



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# ComReg issues an Opinion of Non-Compliance to Dense Air Ireland Limited with respect to the 3.6 GHz Regulations

**Information Notice**

**Reference:** 23/38

**Date:** 27/04/2023

1. On 15 December 2022, the Commission for Communications Regulation (“ComReg”) notified Dense Air Ireland Limited (“Dense Air”) of findings of non-compliance with respect to Regulation 6(1) of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016)<sup>1</sup> (“the 3.6 GHz Band Licence Regulations”) and, in particular:
  - (i) Paragraph 2 of Sub-section 2 of Section 4 of Part 4 of Dense Air’s 3.6 GHz Band Liberalised Use Licence (Licence Number: M3L1005) (“the Licence”); and
  - (ii) Regulation 6(13) of the 3.6 GHz Band Licence Regulations.
2. The notification of non-compliance was made in accordance with Regulation 16(3) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (“the Authorisation Regulations”).
3. On 20 December 2022, Dense Air responded to the notification of non-compliance.
4. Having carefully considered Dense Air’s response, ComReg remains of the view, expressed in the notification, that Dense Air was not compliant with the above-mentioned provisions.
5. ComReg has therefore formed an Opinion of Non-Compliance (the “Opinion”) that Dense Air did not comply with Regulation 6(1) of the 3.6 GHz Band Licence Regulations and, in particular:
  - (i) Paragraph 2 of Sub-section 2 of Section 4 of Part 4 of the Licence; and
  - (ii) Regulation 6(13) of the 3.6 GHz Band Licence Regulations.
6. Notwithstanding this Opinion, ComReg notes that on 10 January 2023 and 15 February 2023, Dense Air submitted information to ComReg in respect of Parts 1, 2 and 3 of the Licence. ComReg observes that this information shows that Dense Air has subsequently deployed Rollout Base Stations in at least 4 counties in the South East Region.
7. Accordingly, ComReg has decided to close the investigation and take no further action. ComReg will, however, continue to monitor and supervise compliance by all 3.6 GHz Band licensees with their respective obligations.

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<sup>1</sup> <https://www.irishstatutebook.ie/eli/2016/si/532/made/en/print>