



Commission for
Communications Regulation

Guidance Notes

Television Deflector Licensing

Guidance Notes for Applicants – December 2002

Licence to be issued under Wireless Telegraphy
(UHF Television Programme Retransmission)
Regulations, 1999
S.I. 348 of 1999

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1.

Introduction

This document provides information for those intending to apply for a licence to provide television deflector services.¹ This document should be read in conjunction with the Wireless Telegraphy (UHF Television Programme Retransmission) Regulations, 1999, S.I. No. 348 of 1999 (“the Regulations”). The licensing arrangements are discussed in Document No. 99/32 – “Consultation Paper on Deflector Licensing” and Document No. 99/55 – “Television Deflector Licensing - Report on the Consultation” which should also be reviewed so as to understand the context of the scheme.

This document is structured as follows:

- Section 2 outlines the type of licence to be awarded under this scheme;
- Section 3 describes the application procedure;
- Section 4 specifies the information required from applicants;
- Section 5 outlines the fees applicable to the application and the licence;
- Section 6 outlines the conditions of offer;
- Section 7 outlines the security bond required of all successful applicants;
- A checklist to help applicants when submitting their applications is attached at Appendix 1.

2. THE LICENCE

Licences awarded under this scheme will authorise the operation of a retransmission station(s) utilising a maximum of four frequency channels in respect of any single location. Licences will be issued for a period up to 31 December 2000 but the Commission may, in certain circumstances, extend the licence period. The circumstances in which the Commission may extend the duration of the licence period are as set out in document no. 99/55.

The scope of the proposed licences is set out in the Regulations.

Background information is available in document no. 99/55.

¹ Applicants should be aware that there is currently a question as to the extent of a licensee's rights under an MMDS licence granted under the Wireless Telegraphy (Television Programme Retransmission) Regulations, 1989 in areas of Counties Tipperary, Kilkenny, Carlow and Laois along with parts of Counties Waterford, Wexford, Wicklow, Kildare and Offaly. The Commission expects that the matter should be resolved within the time frame contemplated for the consideration of applications. Accordingly, while applications will be accepted and considered in respect of the affected areas, the grant of any licences in respect of those areas will be subject to the satisfactory resolution of the matter.

3. THE APPLICATION

3.1 Procedures

Applicants should submit the appropriate application fee, 3 copies of the completed application form along with 3 copies of any accompanying documentation or maps. Applications should be in sealed envelopes or packages and delivered to the following address:

Mr. Pat McMahon
The Commission for Communications Regulation,
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

The envelope or package should be addressed as above and clearly marked “**Application: Deflector Television Licence**”. The name and address of the applicant should also be clearly marked on the envelope or package. Upon delivery, an acknowledgement will be issued by the Commission.

3.2 Timing for Applications

Completed applications must be delivered to the above address not later than 4:00pm on 4th May 2000.

3.3 The Application Process

Applications will only be considered if the correct application fee has been paid and if the "Declaration by the Applicant" at the end of the application form is signed and dated. The decision on whether or not to grant a licence will reflect the Commission's approach as it is expressed in document No. 99/55 and having regard to the information set out in, and accompanying, the application form and any further information supplied in response to any subsequent request by the Commission. It is important therefore that the application form is fully completed and that administrative details are in order.

The evaluation of an application will consist of a two, or possibly three, stage process, as follows:

Stage 1

All applications must satisfy basic criteria set out below in order to be considered by the Commission. Failure to meet all of the criteria will result in the application being deemed ineligible and any such application will not proceed forward for further evaluation. The criteria for eligibility are:

- (a) Receipt of application by the Commission within the time limit;
- (b) Submission of application by a natural person or a properly constituted legal entity (*Applications in the name of groups, communities or associations which have not been incorporated will not be accepted*);
- (c) Payment of application fee;
- (d) Completion of application form, inclusion of all relevant supporting material and completion of “Declaration by the Applicant”.

The Commission will notify an applicant where there is an error in, or omission from, their application. In such circumstances the applicant will be allowed one week from date of notification within which they may correct any error and/or omission.

Stage 2

All applications which have satisfied the requirements of Stage 1 will be considered and evaluated in accordance with the approach set out in document no. 99/55 under the following heads:

- (a) Availability of the frequency requested. Applicants should frame their requests for frequency channels after first noting the non-availability of frequency as set out in both 99/66R and 00/25. Applicants should also note that the information contained in these documents may be revised from time to time;
- (b) Special circumstances justifying any request for reserved frequencies;
- (c) Suitability of the technical characteristics of the proposed transmission system;
- (d) Likelihood of significant overspill into cabled areas and measures proposed to minimise same. (*The Commission will use a threshold field strength of 40dB(μ V/m) at 10 metres above ground level in determining the nominal availability of a signal*);
- (e) Difficulty likely to arise in obtaining international co-ordination of spectrum sought by applicant.

Where the Commission considers that an application might otherwise be acceptable if the technical characteristics proposed by the applicant were modified, the Commission may offer to the applicant a licence subject to such technical characteristics as the Commission considers appropriate.

Stage 3

Where applications which have satisfied the requirements at Stages 1 and 2 but involve the use of frequencies which are likely to cause significant interference with one another, stage 3 evaluation will be undertaken. At its discretion, the Commission may treat an applicant whose frequency proposals are likely to interfere with a second applicant as being in competition with that second applicant and with other applicants with whom the second

applicant is competing, where it considers that it ought take all such applicants into consideration when deciding what licences to award. Competing applicants will be given a short opportunity of modifying their applications with a view to avoiding (or significantly reducing the likelihood of) interference.

In circumstances where the competing applicants cannot propose a solution resolving the problem to the satisfaction of the Commission, it will decide on which applicant to offer a licence by reference to the following:

- The Commission wishes to avoid concentration of ownership of television delivery platforms and will generally favour applicants who are not already delivering licensed programme services.
- The Commission will favour granting a licence to the applicant whose proposals, as modified if appropriate, would serve the greatest number of households in the shortest time.
- If following the above, it is not possible to differentiate between applicants, the award of the licence will be decided by lot.

4. INFORMATION TO BE PROVIDED BY THE APPLICANT

4.1 Application Sheets

The Application form requests the following information:

Application Form	Nature of information requested	Reason for information requested
Part 1	Name, address, telephone and fax number of applicant. Contact details. Details of legal structure.	Record keeping and contact data.
Part 2 – 2.1 & 2.2	Details of the geographic area to be serviced. Is there any overlap with a cable service? Number of potential subscribers. Billing period. How will the subscribers register be maintained?	To clearly identify the nature of the proposed service, number of subscribers and how much they will be charged.
Part 2 – 2.3	Forecast income and expenditure of the proposed service for the period to Dec 2000	To satisfy the Commission that the applicant has considered the cash inflows and outflows associated with the service and the manner in which any deficit of income over expenditure will be funded.
Part 2 – 2.4	Implementation/development plan	To ensure that the service can be operating within 30 days of grant of licence.
Part 3	Technical details on the service to be provided, frequencies applied for and source of the signal being retransmitted.	To ensure that the service conforms to the Commission’s spectrum management requirements.

4.2 Confidentiality

The Commission will publish information contained in Part 1.1 of the application form, along with the general area proposed to be served and the intended subscription charge if a licence is awarded.

Where there are instances of potential interference between applicants, following due notice, the Commission will provide each affected applicant with contact details of the relevant other applicant.

Information provided by applicants which is not in the public domain will be kept confidential, subject to any legal obligation to disclose.

5 FEES

5.1 Application Fee

A non-refundable application fee of £200 in respect of each frequency channel applied for at each location must accompany the application form.

5.2 Licence Fee

Licence fees are related to the administrative costs of licensing. Licence fees will be calculated at a rate of 3.5% of revenue arising from the operation of the service, and will be payable in advance to the Commission on a quarterly basis subject to a minimum payment of £35 per quarter.

6 OFFER OF A LICENCE

If, following an assessment of the application, the Commission decides to issue a licence to an applicant, the applicant will be offered a licence subject to payment of the appropriate licence fee and the arrangement of a security bond.

7 SECURITY BOND

Each licensee will be required to provide and maintain a security bond calculated at £5,000 plus £2,000 for each re-transmission site subject to a maximum of £20,000. The purpose of the bond and the manner in which it may be secured is set out in Regulation 11 of the Wireless Telegraphy (UHF Television Programme Retransmission) Regulations, 1999, S.I. No. 348 of 1999. Payment of the required licence fee must be made and the appropriate security bond must be entered into before the issue of the licence.

It is important to note that by granting a licence the Commission is in no way endorsing the specific plans of an operator. Indeed, the Commission in no way makes or implies any comments on the operator's plans. The grant of a licence cannot therefore be relied upon as an assessment of the likely commercial success or otherwise of the applicant's business plan.

Appendix 1

Deflector Television Licence

Checklist

	Yes
Is the correct application fee included? <i>(£200 per frequency channel applied for at each re-transmitter site – See Application Form Part 3.2)</i>	
Is the application form complete?	
Are the Retransmission Station Information Sheets completed (for each retransmission site)?	
Has the declaration been filled in correctly and signed by all appropriate persons?	
<u>Enclosures</u>	
3 copies of application form and associated documentation and maps?	
3 copies of Retransmission Station Information Sheet (for each retransmission site)?	
Application Fees?	

Tick Yes for each item before forwarding application