



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

26 GHz Band Spectrum Award – Questions and Answers

Information Notice

Information Notice

Reference: ComReg 18/40

Date: 09/05/2018

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1 Introduction

1. In Document 18/32¹, and following consultation on its proposals in Document 18/13², ComReg published its Information Memorandum (IM) setting out the processes and procedures for the 26 GHz Band Spectrum Award Process.
2. The processes and procedures that ComReg will employ in the 26 GHz Band Spectrum Award implement ComReg's Decision D04/18 as detailed in Document 18/31³.
3. This Information Notice publishes questions submitted to the 26 GHz Band Spectrum Award and ComReg's proposal to same.
4. In total, ComReg received 4 questions before the deadline of 16:00 (Irish time) on 8 May 2018.
5. The following section will list the questions submitted in accordance with Section 3.4 of the IM and sets out ComReg's final answers to each.
6. For the avoidance of doubt, the IM published on 27 April 2018, as clarified by (i) the answers set out in this document and (ii) any other amendments communicated by ComReg to Interested Parties and/or Bidders after the publication of this document, should be relied upon by Interested Parties in preparing their Applications and by Bidders in preparing for the Award Process.

¹ ComReg Document 18/32 – 26 GHz Band Spectrum Award Information Memorandum - published 27 April 2018.

² ComReg Document 18/13 – 26 GHz Band Spectrum Award Draft Information Memorandum – published 2 March 2018

³ ComReg Document 18/31 – 26 GHz Band Spectrum Award Response to Consultation and Decision - published 27 April 2018.

2 Questions and Answers submitted in accordance with Section 3.4 of the IM

2.1 Introduction

7. This chapter sets out ComReg's final answers to each of the questions submitted in accordance with Section 3.4 of the IM.
8. As per paragraph 3.25 of the IM, ComReg is now publishing all questions received together with their associated final answers on an anonymous basis.
9. In certain questions, reference was made to "*the primary round*". To clarify, and for the avoidance of doubt, the Information memorandum (IM)⁴ does not refer to a primary round but rather to an "*Assessment Stage*". ComReg has responded to the relevant questions based on its understanding that the querist(s) concerned were in fact referring to the Assessment Stage.

2.2 Question and Answer to Question 1

Question

10. *Will all Bids and Deposits paid by Bidders be confidential? – i.e. will ComReg publish only the Base price and any Additional price post the auction.*

ComReg response to Question 1

11. Paragraph 3.198 of the IM details the only information that ComReg will release at the end of the Award Process. Therefore, ComReg will maintain strict confidentiality in respect of all Bids made by, and Deposits paid by, Bidders.

2.3 Question and Answer to Question 2

Question

12. *Will excess of Deposits over Base Price be released to Bidders after the primary round or are they held until after the Assignment Round.*

⁴ ComReg 18/32 – 26 GHz Band Spectrum Award – Information Memorandum – published 27 April 2018.

ComReg Response to Question 2

13. The return of any Deposits is addressed in section 3.8 of the IM (Notification and Grant Stage). Any Deposits as may be returned will be returned upon completion of the Assignment Stage, at which point ComReg will have determined the winning Assignment Bids and any Additional Prices that Winning Bidders are liable to pay.
14. Par. 3.177 of the IM notes that if a Winning Bidder's Upfront Fee, less any applicable rebates, is less than its Deposit, the relevant amount of the Deposit will be returned to the Winning Bidder by the Payment Deadline (less any Deposit forfeiture imposed under the Award Rules). The Payment Deadline will be approximately two weeks after the release of the results of the Assignment Stage to Bidders.

2.4 Question and Answer to Question 3

Question

15. *The primary round of the auction may result in a very large number of Assignment Options in the Assignment round. Can Winning Bidders be told at the end of Assessment Stage the number of Winning Bidders and the number of unassigned blocks in order to begin preparation of Assignment Bids (it is not necessary to know the identity of other winning bidders). This would assist greatly in the preparation for the Assignment Round.*

ComReg response to Question 3

16. Section 3.6.3 of the IM, in paragraph 3.139, specifies the information that ComReg will release to each Winning Bidder at the end of the Assessment Stage.
17. Therefore, Winning Bidders, at the end of the Assessment Stage, will not be informed of (i) the number of Winning Bidders, or (ii) the number of unassigned blocks (i.e. the number of Lots which were not won).

2.5 Question and Answer to Question 4

18. *Our company is preparing the required documentation to accompany their Application Form. Can you clarify the position of staff members of other Group companies who are involved in the Bid preparation process*
 - a. *Some staff members give technical advice on either radio links or Auction strategy*

- b. Another small group are part of a Group Governance and approval process and will have site of our bid figures*

These staff members are not employees of the Irish Limited Company but of other companies all wholly owned by the same Group PLC. They have no contact with any other telecom operators in Ireland.

Is it necessary to list these staff as Connected Persons or Insiders on our application documents?

ComReg response to Question 4

19. Section 3.4.5 of the IM sets out, at para 3.67, what constitutes “Confidential Information” while para 3.70 defines an “Insider” as follows:

“An ‘Insider’ is any entity which has:

- Received Confidential Information about a Bidder but is not a Connected Person;*
- undertaken, wholly or partly, to finance or assist a member of a Bidding Group in connection with the Award Process; and/or*
- has provided advice to the Bidder in formulating its Bid strategy and/or business case in connection with the Award Process.*

20. Further, para 3.71 of the IM states as follows:

“An Insider can be a legal entity or a natural person. For example, an Insider can be a bank or other funder with knowledge of a Bidder’s business case, valuations or Bid ceilings, or an Insider can be an auditor, consultant, lawyer, economic advisor or other professional assisting in the preparation of a Bid.”

21. Therefore, it is necessary to list these staff members as Connected Persons or Insiders on the Application documents.