



STATUTORY INSTRUMENTS.

S.I. No. 563 of 2013



WIRELESS TELEGRAPHY (1800 MHZ AND PREPARATORY
LICENCES IN THE 1800 MHZ BAND) REGULATIONS 2013

WIRELESS TELEGRAPHY (1800 MHZ AND PREPARATORY LICENCES IN THE 1800 MHZ BAND) REGULATIONS 2013

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009)) of the Wireless Telegraphy Act 1926, (No. 45 of 1926) and with the consent of the Minister for Communications, Energy and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Wireless Telegraphy (1800 MHz and Preparatory Licences in the 1800 MHz Band) Regulations, 2013.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires:

“1800 MHz Band” means the 1710 to 1785 MHz band paired with the 1805 to 1880 MHz band;

“1800 MHz Licence” means a Non-exclusive Licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State;

“Act of 1926” means Wireless Telegraphy Act 1926 (No. 45 of 1926);

“Act of 1972” means Wireless Telegraphy Act 1972 (No. 5 of 1972);

“Act of 2002” means Communications Regulation Act 2002 (No. 20 of 2002);

“Apparatus” means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926 for terrestrial systems capable of providing Electronic Communications Services in the 1800 MHz Band;

“Assignee” means a party to whom some or all of the rights and obligations under a Licence have been transferred;

“Assignor” means the party from whom some or all of the rights and obligations under a Licence have been transferred;

“Auction” means the competitive award procedure used by the Commission for the purpose of granting rights of use for radio frequencies in the 1800 MHz Band, as detailed in the Information Memorandum;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd January, 2014.

“Auction Rules” means the rules and procedures relating to the Auction set out in the Information Memorandum;

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. 335 of 2011);

“Bidder” has the meaning set out in the Information Memorandum;

“Commission” means the Commission for Communications Regulation;

“CPI” means the Consumer Price Index as published from time to time by the Central Statistics Office or, as the case may be, its successor;

“CPI Adjustment” means a negative or positive adjustment of the SUF, calculated using the CPI according to the methodology set out the by the Commission in the Information Memorandum;

“Decision of 2009” means the European Commission Decision 2009/766/EC, of 16 October 2009, on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community;

“EMC Directive” means Directive 2004/108/EC of the European Parliament and of the Council of 15 December 2004, on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC;

“Electronic Communications Network” and “Electronic Communications Service” have the meanings assigned to them in the Framework Regulations;

“EURIBOR” means the Euro Interbank Offered Rate;

“Framework Regulations” means European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011);

“General Authorisation” means an authorisation for an undertaking to provide an electronic communications network or service under and in accordance with Regulation 4 of the Authorisation Regulations;

“Harmful Interference” means interference which endangers the functioning of a Radionavigation Service or other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a Radiocommunication Service operating in accordance with a requirement under the International Telecommunication Union Radio Regulations, a regulation of an institution of the European Union or legislation giving effect to an act, or provisions of an act, adopted by an institution of the European Union relating to the provision of an electronic communications service, electronic communications network or an associated facility or the radio frequency spectrum, or regulations made under the Act of 1926;

“Information Memorandum” means the information memorandum which was published on 14 November 2013 and set out in the Commission’s Document numbered 13/104 for the purposes of outlining in detail the processes and procedures the Commission would follow in running the Auction;

“Licence” means an 1800 MHz Licence or a Preparatory Licence, as the case may be;

“Licensee” means the holder of an 1800 MHz Licence or a Preparatory Licence, as the case may be;

“Non-exclusive”, in relation to a Licence, means that the Commission is not precluded from authorising the keeping and possession by other persons of other apparatus for wireless telegraphy on a Non-Interference and Non-Protected Basis in the 1800 MHz Band;

“Non-Interference and Non-Protected Basis” means that the use is subject to no harmful interference being caused to any Radiocommunication Service, and on which no claim may be made for the protection of apparatus used on this basis against harmful interference originating from Radiocommunication Services;

“Preparatory Licence” means a Non-exclusive Licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State;

“Radiocommunication Service” means a service as defined in the Radio Regulations of the International Telecommunication Union involving the transmission, emission or reception of radio waves for specific telecommunication purposes;

“Radionavigation Service” means a service involving the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information related to its parameters, by means of the propagation properties of radio waves and used for the purposes of navigation, including obstruction warning;

“Reserve Price” means €0.794 million per Spectrum Block;

“Spectrum Block” means a 5 MHz paired block of spectrum in the 1800 MHz Band;

“Spectrum Usage Fee” or “SUF” has the meaning set out in the Information Memorandum;

“Undertaking” has the meaning set out in the Framework Regulations;

“Upfront Fee” has the meaning set out in the Information Memorandum;

“Winning Bidder” has the meaning set out in the Information Memorandum; and

“Working Day” means a day which is not a Saturday or Sunday or a public holiday.

(2) In these Regulations:

- (a) a reference to an enactment or regulation shall be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
- (b) a reference to a Regulation or a Schedule is to a Regulation of or Schedule to these Regulations, unless it is indicated that a reference to some other enactment is intended;
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended; and
- (d) a reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive.

(3) A word or expression that is used in these Regulations and that is also used in the Act of 1926 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act.

(4) A word or expression that is used in these Regulations and that is also used in the Act of 2002 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act.

(5) A word or expression that is used in these Regulations and that is also used in the Framework Regulations or in the Authorisation Regulations has, unless the context otherwise requires, the same meaning in these Regulations that it has in those Regulations.

(6) The Interpretation Act 2005 (No. 23 of 2005) applies to these Regulations.

Licences to which these Regulations apply

3. (1) These Regulations apply to:

- (a) 1800 MHz Licences; and
- (b) Preparatory Licences,

in the form of the respective Licences set out in Schedules 1 and 2 to these Regulations.

Application for the Grant of, and Form of, Licences

4. (1) Application for the grant of any Licence to which these Regulations apply shall be made by a Winning Bidder to the Commission in writing, and in such form as may be determined by the Commission from time to time.

(2) A person who makes an application under paragraph (1) shall furnish to the Commission such information as the Commission may reasonably require for the purposes of these Regulations, and if the person, without reasonable cause, fails to comply with this paragraph, the Commission may refuse to grant the Licence concerned to the person.

(3) The Commission may grant an 1800 MHz Licence or a Preparatory Licence to which these Regulations apply following payment by the applicant of the relevant fees prescribed in Regulation 8.

(4) An 1800 MHz Licence to which these Regulations apply shall be in the form specified in Schedule 1, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case.

(5) A Preparatory Licence to which these Regulations apply shall be in the form specified in Schedule 2, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case.

Duration of Licences

5. (1) The commencement date of a Preparatory Licence to which these Regulations apply shall be set by the Commission and specified in the Preparatory Licence. Unless it has been withdrawn or had its duration amended under Regulation 7(2) and in accordance with the Authorisation Regulations, a Preparatory Licence to which these Regulations apply, shall in any event expire on such date as may be determined by the Commission and as specified in the Preparatory Licence.

(2) The commencement date of an 1800 MHz Licence to which these Regulations apply shall be specified in the 1800 MHz Licence, and, shall be 1 February 2014 or such other date as may be specified by the Commission, and the expiry date of such Licence shall, unless it has been withdrawn or had its duration amended under Regulation 7(2) and in accordance with the Authorisation Regulations, be 12 July 2015, or such other date as may be specified by the Commission.

Conditions of Licences

6. It shall be a condition of any Licence to which these Regulations apply, that the Licensee shall:

(1) ensure that it complies with the conditions contained within the Licence concerned and these Regulations;

(2) ensure that any Apparatus complies with the Decision of 2009;

(3) ensure that Apparatus installed, maintained, possessed or kept under the Licences is capable of operating on the radio frequency spectrum specified in the 1800 MHz Licence;

(4) ensure that where the Apparatus is worked or used, as appropriate, it is worked or used on such radio frequency spectrum:

(a) as specified in the 1800 MHz Licence; or

(b) to which the Licensee has a right of use for radio frequencies pursuant to an agreement entered into with a holder of a licence under the Act of 1926 in accordance with procedures specified by the Commission, if any, from time to time,

or both;

(5) comply with any rules to prevent spectrum hoarding as may be laid down by the Commission under the Framework Regulations;

(6) ensure that it makes payment of the fees set out in Regulation 8;

(7) ensure that in each calendar month in which the Licence concerned is in force which falls before the anniversary of the Licence Commencement Date, it submits updated information to the Commission in respect of Parts 2 and 3 of its 1800 MHz Licence;

(8) furnish such information and reports as may be requested by the Commission from time to time;

(9) ensure that the Apparatus, or any part thereof, shall be installed, maintained, and where an 1800 MHz Licence is held, worked and used, so as not to cause Harmful Interference;

(10) ensure that the Apparatus or any part thereof, complies with Annex 1 of the EMC Directive;

(11) comply with any special conditions imposed under section 8 of the Act of 1972;

(12) upon becoming aware of any event likely to materially affect its ability to comply with these Regulations, or any conditions set out or referred to in any Licence, notify the Commission of that fact in writing within 5 Working Days;

(13) comply with all obligations under relevant international agreements relating to the use of Apparatus or the frequencies to which they are assigned;

(14) notify the Commission of its intention to transfer any rights of use for radio frequencies attaching to a Licence under paragraph (15);

(15) subject to paragraph (16), only transfer the rights of use for radio frequencies attaching to a Licence in accordance with procedures as may be

specified by the Commission from time to time on the transfer of rights and obligations of a Wireless Telegraphy licence;

(16) where the Commission has not yet put in place procedures governing the transfer of rights of use for radio frequencies attaching to Licences, not, without the prior consent of the Commission, which shall not be unreasonably withheld, transfer any such rights of use attaching to a Licence;

(17) ensure that if the address of the Licensee or its Assignee changes, the Licensee or Assignee shall, as soon as possible, but in any event within 28 days, notify the Commission in writing of the change;

(18) ensure that any Assignee enters into a valid binding agreement to comply with all obligations under both these Regulations and the Licences issued pursuant to these Regulations and to provide to the Assignor or Commission, as appropriate, such details as the Commission is entitled to require from a Licensee from time to time.

Enforcement, Amendment, Withdrawal and Suspension

7. (1) Enforcement by the Commission of compliance by a Licensee with conditions attached to its Licence shall be in accordance with the Authorisation Regulations.

(2) The Commission may amend any Licence from time to time in accordance with the Authorisation Regulations.

(3) Without prejudice to paragraph (2), at the request of the Licensee, the Commission may, if it considers it appropriate to do so, amend a Licence by adding to, deleting from, or altering the radio frequencies specified in the Licence, on which the Apparatus may be used. Any such amendment shall be effected by notice in writing from the Commission specifying the amendment and given to the Licensee or sent to the Licensee at the address specified in the Licence or notified to the Commission pursuant to the Licence and these Regulations.

(4) A Licence may be suspended or withdrawn by the Commission in accordance with the Authorisation Regulations.

(5) A Licence may be suspended or withdrawn by the Commission if, after the grant of a Licence pursuant to these Regulations, it emerges that the Licensee has breached the Auction Rules.

Licence Fees

8. (1) The fee for an 1800 MHz Licence is the sum of the Upfront Fee and the Spectrum Usage Fees over the duration of the Licence less any rebates or adjustments or refunds applicable to the Licensee, as identified in the Information Memorandum.

(2) The Reserve Price is €0.794 million per Spectrum Block.

(3) The Spectrum Usage Fee for an 1800 MHz Licence is the sum of the SUFs associated with each Spectrum Block in the 1800 MHz Licence as set out in paragraph (4).

(4) The annual Spectrum Usage Fee payable shall be:

- (a) the sum of €0.54 million and the CPI Adjustment for each Spectrum Block; and
- (b) in the case of a Spectrum Usage Fee for a period of less than one year, the SUF for each Spectrum Block shall be the relevant sum as detailed in sub-paragraph (a) adjusted on a pro rata daily basis for such period.

(5) Where the commencement date of the 1800 MHz Licence is delayed due to circumstances as described in the Information Memorandum, a Licensee shall be entitled to an adjustment of the Licence Fees payable or a refund of Licence Fees already paid, as provided for in section 2.2.6 of the Information Memorandum.

(6) The Upfront Fees specified in paragraph (1) of this Regulation less any rebates, adjustments or refunds applicable to the Licensee shall be paid to the Commission on a date specified by the Commission in accordance with the Information Memorandum, by way of banker's draft or such other means and on such other terms, if any, as the Commission may decide. Where the date of payment falls on a day other than a Working Day, payment shall be made on or before the last Working Day before the date on which payment would otherwise have fallen due.

(7) The Spectrum Usage Fees specified in paragraphs (3) and (4) of this Regulation, less any rebates, adjustments or refunds applicable to the Licensee, shall be paid to the Commission prior to the grant of an 1800 MHz Licence or prior to the anniversary of the Licence Commencement Date of each respective calendar year within the duration of the 1800 MHz Licence, as the case may be, by way of banker's draft or such other means and on such other terms, if any, as the Commission may decide. Where the date of payment falls on a day other than a Working Day, payment shall be made on or before the last Working Day before the date on which payment would otherwise have fallen due.

(8) If an 1800 MHz Licence is suspended or withdrawn under Regulation 7(4) or Regulation 7(5), the Licensee shall not be entitled to be repaid any part of the Upfront or Spectrum Usage Fee, paid by the Licensee under this Regulation, but shall still be liable to pay any sums, including interest, that are outstanding.

(9) If the amount of radio frequency spectrum specified in an 1800 MHz Licence is reduced under Regulation 7(3), the Licensee may be entitled to a refund of Spectrum Usage Fees already paid and a reduction on future SUFs on a pro-rata basis having regard to the nature of the amendment. The Licensee shall not be entitled to any refund of its Upfront Fee.

(10) If the duration of an 1800 MHz Licence is reduced at the request of the Licensee, the Licensee may be entitled to a refund of Spectrum Usage Fees already paid, on a pro-rata basis having regard to the reduced duration. The Licensee shall not be entitled to any refund of its Upfront Fee.

(11) The fee for a Preparatory Licence is €100.

(12) Failure by a Licensee to make a Spectrum Usage Fee payment on or before the date it falls due under paragraph (7) of this Regulation constitutes non-compliance by the Licensee with these Regulations. The Commission, in addition to enforcement actions in accordance with Regulation 7 of these Regulations, may take steps to recover the fees due in accordance with paragraphs (13) and (14) of this Regulation.

(13) Where payment of any fee is not made in due time, then the Licensee shall pay to the Commission interest on the fees or part thereof that is outstanding at the appropriate EURIBOR rate, between the date when such fee or part fell due and the date of payment of such fee or part.

(14) An amount payable by a person in respect of a fee under this Regulation may be recovered by the Commission from the person as a simple contract debt in any court of competent jurisdiction.

Licensee to satisfy all Legal Requirements

9. (1) Licences granted pursuant to these Regulations do not grant to the Licensee any right, interest or entitlement other than the right to keep, and have possession of, install, and maintain, and additionally in the case of an 1800 MHz Licence, to work and use, at a specified location or locations in the State, apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

SCHEDULE 1

WIRELESS TELEGRAPHY ACT, 1926**WIRELESS TELEGRAPHY (1800 MHz AND PREPARATORY LICENCES IN THE 1800 MHz BAND) REGULATIONS 2013****1800 MHz Licence for terrestrial systems capable of providing Electronic Communications Services**

Licence under section 5 of the Wireless Telegraphy Act, 1926, to keep and have possession of apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009)) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), hereby grants to the Licensee specified _____ of _____ authorisation to keep and have possession of the apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services specified in Part 2 to this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms and conditions and restrictions set out in the Wireless Telegraphy (1800 MHz and Preparatory Licences in the 1800 MHz Band) Regulations, 2013 (S.I. No. 563 of 2013) (“the Regulations”), including, but not limited to, the following:

(1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations under which this Licence is issued, and within Parts 1 to 4 of this Licence; and

(2) The Licensee shall ensure that it makes payment of all fees as detailed in the Regulations under which this Licence is issued.

This Licence shall come into effect on DD/MM/YY (the “Licence Commencement Date”) and, subject to revocation, suspension or withdrawal, expires on DD/MM/YY (the “Licence Expiry Date”).

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Official Stamp

Part 1

Commencement and Expiry dates per Spectrum Block

Authorised Band	Name of Spectrum Block	Uplink / Downlink Frequency Assigned to Spectrum Block	Commencement Date per Spectrum Block	Expiry Date per Spectrum Block
1800MHz	Block I, J, K etc.	From ——— MHz to ——— MHz	DD Month YYYY	DD Month YYYY

Part 2

The Apparatus to which this Licence applies

Equipment Index Reference	Terrestrial System	Equipment Description	Manufacturer	Model

Part 3

Apparatus Location and Details

1800 MHz Band

Site Identity	Eastings	Northings	Equipment Index Reference	Maximum EIRP ¹

Part 4

Licence Conditions

1. General

(1) The Frequency Band

- The “1800 MHz Band” means the 1710 to 1785 MHz band paired with the 1805 to 1880 MHz band.

(2) The Licensed Spectrum Blocks

“Licensed Spectrum Block(s)” means the Spectrum Blocks set out in Part 1 of the Licence.

¹EIRP is the Equivalent Isotropically Radiated Power

(3) The Terrestrial Systems and Services

“Terrestrial Systems” means terrestrial systems capable of providing electronic communications services that are in compliance with the technical implementing measures adopted pursuant to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (“Radio Spectrum Decision”) and in conformity with the standards referred to in Sections 1 to 4 of this Schedule.

(4) Provision of Maps and Data

For the purposes of carrying out quality of service compliance checks, the Licensee shall, on request, provide to the Commission the following:

- (a) An up-to-date list of the locations of the ‘Base Station’² transmitters;
- (b) An adequate number of test numbers.

2. Technical Conditions

(1) The 1800 MHz Band

- (a) The Frequency Division Duplex (FDD) method shall be used.
- (b) In the 1800 MHz Band radio transmitters that use the 1805 to 1880 MHz frequency space shall transmit in a downlink direction (i.e. ‘Base Station’ transmitters). Radio transmitters that use the 1710 to 1785 MHz frequency space shall transmit in an uplink direction (i.e. ‘Terminal’ transmitters).
- (c) Terrestrial Systems permitted under Decision 2009/766/EC as amended by Decision 2011/251/EU can be deployed in the 1800 MHz band.
- (d) In the absence of bilateral or multilateral agreements between neighbouring Licensees, the Licensee deploying a GSM system³ in the 1800 MHz Band is required to meet the guard band obligation set down in Decision 2009/766/EC as amended by Decision 2011/251/EU.
- (e) The Licensee shall comply with all Memoranda of Understanding agreed from time to time between the Commission and the national regulatory authority responsible for communications matters in the UK, Ofcom, or its successor, in relation to the 1800 MHz Band, including ComReg Documents 11/50e and 11/50f.⁴

²Repeaters are also included as a Base Station for the purposes of this Licence.

³As defined in Decision 2009/766/EC as amended by Decision 2011/251/EU.

⁴<http://www.comreg.ie/fileupload/publications/ComReg1150e.pdf> and <http://www.comreg.ie/fileupload/publications/ComReg1150f.pdf>.

3: Quality of Service (QoS) Obligations

(1) The Minimum “Availability of the Network” Standard

"Network unavailability" means the average number of minutes per terminal per six month period for which services on the network are not available due to a network disturbance, failure or scheduled unavailability.

“The network” means any Terrestrial System which uses the Licensed Spectrum Blocks.

- (a) The “availability of the network” shall be measured in terms of “network unavailability” and reported on an annual basis.
- (b) The Licensee shall ensure that network unavailability is less than 35 minutes (based on the weighting factors set out in Table 1 below) per six month period.

Table 1: Weighting Factors for Network Unavailability tracking all periods of network unavailability.

Network Unavailability, Weighting Factors (divide duration of each network event by weighting factor)			
	Monday to Friday	Saturday	Sunday
For periods between 07.00 and 24.00	1	2	4
For periods between 00.00 and 07.00	4	8	16

- (c) The Licensee shall maintain this network log in a manner that will demonstrate to the satisfaction of the Commission that such a network log is an adequate means of assessing whether the Licensee is complying with its “availability of the network” obligation under this Licence.
- (d) The network log, or as may be appropriate, part thereof, shall be made available on request to the Commission.
- (e) The Licensee shall calculate the network unavailability for any period specified by the Commission from the information recorded in the network log, and shall, upon request and within such time as may be specified by the Commission, provide the Commission with the results of the calculation.

(2) The Minimum “Voice Call” Standard

In this paragraph “voice calls” does not include Voice over Internet Protocol (VoIP) calls.

- (a) Where the Licensee and/or any third party via contractual or other arrangements with the Licensee, provides a “voice call” service on

a Terrestrial System which uses the Licensed Spectrum Blocks, the Licensee shall comply with the minimum “voice call” standard as set out in Table 2 below.

Table 2: The minimum “voice call” standard for each 6 month period for annual reporting

	Average	Worst Case
Maximum Permissible Blocking Rates	2%	4%
This refers to the maximum percentage of total call attempts which are unsuccessful during the time consistent busy hour ⁵ .		
Maximum Permissible Dropped Call Rates	2%	4%
This refers to the maximum percentage of total originating calls which are prematurely released by the network within 3 minutes of the call being made.		
Transmission quality		
The Licensee shall ensure that the speech transmission quality is as good as or better than the speech quality associated with the GSM Standard and GSM Technical Specifications of the European Telecommunications Standards Institute (“ETSI”). The Licensee shall ensure that appropriate echo treatment equipment is used and that it is properly configured.		

- (b) Where a “voice call” service is provided by the Licensee and any third party via contractual or other arrangements with the Licensee, the minimum voice call standard shall be calculated by combining the “voice call” measurements of the Licensee with that of the third party.

(3) Reporting of Compliance

- (a) Every twelve months, the Licensee shall measure, and submit an annual compliance report to the Commission on (a) the availability of the network QoS standard and (b) the voice call QoS standard.
- (b) The measurements required for this compliance report shall be agreed with the Commission in advance, and the compliance report shall have sufficient detail and contain sufficient particulars to allow the Commission to verify the Licensee’s measurements.
- (c) Upon request by the Commission⁶ the Licensee shall carry out drive test measurements⁷ and submit these results to the Commission.

⁵“Time consistent busy hour” means the period of one-hour starting at the same time each day for which the average traffic of the network concerned is greatest over the days under consideration. The time consistent busy hour shall be determined from an analysis of traffic data obtained from the service and be subject to the Commission’s approval. The ‘Time consistent busy hour’ is determined from the operator’s voice traffic. It is the one-hour period during which there is the highest level of traffic. The blocked call rates are measured for the same one-hour period during each review period (i.e. 6 months). The one-hour period is determined by the operator and is subject to the Commission’s approval.

⁶The Commission does not envisage drive test measurements being required on a frequent basis, but notes that such measurements may be appropriate in circumstances where:

- a Licensee is submitting a compliance report on QoS for the first time;
- the Commission’s own verification checks, drive test measurements or other information suggests that there may be discrepancies in the compliance report on QoS or the Licensee may not be meeting its QoS obligations.

⁷Drive Test Measurements are measurements collected using a motor vehicle.

These drive test measurements are to be carried out at the Licensee's own expense and to a standard agreed with the Commission.

- (d) The Licensee shall submit this compliance report each calendar year within 31 days of the anniversary of the Licence Commencement Date of the Licence.
- (e) In the compliance report the Licensee shall notify the Commission whether the Licensee has either (a) met the relevant QoS obligations as set out in Section 3 (1) and Section 3 (2) above, or (b) failed to meet the said obligations, and, in that event, the reasons for same.
- (f) Failure by the Licensee to so notify the Commission shall be deemed to comprise non-compliance with both this reporting obligation and the relevant Quality of Service obligations.

SCHEDULE 2

WIRELESS TELEGRAPHY ACT, 1926**WIRELESS TELEGRAPHY (1800 MHz AND PREPARATORY LICENCES IN THE 1800 MHz BAND) REGULATIONS 2013****Preparatory Licence for terrestrial systems capable of providing Electronic Communications Services.**

Preparatory Licence under section 5 of the Wireless Telegraphy Act, 1926, to keep and have possession of apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009)) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), hereby grants to the Licensee specified of _____

authorisation to keep and have possession of the apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services specified in Part 2 to this Licence, subject to such apparatus being installed and maintained in accordance with the terms and conditions and restrictions set out in the Wireless Telegraphy (1800 MHz and Preparatory Licences in the 1800 MHz band) Regulations, 2013 (S.I. No. 563 of 2013) (“the Regulations”), including, but not limited to, the following:

(1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations, under which this Licence is issued, and within Parts 1 to 2 of this Licence; and

(2) The Licensee shall ensure that it makes payment of all fees as detailed in the Regulations under which this Licence is issued.

This Licence shall come into effect on DD/MM/YY (the “Licence Commencement Date”) and, subject to revocation, suspension or withdrawal, expires on DD/MM/YY (the “Licence Expiry Date”).

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Official Stamp

Part 1

Licence Conditions

(1) The Licensee may keep, have possession of, install and maintain the Apparatus detailed in Part 2 of this Licence.

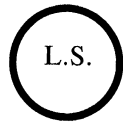
(2) The Licensee shall not work or use the Apparatus detailed in Part 2 of this Licence.

Part 2

Statement of Authorised Apparatus

To Include:

Authorised Band	Commencement Date	Expiry Date	Description of Apparatus
1800MHz	DD Month YYYY	DD Month YYYY	

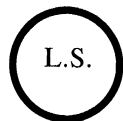


GIVEN under the official seal of the Commission for Communications Regulation
23 December 2013.

KEVIN O'BRIEN,
Chairperson.

For and on behalf of the Commission for Communications Regulation

The Minister for Communications, Energy and Natural Resources consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Communications, Energy and Natural Resources
20 December 2013.

PAT RABBITTE,
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations prescribe matters in relation to licences for apparatus for Wireless Telegraphy for terrestrial systems capable of providing Electronic Communications Services in the 1800 MHz Band.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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