

## Annex: 3 Application Form

Applicants must complete Parts 1, 2 and 3 of this Application Form. Any additional documentation required to be supplied by the Applicant as part of its Application is to be appended to this Application Form.

### Part 1: Administrative Information

For an Application to be complete, the administrative information listed in Table 1 below must be provided.

Appropriate evidence of the authorisation of Authorised Agents, as per paragraph 3.44 of the IM, must also be attached hereto.

Note that the Applicant name provided will be that to whom licences will be awarded where relevant. Contact details for Authorised Agents are those that will be used by ComReg for contacting the Bidder during the Award Process if necessary.

Information required	Information provided
Name of Applicant*	Name:
Complete postal address of registered office or, if it does not have a registered office, the principal place where it carries on business and, if different, address to which all communications will be sent regarding the Award Process	Address 1:
	Address 2 (if different):
Telephone number for Applicant	Telephone:

Bank details of Applicant (for the purpose of returning part or all of the Applicant's Deposit where applicable)	<p>Name of Bank and address of relevant branch:</p> <p>Account Number:</p> <p>Sort Code:</p> <p>BIC Code:</p> <p>IBAN No:</p>
Name of Applicant's Authorised Agent 1** (Block capitals)	Name:
Position of Applicant's Authorised Agent 1	Position:
Telephone numbers and e-mail address of Applicants Authorised Agent 1	<p>Telephone (fixed):</p> <p>Telephone (mobile):</p> <p>Email:</p>
Specimen signature of Applicant's Authorised Agent 1 Witnessed By	<p>Signature 1:</p> <p>Name:</p> <p>Position:</p> <p>Signature:</p>

Name of Applicant's Authorised Agent 2*** (Block capitals)	Name:
Position of Applicant's Authorised Agent 2	Position:
Telephone numbers and e- mail address of Applicants Authorised Agent 2	Telephone (fixed):  Telephone (mobile):  Email:
Specimen signature of Applicant's Authorised Agent 2 Witnessed By	Signature:  Name:  Position:  Signature:

**Table 1: Administrative information**

\* Note: In the case of Applicants that are bodies corporate, attach a certified copy of Certificate of Registration along with Articles of Association and Memorandum of Association or equivalent together with a certified translation thereof into English or Irish, where the original is not in English or Irish. Company Secretary or authorised signatory is required to certify the copy.

\*\* Note: Authorised Agents must be authorised to bind the Bidder and to take all decisions or communicate all decisions connected with the Award Process on the Bidder's behalf including, but not limited to, the authority to submit Bids in respect of any of the Lots available in the Award Process and to commit to payment of the necessary amount if the Bidder is granted spectrum.

\*\*\* Note: Applicants can authorise one more person, who could act as the Alternate Authorised Agent in case of unavailability of the primary Authorised Person. In case of any duplication of submissions made on behalf of the Bidder by different Authorised Agents, the first submission made by an Authorised Agent would be considered as final and binding.

## Evidence that an Applicant is a Network Utility Operator

Irrespective of the type of Lots(s) it is applying for, an Applicant:

- in the electricity sector which satisfies the definition of Network Utility Operator set out in Annex 1 of the IM must provide ComReg with a copy of the relevant licence granted by the Commission for Regulation of Utilities;
- in the gas sector which satisfies the definition of Network Utility Operator set out in Annex 1 of the IM must provide ComReg with: a written statement signed by an Authorised Agent confirming that it is the company, or a subsidiary of the company, the functions of which are laid out in section 8 of the Gas Act 1976 and in section 11 of the Gas (Interim) (Regulation) Act 2002, or a Network Utility Operator in the gas sector can provide ComReg with a copy of the relevant licence(s) granted by the Commission for Regulation of Utilities to own and operate a transmission or distribution system under section 16(1) of the Gas (Interim) (Regulation) Act 2002, as appropriate; and
- in the water sector which satisfies the definition of Network Utility Operator set out in Annex 1 of the IM must provide ComReg with a written statement signed by an Authorised Agent confirming that it is the private company limited by shares formed by virtue of section 4 of the Water Services Act 2013 as amended.

## Part 2: Applicant Declaration

The terms “Award Rules”, “Applicant”, “Confidential Information” and “Insider” for the purposes of this declaration shall be construed as defined in the Information Memorandum.

[Delete, or strike out as appropriate depending on whether one or two Authorised Agents have been appointed]

I / We, the undersigned, being an Authorised Agent / Authorised Agents of [ ] (the “**Applicant**”) hereby undertake / undertakes, warrant / warrants and declare / declares, and to the extent that anything contemplated hereunder remains to be done, covenants / covenant, both on my / our own behalf and on behalf of the Applicant, having made all reasonable inquiries that:

1. The Applicant is entitled to submit the Application and participate in the Award Process, and the Applicant has obtained all necessary declarations of consent, permissions and approvals.
2. The Applicant has ensured and will ensure that all information and all declarations contained in the Application and appendices attached thereto are correct and accurate.
3. The Applicant has and will ensure that, until public announcement by ComReg on the outcome of the Award Process, the Applicant discloses Confidential Information only to the extent it is necessary and then, save as expressly permitted by the Information Memorandum, only to other parties who, prior to such disclosure, are Insiders in relation to the same Applicant and that the Applicant shall take all reasonable measures with a view to ensuring that the person who receives such Confidential Information treats it as confidential at all times until public announcement by ComReg on the outcome of the Award Process.
4. The Applicant has ensured and will ensure that the Applicant, the Applicant's employees, board of directors (where Applicant is a body corporate) and persons connected with the Applicant or Insiders refrain from disclosing Confidential Information to parties other than as specified in paragraph 3 above and from exchanging Confidential Information with other parties regarding the Applicant's strategy for obtaining and use of the Licence or Licences until public announcement by ComReg on the outcome of the Award Process.
5. Save as expressly permitted by the Information Memorandum, the Applicant will ensure that the Applicant and any Insiders - shall refrain from entering into

agreements or negotiations with a view to entering into agreements with other Interested Parties, including without prejudice to the generality of the foregoing agreements relating to spectrum, network or infrastructure sharing, from the time at which this Application is submitted to the date of the issue of the Licences.

6. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, any Insiders - neither prior to the submission of the Application, nor after the submission thereof and until the Licences have been issued, shall enter into agreements or establish any understanding with a provider of equipment or software which:
  - regulates such provider's possibility of supplying equipment or software to another Applicant concerning the planning, establishment or operation of a network using the frequencies dealt with in this Award Process, or
  - regulate the prices or other terms and conditions that a provider of equipment or software may offer another Applicant in connection with the planning, establishment or operation of a network using the frequencies dealt with in this Award Process.

The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in this paragraph 6, have been terminated, and to the best knowledge of the Applicant, and any Insider have ensured that any such agreements or understandings have been terminated.

7. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, any Insider - does not enter into agreements or establish any understanding with a third party, either prior to or during the Award Process, for the access to or the use of the Applicant's network or networks using the frequencies dealt with in this Award Process, if the agreement or the understanding directs such third party not to participate or limits such third party's ability to participate in the Award Process.
8. The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in the above paragraph, have been terminated, including to the best knowledge of the Applicant, any Insider has ensured such agreements or understandings have been terminated.
9. The Applicant has ensured and will ensure that the Applicant – and, to the best knowledge of the Applicant, any Insiders – both prior to and after the

submission of an Application and until the Licences have been issued, refrains from any action that could have an adverse effect on the Award Process.

10. The Applicant shall comply with the Award Rules as contained in the Information Memorandum including, without limitation, the provisions of Chapter 4 at all times and shall procure that its personnel, and Insiders, to the extent appropriate, shall also comply with the Award Rules from the date of publication of the Information Memorandum until the commencement of the Licences.
11. Save as disclosed in an appendix attached to this Declaration, the Applicant (i) is not, or, in case the Applicant is a partnership, a joint venture or equivalent, the relevant partners or participants are not, nor is expected to be subject to an insolvency process including, without prejudice to the generality of the foregoing, liquidation, examinership, receivership, bankruptcy, winding-up proceedings or equivalent proceedings in other jurisdictions and (ii) is capable of paying its debts as they fall due.
12. Save as disclosed in an appendix attached to this Declaration, the Applicant is not, or, in case the Applicant is a partnership, a joint venture or equivalent, the relevant partners or participants are not, nor is expected to be involved in any disputes which may in any material and adverse way affect the Applicant's possibility of complying with the terms of the Licence, if the Applicant is awarded such Licence.
13. The Applicant agrees that any disclosure made under paragraph 13 and/or paragraph 14 above must contain sufficiently clear and detailed information to allow ComReg to assess the Applicant's capacity to participate in the Award Process, to comply with the Award Rules and to comply with the terms of the Licence. The Applicant agrees that ComReg's decision further to any assessment in this respect shall be final and that ComReg reserves the right to, where necessary and proportionate, seek further information or clarification from an Applicant, to specify the level of detail required and the timescales within which it must be provided. The Applicant agrees that any failure to cooperate fully with this disclosure requirement may result in an Applicant's Application being deemed invalid or in subsequent disqualification of the Applicant from the Award Process.
14. The Applicant agrees that, even if they are unsuccessful in becoming a Bidder, they remain bound by the Award Rules, including those on confidentiality and Bidder behaviour, until a public announcement on the outcome of the Award Process is made by ComReg.

Applicant Name: \_\_\_\_\_

For and on behalf of the Applicant (Authorised Agent 1):

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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Applicant Name: \_\_\_\_\_

For and on behalf of the Applicant (Authorised Agent 2):

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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If the Applicant is a partnership, a joint venture or equivalent, the Declaration must also be signed by the relevant partners or participants:

As partner/participant:

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(Signature)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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### Part 3: Application Bid Form

The submission of this Application Bid Form as part of a complete Application represents a binding offer to pay the SAF and annual fees linked to each of the Lots specified in this IM in exchange for a Licence for those Lots, in accordance with the outcome of the Award Process and the IM. The Application Bid Form, including Reserve Prices are presented in the Tables below. Note that for an Application Bid Form to be valid, it must:

- Be accompanied by a Deposit paid into ComReg's Nominated Bank Account that shall at least correspond to the sum of the Reserve Prices of Lots requested by the Applicant by the deadline of **23:59 hours on Friday 11 October 2019**.

All Deposits are to be paid into ComReg's Nominated Bank Account. Transfers to ComReg's nominated account should be made to:

Bank of Ireland, 2 College Green, Dublin 2, Ireland.  
Account Number: 96614639  
Sort Code: 90-00-17  
BIC Code: BOFIE2D  
IBAN No: IE96 BOFI 9000 1796 6146 39

If making a bank transfer/EFT, please ensure that:

- Reference is "400 MHz Award"; and
- Your bank quotes your ComReg account number (if an existing ComReg account holder) in making the transfer to ComReg.

Information Required	Information Provided
Applicant Name:	
Total amount of Deposit:	

**Table 2: Applicant and total amount of Deposit**

### Section 1: Network Utility Operators

This section applies to Network Utility Operators applying for the Part A Lot only or the Part A Lot and Part B Lots. Network Utility Operators that do not wish to apply for the Part A Lot should complete Section 2 only.

#### Part A – Bid Form (1 Lot available)

Lot name	Number of Lots available	Lot Size	Reserve price per lot	Number of Lots applied for
400/A	1	2 × 3 MHz	€240,000	

**Table 3: Bid Form for Part A**

### Part B – Bid Form (10 Lots Available)

**Table 4** refers to the number of frequency-generic Part B Lots a Network Utility Operator would want to acquire in the event that it **does win** the Part A Lot.

Lot name	Number of Lots available	Lot Size	Reserve price per lot	Number of Lots applied for (numerical form)	Number of Lots applied for (written form)
400/B	10	2 × 100 kHz	€8,000		

**Table 4: Bid Form for Part B Award (10 Lots available)**

### Part B – Bid Form (10 Lots available)

**Table 5** refers to the number of frequency-generic Part B Lots a Network Utility Operator would want to acquire in the event that it **does not win** the Part A Lot.

Lot name	Number of Lots available	Lot Size	Reserve price per lot	Number of Lots applied for (numerical form)	Number of Lots applied for (written form)
400/B	10	2 × 100 kHz	€8,000		

**Table 5: Bid Form for Part B Award (10 Lots available)**

**Section 2: Other Applicants (i.e. Applicants not applying for Part A Lot)**

**Table 6** refers to the number of frequency-generic Part B Lots (up to a maximum of ten) other Applicants would want to acquire **in the event that the Part A Lot is assigned**.

**Part B – Bid Form (10 Lots available)**

Lot name	Number of Lots available	Lot Size	Reserve price per lot	Number of Lots applied for (numerical form)	Number of Lots applied for (written form)
400/B	10	2 × 100 kHz	€8,000		

**Table 6: Bid Form for Part B Award (10 Lots available)**

**Part B – Bid Form (40 Lots available)**

**Table 7** refers to the number of frequency-generic Part B Lots (up to a maximum of forty) other Applicants would want to acquire **in the event that the Part A Lot is not assigned**.

Lot name	Number of Lots	Lot Size	Reserve price per lot	Number of Lots available (numerical form)	Number of Lots applied for (written form)
400/B	40	2 × 100 kHz	€8,000		

**Table 7: Bid Form for Part B Award (40 Lots available)**

Applicant Name: \_\_\_\_\_

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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## Part 4: Utility Network Details (Network Utility Operators only)

For an Application by a Network Utility Operator to be considered complete and valid (irrespective of the type of Lot(s) it is applying for), the Network Utility Operator must complete and submit details of its utility network as set out in the relevant table (Table 8, 9 or 10) below, and sign and submit the declaration below.

We, the undersigned, being Authorised Agents of [ \_\_\_\_\_ ] (the “**Applicant**”) hereby confirm that the utility network details submitted as part of the Application are up to date, accurate and truly represent the full extent of the Applicants network.

Applicant Name: \_\_\_\_\_

For and on behalf of the Applicant:

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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We, the undersigned, being Authorised Agents of [ \_\_\_\_\_ ] (the “**Applicant**”) hereby confirm that the utility network details submitted as part of the Application are up to date, accurate and truly represent the full extent of the Applicants network.

Applicant Name: \_\_\_\_\_

For and on behalf of the Applicant:

\_\_\_\_\_

(Signature of those persons who are empowered to bind the Applicant or otherwise authorised to bind the Applicant)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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If the Applicant is a partnership, a joint venture or equivalent, the Declaration must also be signed by the relevant partners or participants:

As partner/participant:

\_\_\_\_\_

(Signature)

Name in block capitals: \_\_\_\_\_

Date (DD/MM/YYYY):

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## Utility Network Details

In the electricity sector, the following table should be completed and submitted, and accompanied by a table showing the names, addresses and coordinates<sup>1</sup> of each asset type:

Asset Type	Number
High Voltage Substations (38 kV or greater input and output)	
High Voltage/Medium Voltage Substations (38 kV or greater input, 10 or 20 kV output)	
Medium Voltage/Low Voltage Substations (10 or 20 kV input, 230 or 400 V output)	
Generation Stations	

**Table 8. Electricity sector utility network details**

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<sup>1</sup> Coordinates must be provided in Latitude / Longitude format and in Degrees, Minutes and Seconds.

In the gas sector, the following table should be completed and submitted and accompanied by a table showing the names, addresses and coordinates<sup>2</sup> of each asset type:

Asset Type	Number
Storage Points	
Pressure Regulating Installations	
Gas Entry Points	
Generation Stations	

**Table 9. Gas sector utility network details**

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<sup>2</sup> Coordinates must be provided in Latitude / Longitude format and in Degrees, Minutes and Seconds.

In the water sector, the following table should be completed and submitted and accompanied by a table showing the names, addresses and coordinates<sup>3</sup> of each asset type:

Asset Type	Number
Storage Points	
Pumping Stations	
Water Treatment Plants	
Wastewater Treatment Plants	

**Table 10. Water sector utility network details**

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<sup>3</sup> Coordinates must be provided in Latitude / Longitude format and in Degrees, Minutes and Seconds.

## Application Checklist

Tick the boxes to ensure that all the required information is included in your Application. A complete Application must consist of the following:

Part 1: Original Administrative Information - All sections of Table 1 completed and signed.

- Appropriate evidence for authorisation of Authorised Agents as specified in paragraph 3.44 of the Information Memorandum
- Appropriate evidence that the Applicant is a Network Utility Operator (where relevant).

Part 2: Original Applicant Declaration signed

Part 3: Original Application Bid Form completed and signed

Part 4: The relevant utility network details completed (Table 8, 9 or 10) (Network Utility Operator only) and original signed declaration.


Note that five identical paper copies should also be provided with the Application for an Application to be considered complete. The original version of the Application Form should be identified as such. See below for further details.

## Application Procedure

The Application procedure is set out in Section 3.3 of the Information Memorandum. In order to participate as a Bidder in the Award Process, an Applicant must submit in full the information and documentation required in this Application Form.

The container(s) in which the Application Form and associated documentation are submitted must not in any way disclose the identity of the Applicant.

ComReg will only accept applications on Working Days from **Monday 7 October 2019 to Friday 11 October 2019** between **09:00 and 17:30 hours** (as described in paragraph 3.114 of the IM). Applicants are required to make an appointment with ComReg to submit an Application. To make an appointment to submit an Application, Applicants are required to contact **Mr Patrick Bolton** by telephone on Working Days between **10:00 to 13:00 and 14:00 to 16:00 hours on Friday 4 October 2019 and Friday 11 October 2019** inclusive at:

**Phone: 00353 (01) 804 9761**

ComReg will be recording all phone calls made or received during the Auction in order to manage technical issues and risks arising and to ensure the integrity and administrative efficiency of the Award Process. These recordings, which shall be stored securely, shall be retained and used only for these purposes and shall be deleted once they are no longer required by ComReg for these purposes. In the event of a dispute arising ComReg may seek to rely on the contents of these recordings.

All Applications will be date and time stamped. Applicants will be given a receipt acknowledging the submission of their Application.

No Applications will be opened by ComReg until **after 17:30 hours on Friday 11 October 2019**. Applications will be opened in the presence of an independent auditor.

The deadline for receipt of Deposits, as set out in Section 3.3.3, will be **23:59 hours on the Application Date of Friday 11 October 2019**.

Once an Application has been submitted it will constitute a binding offer by the Applicant concerned to purchase the Lots applied for in the completed Application Bid Form.