



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**

<b>Document No:</b>	<b>13/29b</b>
<b>Date:</b>	<b>22 March 2013</b>

**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 15<sup>th</sup> 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 7<sup>th</sup> 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 4<sup>th</sup> 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)

#### **Document 13/29e**

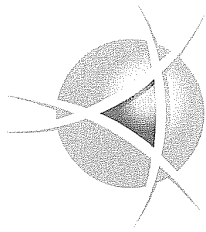
131. ComReg: to All Bidders “Dot econ : Downloadable files” (Report dated 14 September 2012)
132. ComReg: to All Bidders “Dot econ Report: Eligibility-reducing relaxed primary bids in ComReg’s multiband auction” (Report dated 20 September 2012)
133. ComReg: to All Bidders “Clarification on Multi-Band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

30. ComReg: letter to Vodafone “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 Paul Ryan  
Director of External Affairs  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin18

By post and e-mail: [paul.ryan@vodafone.com](mailto:paul.ryan@vodafone.com)

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

Dear Paul,

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 Decision<sup>1</sup> encourages infrastructure sharing:

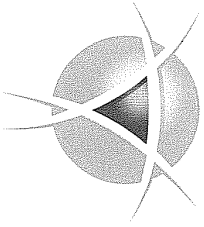
*Easy access to spectrum may require innovative types of authorisation such as collective use of spectrum, or infrastructure sharing.*

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 Vodafone 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.

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<sup>1</sup> 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 Vodafone'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).

Vodafone 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, Vodafone 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', written in a cursive style. Below the signature is a large, circular scribble or flourish.

George Merrigan

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)

**From:** Samuel Ritchie  
**Sent:** 13 July 2012 11:16  
**To:** Crowley, Patrick, VF-IE  
**Subject:** FW: Draft Response regarding query

Dear Patrick

I refer to your e-mail to Patrick Mulvey of 11 July concerning ComReg's Multi-Band Spectrum Award (MBSA) process and to previous correspondence between Vodafone Ireland Limited (Vodafone) and ComReg's Accounts Department in connection with same.

I note from your e-mail that Vodafone is seeking clarification in relation to an aspect of the Application Form for ComReg's Multi-Band Spectrum Award (MBSA) (at page 12 of ComReg 12/52aR).

I do not propose to address the substantive issue here, but instead raise a matter of process concerning Vodafone's correspondence.

I would remind Vodafone that an established procedure exists under section 5.2.5 of ComReg's Information Memorandum for the MBSA by which interested parties can notify ComReg of any error, omission or lack of clarity in the Information Memorandum (using the same contact details for the Question and Answer procedure set out elsewhere in the Information Memorandum). I would also refer Vodafone to ComReg's answer to question 63 (on page 59 of ComReg Information Notice 12/73) regarding the scope of the clarification procedure.

I therefore request that any further communications between Vodafone and ComReg in connection with the MBSA occur in accordance with the procedures set out in the Information Memorandum. This will ensure, amongst other things, that:

- any further requests for clarification are properly considered and responded to (if appropriate) by authorised ComReg personnel;
- any clarifications issued by ComReg would be made available to all Interested Parties at the same time;
- the anonymity of persons submitting requests for clarifications can be maintained; and
- any confidential information provided to ComReg relating to the MBSA can be properly protected by the enhanced and ring fenced security measures which ComReg has adopted for the Award Process.

Given this context, please note that ComReg published a clarification regarding the substantive matter of your inquiry yesterday afternoon which is available here:  
[http://www.comreg.ie/fileupload/MBSA\\_Clarification\\_13.pdf](http://www.comreg.ie/fileupload/MBSA_Clarification_13.pdf)

Furthermore, please be advised that any communications provided by ComReg staff on the substantive matter of your inquiry outside of the procedures set out in the Information Memorandum should not be relied upon in any way by Vodafone in the context of any participation by it in the MBSA.

I trust this clarifies matters.

Kind regards

Samuel

**Dr. Samuel Ritchie**  
**Manager Spectrum Operations**

Commission for Communications Regulation

Email [samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie)

**From:** Crowley, Patrick, Vodafone Ireland [<mailto:Patrick.Crowley@vodafone.com>]

**Sent:** 11 July 2012 15:03

**To:** Patrick Mulvey

**Cc:** michael Maher

**Subject:** Strictly Confidential: ComReg MBSA Application Form (ComReg document 12/52aR)

Dear Paddy,

We identified an issue that appeared to require clarification in relation to the required reference information for payment of an Application Deposit as set out on page 12. The relevant section is quoted below:

'If making a bank transfer/EFT, please ensure that:

- Reference is "MBSA"
- Your Bank quotes your Account Number (if an existing ComReg account holder) in making the transfer to ComReg.'

The requirement in the first bullet point is clear. However in relation to the second bullet point it is not clear what Account Number needs to be quoted. For example ComReg currently has a number of different Account Numbers for Vodafone based on the types of payments being made (the ComReg Levy, PRS, P2P spectrum licence payments, 3G Licence payments) and the instruction quoted above does not specify which one.

Earlier today Vodafone contacted ComReg's Accounts Department, with a query in relation to the appropriate reference Vodafone should include in any bank transfer (unspecified) it may make to ComReg in the future and they confirmed that a specific 6 digit number (one of the account numbers currently used by ComReg for Vodafone) would be sufficient for us to include so as to enable ComReg to identify a transfer/EFT to it as being a transfer originating specifically from Vodafone.

Best regards,

Patrick

Patrick Crowley  
Regulatory Executive  
Strategy  
Vodafone Ireland

+353 (0) 876808510

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Vodafone Ireland Limited. Directors : Jeroen Hoencamp (CEO) (NL), Paul Ryan, Thomas Reisten (DE).  
Registered in Ireland at MountainView, Leopardstown, Dublin 18.  
Co Reg No.: 326967 VAT Reg No. IE6346967G

Think about the environment before printing this e-mail.

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

Mr. Paul Ryan  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

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 Vodafone concerning Vodafone'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 Vodafone'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 Vodafone on Friday, 3 August 2012. If Vodafone 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.<sup>1</sup> 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 that ComReg may or may not adopt in the actual auction, if required.

<sup>1</sup> 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.

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 Vodafone's initial eligibility in the actual auction (as will be determined by Vodafone'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

Vodafone’s MOCK AUCTION – Friday, 3 August 2012

Bidder identifier (This serial number appears only on our digital certificate CD)	[REDACTED]
URL to login 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]

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

Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

Dear Mr. Paul Ryan

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

I confirm that ComReg received, in its bank account on 18 July 2012, the sum of  from Vodafone.

Yours Sincerely

Dr. Samuel Ritchie

26 July 2012

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



Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

Dear Mr. Ryan

I refer to the application submitted by Vodafone Ireland Limited (the "Applicant") in connection with ComReg's Multi Band Spectrum Award (the "Application") which was received by ComReg on 18 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 clarifications and further information 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.

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

1



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 positioned above the printed name.

Dr. Samuel Ritchie

35. Vodafone: letter to ComReg “Vodafone Questions and Requests Following MBSA Mock Auction” [Redacted] (letter dated 15 August 2012)

## **Vodafone Questions and Requests Following MBSA Mock Auction**

### **Primary Round:**

Question 1:

Why is the ability to export round prices information limited to 5 minutes before bidding?

Request 1:

Can we get the round prices information referred to in Question 1 to remain available during the bidding round?

Question 2:

Will we get the full details for every round before it opens, i.e. the round prices, the start time and the duration?

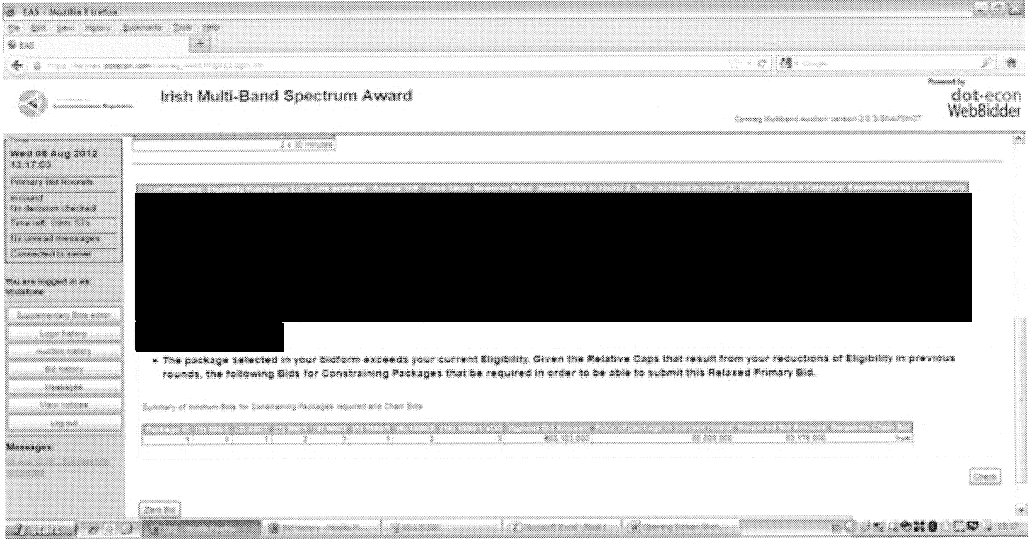
Question 3:

When does the round end? Does it automatically end when every bidder has submitted their bid, or does the round stay open for the duration specified as the round opened?

### **Valid relaxed bids:**

Query 1:

When a valid relaxed bid is being made as per the screen shot below, why does the table with the heading "Summary of minimum bids for constraining packages required and chain bids" have as the last column a heading "Requires chain bid". Should this heading be "Required Chain Bid" and in what circumstances would the "true" change to "false"?



Question 4:

Why is there a button with the option "Zero bid"?

Request 2:

Can the "Zero bid" button be removed as we believe it may introduce an unnecessary risk to bidders? If a bidder wishes to make a zero bid they can simply enter zero in against the packages.

**Bid History:**

In the bid history screen shot below, it needs to be made clear which bids are the relaxed bids, which are the chain bids, and which chain bids are as a result of previous chain bids.

Request 3:

At the very least it must be made clear the order in which such bids referred to above appear i.e. relaxed bids, chain bid 1, chain bid 2 etc.



**Supplementary bids:**

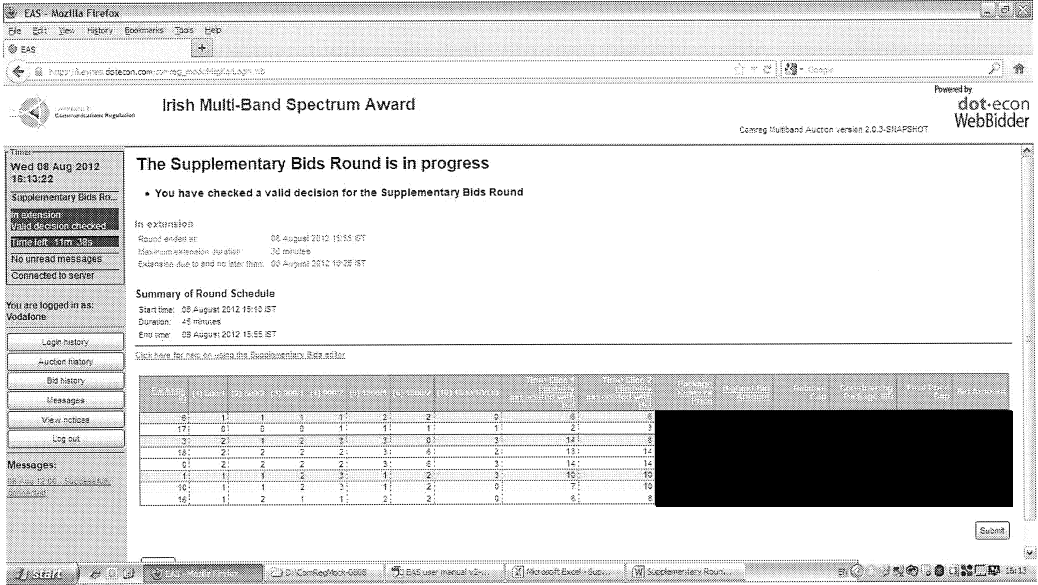
The screen shot below shows the supplementary bids. However it is unclear as to how the order of the bids is presented. The order does not seem to be based on the package IDs, or on the round order, or on the bid amounts.

Question 5:

Can ComReg please clarify the basis on which the supplementary bids are presented?

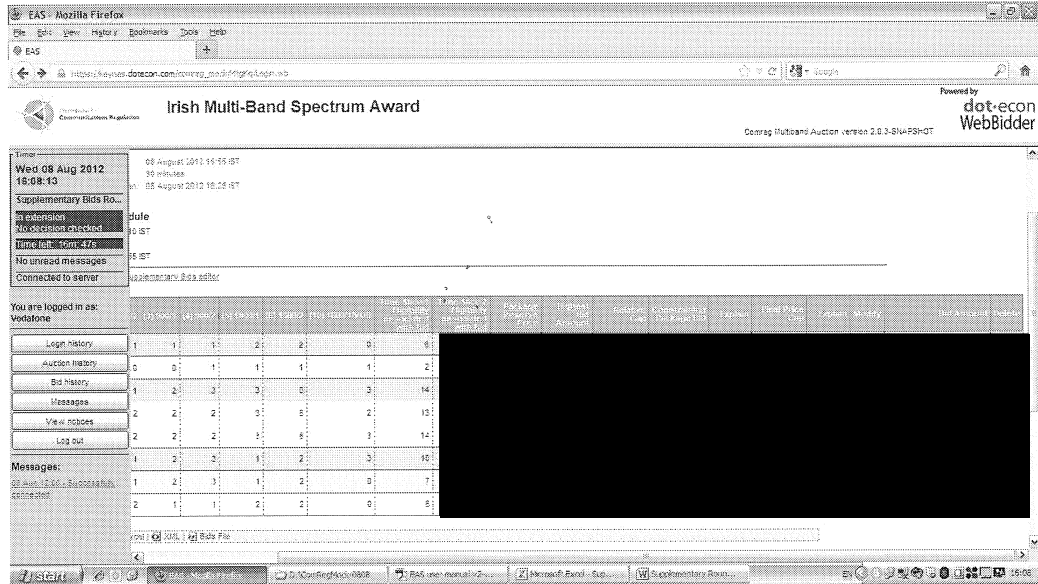
Request 4:

We would request that that ComReg either present the bids referred to in Question 5 by the package ID or by round order.



**Supplementary bid editor:**

We believe there is a software bug in this part of the Auction software



After this, the screen froze (all buttons greyed out). VF had to log off and log on again to "Process Edits". In addition VF could "Process Edits" without un-ticking the Modify box. In addition our original supplementary bid information was lost.

VF believes that there is a bug in this piece of the software that needs to be fixed before the auction.

Request 5:

Can ComReg please confirm that they have corrected this software bug?

**Assignment Round:**

Question 6:

What happens if there are multiple options available to a bidder during the assignment round? How will these be presented? Will the system present the options for each band on a separate input screen or will the entry simply be spread over multiple pages?

Request 6:

From the screen shot below the bidders are given the exact MHz only and not 1, 2, 3 or a, b, c etc. It is unclear to Vodafone why we cannot be given the exact MHz together with the numbering as per ComReg's IM. VF request that the same format is used in the assignment round for labelling that was used in the IM and is used in the results table above.

Vodafone request that this input screen be modified to include the numbering as per the IM document

**Notice from ComReg**  
 Notice sent on 08 August 2012 at 16:20

The assignment round will be scheduled to start at 16:30.

**Please wait for the Assignment Round to start**

**Summary of Round Schedule**  
 Start time: 08 August 2012 16:30 IST  
 Duration: 20 minutes  
 End time: 08 August 2012 16:50 IST

Time Slice	Frequency Range	Pairing
800MHz	734-800MHz paired with 824-890MHz	734-800MHz paired with 824-890MHz
800MHz	811-877MHz paired with 901-967MHz	811-877MHz paired with 901-967MHz
800MHz	880-950MHz paired with 924-994MHz	880-950MHz paired with 924-994MHz
800MHz	955-985MHz paired with 930-960MHz	955-985MHz paired with 930-960MHz
800MHz	960-970MHz paired with 944-954MHz	960-970MHz paired with 944-954MHz
800MHz	995-915MHz paired with 950-900MHz	995-915MHz paired with 950-900MHz
1.8GHz	1,710-1,740MHz paired with 1,805-1,835MHz	1,710-1,740MHz paired with 1,805-1,835MHz
1.8GHz	1,725-1,755MHz paired with 1,820-1,850MHz	1,725-1,755MHz paired with 1,820-1,850MHz
1.8GHz	1,740-1,770MHz paired with 1,825-1,855MHz	1,740-1,770MHz paired with 1,825-1,855MHz
1.8GHz	1,755-1,785MHz paired with 1,850-1,880MHz	1,755-1,785MHz paired with 1,850-1,880MHz

Furthermore in the results of the assignment round, the system reverts to giving the results in the same format as the IM. See screen shot below.

**Provisional band plans**

**800MHz in Time Slice 1**

A	B	C	D	E	F
734-800MHz	824-890MHz	811-877MHz	901-967MHz	880-950MHz	924-994MHz

**800MHz in Time Slice 2**

A	B	C	D	E	F
811-877MHz	901-967MHz	880-950MHz	924-994MHz	955-985MHz	930-960MHz

**900MHz in Time Slice 1**

A	B	C	D	E	F
880-950MHz	924-994MHz	955-985MHz	930-960MHz	960-970MHz	944-954MHz

**900MHz in Time Slice 2**

A	B	C	D	E	F	G
880-950MHz	924-994MHz	955-985MHz	930-960MHz	960-970MHz	944-954MHz	995-915MHz

**1.8GHz in Time Slice 1**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1,710-1,740MHz	1,725-1,755MHz	1,740-1,770MHz	1,755-1,785MHz	1,770-1,800MHz	1,785-1,815MHz	1,800-1,830MHz	1,815-1,845MHz	1,830-1,860MHz	1,845-1,875MHz	1,860-1,890MHz	1,875-1,905MHz	1,890-1,920MHz	1,905-1,935MHz	1,920-1,950MHz

**1.8GHz in Time Slice 2**

A	B	C	D	E	F	G	H	I	J	K	L	M	N
1,710-1,740MHz	1,725-1,755MHz	1,740-1,770MHz	1,755-1,785MHz	1,770-1,800MHz	1,785-1,815MHz	1,800-1,830MHz	1,815-1,845MHz	1,830-1,860MHz	1,845-1,875MHz	1,860-1,890MHz	1,875-1,905MHz	1,890-1,920MHz	1,905-1,935MHz



36. ComReg: letter to Vodafone “Letter of 15<sup>th</sup> August” (letter dated 15 August 2012)



Ms. Eileen Maher  
 Head of Strategic Operations  
 Vodafone Ireland Limited  
 MountainView  
 Leopardstown

Dear Eileen,

I refer to your letter of 15 August 2012 in relation to Vodafone Ireland Limited's ("Vodafone") "mock auction" in connection with the Commission's Multi-Band Spectrum Award (MBSA) process.

I set out our response to the queries raised in your letter below (using the same headings used in your letter).

### **Primary Round**

#### ***Response to Question 1 and Request 1***

The functionality for exporting Round Prices for a Primary Bid Round (PBR) is available from the moment the PBR has been scheduled and until the start of the PBR. Once the PBR is in progress, Bidders may manually copy the table reporting PRB prices, but not use the download functionality, which is disabled in order to prevent interference with form submissions.

As detailed in the Information Memorandum, PBRs will be scheduled at least 15 minutes prior to the start of the PBR. Therefore, Bidders will have a window of at least 15 minutes for downloading PBR prices. Please note that this minimum period was not applied during the mock auctions to allow participants to run through a full auction within a reasonable time.

#### ***Response to Question 2***

The schedule of a PBR (including start time and duration), along with applicable prices for the PBR, will be notified to Bidders at least 15 minutes in advance of the start of the PBR. Again note that this minimum period was not applied during the mock auctions to allow participants to run through a full auction within a reasonable time.

***Response to Question 3***

Unless ComReg decides to reschedule the end of a PBR, each PBR will close at the scheduled end time, even if all Bidders have submitted their Bids before the scheduled end time. For the avoidance of doubt, a PBR will not automatically close once Bids from all Bidders have been received. An exception to this is when a PBR has been extended, in which case the extension period will end:

- as soon as all Bids from Bidders who have extended the PBR have been received; or
- at the end of the extension period if not all Bidders who have extended the PBR submit their Bids within the extension period.

**Valid relaxed bids*****Response to Query 1***

If, during a PBR, a Bidder selects a package of Lots with eligibility greater than the Bidder's eligibility in that PBR in any of the Time Slices, the EAS will check whether a Relaxed Primary Bid (RPB) for the package is possible, and whether any Chain Bids may be required in order to submit such a RPB.

The EAS will report back to the Bidder the necessary Bid Amount on the relevant Constraining Package that would be required in order to submit the RPB. In that regard:

- It is possible that the Bidder may have already submitted a Bid for the Constraining Package that meets or exceeds the minimum bid amount required, in which case the relevant row in the table of requirements relating to submitting a RPB will be highlighted in green, and the last column ("Required Chain Bid") will be set to "false". In this case the Bidder will be able to submit the RPB and no further checks are required;
- Alternatively, the Bidder may need to submit a Chain Bid for the Constraining Package, in which case the relevant row in the table of requirements relating to submitting a RPB will be left with a white background, and the last column ("Required Chain Bid") will be set to "true". In this case, further checks on the Constraining Package upon which the Relative Cap for the Chain Bid is based are required; and
- It is also possible that the Bidder is required to submit a Chain Bid for the Constraining Package, but that this is not consistent with the Activity Rules given the prevailing Round Prices, in which case the relevant row in the table of requirements relating to submitting a RPB will be highlighted in red, and the last column ("Required Chain Bid") will be set to "true".

***Response to Question 4 and Request 2***

Please note that the "Zero Bid" button has been removed.



**Bid History*****Response to Request 3***

In the “Bid History” page, Primary Bids are shown on a white background, while Chain Bids are shown on a shaded (grey) background. In order to identify the order in which Chain Bids have been required, the Bidder should refer to the information about the Relative Caps and Constraining Packages available from the Supplementary Bids editor.

**Supplementary Bids*****Response to Question 5 and Request 4***

By default, the list of Supplementary Bids is presented with packages in the following order:

- the Constraining Round that defines the Relative Cap on the package. Packages that are not subject to a Relative Cap are presented first, thereafter, packages are ordered in ascending order of the Constraining Round;
- within packages for which the Relative Cap is defined in relation to the same Constraining Round, those which are Constraining Packages in relation to other packages are presented first;
- the Eligibility of the package in Time Slice 1; and
- the Eligibility of the package in Time Slice 2.

The choice of this particular order is intended to assist Bidders in managing their Relative Caps, as the Constraining Packages that are subject to a Relative Cap are presented immediately after the packages they constrain. However, Bidders may alternatively sort Supplementary Bids in relation to:

- the package ID;
- the Eligibility of the package in Time Slice 1;
- the Eligibility of the package in Time Slice 2;
- the Reserve Price for the package; or
- the Highest Bid Amount already submitted for the package,

by clicking on the relevant column header.

**Supplementary Bids editor*****Response to Request 5***

We note that separate arrangements (teleconference) are being made to better understand the issue. If the issue persists, we would be grateful if you might attempt to recreate the error in your final mock auction, and if you are able to do so, fully document the circumstances leading to the error and report this to ComReg.

**Assignment Round*****Response to Question 6 and Request 6***

Where a Bidder may submit Bids for different assignment options in different bands, these options are presented in a single table, ordered by band and with the first column in the table indicating the band they relate to. Alternative assignment options are presented by providing the frequency ranges that delimit them. Following a request by an interested party, the range of blocks for each option will be presented next to the relevant frequencies. For example, the assignment option for the first four blocks in the 800MHz band would be displayed as: “791-811MHz paired with 832-852MHz (blocks A to D)”.

Kind Regards



Dr. Samuel Ritchie  
Manager Spectrum Operations

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



24 August 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

Dear Mr. Ryan

I refer to the application (the "Application") submitted by Vodafone Ireland Limited to the Commission for Communications Regulation ("ComReg"), on 18 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]
800/2	6	2	[REDACTED]

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
900/1	5	2	
900/2	7	2	
1800/1	6	1	
1800/2	15	1	
1800/1/VOD	3	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 **7 September 2012**.<sup>1</sup>

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.<sup>2</sup> 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

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

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



38. Vodafone: letter to ComReg “Vodafone’s Second Mock Auction” (letter dated 7 September 2012)



7 September 2012

[George.merrigan@comreg.ie](mailto:George.merrigan@comreg.ie)

George Merrigan  
 Multi-Band Spectrum Award  
 Commission for Communications Regulation  
 Abbey Court, Irish Life Centre  
 Lower Abbey Street  
 Dublin 1

**BY EMAIL**

**Re: Mock Auction for Multi-Band Spectrum Award Process ("Mock Spectrum Auction")**

Dear George

As you are aware, in contemplation of the upcoming Multi-Band Spectrum Award Process ("**Spectrum Auction**"), Vodafone Ireland Limited ("**Vodafone**") attempted to participate in the Mock Spectrum Auction being run by ComReg today, 7 September 2012. However, as clearly outlined in the email from our Eileen Maher to Samuel Ritchie (who we understand is on leave) at 11:52am this morning, Vodafone was compelled to cease its participation in the Mock Spectrum Auction due to the fact that the file formats which we used for the previous Mock Spectrum Auction were changed. This change to the file formats appears to have been made unilaterally by ComReg and without notice to Vodafone.

You will also note from Ms. Maher's email that following the discovery of this issue we repeatedly called Samuel Ritchie and left three voicemails (calls made at 10:45am, 11:06am, 11:28am and 11:36am) and also called Patrick Mulvey (call made at 10:46am) and left one voicemail. Please note that in an effort to speak to somebody from ComReg, I also called Commissioner Kevin O'Brien just before midday and left a voicemail. Due to the lack of response from any of the ComReg representatives, we were then forced to contact your consultant, DotEcon, (call made at 11:29am) to advise them of the issue and request that the Mock Spectrum Auction be immediately suspended. We further requested that an urgent conference call be organised to discuss the issue.

As you are aware, the requested conference call took place at 14:10pm this afternoon between senior executives from Vodafone, yourself and a representative from DotEcon to discuss the issue. We note that DotEcon confirmed during the course of that call that the file formats for the ECAS system had indeed been changed and that no notice was given to Vodafone. You will recall that Vodafone also raised two issues regarding the format of euro amounts. We further note ComReg's confirmation on the conference call that DotEcon have been instructed to review the change to the file formats and the other issues highlighted by Vodafone and revert as a matter of urgency with confirmation of the up to date position.

Given the fact that the Primary Bid Round for the Spectrum Auction is scheduled to take place on 24 September next, this incident raises exceptionally serious and grave concerns for Vodafone. Vodafone's (and we would assume any reasonable bidder's) internal technology processes for the Spectrum Auction have already been locked down in contemplation and anticipation of the Spectrum Auction and will now need to be amended to incorporate further amendments to the file formats. We feel it is unreasonable and unacceptable that we are now two weeks away from the commencement of the Spectrum Auction and we still do not have definitive confirmation of the final look and

**Vodafone Ireland Limited**

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Registered Office: MountainView, Leopardstown, Dublin 18. Registered in Ireland No. 32696  
 Directors: Eileen Hoernig (CEO) (UL) (Chairman), Thomas Reisin (DE), Paul Ryan

feel, and more importantly, the functionality of the ECAS System or absolute confidence that the system is robust enough to function adequately for the purpose of the Spectrum Auction. As you will appreciate, we need to have absolute certainty that the ECAS system is fully fit for purpose well in advance of the commencement of the Spectrum Auction.

We are also extremely disappointed at the lack of professional courtesy shown by ComReg's failure to respond in a timely manner to our numerous attempts to contact any of its representatives. Similarly, we are in disbelief at the fact that amendments were made to existing file formats on a unilateral basis and without notice to Vodafone and that the potential consequences of this did not occur to either ComReg or DotEcon. As a result of this incident, Vodafone's full Spectrum Auction team, which includes several senior executives, had to be stepped down. I am sure you will appreciate the significant and unnecessary waste of time and resource that has arisen as a result of this incident.

Accordingly, Vodafone now calls upon ComReg to revert before 12pm on Monday, 10 September 2012, with the following:

1. An explanation of how this incident has arisen and full confirmation and clarity as to what changes have been made to the ECAS System.
2. Visibility of all of the sample excel spreadsheets from the ECAS System.
3. Confirmation that ComReg will organise and facilitate a third Mock Spectrum Auction next Tuesday morning, 11 September 2012, to give Vodafone comfort that the ECAS System is functioning as required.
4. Confirmation that Vodafone will be given sufficient time to test and validate any changes to the ECAS System in advance of the required third Mock Spectrum Auction.
5. Assuming this issue is regularised to Vodafone's satisfaction, explicit confirmation that no further changes shall be made by ComReg in relation to the ECAS System before the Primary Bid Round for the Spectrum Auction commences.

Please note that Vodafone reserves all of its rights in this matter and in respect of any loss that may accrue to Vodafone as a result of this issue or any further issues that may arise in connection with the Spectrum Auction.

I look forward to hearing from you.

Yours sincerely



**Paul Ryan**  
Director  
Vodafone Ireland Limited

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)





10 September 2012

**Confidential - Delivered by hand**

Mr. Paul Ryan  
Director External Affairs  
Vodafone Ireland Limited

**Re: ComReg Multi-Band Spectrum Award (MBSA) Process – Vodafone’s second mock auction of 7 September 2012**

Dear Mr. Ryan

I refer to the above matter, including our teleconference of same date (at 14:12pm), my two telephone conversations with Ms. Maher of your office on Friday evening last (at approximately 16:13pm and 16:51pm) and, finally, to your letter received shortly after the conclusion of our telephone conversations.

Before I set out in writing the specific points I communicated to Ms. Maher on Friday last, as I undertook to do during our teleconference, I feel it necessary to address two important points raised in your letter.

***Contacting relevant ComReg staff during a mock auction***

Firstly, as you will be aware from ComReg’s Information Memorandum for the MBSA (ComReg Document 12/52), ComReg has adopted specific protocols for this auction process and has engaged a reputable consultancy organisation to ensure that its confidentiality and security processes before, during and after the auction are appropriate.

In accordance with these protocols, and in advance of both of Vodafone’s mock auctions, ComReg hand delivered to you as Vodafone’s "Authorised Agent 1" a number of important documents for use during each mock auction. Importantly, this included clearly identified contact details for ComReg’s auction team during each of these mock auctions. To be clear,

1

these contact details should have been the only contact channel used by Vodafone to contact ComReg during its mock auctions.

Given this, it was therefore not appropriate, on security or confidentiality grounds, for Vodafone to place calls to any other ComReg management or staff in relation to the second mock auction. Furthermore, ComReg's auction staff are not available at their desk numbers during mock auctions and would not have, in any event and in accordance with the above-mentioned security protocols, addressed Vodafone's issues outside of the designated communication channel during the mock auction .

Accordingly, we consider your claim that ComReg showed a "lack of professional courtesy" in this matter (or indeed any suggestion, implied or otherwise, that ComReg, its staff or its advisors, were in some way neglectful in the performance of their duties on Friday last by not being available to accept your call outside of our security and confidentiality protocols), to be clearly mistaken and unwarranted.

I might remind you that Part 2 of the Application Form, completed and submitted by Vodafone, requires Vodafone to be bound by the Auction Rules as set out in the Information Memorandum including, among other things, rules relating to confidentiality. In light of the events of Friday last and previous communications by Vodafone staff to ComReg outside of the established communications protocols for the MBSA (see e-mail from Samuel Ritchie to Ms. Maher of 20 July for details in relation to same), I must request that you, as Vodafone's "Authorised Agent 1", ensure that all Vodafone staff assigned to this award process are familiar with and, going forward, fully adhere to the auction provisions and relevant documents (including the declarations provided by and undertaken by you on behalf of Vodafone and the Bidder Materials provided to you in connection with each auction – mock or otherwise). Please also be aware that ComReg reserves all rights in this regard and in respect of any loss that may accrue to ComReg or other participants in the MBSA as a result of this or any future failing on Vodafone's part to adhere to the auction rules (including the provisions set out in Part 2 of its application).

***Modifications regarding exportable files***

Secondly, I might also point out that ComReg has not provided any guarantee or warranty in any of its auction related documents that it would not adjust or modify the exportable files between the mock auctions or in advance of the live auction. Indeed, to have done so would have excluded any possibility to adjust these files in light of experience gained through the mock auctions conducted by ComReg. Furthermore, ComReg, while not precluding the use by bidders of any software they may wish to use to interrogate exportable auction files, has not explicitly contemplated the matter in its documents or set out any design parameters for the use of such software. Notwithstanding, it would appear from last Friday's events that Vodafone and its agents have designed software for this purpose and have apparently "locked down" that software in advance of the second mock

auction. Under these circumstances, and while I am happy to confirm below our undertaking to your Ms. Maher of Friday last (see in particular point (2) below), it would clearly have been prudent for Vodafone to have confirmed exportable file formats with ComReg in advance of developing its final systems, systems which ComReg could not have been aware of. I also note that Vodafone's experience is somewhat unique, having been the only bidder in its second mock auction who ceased its participation.

I might now turn to our conversations with Ms. Maher of Friday evening.

During our teleconference ComReg undertook to examine the matters raised by Vodafone and revert to Ms. Maher as soon as possible and by close of business if possible. ComReg, along with its advisors DotEcon, carefully considered the matters raised and, on foot of same, we conveyed the following points by telephone to Ms. Maher during a useful and indeed constructive conversation:

1. ComReg had adjusted the exportable files between the first and second mock auctions as follows, on foot of feedback received:
  - a. the "SUF" column had been removed;
  - b. a "Lot Available" column had been added; and
  - c. contrary to Vodafone's earlier contention, no other fields have changed, nor do any fields change between rounds.
2. ComReg does not anticipate any further changes to the exportable files but, in the event that there is any requirement to do so, ComReg will provide adequate notice to all bidders.
3. With regard to the formatting of certain fields within the exportable files available in the second mock auction, these were formatted as a string with decimal places having been previously formatted as a string in the first mock auction, on foot of feedback received. ComReg will now consider a proposal to format all as numbers with no decimal places and will inform all bidders of its conclusion as soon as possible.
4. On foot of ComReg's conclusion regarding formatting, ComReg will provide example file structures in soft copy subject to confirmation of point (3) above.
5. We noted that Mr. Ryan of Vodafone had placed a call to Commissioner Kevin O'Brien earlier in the day. I advised Ms. Maher that, among other things, a contact number had been provided in the mock auction materials provided to Vodafone. As noted above, this was the only channel Vodafone should have used to contact ComReg during the mock auction and it was not appropriate, on security or confidentiality grounds, to place calls to any other ComReg numbers or staff. In

particular, Ms. Maher was requested to bring this matter to the particular attention of Mr. Ryan and also to all Vodafone auction personnel as an equivalent protocol will be in force during the live auction.

Regarding point (3) above Ms. Maher impressed the importance for Vodafone that ComReg settle the formatting position as a matter of priority. ComReg has now settled its formatting position and I conveyed this to your Ms. Maher earlier today and have made arrangements with Ms. Maher to ensure sample files are transferred to Vodafone later this evening.

In relation to point (5) above, Ms. Maher noted and acknowledged this clarification and identified that Vodafone had incorrectly assumed that the contact details provided as part of the Bidder Materials were intended to be used solely for "technical problems".

In summary, and notwithstanding any confusion arising from a lack of familiarity with the Bidder Materials, ComReg has responded promptly to the matters raised by Vodafone in connection with its second mock auction (as you will note which we also did on Thursday last). It is neither our wish nor intention to engage in the exchange of correspondence at this stage, but rather we look forward to working constructively with Vodafone and all bidders to ensure a successful outcome to this award process and would appreciate your commitment to same.

In that regard, we would be grateful if you would carefully consider the clarifications provided above and, in the event that you consider that further clarification may be required or some issues remain outstanding from your perspective, then we are more than happy to assist, with my colleague Dr. Samuel Ritchie providing the first point of contact.

Yours sincerely



George Merrigan  
Director Market Framework



40. Vodafone: emails to ComReg “MSA” (emails dated 13 September 2012)

**From:** Maher, Eileen, Vodafone Ireland  
**Sent:** 13 September 2012 11:10  
**To:** Samuel Ritchie ([samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie))  
**Cc:** Quigley, Ian, Vodafone Ireland  
**Subject:** FW: MSA

Samuel,  
Apologies the email should read with September and not October.

Regards  
Eileen

**Eileen Maher | Head of Strategic Operations**  
Strategy

+353 (0)87 2517466 | [eileen.maher@vodafone.com](mailto:eileen.maher@vodafone.com)

**Vodafone. Our Network Your Playground.**

**Vodafone Ireland Limited** | Registered Office: MountainView, Leopardstown, Dublin 18  
Registered in Ireland NO 326967

**From:** Maher, Eileen, Vodafone Ireland  
**Sent:** 13 September 2012 08:36  
**To:** Samuel Ritchie ([samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie))  
**Cc:** Quigley, Ian, Vodafone Ireland  
**Subject:** MSA

Good morning  
Following on from our conference call on Tuesday 11<sup>th</sup> October at 5.30pm, I just want to outline what I believe were the actions that were agreed.

- 1. Confirmation that the auction History and Bid history files could be downloaded at any time during the auction.
- 2. Confirmation of the default presentation of chain bids and relaxed bids.
- 3. A sample excel file with containing chain bids and relaxed bids.
- 4. Confirmation of a date and time for a third mock auction.

I would appreciate if you could let me know when you will be in a position to close these actions.

Regards  
Eileen

**Eileen Maher | Head of Strategic Operations**  
Strategy

+353 (0)87 2517466 | [eileen.maher@vodafone.com](mailto:eileen.maher@vodafone.com)

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41. ComReg: letter to Vodafone “Email of the 13 September” (letter dated 14 September 2012)



14 September 2012

By Hand - Confidential

Eileen Maher  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

Dear Ms. Eileen Maher

I refer to your email of 13 September 2012 and address below each one of the matters you raised in turn.

**1. Auction history and Bid history files**

ComReg can confirm that the Auction history and Bid history files can be downloaded at any time during the Auction for all finished rounds.

**2. Default presentation of Chain Bids and Relaxed Bids**

ComReg can confirm that the Electronic Auction System (EAS) orders Bids in the bid history so that by default, for a given round, the Primary Bid appears first, and then any Chain Bids also submitted in that round would appear directly afterwards.

However, clicking on the column headings in this table will change this default sort order. Therefore, as we have previously advised, the identification of bids should not rely on the ordering, as bidders may sort tables differently and, indeed, inadvertent clicking on the table headings could change the sort order without the bidder necessarily noticing.

Therefore, we recommend that bidders should rely on the information about the Eligibility of each bid to identify its nature.

1

**3. Sample Excel Files**

Please see the CD provided to all Bidders today. This contains a folder entitled "bid history with chain bids" where you will find the requested files.

**4. Third Mock Auction**

Please refer to the separate letter that issued to all Qualified Bidders today.

Yours sincerely

A handwritten signature in blue ink, appearing to read "S. Ritchie", with a long horizontal flourish extending to the right.

Dr. Samuel Ritchie

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



Commission for  
**Communications Regulation**  
 Coimisiún Um  
**Rialáil Cumarsáide**

By Hand – Strictly Confidential

14 September 2012

Mr. Paul Ryan  
 Director External Affairs  
 Vodafone Ireland Limited  
 Mountain View  
 Leopardstown  
 Dublin 18

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

Dear Mr. Ryan

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

43. ComReg/Vodafone: Email exchange between Vodafone and ComReg  
“Multiband Spectrum Auction: ComReg Publication of Spectrum  
Correspondence” (final email dated 12 September 2012)

**From:** Samuel Ritchie  
**Sent:** 12 September 2012 13:17  
**To:** 'Ryan, Paul, Vodafone Ireland'  
**Subject:** RE: Multiband Spectrum Auction: Comreg Publication of Spectrum Correspondence

Dear Mr. Ryan

I refer to your e-mail of 3 September and to your subsequent e-mails of 4 and 10 September set out below.

You have noted in your email of 3 September that the referenced letters from A&L Goodbody do not require any redactions and that they expressly confirm that the letters be published in an un-redacted form. You have therefore requested that ComReg provide un-redacted versions of the referenced correspondence or otherwise identify the legal basis for the redactions to this correspondence. As you are aware, ComReg frequently redacts sections of correspondence prior to publication in accordance with ComReg Documents 05/24 and 12/52. ComReg also enjoys a statutory discretion to redact or keep confidential in its entirety any correspondence in accordance with, and as may be required by, its statutory functions, objectives and duties. ComReg has carefully considered your request and remains of the view that its redactions to this correspondence are justified and in accordance with its statutory functions, objectives and duties.

You should also note that, given the very sensitive stage into which the Award Process has now moved, ComReg does not intend to publish, until after the outcome of the Award Process is known, any correspondence, including this exchange of correspondence, that could reveal the identity of a prospective Applicant, an Applicant or a Qualified Bidder. We trust that it is unnecessary to further explain the rationale for this approach.

Regards

Samuel

**Dr. Samuel Ritchie**  
**Manager Spectrum Operations**

Commission for Communications Regulation

*Email* [samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie)

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**From:** Ryan, Paul, Vodafone Ireland [<mailto:paul.ryan@vodafone.com>]  
**Sent:** 10 September 2012 13:04  
**To:** Ryan, Paul, Vodafone Ireland  
**Cc:** Samuel Ritchie  
**Subject:** Re: Multiband Spectrum Auction: Comreg Publication of Spectrum Correspondence

Dear Mr Ritchie,

Can you please urgently confirm Comreg's position in relation to this issue.

You will appreciate this issue relates to matters raised by firms with Comreg in June concerning the Multiband Spectrum Auction. With the auction imminent, the lack of response from Comreg is of serious concern to Vodafone.

Regards

Paul Ryan

On 6 Sep 2012, at 15:24, "Ryan, Paul, Vodafone Ireland"  
<[paul.ryan@vodafone.com](mailto:paul.ryan@vodafone.com)> wrote:

Dear Mr Ritchie,

Thank you, has Comreg now reached a decision ?

Kind regards

Paul Ryan

Sent from my iPad

On 4 Sep 2012, at 17:14, "Samuel Ritchie" <[samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie)> wrote:

Dear Mr. Ryan

I refer to your e-mails of 3 and 4 September.

We are in the process of reviewing the relevant correspondence and will respond to the issues raised in your e-mail of 3 September in the coming days.

You might note that ComReg has not made any substantive decisions in this regard.

Regards

Samuel

**Dr. Samuel Ritchie**  
**Manager Spectrum Operations**

Commission for Communications Regulation  
Email [samuel.ritchie@comreg.ie](mailto:samuel.ritchie@comreg.ie)

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**From:** Ryan, Paul, Vodafone Ireland [<mailto:paul.ryan@vodafone.com>]  
**Sent:** 04 September 2012 14:20  
**To:** Samuel Ritchie  
**Subject:** RE: Multiband Spectrum Auction: Comreg Publication of Spectrum Correspondence

Dear Samuel

I note that we have received neither the letters unredacted as requested nor a substantive response. This is regrettable and can only be interpreted as a decision by Comreg to withhold the information. Can we please have a response before close of business today.

Regards

**Paul Ryan**

Director External Affairs

**Vodafone Ireland Limited, Strategy**

MountainView, Leopardstown, Dublin 18 Ireland

**M** + 353 (0)87 3754148    **F** + 353 (0) 87 53754248

[paul.ryan@vodafone.com](mailto:paul.ryan@vodafone.com)    [www.vodafone.ie](http://www.vodafone.ie)

---

**From:** Ryan, Paul, Vodafone Ireland  
**Sent:** 03 September 2012 09:49  
**To:** 'Samuel Ritchie'  
**Subject:** Multiband Spectrum Auction: Comreg Publication of Spectrum Correspondence

Dear Samuel

I note that ComReg purported to publish the outstanding correspondence relating to the Spectrum Auction (12/94) on the ComReg website on Friday 24 August last.

From a review of the correspondence, it is clear that there is a substantial amount of correspondence published. However the letters to ComReg from Telefonica Ireland Limited ("Telefonica") and A&L Goodbody Solicitors ("A&L Goodbody"), acting on behalf of Telefonica, and ComReg's responses to all of these letters, have been extensively redacted. This is done notwithstanding that it is explicitly stated in the letters from A&L Goodbody dated 25 June 2012 and 20 July 2012 respectively, that they do not require any redactions

to the letters and they expressly confirm that the letters be published in an unredacted form.

I should be obliged if you could please provide unredacted versions of this correspondence no later than close of business on Monday 3 September 2012, or should you decide not do so, identify the legal basis for ComReg's substantial redactions of this correspondence. The letter from you to A&L Goodbody dated 10 August 2012 acknowledges A&L Goodbody's request that the correspondence be published in unredacted form in accordance with ComReg's usual procedures but then does not provide any justification for acting contrary to this request.

Given the imminent commencement of the Spectrum Auction and the delay in publishing this correspondence and the fact that the authors of the correspondence do not perceive there to be a confidentiality issue, we request you treat this matter as a priority.

Regards

**Paul Ryan**

Director External Affairs

**Vodafone Ireland Limited, Strategy**

MountainView, Leopardstown, Dublin 18 Ireland

**M** + 353 (0)87 3754148    **F** + 353 (0) 87 53754248

[paul.ryan@vodafone.com](mailto:paul.ryan@vodafone.com)    [www.vodafone.ie](http://www.vodafone.ie)

\*\*\*\*\*  
\*\*\*\*\*

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44. Vodafone: letter to ComReg “Multi-Band Spectrum Award Process” (letter dated 12 September 2012)



12 September 2012

[George.merrigan@comreg.ie](mailto:George.merrigan@comreg.ie)

George Merrigan  
Multi-Band Spectrum Award  
Commission for Communications Regulation  
Abbey Court, Irish Life Centre  
Lower Abbey Street  
Dublin 1  
**BY EMAIL**

~~CONFIDENTIAL~~

**Re: Multi-Band Spectrum Award Process**

Dear George

I acknowledge receipt of your letter of 10 September and note the contents.

Vodafone Ireland Limited ("**Vodafone**") shares ComReg's view that it would not be desirable or useful to engage an exchange of correspondence on the issues that have arisen in the context of the 7 September Mock Spectrum Auction ("**Mock Auction**") in such close proximity to the Multi-Band Spectrum Award Process ("**Spectrum Auction**"). However, Vodafone also wishes clearly to state that it disputes many of the points made in your letter and that it reserves its position on issues raised in your letter but not specifically addressed in this reply.

It is clear, not only from our experience but also from the content of your letter and from our various conversations in recent days, that ComReg made a unilateral and uncommunicated amendment to the file formats to be used for the Mock Auction. The direct consequence of that unilateral and uncommunicated amendment was the exclusion of Vodafone from participation in the Mock Auction.

As a result of this experience in the Mock Auction, ComReg should now be fully aware of the consequence of any unilateral and uncommunicated amendment to those file formats in the context of the Spectrum Auction: it could result in the exclusion of Vodafone from the Spectrum Auction.

Given that ComReg has confirmed Vodafone's eligibility to participate in the Spectrum Auction, any action by ComReg that results in Vodafone's exclusion from the Spectrum Auction goes directly to the validity and lawfulness of the Spectrum Auction.

It is ComReg's responsibility to ensure that no eligible bidder is excluded from the Spectrum Auction and Vodafone is fully prepared to work constructively with ComReg to ensure that all outstanding concerns in relation to the amendment of file formats are addressed to Vodafone's satisfaction and that this issue does not affect the validity of the Spectrum Auction.

In this context, we require explicit confirmation from ComReg of the following:

**Vodafone Ireland Limited**

MountainView, Leopardstown, Dublin 18, Ireland  
T: +353 (0)1 203 7777 F: +353 (0)1 203 7778 W: [www.vodafone.ie](http://www.vodafone.ie)

Registered Office: MountainView, Leopardstown, Dublin 18. Registered in Ireland No. 57690T  
Directors: James Hoernig (CEO) / Bill (Chairman), Thomas Reisten (DE) / Paul Ryan

1. That the latest file formats delivered by ComReg are those that will be used for the Spectrum Auction and that they will not be subject to further amendment;
2. If ComReg is not in a position to provide the confirmation required at point 1, Vodafone requires confirmation that we will receive notice, reasonable and timeous by reference to the scheduled date of the Spectrum Auction, of any proposed changes to the file formats;
3. Your intention to run a third Mock Spectrum Auction so that Vodafone can test and validate the latest file formats and ensure that the ECAS system is fit for purpose to enable Vodafone participate in the Spectrum Auction.

I look forward to hearing from you.

Please note that Vodafone reserves all of its rights in this matter and in respect of any loss that may accrue to Vodafone as a result of this issue or any further issues that may arise in connection with the Spectrum Auction.

Yours sincerely



**Paul Ryan**  
**Director**  
**Vodafone Ireland Limited**

45. ComReg: letter to Vodafone “Multi-Band Spectrum Award – file formats”  
(letter dated 18 September 2012)



18 September 2012

By Hand - ~~Confidential~~

Mr. Paul Ryan  
Director External Affairs  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

Dear Mr. Ryan

#### **Multi-Band Spectrum Award – file formats**

I refer to your e-mail of 12 September and previous correspondence in relation to the above. I also refer to ComReg's letter to Vodafone of 14 September.

I set out our response to the issues raised in your e-mail below.

#### ***Vodafone's Claimed exclusion from second mock auction***

Firstly, for the reasons set out in our letter of 10 September we do not accept that the change of file formats between Vodafone's mock auction 1 and 2 was the sole or primary reason why Vodafone's second auction was prematurely ended. In particular, I would re-iterate:

- Had Vodafone contacted ComReg on the clearly identified proper communication channel during its second mock auction, then ComReg would have been in a position to address any issues arising from its change of file formats, including potentially avoiding any perceived need by Vodafone to prematurely and unilaterally end its second mock auction. Instead, we note that Vodafone chose to seek to contact ComReg staff outside of the proper communication channel, including those not authorised to discuss matters relating to the MBSA, thereby ignoring the confidentiality and security protocols put in place for the mock auction. This is particularly disconcerting given the voluminous correspondence and submissions

1

received from Vodafone regarding the importance of ComReg ensuring proper security protocols for the MBSA;

- Furthermore, ComReg considers that it was premature of Vodafone to “lock down” its systems for use in the live auction before (a) the conclusion of its mock auctions and (b) seeking clarification from ComReg as to the file formats that would be used in the live auction. This is because some aspects of the auction, including technical functions of the EAS, are clearly subject to change given the potential for issues to arise from the testing undertaken by ComReg, DotEcon *and* bidders via the mock auctions;

Whilst we note your decision not to address some of these issues in our letter of 10 September, ComReg does not accept, given the information currently before us, including the particular factors identified above, that the change in file formats between mock auction 1 and 2 can reasonably be considered to be the sole or determinative factor leading to Vodafone’s decision to prematurely end its second mock auction.

***Claimed potential exclusion from live auction.***

ComReg also does not accept that any subsequent change to file formats (communicated or otherwise to Bidders) could result in the “exclusion” of any Bidder from the live auction. This is because, irrespective of the exportable file formats which are ultimately made available for use in the live auction, there cannot be the potential for exclusion simply because all the available information required for participation in all aspects of the auction is made available in the EAS. In other words, one does not need to rely upon the export of data from the EAS at all (in whatever format) to participate in all aspects of the auction. For this reason alone ComReg cannot accept Vodafone’s claim of potential “exclusion” arising from this particular issue or that issues would in any way arise regarding the “validity and lawfulness” of the MBSA.

***Specific requests***

In any event, ComReg appreciates Vodafone’s stated preparedness to work constructively with ComReg on this issue. It should also go without saying that ComReg is indeed keen to resolve this issue fairly and equitably and has clearly demonstrated its preparedness to do so recently.

In that context, please find below our response to your specific requests using the numbering adopted by you.

1. I refer to the CD-ROM enclosed with ComReg’s letter of 14 September which includes a document and sample files that detail the formats to be used for downloadable data from the EAS. ComReg cannot, at this stage, confirm that these latest file formats will be the those that will be used in the live auction and, in this regard, I would reiterate 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;
2. ComReg confirms that, in the event that any changes are required to the file forms that will be used in the live auction, then all Qualified Bidders will receive reasonable notice of said changes;
  3. I refer to ComReg's letter of 14 September in relation to its decision 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 in that letter.

We trust this is satisfactory.

Please note that ComReg also reserves all of its rights in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'George Merrigan', with a large circular flourish on the left side.

George Merrigan

Director Market Framework

46. Vodafone: letter to ComReg “Multi-Band Spectrum Release: Outstanding Technical Issues” (letter dated 18 September 2012)





18 September 2012

~~STRICTLY CONFIDENTIAL~~

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

### Multi-Band Spectrum Release: Outstanding Technical Issues

Dear Samuel,

I refer to your letter of 14 September and your responses to each of the matters raised in my email of 13 September last. However, there are certain matters still requiring further clarification and I should be obliged if you could please respond to the following (using the same numbering):

#### 2. Default Presentation of Chain Bids and Relaxed Bids

I note your response in respect of the default presentation of Chain Bids and Primary Bids. However, your response does not confirm the order in which Relaxed Bids would appear on the Electronic Access System. Can you please confirm the default order of the both the Relaxed Bids and Chain Bids.

#### 4. Confirmation of a date and time for a third Mock Auction

We note that you are proposing that Vodafone Ireland Limited's ("Vodafone") third mock auction will take place during "*the week beginning Monday 8 October 2012*". Given that ComReg has now postponed the commencement of the spectrum auction to Tuesday, 16 October 2012, Vodafone is at a loss to understand why the third mock auction is being arranged so close to the commencement of the auction. This gives little or no time to correct any issues that may arise during or as a consequence of the third mock auction. In addition, given that Vodafone's third mock auction is proposed for an as yet unspecified day in the week commencing Monday 8 October, the timeframe to rectify any problems could be further reduced depending on when the auction actually takes place. We would ask you to reconsider your proposal in this regard and to hold a third mock auction no later than Monday, 24 September next. This should give all participants adequate time to solve and remedy any issues that might arise as well as affording the opportunity to understand fully the consequences of the changes that ComReg are proposing to make to the auction software.

I look forward to hearing from you.

Yours sincerely

Eileen Maher  
 Head of Strategic Operations  
 Vodafone Ireland Limited

### Vodafone Ireland Limited

MountainView, Leopardstown, Dublin 18, Ireland  
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Registered Office: MountainView, Leopardstown, Dublin 18. Registered in Ireland No. 326967  
 Directors: Jeroen Hoencamp (CEO) (NL) (Chairman), Thomas Reisten (DE), Paul Ryan.

47. ComReg: letter to Vodafone “Multi-Band Spectrum Release: Outstanding Technical Issues” [Redacted] (letter dated 20 September 2012)



~~Strictly Confidential~~ – By Hand

20 September 2012

Ms. Eileen Maher  
Head of Strategic Operations  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

### **Multi-Band Spectrum Release: Outstanding Technical Issues**

Dear Eileen,

I refer to your letter of 18 September, previous correspondence and telephone discussions in relation to the above.

I address below the two issues raised in your letter using the same numbering.

#### **2. Default presentation of Chain Bids and Relaxed Bids**

I note that this information has already been supplied in ComReg's letter of the 14 September 2012. See, in particular, our response to request 3, on page 3 of our letter to you on 5 September.

Further, I would also draw your attention to the sample file and a graphical representation (screenshot) of the file for your convenience on the CD-ROM provided to Vodafone on 14 September 2012. For the avoidance of doubt, by default:

- the first bid presented in the EAS for a round is the standard primary bid or the Relaxed Primary Bid (whichever is submitted by the Bidder); and
- Chain Bid(s) will be present subsequent to the Relaxed Primary Bid in the EAS.

Should Vodafone have any further queries on this issue, I might suggest a teleconference between ourselves and your expert advisor, [REDACTED], as an expedient means of resolving same.

1

As an aside, I note that [REDACTED], who has participated in previous teleconferences between ComReg and Vodafone on this issue, is not identified as an Insider on the Bidder application materials supplied by Vodafone. I would be grateful if Vodafone could clarify [REDACTED] standing, in accordance with the provisions of the Information Memorandum.

**4. Confirmation of a date and time for a third mock auction**

As you will appreciate there are many factors to be addressed in accommodating your request for a third mock auction, all of which ComReg must take into account. Accordingly, it will not be possible for us to meet your request for a mock auction earlier than that already communicated.

Yours sincerely



Dr. Samuel Ritchie

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



By Hand – ~~Strictly Confidential~~

20 September 2012

Mr. Paul Ryan  
Director External Affairs  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

**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.

1



Although ComReg considers 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. 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", written in a cursive style.

Dr. Samuel Ritchie



49. ComReg: letter to Vodafone “ComReg’s letter to you of the 14 September 2012” (letter dated 27 September 2012)



Commission for  
**Communications Regulation**  
 Coimisiún Um  
**Rialáil Cumarsáide**

BY HAND - ~~CONFIDENTIAL~~

27 September 2012

Paul Ryan  
 Strategy Director  
 Vodafone Ireland Limited  
 MountainView  
 Leopardstown  
 Dublin 18

Dear Mr. Ryan

I refer to ComReg's letter to you of 14 September 2012 and write to you in your capacity as principal Authorised Agent for Vodafone 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 **Monday, 8 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:

1

- the Bidder is required to use the same certificates, URL 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

50. Vodafone: letter to ComReg “Mock Auction for Multi-Band Spectrum Award Process (“Mock Auction”)” [Redacted] (letter dated 2 October 2012)



2 October 2012

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

Re: Mock Auction for Multi-Band Spectrum Award Process ("Mock Auction")

Dear Samuel

As you will be aware, Vodafone Ireland Limited ("Vodafone") requested in a letter from Paul Ryan to you dated 27 September last that the next Mock Auction take place during the week commencing 1 October 2012. This was to ensure that there would be a sufficient lead time in advance of the actual spectrum auction to resolve any issues that might arise as a result of the final Mock Auction.

I note from our conversation yesterday that the earliest date that ComReg will be in a position to run the Mock Auction is Monday, 8 October 2012.

As I outlined yesterday, this date presents a difficulty for Vodafone in that [REDACTED] who is an integral part of the Vodafone Ireland spectrum team, will be unavailable as he is out of the country on a business related matter.

On the basis that [REDACTED] is unavailable for a Mock Auction 8 October next, Vodafone requests that the Mock Auction take place on Wednesday, 10 October 2012 to allow [REDACTED] to take part. Notwithstanding the fact that this postponement of the Mock Auction by an additional two days leaves even less time for any issues to be resolved in advance of the spectrum auction, it is integral for Vodafone's spectrum auction strategy that [REDACTED] takes part in the Mock Auction and Vodafone appreciates ComReg's assistance in this regard.

I should be obliged if you could please confirm that the date of 10 October 2012 for the Mock Auction is acceptable to ComReg.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Eileen Maher", is written over the typed name.

Eileen Maher  
Head of Strategic Operations  
Vodafone Ireland Limited

**Vodafone Ireland Limited**

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Directors: Jeroen Hoencamp (CEO) (NL) (Chairman), Thomas Reisten (DE), Paul Ryan.

51. ComReg: letter to Vodafone “Mock Auction for Multi-Band Spectrum Award Process” (letter dated 3 October 2012)





3 October 2012

~~Confidential~~ Delivered by hand

Ms. Eileen Maher  
Head of Strategic Operations  
Vodafone Ireland Limited

**Re: Mock Auction for Multi-Band Spectrum Award Process**

Dear Eileen

I refer to your letter of 2 October 2012.

I can confirm that ComReg has scheduled the Mock Auction for Vodafone on 10 October 2012 starting at 10:00am.

Yours sincerely



Dr. Samuel Ritchie

52. ComReg: letter to Vodafone “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

Mr. Paul Ryan  
 Vodafone Ireland Limited  
 MountainView  
 Leopardstown  
 Dublin 18

Updated Bidder Materials for Multi-Band Spectrum Award

Dear Mr. Ryan

I am writing to you in your capacity as **Authorised Agent** for Vodafone 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 Manual<sup>1</sup> (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 2012<sup>2</sup>.

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

<sup>2</sup> 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

53. Vodafone: letter to ComReg “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” (letter dated 8 October 2012)



8 October 2012

Dr. Samuel Ritchie  
 Commission for Communications Regulation  
 Abbey Court, Irish Life Centre  
 Lower Abbey Street  
 Dublin 1  
**BY HAND**

~~CONFIDENTIAL~~

### Updated Bidder Materials for Multi-Band Spectrum Award ("MBSA")

Dear Dr. Ritchie

I refer to your letter of 3 October 2012 enclosing certain updated materials in respect of Vodafone Ireland Limited's ("**Vodafone**") participation in the ComReg MBSA.

Vodafone notes that the certificate and passwords to be used by Vodafone in its Mock Auction (scheduled for 10 October 2012) will be the exact same certificates and passwords to be used by Vodafone during the live Spectrum Auction (scheduled for 16 October 2012). Vodafone assumes that this also applies to other Bidders, i.e. that other Bidders will also be using the same certificates and passwords in any scheduled Mock Auction in the live Spectrum Auction.

Vodafone believes that best security practice in relation to the Electronic Access System ("**EAS**") to be used in the Spectrum Auction would suggest that separate and distinct certificates and passwords would be used in both the Mock Auction and the live Spectrum Auction. ComReg will appreciate that stringent levels of security and vigilance in respect of the integrity of the EAS are central to ensuring the proper functioning and operation of the Spectrum Auction. Furthermore, any breach of such security could potentially have adverse consequences for the successful completion of the Spectrum Auction.

Allowing for the accessing of the EAS by Bidders using exactly the same passwords and certificates in both the Mock and live Spectrum Auctions could also increase the risk of overlap between the workings of the EAS for the Mock Auction and for the live Spectrum Auction itself. This could then lead to information inputted by a Bidder for the purposes of a Mock Auction being filtered through to the live Spectrum Auction EAS. To alleviate such concerns, Vodafone would welcome confirmation from ComReg that, notwithstanding the fact that the same passwords and certificates are to be used in the Mock Auction and live Spectrum Auction, there is no possibility that the EAS to be used in the live Spectrum Auction could have remnants of information in it from the Mock Auction.

Equally, Vodafone is also concerned that should it transpire that a security breach occurs which allows for a third party to gain access to another Bidder's (including Vodafone's) Mock Auction password and certificates, such third party could then use this information to log on to the EAS during the live Spectrum Auction and gain access to another Bidder's information and details regarding that Bidder's participation in the live Spectrum Auction.

We look forward to your response in relation to these points.

#### Vodafone Ireland Limited

MountainView, Leopardstown, Dublin 18, Ireland  
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Registered Office: MountainView, Leopardstown, Dublin 18. Registered in Ireland No. 326967  
 Directors: Jeroen Hoencamp (CEO) (NL), Thomas Reisten (DE), Paul Ryan.

Your ref:

Our ref:

M

T

F

54. ComReg: letter to Vodafone “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” (letter dated 11 October 2012)





Commission for  
**Communications Regulation**  
 Coimisiún Um  
**Rialáil Cumarsáide**

~~Strictly Confidential~~ – By Hand

11 October 2012

Mr. Paul Ryan  
 Director  
 Vodafone Ireland Limited  
 Mountain View  
 Leopardstown  
 Dublin 18

**Updated Bidder Materials for Multi-Band Spectrum Award ("MBSA")**

Dear Mr. Ryan

I refer to the above matter and to your letter of 8 October 2012 in respect of same. ComReg notes the concern expressed by Vodafone and would respond as follows.

ComReg maintains that it is confident it has adequate security processes in place regarding certificates and passwords.

It is not the case that using the same certificate could "*lead to information inputted by a Bidder for the purposes of a Mock Auction being filtered through to the live Spectrum Auction EAS*" as no data will be carried over within the EAS from the mock auctions to the live Auction. Therefore, little if anything can be achieved by changing Bidder passwords and/or certificates in terms of the integrity of the Award Process.

The same certificates and passwords are being maintained for the mock auctions and the live Auction in order to ensure that Bidders' systems are properly configured and there are no login problems in the live Auction. Indeed, it is not recommended that a Bidder change certificates 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.

Vodafone also raises concerns in relation to a hypothetical situation in which certificates and passwords have been compromised by release to a third party. In this regard, ComReg is confident that the certificates and passwords issued to Bidders have not been compromised on its systems or those of its consultants but would remind Vodafone of paragraph 4.3 of the Information Memorandum which states that:

1

*"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 is clearly the responsibility of Vodafone, and Vodafone is best placed, to ensure that certificates and passwords are kept securely. If Vodafone believes that the security of its certificate and/or password has been compromised, it must inform ComReg of the nature of this security breach and request new certificates and/or passwords as required. In that case, Vodafone would be responsible for ensuring that previous certificates are de-installed and new certificates installed correctly on its bidding computers to ensure that it can log in. ComReg has received no such notification to date and, until it receives such a notification, must assume that no such breach has occurred.

I trust this answers your query and ComReg looks forward to your participation in the live Auction.

Yours sincerely



Dr. Samuel Ritchie

55. Vodafone: letter to ComReg “Updated Bidder Materials for Multi-Band Spectrum Award” (letter dated 12 October 2012)





12 October 2012

~~Strictly Confidential~~

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

**Re: Updated Bidder Materials for Multi-Band Spectrum Award**

Dear Dr. Ritchie

I refer to your letter of 11 October 2012 and note the contents thereof.


In particular, I note that it is not possible for any filtering of data within the EAS from the mock auctions into the live auctions on the basis that no data will be carried over within the EAS between the two auctions. This gives Vodafone Ireland Limited ("**Vodafone**") some degree of comfort that the risk of potential jeopardy in this context would appear to be reduced.

I also note your reference to the protocols and reporting procedures that Bidders are obliged to follow to ensure that their authentication tokens are retained securely. I confirm that Vodafone is fully aware of its responsibilities in this regard and is, and remains, extremely vigilant in relation to its security processes and procedures which remain intact. I am also cognisant of our reporting obligations in the unlikely event that the security of the certificates / passwords has been compromised for any reason.

However, notwithstanding this, it would seem prudent and in accordance with the principle of safeguarding the absolute integrity of each Bidder's access to the EAS, and the auction process itself, that at the very least, the passwords used for the mock auction and the live auction are changed. I would ask ComReg to reconsider its position in this regard.

I look forward to hearing from you.

Yours sincerely

  
**Paul Ryan**  
 Director  
 Vodafone Ireland Limited

Vodafone Ireland Limited  
 MountainView, Leopardstown, Dublin 18, Ireland

Registered office: MountainView, Leopardstown, Dublin 18; Registered in Ireland No. 526967  
 Directors: Jeroen Hoontkamp (CFO) (NL), Paul Ryan, Thomas Reisten (DE)

vodafone.ie

56. ComReg: letter to Vodafone “Updated Bidder Materials for Multi-Band Spectrum Award (“MBSA”)” [Redacted] (letter dated 12 October 2012)



Commission for  
**Communications Regulation**  
Coimisiún Um  
**Rialáil Cumarsáide**

~~Strictly Confidential~~ – By Hand

12 October 2012

Mr. Paul Ryan  
Director  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

**Updated Bidder Materials for Multi-Band Spectrum Award ("MBSA")**

Dear Mr. Ryan

I refer to the above matter and to your letter of 12 October 2012 in respect of same.

ComReg maintains that it is confident it has adequate security processes in place regarding certificates and passwords. Notwithstanding, ComReg is now providing you with a new password for logging in to the EAS for the live Auction.

Your new password is: [REDACTED]

The certificates as distributed by ComReg previously and used by you during mock auctions are those which must be used during the live Auction. Also, the URL given to you in our letter of 3 October 2012 must be used to access to the EAS.

ComReg notes your confirmation regarding Vodafone's awareness of its responsibilities with regard to security, as outlined in the Information Memorandum and rehearsed in my letter of 11 October 2012.

Yours sincerely

Dr. Samuel Ritchie

57. Vodafone: letter to ComReg “Multi-Band Spectrum Award (“MBSA”) Process”  
(letter dated 31 October 2012)



31 October 2012

Dr. Samuel Ritchie  
Commission for Communications Regulation  
Abbey Court, Irish Life Centre  
Lower Abbey Street  
Dublin 1  
**BY HAND**

~~CONFIDENTIAL~~

**Re: Multi-Band Spectrum Award ("MBSA") Process**

Dear Dr. Ritchie

I refer to the ongoing MBSA process which Comreg is currently engaged in.

We would expect that the 'Assignment' Round of the MBSA process is likely to take place on Monday or Tuesday next week. Following this, we anticipate that ComReg would, at close of play on Tuesday or perhaps Wednesday, be in a position to determine the allocation of spectrum amongst the MBSA process participants, subject to knowing which specific blocks might subsequently be allocated to bidders.

On that basis, we would greatly appreciate confirmation from ComReg of precisely when it intends to publicly announce the results of the MBSA process. Is it planned for next week, or shall it only occur after the finalisation of the allocation of specific blocks?

In any case we should be obliged if ComReg could give all participants twenty four hours notice of any such intended public announcement.

We look forward to your response clarifying the precise timeframe.

Yours sincerely

  
Paul Ryan  
Director  
Vodafone Ireland Limited

**Vodafone Ireland Limited**  
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Registered Office: MountainView, Leopardstown, Dublin 18. Registered in Ireland No. 326967  
Directors: Jeroen Hoencamp (CEO) (NL), Thomas Reisten (DE), Paul Ryan

Your ref:  
Our ref:  
M  
T  
F

58. ComReg: letter to Vodafone “Multi-Band Spectrum Award (“MBSA”) Process”  
(letter dated 2 November 2012)



~~Strictly Confidential~~ – By Hand

2 November 2012

Mr. Paul Ryan  
Director  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

**Multi-Band Spectrum Award ('MBSA') Process**

Dear Mr. Ryan

I refer to the above matter and to your letter of 31 October 2012 in respect of same.

As you will now be aware, ComReg has, in accordance with the terms of the Information Memorandum (Document 12/52), issued a Deposit Call following the Supplementary Bids Round (with a specified deadline of 12:00 PM Irish Time, Friday 9 November). ComReg has provided separate instructions to Vodafone in this regard and we look forward to Vodafone's compliance with same in due course.

It is ComReg's intention to publicly announce the results of the MBSA process shortly following completion of the Assignment Round. ComReg will endeavour to provide Bidders with a reasonable notice period in advance of same.

Yours sincerely



Dr. Samuel Ritchie

59. ComReg: letter to Vodafone “MBSA – Deposit Call” [Redacted] (letter dated 2 November 2012)





Commission for  
**Communications Regulation**  
 Coimisiún Um  
**Rialáil Cumarsáide**

By Hand - ~~Confidential~~

2 November 2012

Paul Ryan  
 Strategy Director  
 Vodafone Ireland Limited  
 MountainView  
 Leopardstown  
 Dublin 18

Dear Mr. Ryan

**MBSA – Deposit Call**

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

As you are aware, the Supplementary Bids Round has come to an end. ComReg notes that the highest Bid made by Vodafone during the Main Stage of the Auction exceeded the amount currently held by ComReg on Deposit. Therefore, in accordance with paragraphs 4.188 and 4.189 of the Information Memorandum (Document 12/52), ComReg requires Vodafone to increase its Deposit by [REDACTED].

Vodafone is required to pay the above amount into the following ComReg bank account:

Bank:	Bank of Ireland, 2 College Green, Dublin 2, Ireland.
Account Number:	96614639
Sort Code:	90-00-17
BIC Code:	BOFIE2D
IBAN No:	IE96 BOFI 9000 1796 6146 39

If making a bank transfer/EFT, please ensure that:

- the reference is "MBSA"; and
- your Bank quotes your Account Number in making the transfer to ComReg.

1

The above amount must be received as cleared funds in the above account before 12:00 pm (noon) on Friday, 9 November 2012. ComReg will hold this money in accordance with the provisions of the Information Memorandum, including, section 3.3.3. I will write you on behalf of ComReg to confirm receipt of these funds in due course. Under no circumstances should you or any representative of Vodafone contact any other ComReg staff on this matter.

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

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

Dr Samuel Ritchie

60. ComReg: letter to Vodafone “MBSA – Receipt of Deposit Call” [Redacted]  
(letter dated 7 November 2012)



Commission for  
**Communications Regulation**  
Coimisiún Um  
**Rialáil Cumarsáide**

By Hand - ~~Confidential~~

7 November 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

Dear Mr. Ryan

#### **MBSA – Receipt of Deposit Call**

On 2 November 2012, ComReg issued Vodafone with a Deposit Call via hand delivered letter. In this letter, ComReg committed to providing Vodafone with acknowledgement of receipt of Deposit Call if Vodafone deposited the correct amount in the designated bank account within the timeframe stipulated.

In this regard, ComReg formally acknowledges that it successfully received Vodafone's required Deposit Call of [REDACTED] in cleared funds in the designated bank account within the timeframe stipulated.

Yours sincerely

Dr. Samuel Ritchie

61. ComReg: letter to Vodafone “Vodafone’s participation in the MBSA process”  
(letter dated 11 November 2012)



Commission for  
**Communications Regulation**  
Coimisiún Um  
**Rialáil Cumarsáide**

*from the chairperson*

**By Hand**

15 November 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

Dear Mr. Ryan

**Re: Vodafones'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 Vodafone 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

62. ComReg: letter to Vodafone “MBSA process” (letter dated 20 November 2012)



**By Hand**

20 November 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

**MBSA process**

Dear Mr. Ryan

I am writing to you in your capacity as principal Authorised Agent of Vodafone 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, which might not be all parties. Unaffected Winning Bidders (and Existing GSM Licensees if

1



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 Vodafone is a party must be signed by an Authorised Agent of Vodafone 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

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



By Hand - ~~Confidential~~

22 November 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

### Return of Surplus Deposit plus Interest Earned

Dear Mr. Ryan

I am writing to you in your capacity as principal Authorised Agent of Vodafone 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 Vodafone.

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	[REDACTED]	[REDACTED]
Upfront Fees	[REDACTED]	[REDACTED]
Interest Earned	[REDACTED]	[REDACTED]
Surplus Deposit plus Interest Returned	[REDACTED]	0.00

Yours Sincerely

Dr. Samuel Ritchie

64. ComReg: letter to Vodafone “Return of Additional Interest Earned” [Redacted]  
(letter dated 30 November 2012)



Commission for  
**Communications Regulation**  
Coimisiún Um  
**Rialáil Cumarsáide**

**By Hand - ~~Confidential~~**

30 November 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
Mountain View  
Leopardstown  
Dublin 18

Dear Mr. Ryan

#### **Return of Additional Interest Earned**

I am writing to you in your capacity as principal Authorised Agent of Vodafone further to my letter of 22 November.

Following receipt of final statements from the National Treasury Management Agency (NTMA), noting that a small amount of additional Interest has been earned by Vodafone, and 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 Vodafone.

Yours Sincerely

Dr. Samuel Ritchie

65. ComReg: letter to Vodafone “End of the Assignment Stage and Auction” (letter dated 5 December 2012)





Commission for  
**Communications Regulation**  
Coimisiún Um  
**Rialáil Cumarsáide**

**BY HAND**

5 December 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

**End of the Assignment Stage and Auction**

Dear Mr. Ryan

I am writing to you in your capacity as principal Authorised Agent of Vodafone 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 Vodafone 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

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





## Annex 1: Results of the Auction

### The 800 MHz band

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

### The 900 MHz band

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

	<b>Hutchison 3G Ireland Ltd.</b>	<b>Meteor Mobile Communications Ltd.</b>	<b>Telefonica Ireland Ltd.</b>	<b>Vodafone Ireland Ltd.</b>
<b>Time Slice 1</b>	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
<b>Time Slice 2</b>	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 Fee<sup>1</sup>

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

<sup>1</sup> 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.

66. Vodafone: letter to ComReg “Multi-Band Spectrum Auction (“MBSA”) Process” (letter dated 21 November 2012)



21 November 2012

[Samuel.Ritchie@comreg.ie](mailto:Samuel.Ritchie@comreg.ie)

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

~~STRICTLY CONFIDENTIAL~~

**Re: Multi-Band Spectrum Auction ("MBSA") Process**

Dear Dr Ritchie,

I refer to your letter dated 20 November last and note the contents thereof.

Vodafone Ireland Limited ("**Vodafone**") acknowledges that the Negotiation Phase of the MBSA has now commenced and will run for a two week period until 4:00pm on Wednesday 28 November next. Vodafone also notes that as part of this Negotiation Phase, Winning Bidders can agree amongst themselves an alternative configuration of assignments to facilitate contiguity of spectrum holdings and that if required, Winning Bidders have the ability to 'swap' equivalent radio frequency assignments which they would otherwise have been allocated pursuant to the Assignment Round.

However, Vodafone has significant concerns regarding ComReg's proposal for the treatment of unallocated Lots (I, J and K) in Time Slice 1 in the 1800 MHz band, which appears to represent a significant departure from the provisions of the Information Memorandum ("**IM**"). As you reference in your letter, paragraph 4.211 of the IM clearly provides that any unallocated Lots would be located contiguously in the presentation of assignment options in the Assignment Round. Notwithstanding this, ComReg appears to now be deviating from this stated position and is prepared 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. Vodafone notes that as a basis for this approach ComReg believes 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*".

Vodafone believes ComReg's proposal to vary the location of some or all of locations of the unallocated Lots from its current location is flawed on the basis that the approach could, in certain circumstances, result in certain Winning Bidders obtaining a significantly more favourable outcome, from both a cost and a frequency assignment perspective, than that which they secured from the MBSA process and following the Assignment Round. Each participant in the MBSA had the opportunity to secure their preferred radio frequency assignments on the basis of the Lots that they bid for in each Time Slice and the amounts they were prepared to commit to secure these preferences. All parties were fully aware that depending on the outcome of the MBSA, a process of assignment activities for the various spectrum bands would be required. It would seem reasonable to assume that the auction

**Vodafone Ireland Limited**

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Registered Office: MountainView, Leopardstown, Dublin 18; Registered in Ireland No. 328967  
 Directors: Jeroen Hönskamp (CEO) (NL) (Chairman), Thomas Reisten (DE), Paul Ryan



strategy of each participant would have taken this into account and the cost implications of this assignment activity would have been factored into each participant's costing strategy for the MBSA process.

Vodafone was fully cognisant of ComReg's stated position regarding the treatment of unallocated Lots from the outset of this process and how the positioning of any unallocated Lots might ultimately impact Vodafone once the results of the MBSA process were known. Clause 4.211 of the IM was explicit in this regard. As a direct consequence, Vodafone modelled and devised its MBSA strategy accordingly. ComReg's unilateral and apparently unprompted decision to vary the treatment prescribed in the IM for unallocated Lots following the completion of the MBSA is simply unacceptable at this juncture in the process. By adopting this approach, ComReg may unwittingly compromise the MBSA process and outcome which we are sure is not the intention. It is highly probable that Vodafone and other auction participants could have adopted a different auction strategy in circumstances where ComReg's approach to the treatment of unallocated Lots was not as prescribed in the IM. For ComReg to propose a new approach at this point, outside of the stated parameters of the IM, which potentially results in a Winning Bidder being in a position to significantly reduce their costs, minimise their assignment activities and reduce any commercial and technical inconvenience associated with required assignment activity is in Vodafone's view unfair, unacceptable and potentially grants to Vodafone's competitors an advantage that they would not otherwise have gained.

For the reasons noted, Vodafone prevails upon ComReg to reconsider its decision and adhere to the stated provisions of the IM which provide that any unallocated Lots would be located contiguously in a Time Slice in a band. This will ensure that no Winning Bidder(s) can obtain a competitive advantage that might adversely prejudice any other Winning Bidders in the process.

Pending receipt of a satisfactory response from you on this issue Vodafone fully reserves all of its rights in this matter.

Yours sincerely



Paul Ryan  
Director  
Vodafone Ireland Limited

67. ComReg: letter to Vodafone “MBSA process” (letter dated 23 November 2012)



By Hand - ~~Confidential~~

23 November 2012

Mr Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

#### MBSA Process

Dear Mr Ryan,

I refer to the above matter and to your letter dated 21 November 2012.

ComReg and Vodafone appear to be in agreement that, pursuant to the provisions of the Information Memorandum, the assignment options for Winning Bidders in the Assignment Round were constrained such that all unallocated Lots would be located contiguously following the Assignment Round. However, ComReg notes that this constraint was confined to the outcome of the Assignment Round (see, in particular, section 4.5 of the Information Memorandum) and, at no point does the Information Memorandum seek to impose a similar constraint on the outcome of the Negotiation Phase. ComReg does not therefore accept your assertion that it was intended, or that each participant should have assumed, that this constraint applied equally to the Negotiation Phase.

ComReg also does not accept Vodafone's suggestion that ComReg's willingness to consider efficiency proposals in relation to Lots I, J and K in the 1800 MHz band somehow grants an unfair competitive advantage to Vodafone's competitors. Indeed, your letter implicitly acknowledges that all participants devised their auction strategies on the basis of the same information. In any case, ComReg notes that the Negotiation Phase is on-going and that the appropriateness of any proposal cannot be assessed until one is actually received.

ComReg would note that the purpose of ensuring that unallocated Lots would be located contiguously following the Assignment Round was to ensure that such spectrum could be allocated efficiently in any future assignment process. However, given that this spectrum cannot be allocated for a period of at least one year and that these Lots will remain unallocated for Time Slice 1 only (with assignment to H3GI in Time Slice 2), the potential for an efficient allocation of this unallocated spectrum to a third party is quite limited. As such, ComReg's willingness to consider proposals in relation to this spectrum which optimise

efficiency is entirely reasonable in terms of ensuring the effective management and encouraging the efficient use of radio frequencies.

ComReg also notes that your difficulties with its proposal appears to be based on the view that ComReg should not entertain any alternative efficient outcomes which reduce the Relocation requirements for some MNOs or which do not also somehow benefit Vodafone (who, based on the results of the Assignment Round, is not required to relocate). ComReg is of the view that such an approach would run contrary to the principles of the IM and ComReg's statutory objectives including, in particular, encouraging efficient use and ensuring the effective management of radio frequencies. ComReg is also concerned that Vodafone's position appears to run contrary to the intent of the Negotiation Phase and objectives of the Transition Project Plan, and, in particular, that of ensuring timely and efficient Transition activities. ComReg would expect that all parties to discussions in the Negotiation Phase and on a Transition Project Proposal engage on the basis of achieving those objectives.

Finally, and for the avoidance of doubt, ComReg has not made a proposal as to the type of band reorganisation that Winning Bidders should propose. Instead, ComReg has indicated that it will consider a proposal from Winning Bidders which involves a variation in the current location of one or more of the unallocated Lots in the 1800 MHz band.

Please note that ComReg intends to publish this exchange of correspondence in accordance with its guidelines on the treatment on confidential information.

Yours sincerely,



Dr. Samuel Ritchie



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



**By Hand**

18 December 2012

Paul Ryan  
Strategy Director  
Vodafone Ireland Limited  
MountainView  
Leopardstown  
Dublin 18

**Entitlement to apply for a Preparatory and a Liberalised Use Licence**

Dear Mr. Ryan

I am writing to you in your capacity as principal Authorised Agent of Vodafone Ireland Limited ('Vodafone') 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 12/131<sup>1</sup>), ComReg is now notifying you of Vodafone's entitlement to apply for a Preparatory and a Liberalised Use Licence (as defined in the IM and the Regulations).

Vodafone'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, Vodafone's Upfront Fee has been paid in full to ComReg and this obligation has therefore been met by Vodafone.

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<sup>1</sup> 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 Vodafone wish to obtain a Preparatory Licence, Vodafone 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 Vodafone.

**Annex 1** of this letter explains a number of the specific details that ComReg intends to include in Vodafone'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 Vodafone's Liberalised Use Licence;
  - sets out the commencement date and expiry date of Vodafone's Liberalised Use Licence, noting that this commencement date could be brought forward should Vodafone 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



- sets out the Spectrum Usage Fees (SUF) associated with SUF Period 1<sup>2</sup> 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 Vodafone'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 Vodafone'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 Vodafone'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 Vodafone'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 Vodafone in the coming days for the SUF associated with SUF Period 1 for these Spectrum Blocks. This invoice will be for €2,160,000 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 Vodafone in due course specifying the commencement date of these Spectrum Blocks in line with the finalisation and implementation of the Transition Project Plan and the SUF associated with SUF Period 1 for these Spectrum Blocks.

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<sup>2</sup> 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.





#### 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, Vodafone 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 Vodafone'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 Vodafone.

### 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 12/73<sup>3</sup> (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 Licence<sup>4</sup>, and subsequent amendments to same, in accordance with ComReg's Guidelines on the treatment of confidential information (Document 05/24)<sup>5</sup>.

### Subsequent amendments to a Liberalised Use Licence

ComReg is currently not in a position to finalise all details associated with Vodafone's Liberalised Use Licence. ComReg will write to Vodafone in due course on any outstanding items (e.g. commencement date of certain Spectrum Blocks, etc.) relating to Vodafone's Liberalised Use Licence.

Yours Sincerely

Dr. Samuel Ritchie

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

<sup>4</sup> For the avoidance of doubt, this includes all Parts of the Liberalised Use Licence.

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



### 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 Vodafone's Preparatory Licence.

#### Part 2 of Vodafone's Preparatory Licence

Authorised Band	Commencement Date	Expiry Date	Description of Apparatus
800 MHz	Same date as the Licence issue date	31 January 2013	Apparatus compliant with EC Decision 2010/267/EU as amended
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	TBD in line with the MBSA Transition Process	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 Vodafone's Liberalised Use Licence;
- the expected commencement date and expiry date of Vodafone's Liberalised Use Licence; and
- the Spectrum Usage Fees (SUF) for SUF Period 1 of Vodafone's Liberalised Use Licence.





## Part 1 of Vodafone'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
800 MHz	800/E	852.0 - 857.0 MHz 811.0 - 816.0 MHz	1 February 2013	12 July 2030
800 MHz	800/F	857.0 - 862.0 MHz 816.0 - 821.0 MHz	1 February 2013	12 July 2030
900 MHz	900/E	900.0 - 905.0 MHz 945.0 - 950.0 MHz	TBD in line with the MBSA Transition Process	12 July 2030
900 MHz	900/F	905.0 - 910.0 MHz 950.0 - 955.0 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	13 July 2015	12 July 2030
1800 MHz	1800/E	1730.0 - 1735.0 MHz 1825.0 - 1830.0 MHz	13 July 2015	12 July 2030
1800 MHz	1800/F	1735.0 - 1740.0 MHz 1830.0 - 1835.0 MHz	TBD in line with the MBSA Transition Process	12 July 2030
1800 MHz	1800/G	1740.0 - 1745.0 MHz 1835.0 - 1840.0 MHz	TBD in line with the MBSA Transition Process	12 July 2030
1800 MHz	1800/H	1745.0 - 1750.0 MHz 1840.0 - 1845.0 MHz	TBD in line with the MBSA Transition Process	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 Vodafone's Liberalised Use Licence will be **1 February 2013**, although this date could be brought forward should Vodafone 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 Vodafone's Liberalised Use Licence will be **12 July 2030**.



### Spectrum Usage Fees for SUF Period 1 of Vodafone's Liberalised Use Licence

Based upon a Licence Commencement Date of 1 February 2013, the first SUF period ('SUF Period 1') associated with Vodafone'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 Meteor'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 Adjustm ent	Actual SUF Fee (Adjusted for CPI and duration of Spectrum Block in SUF period 1)
800/E	1 February 2013	12 July 2030	Full year	€1,080,000	0%	€1,080,000
800/F	1 February 2013	12 July 2030	Full Year	€1,080,000	0%	€1,080,000
900/E	TBD in line with the MBSA Transition Process	12 July 2030	TBD	€1,080,000	0%	TBD
900/F	TBD in line with the MBSA Transition Process	12 July 2030	TBD	€1,080,000	0%	TBD
1800/F	TBD in line with the MBSA Transition Process	12 July 2015	TBD	€540,000	0%	TBD
1800/G	TBD in line with the MBSA Transition Process	12 July 2015	TBD	€540,000	0%	TBD
1800/H	TBD in line with the MBSA Transition Process	12 July 2015	TBD	€540,000	0%	TBD

Given the above:

- the SUFs associated with Spectrum Blocks 800/E and 800/F can be calculated now. The sum of these SUFs is **€2,160,000**; and
- the SUFs associated with Spectrum Blocks 900/E, 900/F, 1800/F, 1800/G and 1800/H cannot be calculated at this time as the commencement date of



these Spectrum Block are to be determined in line with the MBSA Transition Process.