



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Third Party Business Radio

Consultation on re-opening the Third Party Business Radio scheme

Consultation

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1 Introduction

1. The Commission for Communications Regulation (“ComReg”) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio communication and broadcasting networks) postal, and premium rate sectors in Ireland in accordance with European Union (EU) and Irish law. ComReg also manages Ireland’s radio frequency spectrum and the national numbering resource.
2. One of ComReg’s core statutory functions is to manage the radio frequency spectrum (“radio spectrum” or “spectrum”). Radio spectrum is a valuable, finite national resource underpinning many important economic and social activities.
3. The management of radio frequency spectrum involves licensing areas such as Private Mobile Radio (“PMR”). PMR is a popular communication system for applications where most traffic is between a control point and one or more mobile terminals, or where groups of mobile terminals need to communicate on a “one to all” basis. Some of the main uses of PMR are for public safety and security, public utilities (power, water, transport etc.) and industrial and commercial users.
4. PMR¹ is a general term that refers to a variety of licence types issued by ComReg. These include Business Radio, Community Repeaters, Paging, Mobile Radio Systems, Telemetry and Third Party Business Radio (“TPBR”). In its Radio Spectrum Management Strategy Statement 2019 – 2021², ComReg committed to reviewing the PMR licensing schemes in their entirety. In the short term however, ComReg must re-visit the existing TPBR licensing scheme to ensure continuity while this broader PMR review is conducted.
5. TPBR licences are generally held by radio equipment suppliers to provide commercial radio services to third-parties, providing the business radio community with a versatile service offering that can be tailored to meet the short term or longer term needs of individual users.
6. ComReg’s Radio Spectrum Management Strategy Statement 2019 – 2021³, notes that the demand for TPBR licences has grown steadily since it first opened in 2005. Consequently ComReg committed to consulting on relaunching the TPBR scheme prior to the expiry of existing licences in 2020, with the view of consulting on the period of time for which ComReg would accept applications for TPBR licences.

This consultation document is structured as follows:

¹ <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/business-radio/>

² See <https://www.comreg.ie/publication/radio-spectrum-management-strategy-statement-2019-to-2021-design-version>

³ <https://www.comreg.ie/publication/radio-spectrum-management-strategy-statement-2019-to-2021-design-version/>

- Chapter 2 sets out a brief background on ComReg's Third Party Business Radio licensing scheme since it was first opened in 2005;
- Chapter 3 sets out the proposed spectrum arrangements for both the VHF and UHF bands for the upcoming reopening of the scheme;
- Chapter 4 sets out the details of how licences can be applied for and the award process;
- Chapter 5 outlines the next steps in this consultation process;
- Annex 1 outlines the Legal Framework

2 Background

7. ComReg established the TPBR licensing scheme in 2005, following a public consultation⁴. The TPBR licensing scheme allows licensees to provide business radio services in the VHF (150-170 MHz) and UHF (450-470 MHz) bands to third-parties throughout the country without the need for individual licensing of business radio operations for each specific geographic site or by each third party user. This scheme is an efficient solution for third-party companies as it removes the requirement for them to own and maintain radio equipment, and hold radio licences.
8. The TPBR licensing scheme is one of seven PMR licensing schemes available in Ireland, with each scheme having its own set of Regulations. All TPBR licences to date have been issued under the *Wireless Telegraphy (Third Party Business Radio Licence) Regulations 2005 (S.I. No. 646/2005)*, which amongst other things states that TPBR licences shall be of five years duration and shall then expire. In its Radio Spectrum Management Strategy Statement 2019 – 2021, ComReg committed to consulting on the reopening of the TPBR licensing scheme in 2020, while also committing to reviewing the wider PMR licensing schemes in their entirety. Any future PMR consultation will take into consideration the TPBR licensing scheme and make proposals in regards to any transition activities that may be required.
9. In 2015, prior to the expiry of the existing TPBR licences, ComReg re-opened the TPBR scheme in order to grant new licences, to run for a further five year period.
10. During the period November 2015 to December 2017, ComReg issued 43 TPBR licences to 12 different operators. All current TPBR licences (listed in Tables 1 and 2 below) are due to expire between November 2020 and December 2022. As it stands currently, they cannot be renewed without reopening the licensing scheme.
11. ComReg is now consulting on its proposal to, once again, open the TPBR scheme⁵, and on:
 - its preliminary view that no additional frequencies should be made available for TPBR from the VHF band, taking account of the limited demand for frequencies that band to date;
 - its preliminary view that additional frequencies should be made available for TPBR from the UHF band, where the greatest demand for frequencies has

⁴ <https://www.comreg.ie/publication/new-licensing-scheme-for-the-provision-of-business-radio-services-to-third-parties>

⁵ In keeping with its functions, objectives, powers and duties relating to management of spectrum as mainly set out in the Communications Regulation Act 2002, as amended, the Electronic Communities (Electronic Communications Networks) (Framework) Regulations, the Electronic Communities (Electronic Communications Networks) (Authorisation) Regulations 2001, and the Wireless Telegraphy Acts 1926 as amended.

been experienced; and

- the application and grant process for TPBR licences.

3 Proposed Spectrum Allocation for the TPBR licensing Scheme

12. ComReg has previously made available a number of VHF Band and UHF Band 12.5 kHz channel pairings for the TPBR licensing scheme. Each channel is comprised of paired frequencies which could be used in either single frequency⁶ or dual frequency⁷ mode.

3.1 VHF Spectrum

13. During the first TPBR licensing period in 2005, four of the available twenty VHF channels were assigned. When the scheme was reopened again in 2010, five VHF channel in total were assigned. In 2015, the number of available VHF channels was reduced to ten. Currently, just six VHF channels are assigned to four different licensees, see Table 1 below.

14. Due to the low demand for VHF channels for TPBR, ComReg proposes to make only the ten VHF channels, listed in Table 1 below, available for licensing if the TPBR scheme is reopened.

15. ComReg welcomes views from interested parties on its proposal, along with supporting material or evidence where appropriate.

Table 1: Current and Proposed VHF Spectrum Allocation for TPBR

| Ch ID | BTX (MHz) | BRX (MHz) | Current Licensee | Licence expiry date |
|---------------|-----------|-----------|------------------|---------------------|
| TBV-01 | 165.5875 | 170.3875 | BP Multipage | 05/01/2021 |
| TBV-02 | 165.3625 | 170.1625 | BP Multipage | 05/01/2021 |
| TBV-03 | 166.1 | 170.9 | RSP | 05/01/2021 |
| TBV-04 | 166.3625 | 171.1625 | DAL Electronics | 07/03/2021 |

⁶ Single frequency mode - transmit and receive on the same frequency

⁷ Dual frequency mode - transmit and receive on receive on different frequencies.

| Ch ID | BTX (MHz) | BRX (MHz) | Current Licensee | Licence expiry date |
|---------------|-----------|-----------|------------------|---------------------|
| TBV-05 | 166.3875 | 171.1875 | EMR | 19/12/2020 |
| TBV-06 | 166.4125 | 171.2125 | BP Multipage | 16/10/2021 |
| TBV-07 | 166.4625 | 171.2625 | | |
| TBV-08 | 166.475 | 171.275 | | |
| TBV-09 | 166.5375 | 171.3375 | | |
| TBV-10 | 166.55 | 171.35 | | |

3.2 UHF Spectrum

16. During the first TPBR licensing period in 2005, nineteen of the available thirty-four UHF channels were assigned. When the scheme was reopened again in 2010, an increased twenty-six UHF channel were assigned. In 2015, the number of available UHF channels increased once again, this time to forty-four channels. Currently, thirty-seven UHF channels are assigned to twelve different licensees, as outlined in Table 2 below.

Table 2: Current UHF Spectrum Assignments

| Ch ID | BTX (MHz) | BRX (MHz) | Current Licensee | Licence expiry date |
|---------------|-----------|-----------|------------------|---------------------|
| TBU-01 | 453.8375 | 460.3375 | ESB | 29/11/2020 |
| TBU-02 | 453.85 | 460.35 | RSP | 25/11/2020 |
| TBU-03 | 453.8625 | 460.3625 | RSP | 25/11/2020 |
| TBU-04 | 453.875 | 460.375 | RSP | 25/11/2020 |
| TBU-05 | 453.8875 | 460.3875 | RSP | 09/05/2022 |

| Ch ID | BTX (MHz) | BRX (MHz) | Current Licensee | Licence expiry date |
|--------|-----------|-----------|--------------------|---------------------|
| TBU-06 | 453.9 | 460.4 | RSP | 09/05/2022 |
| TBU-07 | 453.9125 | 460.4125 | Mobile Radio Links | 30/11/2020 |
| TBU-08 | 453.925 | 460.425 | ESB Networks | 20/12/2022 |
| TBU-09 | 453.9625 | 460.4625 | | |
| TBU-10 | 453.9875 | 460.4875 | Mongey | 16/12/2020 |
| TBU-11 | 454.2 | 468.2 | BP Multipage | 05/01/2021 |
| TBU-12 | 454.2125 | 468.2125 | BP Multipage | 05/01/2021 |
| TBU-13 | 454.325 | 468.325 | RSP | 05/01/2021 |
| TBU-14 | 454.3375 | 468.3375 | RSP | 05/01/2021 |
| TBU-15 | 454.3875 | 468.3875 | Kestrel Comms | 05/01/2021 |
| TBU-16 | 454.4 | 468.4 | Kestrel Comms | 05/01/2021 |
| TBU-17 | 454.45 | 468.45 | EMR | 05/01/2021 |
| TBU-18 | 454.675 | 468.675 | EMR | 05/01/2021 |
| TBU-19 | 454.6875 | 468.6875 | Mongey | 09/01/2021 |
| TBU-20 | 454.9375 | 468.9375 | Mongey | 09/01/2021 |
| TBU-21 | 454.95 | 468.95 | | |
| TBU-22 | 454.9625 | 468.9625 | Mobile Radio Links | 05/01/2021 |
| TBU-23 | 454.9875 | 468.9875 | DAL Electronics | 07/03/2021 |
| TBU-24 | 457.775 | 463.275 | Universal | 25/04/2021 |
| TBU-25 | 457.8 | 463.3 | Universal | 25/04/2021 |
| TBU-26 | 457.8125 | 463.3125 | EMR | 19/07/2021 |
| TBU-27 | 457.8875 | 463.3875 | EMR | 19/07/2021 |
| TBU-28 | 457.9 | 463.4 | | |

| Ch ID | BTX (MHz) | BRX (MHz) | Current Licensee | Licence expiry date |
|---------------|-----------|-----------|------------------------|---------------------|
| TBU-29 | 457.9125 | 463.4125 | | |
| TBU-30 | 457.925 | 463.425 | Mercury Wireless Ltd | 29/11/2020 |
| TBU-31 | 457.9375 | 463.4375 | Cully Automation | 19/12/2020 |
| TBU-32 | 458.0125 | 463.5125 | | |
| TBU-33 | 458.025 | 463.525 | RSP | 19/12/2020 |
| TBU-34 | 458.0375 | 463.5375 | EMR | 19/12/2020 |
| TBU-35 | 458.05 | 463.55 | BP Multipage | 20/12/2020 |
| TBU-36 | 458.075 | 463.575 | BP Multipage | 20/12/2020 |
| TBU-37 | 458.0875 | 463.5875 | Cully Automation | 04/01/2021 |
| TBU-38 | 458.1875 | 463.6875 | Mobile Radio Links | 21/12/2020 |
| TBU-39 | 458.2 | 463.7 | BP Multipage | 26/11/2020 |
| TBU-40 | 458.2125 | 463.7125 | BP Multipage | 26/11/2020 |
| TBU-41 | 458.4 | 463.9 | | |
| TBU-42 | 458.4125 | 463.9125 | Mobile Radio Links | 05/01/2021 |
| TBU-43 | 458.425 | 463.925 | Apex Radio Systems Ltd | 27/06/2021 |
| TBU-44 | 458.4375 | 463.9375 | | |

17. Since the TPBR licensing scheme was last closed in 2017, a number of existing TPBR licensees and other interested parties have expressed an interest in seeking additional UHF channels. With this apparent demand in mind, ComReg proposes to make between five and ten additional UHF channels available, along with the forty-four UHF channels currently allocated to TPBR. Any unused channels after the closing date of the scheme would be made available for other PMR uses.

18. ComReg welcomes views from interested parties on its proposal, along with supporting material or evidence where appropriate.

4 Licence application and grant process

19. ComReg proposes that TPBR licences would be granted on a “first come, first served” basis as per Guidelines Document 05/82R2, pursuant to the *Wireless Telegraphy (Third Party Business Radio Licence) Regulations 2005 (S.I. No. 646/2005)*.
20. In order to minimise the potential for disruption to existing services, ComReg proposes that in circumstances where it is appropriate and necessary to draw lots, successful incumbent TPBR licensees would be assigned its existing channel, where possible. This would enable the TPBR licensee to continue to provide services to its existing clients without the requirement to retune to an alternative frequency channel.
21. To facilitate any transition period that a current TPBR licensee may require, between the expiry of an existing 5-year licence and the coming into effect of a new 5-year licence, ComReg proposes that it would accept applications from all interested parties for TPBR licences, for all channels that are currently licensed, one month prior to the particular licence expiry date.
22. With regard to the currently unassigned channels and any new additional TPBR channels, ComReg would provide interested parties with sufficient time, circa one month, to prepare their licence applications, following the conclusion of this consultation process and the publication of the revised Application form 05/82aR4 and Guidelines document 05/82R4.
23. ComReg anticipates that the currently unused channels together with any new additional channels would provide a sufficient supply of spectrum for TPBR, where the availability of obtaining TPBR licences is not acting as a barrier to entry in the provision of TPBR services, nor would it otherwise restrict competition in the provision of TPBR services. ComReg is therefore of the preliminary view that there is no objective justification for limiting: (a) the number of TPBR licences which could be granted to any one applicant; or (b) the number of channels which could be assigned in any one TPBR licence.
24. ComReg proposes to grant 5-year TPBR licences until all available channels have been assigned or until 30th November 2022, whichever is the earliest, and that, in any event, the proposed TPBR licensing scheme would close at midnight on 30th November 2022. ComReg considers that this should ensure that all TPBR licences would terminate within a clearly defined period, which would facilitate a broader PMR review outlined in Chapter 1 above. This would include consideration of any transition arrangements for TPBR licences, and any technological developments or regulatory changes that may arise in the interim.

25. ComReg welcomes views from interested parties on its proposals for the application and grant process for the TPBR licensing scheme, along with supporting material or evidence where appropriate.

5 Submitting Comments and Next Steps

5.1 Submitting Comments

26. ComReg invites submissions from interested parties in regards to the proposals in this document. Respondents should provide reasoning and supporting information for any views expressed, and reference the relevant section / paragraph number from this document.

27. ComReg requests that submissions be made by no later than 16:00 on 03/07/2020.

28. Responses must be submitted in written form, by email only, to the following recipient, clearly marked – Submissions to ComReg 20/44:

Ms. Sinead French

Commission for Communications Regulation

One Dockland Central

Guild Street

Dublin 1

Ireland

D01 E4X0

Email: marketframeworkconsult@comreg.ie

29. Electronic submissions should be submitted in an unprotected format so that they may be readily included in the ComReg submissions document for electronic publication.

30. 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).

31. 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 have 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.

32. 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.

For example, “Redtelecom has a market share of [~~25%~~].”

5.2 Next Steps

33. Following receipt and consideration of submissions in response to this consultation, and other relevant material, ComReg intends to publish a response to consultation and decision document, non-confidential submissions and the application process / guidelines for accepting applications for TPBR licences.

Annex: 1 Legal Framework

Wireless Telegraphy Act, 1926 as amended (the “1926 Act”)

- A 1.1 Under Section 5(1) of the 1926 Act, ComReg may, subject to that Act, and on payment of the prescribed fees (if any), grant to any person a licence to keep and have possession of apparatus for wireless telegraphy in any specified place in the State.
- A 1.2 Section 5(2) provides that, such a licence shall be in such form, continue in force for such period and be subject to such conditions and restrictions (including conditions as to suspension and revocation) as may be prescribed in regard to it by regulations made by ComReg under Section 6.
- A 1.3 Section 5(3) also provides that, where it appears appropriate to ComReg, it may, in the interests of the efficient and orderly use of wireless telegraphy, limit the number of licences for any particular class or classes of apparatus for wireless telegraphy granted under Section 5.
- A 1.4 Section 6 provides that ComReg may make regulations prescribing in relation to all licences granted by it under Section 5, or any particular class or classes of such licences, all or any of the following matters:
- the form of such licences,
 - the period during which such licences continue in force,
 - the manner in which, the terms on which, and the period or periods for which such licences may be renewed,
 - the circumstances in which or the terms under which such licences are granted,
 - the circumstances and manner in which such licences may be suspended or revoked by ComReg,
 - the terms and conditions to be observed by the holders of such licences and subject to which such licences are deemed to be granted,
 - the fees to be paid on the application, grant or renewal of such licences or classes of such licences, subject to such exceptions as ComReg may prescribe, and the time and manner at and in which such fees are to be paid, and
 - matters which such licences do not entitle or authorise the holder to do.

- A 1.5 Section 6(2) provides that Regulations made by ComReg under Section 6 may authorise and provide for the granting of a licence under Section 5 subject to special terms, conditions, and restrictions to persons who satisfy it that they require the licences solely for the purpose of conducting experiments in wireless telegraphy.
- A 1.6 Further to section 37 of the Communications Regulation Act 2002 as amended, Regulations made by ComReg under section 6 of the Wireless Telegraphy Act 1926 as amended can only be made with the consent of the Minister for Communications, Climate Action and Environment.