



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Multi Band Spectrum Award - The 2.1 GHz Band Transition Plan

Response to consultation on the draft 2.1 GHz Band Transition Plan and the final 2.1 GHz Band Transition Plan

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Content

Section	Page
1 Introduction.....	3
2 Background	5
2.1 The existing and new Spectrum Block assignments in the 2.1 GHz Band	5
3 Response to consultation on the Draft Transition Plan	6
3.1 Background	6
3.2 The Draft Transition Plan and licensing arrangements	8
3.3 Summary of responses to the Draft Transition Plan.....	9
3.4 ComReg’s assessment of Respondents’ views.....	11
4 Final Transition Plan for 2.1 GHz Band.....	14
5 Licensing arrangements during the Transition Plan.....	17
6 Next Steps.....	19
Appendix 1: Draft Transition Plan	20
Appendix 2: Non-confidential correspondence on Draft Transition Plan	38

1 Introduction

1. This document sets out ComReg’s final Transition Plan for the 2.1 GHz Band for Time Slice 1 of the Multi Band Spectrum Award (“MBSA2”) process (“Transition Plan”).¹
2. The Transition Plan sets out the Transition Activities, their completion dates and other relevant matters (e.g. reporting and liquidated damages) that Eircom Limited (trading as Eir, “Eir”), Three Ireland (Hutchison) Limited (“Three”) and Vodafone Ireland Limited (“Vodafone”) (i.e. the “Existing 2.1 GHz Band Licensees” or the “MNOs”) will follow when adjusting their respective networks to align with the outcome of the MBSA2 process for the 2.1 GHz band (see ComReg Documents 22/105² and 23/06³).
3. The Transition Plan consists of a series of Transition steps to be taken by each of the MNOs so that the final Transition step is completed by 3 March 2023. Once complete, the MNOs will be able to use their rights of use in the 2.1 GHz Band in full accordance with the outcome of the MBSA2 award, and ComReg can amend relevant existing licences and new MBSA2 Liberalised Use Licences, as required, to facilitate Transition.
4. This Transition Plan has been formulated:
 - in accordance with the Transition Rules as set out in Section 3.8 of the MBSA2 Information Memorandum (the “IM”) (ComReg Document 21/40)⁴; and
 - following consultation with the MNOs on a draft Transition Plan (“Draft Transition Plan”) (see Appendix 1 of this Document) which, among other things, had regard to the common Transition Plan Proposal received from the MNOs (see Annex 2 of the Draft Transition Plan).

¹ [Document 20/122](#) and D11/20, “Multi Band Spectrum Award - Response to Consultation and Decision - The 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands”, published 18 December 2020, available at www.comreg.ie.

² [Document 22/105](#), “Multi Band Spectrum Award – Results of the Main Stage”, published 14 December 2022, available at www.comreg.ie.

³ [Document 22/112](#), “Multi Band Spectrum Award – Completion of Assignment Round determining the Provisional Assignment Plan and start of Negotiation Phase”, published 19 December 2022, available at www.comreg.ie.

⁴ [Document 21/40](#), “Multi Band Spectrum Award - Information Memorandum and Draft Regulations The 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands”, published 16 April 2021, available at www.comreg.ie.

5. Capitalised terms in this document bear the meaning ascribed to them in the IM, unless otherwise defined.

2 Background

2.1 The existing and new Spectrum Block assignments in the 2.1 GHz Band

6. Figure 1 below sets out the 2.1 GHz Band Spectrum Block assignments under both the existing licensing frameworks (prior to any Transition Activities)⁵ and the new MBSA2 licensing framework. It highlights that:
- under the existing licensing frameworks, there are currently 10 Spectrum Blocks assigned in the 2.1 GHz Band: 4 to Three (B, J, K and L), 3 to Meteor (“Eir”) (D, E and F) and 3 to Vodafone (G, H and I); and
 - under the new MBSA2 licensing framework, all 12 Spectrum Blocks are assigned in the 2.1 GHz Band: 4 to Three (A, B, C, and D), 4 to Eir (I, J, K and L) and 4 to Vodafone (E, F, G and H).

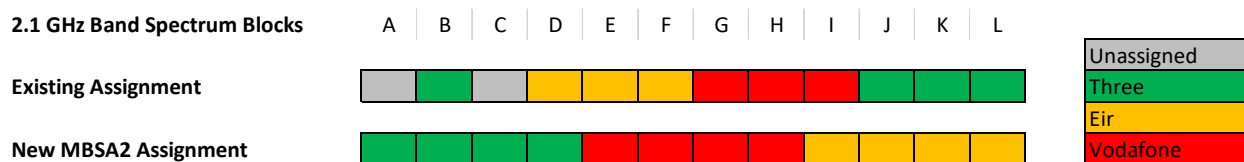


Figure 1: Existing and new MBSA2 spectrum block assignments in the 2.1 GHz Band

7. Accordingly, the following Transition Activities are required to comply with the outcome of the MBSA2 award:
- Three: Transition from Blocks B, J, K, L to Blocks A, B, C, D;
 - Eir: Transition from Blocks D, E, F to Blocks I, J, K, L; and
 - Vodafone: Transition from Blocks G, H, I to Blocks E, F, G, H.

⁵ These are:

- the 3G Licensing Framework (S.I. No. 345 of 2002, as amended by S.I. No. 340 of 2003) under which Eir holds an existing licence for three spectrum blocks until 11 March 2027; and
- the Short-Term ECS Licensing Framework (S.I. No. 484 of 2022) under which Three holds an existing licence for four spectrum blocks until 1 April 2022, and Eir and Vodafone both hold an existing licence for three spectrum blocks until 1 April 2022.

3 Response to consultation on the Draft Transition Plan

3.1 Background

Transition Rules

8. Section 3.8 of the IM sets out the MBSA2 Transition Rules which all Winning Bidders and Existing 2.1 GHz Band Licensees are obliged to abide by, including any Transition Plan finalised by ComReg.
9. The Transition Rules for the 2.1 GHz Band for Time Slice 1 are set out in Section 3.8.1 of the IM where, among other things, the MNOs (as both Existing 2.1 GHz Band Licensees and Winning Bidders) are obliged to formulate a Transition Plan Proposal and submit same to ComReg.

ComReg's request for an MNO Transition Plan Proposal

10. On 13 January 2023, ComReg wrote to each MNO requesting the submission of a Transition Plan Proposal by 27 January 2023 (see Annex 1 of the Draft Transition Plan).
11. ComReg noted that any Transition Plan Proposals submitted should identify and consider all the Transition Activities required for the 2.1 GHz Band, and that paragraph 3.277 of the IM (extracted below) provides detail regarding the matters that should be included in any Transition Plan Proposal.

“3.277 A Transition Plan Proposal should address, to ComReg's satisfaction, at least the following matters:

- *the identification of all Transition Activities to be undertaken by Existing 2.1 GHz Band Licensees and the order in which each activity would be taken;*
- *the setting of milestone dates for each Transition Activity. Unless otherwise identified by ComReg in determining the Transition Plan, all Transition Activities are to be completed sufficiently prior to the commencement date of Time Slice 1 for the 2.1 GHz Band, and Transition Plan Proposal(s) will be required to ensure same;*

- *where the Transition Activities of one Existing 2.1 GHz Band Licensee are dependent upon the Transition Activities of another, this will be clearly identified in the Transition Plan Proposal such that any consequential delays by one party due to the delay of another party can be clearly attributable to the responsible party;*
- *a robust and transparent mechanism to allow ComReg (including any of its agents or servants), Existing 2.1 GHz Band Licensees, Winning Bidders and other Interested Parties to monitor compliance with the Transition Activity milestones and deliverable dates (subject to non-disclosure of Confidential Information);*
- *the completion of Transition Activities prior to the deadline dates as determined by ComReg in the Transition Plan; and*
- *attribution and acceptance of liability for liquidated damages that may be payable by the Existing 2.1 GHz Band Licensee(s) in the event of non-compliance with the Transition Activity milestones identified in the Transition Plan, where such Existing 2.1 GHz Band Licensee(s)' actions or omissions caused the non-compliance with the relevant milestone.”*

12. In addition, ComReg observed that all Transition Activities for the 2.1 GHz Band are to be completed in advance of 2 April 2023, as this is the expected commencement date of new MBSA2 2.1 GHz Band spectrum rights use. ComReg also noted that this expected commencement date could be brought forward for some or all Spectrum Blocks in the 2.1 GHz Band if required, subject to the completion of Transition Activities for those Spectrum Block(s) and the provisions of the Short-Term ECS Licensing Framework, if appropriate.⁶

The MNOs' Common Transition Plan Proposal

13. On 17 January 2023, the three MNOs submitted a common Transition Plan Proposal to ComReg (“Common Transition Plan Proposal”) (see Annex 2 of the Draft Transition Plan) and noted that this proposal was agreed in principle between them.

14. The Common Transition Plan Proposal gave a high-level outline of the proposed activities (see Table 1 below) where, following the completion of preparatory work,

⁶ The Wireless Telegraphy (Short-Term Electronic Communications Services Licences) Regulations 2022 (S.I. No. 484 of 2022) noting, in particular, Regulation 8(2) which provides:

“8(2) If the duration of one or more Spectrum Block(s) in a Short-Term Electronic Communications Services Licence is reduced at the request of a Licensee, the Licensee may, at the discretion of the Commission, be entitled to a refund of the Licence Fee already paid, on a pro rata daily basis having regard to the reduced duration.”

actual re-arrangements of spectrum rights would commence on 17 February 2023 and complete on 3 March 2023.

Table 1: Steps in the Common Transition Plan Proposal

Common Transition Plan Proposal	
Step 0	All MNOs complete preparatory work
Step 1	Three vacates top of band and moves to bottom 15 MHz of band - temporary reduction in holding to 2x15MHz
	Step 1 Target Completion Date: 17 February 2023
Step 2 (24 Feb)	eir moves to top 15 MHz of band
	Step 2 Target Completion Date: 24 February 2023
Step 3 (commences after completion of Step 2)	Three Expands to bottom 20 MHz of band
	Step 3: No Target Completion Date as no subsequent dependencies
Step 4 (commences after completion of Step 2)	Vodafone moves to centre of band vacating bottom 2x5MHz of Eir MBSA2 assignment and expands to 20 MHz
	Step 4 Completion Date: 3 March 2023
Step 5 (commences after completion of Step 4)	eir expands to 20 MHz
	Step 5: No Target Completion Date as no subsequent dependencies

15. The MNOs noted the relatively short timelines involved and requested a joint meeting with ComReg at its earliest convenience to obtain any feedback or observations that ComReg may have on the proposal.

3.2 The Draft Transition Plan and licensing arrangements

16. On 26 January 2023, ComReg set out its Draft Transition Plan and issued it to the MNOs for consultation. ComReg sought to receive any responses by 2 February 2023 (see Appendix 1 of this document).

17. The Draft Transition Plan:

- adopted the high-level Transition steps, milestones (i.e. Transition Completion Dates) and identification of dependencies between Transition steps as set out in the Common Transition Plan Proposal, with the exception that the assignment of Block E to Vodafone would occur at Step 3 (rather than Step 4 in Common Transition Plan Proposal) as this is when Block E would become available for MBSA2 licensing to Vodafone; and
- set out ComReg's proposals for liquidated damages and reporting, noting that these were not included in the MNO Common Transition Plan Proposal:
 - For liquidated damages, ComReg proposed that the date for when liquidated damages would be triggered would provide a two week 'grace period' and would account for consequential delays from previous Transitions; and
 - For reporting, ComReg proposed that MNOs would immediately notify ComReg's and the other MNOs for two-high level events:
 - a) as soon as an MNO becomes aware that it will not, or is unlikely to, achieve its Transition by the Transition completion date; and
 - b) the completion of Transition steps 1, 2 and 4 by the respective MNO.

18. In addition, ComReg set out the licensing arrangements and planned dates that would apply for each of the Transition steps, noting that:

- the planned dates would be used by ComReg to calculate the refunds and issue invoices as appropriate; and
- should the actual Transition implementation date differ from the planned date (e.g. due to a rollback), appropriate adjustments can be made to the licences, refunds and invoices in accordance with the provisions of Short-Term ECS Licensing Regulations (S.I. 484 of 2022) and the MBSA2 Regulations (S.I. 264 of 2021).

3.3 Summary of responses to the Draft Transition Plan

19. All three MNOs submitted responses to the Draft Transition Plan (see Appendix 2 of this document).

20. **Eir** agrees with the Draft Transition Plan, including its liquidated damages and reporting proposals, noting among other things that:

- it is aligned with the MNOs' Common Transition Plan Proposal which it believes to be "*an aggressive but reasonable milestone plan*"; and
 - ComReg's approach to liquidated damages is reasonable and that the MNOs are aligned to complete the full transition ahead of the 'grace period' dates.
21. In relation to commencement for Block I in Eir's MBSA2 Liberalised Use Licence, Eir submits that it will activate Block I on 6 March 2023 and it therefore proposes that this block should commence on 6 March 2023, assuming there are no prior Transition step delays.
22. **Three** supports the Draft Transition Plan submitting that it represents a practical way forward.
23. In addition, on 27 January 2023, Three submitted specific comments to ComReg in relation to its actual Transition dates noting that in order to achieve the milestones set out in the Draft Transition Plan it would need to begin Transition Activities in advance of the close of the consultation period for the Draft Transition Plan (i.e. before 2 February 2023).
24. In relation to its actual Transition dates, Three stated that:
- on the night of 30 January 2023, it will migrate some traffic from Block J, K and L to Blocks A and B, with the remaining traffic continuing to be active on Blocks J, K and L; and
 - on the night of 13 February 2023, it will migrate the remaining traffic from Blocks J, K, and L to Blocks A, B, and C.
25. Given this Transition, Three wished to:
- surrender Block B in the 2.1 GHz Band in its Short-Term ECS Licence from the night of 30 January and commence Blocks A and B in the 2.1 GHz Band in its MBSA2 Liberalised Use Licence from 31 January, with the termination of one licence to align with the commencement of the other; and
 - surrender Blocks J, K, and L in the 2.1 GHz Band in its Short-Term ECS Licence from the night of 13 February and commence Block C in the 2.1 GHz Band in its MBSA2 Liberalised Use Licence from 14 February, with the termination of one licence to align with the commencement of the other;
26. Finally, in relation to the commencement of Block D in the 2.1 GHz Band in its MBSA2 Liberalised Use Licence, Three noted that the availability of this block is

dependent on the completion of Transition Activities by Eir and while this activity is currently targeted for 24 February the actual commencement date will have to be confirmed once the Transition Activity is underway.

27. **Vodafone** generally supports the Draft Transition Plan.

28. However, in relation to the availability of Block E, listed as 24 February, Vodafone submits that the first few days after 24 February are allocated to Eir to allow it to communicate a 'go' 'no/go' to Vodafone in order that Vodafone can carry out its Transition Activities on 3 March. Vodafone also states that it should be expected that a small number of sites will likely fail and it submits that a few days grace would be required to ensure that spectrum is clean and ready for Vodafone to occupy.

3.4 ComReg's assessment of Respondents' views

The Transition Plan

29. ComReg notes that each of the MNOs supports the Draft Transition Plan and, while the MNOs submitted specific comments (addressed below) on their actual Transition dates and the licensing arrangements, no alternative proposals for the Transition Plan or alternative Transition Completion Dates were proposed.

30. ComReg is therefore of the view that the details of the Draft Transition Plan (i.e. the Transition steps, Transition Completion Dates, Liquidated Damages and Reporting) remain appropriate for the final Transition Plan, meaning that the Transition Completion Date for Three is 17 February, for Eir is 24 February, and for Vodafone is 3 March.

31. In adopting this final Transition Plan, ComReg notes, among other things, that:

- the completion by 3 March 2023 is within the hard-stop date of 1 April 2023 identified by ComReg in its letter of 13 January;
- the actual Transition date may differ from the Transition Completion Date and appropriate adjustments can be made to the licences, refunds and invoices in line with the relevant Regulations. For example, as discussed below, Three's actual Transition dates on the nights of 30 January and 13 February are in advance of its Transition Completion Date of 17 February and ComReg has adjusted its licences to reflect the actual Transition; and
- the completion of Transition activities will allow for the licensing of some Spectrum Blocks in advance of 2 April 2023.

MNOs' specific comments - actual Transition dates and the licensing arrangements

32. Regarding Three's submission, ComReg notes that its actual Transition dates of the night of 30 January and 13 February are in advance of its Transition Completion Date of 17 February, and that the licensing arrangements proposed by Three align with the completion of Three's Transition Activities.
33. Given this and noting that earlier Transition dates increase the likelihood of a timely Transition process, ComReg has adjusted Three's Short-Term ECS Licence and its MBSA2 Liberalised Use Licence to reflect the expiry and commencement of rights of use as requested in Three's letter of 27 January. In addition, these changes have been reflected in the Transition Plan set out below where Three's Transition (i.e. Step 1) now consists of two parts Step 1A and Step 1B.
34. In relation to Eir's submission proposing the commencement of Block I on 6 March 2023 instead of 4 March 2023, ComReg notes that Eir's rationale for this proposed change (i.e. Eir's planned activation of Block I on 6 March) is not relevant to the availability of Block I for licensing.
35. Instead, the availability of Block I for licensing is determined by the prior completion of Transition activities by Vodafone and, in this regard, ComReg observes that Vodafone has not indicated to ComReg that it will not complete its Transition Activities by 3 March.
36. Therefore, at this juncture, ComReg maintains its view that 4 March 2023 is an appropriate commencement date for Block I in Eir's MBSA2 Liberalised Use Licence, but also notes that should Vodafone's actual Transition date differ to its Transition Completion Date of 3 March, then appropriate adjustments can be made to the licences, refunds and invoices in line with the relevant Regulations.
37. Regarding Vodafone's submission that the first few days after 24 February (i.e. Eir's Transition Completion Date) are allocated to Eir to communicate a 'go' 'no/go' to Vodafone, ComReg notes that this is incorrect:
 - The Transition Completion Dates are the dates by which a MNOs Transition Activities are expected to be completed, noting that the actual Transition dates can be scheduled somewhat earlier to ensure completion by this Transition Completion Date. In this regard, ComReg observes that Three would expect to complete its Transition on the night of 13 February, four days in advance of its Transition Completion Date;

- MNOs are required to immediately notify ComReg and the other MNOs when their Transitions are completed or as soon as it becomes aware that it will not, or is unlikely to achieve, its Transition by the Transition Completion Date; and
- Eir supports the Draft Transition Plan including its Transition Completion Date of 24 February 2023 and it has given no indication that it will not meet this Transition Completion Date.

38. Finally, in relation to Vodafone's view that in a Transition a small number of sites will fail and a few days grace would be required to ensure that spectrum is clean and ready to occupy, ComReg observes that if this is a concern for a MNO, then it should plan accordingly and schedule its actual Transition date sufficiently in advance of its Transition Completion Date.

39. An earlier actual Transition is possible under the Transition Plan and appropriate adjustments can be made to the licences, refunds and invoices by ComReg in line with the relevant Regulations.

4 Final Transition Plan for 2.1 GHz Band

40. ComReg's final Transition Plan for the 2.1 GHz Band is set out below.

Transition steps, dependencies between Transition steps, actual Transition date and the Transition Completion Dates

41. The Transition steps, dependencies between Transition steps, actual Transition date and the Transition Completion Dates are set out in Figure 2 below and are the same as those proposed by the MNOs.

Liquidated Damages

42. Liquidated damages shall apply, with paragraphs 3.296 and 3.297 of the IM identifying the method for calculating the quantum of any liquidated damages that may be due.

43. Recognising that reasonably unforeseen events could lead to delays (for example the need for a "roll-back"⁷) and that some Transitions (i.e. Step 2 and Step 4) are dependent on the completion of previous Transitions, ComReg's date for when liquidated damages would be triggered is set out in Figure 2 below and:

- provides a **two week 'grace period'**; and
- accounts for **consequential delays** from previous Transitions.

Reporting Method

44. To ensure that ComReg and MNOs have the maximum time to consider any consequential impacts to the Transition Plan and adjust accordingly, MNOs are required to immediately notify ComReg and the other MNOs by email using the contact details in Table 2 below:

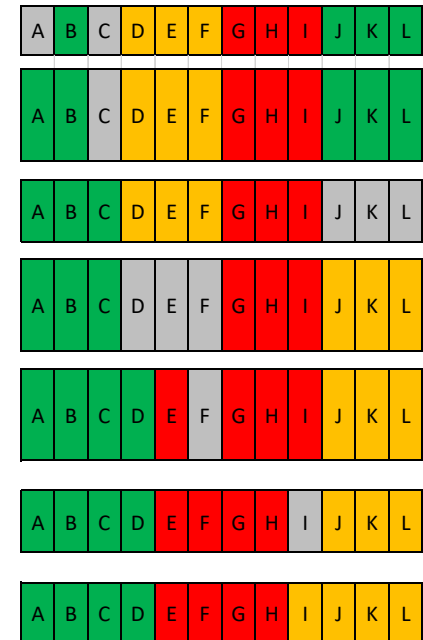
- (a) as soon as the MNO becomes aware that it will not, or is unlikely to, achieve its Transition by the Transition Completion Date; and
- (b) the MNO completes Transition steps 1 (Three), 2 (Eir) and 4 (Vodafone).

⁷ Prior to the Transition of a network from one spectrum assignment to another, the configuration of the operational network is archived in a known, good, state. In the event that the network does not function satisfactorily following the Transition, the archived network state can be recovered, i.e. the network can be "rolled back" to the previous known good state.

Table 2: Email contact details for reporting on the Transition Plan

ComReg	patrick.bolton@comreg.ie ; joseph.coughlan@comreg.ie
Eir	fergal.mccann@eir.ie
Three	Kieran.Meskell@three.ie tom.hickey@three.ie
Vodafone	andrew.corcoran@vodafone.com

Transition Step	Description	Dependent on previous Transition	Actual Transition date	Transition Completion Date	Liquidated Damages Date
Step 0	All Operators: Preparatory work	No	N/A	N/A	N/A
Step 1A	Three: Moves some traffic from Blocks J, K and L to Blocks A and B. Remaining traffic continues to be active on Blocks J, K and L.	No	30-Jan-23	17-Feb-23	3 March 2023 (i.e. 17 Feb 2023 + 2 weeks)
Step 1B	Three: Moves remaining traffic from Blocks J, K and L to Blocks A, B and C.	No	13-Feb-23	17-Feb-23	3 March 2023 (i.e. 17 Feb 2023 + 2 weeks)
Step 2	Eir: Moves from Blocks D, E, F to Blocks J, K, L	Step 1		24-Feb-23	10 Mar 2023 (i.e. 24 Feb 2023 + 2 weeks) + any delays to Step 1
Step 3	Three: Block D assigned to Three Vodafone: Block E assigned to Vodafone	Step 2	N/A	N/A	N/A
Step 4	Vodafone: Moves from Blocks G, H, I to F, G, H	Step 2		03-Mar-23	17 Mar 2023 (i.e. 3 Mar 2023 + 2 weeks) + any delays to Step 2
Step 5	Eir: Block I assigned to Eir	Step 4	N/A	N/A	N/A



Unassigned
Three
Eir
Vodafone

Figure 2: Final Transition Plan for the 2.1 GHz Band

5 Licensing arrangements during the Transition Plan

45. To facilitate the Transition Plan the following licensing arrangements and planned dates apply for each of the Transition steps.

Table 3: Licensing arrangements during the Transition Plan

Transition step	Licensing arrangements
<p>Step 1A and 1B: (Three)</p> <p>On the night of 30 January 2023, Three moves some traffic from Block J, K and L to Blocks A and B. The remaining traffic continues to be active on Blocks J, K and L.</p> <p>On the night of 13 February 2023, Three moves the remaining traffic from Blocks J, K, L to Blocks A, B, C.</p>	<p>Three's Short-Term ECS Licence is amended to expire Block B on 30 January 2023 and its MBSA2 Liberalised Use Licence is amended to commence Blocks A and B on 31 January 2023.</p> <p>Three's Short-Term ECS Licence is amended to expire Blocks J, K and L on 13 February 2023 and its MBSA2 Liberalised Use Licence is amended to commence Block C on 14 February 2023.</p>
<p>Step 2: (Eir)</p> <p>On 24 February 2023, Eir moves from Blocks D, E, F to Blocks J, K, L</p>	<p>Eir's 3G Licence and its Short-Term ECS Licence are amended to expire Blocks D, E and F on 24 February 2023 and to commence Blocks J, K and L on 25 February 2023.</p>
<p>Step 3: (Three and Vodafone)</p> <p>Following Step 2:</p> <p>Block D is assigned to Three; and</p> <p>Block E is assigned to Vodafone</p>	<p>Three's MBSA2 Liberalised Use Licence is amended to commence Block D on 25 February 2023.</p> <p>Vodafone's MBSA2 Liberalised Use Licence is amended to commence Block E on 25 February 2023.</p>

<p>Step 4: (Vodafone)</p> <p>On 3 March 2023, Vodafone moves from Blocks G, H, I to F, G, H</p>	<p>Vodafone's Short-Term ECS Licence is amended to expire Block I on 3 March 2023 and to commence Block F on 4 March 2023.</p> <p>An alternative approach (if requested by Vodafone) would be to (i) amend Vodafone's Short-Term ECS Licence to expire Blocks G, H and I on 3 March 2023, and (ii) amend Vodafone's MBSA2 Liberalised Use Licence to commence Blocks G, H and I on 4 March 2023</p>
<p>Step 5: (Eir)</p> <p>Following Step 4:</p> <p>Block I is assigned to Eir</p>	<p>Eir's MBSA2 Liberalised Use Licence is amended to commence Block I on 4 March 2023</p>

46. For each of the above licensing arrangements, the planned dates set out in Table 3 will be used by ComReg to calculate the refunds and issue invoices as appropriate for the above Transition steps, noting that:

- where a Short-Term ECS Licence is amended for the early surrender of 2.1 spectrum rights (e.g. under Step 1 above), a refund of licences fees will be applied in accordance with the Short-Term ECS Licensing Regulations (S.I. 484 of 2022); and
- where a MBSA2 Liberalised Use Licence is amended to commence 2.1 GHz spectrum blocks (e.g. under steps 1, 3 and 5 above), all relevant spectrum fees will need to be paid in full in accordance with the MBSA2 Regulations (S.I 264 of 2021).

47. As noted, should the actual Transition date differ from the planned date above (e.g. due to an earlier Transition or a rollback), ComReg observes that appropriate adjustments can be made to the licences, refunds and invoices in accordance with the provisions of Short-Term ECS Licensing Regulations (S.I. 484 of 2022) and the MBSA2 Regulations (S.I 264 of 2021).

6 Next Steps

48. The Transition Plan is now active and the MNOs are obliged to complete their Transitions and report to ComReg and the other MNOs in accordance with the Transition Plan.
49. To facilitate the Transition Plan, ComReg will implement the licensing arrangements as set out in Chapter 5 above, unless otherwise advised by the MNO.

Appendix 1: Draft Transition Plan



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Multi Band Spectrum Award

Draft 2.1 GHz Band Transition Plan – for
consultation with the Winning Bidders in the
2.1 GHz Band

MBSA2 MBSA2(23)003
Reference:
Date: 26/01/2023

Content

Section	Page
1 Introduction.....	3
2 Background	4
2.1 The existing and new Spectrum Block assignments in the 2.1 GHz Band	4
3 The Draft Transition Plan for the 2.1 GHz band.....	5
3.1 Transition Rules and ComReg’s request for an MNO Transition Plan Proposal	5
3.2 MNOs’ Transition Plan Proposal	6
3.3 ComReg’s observations of the Common Transition Plan Proposal.....	7
3.4 ComReg’s draft Transition Plan	8
4 Licensing arrangements during the Transition Plan.....	13
5 Next Steps.....	15
Annex 1: ComReg letter of 13 January 2023 to the MNOs.....	16
Annex 2: The MNO’s common Transition Plan Proposal.....	17

1 Introduction

1. The purpose of this document is to set out ComReg’s draft Transition Plan for the 2.1 GHz Band for Time Slice 1 of the Multi Band Spectrum Award (MBSA2) process (“draft Transition Plan”).¹
2. The draft Transition Plan sets out the Transition Activities, their completion dates and other relevant matters (e.g. reporting and liquidated damages) that ComReg proposes in order that Eir, Three and Vodafone (i.e. the “Existing 2.1 GHz Band Licensees” or the “MNOs”) adjust their networks to align with the outcome of the MBSA2 process for the 2.1 GHz band (see ComReg Documents 22/105² and 23/06³).
3. This draft Transition Plan has been formulated:
 - in accordance with the Transition Rules as set out in Section 3.8 of the MBSA2 Information Memorandum (the “IM”) (ComReg Document 21/40)⁴; and
 - having regard to the common Transition Plan Proposal received from the MNOs.
4. Capitalised terms in this document bear the meaning ascribed to them in the IM, unless otherwise defined.

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2 Background

2.1 The existing and new Spectrum Block assignments in the 2.1 GHz Band

5. Figure 1 below sets out the 2.1 GHz Band Spectrum Block assignments under both the existing licensing frameworks⁵ and the new MBSA2 licensing framework. It highlights that:

- under the existing licensing frameworks, there are currently 10 Spectrum Blocks assigned in the 2.1 GHz Band: 4 to Three (B, J, K and L), 3 to Meteor(“Eir”) (D, E and F) and 3 to Vodafone (G, H and I); and
- under the new MBSA2 licensing framework, all 12 Spectrum Blocks are assigned in the 2.1 GHz Band: 4 to Three (A, B, C, and D), 4 to Eir (I, J, K and L) and 4 to Vodafone (G, H and I).

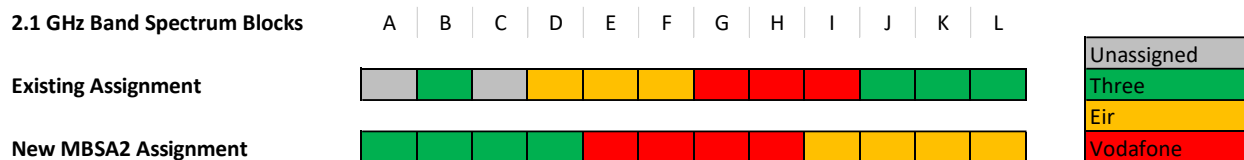


Figure 1: Existing and new MBSA2 spectrum block assignments in the 2.1 GHz Band

6. Accordingly, the following Transition Activities are required to comply with the outcome of the MBSA2 award:

- Three: Transition from Blocks B, J, K, L to Blocks A, B, C, D;
- Eir: Transition from Blocks D, E, F to Blocks I, J, K, L; and
- Vodafone: Transition from Blocks G, H, I to Blocks E, F, G, H.

⁵ These are:

- the 3G Licensing Framework (S.I. No. 345 of 2002, as amended by S.I. No. 340 of 2003) under which Eir holds an existing licence for three spectrum blocks until 11 March 2027; and
- the Short-Term ECS Licensing Framework (S.I. No. 484 of 2022) under which Three holds an existing licence for four spectrum blocks until 1 April 2022, and Vodafone holds an existing licence for three spectrum blocks until 1 April 2022.

3 The Draft Transition Plan for the 2.1 GHz band

3.1 Transition Rules and ComReg's request for an MNO Transition Plan Proposal

7. Section 3.8 of the IM sets out the MBSA2 Transition Rules which all Winning Bidders and Existing 2.1 GHz Band Licensees are obliged to abide by, including any Transition Plan finalised by ComReg.
8. The Transition Rules for the 2.1 GHz Band for Time Slice 1 are set out in Section 3.8.1 of the IM where, among other things, the MNOs (as both Existing 2.1 GHz Band Licensees and Winning Bidders) are obliged to formulate a Transition Plan Proposal and submit same to ComReg.
9. On 13 January 2023, ComReg wrote to the MNOs requesting the submission of a Transition Plan Proposal by 27 January 2023 (see Annex 1).
10. In that letter, ComReg noted that any Transition Plan Proposals submitted should identify and consider all the Transition Activities required for the 2.1 GHz Band, and that **paragraph 3.277 of the IM** (extracted below) provides detail regarding the **matters that should be included in any Transition Plan Proposal**.

"3.277 A Transition Plan Proposal should address, to ComReg's satisfaction, at least the following matters:

- *the identification of all Transition Activities to be undertaken by Existing 2.1 GHz Band Licensees and the order in which each activity would be taken;*
- *the setting of milestone dates for each Transition Activity. Unless otherwise identified by ComReg in determining the Transition Plan, all Transition Activities are to be completed sufficiently prior to the commencement date of Time Slice 1 for the 2.1 GHz Band, and Transition Plan Proposal(s) will be required to ensure same;*
- *where the Transition Activities of one Existing 2.1 GHz Band Licensee are dependent upon the Transition Activities of another, this will be clearly identified in the Transition Plan Proposal such that any*

consequential delays by one party due to the delay of another party can be clearly attributable to the responsible party;

- *a robust and transparent mechanism to allow ComReg (including any of its agents or servants), Existing 2.1 GHz Band Licensees, Winning Bidders and other Interested Parties to monitor compliance with the Transition Activity milestones and deliverable dates (subject to non-disclosure of Confidential Information);*
- *the completion of Transition Activities prior to the deadline dates as determined by ComReg in the Transition Plan; and*
- *attribution and acceptance of liability for liquidated damages that may be payable by the Existing 2.1 GHz Band Licensee(s) in the event of non-compliance with the Transition Activity milestones identified in the Transition Plan, where such Existing 2.1 GHz Band Licensee(s)' actions or omissions caused the non-compliance with the relevant milestone.”*

11. In addition, ComReg noted that **all Transition Activities for the 2.1 GHz Band are to be completed in advance of 2 April 2023**, as this is the expected commencement date of new MBSA2 2.1 GHz Band spectrum rights use. ComReg also noted that this expected commencement date could be brought forward for some or all Spectrum Blocks in the 2.1 GHz Band subject to the completion of Transition Activities for those Spectrum Block(s) and the provisions of the Short-Term ECS Licensing Framework, if appropriate.⁶

3.2 MNOs' Transition Plan Proposal

12. On 17 January 2023, the MNOs submitted a common Transition Plan Proposal to ComReg (“Common Transition Plan Proposal”) (see Annex 2), and noted that this proposal was agreed in principle between them.

13. The Common Transition Plan Proposal gave a high-level outline of the proposed activities (see Table 1 below) where, following the completion of preparatory work,

⁶ The Wireless Telegraphy (Short-Term Electronic Communications Services Licences) Regulations 2022 (S.I. No. 484 of 2022) noting, in particular, Regulation 8(2) which provides:

“8(2) If the duration of one or more Spectrum Block(s) in a Short-Term Electronic Communications Services Licence is reduced at the request of a Licensee, the Licensee may, at the discretion of the Commission, be entitled to a refund of the Licence Fee already paid, on a pro rata daily basis having regard to the reduced duration.”

actual re-arrangements of spectrum rights would commence on 17 February 2023 and complete on 3 March 2023.

Table 1: Steps in the Common Transition Plan Proposal

Common Transition Plan Proposal	
Step 0	All MNOs complete preparatory work
Step 1	Three vacates top of band and moves to bottom 15MHz of band - temporary reduction in holding to 2x15MHz
	Step 1 Target Completion Date: 17th Feb
Step2 (24 Feb)	eir moves to top 15 MHz of band
	Step 2 Target Completion Date: 24th Feb
Step 3 (commences after completion of Step 2)	Three Expands to bottom 20MHz of band
	Step 3: No Target Completion Date as no subsequent dependencies
Step 4 (commences after completion of Step 2)	Vodafone Moves to centre of band vacating bottom 2x5MHz of Eir MBSA assignment and expands to 20MHz
	Step 4 Completion Date: 3rd March
Step 5 (commences after completion of Step 4)	eir expands to 20MHz
	Step 5: No Target Completion Date as no subsequent dependencies

14. The MNOs noted the relatively short timelines involved and requested a joint meeting with ComReg at its earliest convenience in order to obtain any feedback or observations that ComReg may have on the proposal.

3.3 ComReg's observations of the Common Transition Plan Proposal

15. ComReg broadly welcomes the fact that the MNOs agreed the Common Transition Plan Proposal and sets out its observations below.

16. First, while the Common Transition Plan Proposal provides high-level information on some of the matters identified in paragraph 3.277 of the IM (namely the Transition activities, milestone dates and identification of dependencies between Transition steps), ComReg observes that it does not set out proposals either in relation to reporting and liquidated damages (bullets 4 and 6 of paragraph 3.277 of the IM) which ComReg addresses in Section 3.4 below.
17. Second, in relation to the proposed Transition activities, milestone dates and identification of dependencies between Transition steps, ComReg observes that these appear reasonable for the circumstances of this Transition noting, among other things that:
- the proposed Transition completion date of 3 March 2023 is within the hard-stop date of 1 April 2023 identified by ComReg in its letter of 13 January;
 - the Common Transition Plan Proposal would allow for the licensing of some Spectrum Blocks in advance of 2 April 2023. While the precise details of such arrangements would need to be confirmed in the final Transition Plan and the implementation of same, ComReg observes at this juncture that:
 - Spectrum Block D would be available for MBSA2 licensing to Three at the end of Step 2 (i.e. 24 February 2023), noting that Three would have surrendered one Spectrum Block of its existing 2.1 GHz Band licence in Step 1 (i.e. on 17 February 2023);
 - Spectrum Block E would be available for MBSA2 licensing to Vodafone at the end of Step 2 (i.e. 24 February 2023); and
 - Spectrum Block I would be available for MBSA2 licensing to Eir at the end of Step 4 (i.e. 3 March 2023); and
 - the Common Transition Plan Proposal has been agreed in principle by the MNOs and no other party (aside from ComReg) is directly affected by 2.1 GHz Transition Activities, as the MNOs are both the Existing 2.1 GHz Band Licensees and the Winning Bidders for spectrum rights in the 2.1 GHz Band.

3.4 ComReg's draft Transition Plan

18. In light of the foregoing, ComReg sets out its draft Transition Plan for the 2.1 GHz Band below.

Transition Activities, milestones and identification of dependencies

between Transition steps

19. As set out in Figure 2 below, ComReg is adopting the high-level Transition Activities, milestones and identification of dependencies between Transition steps as set out in the Common Transition Plan Proposal, with the exception that the assignment of Block E to Vodafone would occur at Step 3 (rather than Step 4 in Common Transition Plan Proposal) as this is when Block E would become available for MBSA2 licensing to Vodafone.

Liquidated Damages

20. ComReg recalls that paragraphs 3.271 and 3.277 of the IM makes clear that:

- *“All Winning Bidders, Existing 2.1 GHz Band Licensees¹³⁷, and applicants for a MBSA2 2.3 GHz Band Transition Licence¹³⁸ are obliged to abide by the Transition Rules as set out in this IM, including the Transition Plan(s)”*; and
- the *“attribution and acceptance of liability for liquidated damages that may be payable by the Existing 2.1 GHz Band Licensee(s) in the event of non-compliance with the Transition Activity milestones identified in the Transition Plan”* should be part of the Transition Plan.

21. Further, Section 3.8.4 of the IM clarifies that the identification of, and agreement to pay, liquidated damages to ComReg is an essential part of ensuring that Winning Bidders are appropriately incentivised to complete of Transition Activities in an effective and timely manner, with paragraphs 3.296 and 3.297 of the IM identifying the method for calculating the quantum of any liquidated damages that may be due.

22. In that regard, ComReg observes that the Common Transition Plan Proposal did not set out any proposals in relation to liquidated damages, but instead set out proposed Transition completion dates which, as noted above, ComReg believes to be reasonable.

23. While ComReg could use these proposed Transition completion dates as the dates from when liquidated damages could be triggered, ComReg observes that this could have the undesirable effect of incentivising the MNOs to add additional time contingencies into their proposed Transition completion dates to protect themselves against any application of liquidated damages. This viewpoint was put forward in the formulation of previous Transition plans, in particular that adopted for time slice 1 of

Multi-Band Spectrum Award of 2012 (MBSA1) (see ComReg Documents 13/06⁷, 13/19⁸ and 13/19a⁹).

24. In light of the above, and recognising that reasonably unforeseen events could lead to delays (for example the need for a “roll-back”¹⁰) and that some Transitions (i.e. Step 2 and Step 4) are dependent on the completion of previous Transitions, ComReg’s proposed date for when liquidated damages would be triggered (see Figure 2 below):

- would provide a **two week ‘grace period’**; and
- would account for **consequential delays** from previous Transitions.

Reporting Method

25. While paragraph 3.277 of the IM is clear that the Transition Plan should include “a *robust and transparent mechanism to allow ComReg (including any of its agents or servants), Existing 2.1 GHz Band Licensees, Winning Bidders and other Interested Parties to monitor compliance with the Transition Activity milestones and deliverable dates (subject to non-disclosure of Confidential Information)*”, ComReg observes that the Common Transition Plan Proposal did not set out any proposals in relation to the proposed reporting mechanism.

26. Noting the high-level nature of the draft Transition Plan, ComReg’s proposed reporting approach is focused on reporting for two key high-level events:

- (a) as soon as an MNO becomes aware that it will not, or is unlikely to, achieve its Transition by the Transition completion date. This would provide ComReg and the other MNOs the maximum time to consider any consequential impacts to the Transition Plan and to adjust accordingly; and

⁷ ComReg Document [13/06](#), “GSM Liberalisation Project: Publication of correspondence and other material provided by interested parties (and ComReg’s written responses to same) relating to ‘Transition’ issues and Interim GSM 900 MHz licences dating from 18 September 2012 to 9 January 2013”, published 15 January 2013, available at www.comreg.ie.

⁸ ComReg Document [13/19](#), “ComReg’s Transition Project Plan for Time Slice 1 of the Multi-Band Spectrum Award (MBSA) process”, Information Notice, published 25 February 2013, available at www.comreg.ie.

⁹ ComReg Document [13/19a](#), “The Proposed MBSA Transitional Project Plan (TPP) Following Stakeholder Input”, joint report dated 20 February 2013 from Red-M Wireless Limited and Vilicom Limited, available at www.comreg.ie.

¹⁰ Prior to the Transition of a network from one spectrum assignment to another, the configuration of the operational network is archived in a known, good, state. In the event that the network does not function satisfactorily following the Transition, the archived network state can be recovered, i.e. the network can be “rolled back” to the previous known good state.

(b) the completion of Transition Steps 1, 2 and 4 by the respective MNO.

27. For the above events, the respective MNO should immediately notify ComReg and the other MNOs by email using the contact details in Table 2 below.

Table 2: Email contact details for reporting on the Transition Plan

ComReg	patrick.bolton@comreg.ie ; joseph.coughlan@comreg.ie
Eir	fergal.mccann@eir.ie
Three	Kieran.Meskell@three.ie tom.hickey@three.ie
Vodafone	andrew.corcoran@vodafone.com

Transition Step	Description	Dependent on previous Transition	Transition Completion Date	Liquidated Damages Date
Step 0	All Operators - Preparatory work	No		N/A
Step 1	Three: Moves from Blocks B, J, K, L to Blocks A, B, C. Reduction of 1 Block in spectrum assignment.	No	17-Feb-23	3 Mar 2023 (i.e. 17 Feb 2023 + 2 weeks)
Step 2	Eir: Moves from Blocks D, E, F to Blocks J, K, L	Step 1	24-Feb-23	10 Mar 2023 (i.e. 24 Feb 2023 + 2 weeks) + any delays to Step 1
Step 3	Three: Block D assigned to Three Vodafone: Block E assigned to Vodafone	Step 2		N/A
Step 4	Vodafone: Moves from Blocks G, H, I to F, G, H	Step 2	03-Mar-23	17 Mar 2023 (i.e. 3 Mar 2023 + 2 weeks) + any delays to Step 2
Step 5	Eir: Block I assigned to Eir	Step 4		N/A

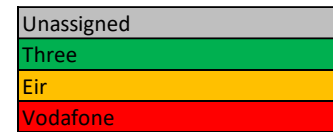
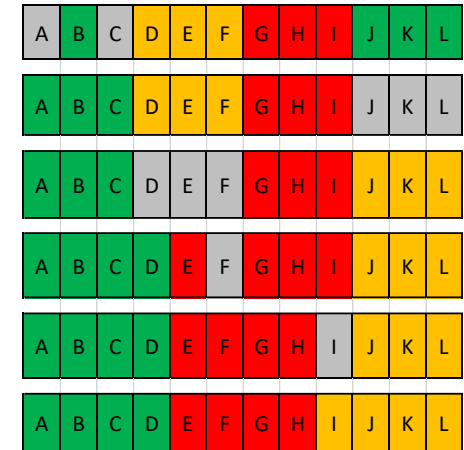


Figure 2: The draft Transition Plan

4 Licensing arrangements during the Transition Plan

28. To facilitate the draft Transition Plan, and unless otherwise advised, the following licensing arrangements and planned dates will apply for each of the Transition steps.

Table 3: Licensing arrangements during the Transition Plan

Transition step	Proposed licensing arrangements
<p>Step 1: On 17 February 2023, Three moves from Blocks B, J, K, L to Blocks A, B, C. Reduction of 1 Block in spectrum assignment.</p>	<p>Three's Short-Term ECS Licence is amended to expire Blocks J, K and L on 17 February 2023 and commence Blocks A and C on 18 February 2023</p> <p>An alternative approach (if requested by Three) would be to (i) amend Three's Short-Term ECS Licence to expire Blocks B, J, K and L on 17 February 2023, and (ii) amend Three's MBSA2 Liberalised Use Licence to commence Blocks A, B and C on 18 February 2023</p>
<p>Step 2: On 24 February 2023, Eir moves from Blocks D, E, F to Blocks J, K, L</p>	<p>Eir's 3G Licence is amended to expire Blocks D, E and F on 24 February 2023 and commence Blocks J, K and L on 25 February 2023</p>
<p>Step 3: Following Step 2:</p> <p>Block D is assigned to Three; and</p> <p>Block E is assigned to Vodafone</p>	<p>Three's MBSA2 Liberalised Use Licence is amended to commence Block D on 25 February 2023</p> <p>Vodafone's MBSA2 Liberalised Use Licence is amended to commence Block E on 25 February 2023</p>
<p>Step 4: On 3 March 2023, Vodafone moves from Blocks G, H, I to F, G, H</p>	<p>Vodafone's Short-Term ECS Licence is amended to expire Block I on 3 March 2023 and commence Block F on 4 March 2023</p>

	An alternative approach (if requested by Vodafone) would be to (i) amend Vodafone's Short-Term ECS Licence to expire Blocks G, H and I on 3 March 2023, and (ii) amend Vodafone's MBSA2 Liberalised Use Licence to commence Blocks G, H and I on 4 March 2023
Step 5: Following Step 4: Block I is assigned to Eir	Eir's MBSA2 Liberalised Use Licence is amended to commence Block I on 4 March 2023

29. For each of the licensing arrangements, the planned dates will be used by ComReg to calculate the refunds and issue invoices as appropriate for the above Transition steps, noting that:

- where a Short-Term ECS Licence is amended for the early surrender of 2.1 spectrum rights (e.g. under Step 1 above), a refund of licences fees will be applied in accordance with the Short-Term ECS Licensing Regulations (S.I. 484 of 2022); and
- where a MBSA2 Liberalised Use Licences is amended to commence 2.1 GHz spectrum blocks (e.g. under Steps 3 and 5 above), all relevant spectrum fees will need to be paid in full in accordance with the MBSA2 Regulations (S.I 264 of 2021).

30. Should the actual implementation date of a Transition step differ from the planned date (e.g. due to a rollback), ComReg observes that appropriate adjustments can be made to the licences, refunds and invoices in accordance with the provisions of Short-Term ECS Licensing Regulations (S.I. 484 of 2022) and the MBSA2 Regulations (S.I 264 of 2021).

5 Next Steps

31. Noting the relatively short timeframes involved, ComReg is providing a one week period for the MNOs to consider the draft Transition Plan for the 2.1 GHz Band and submit their response.
32. Responses are to be submitted by **18:00 hours (Irish time) on 2 February 2023** and are to be sent via email to Patrick Bolton (Patrick.Bolton@comreg.ie) and Joseph Coughlan (Joseph.Coughlan@comreg.ie) and titled “MBSA2: 2.1 GHz Transition Plan”.
33. Following receipt and consideration of responses, ComReg will finalise the Transition Plan for the 2.1 GHz Band in line with the IM.

Annex 1: ComReg letter of 13 January 2023 to the MNOs

ComReg's letter of 13 January 2023 to the MNOs



20230113_Transition
Letter_EIR-METEOR.p



20230113_Transition
Letter_VODAFONE.pc



20230113_Transition
Letter_THREE.pdf

Annex 2: The MNO's common Transition Plan Proposal

From: Kieran Meskill [REDACTED]
Sent: 17 January 2023 13:31
To: Joseph Coughlan <joseph.coughlan@comreg.ie>; Patrick Bolton <patrick.bolton@comreg.ie>
Cc: XX ANDREW CORCORAN [REDACTED]; Fergal McCann [REDACTED]; XX TOM HICKEY [REDACTED]
Subject: MBSA2: Transition Plan Proposal
Importance: High

Dear Joseph and Patrick,

On behalf of the Winning Bidders in the recent MBSA2 Auction, I wish to advise ComReg that the Winning Bidders have reached agreement in principle on a proposed transition plan for the for the 2.1 GHz Band.

Following completion of preparatory work, this plan envisages actual re-arrangements of spectrum commencing on 17th February and completing on 3rd March. Attached is an excel file which gives a high level outline of the proposed activities.



20220117 Transition
Plan Proposal 17 Jan

The Winning Bidders wish to request a joint meeting with ComReg in order to obtain any feedback or observations that ComReg may have on the proposal and to finalise the plan.

Given the relatively short timelines in the proposed plan we would be grateful if ComReg could facilitate such a meeting at its earliest convenience.

Regards

Kieran

Kieran Meskill
Wholesale Regulatory Manager

Appendix 2: Non-confidential correspondence on Draft Transition Plan

From: Joseph Coughlan
Sent: 26 January 2023 17:57
To: XX KIERAN MESKELL; XX ANDREW CORCORAN; Fergal McCann
Cc: XX TOM HICKEY; Patrick Bolton; XX WILLIAM MCCOUBREY; Kjeld Hartog
Subject: [Restricted] MBSA2: Draft 2.1 GHz Band Transition Plan - Consultation with Winning Bidders
Attachments: MBSA2(23)003_Draft_Transition_Plan_V1_20230126.pdf; 20230113_Transition Letter_VODAFONE.pdf; 20230113_Transition Letter_EIR-METEOR.pdf; 20230113_Transition Letter_THREE.pdf; 20220117 Transition Plan Proposal 17 Jan 23.xlsx

Dear Kieran, Andrew, Fergal,

Thank you for submitting the Common Transition Plan Proposal. Taking this we have developed a draft 2.1 GHz Band Transition Plan for consultation with each of the Winning Bidders

We would appreciate any submissions on this by 18:00 hours Thursday 2 February 2023.

Best regards
Joseph

Joseph Coughlan

Manager, Spectrum Policy and Awards

An Coimisiún um Rialáil Cumarsáide | Commission for Communications Regulation

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0. | One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.

Rphost | Email joseph.coughlan@comreg.ie

Suíomh | Website www.comreg.ie



From: Kieran Meskell [REDACTED]
Sent: 17 January 2023 13:31
To: Joseph Coughlan <joseph.coughlan@comreg.ie>; Patrick Bolton <patrick.bolton@comreg.ie>
Cc: XX ANDREW CORCORAN [REDACTED]; Fergal McCann [REDACTED]; XX TOM HICKEY [REDACTED]
Subject: MBSA2: Transition Plan Proposal
Importance: High

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and believe the content is safe.

Dear Joseph and Patrick,

On behalf of the Winning Bidders in the recent MBSA2 Auction, I wish to advise ComReg that the Winning Bidders have reached agreement in principle on a proposed transition plan for the for the 2.1 GHz Band.

Following completion of preparatory work, this plan envisages actual re-arrangements of spectrum commencing on 17th February and completing on 3rd March. Attached is an excel file which gives a high level outline of the proposed activities.

The Winning Bidders wish to request a joint meeting with ComReg in order to obtain any feedback or observations that ComReg may have on the proposal and to finalise the plan.

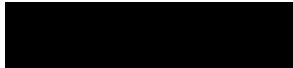
Given the relatively short timelines in the proposed plan we would be grateful if ComReg could facilitate such a meeting at its earliest convenience.

Regards

Kieran



Kieran Meskell
Wholesale Regulatory Manager



Three Ireland
28/29 Sir John Rogerson's Quay, Dublin 2, Ireland.

www.three.ie 

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eir

Response to ComReg Consultation:

**Draft 2.1 GHz Band Transition Plan – for
consultation with the Winning Bidders in the
2.1 GHz Band**

MBSA2 Document Reference: MBSA2(23) 003



31/01/2023

DOCUMENT CONTROL

Document name	eir response to ComReg MBSA2 (23) 003 “MBSA2: 2.1GHz Transition Plan”
Document Owner	eir
Status	Non Confidential

The comments submitted in response to this consultation document are those of Eircom Limited and Meteor Mobile Communications Limited (trading as ‘eir’ and ‘open eir’), collectively referred to as ‘eir Group’ or ‘eir’.

Please note that, for the purposes of the Freedom of Information Act 2014 and the Communications Regulation Act 2002 (as amended) and in the context of the eir Group’s general rights and obligations, information supplied by the eir Group to you may contain confidential, commercially sensitive or price sensitive information consisting of financial, commercial, technical or other information, whose disclosure to a third party could result in financial loss to the eir Group, could prejudice the competitive position of the eir Group in the conduct of its business, or could otherwise prejudice the conduct or outcome of contractual or other negotiations to which the eir Group is a party.

Accordingly, you are requested to contact a member of eir Group’s Regulatory Strategy Team where there is a request by any party to have access to records which may contain any of the information herein and not to furnish any information before the eir Group has had an opportunity to consider the matter.

Response to consultation

eir agrees with ComReg's draft Transition Plan for the 2.1Ghz Band noting its alignment to the common Transition Plan by the MNOs. The following transition activities & proposed milestone dates are:

- Three: Transition from Blocks B, J, K, L to Blocks A, B, C, D
- Eir: Transition from Blocks D, E, F to Blocks I, J, K, L
- Vodafone: Transition from Blocks G, H, I to Blocks E, F, G, H

Step 1: Three: Transition completion from Blocks B, J, K, L to Blocks A, B, C by 17 Feb. 2023

Step 2: eir: Transition completion from Blocks D, E, F to Blocks J, K, L by 24 Feb. 2023

Step 3: Three: Block D available for Three after 24 Feb. 2023

Step 4: Vodafone: Transition completion from Blocks G, H, I to Blocks E, F, G, H by 3 March 2023, with Blocks E & F available for Vodafone after 24 Feb. 2023

Step 5: eir: Block I available to eir after 3 March 2023.

It is noted that the MNOs has proposed an aggressive but reasonable milestone plan for the Transition activities to complete the full transition ahead of the ComReg April 1st deadline to align sequential milestones within 7 Days of the prior transition dependency.

ComReg proposes a two week "grace period" for the main transition steps (Step 1, 2 & 4) and that the "grace period" would take account of any sequential delays from previous transition dependencies. Liquidated Damages would therefore apply following the "grace period" taking account of any sequential delays from previous transition dependencies. eir agrees that this approach is reasonable noting that the MNOs are aligned to complete the full transition ahead of the "grace period" dates.

For reporting eir agrees to inform ComReg and other MNOs as soon as it becomes aware that it will not, or is unlikely to achieve its transition for Step 2 (Transition from Blocks D, E, F to Blocks J, K, L) by 24 Feb. 2023 and also agrees to inform ComReg and other MNOs upon completion of its transition activity for Step 2.

eir's reporting will be complete by Fergal McCann to the designated ComReg and other MNOs parties as outlined by ComReg as attached:

ComReg	patrick.bolton@comreg.ie ; joseph.coughlan@comreg.ie
Eir	fergal.mccann@eir.ie
Three	Kieran.Meskell@three.ie tom.hickey@three.ie
Vodafone	andrew.corcoran@vodafone.com

In relation to eir's MBSA2 Liberalised Use Licence commencement for Block I, it is noted that eir will activate Block I on 6 Mar. 2023 and it is proposed that eir's MBSA2 Liberalised Use Licence for that block should commence on 6 Mar. 2023 — assuming there are no prior transition step delays.



27th January 2023

Mr Joseph Coughlan
Commission for Communications Regulation
One Dockland Central
Guild Street, Dublin 1
D01 E4X0.

Dear Joseph,

Termination of Short-Term ECS Licence in the 2100MHz Band and commencement of MBSA2 Liberalised Use license in the 2100MHz Band as part of the Transition to New Assignments Under MBSA 2

I refer to ComReg's correspondence of 26th January 2023 relating to MBSA2 Transition activity. Three will respond separately to ComReg's broader consultation on the Transition Plan (which we support), however in order to meet our milestones we need to begin our activities before that consultation has closed.

Three's network architecture in the 2100MHz [REDACTED] 3G and 4G services. Because of this we have to effect the transition from our current usage of Blocks labelled in ComReg's correspondence as B, J, K, and L to Blocks A, B, and C on a phased basis over two weeks.

The sequencing from a frequency use perspective is as follows:

- On the night of 30th January we migrate some traffic from Block J, K and L to Blocks A and B. the remaining traffic continues to be active on Blocks J, K and L.
- On the night of 13th February we migrate the remaining traffic from Blocks J, K, and L to Blocks A, B, and C.

We therefore wish to surrender Block B of the Short-Term ECS Licence in the 2100MHz Band from the night of 30th January and Commence Blocks A and B of the MBSA2 Liberalised Use license in the 2100MHz Band from 31st of January, with the termination of one licence to align with the commencement of the other.

In relation to the transition activity on 13th February wish to surrender Blocks J, K, and L of the Short-Term ECS Licence in the 2100MHz Band from the night of 13th February and Commence Block C of the MBSA2 Liberalised Use license in the 2100MHz Band from 14th February, with the termination of one licence to align with the commencement of the other.



Three Ireland (Hutchison) Limited.
Registered Office:
28/29 Sir John Rogerson's Quay,
Dublin 2, Ireland.

The Commencement of Block D of the MBSA2 Liberalised Use license in the 2100MHz Band is dependent on completion of transition activity by eir and while this activity is currently targeted for 24th February the actual Commencement date will have to be confirmed once the transition activity is underway.

I trust that sequencing of the termination and commencement of licenses can be accommodated as it allows Three to meet its milestones under the proposed Transition Plan.

If you require any further information please contact me.

Regards

Kieran Meskill
Wholesale Regulatory Manager





1st February 2023

Mr Joseph Coughlan
Commission for Communications Regulation
One Dockland Central
Guild Street, Dublin 1
D01 E4X0.

Dear Joseph,

Multi Band Spectrum Award Draft 2.1 GHz Band Transition Plan – Response to Consultation

I refer to ComReg's correspondence of 26th January 2023 relating to MBSA2 Transition activity and the consultation with the Winning Bidders regarding ComReg's Draft Transition Plan proposal.

Three notes ComReg's proposal in respect of the assignment of Block E to Vodafone. As this does not directly impact on Three, we have a neutral position on this issue.

Apart from this specific matter, Three believes that the ComReg proposal represents a practical way forward and supports the ComReg proposal.

As you are aware we have commenced preparatory work for the transition and look forward to the transition plan being finalised.

If you require any further clarification please contact me.

Regards

Kieran Meskill
Wholesale Regulatory Manager



Subject: RE: [Restricted] MBSA2: Draft 2.1 GHz Band Transition Plan - Consultation with Winning Bidders

From: Andrew Corcoran, Vodafone [REDACTED]

Sent: 02 February 2023 17:20

To: Joseph Coughlan <joseph.coughlan@comreg.ie>; Richard Godley, Vodafone [REDACTED]

Subject: RE: [Restricted] MBSA2: Draft 2.1 GHz Band Transition Plan - Consultation with Winning Bidders

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Joseph

Thanks for the detail. We are generally fine.

Just to advise back from Vodafone. In relation to availability of block E, listed as 24 February it should be noted that the first few days after 24 Feb are allocated to Eir to allow them to communicate a go no/go to Vodafone that we can do our change on 3 March. We should expect that a small number of sites will fail and a few days grace is required ensure the spectrum is clean and green and ready for us to occupy.

Separately we note there are credits due next week but I expect some invoicing will be forthcoming and we are fine to net these off once the full calculations are provided.

A further question I had is could we commence our 700 and 2100 licence now rather than later if that was something we wanted to do?

Kind Regards

Andrew

C2 General

From: Joseph Coughlan <joseph.coughlan@comreg.ie>

Sent: Tuesday 31 January 2023 17:17

To: Richard Godley, Vodafone [REDACTED]

Cc: Andrew Corcoran, Vodafone [REDACTED]

Subject: FW: [Restricted] MBSA2: Draft 2.1 GHz Band Transition Plan - Consultation with Winning Bidders

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. Please follow the Cyber Code and report suspicious emails.

Hi Richard,

I see that Andrew is out of office. Can you consider in his absence.

Thanks

Joseph

Joseph Coughlan

Manager, Spectrum Policy and Awards

An Coimisiún um Rialáil Cumarsáide | Commission for Communications Regulation

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0. | One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.