



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Spectrum Lease Notification

Proposed lease of spectrum rights in the 3.6 GHz band from Vodafone Ireland Limited to Imagine Communications Ireland Limited

Information Notice

Reference: ComReg 23/82

Date: 07/09/2023

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1: Introduction

1. In October 2017, the Commission for Communications Regulation (“ComReg”) published its response (“Document 17/82”)¹ to the public consultation (“Document 17/47”)² on its draft framework for spectrum leases in Ireland (“Spectrum Lease Framework”). ComReg also updated its spectrum transfer procedures to reflect its decisions on the Spectrum Lease Framework in the RSPP³ and 700 MHz⁴ bands (“Document 14/11R”⁵).
2. While the draft Wireless Telegraphy (Transfer of Spectrum Rights of Use) (Amendment) Regulations have yet to be made, there is no impediment to leasing applications being submitted in advance of the completion of that process.⁶
3. On 10 March 2023, ComReg formed the view that the lease of spectrum rights in the 3.6 GHz band to Imagine Communications Ireland Limited (“Imagine”)⁷ from Vodafone Ireland Limited (trading as “Vodafone”) (“Vodafone”)⁸ would not distort competition and determined that the lease may be put into effect for three months initially, followed by a further three-month period subject to the prior agreement by the relevant parties, and approval by ComReg.⁹ This lease expires on 9 September 2023.

¹ ComReg Document 17/82 – Spectrum leases in Ireland: Response to Consultation on the framework for spectrum leases in Ireland – published 12 October 2017. <https://www.comreg.ie/publication-download/spectrum-leases-ireland-response-consultation-framework-spectrum-leases-ireland>

² ComReg Document 17/47 – Consultation on Spectrum leasing in Ireland: Consultation on Spectrum leasing in Ireland – published 1 June 2017. <https://www.comreg.ie/publication-download/consultation-spectrum-leasing-ireland>

³ The EU RSPP Decision (Decision No 243/2012/EU) requires EU Member States to allow the transfer or leasing of spectrum rights of use in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2.6 GHz and 3.6 GHz bands (the “RSPP Bands”).

⁴ Decision (EU) 2017/899 of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union requires EU Member States to allow the transfer or leasing of spectrum rights of use in the 700 MHz (694-790 MHz) band.

⁵ ComReg Document 14/11R – Spectrum Transfer and Lease Framework in Ireland: Procedures and Guidelines, and Notification Form(s) – published 12 October 2017. <https://www.comreg.ie/publication-download/framework-for-spectrum-transfers-and-spectrum-transfer-notification-form>

⁶ See, for example, the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016) at <http://www.irishstatutebook.ie/eli/2016/si/532/made/en/print#>

⁷ Imagine Communications Ireland Limited provides fixed wireless electronic communication services.

⁸ Vodafone Ireland Limited provides fixed and mobile ECS.

⁹ ComReg Document 23/08 – Spectrum Lease Determination: Lease of spectrum rights in the 3.6 GHz band from each of Meteor Mobile Communications Limited and Vodafone Ireland Limited to Imagine Communications Ireland Limited – published 10 March 2023.

4. On 5 September 2023, Imagine submitted to ComReg further a notification (the "Lease Notification") to lease spectrum rights in the 3.6 GHz band from Vodafone ("the "Proposed Lease").
5. Having considered the Lease Notification, and in accordance with the procedures set out in Document 14/11R (and paragraphs 15-17 of same in particular), this Information Notice sets out:
 - the key elements of the Proposed Lease; and
 - the process by which interested parties may make submissions on the Proposed Lease and next steps.

2: Key elements of the Lease Notification

6. Details of the Lease Notification are set out in the Annex to this Information Notice but, at a high level, it entails Imagine leasing 20 MHz of Vodafone's 3.6 GHz band spectrum rights at one location.
7. The Proposed Lease is for three calendar months.
8. ComReg notes that the Lease Notification does not entail any amendments to the conditions of the Vodafone 3.6 GHz Band Liberalised Use Licence.

3: Submitting comments and next steps

3.1 Submitting Comments

9. In accordance with Document 14/11R, ComReg now invites submissions from interested parties on the Lease Notification and refers to the Chapter 3 of Document 14/11R for guidance on how ComReg will determine whether or not a proposed lease would distort competition.
10. ComReg requests that submissions be made by no later than **15 September 2023**.
11. Submissions must be provided in written form (e-mail) to marketframeworkconsult@comreg.ie, clearly marked — Submissions to ComReg Document 23/82.
12. Electronic submissions should be submitted in an unprotected format so that they may be readily included in the ComReg submissions document for electronic publication.
13. ComReg appreciates that respondents may wish to provide confidential information if their comments are to be meaningful. In order to promote openness and transparency, ComReg will publish all respondents' submissions to this notice, as well as all substantive correspondence on matters relating to this document, subject to the provisions of ComReg's guidelines on the treatment of confidential information (Document 05/24).
14. In this regard, respondents should submit views in accordance with the instructions set out below. When submitting a response to this notification that contains confidential information, respondents must choose one of the following options:
 - A. Submit both a non-confidential version and a confidential version of the response. The confidential version must have all confidential information clearly marked and highlighted in accordance with the instruction set out below. The separate non-confidential version must have actually redacted all items that were marked and highlighted in the confidential version.

OR

 - B. Submit only a confidential version and ComReg will perform the required redaction to create a non-confidential version for publication. With this option, respondents must ensure that confidential information has been marked and highlighted in accordance with the instructions set out below. Where confidential

information has not been marked as per our instructions below, then ComReg will not create the non-confidential redacted version and the respondent will have to provide the redacted non-confidential version in accordance with option A above.

15. For ComReg to perform the redactions under Option B above, respondents must mark and highlight all confidential information in their submission as follows:
 - a. Confidential information contained within a paragraph must be highlighted with a chosen particular colour,
 - b. Square brackets must be included around the confidential text (one at the start and one at the end of the relevant highlighted confidential information),
 - c. A Scissors symbol (Symbol code: Wingdings 2:38) must be included after the first square bracket.
16. For example, “Redtelecom has a market share of [~~25%~~].”

3.2 Next steps

17. ComReg will consider all submissions made in response to this notice within the specified deadline and:
 - may request further information from the notifying parties and from other sources to aid in its assessment of any submissions received;
 - may enter into discussions with the notifying parties with a view to identifying measures which would ameliorate any effects of the notified lease on competition;
 - if it forms the opinion that the Proposed lease would not be likely to distort competition, will determine that the Proposed Lease may be put into effect and publish notice of its determination on its website on the same day as the determination is made¹⁰; and
 - if having considered the information provided and all submissions received, ComReg is unable on the basis of the information before it to form a view that the result of a lease will not be to distort competition, ComReg will make a

¹⁰ In particular, ComReg will, within 35 working days of the publication of this Information Notice, inform the notifying parties and any other undertakings or third parties who have made submissions that it has so determined. On the date of the determination, the Commission, in addition to informing the notifying parties, will publish notice of the making of the determination on its website. The Commission will publish a non-confidential version of the text of its determination on its website at the earliest possible date thereafter (and in any event, no later than two months from the date of the determination).

determination to carry out a full investigation of any such lease (i.e. to proceed to phase 2 as set out in Document 14/11R).

Annex 1: Imagine/Vodafone proposed lease

Figure 1: Relevant service area for the proposed Imagine/Vodafone lease

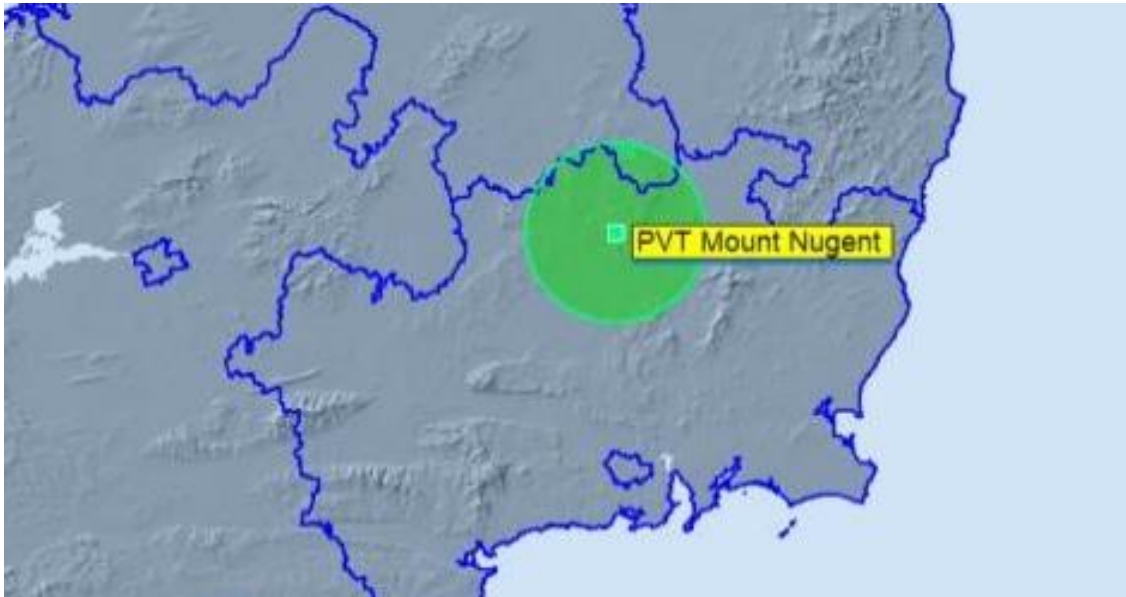


Table 1: Technical details of each service area for the proposed Imagine/Vodafone lease

Service area	Centre Point of service area		Radius (km)	Frequency Range (MHz)	Quantum of spectrum (MHz)	Maximum EIRP per Sector (dBm over 20MHz)
	Latitude	Longitude				
KK001 PVT Mount Nugent	52.71707	-7.143506	20	3520 – 3540	20	37

Annex 2: Non-confidential version of Imagine/Vodafone proposed lease agreement

Lease Agreement for Short Term Use by Imagine of Part of Vodafone's 3.6GHz Band Spectrum

05th September, 2023

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1 Background and Purpose

Further to the 3.6 GHz Band Spectrum Award (“the Award”) conducted by the Commission for Communications Regulation (“ComReg”) and the Transition by Imagine to its new 3.6 GHz Band spectrum on foot of the Award as well as measures introduced by the Irish Government in response to the declaration on 11 March 2020 by the World Health Organisation (“WHO”) that the novel coronavirus (COVID-19) could be characterised as a pandemic resulting in significant changes to the normal traffic levels and patterns of the electronic communications networks (“ECNs”) in Ireland Imagine has identified a requirement for the short term lease of part of Vodafone Ireland Limited’s¹ 3.6GHz Band Spectrum.

The purpose of this document is to set out the terms under which the agreed part of Vodafone’s 3.6GHz Band Spectrum will be leased by Imagine².

2 Scope of Agreement

The Lessee (Imagine Communications Ireland Limited) and Lessor (Vodafone Ireland Limited) are proposing that Lessee would use 3.6 GHz Band spectrum rights assigned to Lessor³ for a short and defined period of time in the locations and area as identified in **Annex 1**.

2.1 Spectrum Lease Definition

As the Proposed Arrangement entails the short-term use by Lessee of Lots already commenced under Lessor’s 3.6 GHz Band Liberalised Use Licence, the Proposed Arrangement is considered to be a proposed spectrum lease that is subject to the (relevant aspects) of the Spectrum Transfer and Lease Framework in Ireland (ComReg Document 14/11R) (“the Framework”), including:

1. confirmation that all requisite information and administrative fee has been provided⁴;
2. publication by ComReg of a notice on its web-site containing certain information⁵;
3. consideration of any responses received from third parties; and
4. a determination by ComReg.

2.2 Details of Spectrum to be Leased

To comply with the Spectrum Transfer and Lease Framework in Ireland (ComReg Document 14/11R) (“the Framework”), the following details are required for the ComReg notice:

¹ Vodafone Ireland Ltd

² Imagine Communications Ireland Ltd

³ 3.6 GHz Band spectrum assigned to Lessor under its 3.6 GHz Band Liberalised Use Licence, which it has no immediate plans to use.

⁴ Administrative fee to be waived by ComReg (to be confirmed)

⁵ See paragraph 15 of Document 14/11R.

- 2.2.1 The names of the notifying parties (and trading names);
- 2.2.2 The business activities of the undertakings involved in the transfer or lease notification.
- 2.2.3 Technical details of the transfer or lease notification
 - a. the service area, frequency range and dates set out in **Annex 1** to this document;
 - b. the apparatus locations set out in **Annex 2** to this document;
 - c. the service area as defined in **Annex 3** to this document;
 - d. Services to be provided
The provision of FWA services to Imagine's existing customers only within the service area identified in Annex 1 to this document; and
 - e. apparatus to be used in the proposed service area-
Apparatus will be as currently licensed and operated by Imagine in its liberalised licence and TPL licences.

3 Licence Conditions

The Lessor is and will continue to comply with all the licence conditions attaching to the rights of use to spectrum to be transferred following a partial transfer.

The Lessee will comply with all licence conditions attaching to the original rights of use of radio frequencies that are to be transferred.

4 Commercial Agreement

In line with the nominal fee proposed by ComReg for Temporary ECS Licences the fee to be paid by the Lessee to the Lessor will be €100 for the duration of the lease.

The duration of the lease will be for 3 calendar months, from 09th September 2023 on KK001 PVT Mount Nugent (Lat: 52.71707, Long: -7.14351), with the objective to release the channel before the end of 2023.

5 Signature

	Lessor	Lessee
Signed		
Name	Andrew Corcoran	Mike Stacey
Title	Head of Regulatory	Chief Technology & Innovation Officer
Company	Vodafone Ireland Limited Mountainview Leopardstown Rd, Dn18	Imagine Communications Group Sandyford Business Centre, Dublin 18, Ireland
Date	5 th September 2023	5 th September 2023

ANNEX 1- Service Area, Frequency Range and Commencement/Expiry Dates entailed by the Proposed Arrangement

Service Area	Frequency Range	Commencement Date	Expiry Date
Lat: 52.71707 Long: -7.143506 Radius: 20km	3520MHz - 3540MHz	09/09/2023	09/12/2023

Table 1: Service Area, Frequency Range and Commencement/Expiry Dates entailed by the Proposed Arrangement

ANNEX 2 – Details of Apparatus Location entailed by the Proposed Arrangement

Service Area	Site Identity	Latitude	Longitude	Maximum VODAFONEP per Sector (dBm over 20MHz)
Lat: 52.71707 Long: -7.143506 Radius: 20km	KK001 PVT Mount Nugent	52.71707	-7.14351	37dBm

Table 2: Details of Apparatus Location entailed by Proposed Arrangement

ANNEX 3 – Details of Service Areas entailed by Proposed Arrangement

Centre Point	Easting	Northing	Radius (max 20 km)	Corresponding TSA(s)
KK001 PVT Mount Nugent	-7.14351	52.71707	20km	N/A

Table 3: Centre points of areas constituting the relevant service areas