



14 April 2023

By email only

Cliff Mason
Ofcom - Spectrum Group / Authorisations
Riverside House
2a Southwark Bridge Rd
London SE1 9HA
United Kingdom

Dear Cliff

5G spectrum: recommendation to award licence

I am writing to you on behalf of the Jersey Competition Regulatory Authority (the **Authority**) to recommend the award of radio spectrum to Sure (Jersey) Limited (**Sure**), of The Powerhouse, Queen's Road, St Helier, Jersey, JE2 3AP, a company holding a current Class II telecoms licence in Jersey.

As you know, receiving an award of spectrum 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.

Under agreed working arrangements with Ofcom, 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.

Prior to issuing a WTA licence, the Authority understands that Ofcom should be satisfied with the process used to assess local demand and determine suitable applicants for spectrum. The Authority believes the process it used, which has been shared with Ofcom throughout, satisfies Ofcom's legal duties under the Wireless Telegraphy Act.

This recommendation is the concluding step in our non-statutory process to assess interest in and demand for spectrum within the 700 MHz band and the 3.4-3.8 GHz band widely designated for use with new 5G services before making a recommendation to Ofcom for the award of spectrum.

After consulting on interest and demand, the Authority issued an updated Statement of Intent in June 2022¹ setting out its intention to offer 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; and
- (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 stations; and
- (c) Demonstrable evidence presented that spectrum already awarded is being efficiently used.

In September 2022, the Authority issued an invitation to tender (ITT) inviting applications for the Full Service Spectrum Packages, having previously consulted² on the approach and terms and conditions associated with the ITT process. After evaluating responses, the Authority accepted an application from Sure, which included acceptance of the following terms and conditions associated with the award of 5G spectrum:

- (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;
- (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 Licence;
- (c) That they will launch a service using the initial allocation of 5G spectrum and roll-out at least 10 active 5G equipped base stations 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

¹ Document No JCRA 22/37 5G Spectrum Award (2022) - Updated Statement of Intent (28 June 2022) – see <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-2022/t-064-5g-spectrum-award-process-2022-updated-statement-of-intent/>

² Document No JCRA 22/41 5G Spectrum Award (2022) - Draft Invitation to Tender (Consultation) (28 June 2022) – see <https://www.jcra.je/cases/2022/t-064-5g-spectrum-award-2022/t-064-5g-spectrum-award-process-2022-draft-invitation-to-tender-consultation/>

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) above;

- (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.

Following acceptance by Sure of these conditions, the Authority is pleased to recommend that Sure be awarded the following spectrum allocations:

Item	Allocation	Frequencies
The 3.4-3.8 GHz Band		
1	40 MHz contiguous	3.67 – 3.71 MHz
The 700 MHz Band		
2	2 x 10 MHz paired	723 – 733 MHz uplink / 778 - 788 MHz downlink

After Sure meets its accepted launch and roll-out obligations and associated terms and conditions and subject to the potential defragmentation of the 3.4-3.8 GHz band, the Authority may make further recommendations to provide additional spectrum in the 3.4-3.8 GHz band.

I trust this provides enough information for Ofcom to proceed with awarding the recommended spectrum licence. If you do require any further details or clarification do not hesitate to contact me.

Yours sincerely



Tim Ringsdore
Chief Executive Officer

Copy: M. Barthee, Regulatory Specialist, Sure (Jersey), C. Durnell, Legal and Regulatory Director, Sure (Jersey)

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