



CONSULTATION ON SPECTRUM AWARD IN THE 1800 MHZ BAND

GUERNSEY

Consultation Document

Guernsey Competition and Regulatory Authority

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1. INTRODUCTION

- 1.1 The purpose of this document is to set out a consultation to assess demand for spectrum in the 1800 MHz band. CICRA¹ (the Channel Islands Competition and Regulatory Authorities) has received a request by 5th Dimension Ltd for spectrum in this band and this consultation therefore invites comments from parties to assess whether there is demand for such spectrum and the extent of such demand to inform any decision by CICRA to make such an award.
- 1.2 Following an assessment of responses to this consultation regarding spectrum in the 1800 MHz band, CICRA will determine whether to proceed to a decision in Guernsey to award such spectrum, or whether a competitive process is required.

DISCLAIMER

This document does not constitute legal, technical or commercial advice; CICRA is not bound by this document and may amend it from time to time. This document is without prejudice to the legal position or the rights and duties of CICRA to exercise regulatory powers generally.

2. STRUCTURE OF THIS DOCUMENT

- 2.1 The document is structured as follows:

Section 3	This section outlines the legal bases for the GCRA's roles and, therefore, for CICRA's role in the allocation of spectrum for telecoms purposes as well as the role of UK legislation in this area
Section 4	Records the set of objectives that guide CICRA's processes of determining spectrum allocation generally and, also, of assessing how to respond to 5 th Dimension's request.
Section 5	Discusses spectrum availability in Guernsey to the extent it is relevant in assessing 5 th Dimension's request.
Section 6	Provides an assessment of other issues that may be relevant to a decision on spectrum allocation in the 1800 MHz band.
Section 7	Sets out CICRA's provisional conclusions.

- 2.2 Respondents are requested to comment on this Consultation. All comments should be submitted before 17:00 on 13 June 2019 to:

Guernsey Competition and Regulatory Authority
Suite 4, 1st Floor, La Plaiderie Chambers
La Plaiderie
St Peter Port
Guernsey GY1 1WG
Email: info@cicra.gg

¹ The Jersey Competition Regulatory Authority (JCRA) and the Guernsey Competition and Regulatory Authority (GCRA) are together referred to as CICRA and unless otherwise stated, all references to CICRA in this Decision are to each of the JCRA and GCRA

2.3 All comments should be clearly marked 'Consultation on Spectrum Award in the 1800 MHz Band'.

2.4 In line with CICRA's consultation policy, the Authority intends to make responses to the Draft Decision available on the CICRA website, the combined website of the JCRA and GCRA. Any material that is confidential should be put in a separate annex and clearly marked as such so that it may be kept confidential. The Authority regrets that it is not in a position to respond individually to the responses to this consultation.

3. LEGISLATIVE AND LICENSING BACKGROUND

Legislative background and regulatory duties in the Channel Islands

3.1 In Guernsey, the relevant legislation is The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001, The Guernsey Competition and Regulatory Authority Ordinance, 2012 and The Telecommunications (Bailiwick of Guernsey) Law, 2001. Any decision resulting from this consultation will be based on relevant laws and duties of the GCRA. In addition, there is scope for the States of Guernsey to give directions to the GCRA respectively.

UK Legislation relevant to spectrum licensing in the Channel Islands

3.2 The use of spectrum in the Channel Islands is governed by UK legislation that has been extended to Guernsey and Jersey, as well as by international agreements between the UK and other countries on the use to which various bands of radio spectrum can be put and the avoidance of interference across borders. The licensing of spectrum, in the UK and in the Channel Islands, is carried out by the Office of Communications (Ofcom), by virtue of the powers given to it by the Wireless Telegraphy Act 2006 (WTA) and the Communications Act 2003²

3.3 Ofcom's principal and secondary duties are in Section 3 of the Communications Act 2003 ('General duties of Ofcom'), which provides that:

(1) It shall be the principal duty of OFCOM, in carrying out their functions—

(a) to further the interests of citizens in relation to communications matters; and

(b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.

(2) The things which, by virtue of subsection (1), OFCOM are required to secure in the carrying out of their functions include, in particular, each of the following—

(a) the optimal use for wireless telegraphy of the electro-magnetic spectrum;

² For the Channel Islands, as and to the extent that these Acts are extended to Jersey and Guernsey respectively.

(...)

3.4 Moreover, Section 3 of the WTA ('Duties of OFCOM when carrying out functions') further specifies Ofcom's duties as follows:

(1) In carrying out their radio spectrum functions, OFCOM must have regard, in particular, to—
(a) the extent to which the electromagnetic spectrum is available for use, or further use, for wireless telegraphy;
(b) the demand for use of the spectrum for wireless telegraphy; and
(c) the demand that is likely to arise in future for the use of the spectrum for wireless telegraphy.

(2) In carrying out those functions, they must also have regard, in particular, to the desirability of promoting—
(a) the efficient management and use of the part of the electromagnetic spectrum available for wireless telegraphy;
(b) the economic and other benefits that may arise from the use of wireless telegraphy;
(c) the development of innovative services; and
(d) competition in the provision of electronic communications services.

3.5 For the purposes of the spectrum relevant to this consultation, the respective roles of CICRA and Ofcom in coordinating the award of spectrum licences in the Channel Islands are as follows:

- CICRA ascertains the level and nature of demand for the spectrum in the bands related to the spectrum requested by 5th Dimension. It identifies whether demand exceeds supply and a selection process is needed. Eventually, when the assessment and selection process is completed, it recommends an allocation to Ofcom; and
- Ofcom may issue licences for spectrum use under the WTA where it is satisfied CICRA's

4. CICRA'S OBJECTIVES

4.1 As set out in section 3, the legislative background relevant to the process initiated by this consultation includes several pieces of legislation. The GCRA and the JCRA have separate duties and objectives set by law that are very similar. CICRA believes that a joint allocation of spectrum across the Channel Islands – in particular, an allocation that is aligned across the Islands – contributes to the achievement of the GCRA's and the JCRA's particular objectives.

4.2 In its first consultation relevant to the allocation of spectrum for the purpose of providing LTE services (July 2013), CICRA consulted on the objectives that should guide the process and criteria for the joint allocation of spectrum in the Channel Islands. Respondents supported CICRA's proposed objectives. CICRA's work on spectrum allocation is, therefore and from now on, informed by the following objectives:

- to further consumers' interests in the short and long term, having regard to prices and costs, and the availability and range of services suitable to consumers' different needs;

- to promote competition as a mechanism to further its consumer interest objective;
- to have regard to and, where it lies within its powers and is practicable, to lessen the impact of the spectrum-dependent activities it regulates on the environment;
- to seek to ensure the processes and criteria adopted by CICRA are consistent with Ofcom's duties, including the duty to secure the optimal use for wireless telegraphy of the electromagnetic spectrum; and
- to the extent allowed by legislation, to deal with the Jersey and Guernsey Bailiwicks as a single economic and social entity.

4.3 The first three objectives summarise the duties that CICRA has, in one form or another, in the Islands' respective legislation. The fourth objective reflects Ofcom's own duties and seeks to ensure that CICRA's recommendations are acceptable to Ofcom. The last one translates the intention of the States of Jersey and Guernsey that there should be joint regulation of the radio

5. SPECTRUM SOUGHT BY 5TH DIMENSION

5.1 The purpose of this section is to describe the spectrum which is the object of this consultation, how it is used now, and ascertain the extent of demand that may exist.

Spectrum considered in this Consultation

5.2 CICRA has received a request from 5th Dimension for a spectrum allocation in Guernsey of 2 x 15 MHz of spectrum in the 1800 MHz band. Specifically, 5th Dimension seeks the bands:

- 1865-1880 MHz (matched with 1770-1785 MHz)

5.3 This band is currently unallocated in the Channel Islands.

5.4 Before CICRA can determine whether an allocation is advisable, it wishes to consult parties that may be interested in the use to which the requested and related spectrum may be put. Such consultation should in particular identify whether there is more demand for spectrum in the relevant bands than is available and, therefore, the appropriate method of allocating spectrum in this case.

Spectrum availability in the bands sought

5.5 CICRA is aware that some spectrum is currently available in the 1800 MHz bands in Guernsey and Jersey for the purpose of mobile telecommunication services:

- In the 1800 MHz range, there are two unallocated 2 x 15 MHz bands in Guernsey and Jersey

5.6 CICRA notes that its objective in determining spectrum allocation, generally, is to ensure that spectrum bands with specific characteristics are available to a number of operators so that healthy competition in the provision of services to end customers can flourish. CICRA therefore needs to identify the range of spectrum bands that, from the perspective of telecommunication operators, can be substituted for one another and used interchangeably.

5.7 Concerning 5th Dimension's request for 1800 MHz spectrum, CICRA believes there may not be excess demand for spectrum in the 1800 MHz band.

QUESTION 1 - Do you agree that there is no excess demand for spectrum in the 1800 MHz band and that 5th Dimension's request, in principle, can be satisfied without it being at the expense of other operators' requirements?

6. LIMITATIONS TO THE USE TO WHICH SPECTRUM IN THE 1800 MHZ BAND SHOULD BE PUT

Spectrum use in the 1800 MHz Band

6.1 According to international and UK specifications, the spectrum sought by 5th Dimension may be used for the purpose of providing mobile telecommunication services of the type already provided by mobile operators in the Channel Islands, i.e. 2G and 3G, and also for services provided by means of LTE and WiMAX technologies³. LTE is particularly useful in providing the means to satisfy the vast increase in mobile data traffic that is now underway.

6.2 CICRA understands that new wireless telegraphy licences issued to 5th Dimension by Ofcom for use for telecommunication services following a recommendation from CICRA would not necessarily specify the technologies and standards for which the spectrum may be used. Operators will be entitled to use the spectrum for mobile or fixed wireless services, as they choose, so as best to respond to customer wishes and market conditions. In principle, therefore, a spectrum licence granted to 5th Dimension by Ofcom could allow it to provide mobile services as well as fixed wireless services. This would be feasible in Jersey but, in Guernsey, the operating licence held by 5th Dimension, issued under The Telecommunications (Bailiwick of Guernsey) Law, 2001, only allows it to provide mobile services.

6.3 CICRA notes, therefore, that 5th Dimension would provide mobile services in Guernsey only.

7. NEXT STEPS


7.1 In view of the considerations in Sections 5 and 6 of this document, responses are sought to the above matters in order to inform CICRA's views as to the extent of demand for the spectrum sought.

/ends

³ LTE: Long Term Evolution, the next evolution of cellular mobile technologies, part of the family of standards developed by standardisation body 3GPP that includes 3G/UMTS/HSPA, designed to provide high speed data services. WiMAX: Worldwide Interoperability for Microwave Access, another wireless technology suitable for high speed data services, developed by standardisation body IEEE.

ANNEXES

Annex A: Spectrum Allocation in the Channel Islands – January 2018

Channel Island Allocations										 making communications work for everyone					
Jan-18															
Frequency		J G Bandwidth		Jersey						Bandwidth		Guernsey			
Downlink	Uplink		MHz	JT (J)	Airtel (J)	Sure (J)	Marathon	Newtel	Clear (J)	MHz	JT (G)	Airtel (G)	Sure (G)	Clear (G)	
791.0 - 801.0	832.0 - 842.0		2 x 10			Sure(J)				2 x 10			Sure(G)		
801.0 - 811.0	842.0 - 852.0		2 x 10	JT (J)						2 x 10	JT (G)				
811.0 - 821.0	852.0 - 862.0		2 x 10		Airtel(J)					2 x 10		Airtel(G)			
Downlink	Uplink														
925.0 - 930.0	880.0 - 885.0		2 x 10		Airtel(J)					2 x 10		Airtel(G)			
930.0 - 935.0	885.0 - 890.0														
935.0 - 940.0	890.0 - 895.0		2 x 10			Sure(J)				2 x 15			Sure(G)		
940.0 - 945.0	895.0 - 900.0														
945.0 - 950.0	900.0 - 905.0														
950.0 - 960.0	905.0 - 915.0		2 x 15	JT (J)						2 x 10	JT (G)				
Downlink	Uplink														
1805.0 - 1825.0	1710.0 - 1730.0		2 x 20	JT (J)						2 x 20	JT (G)				
1825.0 - 1845.0	1730.0 - 1750.0		2 x 20		Airtel(J)					2 x 20		Airtel(G)			
1845.0 - 1865.0	1750.0 - 1770.0		2 x 20			Sure(J)				2 x 20			Sure(G)		
1865.0 - 1880.0	1770.0 - 1785.0		2 x 15							2 x 15					
1880.0 - 1900.0				DECT cordless telephony						DECT cordless telephony					
1900.0 - 1905.0			5				Marathon			5	JT (G)				
1904.9 - 1909.9															
1905.0 - 1910.0															
1910.0 - 1915.0			5	JT (J)											
1915.0 - 1920.0			5			Sure(J)									
Downlink	Uplink														
2110.0 - 2110.3	1920.0 - 1920.3		2 x 0.3							2 x 0.3					
2110.3 - 2115.0	1920.3 - 1925.0		2 x 4.7							2 x 4.7					
2115.0 - 2120.0	1925.0 - 1930.0		2 x 5				Marathon			2 x 5					
2120.0 - 2134.8	1930.0 - 1944.8		2 x 14.8		Airtel(J)					2 x 14.8		Airtel(G)			
2134.8 - 2140.0	1944.8 - 1950.0		2 x 5.2							2 x 10					
2140.0 - 2150.0	1950.0 - 1960.0		2 x 10	JT (J)						2 x 10	JT (G)				
2150.0 - 2160.0	1960.0 - 1970.0		2 x 10			Sure(J)				2 x 10			Sure(G)		
2160.0 - 2169.7	1970.0 - 1979.7		2 x 9.7						Clear (J)	2 x 9.7				Clear (G)	
2169.7 - 2170.0	1979.7 - 1980.0		2 x 0.3							2 x 0.3					
Downlink	Uplink														
2620.0 - 2630.0	2500.0 - 2510.0		2 x 10			Sure(J)				2 x 10			Sure(G)		
2630.0 - 2640.0	2510.0 - 2520.0		2 x 10		Airtel(J)					2 x 10		Airtel(G)			
2640.0 - 2650.0	2520.0 - 2530.0		2 x 10	JT (J)						2 x 10	JT (G)				
2650.0 - 2690.0	2530.0 - 2570.0		2 x 40							2 x 40					
3.480 - 3.500	3.580 - 3.600		2 x 20					Newtel (J)		2 x 20					
3.600 - 3.630	3.700 - 3.730		2 x 30			Sure(J)				2 x 30			Sure(G)		
3.630 - 3.660	3.730 - 3.760		2 x 30						Clear (J)	2 x 30				Clear (G)	
3.660 - 3.700	3.760 - 3.800		2 x 40							2 x 40					
10.125 - 10.150	10.475 - 10.500		2 x 25							2 x 25					
10.150 - 10.225	10.500 - 10.575		2 x 75							2 x 75	JT (G)				
27.8285 - 28.0525	28.8365 - 29.0605		2 x 224							2 x 224					
28.0525 - 28.1645	29.0605 - 29.1725		2 x 112							2 x 112					
28.1645 - 28.1925	29.1725 - 29.2005		2 x 28*							2 x 28*					
28.1925 - 28.3045	29.2005 - 29.3125		2 x 112							2 x 112					
28.3045 - 28.3325	29.3125 - 29.3405		2 x 28*							2 x 28*					
28.3325 - 28.4445	29.3405 - 29.4525		2 x 112							2 x 112					

NOTES: * Guardband