



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Third Party Business Radio

Response to Consultation and decision on re-opening the Third-Party Business Radio scheme

Response to Consultation and Decision

**Reference:** ComReg 20/76

**Version:** Final

**Date:** 20/08/2020

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## Additional Information

Consultation	Document No. 20/44

## Approval



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## **An Coimisiún um Rialáil Cumarsáide**

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# 1 Introduction

- 1 In June 2020, the Commission for Communications Regulation ('ComReg') issued a consultation regarding the re-opening of the Third Party Business Radio licensing scheme ('Consultation 20/44')<sup>1</sup>.
- 2 In this consultation, ComReg set out its proposals for reopening the licensing scheme, which included:
  - 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 in 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 been experienced; and
  - the application and grant process for incumbent licensees and new applicants of TPBR licences.

## Respondents to Consultation 20/44

- 3 ComReg is grateful for the three responses it has received to Consultation 20/44. The interested parties who responded are:
  - Apex Radio Systems Ltd ('Apex Radio Systems')
  - RadioTrader Ltd ('RadioTrader')
  - Electricity Supply Board Networks ('ESBN')
- 4 Having carefully considered these responses, the points made therein and other relevant information, this response to consultation document sets out ComReg's assessment of, and views in relation to, the matters raised.
- 5 ComReg has published all three responses in Document 20/76s.

## Structure of this document

- 6 This document is structured as follows:
  - **Chapter 2** sets out the responses to the proposals discussed in chapters 3 and 4 of Consultation 20/44, namely:

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<sup>1</sup> <https://www.comreg.ie/publication/third-party-business-radio-consultation-on-re-opening-the-third-party-business-radio-scheme>

- VHF and UHF spectrum allocation; and
  - Licence application and grant process.
- **Chapter 3** sets out ComReg's final decision.
- **Chapter 4** outlines the next steps for applicants.

## 2 Response to Consultation 20/44

### Proposed Spectrum Allocation for the TPBR Licensing Scheme

#### VHF channels

- 7 In Consultation 20/44, and given the limited demand for VHF channels when the scheme was last reopened, ComReg proposed not to further supplement the current number of VHF channels available for TPBR licensing<sup>2</sup>.

#### Views of Respondents

- 8 Two respondents (ESBN and Radiotrader) were supportive of ComReg's proposals on the amount of VHF channels to be made available.
- 9 Radiotrader voiced its support for ComReg's proposal and also expressed an interest in obtaining two VHF channels.
- 10 ESBN agrees that in light of the current usage trends, it makes sense for ComReg to limit the number of VHF channels it makes available, provided that should demand exceed supply, ComReg would respond to meet any such demand.

#### ComReg's assessment and position

- 11 ComReg welcomes the support and interest of both respondents and notes the interest expressed by Radiotrader.
- 12 ComReg notes ESBN's suggestion, but remains satisfied that the current amount of VHF channels available will suffice.

#### UHF channels

- 13 ComReg proposed to add between 5 – 10 additional channels to the current number of UHF channels available for TPBR licensing, based on interest expressed. The final number of channels to be added would be informed by demand following this public consultation. Any unused channels remaining after the closing date of the scheme would be made available for other PMR uses.

#### Views of Respondents

- 14 Two respondents (ESBN and Radiotrader) were supportive of ComReg's proposal.

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<sup>2</sup> There are only 6 of the 10 available VHF channels assigned.

- 15 Radiotrader is supportive of ComReg's proposal and also expressed its interest in obtaining two UHF channels.
- 16 ESNB agrees with ComReg's proposal to initially make 10 additional channels available but encourages ComReg to be flexible when meeting demand, once such demand is better understood.

## ComReg's assessment and position

- 17 ComReg welcomes and notes the views of the respondents regarding the UHF band. Given the proven demand for UHF channels in the past and based on the interest received to Consultation document 20/44, ComReg remains satisfied that a further 10 UHF channels will adequately meet demand.

## Licence application and grant process

- 18 In Chapter 4 of Consultation 20/44, ComReg outlined how TPBR licences would be issued on a "first come, first served" basis as per its Guidelines Document 05/82R5. ComReg also outlined how, in order to minimise the potential for disruption to existing services, it proposes that in circumstances where it is appropriate and necessary to draw lots, successful incumbent TPBR licensees would be assigned its existing channel.
- 19 In summary ComReg proposed that:
  - it would accept applications from all interested parties for TPBR licences, for all channels that are currently licensed, one month prior to the current licence expiry;
  - it would provide interested parties with enough time, circa one month, to prepare their licence applications for the currently unassigned channels and any new additional TPBR channels;
  - it was 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; and
  - it would grant 5-year TPBR licences until all available channels have been assigned or until 30<sup>th</sup> November 2022, whichever is the earliest, and that, in any event, the proposed TPBR licensing scheme would close at midnight on 30<sup>th</sup> November 2022.

## Views of Respondents

- 20 Two respondents (ESBN and Apex Radio Systems) were supportive of ComReg's proposals.
- 21 ESBN was strident in its support for the proposal that incumbent TPBR licensees would retain existing channels, where validly applied for, in the new licence grant process as this would avoid unnecessary cost and disruption.
- 22 ESBN outlined that it would need to provide its customers with the continuity of services being provided by its existing TPBR licenses and therefore supports ComReg's proposal that it would accept applications from all interested parties for TPBR licences, for all channels that are currently licensed and any new additional TPBR channels, one month prior to current licence expiry. ESBN further opines that having the ability to submit licence applications on-line would be welcome.
- 23 ESBN contends that ComReg should be accommodating, for example, if the case arises that ESBN renews licences and perhaps acquires additional channels in late 2020, that it would still be possible for it to obtain new 5-year licences in late 2022, thus observing the 2027 closure of the scheme, while possibly relinquishing licences acquired for the same channels in 2020.
- 24 Apex Radio Systems is pleased with the proposals, provided that it could be re-issued with its existing radio channel frequencies, contending that any change would entail significant engineering time, costs and disruption to its customers.

## ComReg's assessment and position

- 25 ComReg welcomes the views expressed by the respondents, ESBN and Apex Radio Systems, and it agrees that incumbent licensees should retain their existing channels where possible, thus minimising any costs or disruption.
- 26 ComReg notes ESBN's support for its proposal to accept applications from all interested parties for TPBR licences, for all channels that are currently licensed and any new additional TPBR channels, one month prior to licence expiry and intends to implement this proposal. Regarding the potential for online applications, ComReg is pleased to confirm that it intends to review application processes as part of its upcoming broader PMR review.



27 In relation to ESNB's submission regarding obtaining new licences and relinquishing old ones, ComReg notes that all TPBR licences are issued under the Wireless Telegraphy (Third Party Business Radio Licence) Regulations 2005 (S.I. No. 646/2005), for a period of five years duration and shall then expire. Regulation 6(4) of S.I. No. 646 of 2005 states "*If a Licence is suspended or revoked, the Primary Licensee shall not be entitled to be repaid any part of the fee paid by the Primary Licensee under these Regulations but shall still be liable to pay any sums (including interest) outstanding*", therefore if ESNB were to request ComReg to revoke a TPBR licence prior to the five year expiry date, ESNB would not be entitled to a refund of fees paid, nor could the fees be credited towards the fees for a new TPBR licence.

## 3 Decision

28 Having had regard to the above considerations and submissions from the respondents, ComReg has decided to:

- I. retain the current number of VHF channels (see Table 1 below);
- II. provide an additional ten UHF channels (see Table 2 below) given the demand for UHF channels;
- III. accept applications for TPBR licences, for all channels that are currently licensed, one month prior to licence expiry;
- IV. provide enough time, one month, for interested parties to prepare licence applications;
- V. place no limits on (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; and
- VI. 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 TPBR licensing scheme will 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 reviewing all PMR licensing schemes as part of a separate work item which will begin in Q2 2021.

Ch ID	BTX (MHz)	BRX (MHz)	Current Licensee	Licence expiry date
<b>TBV-01</b>	165.5875	170.3875	BP Multipage	05/01/2021
<b>TBV-02</b>	165.3625	170.1625	BP Multipage	05/01/2021
<b>TBV-03</b>	166.1	170.9	RSP	05/01/2021
<b>TBV-04</b>	166.3625	171.1625	DAL Electronics	07/03/2021
<b>TBV-05</b>	166.3875	171.1875	EMR	19/12/2020
<b>TBV-06</b>	166.4125	171.2125	BP Multipage	16/10/2021
<b>TBV-07</b>	166.4625	171.2625		
<b>TBV-08</b>	166.475	171.275		
<b>TBV-09</b>	166.5375	171.3375		
<b>TBV-10</b>	166.55	171.35		

**Table 1: VHF Spectrum Allocation for TPBR**

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
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	461.2875	467.7875		
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	461.3	467.8		
TBU-22	454.9625	468.9625	Mobile Radio Links	05/01/2021

Ch ID	BTX (MHz)	BRX (MHz)	Current Licensee	Licence expiry date
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	461.3125	467.8125		
TBU-29	461.325	467.825		
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	461.3375	467.8375		
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	461.35	467.85		
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	461.3625	467.8625		
TBU-45	461.375	467.875		

<b>Ch ID</b>	<b>BTX (MHz)</b>	<b>BRX (MHz)</b>	<b>Current Licensee</b>	<b>Licence expiry date</b>
<b>TBU-46</b>	461.3875	467.8875		
<b>TBU-47</b>	461.4	467.9		
<b>TBU-48</b>	461.4125	467.9125		
<b>TBU-49</b>	461.425	467.925		
<b>TBU-50</b>	461.4375	467.9375		
<b>TBU-51</b>	461.45	467.95		
<b>TBU-52</b>	461.4625	467.9625		
<b>TBU-53</b>	461.475	467.975		
<b>TBU-54</b>	461.4875	467.9875		

**Table 2: UHF Spectrum Allocation for TPBR**

## 4 Next Steps

- 29 The revised “Guidelines for Third Party Business Radio (TPBR) Applicants” (05/82R5) and associated application form (05/82aR5) provide guidance on the general terms and conditions associated with the TPBR licensing process and are available at [www.comreg.ie](http://www.comreg.ie)
- 30 Applicants can submit a completed Application Form to ComReg (together with supporting information and payment of the applicable fee) by email to [licensing@comreg.ie](mailto:licensing@comreg.ie).

## 5 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 any persons who satisfies 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.