



Case T-064

5G spectrum award

Response to Draft ITT consultation

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1 Overview and summary

- 1.1 The duties of the Jersey Competition Regulatory Authority (the **Authority**) include assessing demand for radio spectrum needed to operate certain local mobile and wireless services and making subsequent recommendations to UK communications regulator Ofcom for any required spectrum licences. The Authority is presently progressing the award of spectrum for use by 5G services¹.
- 1.2 In June 2022, the Authority issued a 5G Spectrum Award: Updated Statement of Intent (the **Statement of Intent**) setting out the 5G spectrum packages available for potential applicants, along with a 5G Spectrum Award: Draft ITT (the **Draft ITT**) for consultation, with comments welcomed on the proposed application process, which will follow a generally accepted invitation to tender approach.
- 1.3 This document contains details on the consultation responses received, together with the Authority's associated analysis and conclusions, which have been used to shape the final 5G Spectrum Award: ITT (the **ITT**). A detailed summary of this ITT is contained in this document, with the full ITT made available to qualifying companies that subsequently express an interest in applying for 5G spectrum in Jersey and pay the required Application Fee.

¹ For brevity, consistency and clarity, this document will refer to '5G services' and '5G spectrum' throughout. For avoidance of doubt, however, the Authority is not advocating the use of any particular technology or services.

2 Introduction and context

2.1 This section introduces and provides context for the consultation on the Draft ITT. Its contents include:

- [Background to consultation](#)
- [Legal framework](#)
- [Consultation approach and responses received](#)
- [Licensing process timetable](#)

Background to consultation

2.2 Fifth Generation or 5G is the next generation of common international mobile standards defined to further the development of mobile phones / terminals and associated networks and services². For telecoms operators and their customers, 5G offers a major step forward for mobile data services with the potential for higher connectivity speeds, much greater capacity for data traffic and lower latency connections.

2.3 Following a reassessment of interest and demand in Jersey's 5G spectrum³, the Authority issued an updated Statement of Intent on 28 June 2022⁴ setting out the spectrum packages being made available for licensed telecoms operators, and outlining the approach to applications.

2.4 Concurrently, the Authority issued a Draft ITT for consultation⁵ that explains the proposed application approach and sets out the proposed process for receiving, evaluating and ranking applications, inviting responses from interested parties to help shape the final ITT.

2.5 Having closed this consultation on 23 August 2022, this document contains details on responses received and the resulting final ITT, which will be issued in September 2022.

Legal framework

2.6 The Telecommunications (Jersey) Law 2002 requires the Authority to carry out its functions in such manner as it considers is best calculated to ensure that (so far as is reasonably practicable) telecommunication services are provided, both within Jersey and between Jersey and the rest of the world, as to satisfy all current and prospective demands for them.

2.7 Consistent with the requirement above, the Authority's role includes:

² For more information on 5G standards and development visit https://www.gsma.com/futurenetworks/ip_services/understanding-5g/

³ Document number JCRA 22/18 - <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-consultation/>

⁴ Document number JCRA 22/37 - <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-updated-statement-of-intent/>

⁵ Document number JCRA 22/41 - <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-draft-invitation-to-tender-consultation/>

- (a) Promoting competition among telecoms operators in Jersey, while minimising restrictions placed upon them;
- (b) Promoting efficiency, economy and effectiveness in the commercial activities of telecoms operators;
- (c) Furthering the economic interests of Jersey; and
- (d) Ensuring that telecoms operators have sufficient financial and other resources to conduct their activities.

2.8 Based on the above, the Authority believes this document, the associated processes and overall approach to making 5G spectrum awards in Jersey are consistent with its obligations and powers under the Law.

Consultation approach and responses received

2.9 The 5G Spectrum Award: Draft ITT consultation issued on 28 June 2022 asked respondents to consider four specific questions:

Question 1: Do you have any comments on the proposed 5G spectrum award tender and licensing process and timetable?

Question 2: Do you have any comments on the proposed 5G spectrum award ITT terms and conditions?

Question 3: Do you have any comments on the proposed 5G spectrum award tender contents?

Question 4: Do you have any comments on the proposed 5G spectrum award tender evaluation and selection procedure?

2.10 The consultation closed on 23 August 2022, with responses received by that date from the following organisations:

- Jersey Airtel Limited (**JAL**)
- JT (Jersey) Limited (**JT**)
- Sure (Jersey) Limited (**Sure**)

2.11 The Authority is grateful to all respondents for the time and care taken to provide comments and views on this important subject. Responses received are summarised in the following section with full non-confidential versions published by agreement on the Authority's website alongside this document.

Licensing process timetable

2.12 The remaining steps and timeline, which may be subject to change, for completion of the 5G spectrum award process are as follows:

Sep 2022 – Dec 2022	Issue ITT, receive and evaluate applications.
Q1 2023	Announce tender results and make recommendations for 5G spectrum award to Ofcom.
H1 2023	Complete required local enabling activities for tender winners and Ofcom issue 5G spectrum licences.

3 Consideration of consultation responses

3.1 This section summarises responses received to the 5G Spectrum Award: Draft ITT consultation. Its contents include:

- [General responses to consultation](#)
- [Specific responses to consultation questions and the Authority's analysis and conclusions](#)

General responses to consultation

Summary of responses

- 3.2 JAL is broadly supportive of the proposed 5G spectrum award tender process but requested clarification on several specific points and offered comments on the period being allowed to defragment the 3.4-3.8 GHz spectrum band.
- 3.3 JT provided a comprehensive response focused on both the proposed ITT and 5G spectrum packages being made available. In particular, there is a focus on the Authority's planned approach to spectrum packages and the 3.4-3.8 GHz spectrum band defragmentation process.
- 3.4 Sure noted that it has no specific questions or comments after careful review of the Authority's proposals.

Authority analysis

- 3.5 The Authority thanks JAL and JT for comments on the planned approach to spectrum packages and defragmentation process, which have been carefully considered. The Authority believes the planned approach is appropriate, however, given the following considerations:
- (a) While noting the possibility of alternative approaches as proposed by JT, the Authority considers its spectrum packages contained in the Draft ITT and their associated terms and conditions remain most suitable and practical given the circumstances. They balance the need for longer-term optimum spectrum allocations, as asserted by international standards bodies⁶ and adopted by many other relevant jurisdictions, with the reality of Jersey's historically fragmented 3.4-3.8 GHz band. They further offer shorter-term technical certainty for applicants, tempered with ensuring understanding and acceptance of the challenges involved in defragmenting spectrum containing existing licensees.
- (b) Considering the views put forward on approaches to defragmenting the 3.4-3.8 GHz band, the Authority reminds the operators that Ofcom issues Jersey's radio spectrum licences, following recommendations from the Authority but taking into account the provisions of

⁶ <https://www.gsma.com/spectrum/5g-spectrum-guide>, p2

the Wireless Telegraphy Act 2006, specifically the conditions set out in Schedule 1, Paragraphs 6 and 7 relating to any possible licence revocations or reallocations; and

- (c) The Authority must also clearly consider the impact of any spectrum defragmentation actions on existing licence holders within the 3.4-3.8 GHz band, some of which are providing commercial services using their allocation. With this in mind, any changes should be objectively justified and appropriately notified.

Authority conclusion(s)

- 3.6 Based on its analysis the Authority does not propose reconsidering its approach to planned 5G spectrum packages or approach to spectrum defragmentation.

Specific responses to consultation questions and the Authority’s analysis and conclusions

Question 1: Do you have any comments on the proposed 5G spectrum award tender and licensing process and timetable?

Summary of responses

- 3.7 JAL notes its appreciation for the Authority’s approach to the 5G spectrum award tender, licensing process and timetable, but requests the withdrawal of ‘Limited Service Packages’ set-out within the Revised Statement of Intent to prevent them limiting investment in 5G.
- 3.8 JT conditionally supports the proposed tender and licensing process and timetable, stressing importance of starting and concluding as soon as possible so that expected services will be available to Islanders and potential new businesses. Its response further proposes modifications reducing the amount of information required from applicants and questions the timetable for Stage 5, noting that it seems excessively long.

Authority analysis

- 3.9 Considering JAL’s point on Limited Service packages, the Authority disagrees these will have a significant impact on viability of Full Service spectrum packages. As raised by several respondents to the recent 5G Spectrum Award: Reassessment of Interest and Demand⁷, the business case for 5G is yet to fully develop and extensive new use cases are limited. The Authority believes specialised applications requiring a limited amount of new 5G spectrum may develop that could significantly benefit Jersey and Islanders, and that it is therefore prudent to assess any that emerge and be in a position to support through allocating spectrum not being used to provide Full Service spectrum packages. In all such cases, the Authority will consider applications for spectrum on merit, and will not do so until after the award of Full Service spectrum packages.
- 3.10 The Authority concurs with JT’s view on the importance of starting and concluding the 5G spectrum award process as soon as possible, and assures interested parties that every

⁷ Document number JCRA 22/18 - <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-consultation/>

reasonable effort is being made to achieve this. It believes the timetable provided is valid, however, given that certain aspects of the process are subject to third party influences – the Ofcom licensing process, for example – and the importance of taking a fully considered structured approach to this very significant regulatory activity. Furthermore, the Authority assures interested parties that it will carefully consider and may act upon any opportunities to reduce the process timetable from that presently planned.

3.11 The Authority notes JT’s request for clarification on certain ITT procedural matters, which it will address wherever possible within the final ITT.

Authority conclusion(s)

3.12 The Authority intends following the proposed 5G spectrum award tender and licensing process and timetable, but will carefully consider and may act upon any opportunities to reduce the duration of the process timetable.

Question 2: Do you have any comments on the proposed 5G spectrum award ITT terms and conditions?

Summary of responses

3.13 JAL notes an assumption on the proposed level of fees and requests clarification on a specific date.

3.14 JT considers proposed ITT terms and conditions are reasonable, but requests a firmer condition covering requirements for applicants to relinquish any existing historic licences held in the 3.4-3.8 GHz band, noting precedent exists for this within earlier 5G licencing activity and previous spectrum awards.

Authority analysis

3.15 The Authority has no present plans to charge fees beyond those shown in the Draft ITT terms and conditions, but reminds interested parties that successful applicants will need to additionally pay any Ofcom fees or charges associated with spectrum licences and will confirm process submission dates within the final ITT.

3.16 The Authority thanks JT for the proposed amendments to the terms and conditions relating to potential applicant’s commitment to engage in defragmenting the 3.4-3.8 GHz band, noting the validity of expressed sentiments on this matter. The Authority believes its proposed wording for the related ITT term and condition is appropriate, however, given the following considerations:

- That Ofcom is ultimately responsible for issuing or revoking Jersey radio spectrum licences, with that organisation’s actions bound by the Wireless Telegraphy Act 2006, specifically the conditions set out in Schedule 1, Paragraphs 6 and 7⁸; and

⁸ <https://www.legislation.gov.uk/ukpga/2006/36/schedule/1>

- That the Authority notes that ‘working constructively (if required) ... in support of the process to defragment the local 3.4-3.8 GHz spectrum band’ is a required term and condition of applying for a 5G spectrum award, and that failure to do so may lead to the Authority withholding its recommendation to Ofcom for the awarding of Jersey 5G spectrum to a successful applicant.

Authority conclusion(s)

3.17 The Authority intends using the Draft ITT terms and conditions in the final 5G Spectrum Award: ITT.

Question 3: Do you have any comments on the proposed 5G spectrum award tender contents?

Summary of responses

- 3.18 JAL requests clarification on how allocations above the initial 40 GHz within the 3.4-3.8 GHz band will be made and information on RF radiation levels for 5G, and states assumptions on any annual fees and charges.
- 3.19 JT requests more information and proposes several specific changes within this section of the ITT:
- Clarification on certain terms used to more fully understand requirements on successful applicants for service launch and operations;
 - Increasing the amount of active base stations from the proposed 10 to 50, and defining the frequencies used on these; and
 - Service launch should take place within three years rather than the proposed five.
- 3.20 JT further offers detailed views on the Authority’s planned approach to offering an initial block in the 3.4-3.8 GHz band, which will increase over a period as successful applicants launch and roll-out services, subject to a defragmentation process required to manage licence holders with existing spectrum allocations within the band.
- 3.21 JT also requests further details on the ‘Required Information’ that applicants must supply within any tender.

Authority analysis

- 3.22 In response to JAL’s request for clarification on allocations above the initial 40 GHz within the 3.4-3.8 GHz band, the Authority plans to notify all successful applicants when any defragmentation process creates incremental spectrum that is equally available within the spectrum packages provided to all applicants. Only those applicants that have demonstrably launched a 5G service and rolled-out at least 10 active 5G equipped base stations will be provided with the incremental spectrum at that point, however, with other applicants able to request the available incremental spectrum once they achieve service launch and roll-out criteria.

3.23 Considering JAL's request for information on RF radiation levels for 5G, the Authority reminds that Class II and Class III licences include a condition on ensuring that any emissions are within limits specified by the guidelines published by the International Commission for Non-Ionising Radiation Protection (ICNIRP) and that compliance is required with any radiation emission standards adopted and published from time to time by BSI, ETSI, the European Committee for Electrotechnical Standardisation and any other standards specified by the JCRA.

3.24 Responding to JT's request for clarification on certain terms used, the Authority can confirm the following:

- That to 'launch a service' means providing a commercial service using the awarded spectrum that is or will become an island-wide network providing publicly available services for the maximum number of users⁹.
- That 'active 5G equipped base stations' encompasses any form of wireless communications station installed at a fixed location using any of the awarded spectrum to provide publicly available services.

3.25 The Authority thanks JT for its suggestions on increasing the amount of required active base stations from the proposed 10 to 50, and reducing the time allowed to launch a service, while noting that no other responses were received on these matters. Having considered nevertheless, the Authority believes the details in its proposed ITT are appropriate because:

- (a) Some potential applicants may be required to change considerable elements of their existing mobile networks to comply with a present Jersey Government initiative aimed at increasing telecoms security, and that this process may take up to five years;
- (b) Several respondents to the Authority's reassessment of 5G interest and demand issued in March 2022¹⁰ expressed concerns over the limited validity of any 5G business case in the shorter term and the commercial challenges in launching and rolling-out a full commercial service in the absence of customer demand or clear use cases; and
- (c) Subject to point (a) above, the Authority reminds that its required number of active base stations and time allowed to launch a service should be considered as a minimum requirement – the Authority would welcome any successful applicant adopting a more ambitious approach to service launch and roll-out.

3.26 The Authority further thanks JT for its detailed comments on approaching allocations in the 3.4-3.8 GHz band, and corresponding ones on spectrum defragmentation, but refers to Section 3.5 above for relevant analysis and response.

⁹ The Authority reminds interested parties that it is not opposed in principle to one form of network sharing or another as a means of achieving island-wide coverage, subject to due consideration of competition law requirements.

¹⁰ <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-consultation/>

3.27 The Authority will address JT's request for further details on the 'Required Information' within the final ITT process.

Authority conclusion(s)

3.28 The Authority will add certain clarifying information to the ITT tender contents in response to comments relating to this section and issue within the final 5G Spectrum Award: ITT.

Question 4: Do you have any comments on the proposed 5G spectrum award tender evaluation and selection procedure?

Summary of responses

3.29 JAL agrees with the proposed spectrum award tender evaluation and selection procedure, but requests further information on evaluation criteria.

3.30 JT requests further detail on how the Authority plans to conduct the proposed comparative evaluation and questions the ITT requirement for applicants to provide 'Supplemental Information' within tenders, suggesting this could be omitted to speed up the ITT process.

Authority analysis

3.31 Considering JAL's and JT's requests for further information on evaluation criteria, the Authority will provide within the final ITT.

3.32 The Authority thanks JT for its comments relating to Supplemental Information, which have been carefully considered. In response, the Authority believes the inclusion of Supplemental Information within the ITT is appropriate because:

- (a) Potential applicants are first reminded that they are invited but not required to provide Supplemental Information – those believing their tender is strong enough based on the Required Information provided can choose to not provide any Supplemental Information;
- (b) Second, the Authority assumes it may receive more than three tender submissions, in which event the Supplemental Information offered will provide the opportunity for a broader-based evaluation of tenders based on additional 'qualitative' rather than more 'quantitative' factors; and
- (c) Finally, the Authority places great importance on ensuring the process for awarding Jersey's valuable 5G spectrum is thorough, robust and justifiable – stakeholders have a reasonable right to expect that tender submissions should explain how receiving a 5G spectrum allocation will potentially benefit and not cause detriment to Islanders.

Authority conclusion(s)

3.33 The Authority intends using the Draft ITT tender evaluation and selection procedure in the final 5G Spectrum Award: ITT with certain information added to the final ITT to provide clarifications as requested.

4 Next steps

- 4.1 Having carefully considered responses received, the Authority has created a final 5G Spectrum Award: ITT which is summarised in Annex A of this document and will be made fully available to qualifying companies expressing an interest in applying for 5G spectrum in Jersey and paying the required application fee.

Annex A: 5G Spectrum Award - Invitation to Tender

1 Introduction

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**) is inviting applications from interested parties for 5G spectrum awards in Jersey. This invitation to tender (the **ITT**) sets out the spectrum packages being made available, the process applicants should follow and information they must provide, and explaining the comparative evaluation process being used to assess and rank tenders.
- 1.2 The outcome of this ITT process will be recommendations made by the Authority for Ofcom¹¹ to issue licences required for the 5G spectrum packages being made available, alongside any local licensing activities the Authority must complete to enable service delivery in Jersey.
- 1.3 Applicants should be aware that while the Authority can make recommendations to Ofcom, it remains within Ofcom's sole legal remit to issue spectrum licences for use in Jersey, which it does following its own process and subject to its established practices.

2 Spectrum packages available for application

- 2.1 The Authority intends inviting applications for the following 5G spectrum packages, as set out in its Updated Statement of Intent issued in June 2022¹² following a public consultation to reassess interest and demand:

Up to three x **Full Service spectrum packages**, intended for Island-wide networks providing publicly available services for the maximum number of users, with each package having:

- a) Up-to-100 MHz contiguous spectrum in the 3.4-3.8 GHz band; and
- b) 20 MHz (2 x 10 MHz paired) spectrum in the 700 MHz band.

Each package will have an initial allocation of 40 MHz contiguous spectrum in the 3.4-3.8 GHz band, increasing incrementally and equally for all package holders to 100 MHz subject to:

- a) Effective defragmentation of spectrum in the 3.4-3.8 GHz band to create the required contiguous spectrum;

¹¹ The Office of Communications or Ofcom, is the regulatory and competition authority for the broadcasting, telecommunications and postal industries of the UK - <https://www.ofcom.org.uk/home>

¹² Document number JCRA 23/37 - <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-process-2022/t-064-5g-spectrum-award-process-2022-updated-statement-of-intent/>

- b) 5G service launch within a defined period of Ofcom awarding a spectrum licence and roll out of a minimum stated number of 5G equipped base stations¹³; and
- c) Demonstrable evidence presented that spectrum already awarded is being efficiently used.

- 2.2 Consistent with historic spectrum awards, the Authority is using a comparative evaluation ('beauty parade') process to assess and rank applications received for these spectrum packages.
- 2.3 Consistent with its Statement of Intent, submissions under this ITT are limited to companies holding either a Class II or Class III Jersey licence current on the date the ITT opens. If there are fewer applicants than available spectrum packages, or if there are fewer than three applicants able to demonstrate their suitability and commitment, the Authority may consider running a second ITT process open to any applicant including those not presently holding a Class II or Class III Jersey licence.

3 Licensing requirements

- 3.1 Providing 5G services in Jersey requires companies to hold two licences:
- (a) A valid telecoms licence issued by the Authority under the Telecommunications (Jersey) Law 2002 allowing the provision of telecoms services in the Island (the **Jersey Licence**); and
 - (b) A valid spectrum licence issued by Ofcom under the Wireless Telegraphy Act 2006 (the **WTA Licence**) allowing the use of specific spectrum bands as set out in section 2.1 of this document.
- 3.2 Under agreed working arrangements, in addition to issuing Jersey Licences, the Authority assesses local demand for spectrum and carries out a tender process for available packages before making recommendations to Ofcom to issue appropriate WTA Licences following the payment of any required spectrum licence fees.
- 3.3 While this ITT is being run by the Authority, there is a subsequent requirement to obtain a WTA Licence from Ofcom to provide 5G services in Jersey. Successful applicants will receive a recommendation from the Authority to Ofcom for the allocated spectrum band.
- 3.4 Providing Ofcom is satisfied the Authority's recommendation is likely to be consistent with its own statutory duties, it may grant a WTA Licence to successful applicants, which will be similar to those issued for other public wireless networks in Jersey, containing specific technical parameters and stated terms and conditions. Successful applicants must also pay any licensing fees set by Ofcom under the Wireless Telegraphy Act 2006.

¹³ As stated in section 5 of this ITT and subsequently incorporated into applicants' declarations.

- 3.5 Applicants should note that with its recommendation to Ofcom, the Authority will support successful applicants attempting to gain a WTA Licence, but cannot warrant one will be provided by Ofcom, nor take any responsibility for any delay or difficulties encountered. Applicants must also be prepared to comply with any specific technical requests from Ofcom relating to spectrum use, including but not limited to frequency sharing timings, cooperation with other jurisdictions to minimise possible interference and limitations on offshore usage.
- 3.6 The WTA Licence will continue in force unless revoked in accordance with its licence conditions. Jersey Licences issued by the Authority are typically for a fixed term. Successful applicants can request that any existing Jersey Licence is extended for a further 15-years from the date a WTA licence for 5G spectrum is issued.

4 Tender and licencing framework

- 4.1 The Authority will follow the application, evaluation and licensing process and timetable shown below:

Stage 1 Registration	22 Sep – 4 Oct 2022	ITT opens, with applicants able to register interest and pay Application Fee to receive this 5G Spectrum Award: ITT and an Application Document.
Stage 2 Preparation	5 Oct – 2 Nov 2022	Registered applicants have opportunity to submit and receive responses to appropriate clarification questions.
Stage 3 Submission	3 Nov – 16 Nov 2022	Applicants submit tenders and pay required Submission Fee.
Stage 4 Evaluation	17 Nov – Jan 2023	The Authority carries out a comparative evaluation of tender submissions to determine spectrum awards and announces successful applicants.
Stage 5 Licensing	Jan 2023 – Jun 2023	The Authority completes any necessary local enabling activities and changes to applicants’ Jersey Licences, and makes recommendations to Ofcom for issuing WTA Licences to successful applicants.

- 4.2 Applicants should be aware that this timetable may have to change in view of unexpected circumstances, which will be communicated to those taking part in the ITT process.

5 ITT terms and conditions

- 5.1 This tender process is limited to companies holding a Class II and Class III Jersey Licence in effect on the date the ITT opens.

- 5.2 Applicants must pay the following fees¹⁴:
- (a) A non-refundable Application Fee of £20,000 when registering interest, following which the Authority will provide the full 5G Spectrum Award: ITT document; and
 - (b) A Submission Fee of £60,000 which must be paid at the time of tender submission, and which will be refunded to any unsuccessful applicants within 30 days of award notification.
- 5.3 Tender documents must be in English, which will also be the language used for any clarification questions.
- 5.4 Applicants must comply with the following terms and requirements for their submission to be considered:
- (a) That they have met ITT application conditions by registering and paying applicable application and submission fees;
 - (b) That they have submitted their application by the designated deadline date and using the process specified in the application document; and
 - (c) That they have provided the information required by the tender process and in the format specified in the application document.

6 Tender contents

Part 1: Applicant information

- 6.1 Applicants must provide full details of their company and corporate structure, the person identified as its direct point of contact during the ITT process and an explicit statement that this person is authorised to act on behalf of the applicant company.

Part 2: Application declaration

- 6.2 Applicants will be required to agree to be bound by the following terms, paragraphs (b) to (e) of which will be expressly incorporated into their Jersey Licences if their applications are successful:
- (a) That they agree to the terms and conditions of the ITT and that all information submitted through the application process is true and accurate;

¹⁴ Fees set at a level designed to allow the Authority to recover reasonable costs associated with carrying the 5G spectrum licensing process.

- (b) That they will launch a service using the initial allocation of 5G spectrum within five years of receiving a WTA Licence from Ofcom, and that failure to meet this deadline may result in the Authority recommending that Ofcom withdraw the WTA Licence¹⁵;
- (c) That they will launch a service using the initial allocation of 5G spectrum and roll-out at least 10 active 5G equipped base stations¹⁶ before receiving an incremental allocation of 5G spectrum, subject to it being equally available to all licensees through a planned defragmentation process;
- (d) That they accept the award of any incremental allocation of 5G spectrum is wholly reliant on a process to defragment the local 3.4-3.8 GHz spectrum band, which may take at least five years to achieve, and that the award of an incremental allocation of spectrum will be made available equally to all licensees as it becomes available but conditionally to individual licensees that have met conditions (b) and (c) above¹⁷;
- (e) That they will work constructively (if required) with the Authority in support of the process to defragment the local 3.4-3.8 GHz spectrum band;
- (f) That they will pay all fees associated with this tender process; and
- (g) That they are in compliance with all existing licences they hold in Jersey.

Part 3: Required information

6.3 Applicants are required to demonstrate their suitability for being awarded 5G spectrum through providing responses to the following **Required Information** categories:

Requirement 1	Applicants must demonstrate they possess or have access to the financial means and commitment required to invest in and sustain a full service 5G network and associated services.
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¹⁵ To 'launch a service' means providing a commercial service using the awarded spectrum that is or will become an Jersey-wide network providing publicly available services for the maximum number of users. Successful applicants will choose a suitable method for demonstrating this if requested and work with the Authority to provide additional information if required.

¹⁶ The term 'Active 5G equipped base stations' encompasses any form of wireless communications station installed at a fixed location using any of the awarded spectrum to provide publicly available services. Successful applicants will choose a suitable method for demonstrating this if requested and work with the Authority to provide additional information if required.

¹⁷ For the avoidance of doubt, the Authority will notify all successful applicants when any defragmentation process creates incremental spectrum that is equally available within the spectrum packages provided to all applicants. Only those applicants that have demonstrably launched a 5G service and rolled-out at least 10 active 5G equipped base stations will be provided with the incremental spectrum at that point, with other applicants able to request the available incremental spectrum once they achieve service launch and roll-out criteria.

Requirement 2	Applicants must demonstrate they possess or have access to the technical knowledge and resources required to develop and operate a full service 5G network and associated services.
Requirement 3	Applicants must demonstrate they possess or have access to the operational and commercial experience required to provide and support a full service 5G network and associated services.

Part 4: Supplemental information

6.4 Applicants are further invited to state how Jersey, its consumers and businesses will benefit from, and not be adversely impacted by, the applicant receiving the award of 5G spectrum through providing responses to the following **Supplemental Information** categories:

Supplemental 1	Applicants should state how their receipt of a 5G spectrum award will benefit Jersey as a whole.
Supplemental 2	Applicants should state how their receipt of a 5G spectrum award will specifically enhance the telecoms experience of local consumers and businesses.
Supplemental 3	Applicants should state how they will minimise and mitigate the environmental impact of a potential proliferation of new network infrastructure following the receipt of a 5G spectrum award.

Part 5: Optional information

6.5 Applicants can state preferred frequency allocations in the 3.4-3.8 GHz and 700 MHz spectrum bands¹⁸ being offered. The Authority will use these preferences as guidance when awarding spectrum bands, following the principle of considering the preferences of the highest scorer first, the second highest scorer second and the third highest third. Applicants should be aware that the Authority is not bound by this principle, but will aim to accommodate preferences subject to other factors that may arise.

7 Tender evaluation and selection procedure

7.1 The Authority will conduct a tender evaluation and selection procedure based on best practice principles aligned with specific circumstances relating to and drivers of the 5G spectrum award process.

¹⁸ Expressed in order of interest, i.e. preference 1, preference 2, preference 3.

These best practice principles are:

- (a) **Fairness:** each tender will receive equal, objective and consistent consideration;
- (b) **Confidentiality and security:** all tenders received are considered confidential, will be handled and stored securely and their contents will not be discussed with anyone not part of the evaluation panel and moderator shown in the full ITT; and
- (c) **Structured evaluation and scoring:** tenders can only be assessed against the criteria contained in this document, using only information supplied in the tender and must be scored based on their performance using the scoring model included in this document.

These specific related circumstances and drivers of the 5G spectrum award approach are:

- (a) **Proportionate:** tailor the process to suit local conditions wherever possible;
- (b) **Value for money:** aim to minimise unnecessary costs, which would be passed on to licensees and ultimately customers; and
- (c) **Timeliness:** ensure Islanders are able to enjoy the potential benefits of 5G services as soon as reasonably possible.

7.2 The Authority has appointed a Tender Procedure Manager, responsible and accountable for administrating the tender application process and coordinating the tender evaluation process. The Authority has further appointed a Tender Compliance Officer to monitor and ensure the process is conducted in accordance with applicable standards of integrity.

7.3 The Authority will appoint an evaluation panel formed from three individuals possessing a relevant blend of telecoms and regulatory experience, a solid appreciation of the local environment and market conditions, and holding an appropriate range of views and interests in 5G spectrum awards. The planned roles are:

Position	Reason for inclusion
JCRA officer	Reflecting the Authority’s strategic regulatory priorities within the tender evaluation process to ensure the best possible outcome and alignment with longer-term expectations.
Independent consultant	Reflecting wider best practice approaches to local commercial and regulatory planning and implementation.
Independent external technical expert	Reflecting relevant commercial and operational aspects of telecoms network and service planning and development.

7.4 The Authority will carry out a comparative evaluation of accepted tenders using a process firmly based on recognised best practice, assessing the **Required Information** provided and scoring using the following criteria and weighting:

Criteria	Explanation	Weighting
Completeness	How complete is the information provided?	20%
Consistency	How consistent is the information provided with other elements of the submission?	20%
Credibility	How credible does the information provided appear?	60%

Scoring guidance on the criteria is shown in Annex A.

7.5 Submissions will be scored using the approach shown below, with the Authority appointing an internal moderator¹⁹ to check process outcome effectiveness and reliability:

Assessed level	Reason for awarding	Awarded score
Superior	Sound demonstration of the requirement specified in the ITT.	5
Good	Satisfactory demonstration of the requirement specified in the ITT.	4
Adequate	Reasonable demonstration of the requirement specified in the ITT.	3
Inadequate	Minimal demonstration of the requirement specified in the ITT.	2
Poor	No demonstration of the requirement specified in the ITT.	1
Absent	Failure to provide information against the requirement specified in the ITT.	0

¹⁹ Moderator will examine submitted evaluation panel scores for material differences in marks awarded against individual requirements – for example, two evaluators award five marks against one requirement, and one awards two marks for the same - and convene a moderation meeting with the evaluators to discuss materially different scores, understand differences and, if agreed appropriate, to potentially agree a scoring revision.

- 7.6 The Authority has established a minimum acceptable overall score and any applicant failing to achieve this will be rejected. The minimum acceptable overall score is **27**, which is a cumulative average of three marks per **Required Information** criteria²⁰, as scored before the application of weighting set out in section 7.4 above. The weighted score will be subsequently used when determining placement for expressed spectrum band preferences.
- 7.7 The Authority will conclude the ITT and proceed with awarding 5G licences if there are three or fewer applicants remaining after assessing the **Required Information** provided. If there are more than three applicants remaining, the Authority will assess the **Supplemental Information** provided and score using the same weighting and scoring approach set out in sections 7.4 and 7.5 to determine which three applicants receive a 5G spectrum licence based on the score received for the Required Information plus the score received for the Supplemental Information.
- 7.8 The Authority will notify successful applicants once assessment is complete, stating the spectrum bands allocated based on scores achieved, with the highest scoring applicant gaining first preference, second scoring applicant gaining second preference, and so on.

8 Application procedure

Registering interest

- 8.1 Companies interested in submitting a tender can register to join the 5G Spectrum Award: ITT process by emailing info@jcra.je from 9.00am on Thursday 22 September 2022 and before 5.00pm on Tuesday 4 October 2022, clearly stating '5G Spectrum Licence Application' in the email subject line.
- 8.2 The Authority will acknowledge receipt of interest and provide bank account details for the company to pay the required application fee, which is non-refundable. Only companies making payment before 5.00pm on Tuesday 4 October 2022 can take part in the ITT.
- 8.3 Once payment is received, the Authority will provide the company with this ITT document and a **5G Spectrum Award: Application Document**, which is the document to be completed as part of the tender process.

Submitting clarification questions

- 8.4 Companies taking part in the ITT process can submit clarification questions for consideration from 9.00am on Wednesday 5 October 2022 and before 5.00pm on Wednesday 2 November 2022, after which no further questions are permitted.
- 8.5 The Authority will review and respond to those questions considered appropriate²¹ with the answer provided considered final.

²⁰ Three Required Information categories x three criteria x three points – 3 x 3 x 3 = 27. Annex A shows full details of these categories and criteria.

²¹ The Authority will not provide information about the evaluation process and methodology, other than the information included in this ITT document.

- 8.6 Every question submitted and the Authority's responses will be copied to all applicants taking part in the ITT.

Submitting tenders

- 8.7 Applicants can submit completed tenders at any time before 5.00pm on Wednesday 16 November 2022 by emailing them to ian.ronayne@jcra.je, with the Authority reserving the right to exclude any received after this date from the evaluation process.
- 8.8 The Authority will acknowledge receipt of tender and provide bank account details for the company to pay the required submission fee, which is refundable for unsuccessful applicants. Only applicants making payment before 5.00pm on Wednesday 16 November 2022 will have their tenders evaluated, subject to them also complying with terms and conditions set-out in Section 5 above.

9 Notification of tender outcome and feedback

- 9.1 The Authority will notify applicants the results of the ITT once the procedure is complete and verified. Notification will be in writing via email and include a summary of the evaluation process as it relates to the applicant. The Authority also intends to announce the frequencies awarded to each successful applicant.
- 9.2 Unsuccessful applicants can request further information on the evaluation process as it relates to their tender, which the Authority will provide if considered appropriate and relevant.

10 Other relevant application information relating to the ITT

- 10.1 The Authority reserves the right to supplement, suspend, terminate or otherwise alter this ITT for reasons including but not limited to unexpected relevant internal or external factors occurring beyond the Authority's reasonable control, or if instructed to do so on legal or other relevant grounds, or if there are factors associated with the process which in the Authority's opinion prevent a full and informed comparison of tenders, or there are similarities in tenders, or evidence of collusion between applicants.
- 10.2 The Authority does not accept any liability for any expenses arising in connection with the preparation and submission of the tender, nor the expenses arising in connection with all prior or later enquiries in relation to this ITT.
- 10.3 The Authority does not intend responding to any communications or provide any additional information relating to the ITT process other than through the permitted clarification questions.
- 10.4 Although every care has been taken in preparing this ITT document, no representations, warranty or undertaking, expressed or implied, in respect of any error or misstatement, is or will be made or given, and no responsibility or liability will be accepted by the Authority or by any of its officers, employees, servants, agents or advisers as to the accuracy or completeness of this document or any other written or oral information made available to any interested party or its

advisers concerning this document, and any liability howsoever arising (including in respect of this tender process) is expressly disclaimed. No information contained in this document shall form the basis for any warranty or representation by or term of any contract with the Authority, which makes no representations and warranties in respect of the viability of the market or accuracy of the contents of this ITT documentation so that applicants and potential applicant are responsible for their own verification and due diligence.

Comparative evaluation scoring guidance

The Authority will use the following guide when scoring tenders received.

Required information

Requirement 1

Applicants must demonstrate they possess or have access to the financial means and commitment required to invest in and sustain a full service 5G network and associated services.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5
Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	<i>The applicant has provided a coherent and convincing plan for the development of a full service 5G network and services in Jersey.</i>	<i>Between 0-5</i>
	<i>The applicant has provided a complete and realistic costing forecast for its planned delivery of a full service 5G network and services.</i>	<i>Between 0-5</i>
	<i>The applicant has provided a comprehensive and persuasive explanation of how they will fund the planned development of its full service 5G network and services.</i>	<i>Between 0-5</i>
	Average of three Credibility scores:	Between 0-5

Requirement 2

Applicants must demonstrate they possess or have access to the technical knowledge and resources required to develop and operate a full service 5G network and associated services.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5
Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	<i>The applicant has provided a valid assessment of the required technical knowledge and resources required to develop and operate a full service 5G network and services in Jersey.</i>	<i>Between 0-5</i>
	<i>The applicant has firmly demonstrated that they possess or have the means to acquire the technical knowledge and resources required to develop and operate a full service 5G network and services in Jersey.</i>	<i>Between 0-5</i>
	<i>The applicant has provided a comprehensive and persuasive explanation of how they will deploy and maintain the technical knowledge and resources required to develop and operate a full service 5G network and services in Jersey.</i>	<i>Between 0-5</i>
	Average of three Credibility scores:	Between 0-5

Requirement 3

Applicants must demonstrate they possess or have access to the operational and commercial experience required to provide and support a full service 5G network and associated services.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5

Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	<i>The applicant has provided a valid assessment of the operational and commercial experience, systems and processes required to develop and deploy relevant and beneficial 5G services in Jersey.</i>	<i>Between 0-5</i>
	<i>The applicant has firmly demonstrated that they possess or have the means to acquire the operational and commercial experience, systems and processes required to develop and deploy relevant and beneficial 5G services in Jersey.</i>	<i>Between 0-5</i>
	<i>The applicant has provided a comprehensive and persuasive explanation of the planned development and roll-out of relevant and beneficial 5G services in Jersey.</i>	<i>Between 0-5</i>
	Average of three Credibility scores:	Between 0-5

Supplemental information

Supplemental 1

Applicants should state how their receipt of a 5G spectrum licence will benefit Jersey as a whole.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5
Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	The applicant has been able to persuasively demonstrate that its receipt of a 5G spectrum licence will result in benefits for Jersey as a whole.	Between 0-5

Supplemental 2

Applicants should state how their receipt of a 5G spectrum licence will specifically enhance the telecoms experience of local consumers and businesses.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5
Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	The applicant has been able to persuasively demonstrate that its receipt of a 5G spectrum licence will specifically enhance the telecoms experience of local consumers and businesses.	Between 0-5

Supplemental 3

Applicants should state how they will minimise and mitigate the environmental impact of a potential proliferation of new network infrastructure following the receipt of a 5G spectrum licence.

Evaluation criteria	Guide to assessment against the evaluation criteria	Score
Completeness	The applicant has provided information of a suitable breadth and quality to allow a thorough evaluation against this requirement.	Between 0-5
Consistency	The information provided against this Requirement aligns with that provided against other related requirements.	Between 0-5
Credibility	The applicant has provided persuasive assurance that its approach to rolling-out a 5G network and services will not result in a proliferation of network infrastructure that will unreasonably impact on the local environment and lives of Islanders.	Between 0-5

