



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

COVID-19 Temporary ECS Licensing

July 2020 update and next steps in considering any further temporary licensing framework.

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1: COVID-19 Temporary ECS Licensing

1.1 Background: licensing framework and licences issued to-date

1. Given the temporary and extraordinary situation presented by COVID-19¹ and the measures taken by the Irish Government², the provision of voice and data services on electronic communications networks (“ECNs”) became even more important in the day to day life and working arrangements of many people, as these services were used extensively to stay in contact with relatives and friends and to remote work from home.
2. The swiftness and impact of the Government measures put in place in March 2020 resulted in significant changes to the normal traffic levels and patterns of certain ECNs in Ireland, with overall voice traffic increasing by 30-60% while data traffic grew by 20-25% at that time.
3. Arising from these circumstances, each of the three Mobile Network Operators (“MNOs”), (Meteor Mobile Communications Limited (“Meteor”), Three Ireland (Hutchison) Limited (“Three”) and Vodafone Ireland Limited (“Vodafone”)), submitted a common letter to ComReg, together requesting the assignment of additional spectrum rights of use, on a temporary basis, in the 700 MHz Duplex, 2.1 GHz and 2.6 GHz bands in order to facilitate additional network capacity. In requesting these spectrum rights, the MNOs noted that:

“New infrastructure cannot be built at short notice, so operators must look to whatever tools they have available to optimise networks to the current situation. We all have already adjusted network configuration to the extent that we can (e.g. adjustments to capacity). We now need to look to other options that are available to us to increase network capacity.” (emphasis added)

¹ COVID-19 is a new illness that can affect your lungs and airways and is caused by a virus called coronavirus.

² In March 2020, the Irish Government announced a suite of measures to tackle the extraordinary situation arising from the spread of COVID-19 in Ireland, including:

- the closing of schools, colleges and childcare facilities;
- the cancelation of large public gatherings;
- the closure of all public houses;
- requiring people to stay at home except in specific circumstances, such as “travel to and from work, or for purposes of work, only where the work is an essential health, social care or other essential service and cannot be done from home.”
- encouraging people to work from home where possible.

4. In response to this temporary and extraordinary situation, ComReg consulted upon³ and put in place a licensing framework⁴ (with the consent of the Minister for Communications, Climate Action and Environment) for the temporary assignment for an overall period of up to 6 months of:
 - additional spectrum rights of use in the 700 MHz Duplex and 2.6 GHz Band; and
 - liberalised spectrum rights of use in the 2.1 GHz Band, as this band is otherwise currently licensed for 3G-use only.
5. ComReg stressed that this temporary licensing framework was intended solely to address the exceptional and extraordinary situation presented by COVID-19 and that it is entirely without prejudice to the award of long-term rights of use in these spectrum bands in its proposed multi-band spectrum award.
6. All respondents to the consultation agreed with this key principle⁵ and it was subsequently incorporated into the Application Declaration Form (see paragraph 4 of Part 6 of the Application Form⁶).
7. Regarding the use of existing infrastructure, ComReg made clear that the licensing framework should not be used for large-scale network deployments that were not previously planned, while recognising that MNOs should have some flexibility to install or redeploy equipment and to continue with their existing network upgrade plans.⁷
8. Following receipt of applications from each of the MNOs for a three-month licence⁸, Temporary Electronic Communications Services (ECS) Licences were issued as detailed in Table 1 below.

³ See ComReg Documents 20/21, 20/23 and 20/27 available at <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/COVID-19-temporary-spectrum-management-measures>.

⁴ See the Wireless Telegraphy (Temporary Electronic Communications Services Licences) Regulations 2020 ([S.I. No. 122 of 2020](#)) (“the Regulations”).

⁵ See paragraphs 3.3 to 3.6 of ComReg Document 20/27.

⁶ See ComReg Document 20/27a

⁷ See paragraph 3.22 of Document 20/27

⁸ Under the 2020 Temporary ECS Licence Regulations ([S.I. No. 122 of 2020](#)), initial licences can be granted for a maximum period of 3 months with the potential for a renewal of up to a further 3 months, with renewed rights of use expiring no later than 6 months from the date of the Regulations (i.e. on 7 October 2020 or earlier).

Table 1: COVID-19 Temporary ECS Licences – Initial Licences

Operator	Commencement Date	Expiry Date	Spectrum Bands
Meteor	9 April 2020	8 July 2020	700 MHz and 2.1 GHz bands
Three	9 April 2020	8 July 2020	700 MHz and 2.1 GHz bands
Vodafone	22 April 2020	21 July 2020	700 MHz and 2.1 GHz bands

1.2 Licence renewals

9. Each of the three MNOs recently submitted applications for the renewal of their respective Temporary ECS Licence for the maximum duration allowed under the existing licensing framework (i.e. until 7 October 2020).
10. Having carefully assessed each of these applications, including the information requested at Part 2 of the Application Form⁹, ComReg has renewed each licence as detailed in Table 2 below.

Table 2: COVID-19 Temporary ECS Licences – Renewal Licences

Operator	Commencement Date	Expiry Date	Spectrum Bands
Meteor	9 July 2020	7 October 2020	700 MHz and 2.1 GHz bands
Three	9 July 2020	7 October 2020	700 MHz and 2.1 GHz bands
Vodafone	22 July 2020	7 October 2020	700 MHz and 2.1 GHz bands

⁹ See ComReg Document 20/27aR.

1.3 MNO requests for a further COVID-19 Temporary ECS Licensing framework

11. The MNOs have also separately communicated to ComReg their wish for ComReg to put in place a further Temporary ECS Licensing framework beyond the expiry date of 7 October 2020¹⁰.
12. In support of this request, the MNOs have put forward various factors, as outlined below:
 - A. the introduction of COVID-19 measures in March 2020 resulted in significant increases in the level of traffic (voice and data) on all three networks, with the precise increase varying per MNO;
 - B. the temporary spectrum measure assisted each of the MNOs in dealing with the increased demands on their networks and has brought significant benefits to their customers;
 - C. the changed and increased traffic demand from COVID-19 is likely to remain for the foreseeable future and MNOs have no other efficient way of providing additional capacity other than with a further Temporary ECS Licensing framework;
 - D. working from home has become the accepted norm for a significant proportion of the population and the MNOs consider this likely to continue into 2021;
 - E. communications networks and the provision of dependable voice and data services has an even greater importance given the changed ways of working, communicating and socialising due to COVID-19 physical distancing measures;
 - F. avoiding disruption to existing connectivity that customers have come to depend upon is an important consideration; and
 - G. facilitating continued network investment to provide connectivity will be an enabler in the economic recovery.

¹⁰ For example, each of the MNOs included this as part of their submission to Document 20/32, "Proposed Multi Band Spectrum Award – Draft Information Memorandum and Draft Regulations". ComReg will publish the non-confidential version of these submission in due course.

13. ComReg acknowledges that the telecommunications industry, fixed and mobile, has worked to ensure that stable networks and services were maintained over recent months and that industry has worked closely with ComReg and Government, through for example the vital provision of network performance data to ComReg's Network Operations Unit, to aid in the understanding of the notable changes in network traffic arising from these temporary and extraordinary circumstances.
14. Notwithstanding, during the coming 2 ½ month time period (July to 7 October), the circumstances relevant to the consideration of any further COVID-19 Temporary ECS Licensing framework could change considerably¹¹. Consequently, and while noting the factors outlined above, ComReg will be considering the request closer to 7 October, appropriately informed by contemporaneous material in support of the request.

1.4 Next steps in considering any further Temporary ECS Licensing framework

Submission of a joint/common request from the MNOs

15. In addition to the continued provision of network performance data as noted above, ComReg observes that the next formal step in considering any further Temporary ECS Licensing framework would be for the MNOs to submit a joint or common request to ComReg towards the end of August¹² which would:
 - (i) set out the specific details of the joint/common request indicating any elements of the existing Temporary ECS Licensing framework that ought to be changed (if any) and the reasons for same; and

¹¹ For example, ComReg observes that:

- while there were substantial increases in both voice and data aggregate network traffic in March 2020 when COVID-19 measures were first introduced, these aggregate network increases have remained at roughly the same level for data traffic and decreased for voice traffic. Furthermore, part of this aggregate traffic increase may be due to forecasted annual changes in capacity/demand on a network as opposed to being solely related to introduction of COVID-19 measures; and
- the MNOs may now have greater opportunities to expand network capacity via other means (e.g. via the deployment of new sites), compared to back in March/April 2020 when the COVID-19 measures were first introduced.

¹² ComReg notes that the end of August would give ComReg sufficient time to complete an accelerated consultation process, while also being sufficiently close to the end of the existing licensing framework on 7 October 2020, to allow the MNOs to submit updated information based on the prevailing COVID-19 considerations at that time, and for ComReg to consider same.

- (ii) provide sufficiently detailed information based on the updated and prevailing COVID-19 considerations at that time to support a request for any further Temporary ECS Licensing framework.
16. To assist the MNOs in making such a submission, the following is a non-exhaustive list of information that ComReg would expect each MNO to include in support of any joint/common request. ComReg understands that some of the information outlined below may be confidential to the individual MNO, and that in such circumstances, ComReg would expect individual MNOs to submit any such material to ComReg on a confidential basis alongside the submission of the joint/common request.
- A. Network traffic / capacity / performance information
- (i) up-to-date information regarding the traffic (voice and data), capacity and performance of the network considering the temporary and extraordinary situation arising from COVID-19. In particular, the changes in network traffic (voice and data), capacity and performance from pre-COVID-19 until now.
 - (ii) information on the expected traffic demand and network capacity beyond 7 October 2020.
 - (iii) observations on how much of the changes in traffic and capacity is due to forecasted annual changes that would be expected on a network and those that would be related to COVID-19.
- B. Ability to make use of existing temporary spectrum assignments in any further Temporary ECS Licensing framework
- (i) up-to-date information regarding the number, locations and deployment dates of sites/transmitters for each spectrum band in existing Temporary ECS Licence.
 - (ii) the number of sites/transmitters for each spectrum band that an MNO would expect to use over the duration of any further Temporary ECS Licensing framework.
- C. How temporary rights have assisted with the provision of ECS in the State
- (i) how existing temporary rights have assisted in alleviating the network capacity/performance constraints to-date. For example, information highlighting where the network capacity/performance improvements are correlated to use of temporary ECS rights of use, i.e. when temporary ECS

rights of use were brought into use, the network / capacity improvements observed at these times.

(ii) how temporary rights may materially assist over the duration of any further Temporary ECS Licensing framework.

D. Managing the risks to the provision and quality of existing ECS given the use of the temporary spectrum rights

(i) information regarding the management of risks to the provision and quality of existing ECS and the measures taken to date by the MNO. For example, the key measures taken on foot of Annex 4 of Document 20/27 - 700 MHz Coordination procedures.

E. The risk of congestion and other disruption to consumer services and the locations where it would most likely arise in the event of no further Temporary ECS Licensing framework

F. Details of the preparations and actions that the MNOs has taken and would need to take in the event of no further Temporary ECS Licensing framework

G. Any other factors that the MNOs deem relevant to the consideration of any further Temporary ECS Licensing framework

Confidentiality of submissions to this Information Notice

17. In submitting the above (which may include separate individual MNO information), ComReg requests that electronic submissions be submitted in an unprotected format so that a non-confidential version of each submission can be readily included in any public consultation that ComReg might issue.
18. ComReg appreciates that some of the information may be considered confidential. In order to promote openness and transparency, ComReg will publish all submissions received, as well as all substantive correspondence on matters relating to any further Temporary ECS Licensing framework, subject to the provisions of ComReg's guidelines on the treatment of confidential information (Document 05/24).
19. In this regard, the MNOs and any other respondents should make their submissions (i.e. joint/common letter and supporting information, other views etc) in accordance with the instructions set out below. When making a submission which contains confidential information, respondents must choose one of the following options:

A. Preferably, submit both a non-confidential version and a confidential version of the submission. The confidential version must have all confidential information clearly marked and highlighted in accordance with the instruction set out below and include the reasons as to why they consider any particular material to be confidential. The separate non-confidential version must have redacted all items that were marked and highlighted in the confidential version.

OR

B. Submit only a confidential version and the reasons as to why they consider any particular material to be confidential, and ComReg will perform the required redaction to create a non-confidential version for publication. With this option, respondents must ensure that confidential information has been marked and highlighted in accordance with the instructions set out below. Where confidential information has not been marked as per our instructions below, then ComReg will not create the non-confidential redacted version and the respondent will have to provide the redacted non-confidential version in accordance with option A above.

20. For ComReg to perform the redactions under Option B above, respondents must mark and highlight all confidential information in their submission as follows:
- a. Confidential information contained within a paragraph must be highlighted with a chosen colour,
 - b. Square brackets must be included around the confidential text (one at the start and one at the end of the relevant highlighted confidential information),
 - c. A Scissors symbol (Symbol code: Wingdings 2:38) must be included inside each of the square brackets.
21. For example, “Redtelecom has a market share of [✂ 25% ✂].”

Envisaged timeframes for a consultation

22. Assuming a fulsome request is received towards the end of August, ComReg envisages that it would complete its consultation process in September 2020, in advance of the expiry date of the current framework on 7 October 2020.
23. ComReg notes that any further temporary licensing framework would be intended solely to address the exceptional and extraordinary situation presented by COVID-

19 and would be entirely without prejudice to the award of long-term rights of use in these spectrum bands in its proposed multi-band spectrum award¹³.

Importance of supporting ComReg's network industry forum

24. Finally, ComReg would stress the importance of the MNOs' continued attendance and contribution to ComReg's ongoing network industry forum, including the submission of the weekly network reports referenced earlier, which will inform ComReg's and other relevant stakeholders' understanding of any continuing need for support and particularly through any further Temporary ECS Licensing framework.

¹³ Table 1 of Document 20/56 sets out the envisaged timelines for key MBSA2 milestones which notes that an award would commence in Q1 2021.