



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Non - Confidential submissions to Consultation 24/13 Publication of Radio Spectrum License Information.

Non - Confidential

Document 24/90a



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

1. Alternative Operators in the Communications Market (“ALTO”)
2. An Amateur Station licensee
3. Eircom Limited
4. enet Telecommunications Networks Limited (“Enet”)
5. ESB Networks (“ESBN”)
6. Global Satellite Operators Association (“GSOA”)
7. Irish Radio Transmitter Society (“IRTS”)
8. Three Ireland (Hutchison) Limited (“Three”)
9. Viasat.

alto

alternative operators in the communications market

**Consultation: Publication of Radio Spectrum Licence
Information - Ref: 24/13**

Submission By ALTO

Date: March 20th 2024

ALTO is pleased to respond in brief terms to the Consultation 24/13 Publication of Radio Spectrum Licence Information.

Remarks

ALTO notes that in order for information to be “Environmental Information” the subject of the information must *actually affect* or be *likely to affect* elements of the environment or human health or safety. See section 3(1) of S.I. 133 of 2007 European Communities (Access to Information on the Environment) Regulations 2007.

It appears that the fact that ComReg has put its fixed link licensing regime in scope of the Environmental Regulations (S.I. 133 of 2007) appears to imply that ComReg has determined that properly licensed radio equipment which has emissions compliant with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) levels for general public exposure affect or are likely to affect the environment or public health.

This position appears to be at odds with ComReg’s own Non-Ionising Radiation Information publication which states that:

“As part of its spectrum management function, every year ComReg measures NIR levels in public areas at a minimum of 80 different sites, located throughout Ireland. These are chosen based on demographic and geographic factors. To date, over 1919 sites have been surveyed and NIR levels at all sites have been found, without exception, to fall well below the international limits for public exposure set by ICNIRP.”

ComReg’s self-assessment that properly licensed radio equipment affects or is likely to affect the environment places all information it holds on these issues into play from the point of view of the Access to Information on the Environment Regulations

and not just the licenses. This position appears to also trigger requirements to consider the environmental impacts of policy decisions to open new frequency bands.

ALTO submits that it is not clear the extent to which these might be required or whether the opening of bands (and for example the auctioning of spectrum) might be challenged if such assessments have not been carried out. Thus the impact of this Consultation is potentially quite significant.

ALTO acknowledges the position within the European Electronic Communications Code ("EECC") Article 2(39) and Article 44(1) make provision for compliance with environmental information and relevant national laws. Those aspects of the EECC are transposed by S.I. No. 444/2022 - European Union (Electronic Communications Code) Regulations 2022, Chapter 2, section 25.

ALTO reminds ComReg that its work as an expert body has significant implications for the entire suite of public services. We also remind ComReg of the work required during the Covid-19 pandemic and of certain network incidents concerning criminal attacks on wireless infrastructure due to unspecified health and environmental concerns. Industry requests that ComReg takes note of the position in that regard. Industry should have an ability to flag issues to ComReg which should be capable of being outside of the requirement to publish detailed information.

ALTO
20 March 2024

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Submissions to ComReg Document 24/13

To: [Redacted] Market Framework Consult

Reply, Reply All, Forward, Wed 28/03/2024 15:59

Follow up. Start by Wednesday 20 March 2024. Due by Wednesday 20 March 2024. If there are problems with how this message is displayed, click here to view it in a web browser.

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To whom it may concern,

This is a response to ComReg Consultation 24/13 on Publication of Radio Spectrum Licence Information.

This submission is made as an individual and holder of an Amateur Station Licence. The contents of this submission, with the exception of my personal data, are non-confidential.

This submission refers only to the publication of data regarding Amateur Station Licences.

I am fully supportive of the publication of non-personal data, such as a database of valid call signs. This would be useful to identify pirate operation; and in particular for Automatic Stations such as repeaters it would be beneficial to have an authoritative database of all such licensed stations and their parameters.

I am fully supportive of the publication of the names of Amateur Station Licensees, but only with the licensee's consent. I do not support the disclosure of names without consent, nor the use of "forced consent" (i.e. making consent a condition of holding of the licence).

I believe publication of names without consent would have negative impacts on minorities (in particular those who are transgender) within the hobby of Amateur Radio.

In countries where licensee's names are published without consent, such as the United States and Australia, this seems to be regularly used as a means to subject transgender amateurs to abuse. Many transgender amateurs report other amateurs checking the licensing database to see if they can find their "real" name, then insisting on addressing them as such. Others report being subject to malicious accusations of pirate operation if the gender of their name and voice do not match. These are not isolated incidents and appear to be a common experience among transgender amateurs in such countries.

I also believe the publication of licensees names without consent may impact the involvement of youth in the hobby of Amateur Radio. Youth involvement in Amateur Radio is low, but growing recently thanks to the actions of groups such as Radio Scouting Ireland. Parents may be reluctant to allow their child to participate in a hobby which is perceived to consist solely of talking to (predominantly adult male) strangers - this will only be made worse if the child's full name must be made public to be involved.

I am not supportive of the publication of station addresses of Amateur Stations. While I have no particular objection to publication, as long as this is with consent, I believe doing so serves little purpose. Amateurs are permitted to operate from anywhere in the country, not just at their station address. Indeed, many amateurs never operate from their station address. Further many amateurs from abroad are permitted to operate in Ireland for up to three months at a time without an Irish licence under the provisions of CEPT T/R 61-01, so it will not even be a complete list of all such stations in the country.

It is welcome that ComReg do not intend to publish station addresses without consent where this is also the licensee's residential address. However, publication without consent should not take place even if this is not the case. In most cases where the station and residential address do not match, the amateur will still be personally identifiable from the station address, as it will probably be a close family member's address or another piece of land they rent or own.

Although not proposed in this consultation, I would support ComReg publishing the contact details (such as postal or email address) of licensees on a strict consent basis. This would serve the same function as the former Callbook which was until 2018 published by the Irish Radio Transmitters Society and would be welcomed by the amateur community.

[Redacted]

[Redacted]

**eir's Response to ComReg Consultation on Publication of Radio Spectrum
Licence Information**

ComReg Document: ComReg 24/13



20 March 2024

DOCUMENT CONTROL

Document name	eir response to ComReg Consultation 24/13
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'.

eir has the following comments to make in respect of ComReg's Consultation on Publication of Radio Spectrum Licence Information.

eir is extremely concerned by ComReg's proposal to publish information in respect of fixed links in an unrestricted manner. [X X]

eir notes that ComReg proposes to publish the information for three reasons - "to meet its obligations under the Access to Information on the Environment Regulations, align with ComReg's "Open by Default" approach to data held by it, and would deliver ComReg's and the Government's strategic to promote enhanced connectivity and support efficient investment."

eir does not agree that the three reasons proffered justify the proposed publication of information. With regard to the AIE Regulations it may be arguable that some licence information may be relevant to conditions in the air. However the information that ComReg proposes to publish is meaningless to the average individual [X X]. To the extent that the AIE Regulations are relevant ComReg's ongoing programmes to measure non-ionising radiation better serve to inform citizens of the nature of emissions.

The AIE Regulations acknowledge that there may be reasons why information should not be published. Regulation 9 states that "(1) A public authority may refuse to make available environmental information where disclosure of the information requested would adversely affect— (a) international relations, national defence or public security". In eir's view ComReg has failed to consider the security implications of its proposal and we note there is an absence of discussion of this important consideration in the consultation paper. eir therefore asks ComReg to revisit its proposal and to not publish details of fixed links.

eir notes ComReg's "Open by Default" approach to making data available. Whilst this is an important principle it does not trump security considerations and certainly does not justify the unfettered and reckless publication of all fixed link information.

eir also notes ComReg's view that its proposal supports the Government's strategy to promote enhanced connectivity and support investment. In eir's view this would be better served by making fixed link information available within a secure user group of industry users to facilitate network planning and investment. If such an approach was to be progressed eir considers that manufacturer details of make and model of radio and antenna should be redacted as they are, and should continue to be, for mobile sites.

For the reasons outlined above eir requests ComReg not to proceed with its proposal to make fixed link licence information publicly available.

Submissions to ComReg Document 24/13

1. Enet are concerned that ComReg's proposals to publish confidential information *en masse* amounts to an attempt to circumvent an administrative burden that places a legal obligation on it to assess whether or not information should be made available to requestors of such information in accordance the Environmental Regulations 2007. The basis for the proposal however, is anathema to the entire premise underpinning the 'application then assessment' model inherent in the AIE Regulations. Even the case cited by ComReg at paragraph 3.37 of its consultation highlights an example where confidentiality is claimed pursuant to publication of information with respect to a specific case. Reliance on the observations of the court in relation to this case is at best a questionable basis for a generic *carte blanche* publication requirement. However, if anything this case underscore the need to consider the "*legitimate economic interest*" of those requesting confidentiality **on a case-by-case basis**. The arguments in favour of publishing the level of detail proposed in the consultation are not well reasoned, are inconsistent with approaches elsewhere in the EU, are contrary to the other EU and Irish legislation/guidance and pose a potential threat to personal, commercial and even national security.
2. ComReg's reliance on a 21 year old EC Directive and 17 year old Regulations as the primary basis for justifying the scale of the changes is in and of itself peculiar and raises legitimate concerns about what is the driver behind this apparent damascene conversion in relation to how this legislation should be interpreted decades after it has been enacted.
3. For instance, ComReg cite Art. 7 of the AIE Directive a relevant basis for the proposed publication of information outlined in paragraph 2.13 of the consultation. However, it is a considerable stretch to suggest that level of granularity and company specific/personal information proposed in 2.13 is what has been envisaged by Art. 7 (2) of the AIE Directive which refers to need to publish **generic high-level information** such as:
 - Texts of international treaties
 - Policies, plans and programmes relation to the environment
 - Progress reports in relation to the first 2 items
 - Reports on the state of the environment
 - Data on monitoring activities
 - Authorisations that have a significant impact on the environment
 - Environmental impact studies
4. It is self-evident that relying on Art. 7(2) to justify the publication of the locations of purchasers of point-to-point fixed wireless leased lines customers is moving materially away from what this section of the AIE Directive seeks to cover. Adopting such a broad interpretation of AIE Directive effectively places no



limitations as to what could be construed as publishable under this provision. ComReg does not attempt to tie back much of the legislation cited in Section 4 of the consultation with the specific proposals around the information it proposes to publish. Rather, it has merely taken a scattergun approach in referencing various Acts/Regulations/Directives and appears to be leaving its options opened as to what it can rely on in terms of justifying its proposals in the final round. However, it is incumbent on ComReg in accordance with its transparency obligations generally specifically in relation to its obligation to consult, to clearly explain why e.g. it has cited Art. 7 (2) of the AIE Directive and whether or not it is relying on this specific legislation as the basis for its proposal.

5. ComReg's reliance on arguments pertaining to the 'promotion of competition' as a basis for publishing customer locations and specific equipment information is spurious at best and at worst, diametrically opposed to its treatment of confidential information in ComReg decisions elsewhere. In this regard we refer to ComReg's response to Speed Fibre Group (SFG) submission that information in relation to broad percentage network overlaps of Eircom, Siro, NBI and VMI ought to be published in the interests of transparency as part of the Wholesale Local Access (WLA) Market Review published in January 2024. ComReg declined to publish this generic information in relation to the presence of competitor networks on the basis that "*it seeks to strike a balance between transparency and protecting commercially sensitive information*". In this scenario ComReg regarded publishing information so broad/high level as to even indicate the presence of a competitor in a large geographic area might be commercially sensitive. By comparison under the proposals in this consultation it is suggesting that in publishing the precise locations of a customers could promote competition (and thus any commercial sensitivity concerns are superseded).
6. There is little doubt that in the context of the broadband market if a retailer is provided with the exact location of the customers of its competitor, with precise details as to the service they are receiving, then their competitive advantage would be greatly enhanced vis-à-vis the competitor. There is little doubt they would be in a position to "cherry-pick" the customers of that competitor in a way that could perversely be argued as promoting competition (because the customer might receive a better offer) but in the long run there is no doubt the publication of that commercially sensitive information would be damaging to both competition and future investment.
7. There is no difference in terms of the competitive dynamics of publishing the locations of either a broadband providers customers or the wireless leased lines provider's customer. Providing this information to their competitors put their competitors at a distinct advantage. In reality, ComReg would never consider it fair, reasonable or to be promoting competition if an operator requested this information in relation to a competitors broadband customers. On the contrary, as we have seen in the WLA Market Review, even the publication of very high-level network overlap information (with no customer location details or

[REDACTED]

[REDACTED]

[REDACTED]

numbers) was deemed by ComReg not to be in the interests of competition or the public generally in terms of publication. If ComReg is to maintain its current proposal as outlined in this consultation then it must reconcile this explicit contradiction in how on the one hand it considers it reasonable to withhold very high level location information from publication on the basis of commercial sensitivity on the one hand, while not regarding publication of detailed granular information on customer locations as being commercially sensitive on the other.

8. ComReg's argument at paragraph 3.35 as a justification for publishing confidential information is not valid. To suggest that because competitors could establish the location of customers based on market research of their own volition that this somehow negates need to observe confidentiality claims both reductive and irresponsible. It is akin to suggesting ComReg's obligation to protect the confidentiality of personal data is lessened simply because there might be other ways in which individuals could discover this information beyond ComReg publishing it. This is self-evidently an extraordinary supposition that ComReg should disassociate themselves from. Equally to suggest that in providing location coordinates is not the same as providing address information, Enet would suggest there is no meaningful difference other than in providing X/Y coordinates ComReg would be arming individuals/competitors with even more precise information (e.g. many addresses in Ireland are non-unique but X/Y coordinates clearly are). Furthermore, even ignoring all that is wrong with ComReg's market research disclaimer in terms of publishing confidential information, any such research would only provide information on one point of a point-point connection.
9. ComReg further cite EC Decision 676/2002/EC on radio spectrum policy and emphasises the provision therein in relation to the publication of information that it is "***without prejudice to confidential business and personal information protections under Directive 97/66/EC***" [emphasis not added].
10. However, it then fails to explain what those protections are under that directive. In particular it is worth noting that under this directive a "user" is defined as "*any natural person using a publicly available telecommunications service, for private or business purposes*". The directive itself gives broad discretion **to users** to prohibit the publication of information it deems to be confidential, **including business users**.
11. Enet's customers are therefore "users" under this directive who are entitled to claims for confidentiality depending on their own circumstances. Enet would not be in a position to identify what reasons they might have for claiming confidentiality, but Enet do not currently have permission from any of its customers to publish some of the information ComReg has indicated it plans to publish. In addition 3.20 (a)(i) of the AIE Regulations offers protection from the publication of information where disclosure "*would adversely affect...the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is*

[REDACTED]

[REDACTED]

[REDACTED]

otherwise protected by law". Enet are strongly of the view that nothing in ComReg's consultation supports the view that our customers claims for confidentiality is not "*otherwise protected by law*".

12. As such before any final decision by ComReg consistent with the current proposal can be issued, it must be satisfied that operators like Enet cannot be in breach of obligations it has to third parties in relation to confidentiality. Otherwise, it may not be possible for Enet share this information with ComReg without first getting the consent of its customers. It should be recalled that ComReg itself acknowledged in issuing the Guidelines for the Treatment of Confidential Information that there may be circumstances where providers of information **could be in breach of commitments to third parties** (Section 2 (v)) if ComReg published certain information. ComReg were cognisant of the problem this posed but it felt that provider of the information were best placed to bring this to the attention of ComReg which it could then factor this into their deliberations. The current proposal seeks to completely circumvent that safeguard. In fact the scenario is not even considered in the consultation despite its likely prevalence and ComReg's reliance on the Confidentiality Guidelines which are clearly in tension with the proposal in the consultations.
13. As acknowledged by ComReg at paragraph 3.25 it is obliged to apply the tests laid down by law and as set out in its guidelines on the treatment of confidential information [**Note: the consultation does not provide a link or reference to these guidelines in the footnotes despite a fn 34 being referenced as doing so – the consultation skips from fn33 to fn36**]. In this regard in adhering to a request to treat information as confidential ComReg are obliged to consider 4 criteria. Before examining these, it is Enets view that given ComReg is not proposing to entertain any request to confidentiality specific to particular locations/customers etc. it is using the criteria laid out in the guidelines in a manner that was not intended. In this regard it is treating a vast array of data/information, including on customer locations/equipment as exempt from being subject to these tests going forward and so not treating confidentiality claims on a case by case basis. Instead ComReg **is speculating as to the basis** that might generically be claimed for confidentiality and is summarily dismissing these on a ex-ante basis in a manner that means it never has to consider the 4 criteria again in relation to specific cases where the information outlined in paragraph 2.13 is concerned. This approach is clearly contrary to the intention of the guidelines. Such an approach also means ComReg can ride roughshod over the clear provisions in the guidelines to allow representations to be made up to seven days after a decision to publish information claimed as confidential by the claimer. If a decision can be upheld that says this information should be published regardless of confidentiality claims then no mechanism for appeal with respect to specific claims for confidentiality arises.
14. Turning to the specific basis for claiming confidentiality under the Guidelines ComReg must account for the whether "***the Licensee believes it would be injurious to him (or advantageous to his competitors) if it were released***". What

[REDACTED]

[REDACTED]

[REDACTED]

is important to note here is that it is not what ComReg's believes but rather what the Licensee believes. Enet can confirm that in all cases publishing the location information of our customer sites and their point-to-point wireless coordinates, which have a sunk cost to Enet, will be both injurious to Enet and advantageous to our competitors. It is a sincerely held belief and simply cannot be objectively dismissed on the basis that it promotes competition as ComReg suggests. The guidelines on confidentiality are specifically designed so that the competitive advantage of non-SMP operators are **NOT** diluted. In this regard promotion of competition is served by not publishing such confidential information rather than publishing it.

15. The second and third criteria also points to the need for ComReg to consider the "**beliefs**" of the parties claiming confidentiality. The current proposal can only be implemented on a *carte blanche* basis when completely ignoring these provisions.
16. ComReg cannot reasonably argue that Enet should not harbour legitimate concerns about access to its customer location information (and equipment being used) vis-à-vis its competitors ability to target and cherry-pick those customers in terms of offers. ComReg cannot suggest this is not a reasonable concern (belief) and/or that it is one that can be trumped on the basis of ComReg's objective of promoting competition. For reasons already outlined this would be anathema to ComReg's position taken in other decisions with respect to commercial sensitivity. To put it in context as part of its regular information gathering exercises ComReg has Eircodes associated with every FTTP line in operation today and can identify if the connection in question is to a business or residential customer. Were Enet to request that ComReg provide the Eircodes of Eircom's FTTP VUA business base in the interests of promoting competition (because Enet could offer some of these customers a better deal than they are on today), ComReg would likely treat such a request as bordering on the frivolous. It is worth baring in mind that it would hold this opinion that unlike Enet and multiple wireless leased lines providers, Eircom has SMP in the provision of FTTP over VUA.
17. This example ties in with the fourth criteria. ComReg can have no doubt that if customer location/equipment information is provided to everyone in the market that operators will seek to identify the customers of competitors and use that information to gain a competitive advantage – but in a way that does not promote competition. On the contrary they will attempt to free-ride on the sunk cost investment made by others to identify ready-made business plans vis-à-vis potential customers. This will ultimately damage competition and investment in the long-run (independent of breaching confidentiality claims of customers).
18. Furthermore in relation to the 4 criteria to be considered, when it comes to 'Technical Information' confidentiality claims we note that ComReg has not given any consideration to current geopolitical tensions in making its deliberations. A number of major suppliers of telecommunications hardware in

[REDACTED]

[REDACTED]

[REDACTED]

Ireland are involved, either directly or indirectly, in military conflicts that has evoked strong public reactions in Ireland. It is entirely conceivable that individuals or groups opposed to the actions of supplier countries' involved in such conflict could make use of lists published by ComReg to target sites to damage equipment linked to those countries. The ComReg list, an iPhone and a hammer is all that would be required to achieve such an objective. Any suggestion that such concerns are not reasonable or credible need only be reminded that in 2020 100s of attacks were carried out on UK mobile mast hosting 5G equipment because there were enough individuals sufficiently motivated that believed the equipment was responsible for spreading the coronavirus¹. It is not difficult to imagine a scenario in Ireland where individuals and/or groups seek to target goods/services provided by suppliers from countries involved in the aforementioned conflicts. No binding regulatory decision, such as the one proposed in this consultation ought to fetter any operator or their customers rights to claim confidentiality in relation to customer locations or other information that may be relevant on a case by case basis.

Other Countries

19. ComReg notes that several "European NRAs" already make spectrum licence information publicly available "to varying degrees". ComReg has not indicated whether any of these "varying degrees" equates to the level of granularity of publication being proposed by ComReg in the current consultation. We further note that 2 of the 3 countries listed in paragraph 2.12 of the consultation are not in the EU (Switzerland and the UK), while a review of the 3 EU countries referenced in the Appendix (Spain, Finland and Luxembourg) none appear to have engaged in the level of disclosure being proposed by ComReg as outlined in consultation.
20. As a consequence it appears that ComReg has leaned heavily on the policies/studies of CEPT, whose decisions are non-binding on EU member states as its basis for advancing its current proposals. In particular ComReg references the CEPT's EEC Report 241 as a key basis for its proposal. It should be noted that this report, now 7 years old, is focussed on the risk of interference of fixed services (FS) with fixed satellite services (FSS). Of particular relevance is the following reference in the report:

*"For administrations not in a position to make available the relevant FS assignment information, the Report provides an approach by means of decentralised software to build FS interference awareness (or identification of FS white spaces) based on national FS assignment information. The proposed approach **would safeguard FS information confidentiality.**"*

21. Implicit in this (and throughout the report) is the recognition that FS information can be subject to confidentiality claims and Enet are of the view that ComReg are precisely the one of the administrations that are "not in a position to make

¹ "[Burning Cell Towers, Out of Baseless Fear They Spread Virus](#)", New York Times, 10 April 2020

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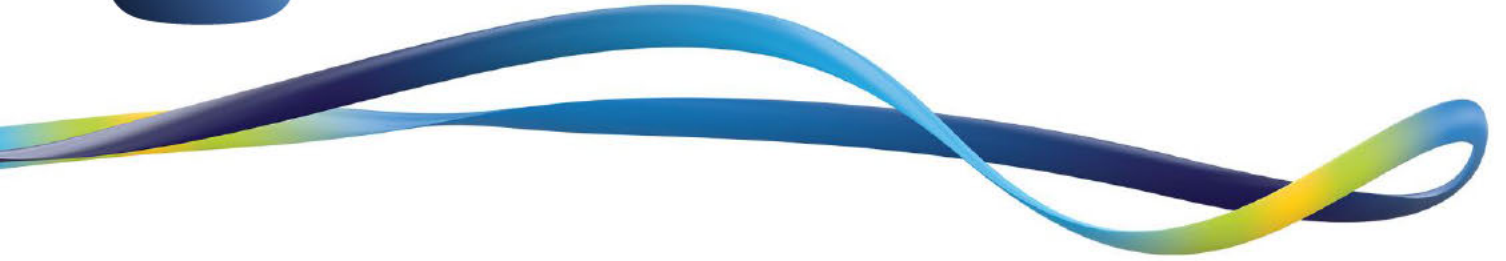
available the relevant FS assignment information" due to such claims. Crucially this need not impact on those administration's spectrum management objectives as such information can be stored in "*decentralised software*" and the report outlines approaches to doing this while protecting confidentiality.

22. Finally we note that ComReg has proposed publication exemptions An Garda Síochána and the Defence Forces. The logic underpinning such exemptions would seem to equally apply but has not been extended to Customs, Aviation, Health, Schools and Emergency service entities all of which enet supply services to.





NETWORKS



PUBLICATION OF RADIO SPECTRUM LICENCE INFORMATION - COMREG 24/13

ESB Networks Response to ComReg

20/03/2024

1. Introduction

ESB Networks welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg) consultation on *Publication of Radio Spectrum Licence Information*, ComReg 24/13, hereafter called *the Consultation*. We would welcome further engagement with ComReg on this very important topic and are available to clarify any element of this response if required.

Our electricity system is currently undergoing major change, driven by Ireland's commitment to source 80% of electricity requirements from renewable sources by 2030 and facilitation of our customers to reach net zero no later than 2050. The electrification of heat, transport and our economy will see citizens and businesses adopting low carbon technologies such as heat pumps, electric vehicles and microgeneration such as roof top solar. The electricity networks are being adapted to meet this challenge. As decarbonisation of society develops through electrification, and the dependence on the electricity network increases, the quality, condition and performance of the network will become increasingly important.

1.1 Role of ESB Networks

As Distribution System Operator (DSO), Distribution Asset Owner (DAO) and Transmission Asset Owner (TAO), ESB Networks works to meet the needs of all Irish electricity customers, providing universal access to the electricity system, and delivering and managing the performance of a system of almost 157,000 km of overhead networks; 26,000 km of underground cables; 800 high voltage substations; significant amounts of connected generation, including ~6.2 GW of renewable generation connected to the Distribution and Transmission systems; almost 2.5 million demand customers; and now several thousand "active customers" – including but not limited to domestic premises with microgeneration (a rapidly increasing number), demand side management, houses with battery storage, etc.

ESB Networks is committed to enabling Ireland's renewable energy and decarbonisation targets. In this role, ESB Networks is working to actively support all Irish homes, communities and businesses in their choices and activities at this time of fundamental change in the energy sector. This includes facilitating energy communities and active consumers to participate in the energy market, who will be a critical part of the future energy system. We are doing this by developing systems, products, and platforms to enable this, whilst maintaining the security and quality of supply that our customers and system need.

2. ESB Networks Response to Consultation

ESB Networks understands the direction of ComReg's proposals in terms of openness and transparency, both from ComReg's own spectrum management mandate as well as from the perspective of Government policy and subsequent legal requirements.

3. Conclusion

ESB Networks would welcome the opportunity to work with ComReg to make available the appropriate data to best achieve the aims as set out in this consultation.

GSOA Response to ComReg's consultation on Publication of Radio Spectrum License Information

20 March 2024

INTRODUCTION

Global Satellite Operators Association ("GSOA") is a non-profit association and collaboration of members of the global satellite ecosystem. As the world's only CEO-driven satellite association, GSOA leads the sector's response to global challenges and opportunities. As the unified voice of the satellite industry, GSOA is pleased to provide its comments on ComReg's consultation on the publication of radio spectrum license information.¹

Specifically, ComReg is proposing to publish and make **all radio spectrum license information** available to the public through its online tool Siteviewer commencing with fixed links and satellite earth station ("SES") licenses.² Already during its previous consultation in respect of the introduction of a new licensing framework for satellite earth stations,³ ComReg outlined its intention to consult on a proposal for the making available of radio spectrum license information in a transparent and accessible manner, which would assist and facilitate coordination between operators and would help avoid harmful interference, identifying its Information Policy as one of the available regulatory tools that allow for efficient management of radio spectrum resources. As noted by DotEcon, providing information on existing spectrum users' deployments could prove essential for SES license applicants to plan around existing users and to coordinate with others towards avoiding harmful interference.⁴

ANALYSIS OF COMREG PROPOSALS

ComReg mentions in p. 22 of its consultation document that, where there is a possibility of harmful interference between different service providers, **this can be best managed if the operators themselves** have access to the necessary information to undertake a preliminary assessment (inter-operator interference analysis).

As a first remark, GSOA respectfully notes that this information disclosure should not replace the standard coordination process for the coexistence between satellite systems, which is handled at international level, under the well-established ITU coordination procedures. In this case, private good faith bilateral coordination is the standard process whereby operators can share sensitive information about their systems pursuant to non-disclosure agreements.

GSOA also underlines that having access to the technical details cannot completely resolve interference issues. Sharing general operational characteristics can indeed serve to identify interested parties and anticipate the risk of interference. Some information on existing spectrum users' ground station deployment (such as the frequency ranges) can prove helpful for SES license applicants to plan future usages. However, GSOA believes that **it ultimately remains the regulator's responsibility to**

¹ Publication of Radio Spectrum License Information, ComReg 24/13 dated 19 February 2024.

² Notably, ComReg currently provides information on mobile base station deployments on the Siteviewer database and on fixed radio links through its eLicensing platform.

³ See p. 19 of Review of the Satellite Earth Station Licensing Regime; Response to Consultation and Decision, ComReg 23/96, Decision No D08/23 published on 4 October 2023.

⁴ See p. 45, Section 7.5 of the DotEcon Report on Review of the Satellite Earth Station Licensing Regime: Conclusions and Recommendations, ComReg 22/56a dated 4 July 2022.

make sure that stations coexist and that there are interference-free operations and overall efficient use of the spectrum. Regulators have a key role to play in managing interference by first conducting their own analysis with regards to coordination between existing and planned networks. The two parties concerned shall only be called upon when the regulator concludes that there is a conflict and a risk of interference.

GSOA does recognize that under the EU Telecom Code (EECC), regulators shall ensure that all relevant information regarding, *inter alia*, rights of use [incl. radio spectrum assignments], are published for all interested parties to have easy access to it. However, under the EC Radio Spectrum Decision “information concerning the allocation, availability and use of radio spectrum should be made accessible [...] without prejudice to confidential business and personal information protection.”⁵

Under section 3.24 of the consultation document, ComReg indeed anticipates objections on behalf of some licensees regarding the confidential nature of certain technical information and the possibility of giving a commercial competitive advantage to other operators by publishing such technical details. ComReg counterargues against these statements, by noting that technical information relating to the operation of radio spectrum networks is not commercially confidential and that equipment deployed is also non-proprietary. On spectrum assignments, ComReg further notes that it already publishes information for several license types, and no commercial confidentiality issues have ever arisen.

As GSOA highlighted in previous submission to ComReg,⁶ we support that making certain information available to the public would facilitate satellite operators to resolve coordination problems to a certain extent. Providing general operational characteristics could help other operators with adopting interference avoidance techniques and enable more rapid gateway deployment. Hence, GSOA and its members do not oppose the principle of making available spectrum license information. However, we do not understand why ComReg considers this information is not confidential and non-proprietary *in all instances*, and we do believe that **certain technical details and system parameters regarding Satellite Earth Stations shall remain confidential also to preserve the operational security of our satellite networks.**

GSOA PROPOSALS

To be more precise, as per p. 11-12 of the present consultation, ComReg is proposing to publish all information contained in radio spectrum licenses, which include but is not limited to, the following:

- License type and reference number
- Licensee name
- License commencement and expiration date
- Location coordinates of apparatus and stations
- Frequency bands, assignments, and bandwidth
- Channel number
- Output power
- Space station name and operator
- Radio make and type
- Antenna details including gain, polarisation, azimuth, size, elevation angle etc.

The licence information that ComReg proposes to be published could be categorised as follows:

⁵ Decision 676/2002/EC, Recital 14 – text underlined by GSOA

⁶ See p. 32 of Review of the Satellite Earth Station Licensing Scheme: Non-Confidential Submissions to Documents 21/135 and 21/135a, ComReg 22/56s published on 4 July 2022.

- a) Technical information relating to the operation of the licensed system;
- b) Radio spectrum information; and
- c) Location information.

GSOA respectfully suggests limiting the number of information to be made publicly available, for reasons of security of operations and for safeguarding sensitive and confidential information regarding the satellite system. Publishing all technical information and location details, as proposed by ComReg, would open the door to potentially malicious / intentional interference and generally risk distorting competition to the detriment of existing players.

Therefore, GSOA proposes that the following information is not made publicly available by ComReg:

- Location coordinates of apparatus and stations
- Assignments, and bandwidth
- Channel number
- Output power
- Space station name and operator
- Radio make and type
- Antenna details including gain, polarisation, azimuth, size, elevation angle etc.

On a final note, ComReg refers to **other national regulators' practices** with regards to publication of radio spectrum license information. GSOA would like to emphasize that, precisely from the evidence provided in p. 57 *et seq* of the consultation document, the cited regulatory authorities do not seem to publish so many details regarding satellite earth stations deployed within their territory, contrary to what ComReg is proposing.

On the other hand, GSOA would like to stress that a number of EU regulators such as ARCEP in France are only publishing part of the spectrum licenses they issue and do not make the technical annex available to the public. ILR in Luxembourg, referenced by Comreg, only makes very limited information available to the public; same with RDI in The Netherlands.

For all these reasons, while supporting the principle of making available licensing information to the public through the online tool Siteviewer, GSOA encourages ComReg to reconsider limiting the disclosure of radio spectrum information regarding Satellite Earth Stations, taking into account that certain characteristics and technical details should remain confidential and protected.

GSOA would be pleased to have a discussion with ComReg regarding the above raised points.

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Submissions to ComReg Document 24/13

To: [Redacted] Market Framework Consult

Reply, Reply All, Forward, ...

Wed 20/03/2024 13:06

Follow-up: Start by Wednesday 21 March 2024. Due by Wednesday 20 March 2024. We removed extra line breaks from this message.

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 Sir's

We are responding in response to your consultation paper ComReg 24/13

In reference to section 3.21, 3.22 & 3.23, we welcome the decision to make data available in relation to the current list of licensed Amateur radio stations. This would be of immense benefit to the amateur radio community in Ireland, enabling a stronger community and the future growth of the hobby.

Kind Regards,

[Redacted]

Irish Radio Transmitter Society



**Three's response to the Consultation by
ComReg on Publication of Radio Spectrum
Licence Information**

20th March 2024



Three.ie

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NON-CONFIDENTIAL

1 Introduction

Three welcomes the opportunity to comment on ComReg's proposals to publish information on fixed link licence information.

Three notes the underlying intent of the publication proposals in relation to Open Data; however Three has some concerns regarding ComReg's legal justification for such publication. In particular the apparent blanket categorisation of Radio Spectrum information as Environmental Information.

Three notes that the proposals to publish equipment and antenna manufacturer and model information is in excess of the list of information that the ECC recommends be published.¹

¹ Paragraph 4.20 of the Consultation Document

2 Three Response

Access to Environmental Information Regulations

One of the potential grounds that ComReg has relied on to underpin the publication of radio spectrum licence information are the Access to Information on the Environment Regulations 2007.

At paragraph 3.4 of the Consultation document ComReg makes a general statement that

“...the radio spectrum information held by it relates to information about radio apparatus that emit in various ways either, or both, non-ionising radiation and energy that are likely to affect the air and atmosphere elements by passing through them, ...”

However the specific information which is the subject of this consultation relates only to non-ionising radiation, operating below the ICNIRP guideline levels. ComReg’s own website² outlines that:

“As part of its spectrum management function, every year ComReg measures NIR levels in public areas at a minimum of 80 different sites, located throughout Ireland. These are chosen based on demographic and geographic factors. To date, over 1919 sites have been surveyed and NIR levels at all sites have been found, without exception, to fall well below the international limits for public exposure set by ICNIRP.”

The Consultation sets out no specific analysis of how the radio transmissions by licenced fixed link radio equipment affect or are likely to affect the environment.

Three notes that as an expert body ComReg’s expansive blanket categorisation of non-ionising radiation emissions as being *“...likely to affect the air and atmosphere elements by passing through them”* has wider implications for public bodies. For example devices such as laptops, mobile and cordless phones all clearly emit non-ionising radiation using technologies such as Bluetooth, Wi-Fi or 4G. The logical extension of ComReg’s preliminary view would mean that information relating to the use of these across the entire public service also constitutes Environmental Information.

Other types of electrical equipment that emit non-ionising radiation in the form of Electromagnetic Fields would potentially also fall within ComReg’s blanket categorisation with similar implications for the wider public service.

Three does not believe that the Consultation sufficiently sets out the basis for ComReg’s assessment of the environmental impacts which would put this information within the scope of the AEI Regulations.

In the absence of a clear and substantiated basis for finding that non-ionising radiation emissions from licenced radio spectrum used for fixed links affects or is likely to affect

² [Non-Ionising Radiation Information | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie/Non-Ionising-Radiation-Information)

the environment Three is of the view that it is not appropriate at this time to categorise associated information as Environmental Information.

NON-CONFIDENTIAL

Network Security and Integrity

Three notes that one of the factors that ComReg should take into account in promoting the interests of end users³ is “ensuring that the integrity and security of public communications networks are maintained”.

ComReg is proposing to exclude the publication of information on Spectrum used by the Gardai or Defence Forces from the scope of its proposals. Three notes that telecoms operators may provide services to the Gardai, Defence Forces or strategically important infrastructure providers (for example energy generators). The publication of some fixed link information would allow operator network topology to be derived and potential vulnerabilities to be in effect be placed into the public domain.

In light of this Three believes that there should be a mechanism for Licensees to identify specific installations which would also be excluded from publication for justified network security reasons.

Three also believes that ComReg’s proposals to publish the make and type of equipment does not strike the correct balance between the Open Data intent of the proposals and the publication of information which could potentially allow “bad actors” to target specific equipment types for cyber or other attack. Therefore, Three believes that the make and model information should not be published. This is in line with the ECCs recommended list of parameters to be published which does not include equipment make and type.⁴

³ Consultation Document Paragraph A1.59

⁴ Paragraph 4.20 of the Consultation Document



20th of March 2024

To the Commission for Communications Regulation

Submitted to: marketframeworkconsult@ComReg.ie

Reference #: ComReg 24/13

Re: Publication of Radio Spectrum Licence Information

Viasat would like to thank the Commission for Communications Regulation (ComReg) for the opportunity to provide comments on the Consultation on the Publication of Radio Spectrum License Information ("Consultation"). We welcome this initiative from ComReg.

Viasat supports ComReg's decision to publish certain licensing information in order to advance the goals outlined in Section 3.1 of the Consultation. Viasat also agrees that any decision to publish such data should be without prejudice to a party's right to seek or obtain confidential business and personal information protection under: (i) Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector and (ii) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive).

That said, Viasat recommends that ComReg carefully evaluate whether publication of information with respect to a given licensing parameter is necessary to achieve those goals before that parameter is included in any public database. For example, in paragraph 2.13 of the Consultation (the "radio spectrum information"), ComReg suggests making available the radio make, type and the receiver threshold. But as pointed out by ComReg itself, the receiver threshold is very specific to a given level of the wanted signal received for a given bit error rate and is therefore not relevant for the usage the public and industry would make of the database.

At the same time, Viasat urges ComReg to carefully consider whether additional data points should be included in such public database. For example, Viasat agrees with ComReg's view that the parameters defined in ERC Decision (00)07, as described in Section 4.20 of this public consultation, are relevant parameters with respect to the coordination of FS and FSS services. However, coordination efforts could be facilitated through the availability of more granular technical information in a public database. Viasat therefore proposes that ComReg include in the database the FS information identified in Annex 1 to these comments.

Viasat also believes that efforts to facilitate coordination and spectrum coexistence would be advanced by making technical analyses conducted as part of the application process



(including with respect to interference potential) available to the public.¹ We believe national regulators should conduct an independent assessment of NGSO- GSO coexistence (See Annex 2 detached document – Viasat Ensuring Innovation and Growth Opportunities in the New Space Age) to impose suitable conditions on both NGSO spectrum authorisations and grants of market access. We therefore invite, ComReg to require and publish the results of analyses of EPFD levels generated by existing and proposed NGSO systems into GSO networks complementing the international technical analysis done by the ITU with analysis specific to Ireland such as EPFD compliance.

¹ In section 3.54, ComReg appears to anticipate that parties would conduct certain types of preliminary analysis prior to submitting a radio spectrum application to ComReg. It is unclear whether and to what extent such analysis would be replicated as part of the formal application process. Viasat would welcome clarification on this point. If such analysis is included in the formal application, Viasat believes it should also be made available publicly.



Annex 1 – Basic Information for FS Services

To facilitate the coordination process between FS and FSS, Viasat proposes ComReg consider the following basic information to be included for FS services:

- Frequency range used (transmit and receive);
- Geographic coordinates of the transmitter;
- Geographic coordinates of the receiver(s);
- Height of the transmitting site above mean sea level;
- Height of the transmitting antenna above ground level;
- Antenna gain;
- Antenna azimuth;
- Antenna polarization;
- Antenna type, dimensions, and boresight gain;
- Boresight pointing range (azimuth, elevation, tilt, polarization);
- Beam null depth;
- Transmitter power (e.i.r.p.);
- Transmission bandwidth (MHz);
- Emission type (bandwidth, modulation);
- Bandwidth, modulation;
- Receiver noise figure (dB);
- Operating radius
- Date installed;
- Active status