



Commission for
Communications Regulation

Guidelines

Guidelines to Applicants Third Party Business Radio (TPBR) Licences

Document No:	05/82R1
Date:	1 February 2006

Document Revision History

Document Version	Date	Nature of Revision
05/82R1	1 February 2006	Phase II of TPBR scheme opened. Document updated with details of phase II
05/82	9 November 2005	Original Document

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Contents

1	Introduction	3
2	The Statutory Regulations	4
3	The TPBR Licensing Scheme	5
3.1	FREQUENCY SPECTRUM FOR TPBR LICENSING.....	5
3.2	EQUIPMENT COMPLIANCE.....	6
4	The Application Process.....	7
4.1	ELIGIBLE APPLICANTS	7
4.2	TERMS FOR SUBMISSION OF APPLICATION	7
4.3	EVALUATION PROCESS.....	7
4.4	APPLICATION CONDITIONS	8
5	Licence Information	10
5.1	LICENCE FEES AND DURATION.....	10
5.2	AMENDMENT REQUESTS FROM LICENSEES	10
5.3	REQUESTS FOR ADDITIONAL CHANNELS FROM EXISTING LICENSEES	10
5.4	AMENDMENTS TO LICENCES.....	10
5.5	REVOCATION OF A LICENCE	11
5.6	CANCELLATION OF A LICENCE.....	11
5.7	NON-IONISING RADIATION	11
5.8	HARMFUL INTERFERENCE TO OTHER LICENSED USERS	11
5.9	TECHNICAL CONDITIONS	11
5.10	PROVISION OF ELECTRONIC COMMUNICATIONS SERVICES.....	11
5.11	PROVISION OF INFORMATION	12
5.12	COMMISSIONING/SITE INSPECTIONS	12
5.13	LICENCE FREQUENCY	12
6	Additional Information – Phase I: Questions & Answers	13

1 Introduction

On the 9th of November 2005, the Commission for Communications Regulation (ComReg) launched phase I of the licensing process for Third Party Business Radio (TPBR) Licences. The overall objective of the process is to put in place a versatile licensing scheme which provides for national licences that can be used for a wide variety of business radio services and includes a facility for permitting the transfer of licences between entities.

The TPBR licensing scheme provides 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 as these evolve over time. Unlike traditional business radio licences, the TPBR licence allows licensees to provide business radio services 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. Another benefit of this scheme is that it permits TPBR licences to be transferred to or traded with other entities, subject to prior agreement from ComReg.

Phase I of the TPBR licensing process has been concluded. This phase was open to those who have already submitted Expressions of Interest in the scheme, and ran from 9 November to 7 December 2005.

This document launches Phase II of the TPBR licensing scheme, which is open to all interested parties. Phase II of the TPBR licensing scheme will run for a period of 1 year from 1 February 2006, subject to spectrum availability.

This document provides guidance to applicants on the TPBR licensing scheme. It outlines the spectrum currently available for those licences, the application process and provides guidance on the licence conditions. ComReg document (05/82aR) contains the application form for a TPBR licence.

This document is without prejudice to the legal position or the rights and duties of ComReg to regulate the market generally.

2 The Statutory Regulations

A Wireless Telegraphy (WT) Licence is required under Section 3 of the Wireless Telegraphy Act 1926 to keep and operate apparatus for wireless telegraphy. The specific regulations governing the issue of TPBR licences are contained in the Wireless Telegraphy (Third Party Business Radio Licence) Regulations, 2005 (S.I. 646 of 2005);

The applicant should be aware that any TPBR licence granted by ComReg is for the keeping and operating of the apparatus for wireless telegraphy which is specified in the licence. Any licence issued by ComReg does not absolve the licensee from complying with any other statutory obligations (e.g. planning permission);

TPBR licensees must also comply with ComReg's General Authorisation scheme governed by the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003 (SI 306 of 2003).

3 The TPBR Licensing Scheme

The TPBR licensing scheme is an initiative by ComReg to put in place a versatile licensing scheme which provides for national licences that can be used for a wide variety of business radio services and includes a facility for permitting the transfer of licences between entities.

TPBR licences allow the licensee to provide a variety of business radio services to customers, subject to compliance with the technical conditions of the licence. Where services are made available to third parties, it is not necessary for these third parties to have a separate WT licence. However it is the responsibility of the TPBR licensee to ensure that all equipment (mobile, handportables and base) used by third parties complies with the technical conditions of the TPBR licence and is R&TTE compliant.

National spectrum is being made available to the TPBR licensing scheme. This is different to the traditional business radio licences where spectrum is generally made available at a specific geographical location.

Under the rules of the scheme, licences may be transferred between entities, with the permission of ComReg.

Each TPBR licence will comprise a single paired frequency channel.

- Phase I of the TPBR licensing scheme is now concluded. It ran from 9 November to 7 December 2005.
- **Phase II** of the TPBR licensing scheme **is now open**. Phase II will run from 1 February 2006 to 31 January 2007, subject to spectrum availability.

3.1 Frequency Spectrum for TPBR licensing

Frequency spectrum from the following bands will be made available for TPBR licensing:

- VHF low Band (68-88 MHz)
- VHF High Band (156-174 MHz)
- UHF (450-470MHz)

For the TPBR scheme, up to 20 channels of bandwidth 12.5 kHz will be made available in each band. Each channel comprises of paired frequencies, which could be used in either single frequency or dual frequency mode. Base operations are only allowed on the designated base frequency.

In phase I, fifteen (15) TPBR licences were issued to six (6) licensees. Details on the TPBR licences and the number of channels available for TPBR licensing can be found on ComReg's website at www.comreg.ie/tpbr.asp.

The frequency spectrum for TPBR licences will be licensed on a national basis although there may be restrictions close to border areas. ComReg will endeavour to minimise the potential for interference between users and services, however no liability shall accrue to ComReg arising from interference. All licensed operators, TPBR and other licensees, are required to cooperate with ComReg in resolving occurrences of interference. More detailed guidance on the TPBR licence conditions is given in section 5.

Changes in the frequency spectrum available to TPBR services may arise for a number of reasons, including:

- Changes in spectrum allocations in accordance with the requirements of international treaties or regionally negotiated agreements;
- Changes necessitated by EU legislation;
- Changes in order to meet national requirements;

In the interests of the efficient use of the radio spectrum it is the policy of ComReg to review the use of the spectrum on an ongoing basis in order to reflect the changes outlined above and changes in the market place. ComReg would endeavour to provide as much notice as possible in the event that any such changes were required.

3.2 Equipment Compliance

In common with other licensed radio services, all radio equipment used to deliver TPBR services must comply with the Radio and Telecommunications Terminal Equipment Directive 1999/5/EC (the R&TTE Directive)¹ which was enacted into Irish law on 5 June 2001 by Statutory Instrument 240 of 2001. Harmonised standards under the R&TTE Directive, published by the European Telecommunications Standards Institute (ETSI) and CENELEC, can be used to demonstrate compliance to the essential requirements of the R&TTE Directive². Information on the R&TTE Directive may be found in ComReg documents 00/61 and 00/62R – please note that these documents are subject to revision and updates³.

For information purposes, a list of the most common standards for business radio systems that comply with R&TTE directive is detailed below. Equipment using standards other than those listed below is also acceptable once this equipment is compliant with the R&TTE directive:

- EN 300 086 (radio equipment using an integral antenna intended primarily for analogue speech)
- EN 300 113 (radio equipment intended for the transmission of data (and/or speech) using constant or non-constant envelope modulation and having an antenna connector)
- EN 300 210 (radio equipment transmitting signals to initiate a specific response in the receiver)
- EN 300 224 (on-site paging)
- EN 300 296 (radio equipment using integral antennas intended primarily for analogue speech)
- EN 300 341 (radio equipment using an integral antenna transmitting signals to initiate a specific response in the receiver)
- EN 300 390 (Radio equipment intended for the transmission of data (and speech) and using an integral antenna).

¹ OJEC reference L 91, 7.4.1999, p.10 (available from http://europa.eu.int/eur-lex/en/search/search_oj.html)

² A list of the harmonised standards under the R&TTE Directive is maintained at

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/radiotte.html>

³ Further information on the R&TTE Directive can be found at <http://europa.eu.int/comm/enterprise/rtte/>

4 The Application Process

4.1 Eligible Applicants

Phase II of the TPBR scheme is open to all interested parties.

4.2 Terms for submission of Application

All applications for a TPBR licence must be made on the appropriate application form (ComReg 05/82aR).

Only applications which fulfil the following minimum requirements shall be considered:

1. The licence application form must be completed correctly and in accordance with the guidelines attached to the application form and contained in this document;
2. Each application must be accompanied by a fee of €5000 for each paired 12.5 kHz channel requested.
3. For an application to be valid, the applicant:
 - a. must apply for a minimum of two TPBR channels from any of the three TPBR frequency bands.
 - b. cannot apply for more than two TPBR channels in a frequency band, (i.e. cannot apply for more than 6 channels in total).
4. **Deadline for delivery:** Phase II will run from 1 February 2006 to 31 January 2007, subject to spectrum availability. As such, completed applications and correct fees must be delivered to the address below not later than **17:00 hrs (local time) on 31 January 2007**. Applications received after this deadline will not be considered.
5. Requests by applicants for an extension of the time period outlined above will not be considered.
6. Sealed applications shall be delivered to the following address:

The Commission for Communications Regulation
Licensing Section (Ref: TPBR Licensing Scheme)
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1

4.3 Evaluation Process

ComReg will stamp the date received on all TPBR applications received. All TPBR applications will be evaluated on a first come first served basis and TPBR applications received by ComReg on the same day will be treated equally.

The first step in the evaluation of an application comprises of an assessment to determine whether the application fulfils the minimum requirements specified in the section above. If the application fails to comply with any of these requirements or fails to correct the application within 24 hours of a request from ComReg for additional information, the application will be rejected and the applicant will have to resubmit a complete application.

Only applications that fulfil the minimum requirements will be deemed valid, and will be allowed to move to the second stage of the evaluation process, namely the assignment of TPBR channels to applicants.

The assignment of TPBR channels to applications is based on a first come first served basis and is as follows:

- Where there is one valid TPBR application on a particular day, ComReg will assign TPBR channels to this applicant as per their application request, provided there are sufficient TPBR channels available.
- Where there is more than one valid TPBR application on the same day, ComReg will draw lots from each of the valid applicants to put them in an order. ComReg will then consider each valid application in the order which they have been drawn and will assign TPBR channels to this applicant as per their application request, provided there are sufficient TPBR channels available.

4.4 Application conditions

By participating in this process, the applicant undertakes to accept the terms of this application document and will abide by the rules of the process. All expenses incurred by applicants or potential applicants shall be borne by themselves exclusively.

ComReg reserves the right to alter any of the deadlines or conditions during the licensing process. Although every care has been taken in preparing this document and conducting this process, no representation, warranty or undertaking, expressed or implied, in respect of any error or misstatement is or will be made or given, and no responsibility or liability will be accepted by ComReg or by any of its officers, employees, servants, agents or advisers as to the accuracy or completeness of this document or any other written or oral information made available to any interested party or its advisers concerning this document and any liability howsoever arising (including in respect of this licensing process) is expressly disclaimed. No information contained in this document shall form the basis for any warranty or representation by or term of any contract with ComReg.

ComReg makes no representations and warranties in respect of the viability of the market or accuracy of the contents of this application form so that applicants and potential applicants are responsible for their own verification and due diligence. The applicant agrees by accepting any licence which it may be offered that the Licensee is responsible for all costs, liabilities and losses derived from the operation or non-operation of the licence or licensed service for whatever cause.

ComReg reserves the right to request an applicant to submit further material and documents in addition to the information already provided within such time and within such format as ComReg may stipulate.

ComReg reserves the right to announce the names and details of successful applicants. In this regard, ComReg is considering developing a webpage which will incorporate contact details for the licensees and their licence details.

5 Licence Information

A licence granted under the TPBR Regulations allows the licensee to keep and operate radio apparatus in accordance with these regulations.

Please refer to the Wireless Telegraphy (Third Party Business Radio Licence) Regulations, 2005 (S.I. 646 of 2005) for conditions attaching to the TPBR licence.

ComReg reserves the right not to award licences.

5.1 Licence Fees and Duration

Licence fees, applicable to all TPBR licences under this scheme are €5000 per 12.5 kHz paired channel, for a 5 year licence. It is not envisaged that licences will be granted for shorter periods.

The fee is payable in full on application.

Each paired 12.5 kHz channel will be individually licensed.

Licensees will be permitted to transfer individual licences to other entities or to acquire further licences from existing licensees on normal commercial terms, subject to prior approval from ComReg.

A Licence shall (unless it has been revoked) be in force for a maximum period of five years from the date on which it comes into operation and shall then expire.

5.2 Amendment Requests from Licensees

It is recognised that licensees, from time to time, may wish to request a modification to an existing licence. Requests to transfer a licence (s) must be made in writing using Section 5 of the TPBR application form (ComReg 05/82aR). Note that transfer of licences between parties may be used by existing licensees to acquire more than two TPBR channels in a frequency band.

5.3 Requests for additional channels from existing Licensees

Subject to availability, each licensee may be licensed by ComReg for a maximum of 6 channels (2 channels per frequency band). Within this limit, existing licensees may make a request for additional TPBR channels by completing section 1 to 4 of the application form and submitting this in writing to ComReg.

5.4 Amendments to Licences

In exceptional circumstances and where appropriate, ComReg may need to make modifications to existing licences. In such cases, ComReg will follow the procedures set out in the Authorisation Regulations.

5.5 Revocation of a Licence

ComReg may suspend or revoke a licence where there is serious or repeated non-compliance by the licensee with the conditions of the licence. Licensees should refer to Regulation 16 of the Authorisation Regulations for a non-exhaustive list of circumstances which may lead to a licence being revoked.

5.6 Cancellation of a Licence

A Licence may be cancelled at the written request of the licensee. There shall be no entitlement to any refund of licence fees in the event of such cancellation.

5.7 Non-Ionising Radiation

The licensee shall ensure that non-ionising radiation emissions from the TPBR apparatus operated by the licensee and from any structure occupied by the TPBR apparatus are within the limits specified in the guidelines published by the International Commission for Non-Ionising Radiation Protection (“*ICNIRP*”) and that these comply with any radiation emission standards adopted and published by ICNIRP or its successors from time to time, any radiation emission standards of the European Committee for Electro Technical Standards and any other radiation emission standards specified by law.

5.8 Harmful Interference to other licensed users

ComReg’s intention is that frequencies identified for TPBR services are available for National use, subject to the technical conditions outlined in section 5.9 below.

However, in certain locations, e.g. close to the Border with Northern Ireland or close to neighbouring systems, it may be necessary to co-ordinate the use of the channels/systems or to apply additional technical constraints in order to minimise harmful interference to other licensed users. In these cases, all expenses must be borne by the licensee.

Licensees are required to adhere to the guidelines in ETSI Technical Report ETR 053, "Radio Site Engineering for Radio Equipment and Systems in the Mobile Service", to minimise the risk of interference between co-sited radio systems.

5.9 Technical Conditions

The following maximum effective Radiated Power (ERP) limits will apply to TPBR systems:

- Base Station equipment: 25 watts (14dBW)
- Mobile Station equipment: 25 watts (14dBW)
- Handportable equipment: 5 watts (7dBW)

5.10 Provision of electronic communications Services

TPBR licensees are permitted to provide electronic communications networks or services subject to compliance with the General Authorisation conditions specified in ComReg document 03/81

and submission of a notification to ComReg for the purposes of compiling a register of such operators.

TPBR customers who are providing electronic communications networks or services must also comply with the General Authorisation conditions outlined above.

5.11 Provision of Information

Every year, licensees are required to provide information on the locations of all base stations and contact details for queries in relation to these base stations, by resubmitting section 2C of the application form (see ComReg 05/82aR).

5.12 Commissioning/Site Inspections

ComReg reserves the right to inspect a TPBR station at any time to ensure that the system is configured and operating in accordance with the licence conditions. In addition, ComReg may attend the commissioning of base stations and may carry out measurements on the system at that time.

5.13 Licence Frequency

A licence does not confer any right of ownership of the frequency spectrum. It allows the assigned frequency channel to be used during the term of the licence in accordance with the conditions of the licence.

6 Additional Information – Phase I: Questions & Answers

In Phase I of the TPBR licensing scheme, ComReg received two questions to which ComReg provided answers. These questions and the answers are detailed below.

Q 1. Is it necessary to complete section "Technical & Base Operation Details"?

A 1. This section is intended to be completed annually by existing licensees - as the system grows and evolves. Only complete the table now with an application form, if you know where you are going to roll out your radio system(s).

Q 2. I cannot find mention of what happens to these channels after the 5 year licence period. If we use these channels as intended we would need to know if the licences can and will be renewed after the initial 5 year licencing period?

A 2. ComReg has not reached a decision in relation to licence renewals. It is intended that the licensing scheme and renewal of licences will be reviewed prior to the end of the 5 year period. Factors such as the success and the usage of the scheme will be considered during that review.