



Pan-Channel Island Consultation on a Spectrum Award in the 10 GHz Band

Consultation Document

Channel Islands Competition and Regulatory Authorities

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1. Introduction

The purpose of this document is to determine the response that the Channel Islands Competition and Regulatory Authorities (CICRA) should give to a request by JT for the remaining 40 MHz of spectrum in the 10 GHz band that it does not already hold in Guernsey. CICRA wished to consult stakeholders so as to assess whether there is other demand in Guernsey for spectrum in the 10 GHz spectrum band. The extent of this demand will inform any decision by CICRA to make an award.

JT wishes to increase the capacity of its backhaul system in Guernsey in anticipation of its launching a new LTE Mobile 4G network in the very near future. The technical specifications of JT's backhaul system are such that it needs spectrum in the 10 GHz band to operate.

Following an assessment of responses to this consultation regarding spectrum in the 10 GHz band, CICRA will determine whether to proceed with a recommendation to Ofcom as requested by JT or, if there is excess demand, 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 the Consultation

The consultation document is structured as follows:

Section 3:	This section outlines the legal bases for the GCRA's and the JCRA'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 JT's requests.
Section 5:	Discusses spectrum availability in Guernsey and Jersey and other issues to the extent they are relevant in assessing JT's requests.
Section 7	Concludes the consultation

Interested parties are invited to submit comments to CICRA in writing or by email on the matters set out in this paper to the following addresses:

Suites B1 & B2 Hirzel Court St Peter Port Guernsey GY1 2NH Email: info@bicra.gg	2 nd Floor, Salisbury House 1-9 Union Street St Helier Jersey JE2 3RF Email: info@bicra.je
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All comments should be clearly marked "*Pan-Channel Island Consultation on a Spectrum Award in the 10 GHz Band*" and should arrive by 5pm on Wednesday 18 March 2015.

In line with CICRA's consultation policy, the regulators intend to make responses to the consultation available on the CICRA website, the combined website of the GCRA and JCRA. Any material that is confidential should be put in a separate annex and clearly marked as such so that it may be kept confidential. CICRA 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

The legislative bases for consultations in Jersey are provided by the Competition Regulatory Authority (Jersey) Law 2001 and the Telecommunications (Jersey) Law 2002. 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 and the JCRA respectively.

The relevant duties of the JCRA in the telecommunications sector are those defined in Article 7 of the Telecommunications (Jersey) Law 2002; the relevant duties of the GCRA are those defined in Section 2 of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 and transferred to it by Section 5 of the 2012 Ordinance mentioned above. In addition, there is scope for the States of Guernsey and States of Jersey to give directions to the GCRA and the JCRA respectively.

UK Legislation relevant to spectrum licensing in the Channel Islands

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 2003¹.

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.*

¹ For the Channel Islands, as and to the extent that these Acts are extended to Jersey and Guernsey respectively.

(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;*
- (...)*

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.*

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 spectrum in the band (10 GHz) requested by JT. 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 recommendation is consistent with its own statutory duties.

4. CICRA's objectives

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 similar.

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 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 electro-magnetic spectrum; and,
- to the extent allowed by legislation, to deal with the Jersey and Guernsey Bailiwicks as a single economic and social entity.

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 spectrum available to both islands.

5. Spectrum sought by JT

The 10 GHz spectrum band, which JT is using for its backhaul system, is a FDD (Frequency Division Duplex) band that is licensed for cellular telephony and wireless broadband. It consists of 100 MHz, of which JT already uses 60 MHz in Guernsey. JT is applying to use the remaining 40 MHz so as to extend the capacity of its backhaul system. JT has informed CICRA it needed to expand the capacity of its backhaul system given the additional data traffic that is likely to result from its building of a new LTE Mobile 4G network.

6. Next Steps

In view of the considerations in Section 5 of this document, CICRA is inviting comments, in particular on whether there is excess demand for spectrum in Guernsey in the 10 GHz band and, if this is not the case, whether there is any other reason that would prevent CICRA from agreeing JT's request.

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Annex A - Spectrum Allocation in the Channel Islands - February 2014

Frequency Downlink	Frequency Uplink	J	G	Jersey				Guernsey						
				MHz				MHz						MHz
791 - 801	832 - 842			10				10						10
801 - 811	842 - 852			10	JT(J)			10	JT(G)					10
811 - 821	852 - 862			10		Airtel(J)		10					Airtel(G)	10
925 - 930	880 - 885			5		Airtel(J)		5					Airtel(G)	5
930 - 935	885 - 890			5				5					C&W(G)	5
935 - 940	890 - 895			5				5					C&W(G)	5
940 - 945	895 - 900			5	JT(J)			5					C&W(G)	5
945 - 950	900 - 905			5	JT(J)			5	JT(G)				C&W(G)	5
950 - 960	905 - 915			10	JT(J)			10	JT(G)					10
1805 - 1825	1710 - 1730			20	JT(J)			20	JT(G)					20
1825 - 1845	1730 - 1750			20		Airtel(J)		20					Airtel(G)	20
1845 - 1865	1750 - 1770			20			C&W(J)	20					C&W(G)	20
	1900.0 - 1905.0			5									Marathon	5
	1904.9 - 1909.9			5				5	JT(G)					5
	1905.0 - 1910.0			5		Airtel(J)								5
	1910.0 - 1915.0			5	JT(J)									5
	1915.0 - 1920.0			5			C&W(J)							5
2115.0 - 2120.0	1925.0 - 1930.0			5									Marathon	5
2120.0 - 2130.0	1930.0 - 1940.0			10		Airtel(J)		10					Airtel(G)	10
2130.0 - 2140.0	1940.0 - 1950.0			10	JT(J)			10	JT(G)					10
2140.0 - 2150.0	1950.0 - 1960.0			10			C&W(J)	10					C&W(G)	10
2150.0 - 2160.0	1960.0 - 1970.0			10				10						10
2160.0 - 2170.0	1970.0 - 1980.0			10				10						10
2620 - 2630	2500 - 2510			10			C&W(J)	10					C&W(G)	10
2630 - 2640	2510 - 2520			10		Airtel(J)		10					Airtel(G)	10
2640 - 2650	2520 - 2530			10	JT(J)			10	JT(G)					10
3.480 - 3.500	3.580 - 3.600			20				20					Under consultation	20
3.600 - 3.630	3.700 - 3.730			30			C&W(J)	30					C&W(G)	30
3.630 - 3.660	3.730 - 3.760			-										
3.660 - 3.690	3.760 - 3.790			-										
10.125 - 10.165	10.475 - 10.515			-										
10.165 - 10.225	10.515 - 10.575			-				60	JT(G)					60
28.0525 - 28.1645	29.0605 - 29.1725			-				112	JT(G)					112
28.1925 - 28.3045	29.2005 - 29.3125			-										
29.3325 - 28.4445	29.3405 - 29.4525			-										