



Commission for
Communications Regulation

Information Notice

Application Procedure for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence

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Contents

1 Introduction 2

2 Application Procedure for a Wireless Telegraphy Interim GSM Mobile
Telephony Licence 3

1 Introduction

On 13 April 2011, the Commission for Communications Regulation (ComReg) published its Response to Consultation and Decision Document (ComReg Document 11/29 and ComReg Decision No. D03/11) on Interim Licences for the 900 MHz band.

In Decision D03/11 ComReg decided that, upon obtaining the consent of the Minister to the making by it of the Interim Licence Regulations, it will make the Interim Licence Regulations under section 6(1) of the Wireless Telegraphy Act 1926, prescribing relevant matters in regard to Interim Licences (the regulations so hereafter being referred to as “the Finalised Interim Licence Regulations”). The consent of the Minister was obtained on 20 April 2011.

Furthermore more in Decision D03/11 ComReg decided that it will, upon application properly being made to it by Vodafone and/or O2 within the terms of the finalised Interim Licence Regulations, and on payment of the Fees prescribed thereby, grant to them, or either of them, as the case may be, under section 5 of the Wireless Telegraphy Act 1926, a licence to keep, have possession of, install, maintain, work and use in a specified place in the State, apparatus for wireless telegraphy for the purpose of providing a GSM Mobile Telephony Service in the form, for the period, and subject to the conditions and restrictions (including conditions as to revocation, and so on), prescribed in the Interim Licence Regulations: including as appropriate, the Interim Licence schedules as set out in Annex 4 to ComReg Document 11/29.

The purpose of this Information Notice is to provide information on ComReg’s application procedures for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence.

2 Application Procedure for Wireless Telegraphy (Interim GSM Mobile Telephony) Licences

On 20 April 2011 the Minister for Communications, Energy and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002, gave his consent to the making by ComReg of the Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations 2011, Statutory Instrument SI 189 of 2011 (“The Regulations”).

In accordance with Regulation 9(4) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, and also for the purposes of Regulation 4 of the Regulations, ComReg now sets out the procedures by which Wireless Telegraphy (Interim GSM Mobile Telephony) Licences are to be applied for.¹

In anticipation of any correspondence on matters relating to this document, ComReg hereby gives notice that it will publish all material correspondence received in this regard. Such information will be subject to the provisions of ComReg’s *Guidelines on the Treatment of Confidential Information*.²

The Application Procedure

Application forms for Wireless Telegraphy (Interim GSM Mobile Telephony) Licences (ComReg Document 11/31) have been published by ComReg in conjunction with this Information Notice (and The Regulations). Application forms for Wireless Telegraphy (Interim GSM Mobile Telephony) Licences are available online from www.comreg.ie

What is being granted by this procedure?

Pursuant to Decision D03/11 in which ComReg decided to grant interim GSM Mobile telephony licences, upon proper and timely application (see below) by relevant potential applicants (see below), a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence would be granted for a period of up to one year (being 16 May 2011 to 15 May 2012). Under the terms of The Regulations, such a licence is renewable, but must, in any event, terminate on 31 January 2013.

Interested parties are referred to:

- ComReg Document 11/29 and ComReg Decision No. D03/11 for background to the licensing framework for Wireless Telegraphy (Interim GSM Mobile Telephony) Licence; and
- The Regulations for details of the rights and obligations pertaining to such a licence.

¹ Noting that ComReg previously indicated the envisaged procedures in Section 5 of Document 11/29.

² ComReg 05/24 Response to Consultation - Guidelines on the treatment of confidential information - March 2005.

For the avoidance of doubt, as set out in the Regulations and in ComReg Document 11/29 and ComReg Decision No. D03/11, any Wireless Telegraphy (Interim GSM Mobile Telephony) Licences granted will in respect of apparatus for wireless telegraphy be for the purpose of the provision of a GSM Mobile Telephony Service only.

Stakeholders interested in ComReg's spectrum release proposals for "liberalised" rights of use (i.e. rights to deploy 3G and 4G technologies) for the 800 MHz, 900 MHz and 1800 MHz spectrum bands are referred to ComReg's on-going consultation process in relation to same and, particularly, ComReg Consultation Documents 10/71 and 10/109. In this regard, ComReg advises that it is continuing to advance its broader spectrum proposals and will issue a Response to Consultation and Draft Decision in due course.

Who can apply for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence?

On the basis set out in ComReg Document 11/29 and ComReg Decision No. D03/11, and as provided in the Regulations, only Telefonica O2 and Vodafone Ireland may apply for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence.

Interested parties are again referred to ComReg Document 11/29 and ComReg Decision No. D03/11 for background to the licensing framework for Wireless Telegraphy (Interim GSM Mobile Telephony) Licences.

What is required to be submitted to obtain a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence?

Interested parties are specifically referred to the Wireless Telegraphy (Interim GSM Mobile Telephony) Licence Application Forms. In summary, to submit a valid application an applicant **MUST**:

- Properly complete all sections of the Application Form, including:
 - Providing a hard-copy list of the locations at which the applicant seeks to be authorised to keep and have possession of the 900 MHz GSM Mobile Telephony Service Apparatus;
 - Providing details of the 900 MHz GSM Mobile Telephony Service Apparatus which the applicant seeks to be authorised to keep and have possession of, in hard-copy format; and
 - Uploading to ComReg's Siteviewer facility³ the locations at which the applicant seeks to be authorised to keep and have possession of the GSM Mobile Telephony Service Apparatus;
 - Include full payment of the applicable Wireless Telegraphy (Interim GSM Mobile Telephony) Licence fee with the completed Application Form; and
 - Sign the Declaration Form.

³ <http://www.askcomreg.ie/mobile/siteviewer.273.LE.asp>

What is the deadline for applications for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence?

In order to ensure that licences can be issued in advance of existing licence expiry ComReg has set 3 May 2011 as the closing date for the receipt of completed application forms and receipt of the full spectrum fees for the relevant licence period.

When would Wireless Telegraphy (Interim GSM Mobile Telephony) Licences be issued by ComReg?

Provided that properly completed application forms and the applicable licence fees have been received by ComReg within the deadline identified above, it is envisaged that Wireless Telegraphy (Interim GSM Mobile Telephony) Licences will be issued on 13 May 2011 in respect of the first period of up to one year (being 16 May 2011 to 15 May 2012).

Key Dates

In summary, the dates associated with the application procedure are as follows:

- 21 April 2011: ComReg publishes Information Notice, Application Form and The Regulations enabling applications for a Wireless Telegraphy (Interim GSM Mobile Telephony) Licence to be made by eligible applicants (namely Telefonica O2 and Vodafone Ireland);
- 3 May 2011: Closing date for receipt by ComReg of applications for Wireless Telegraphy (Interim GSM Mobile Telephony) Licences;
- 13 May 2011: Envisaged issue of Wireless Telegraphy (Interim GSM Mobile Telephony) Licence(s) to the successful applicant(s).

For further information see ComReg Application Form **11/31**.