



Commission for  
**Communications Regulation**

## Information Notice

### **Proposed Amendments FWPMA Licences**

<b>Document No:</b>	<b>02/121</b>
<b>Date:</b>	<b>23 December 2002</b>

## Contents

Introduction .....	2
Background .....	3
FWPMA Narrowband Licence Proposal .....	4
Additional FWPMA Broadband Licence Proposal .....	5
Contact details .....	6
Annex 1 .....	7
Annex 2 .....	8

## Introduction

The Commission for Communications Regulation (ComReg) proposes to amend Part 5 of the General Telecommunications Licence (FWPMA Narrowband Licence) currently held by Chorus Communication Ltd (Chorus) and also proposes an additional amendment to Part 5 of the eircom Ltd. (eircom) General Telecommunications Licence (FWPMA Broadband Licence). Details of the proposed amendments are set out in the Annexes to this document and are being published in Iris Oifigiúil.

This note gives details in respect of the proposed amendment to the Chorus FWPMA narrowband licence and outlines a proposal for an amendment to the eircom FWPMA broadband licence additional to those set out in ODTR Document 02/88.

The statutory period allowed to interested parties to make representations in relation to the proposed amendments is 21 days. However, in view of the intervening Holiday season, the Commission is minded to allow a period of 28 days in this instance to 21 January 2003. The Commission will make a final decision following a review of the comments received.

It should be noted that the Commission intends, in 2003, to introduce a licensing scheme for Fixed Wireless Access in the 26 GHz and 10.5 GHz bands as well as a limited scheme at 3.5 GHz to enhance the rate of delivery of broadband services in Ireland. This scheme will operate on a first come first served, per base station basis. The Commission proposes to publish details of this scheme in early 2003.

A further communication will issue in the near future in relation to problems with the eircom FWPMA Narrowband Licence.

## Background

In June 2000, Chorus was awarded a national Fixed Wireless Point to Multipoint Access (FWPMA) Narrowband Licence to provide narrowband services in the 2.0 - 2.3 GHz and 3.4 - 3.6 GHz frequency bands, following a licence competition held by the ODTR. Subsequently, the company applied for and was granted a Wireless Telegraphy licence in the 3.4 - 3.6 GHz band. In August 2000, eircom was awarded a national FWPMA Broadband Licence in the 26 GHz band.

In 2001, the ODTR (now ComReg) initiated what became an extended review of these FWPMA licences and of the conditions attached to these licences. Following this review, it became apparent that some of the conditions in the licences were not being complied with.

Despite extensive contacts with Chorus, ComReg has been unable to get timely information from the company on how it intends to meet its licence obligations or information in relation to appropriate alternatives within the framework of the narrowband licence which would satisfy the Commission.

Eircom has requested ComReg to include five additional towns in the list of 'Towns of less than 30,000 inhabitants' set out in the coverage and roll-out targets in its FWPMA Broadband Licence. It has also acknowledged that a consequential upward adjustment could be made to its geographic coverage target for year 2.

Having considered the situation in detail in respect of both licences, the guiding principles underlying the proposed changes have been determined in a proportionate manner within the framework of the licences.

In light of the above, the Commission now proposes to make the amendments set out in this notice.

## FWPMA Narrowband Licence Proposal

### **1 Chorus Communication Ltd.**

The Commission for Communications Regulation proposes, pursuant to Section 111(10)(a)(ii) of the Postal and Telecommunications Services Act, 1983 (as amended), to amend Part 5 of the General Telecommunications Licence held by Chorus (FWPMA Narrowband Licence) as follows:

1. to reduce the term of Part 5 of the Chorus General Telecommunications Licence from 10 years to 3 years leading to the revocation of the rights and obligations under Part 5 of that licence relating to FWPMA narrowband services on 15 June 2003; and
2. to amend Part III of the Second Schedule to Part 5 of the Chorus General Telecommunications Licence in order to limit the roll-out of the FWPMA narrowband network to the 36 base stations deployed and providing FWPMA services as of August 2002.

This proposal is made as a result of substantial non-compliance with the obligations set out in the licence. In addition, the operator has been unable or unwilling to supply ComReg with timely information or proposals within the framework of the licence. ComReg understands that as of 16 December 2002, no further base stations had been deployed.

The proposed amendment to Part III of the Second Schedule to Part 5 of the General Telecommunications Licence held by Chorus Communications Ltd. (FWPMA Narrowband Licence) is set out in Annex 1 of this document.

## Additional FWPMA Broadband Licence Proposal

The ODTR (now ComReg) proposed amendments to the eircom FWPMA Broadband Licence in document 02/88. The Commission now proposes further amendments, as requested by eircom, to include the following 5 towns under “Towns of less than 30,000 inhabitants” in Table 1, Part III of the Second Schedule to Part 5 of eircom Ltd’s General Telecommunications Licence: Castlebar, Wexford, Athlone, Dundalk and Letterkenny, and to replace the total coverage obligation of 42% at end of year 2 with 50%.

This proposed amendment to the eircom FWPMA Broadband Licence is presented in Annex 2 of this document.

The Commission does not regard this proposed licence amendment to be significant and is satisfied that the higher coverage obligation being proposed will result in broadband services being made available to additional prospective users.

## Contact details

Representations about the proposed amendments may be sent to:

Ms. Sinead Devey  
Commission for Communications Regulation  
Block DEF  
Abbey Court  
Irish Life Centre  
Abbey Street  
Dublin 1

Phone: (01) 8049621  
Fax: (01) 8049671  
Email: [fwpma@comreg.ie](mailto:fwpma@comreg.ie)

## Annex 1

**Proposed amendment to Part III, Second Schedule, Part 5 of Chorus Communication Ltd's  
General Telecommunications Licence (FWPMA Narrowband Licence)**

***Second Schedule***

***Part III: Coverage and Roll-Out Targets***

1.1 The Licensee shall only provide coverage and service roll-out of the FWPMA network as specified in Table 1.

**Table 1: Coverage<sup>1</sup> and Roll-out**

<b>County</b>	<b>Base Station</b>	<b>Coverage (Sq. km)</b>
Dublin	Treasury	314
Clare	Ennis x 2	263.74
Clare	Woodcock North	282.05
Clare	Woodcock South x 2	298.16
Cork	Blarney	191
Cork	Carrigaline	67
Cork	Charleville	106
Cork	Churchfield	170
Cork	Clonakilty	121
Cork	Cobh	9
Cork	Cork Airport x 2	170
Cork	Kanturk	505
Cork	Kinsale	31
Cork	Macroom	222
Cork	Mallow	41
Cork	Midleton	125
Cork	Carron1 (Buttevant)	348
Cork	Carron2 (Kilmallock)	462
Cork	Nowen Hill (Dunmanway)	178
Cork	Skibbereen	98
Limerick	Newcastle West	476
Limerick	Castleconnell	10
Limerick	Raheen	10
Tipperary	Nenagh	614
Tipperary	Keeper Hill	358
Tipperary	Roscrea x 2	488
Waterford	Clashmore	273
Kildare	Dunmurray	1751
Kilkenny	Ballyspellan	837
Louth	Mt. Oriel	901
Meath	Dunshaughlin x 2	488

<sup>1</sup> Assessment of compliance by the Director with the coverage will be made using a typical customer antenna and a typical customer receiver (as included in a standard subscription) at 7 metres above ground level or by other means as specified by the Director from time to time.



## Annex 2

### Proposed amendment to Condition 1, Part III, Second Schedule, Part 5 of eircom Ltd's General Telecommunications Licence (FWPMA Broadband Licence)

#### *Part III: Coverage and Roll-Out Targets*

- 1 At minimum, the Licensee shall provide Coverage and service roll-out of the FWPMA Network in accordance with the schedule in Table 1. The Population centres with less than 30,000 inhabitants shall be chosen from amongst the towns listed in this table.

Table 1: Coverage and Roll-out Targets

End Year <sup>1</sup>	No. of Counties Covered	Coverage of Population Centres with <30,000 Inhabitants	Other Coverage areas	Total Coverage <sup>2</sup> (% at end year)
1	9	9	Greater Dublin Area	25
2	16	15	Cork County	50
3	18	17	Borough Limerick County Borough Galway County Borough	50
4	18	17		50
5	18	17		50
6	18	17		50
7	18	17		50
8	18	17		50
9	18	17		50
10	18	17		50
Towns of less than 30,000 inhabitants: Bandon, Carrigaline, Middleton, Fermoy, Youghal, Mallow, Cavan, Carlow, Buncrana, Tuam, Kildare, Naas, Dingle, Killorglin, Tralee, Longford, Portlaoise, Navan, Ceanannus, Westport, Tullamore, Clonmel, Arklow, Sligo, <b>Castlebar, Wexford, Athlone, Dundalk and Letterkenny.</b>				

<sup>1</sup>End year 1 shall mean 16 months from the Designated Commencement Date, with each end year thereafter increasing in 12 monthly increments up to end year 9. End year 10 shall mean 120 months from the Designated Commencement Date.

<sup>2</sup>Assessment of compliance by the Director with the Coverage specified in Table 1 shall be made using a typical customer antenna and a typical customer receiver (as included in a standard subscription) at 7 metres above ground level or by other means as specified by the Director from time to time.