



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

ComReg issues a Notification of a Finding of Non-Compliance to Dense Air Ireland Limited with respect to the 3.6 GHz Regulations

Information Notice

Reference: 22/106

Date: 15/12/2022

1. On 15 December 2022, the Commission for Communications Regulation (“ComReg”) notified Dense Air Ireland Limited (“Dense Air”) of findings of non-compliance with respect to Regulation 6(1) of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016) (“the 3.6 GHz Band Licence Regulations”) and, in particular:
 - (i) Paragraph 2 of Sub-section 2 of Section 4 of Part 4 of the Licence; and
 - (ii) Regulation 6(13) of the 3.6 GHz Band Licence Regulations.
2. The notification of non-compliance was made in accordance with Regulation 16(3) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (“the Authorisation Regulations”).
3. The non-compliance concerns Dense Air not working and using the required 15 Rollout Base Stations in at least 4 counties for the South East Region.
4. A graphical representation of the Regions is shown in Figure 1 below.

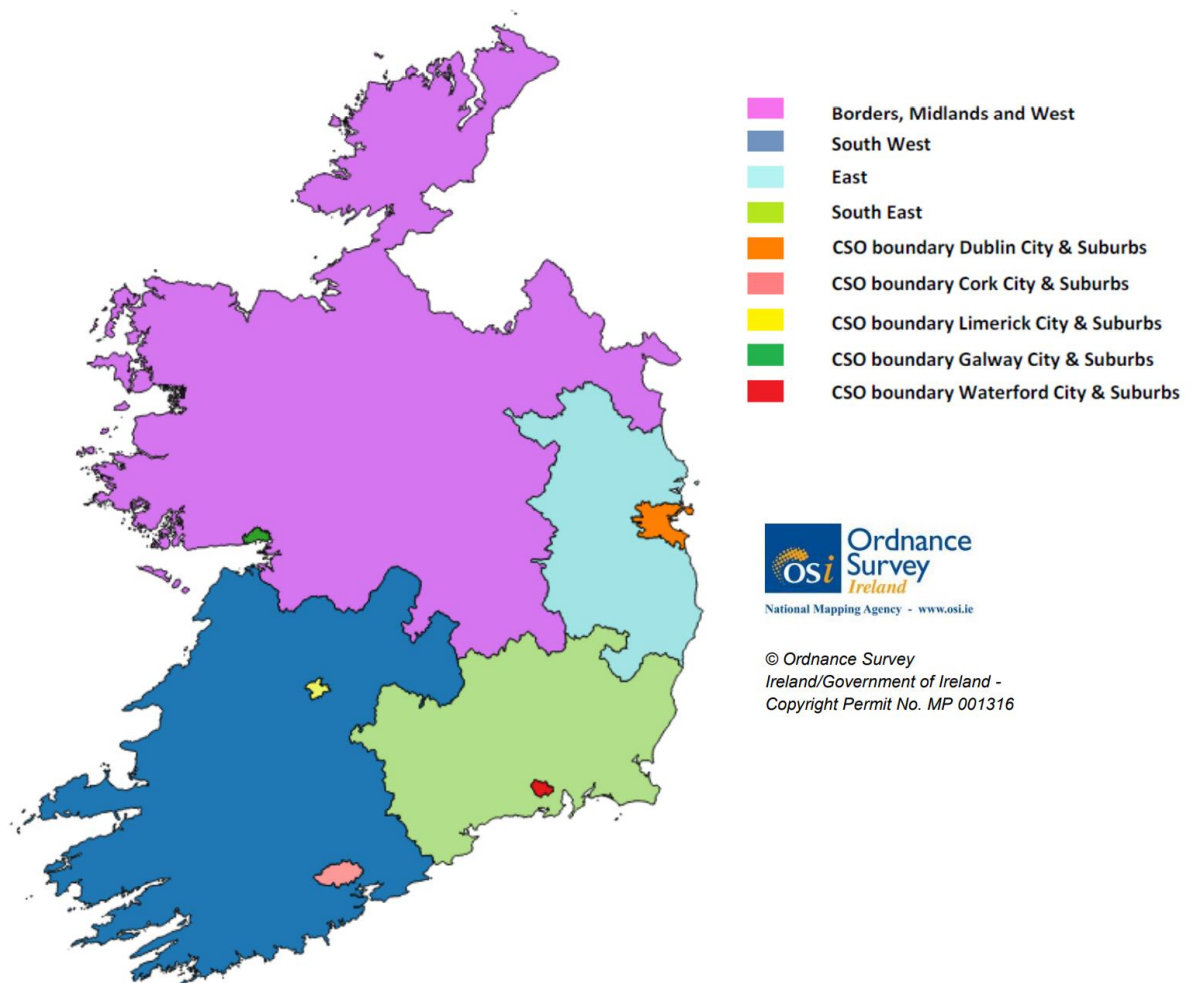


Figure 1. Graphical representation of the nine (9) Regions for award

5. Dense Air has until 16 January 2023 to state its views, including its proposal to remedy the non-compliance within a reasonable time frame.
6. Regulation 16(6) of the Authorisation Regulations provides that if, at the end of the period referred to above, ComReg is of the opinion that an undertaking has not complied with its obligations, ComReg may apply to the High Court for such an order as the Regulator may consider appropriate.