COMREG DOC. NO. 12/52 – MOCK AUCTION ASSIGNMENT ROUND OPTIONS

I refer to: (i) ComReg Doc. No. 12/52, *"Multi-band Spectrum Release Information Memorandum"* (the "Information Memorandum"); and (ii) our mock auction on 5 September 2012 ("H3GI's Mock Auction").

In the assignment round of H3GI's Mock Auction, ComReg presented the attached options to H3GI. In relation to the 900 MHz band options, H3GI would appreciate if ComReg could explain the basis upon which these options were presented. In particular, H3GI would like to understand why it was presented with options that did not include continuous spectrum across both time slices.

This letter and all of its contents are confidential to H3GI. The disclosure by ComReg of this letter, the fact that it has been sent, or any information it contains, would amount to a breach by ComReg of the obligation of confidentiality in respect of same, particularly as it would reveal the identity of H3GI as an interested party to other participants in the auction.

Yours sincerely


MARK HUGHES
Head of Regulatory

Encl.

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Robert Eckert: U.S.A
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Band	Time Slot 1 frequency assignment	Time Slot 2 frequency assignment
800MHz	791-796MHz paired with 832-837MHz (block A)	791-796MHz paired with 832-837MHz (block A)
800MHz	816-821MHz paired with 857-862MHz (block F)	816-821MHz paired with 857-862MHz (block F)
900MHz	880-885MHz paired with 925-930MHz (block A)	880-890MHz paired with 925-935MHz (blocks A to B)
900MHz	880-885MHz paired with 925-930MHz (block A)	885-895MHz paired with 930-940MHz (blocks B to C)
900MHz	880-885MHz paired with 925-930MHz (block A)	900-910MHz paired with 945-955MHz (blocks E to F)
900MHz	880-885MHz paired with 925-930MHz (block A)	905-915MHz paired with 950-960MHz (blocks F to G)
900MHz	890-895MHz paired with 935-940MHz (block C)	880-890MHz paired with 925-935MHz (blocks A to B)
900MHz	890-895MHz paired with 935-940MHz (block C)	885-895MHz paired with 930-940MHz (blocks B to C)
900MHz	890-895MHz paired with 935-940MHz (block C)	900-910MHz paired with 945-955MHz (blocks E to F)
900MHz	890-895MHz paired with 935-940MHz (block C)	905-915MHz paired with 950-960MHz (blocks F to G)
900MHz	900-905MHz paired with 945-950MHz (block E)	880-890MHz paired with 925-935MHz (blocks A to B)
900MHz	900-905MHz paired with 945-950MHz (block E)	885-895MHz paired with 930-940MHz (blocks B to C)
900MHz	900-905MHz paired with 945-950MHz (block E)	900-910MHz paired with 945-955MHz (blocks E to F)
900MHz	900-905MHz paired with 945-950MHz (block E)	905-915MHz paired with 950-960MHz (blocks F to G)
900MHz	900-905MHz paired with 945-950MHz (block E)	880-890MHz paired with 925-935MHz (blocks A to B)
900MHz	900-905MHz paired with 945-950MHz (block E)	885-895MHz paired with 930-940MHz (blocks B to C)
900MHz	900-905MHz paired with 945-950MHz (block E)	900-910MHz paired with 945-955MHz (blocks E to F)
900MHz	900-905MHz paired with 945-950MHz (block E)	905-915MHz paired with 950-960MHz (blocks F to G)
900MHz	910-915MHz paired with 955-960MHz (block G)	880-890MHz paired with 925-935MHz (blocks A to B)
900MHz	910-915MHz paired with 955-960MHz (block G)	885-895MHz paired with 930-940MHz (blocks B to C)
900MHz	910-915MHz paired with 955-960MHz (block G)	900-910MHz paired with 945-955MHz (blocks E to F)
900MHz	910-915MHz paired with 955-960MHz (block G)	905-915MHz paired with 950-960MHz (blocks F to G)
1.8GHz	1,710-1,725MHz paired with 1,805-1,820MHz (blocks A to C)	1,710-1,735MHz paired with 1,805-1,830MHz (blocks A to E)
1.8GHz	1,710-1,725MHz paired with 1,805-1,820MHz (blocks A to C)	1,715-1,740MHz paired with 1,810-1,835MHz (blocks B to F)
1.8GHz	1,725-1,740MHz paired with 1,820-1,835MHz (blocks D to F)	1,710-1,735MHz paired with 1,805-1,830MHz (blocks A to E)
1.8GHz	1,725-1,740MHz paired with 1,820-1,835MHz (blocks D to F)	1,715-1,740MHz paired with 1,810-1,835MHz (blocks B to F)
1.8GHz	1,725-1,740MHz paired with 1,820-1,835MHz (blocks D to F)	1,725-1,750MHz paired with 1,820-1,845MHz (blocks D to H)
1.8GHz	1,725-1,740MHz paired with 1,820-1,835MHz (blocks D to F)	1,730-1,755MHz paired with 1,825-1,850MHz (blocks E to I)
1.8GHz	1,740-1,755MHz paired with 1,835-1,850MHz (blocks G to I)	1,725-1,750MHz paired with 1,820-1,845MHz (blocks D to H)
1.8GHz	1,740-1,755MHz paired with 1,835-1,850MHz (blocks G to I)	1,730-1,755MHz paired with 1,825-1,850MHz (blocks E to I)
1.8GHz	1,740-1,755MHz paired with 1,835-1,850MHz (blocks G to I)	1,740-1,765MHz paired with 1,835-1,860MHz (blocks G to K)
1.8GHz	1,740-1,755MHz paired with 1,835-1,850MHz (blocks G to I)	1,745-1,770MHz paired with 1,840-1,865MHz (blocks H to L)
1.8GHz	1,740-1,755MHz paired with 1,835-1,850MHz (blocks G to I)	1,740-1,765MHz paired with 1,835-1,860MHz (blocks G to K)
1.8GHz	1,755-1,770MHz paired with 1,850-1,865MHz (blocks J to L)	1,745-1,770MHz paired with 1,840-1,865MHz (blocks H to L)
1.8GHz	1,755-1,770MHz paired with 1,850-1,865MHz (blocks J to L)	1,745-1,770MHz paired with 1,840-1,865MHz (blocks H to L)
1.8GHz	1,755-1,770MHz paired with 1,850-1,865MHz (blocks J to L)	1,755-1,780MHz paired with 1,850-1,875MHz (blocks J to N)
1.8GHz	1,755-1,770MHz paired with 1,850-1,865MHz (blocks J to L)	1,760-1,785MHz paired with 1,855-1,880MHz (blocks K to O)
1.8GHz	1,770-1,785MHz paired with 1,865-1,880MHz (blocks M to O)	1,755-1,780MHz paired with 1,850-1,875MHz (blocks J to N)
1.8GHz	1,770-1,785MHz paired with 1,865-1,880MHz (blocks M to O)	1,760-1,785MHz paired with 1,855-1,880MHz (blocks K to O)

112. ComReg: letter to H3GI “Mock Auction Assignment Round Options” (letter dated 26 September 2012)



By Hand - ~~Confidential~~

26 September 2012

Mr. Mark Hughes
Head of Regulatory
Hutchison 3G Ireland Ltd
3rd Floor
One Clarendon Row
Dublin 2

Mock Auction Assignment Round Options

Dear Mr. Hughes,

Thank you for your letter of 20 September 2012 and the queries set out therein.

We have considered your queries and would, firstly, draw your particular attention to paragraph 4.214 of the Information Memorandum (Document 12/52) (the "IM") which identifies the basis upon which Assignment Round options are generated (and the third bullet point of same), which states:

"assignment options for any Winning Bidders that have been allocated the same number of Lots in a band in both Time Slices (including any Party-Specific Lots retained under an Existing GSM Licence held by this Winning Bidder) will only contain spectrum assignments that are continuous across both Time Slices (i.e. they must bid for the same frequency assignment in both Time Slices);" [emphasis added]

Given this, we would note in relation to the Assignment Round options provided in H3G's mock auction of 5 September that:

- as the same number of lots was won in Time Slice 1 and 2 in the 800 MHz band, the Assignment Round options only included those that were continuous across both Time Slices; and
- in contrast, because one lot was won in Time Slice 1 and two lots Time Slice 2 for the 900 MHz band, the above-mentioned continuity restriction could not apply.

1

I trust this resolves your query.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Dr. Samuel Ritchie". The signature is stylized and cursive.

Dr. Samuel Ritchie

113. ComReg: letter to H3GI “ComReg’s letter to you of the 14 September 2012”
[Redacted] (letter dated 27 September 2012)



BY HAND - ~~CONFIDENTIAL~~

27 September 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hennessy

I refer to ComReg's letter to you of 14 September 2012 and write to you in your capacity as principal Authorised Agent for Hutchison 3G Ireland Limited ("the Bidder").

Mock Auction

As stated in ComReg's letter of the 14 September 2012, an additional mock auction is being made available for the Bidder. I can now confirm that this will commence at **9 a.m** (Irish time) on **Tuesday, 9 October 2012**.

I would be grateful if the Bidder would confirm to ComReg whether it wishes to avail of the additional mock auction in writing to Dr Samuel Ritchie by **close of business Wednesday 3 October 2012**. This confirmation must be hand delivered in a sealed envelope marked "Strictly Confidential" and for the attention of Samuel Ritchie to:

Dr. Samuel Ritchie
Commission for Communications Regulation,
Abbey Court, Irish Life Centre,
Dublin 1.

Please note that if no confirmation is received by that time, ComReg will proceed on the basis that the Bidder does not wish to avail of the mock auction and the provisioned mock auction will be cancelled.

Should the Bidder avail of the additional mock auction, I would draw your attention to the following:

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- the Bidders is required to use a different URL to that used previously - the URL for this mock auction is [REDACTED];
- the Bidder is required to use the same certificates and passwords as used in its previous mock auctions; and
- primary bid rounds will be of 10 minute duration.

Main Stage of Live Auction

Further to ComReg's letter of 14 September 2012, the start date of the first Primary Bid Round for the **Live Auction** will be **10.00AM** (Irish time) on **Tuesday 16 October 2012**. The Electronic Auction System (EAS) will be made available from 10.00AM (Irish time) on Monday 15 October 2012 to enable Bidders to satisfy themselves that their connectivity arrangements are in place. The EAS will remain continuously online from 10.00AM Monday 15 October 2012 until the end of the Auction.

Please note that the above start date is subject to change, such as to take into account any amendments to the auction software or other unforeseen issues as may arise. You should also note that ComReg continues to reserve its rights to exercise its discretion in relation to the Award Process, including the right to make further amendments to the Information Memorandum (IM).

As you will be aware, an article was published in the Sunday Times (Ireland) on 23 September 2012 revealing the fact that the commencement date for the Live Auction had been adjusted to a new date of 16 October. ComReg treats any breach of confidentiality obligations under statute or under the terms of the IM extremely seriously. Given this development and in order to ensure the integrity of the Award Process, ComReg requires that you notify it through the designated communication channels for this process of any breaches of the above confidentiality obligations by the Bidder or its personnel on or after 14 September 2012, or of other confidentiality breaches which may affect the Auction. ComReg reserves its right to request further information in relation to same.

Finally, ComReg would like to remind you of your obligations in relation to confidentiality under statute and under the terms of the IM, including under section 5.2.4 of the IM.

Yours sincerely



Dr. Samuel Ritchie

114. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” (letter dated 1 October 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Commission for Communications Regulation
Abbey Court, Irish Life Centre
Dublin 1
BY COURIER

1 October 2012

Dear Dr Ritchie

COMREG DOC. NO. 12/52

I refer to your letter dated 27 September 2012. In your letter, the Commission for Communications Regulation ("ComReg") states: *"Further to ComReg's letter of 14 September 2012, the start date of the first Primary Bid Round for the **Live Auction** will be **10.00AM** (Irish time) on **Tuesday 16 October 2012**. The Electronic Auction System (EAS) will be made available from 10.00AM (Irish time) on Monday 15 October 2012 to enable Bidders to satisfy themselves that their connectivity arrangements are in place. The EAS will remain continuously online from 10.00AM Monday 15 October 2012 until the end of the Auction".* Please confirm that on successful logon on Monday 15 October 2012, each Bidder will have access to information on the aggregate demand for lots in each of Lot Categories 1 to 6 and the Round Price for each Lot Category in the first Primary Bid Round.

Yours sincerely

DAVID HENNESSY
Chief Technical Officer

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

115. ComReg: letter to H3GI “Updated Bidder Materials for Multi-Band Spectrum Award” [Redacted] (letter dated 3 October 2012)



Commission for
Communications Regulation
 Coimisiún Um
Rialáil Cumarsáide

BY HAND - ~~Confidential~~

3 October 2012

David Hennessy
 Chief Technical Officer
 Hutchison 3G Ireland Limited
 3rd Floor
 One Clarendon Row
 Dublin 2

Updated Bidder Materials for Multi-Band Spectrum Award

Dear Mr. Hennessy

I am writing to you in your capacity as **Authorised Agent** for Hutchison 3G Ireland Limited ("the Bidder") concerning the Bidder's participation in the Commission for Communications Regulation's (ComReg) Multi-Band Spectrum Award (MBSA).

Updated Bidder Materials

Please find enclosed on a DVD the following updated Bidder Materials:

- an updated Electronic Auction System (EAS) User Manual¹ (in PDF format). This version replaces the one issued on 25 July 2012; and
- an updated sample downloadable file "Lots Won" (in three different formats) – which replaces those issued on 14 September 2012².

¹ Please note that ComReg reserves the right to issue a revised EAS User Manual if necessary.

² This updated downloadable file is now consistent with section B.1.5 of the EAS user Manual.

Mock Auction

The EAS will be made available at least 30 minutes prior to the starting time of Bidder’s mock auction (details of which were provided in ComReg’s letter of 27 September 2012). You should use the time prior to the start of the first round of the mock auction to ensure that you can log into the EAS.

If technical matters arise during the course of Bidder’s Mock Auction, telephone support will be available on the day on telephone number [REDACTED].

Please note that support will only be provided on issues related to accessing and using the EAS. Please also note that telephone and fax bids will not be accepted for the mock auction - you must use the EAS to make bids in the mock auction.

Live Auction

The certificates and passwords used for Bidder’s mock auctions will be the ones applicable for the Live Auction.

Further to our letter of 27 September 2012, the following information is relevant to the **Live** auction:

Support Telephone Number	[REDACTED]
FAX number for backup Bidding	[REDACTED]
URL	[REDACTED]

Yours sincerely



Dr. Samuel Ritchie

116. H3GI: letter to ComReg “COMREG DOC. NO. 12/52” [Redacted] (letter dated 12 October 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Commission for Communications Regulation
Abbey Court, Irish Life Centre
Dublin 1

~~STRICTLY CONFIDENTIAL~~
BY COURIER

12 October 2012

Dear Dr Ritchie

COMREG DOC. NO. 12/52

I refer to the live auction that is scheduled to commence on Tuesday 16 October 2012, with access to the Electronic Auction Software (EAS) on Monday 15 October 2012. For the avoidance of doubt, please confirm by return that the following information is correct for the purposes of accessing the EAS and participating in the auction.

URL	[REDACTED]
Login Password	[REDACTED]
Support Tel. No.	[REDACTED]
Fax. No.	[REDACTED]
Bidder Identifier	[REDACTED]
Certificate Password	[REDACTED]

Yours sincerely


MARK HUGHES
Head of Regulatory

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

117. ComReg: letter to H3GI “Letter of 12 October” (letter dated 12 October 2012)



By Hand - ~~Confidential~~

12 October 2012

Mr. Mark Hughes
Hutchison 3G Ireland Ltd
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hughes,

I refer to your letter of today's date.

The same certificates and passwords are being maintained for H3GI for the Mock Auctions and the live Auction in order to ensure that your systems are properly configured and there are no login problems in the live Auction. Indeed, it is not recommended that a Bidder change certificates, for example, unless there is a specific reason requiring it to do so, as the Bidder will lose the benefit of having tested that its certificate is correctly installed. Accordingly, ComReg can confirm that the various contact details and passwords already provided to you are correct and will be in operation for the live Auction.

ComReg is however concerned that H3GI would collate all these details in one document and send to ComReg for its confirmation. ComReg has gone to some lengths in the interest of security, to ensure, in communicating with Qualified Bidders, that such details as those contained in your letter were supplied separately. This meant that no one document contained all such details, thereby avoiding a single point of weakness.

ComReg would remind H3GI of paragraph 4.3 of the Information Memorandum which states that *"Bidders are responsible for ensuring that their authentication tokens are kept securely and are only available to Authorised Agents. In the event that a Bidder has cause to believe that its authentication tokens have been released to unauthorised persons or has any reason to believe that there has been, or that there is risk of, unauthorised access to the EAS, the Bidder should inform ComReg immediately."*

It remains the responsibility of H3GI to ensure that its log on and password details are kept securely.

Yours sincerely

Dr. Samuel Ritchie

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118. ComReg: letter to H3GI “MBSA –Deposit Call” (letter dated 2 November 2012)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

By Hand - ~~Confidential~~

2 November 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hennessy

MBSA – Deposit Call

ComReg is writing to you in your capacity as the primary Authorised Agent of Hutchison 3G Ireland Limited ('H3GI').

As you are aware, and in accordance with Section 4.4.4 of the Information Memorandum (Document 12/52), ComReg advised by way of the EAS last evening that it would give notice, by way of letter today, to one or more Bidders that they will need to increase their Deposits to an amount specified by ComReg (which may be up to 100% of a Bidder's highest Bid at this point).

ComReg advises that it does not require H3GI to increase its Deposit at this time.

Please note that the next notification by ComReg will be via the EAS on Monday, 12 November.

ComReg would like to remind you of your obligations in relation to confidentiality under statute and under the terms of the IM, in particular Section 5.2.4 of the IM.

Yours sincerely

Dr Samuel Ritchie



Annex 1: Results of the Auction

The 800 MHz band

	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	800/1/A, 800/1/B	800/1/C, 800/1/D	800/1/E, 800/1/F
Time Slice 2	800/2/A, 800/2/B	800/2/C, 800/2/D	800/2/E, 800/2/F

The 900 MHz band

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	900/1/G	900/1/A,* 900/1/B	900/1/C, 900/1/D	900/1/E, 900/1/F
Time Slice 2	900/2/G	900/2/A, 900/2/B	900/2/C, 900/2/D	900/2/E, 900/2/F

* Lot 900/1/A is to be assigned to Meteor Mobile Communications Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence and in line with the provisions of the IM.

The 1800 MHz band

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	1800/1/D, 1800/1/E	1800/1/L,** 1800/1/M,** 1800/1/N, 1800/1/O	1800/1/A,*** 1800/1/B,*** 1800/1/C***	1800/1/F, 1800/1/G, 1800/1/H
Time Slice 2	1800/2/I, 1800/2/J, 1800/2/K, 1800/2/L	1800/2/M, 1800/2/N, 1800/2/O,	1800/2/A, 1800/2/B, 1800/2/C	1800/2/D, 1800/2/E, 1800/2/F, 1800/2/G, 1800/2/H

** Lots 1800/1/L and 1800/1/M are to be assigned to Meteor Mobile Communications Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence and in line with the provisions of the IM.

*** Lots 1800/1/A, 1800/1/B, 1800/1/C are to be assigned to Telefonica Ireland Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence (expiry date of 31 December 2014) and in line with the provisions of the IM.



Breakdown of the Upfront Fee¹

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Base Price	€51,137,000	€144,689,000	€124,634,000	€158,737,000
Additional Price – 800 MHz band	N/A	€0	€200,029	€200,029
Additional Price – 900 MHz band	€0	€0	€100,029	€1,895,294
Additional Price – 1800 MHz band	€0	€89,136	€0	€13,952
Total Upfront Fee	€51,137,000	€ 144,778,136	€ 124,934,058	€ 160,846,275

¹ Final Upfront Fees is contingent on: any Licence fee refunds or adjustments in respect of delayed commencement arising from Transition; Relocation Rebates; Early Liberalisation Rebates; and/or any Advanced Commencement fees due. These are detailed in the Information Memorandum. The amounts will be finalised over the course of the transition process.

119. ComReg: letter to H3GI “H3GI’s participation in the MBSA process” (letter dated 15 November 2012)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

from the chairperson

By Hand

15 November 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Dear Mr. Hennessy

Re: H3GI's participation in the MBSA process.

On behalf of the Commission I am pleased to inform in writing that you have been successful in acquiring liberalised rights of use in the Multi-band Spectrum Award. The details of this have been communicated through the Electronic Auction System.

As you will note from the Information Memorandum there are a number of stages that together we need to complete, and ComReg very much anticipates your continued full co-operation in bringing this Award to a speedy final conclusion. In due course, ComReg will write to H3GI separately at working level in this regard.

On completion of these matters, ComReg will be in a position to arrange for the issue of your licences.

Yours Sincerely

Alex Chisholm
Chairperson

120. H3GI: letter to ComReg “MULTI-BAND SPECTRUM AWARD” (letter dated 15 November 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1

~~CONFIDENTIAL~~

BY COURIER AND EMAIL: samuel.ritchie@comreg.ie

15 November 2012

Dear Dr Ritchie

MULTI-BAND SPECTRUM AWARD

I refer to the results of the assignment round published on the EAS yesterday. In relation to the 1800 MHz band:

1. Hutchison 3G Ireland Limited ("H3GI") was awarded blocks D and E in Time Slice 1 and blocks I – L in Time Slice 2;
2. O2 was awarded blocks A – C in Time Slice 1 and Time Slice 2;
3. Vodafone was awarded blocks F - H in Time Slice 1 and blocks D – H in Time Slice 2;
4. Meteor was awarded blocks L – O in Time Slice 1 and blocks M – O in Time Slice 2; and
5. Blocks I – K in Time Slice 1 were unassigned.

Each of the winning bidders apart from H3GI has continuous spectrum across Time Slices 1 and 2.

H3GI would like to apply to ComReg for blocks J and K in Time Slice 1 (instead of blocks D and E) thus providing H3GI with continuous spectrum across Time Slices 1 and 2.

H3GI believes that ComReg should grant this application because:

1. It would avoid wasteful allocation of resources. As a result of our network sharing agreement with Vodafone and the proposed assignment, H3GI will have to invest in 'combiners' that will be redundant in two years time.
2. It would not prejudicially affect any other interested party. There is a high degree of likelihood that no new market entrant would invest in the unassigned blocks for a period of approximately eighteen months.¹

¹ This period is based on delayed commencement and that the time it would take to award such blocks.

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland



3. It would be in accordance with *inter alia* the following statutory functions and objectives of ComReg:
- a) The promotion of users' interests (section 12 (1)(a) of the Communications Regulation Act, 2002, as amended (the "Act"));
 - b) The efficient management and use of spectrum (section 12 (1)(b) of the Act); and
 - c) The promotion of efficient investment and innovation in new and enhanced infrastructures (regulation 16 (2)(d) of the European Communities (Electronic Communications Networks and Services)(Framework) Regulations, 2011 (the "Framework Regulations").

H3GI would welcome a meeting with ComReg to discuss this matter (if possible, on Monday prior to negotiations) and is open to any proposals that ComReg might make in this regard.

Yours sincerely

DAVID HENNESSY
Chief Technical Officer

Copy: Patrick Mulvey, of ComReg (patrick.mulvey@comreg.ie)

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

121. ComReg: letter to H3GI “Multi-Band Spectrum Award” (letter dated 21 November 2012)



Commission for
Communications Regulation
 Coimisiún Um
Rialáil Cumarsáide

By Hand - ~~Confidential~~

21 November 2012

David Hennessy
 Chief Technical Officer
 Hutchison 3G Ireland Limited
 3rd Floor
 One Clarendon Row
 Dublin 2

Dear Mr. Hennessy

Multi-Band Spectrum Award

I refer to your letter of 15 November in relation to the Multi-Band Spectrum Award and in particular the provisional frequency assignment plan in the 1800 MHz band.

I note that Hutchison 3G Ireland (H3GI) wishes to change its assignment resulting from the Assignment Round, from blocks D and E to blocks J and K in Time Slice 1.

As you know, ComReg has provided for a Negotiation Phase (see Section 4.5.10 of the Information Memorandum) following the completion of the Assignment Round and the release of the provisional frequency assignment plan. The Negotiation Phase gives Winning Bidders, including H3GI, the opportunity to agree amongst themselves an alternative configuration of assignments aimed at facilitating contiguity of spectrum holdings and so encouraging efficient use of spectrum. You may also be aware that on 20 November 2012 ComReg provided further important information to all Winning Bidders regarding the Negotiation Phase, including information regarding Lots I, J and K in the 1800 MHz band in Time Slice 1.

I note that H3GI's proposal would appear to assume that only H3GI could have an interest in blocks J and K in Time Slice 1 and that it would also involve a departure from the process envisaged under the Information Memorandum. However, ComReg has no reason to believe that this assumption is necessarily correct or that H3GI would be unfairly prejudiced by proceeding with the Negotiation Phase in accordance with the Information Memorandum.

Accordingly, you will appreciate it would not be appropriate for ComReg to consider H3GI's request in isolation and prior to completion of the Negotiation Phase as provided for in the Information Memorandum. However, we would urge H3GI to put forward its proposal as part of any Negotiation Phase discussion.

I trust this clarifies matters.

Yours sincerely

Dr Samuel Ritchie

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 Web: www.comreg.ie

122. ComReg: letter to H3GI “MBSA process” (letter dated 20 November 2012)

**By Hand**

20 November 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

MBSA process

Dear Mr. Hennessy

I am writing to you in your capacity as principal Authorised Agent of H3GI further to the conclusion of the Assignment Round of the Multi-Band Spectrum Award on Wednesday 14 November 2012.

Negotiation Phase

As mentioned in Wednesday's EAS announcement, the Negotiation Phase has, in accordance with paragraph 3.157 of the Information Memorandum ('IM'), commenced and will run for a two week period until 16.00 GMT Wednesday 28 November 2012.

In addition, and in accordance with Section 4.5.10 of the IM, during this two week period Winning Bidders have the opportunity to agree amongst themselves an alternative configuration of assignments to facilitate contiguity of spectrum holdings. If Winning Bidders generate and agree on an alternative assignment plan for a band, ComReg will adopt this plan for that band.

As noted in paragraph 4.236 of the IM, as part of this Negotiation Phase ComReg will allow two or more Winning Bidders to 'swap' equivalent radio frequency assignments which they would otherwise have been allocated pursuant to the Assignment Round, providing that this is agreed among these Winning Bidders and does not affect the other Winning Bidders or is consented to by affected Winning Bidder(s). This would require only the consent of those parties swapping the relevant frequency assignments and affected parties as appropriate,

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which might not be all parties. Unaffected Winning Bidders (and Existing GSM Licensees if applicable) from the Assignment Round would have no power to block this negotiated outcome.

In the IM (see for example paragraph 4.211) ComReg stated that any unallocated Lots would be located contiguously in the presentation of assignment options in the Assignment Round. Winning Bidders will note that there are three unallocated Lots in a contiguous block (Lots I, J, K) in Time Slice 1 in the 1800 MHz band. Noting ComReg's position in Decision D04/12 that unsold lots will not be allocated for a reasonable period after the process, and, in any event, will not be allocated for a period of at least 1 year, ComReg considers that it would be appropriate, in terms of ensuring the effective management and encouraging the efficient use of radio frequencies and in the circumstances of avoiding the requirement for Transition Activities between Time Slice 1 and Time Slice 2, to permit assignment outcomes where the location of one or more of these unallocated Lots would vary from its current location in Lots I, J or K. Winning Bidders should therefore consider the above when considering and suggesting alternative assignment outcomes in the Negotiation phase,

Any negotiated agreement to which H3GI is a party must be signed by an Authorised Agent of H3GI and submitted in hardcopy format to Dr. Samuel Ritchie at ComReg by 16.00 GMT on Wednesday 28 November 2012. This submission is also to include an electronic version of this negotiated agreement on CD-ROM.

Please note that the parties to any such agreement need to ensure that it is drafted to reflect the conditional nature of the agreement which will be subject to ComReg's approval and subject to the Notification and Grant Stage concluding as the parties anticipate.

Notification of Lots retained for GSM Purposes

For the purposes of implementing the Notification and Grant Stage, Winning Bidders who partially liberalised existing GSM rights in Time Slice 1 must identify the Lots that they wish to retain as part of their existing GSM Licence.

Additionally where the position of these GSM Lots is adjacent to another Winning Bidder, the Winning Bidder is to indicate to ComReg whether it has a technical co-existence agreement with this neighbouring Winning Bidder that would permit it to use less stringent technical parameters than those set out in the Annex to EC Decision 2009/766/EC, as amended. As stated in the IM, the number of GSM channels that can be maintained in any Lots retained as part of their existing GSM Licence will be determined by ComReg using the technical co-existence rules set out in EC Decision 2009/766/EC, as amended.

This information is to be submitted in writing to Samuel Ritchie in ComReg by 16.00 GMT on Wednesday 28 November 2012.

Transition Project Proposal

ComReg will write to you in due course on the Transition Project Proposal.

Competition Law Restrictions

When engaging in communications and/or meetings with other parties during the Negotiation Phase and the formulation of a Transition Project Proposal, as appropriate, Winning Bidders should remain cognisant of their obligations under the IM and under Irish and EU competition law, in particular, the prohibitions under section 4 of the Competition Act 2002 (as amended) and Article 101 of the Treaty on the Functioning of the European Union. Nothing in this notice, in the IM or in any other communication issued by ComReg under the Award Process, should be construed as permitting, requiring or facilitating a breach of Irish or EU competition law or any other statute or law.

ComReg would point out that communications and/or meetings between Winning Bidders and Existing GSM Licensees concerning the Negotiation Phase and the formulation of a Transition Project Proposal should be strictly confined to those topics and to the minimum communications necessary to achieve the relevant objectives set out in the IM.

Where a party to such communications and or meetings knows or has reason to suspect that a breach of competition law may have occurred or may occur by virtue of such communications, they are required to notify ComReg immediately of this possibility and ComReg may engage with the Competition Authority further to such notification.

Confidentiality

Finally, ComReg would like to remind you of your obligations in relation to confidentiality under statute and under the terms of the IM.

Yours Sincerely



Dr. Samuel Ritchie

123. ComReg: letter to H3GI “Return of Surplus Deposit plus Interest Earned”
[Redacted] (letter dated 22 November 2012)



By Hand - Confidential

22 November 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Return of Surplus Deposit plus Interest Earned

Dear Mr. Hennessy

I am writing to you in your capacity as principal Authorised Agent of H3GI further to the conclusion of the Assignment Round of the Multi-Band Spectrum Award on Wednesday 14 November 2012.

In accordance with paragraph 3.149 of the Information Memorandum (ComReg Document 12/52) ComReg has transferred the amount of [REDACTED] to the account specified on page 3 of the Application form submitted by H3GI.

Please note that Rebates i.e. Relocation Rebates and Early Liberalisation Rebates, if applicable, will be addressed separately in accordance with the Information Memorandum in due course.

The amount of [REDACTED] was calculated as follows:

Item	Amount (€)	Balance (€)
Initial Deposit	[REDACTED]	[REDACTED]
Deposit Call	0.00	[REDACTED]
Upfront Fees	[REDACTED]	[REDACTED]
Interest Earned	[REDACTED]	[REDACTED]
Surplus Deposit plus Interest Returned	[REDACTED]	0.00

Yours Sincerely

Dr. Samuel Ritchie

124. ComReg: letter to H3GI “End of Assignment Stage and Auction” (letter dated 5 December 2012)



BY HAND

5 December 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

End of the Assignment Stage and Auction

Dear Mr. Hennessy

I am writing to you in your capacity as principal Authorised Agent of Hutchison 3G Ireland Limited.

As you will be aware, the two week Negotiation Phase, as provided for in Sections 3.6.2 and 4.5.10 of the Information Memorandum ("the IM"), has now ended. ComReg can confirm that, during this period, it was not notified of any agreement entered into pursuant to the Negotiation Phase.

In accordance with paragraph 3.142 of the IM, ComReg hereby notifies Hutchison 3G Ireland Limited that as Bidders (and Existing GSM Licensees) have not come to an alternative configuration of frequency assignments, ComReg will rely on the results of the Assignment Round, as previously notified to you in accordance with paragraph 3.139 of the IM.

ComReg confirms that the Auction has now ended and, in accordance with paragraphs 4.238 and 4.240 of the IM, the results of the Auction are set out in Annex 1 below. Please note that, in accordance with paragraph 4.239 of the IM, ComReg will make these results public in due course.

Finally, ComReg will shortly be writing to you in relation to your entitlement to apply for a Liberalised Use Licence and a Preparatory Licence in accordance with the results of the Auction and the provisions of the Notification and Grant Stage as set out in section 3.7 of the IM.

Yours sincerely,



Dr Samuel Ritchie



Annex 1: Results of the Auction

The 800 MHz band

	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	800/1/A, 800/1/B	800/1/C, 800/1/D	800/1/E, 800/1/F
Time Slice 2	800/2/A, 800/2/B	800/2/C, 800/2/D	800/2/E, 800/2/F

The 900 MHz band

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	900/1/G	900/1/A,* 900/1/B	900/1/C, 900/1/D	900/1/E, 900/1/F
Time Slice 2	900/2/G	900/2/A, 900/2/B	900/2/C, 900/2/D	900/2/E, 900/2/F

* Lot 900/1/A is to be assigned to Meteor Mobile Communications Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence and in line with the provisions of the IM.

The 1800 MHz band

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Time Slice 1	1800/1/D, 1800/1/E	1800/1/L,** 1800/1/M,** 1800/1/N, 1800/1/O	1800/1/A,*** 1800/1/B,*** 1800/1/C***	1800/1/F, 1800/1/G, 1800/1/H
Time Slice 2	1800/2/I, 1800/2/J, 1800/2/K, 1800/2/L	1800/2/M, 1800/2/N, 1800/2/O,	1800/2/A, 1800/2/B, 1800/2/C	1800/2/D, 1800/2/E, 1800/2/F, 1800/2/G, 1800/2/H

** Lots 1800/1/L and 1800/1/M are to be assigned to Meteor Mobile Communications Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence and in line with the provisions of the IM.

*** Lots 1800/1/A, 1800/1/B, 1800/1/C are to be assigned to Telefonica Ireland Ltd. on a non-liberalised basis under the terms of its Existing GSM Licence (expiry date of 31 December 2014) and in line with the provisions of the IM.



Breakdown of the Upfront Fee¹

	Hutchison 3G Ireland Ltd.	Meteor Mobile Communications Ltd.	Telefonica Ireland Ltd.	Vodafone Ireland Ltd.
Base Price	€51,137,000	€144,689,000	€124,634,000	€158,737,000
Additional Price – 800 MHz band	N/A	€0	€200,029	€200,029
Additional Price – 900 MHz band	€0	€0	€100,029	€1,895,294
Additional Price – 1800 MHz band	€0	€89,136	€0	€13,952
Total Upfront Fee	€51,137,000	€ 144,778,136	€ 124,934,058	€ 160,846,275

¹ Final Upfront Fees is contingent on: any Licence fee refunds or adjustments in respect of delayed commencement arising from Transition; Relocation Rebates; Early Liberalisation Rebates; and/or any Advanced Commencement fees due. These are detailed in the Information Memorandum. The amounts will be finalised over the course of the transition process.

125. H3GI: email to ComReg “MBSA – Preparatory and Test and Trial Licences”
(email dated 21 November 2012)

From: Mark Hughes [<mailto:Mark.Hughes@three.ie>]
Sent: 21 November 2012 12:54
To: Samuel Ritchie
Subject: MBSA - Preparatory and Test and Trial Licences

Dear Samuel,

We would like to apply for a preparatory licence and a test and trial licence in respect of our block of 900 MHz as soon as possible. Could you provide me with a copy of the relevant application forms?
Thanks.

Mark.



Mark Hughes
Head of Regulatory

Mobile: 00 353 83 340 9544

Email: mark.hughes@three.ie

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126. ComReg: letter to H3GI “Multi-Band Spectrum Award” (letter dated 23 November 2012)



Commission for
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By Hand - ~~Confidential~~

23 November 2012

Mr. Mark Hughes
Head of Regulatory
Hutchison 3G Ireland
3rd Floor
One Calrendon Row
Dublin 2

Dear Mark

Multi-Band Spectrum Award

I refer to your email of 21 November in relation to the Multi-Band Spectrum Award and in particular your query regarding the possibility of applying for Preparatory Licence and a Test and Trial licence in respect of H3GI's provisional spectrum assignment in Block G of 900 MHz band.

In relation to applying for a Preparatory Licence, you will be aware the Negotiation Phase of the Assignment Stage is currently in progress and any submissions to ComReg are due by 4pm Wednesday 28 November 2012. Once the Specific Lots associated with each Winning Bidder's spectrum rights have been determined, ComReg will commence the Negotiation and Grant Stage as set out section 3.7 of the Information Memorandum (IM).

As stated in paragraphs 3.145 to 3.147 of the IM, in the Negotiation and Grant stage:

"ComReg will notify each Bidder in writing whether or not it has been successful in acquiring Lots in the Award Process" and

"In the case of Winning Bids, ComReg will notify the Winning Bidders of their entitlement to obtain a Preparatory Licence and a Liberalised Use Licence, subject to compliance with certain obligations, as set out in paragraphs 3.150 and 3.152 below, including their obligation to pay the Upfront Fee."

Consequently ComReg will notify H3GI, and other Winning Bidders, about the application procedure for obtaining a Preparatory Licence at that time.

In relation to applying for a Test Licence, the application form and guidance notes for this Licence are available on ComReg's Test and Trial website at

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation
Abbey Court Irish Life Centre Lower Abbey Street, Dublin 2, Ireland
Telephone: +353 1 804 9600 Fax: +353 1 804 9680 Email: info@comreg.ie Web: www.comreg.ie

- ComReg Document 05/35a: Application Form for a Wireless Test Licence
<http://www.testandtrial.ie/uploads/files/ComReg0535a.pdf>;
- ComReg Document 05/35: Application Guidance Notes: Opportunities for Testing & Trialling Wireless Services and Technologies in Ireland
<http://www.testandtrial.ie/uploads/files/ComReg0535.pdf>

While H3GI may apply for a Test Licence, it should be noted that ComReg may not be in a position to grant a Test Licence in Block G of 900 MHz band as this spectrum is currently licensed to another licensee, namely Telefonica O2. In this regard, ComReg would encourage H3GI to discuss this possibility with Telefonica O2 in advance of submitting an application for a Test Licence.

As you know, it is ComReg's policy to publish exchanges of correspondence such as this in accordance with its usual procedures. Accordingly, I would be grateful if you could indicate whether there is any specific confidential material in your e-mail that H3GI considers ought not to be published in accordance with these procedures.

I trust this clarifies matters.

Yours sincerely



Dr Samuel Ritchie

127. H3GI: letter to ComReg “MULTI-BAND SPECTRUM AWARD” (letter dated 28 November 2012)



Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland

Dr Samuel Ritchie
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1

~~CONFIDENTIAL~~

BY COURIER AND EMAIL: samuel.ritchie@comreg.ie

28 November 2012

Dear Dr Ritchie

MULTI-BAND SPECTRUM AWARD

I refer to: (i) the results of the assignment round published on the EAS on Wednesday 14 November 2012; and (ii) your letter to David Hennessy, Chief Technical Officer, of Hutchison 3G Ireland Limited ("H3GI") dated 20 November 2012 (the "Letter").

In relation to the 1800 MHz band:

1. H3GI was awarded blocks D and E in Time Slice 1 and blocks I – L in Time Slice 2;
2. O2 was awarded blocks A – C in Time Slice 1 and Time Slice 2;
3. Vodafone was awarded blocks F - H in Time Slice 1 and blocks D – H in Time Slice 2;
4. Meteor was awarded blocks L – O in Time Slice 1 and blocks M – O in Time Slice 2; and
5. Blocks I – K in Time Slice 1 were unassigned.

Each of the winning bidders apart from H3GI has continuous spectrum across Time Slices 1 and 2.

At page 2 of the Letter, you state:

"In the IM (see for example paragraph 4.211) ComReg stated that any unallocated Lots would be located contiguously in the presentation of assignment options in the Assignment Round. Winning Bidders will note that there are three unallocated Lots in a contiguous block (Lots I, J, K) in Time Slice 1 in the 1800 MHz band. Noting ComReg's position in Decision D04/12 that unsold lots will not be allocated for a reasonable period after the process, and, in any event, will not be allocated for a period of at least 1 year, ComReg considers that it would be appropriate, in terms of ensuring the effective management and encouraging the efficient use of radio frequencies and in the circumstances of avoiding the requirement for Transition Activities between Time Slice 1 and Time Slice 2, to permit assignment outcomes where the location of one of[r] more of these unallocated Lots would vary from its current location in Lots I, J or K. Winning Bidders should therefore consider the above when considering and suggesting alternative assignment outcomes in the Negotiation phase[.]"

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

Hutchison 3G Ireland Limited
Registered office

3rd Floor
One Clarendon Row,
Dublin 2, Ireland

Registered Number: 316982
Place of Registration: Republic of Ireland



Three.ie

H3GI hereby applies to ComReg for blocks J and K in Time Slice 1 (instead of blocks D and E) thus providing H3GI with continuous spectrum across Time Slices 1 and 2 in the 1800 MHz band.

H3GI believes that ComReg should grant this application for, *inter alia*, the following reasons:

1. The reasons set out in the above quote.
2. It would avoid wasteful allocation of resources. As a result of our network sharing agreement with Vodafone and the proposed assignment, H3GI will have to invest in 'combiners' that will be redundant in two years time.
3. It would not prejudicially affect any other interested party. There is a high degree of likelihood that no new market entrant would invest in the unassigned blocks for a period of approximately eighteen months.
4. It would be in accordance with *inter alia* the following statutory functions and objectives of ComReg:
 - a) The promotion of users' interests (section 12 (1)(a) of the Communications Regulation Act, 2002, as amended (the "Act"));
 - b) The efficient management and use of spectrum (section 12 (1)(b) of the Act); and
 - c) The promotion of efficient investment and innovation in new and enhanced infrastructures (regulation 16 (2)(d) of the European Communities (Electronic Communications Networks and Services)(Framework) Regulations, 2011 (the "Framework Regulations").

In the event that another winning bidder(s) makes a conflicting application or agreement, H3GI hereby requests ComReg to: (i) notify it of the nature of this application or agreement; and (ii) provide it with an opportunity to make representations to ComReg in advance of any decision by ComReg.

Yours sincerely


DAVID HENNESSY
Chief Technical Officer

Directors
Robert Finnegan: Irish
Canning Fok: British
Frank Sixt: Canadian
Robert Eckert: U.S.A
Edmond Ho: British
David Dyson: British
Richard Woodward: British

A Hutchison Whampoa Company

128. ComReg: letter to H3GI “MBSA process” (letter dated 4 December 2012)



By Hand

4 December 2012

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

MBSA process

Dear Mr. Hennessy

I refer to the above matter and to your letter of 28 November 2012.

As you will be aware, the recently concluded Negotiation Phase provided Winning Bidders with the opportunity to agree an alternative configuration of assignments and to notify ComReg of a re-organisation of a band (see paragraph 3.140 of the Information Memorandum ('IM')). ComReg notes that H3GI's proposal is of a unilateral nature and does not therefore fall within the scope of agreements envisaged under the Negotiation Phase.

As you will also be aware, if Winning Bidders do not agree and notify ComReg of a re-organisation of a particular band, ComReg will rely on the results of the Assignment Round (paragraph 3.142 of the IM). As ComReg did not receive any notification of an agreement to re-organise any particular band further to the Negotiation Phase and, in accordance with the IM, ComReg will therefore provide spectrum rights for the frequency assignments as determined by the Assignment Round in the Notification and Grant stage of the MBSA process.

Notwithstanding the above, ComReg would bring to your attention the provisions of Regulation 7(3) of the Wireless Telegraphy (Liberalised Use and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz bands) Regulations, 2012 which makes it clear that ComReg can, upon request, amend a Licence once granted where it considers it appropriate to do so. For the avoidance of doubt, ComReg would assess any such request in accordance with the Authorisation Regulations.

Yours Sincerely

Dr. Samuel Ritchie

129. ComReg: letter to H3GI “Entitlement to apply for a Preparatory and a Liberalised Use Licence” (letter dated 18 December 2012)



Commission for
Communications Regulation
 Coimisiún Um
Rialáil Cumarsáide

By Hand

18 December 2012

David Hennessy
 Chief Technical Officer
 Hutchison 3G Ireland Limited
 3rd Floor
 One Clarendon Row
 Dublin 2

Entitlement to apply for a Preparatory and a Liberalised Use Licence

Dear Mr. Hennessy

I am writing to you in your capacity as principal Authorised Agent of Hutchison 3G Ireland Limited ('H3GI') further to my letter of 4 December 2012 concerning the end of the Assignment Stage and Auction.

In accordance with Regulation 4 of the Wireless Telegraphy (Liberalised Use and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz Bands) Regulations 2012 (the "Regulations"), section 3.7 of the Information Memorandum ("IM") and the results of the Multi-Band Spectrum Award process (see Document 12/131¹), ComReg is now notifying you of H3GI's entitlement to apply for a Preparatory and a Liberalised Use Licence (as defined in the IM and the Regulations).

H3GI's entitlement to be granted a Licence is subject to its compliance with certain administrative obligations the most important of which are discussed below.

1. Payment of the Upfront Fee

In accordance with paragraph 3.148 of the IM, a Winning Bidder is required to pay the Upfront Fee prior to the receipt of a Preparatory or a Liberalised Use Licence.

As noted in ComReg's letter of 22 November 2012, H3GI's Upfront Fee has been paid in full to ComReg and this obligation has therefore been met by H3GI.

¹ Document 12/131, "Frequency Arrangements and Results of the Multi-Band Spectrum Award Process", Information Notice, published 5 December 2012.



2. The Preparatory Licence

Paragraphs 3.150 and 3.151 of the IM outline the notification and grant process associated with a Preparatory Licence.

In accordance with these provisions, ComReg has prepared an **Application Form for a Preparatory Licence** (see attached document) in order to collect the information necessary to populate a Winning Bidder's Preparatory Licence.

Should H3GI wish to obtain a Preparatory Licence, H3GI is first required to:

- submit a completed Application Form for a Preparatory Licence to ComReg; and
- pay the €100 fee for a Preparatory Licence.

Following receipt of the above, and noting that the Upfront Fee obligation has already been met, ComReg will proceed to grant a Preparatory Licence to H3GI.

Annex 1 of this letter explains a number of the specific details that ComReg intends to include in H3GI's Preparatory Licence should it apply for such a Licence.

3. The Liberalised Use Licence

Paragraphs 3.152 and 3.153 of the IM outline the notification and grant process associated with a Liberalised Use Licence.

In accordance with these provisions, and based on information currently available to ComReg in relation to the MBSA process:

- **Annex 2** sets out a number of details specific to a Winning Bidder's Liberalised Use Licence, and amongst other things, Annex 2:
 - explains how the commencement date and expiry date of a Liberalised Use Licence will be set;
 - sets out the specific details that ComReg intends to include in Part 1 of H3GI's Liberalised Use Licence;
 - sets out the commencement date and expiry date of H3GI's Liberalised Use Licence, noting that this commencement date could be brought forward should H3GI request Advanced Commencement for any of the Spectrum Blocks that are not required for Transition



- o sets out the Spectrum Usage Fees (SUF) associated with SUF Period 1² of the Liberalised Use Licence noting that the SUFs associated with certain Spectrum Blocks will only be determined at a later stage, as the commencement date of these Spectrum Blocks is contingent upon finalisation and implementation of the Transition Project Plan (see, in this regard, section 3.8 of the IM); and
- ComReg has prepared an **Application Form for a Liberalised Use Licence** (see attached document) in order to collect the information necessary to populate a Winning Bidder's Liberalised Use Licence.

SUF for SUF Period 1

As mentioned above, Annex 2 sets out:

- specific details that ComReg intends to include in Part 1 of H3GI's Liberalised Use Licence (including the expected commencement date for each Spectrum Block); and
- the Spectrum Usage Fees (SUF) associated with SUF Period 1 of H3GI's Liberalised Use Licence.

As noted in Annex 2, ComReg is currently not in a position to set the commencement date for all Spectrum Blocks in H3GI's Liberalised Use Licence and, given this, ComReg is not in a position to issue a SUF invoice for all the Spectrum Blocks that will eventually be included in H3GI's Liberalised Use Licence. In that regard:

- for the Spectrum Blocks in Annex 2 with a commencement date of 1 February 2013, ComReg intends to send an invoice to H3GI in the coming days for the SUF associated with SUF Period 1 for these Spectrum Blocks. This invoice will be for €1,080,000 and will state that this fee will have to be paid prior to the commencement date of the Liberalised Use Licence (currently envisaged to be 1 February 2013); and
- for the Spectrum Blocks in Annex 2 with commencement dates yet to be determined (or "TBD") ComReg will write to H3GI in due course specifying the commencement date of these Spectrum Blocks in line with the

² Based upon a Licence Commencement Date of 1 February 2013, the first SUF period ('SUF Period 1') would be from 1 February 2013 to 31 January 2014.



finalisation and implementation of the Transition Project Plan and the SUF associated with SUF Period 1 for these Spectrum Blocks.

Surrender/Amendment of an Existing GSM Licence

As set out in paragraph 3.152 of the IM, *“where an Existing GSM Licensee has been allocated Lots in Lots Categories 7, 8, 9 or 10 in the Award Process, or has obtained a Liberalised Use Licence with an advanced commencement date, the Existing GSM Licensee is required to amend or surrender the rights associated with its GSM Licence (whichever is appropriate) in line with the outcome of the Award Process.”*

As ComReg is currently in the process of finalising the Transition Project Plan for the 900 MHz and 1800 MHz bands, ComReg is not yet in a position to specify the dates for the amendment or surrender of Existing GSM Licences.

ComReg will write to the Existing GSM Licensees in due course on this matter.

Transition Process

ComReg is currently in the process of finalising a Transition Project Plan for the 900 MHz and 1800 MHz bands and, in this regard, ComReg notes that it recently received transition information from all the Winning Bidders.

ComReg will be writing to all Winning Bidders in due course on this matter with the aim of finalising a Transition Project Plan in January 2013.

All Winning Bidders have agreed to be bound by and to comply with the Transition Rules and are required to abide by the finalised Transition Project Plan. In that regard, ComReg has reserved the right to make a final and binding decision in relation to the Transition Project Plan and will take appropriate and effective measures to ensure that there is no undue delay in the availability of liberalised spectrum.

Advanced Commencement Method 2

As set out in paragraphs 2.31 and 2.32 of the IM, Advanced Commencement Method 2 is available to a Winning Bidder, should it wish to apply.



Refunds, Adjustments or Rebates

Please note that Refunds or Adjustments related to the Upfront Fee and Rebates in relation to Early Liberalisation and/or Relocation will be addressed in due course in accordance with the IM.

Process for applying for a Liberalised Use Licence

To apply for a Liberalised Use Licence, H3GI is required to:

- submit a completed Application Form for a Liberalised Use Licence to ComReg; and
- pay the SUFs amount as set out above (or as otherwise notified) in line with the payment date as specified on the invoice.

Following receipt of the above, and subject to H3GI's compliance with above obligations and the other obligations as set out in the IM, ComReg will proceed to grant a Liberalised Use Licence to H3GI.

Publication of the Liberalised Use Licence on ComReg's website

As set out in paragraph 3.155 of the IM, and as subsequently discussed in Document 12/73³ (see ComReg's answer to Q62 in particular), once a Liberalised Use Licence has been issued, ComReg will publish on its website the text of the Liberalised Use Licence⁴, and subsequent amendments to same, in accordance with ComReg's Guidelines on the treatment of confidential information (Document 05/24)⁵.

Subsequent amendments to a Liberalised Use Licence

ComReg is currently not in a position to finalise all details associated with H3GI's Liberalised Use Licence. ComReg will write to H3GI in due course on any outstanding

³ Document 12/73, "Multi-band Spectrum Release: Questions & Answers and Clarifications", Information Notice, published 06 July 2012.

⁴ For the avoidance of doubt, this includes all Parts of the Liberalised Use Licence.

⁵ Document 05/24, "Guidelines on the treatment of confidential information", Response to Consultation and final text of Guidelines, published 22 March 2005



items (e.g. commencement date of certain Spectrum Blocks, etc.) relating to H3GI's Liberalised Use Licence.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'S. Ritchie', written in a cursive style.

Dr. Samuel Ritchie



Annex 1: Preparatory Licence - specific details

The following explains a number of specific details that ComReg intends to include in a Winning Bidder's Preparatory Licence.

1. The **Commencement Date of the Preparatory Licence** will be the date that the Winning Bidder's Preparatory Licence is issued;
2. The **Commencement Date of each Authorised Band in Part 2 of the Preparatory Licence** will be the date that the Winning Bidder's Preparatory Licence is issued;
3. The **Expiry Date of each Authorised Band in Part 2 of the Preparatory Licence** will coincide with the earliest commencement date of spectrum rights in that Authorised Band in the Winning Bidder's Liberalised Use Licence (see Annex 2 for further details); and
4. The **Expiry Date of the Preparatory Licence** will coincide with the latest expiry date of an Authorised Band in Part 2 of the Winning Bidder's Preparatory Licence.

Based upon the results of the MBSA process as set out in Document 12/131 and the information currently available to ComReg, the following sets out the specific details that ComReg intends to include in Part 2 of H3GI's Preparatory Licence.

Part 2 of H3GI's Preparatory Licence

Authorised Band	Commencement Date	Expiry Date	Description of Apparatus
900 MHz	Same date as the Licence issue date	To be determined (TBD) in line with the MBSA Transition Process	Apparatus compliant with EC Decision 2009/766/EC as amended
1800 MHz	Same date as the Licence issue date	31 January 2013	Apparatus compliant with EC Decision 2009/766/EC as amended



Annex 2: Liberalised Use Licence - specific details

The following explains a number of specific details that ComReg intends to include in a Winning Bidder's Liberalised Use Licence:

1. The **Commencement Date of the Liberalised Use Licence** will coincide with the earliest commencement date for a Spectrum Block as set out in Part 1 of the Winning Bidder's Liberalised Use Licence;
2. The **Uplink / Downlink Frequency Assigned to each Spectrum Block in Part 1 of the Liberalised Use Licence** will be set in accordance with the results of the MBSA process as set out in Document 12/131;
3. The **Commencement Date of each Spectrum Block in Part 1 of the Liberalised Use Licence** will be set in accordance with the results of the MBSA process as set out in Document 12/131 and the provisions of the IM which, amongst other things, note that the commencement date of Spectrum Blocks in Time Slice 1 may be delayed due to Transition issues or brought forward under the Advanced Commencement provisions;
4. The **Expiry Date of each Spectrum Block in Part 1 of the Liberalised Use Licence** will be set in accordance with the results of the MBSA process as set out in Document 12/131 and the provisions of the IM; and
5. The **Expiry Date of the Liberalised Use Licence** will be set to coincide with the latest expiry date for a Spectrum Block as set out in Part 1 of the Winning Bidder's Liberalised Use Licence.

Based upon the results of the MBSA process as set out in Document 12/131 and the information currently available to ComReg on the MBSA Transition process and in the absence of a request for Advanced Commencement, the following sets out:

- the specific details that ComReg intends to include in Part 1 of H3GI's Liberalised Use Licence;
- the expected commencement date and expiry date of H3GI's Liberalised Use Licence; and
- the Spectrum Usage Fees (SUF) for SUF Period 1 of H3GI's Liberalised Use Licence.



Part 1 of H3GI's Liberalised Use Licence

Authorised Band	Name of Spectrum Block	Uplink / Downlink Frequency Assigned to Spectrum Block	Commencement Date per Spectrum Block	Expiry Date per Spectrum Block
900 MHz	900/G	880.0 - 885.0 MHz 925.0 - 930.0 MHz	TBD in line with the MBSA Transition Process	12 July 2030
1800 MHz	1800/D	1725.0 - 1730.0 MHz 1820.0 - 1825.0 MHz	1 February 2013	12 July 2015
1800 MHz	1800/E	1730.0 - 1735.0 MHz 1825.0 - 1830.0 MHz	1 February 2013	12 July 2015
1800 MHz	1800/I	1750.0 - 1755.0 MHz 1845.0 - 1850.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/J	1755.0 - 1760.0 MHz 1850.0 - 1855.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/K	1760.0 - 1765.0 MHz 1855.0 - 1860.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/L	1765.0 - 1770.0 MHz 1860.0 - 1865.0 MHz	13 July 2015	12 July 2030

Based upon the above and subject to its compliance with its Licence obligations and obligations under the IM:

- the **commencement date of H3GI's Liberalised Use Licence** will be **1 February 2013**, although this date could be brought forward should H3GI request Advanced Commencement for any of the Spectrum Blocks that are not required for Transition purposes (i.e. those Spectrum Blocks with a commencement date of 1 February 2013); and
- the **expiry date of the H3GI's Liberalised Use Licence** will be **12 July 2030**.



Spectrum Usage Fees (SUFs) for SUF period 1 of H3GI's Liberalised Use Licence

Based upon a Licence Commencement Date of 1 February 2013, the first SUF period ('SUF Period 1') associated with H3GI's Liberalised Use Licence is from 1 February 2013 to 31 January 2014.

The following sets out the SUFs associated with SUF Period 1 of H3GI's Liberalised Use Licence.

Name of Spectrum Block	Commencement Date per Spectrum Block	Expiry Date per Spectrum Block	Days in SUF Period 1	Base SUF Fee	CPI Adjust ment	Actual SUF Fee (Adjusted for CPI and duration of Spectrum Block in SUF period 1)
900/G	TBD in line with the MBSA Transition Process	12 July 2030	TBD	€1,080,000	0%	TBD
1800/D	1 February 2013	12 July 2015	Full Year	€540,000	0%	€540,000
1800/E	1 February 2013	12 July 2015	Full Year	€540,000	0%	€540,000

Given the above:

- the SUFs associated with Spectrum Blocks 1800/D and 1800/E can be calculated now. The sum of these SUFs is **€1,080,000**; and
- the SUFs associated with Spectrum Block 900/G cannot be calculated at this time as the commencement date of this Spectrum Block is to be determined in line with the MBSA Transition Process.

130. ComReg: letter to H3GI “Correction to Letter of 18 December 2012” (letter dated 3 January 2013)



Commission for
Communications Regulation
Coimisiún Um
Rialáil Cumarsáide

By Hand

03 January 2013

David Hennessy
Chief Technical Officer
Hutchison 3G Ireland Limited
3rd Floor
One Clarendon Row
Dublin 2

Correction to Letter of 18 December 2012

Dear Mr. Hennessy

I am writing to you in your capacity as principal Authorised Agent of Hutchison 3G Ireland Limited ('H3GI') further to my letter of 18 December 2012, concerning H3GI's '*Entitlement to apply for a Preparatory and a Liberalised Use Licence*'.

It has been pointed out by your Mr. Mark Hughes, in an email received today, that there is an error in the table that appears on Annex 2, page 9 of the letter of 18 December. The corrected table is given on the following page.

My apologies for any inconvenience this may have caused.

Yours Sincerely



Dr. Samuel Ritchie



Authorised Band	Name of Spectrum Block	Uplink / Downlink Frequency Assigned to Spectrum Block	Commencement Date per Spectrum Block	Expiry Date per Spectrum Block
900 MHz	900/G	910.0 - 915.0 MHz 955.0 - 960.0 MHz	TBD in line with the MBSA Transition Process	12 July 2030
1800 MHz	1800/D	1725.0 - 1730.0 MHz 1820.0 - 1825.0 MHz	1 February 2013	12 July 2015
1800 MHz	1800/E	1730.0 - 1735.0 MHz 1825.0 - 1830.0 MHz	1 February 2013	12 July 2015
1800 MHz	1800/I	1750.0 - 1755.0 MHz 1845.0 - 1850.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/J	1755.0 - 1760.0 MHz 1850.0 - 1855.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/K	1760.0 - 1765.0 MHz 1855.0 - 1860.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/L	1765.0 - 1770.0 MHz 1860.0 - 1865.0 MHz	13 July 2015	12 July 2030