



Commission for
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Guidelines

Guidelines to Applicants Third-Party Business Radio (TPBR) Licences

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n Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

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1 Introduction

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.

The Third Party Business Radio (TPBR) was initiated on the 9th of November 2005 with the overall objective of putting 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 and closed on 31 January 2007.

ComReg will re-open the TPBR licensing scheme for applications from 13 December 2010.

This document provides guidance to applicants on the TPBR licensing scheme, outlines the spectrum available for those licences, the application process and provides guidance on the licence conditions. This document should be read in conjunction with ComReg document (05/82aR) which contains the necessary application forms to apply for a TPBR licence(s).

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, hand portables and base stations) used by third parties complies with the technical conditions of the TPBR licence and is R&TTE compliant.

Spectrum is being made available to the TPBR licensing scheme in a national basis. 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.

Under this release, ComReg will grant TPBR licences until all available channels are licensed or until 31 December 2011 after which the scheme will once again close.

Any TPBR licences currently live from the previous TPBR scheme which closed in January 2007, will remain valid for their 5 year term (In accordance with the TPBR Regulations 2005) All of these existing TBPR licences will have expired by the end of 2011.

Tables 1 and 2 below show the channels that were licensed in the VHF High and UHF High frequency bands and the applicable licence expiry dates.

Table 1: Licensed Channels in VHF High Frequency Band

Channel No.	BTx	BRx	Licence Expiry Date
01	165.5875	170.3875	5 January 2011
02	165.3625	170.1625	5 January 2011
03	166.1000	170.9000	5 January 2011
04	166.3625	171.1625	2 March 2011

Table 2: Licensed Channels in UHF High Frequency Band

Channel No.	BTx	BRx	Licence Expiry Date
01	454.2000	478.2000	5 January 2011
02	454.2125	468.2125	5 January 2011
03	454.3250	468.3250	5 January 2011
04	454.3375	468.3375	5 January 2011
05	454.3875	468.3875	5 January 2011
06	454.4000	468.4000	5 January 2011
07	454.4500	468.4500	5 January 2011
08	454.6750	468.6750	5 January 2011
09	454.6875	468.6875	5 January 2011
10	454.9375	468.9375	5 January 2011
11	454.9500	468.9500	5 January 2011
12	454.9625	468.9625	5 January 2011
13	454.9875	468.9875	2 March 2011
14	457.7750	463.2750	25 April 2011
15	457.8000	463.3000	25 April 2011
16	457.8125	463.3125	19 July 2011
17	457.8875	463.3875	19 July 2011
18	457.9000	463.4000	11 December 2011
19	457.9125	463.4125	11 December 2011

Applicants may apply for licences from 13 December 2010, however, where the requested spectrum has already been allocated under a current TPBR licence (as per Tables 1 and 2 above), then the new licence will not commence until the current licence has expired

Each TPBR licence will comprise a single paired frequency channel as given in tables 3 and 4 of Annex 1.

3.1 Frequency Spectrum for TPBR licensing

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

VHF High Band (156-174 MHz)

UHF (450-470MHz)

20 VHF High Band and 34 UHF High Band channels of bandwidth 12.5 kHz are being made available. 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.

(See Appendix 1 for full listing of available channels)

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)

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/>

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).

4 The Application Process

4.1 Eligible Applicants

The TPBR scheme is open to all interested parties from 13 December 2010.

Applicants may apply for any of the spectrum being made available however, where the requested spectrum is currently under licence then the new licence will not commence until that licence has expired.

4.2 Terms for submission of Application

All applications for a TPBR licence must be made on the appropriate application form (ComReg 05/82aR) and in accordance with these guidelines.

The licence fee for each 2 x 12.5 kHz channel is €1,000 per annum and is payable in advance for the full five-year term of the licence - i.e. the full fee of €5,000 for five years must accompany each licence application. Application fees are non-refundable⁴.

Completed applications should 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 Assignment Process

Using ComReg document 05/82aR, applicants may apply for multiple channels in a single application. ComReg will stamp the date received on all TPBR applications received and all applications received by ComReg on the same day will be treated equally.

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

- Where there is one TPBR application for a channel or a number of channels on a particular day, ComReg will assign the requested TPBR channels to this applicant as per their application request, provided there are sufficient TPBR channels available.

⁴ Unsuccessful applicants will be refunded all monies in full.

- However, where there are multiple requests for the same channel on the same day, and the TPBR channel is still available, ComReg will draw lots to determine to which applicant the channel will be assigned.

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).

5.3 Requests for additional channels from existing Licensees

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.

Annex 1: TPBR Available Channels

Table 3: Channels Available in the VHF High Frequency Band

Channel no.	BTX	BRX
01	165.5875	170.3875
02	165.3625	170.1625
03	166.1000	170.9000
04	166.3625	171.1625
05	166.3875	171.1875
06	166.4125	171.2125
07	166.4625	171.2625
08	166.4750	171.2750
09	166.5375	171.3375
10	165.1875	169.9875
11	165.5250	170.3250
12	166.4250	171.2250
13	167.5000	172.3000
14	167.6375	172.4375
15	167.6625	172.4625
16	167.6500	172.4500
17	167.6750	172.4750
18	167.6875	172.4875
19	167.7000	172.5000
20	167.7250	172.5250

Table 4: Channels Available in the UHF High Frequency Band

Ch Number	BTX	BRX	Note
01	454.2000	468.2000	Original 20 Channels assigned to the TPBR scheme
02	454.2125	468.2125	
03	454.3250	468.3250	
04	454.3375	468.3375	
05	454.3875	468.3875	
06	454.4000	468.4000	
07	454.4500	468.4500	
08	454.6750	468.6750	
09	454.6875	468.6875	
10	454.9375	468.9375	
11	454.9500	468.9500	
12	454.9625	468.9625	
13	454.9875	468.9875	
14	457.7750	463.2750	
15	457.8000	463.3000	
16	457.8125	463.3125	
17	457.8875	463.3875	
18	457.9000	463.4000	
19	457.9125	463.4125	
20	457.9250	463.4250	
21	457.9375	463.4375	Additional 14 Channels assigned to the TPBR scheme
22	458.0125	463.5125	
23	458.0250	463.5250	
24	458.0375	463.5375	
25	458.0500	463.5500	
26	458.0750	463.5750	
27	458.0875	463.5875	
28	458.1875	463.6875	
29	458.2000	463.7000	
30	458.2125	463.7125	
31	458.4000	463.9000	
32	458.4125	463.9125	
33	458.4250	463.9250	
34	458.4375	463.9375	