



Request for further clarifications following the Call for Expression of Interest for the assignment of spectrum in the 800 MHz band

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Request for further clarifications following the Call for Expression of Interest for the assignment of spectrum in the 800 MHz band

Further to the formal request lodged with the MCA as well as to the submissions received for the Call for Expressions of Interest for the assignment of spectrum in the 800 MHz band, the MCA is seeking further clarifications on the spectrum assignment requests indicated in the relevant forms as submitted by the interested candidates.

The Clarification Form consists of two parts – Part I and Part II:

- Part I should be completed in type or block letters by the Applicant.
- Part II is a declaration, which must be signed:
 - In the case of an individual, by the person in whose name the Application is made;
 - In the case of a legal person, by the person or persons duly authorised to act for, and on behalf of, the said legal person. In this case the supporting documentation empowering such person(s) to represent the Applicant in this context must be presented with the declaration.

The completed form below must be received by the Authority by not later than 16:00hrs on the 16th November 2016. Submissions should be clearly labelled “**Further clarifications – 800 MHz EOI**”. The form should be submitted at the Authority either by recorded delivery (postal/courier service) or hand delivered to:

The Chairman
Malta Communications Authority
Valletta Waterfront
Pinto Wharf
Floriana FRN 1913
Malta

This form, in addition to the submission of the duly filled in hard copy, should also be completed electronically to facilitate processing and sent to spectrum.mca@mca.org.mt.

Part I: Clarification Information Required from the Applicant

1. Applicant Contact Details

1.1	Applicant's Name	
1.2	Name of primary contact person	

2. 800 MHz Clarifications

- a) Frequency band **800 MHz**
- b) Amount of Paired Spectrum (two-way/FDD) in MHz
- c) Equivalent Amount of Paired Spectrum specified in Lots
- d) Lot Category¹, for the indicated preferred channels
 Low Power Lot Category
 High Power Lot Category
- e) Any preferred channels (incl. reference to channelling plan)

¹ The lot categories are being identified as the "Low Power Lot Category" and the "High Power Lot Category". The Low Power Lot Category comprises Channel 1 with the in-block EIRP set at 56dBm/5 MHz whilst the High Power Lot Category is comprised by Channels 2, 3, 4, 5, and 6 with the in-block EIRP set at 60dBm/5 MHz

3 Complimentary Spectrum to the 800 MHz Band²

Interest in acquiring rights of use for the complementary spectrum in the **1800 MHz** band as part of this assignment process

Interest in acquiring rights of use for the complementary spectrum in the **2.5 GHz** band as part of this assignment process

Kindly tick if interested in acquiring spectrum in the indicated bands as part of this assignment process. Requests for the relevant spectrum can be submitted to the MCA by compiling the “Formal Request for Spectrum Assignment for the Provision of Electronic Communications Networks and/or Services (MCA/F/12-0756/R.1)” form which can be found on the Authority’s website.

4 Assignment and Grant Process

In cases where the demand for spectrum does not exceed supply, the Authority after completing the qualification phase proceeds with the award of spectrum to each successful applicant as may be possible when taking into consideration existing spectrum assignments. In the event that there is no way to easily reconcile the applicants’ preferences, a lottery is used to determine the band assignments.

For the specific 800MHz spectrum band, although 6 lots are available, channel 1 has greater technical constraints. For this reason, 2 lot categories have been established in this band and the demand assessment is performed against each lot category.

Should demand exceed supply in the respective lot categories, more specifically, a low power lot category with one channel and a high power lot category with 5 channels, the MCA Decision governing the said spectrum band stipulates that spectrum is assigned through an auction process.

² Please refer to channelling plan as per MCA decision MCA/D/14-1933

Considering the unique scenario presented by the 800 MHz band where an auction mechanism will result in a competitive assignment process both for channels in the high power lot category as well as for channels in the low power lot category and taking due note that, independently from the different technical characteristics, the six channels available in this band could potentially satisfy spectrum demand, the MCA is hereby inviting all the interested parties who have shown interest in acquiring such spectrum to consider the option of, following the qualification process, directly adopting the granting mechanism based on a lottery in order to facilitate the complexities costs and delays inherent in the auction mechanism.

Such a lottery mechanism will only be employed if there is consensus amongst **all** the parties who are participating in the assignment process. In the case where a consensus is reached, the granting mechanism will proceed as follows and in this order:

1. Granting of Channel 1 and Channel 2 will be drawn during the first round amongst all the interested parties;
2. Granting of Channel 3 and Channel 4 are drawn amongst the remaining candidates during the second round of the lottery; and
3. Granting of Channel 5 and Channel 6 will eventually be assigned automatically to the remaining candidate.

In selecting the “agree” box below you declare agreement in accepting the entire 800MHz band as a single lot category such that if demand for the available six channels does not exceed supply, a direct assignment, qualification and lottery based grant mechanism is employed.

Agree

Disagree

For clarity, disagreement will result in a call for applications leading to brokered meetings and assignment by auction.

Part II: Declaration

I / We hereby declare that:

- The information provided is accurate and complete in all respects;
- Misrepresentation or failure to submit any information as requested by the Authority shall be deemed as a good and sufficient cause to disregard the application; and
- Any legal dispute between the Authority and an Applicant shall be governed solely by Maltese law and shall be subject to the exclusive jurisdiction of the competent Maltese courts and, or tribunals however so described.

Full name(s) of Signatory/Signatories:	Designation	Signature

Date: _____

Data Protection Clause

In terms of the Data Protection Act (Chapter 440 of the Laws of Malta), the Authority will process any personal data supplied on this application form or subsequently supplied by yourself, whether orally or in writing, for all or any of the following:

- the proper processing of your application form as submitted;
- preventing, detecting and/or prosecuting fraud, any administrative non-compliance, and any other non-compliant or criminal activity or omission which the Authority is bound to report and/or act upon whilst meeting any other legal or regulatory obligations;
- establishing, exercising or defending any legal action;
- internal management, research and statistics, systems administration, the development and improvement of the Authority's services;
- the proper conduct of our obligations arising under any law or statutory instrument and the protection and promotion of our legitimate interests; and
- to make public the necessary information as specified in the relevant law and/or instrument.

Relevant data will be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

By signing this form, you confirm that you are giving your explicit consent, in terms of the Data Protection Act, on behalf of yourself and all the other persons specified in this form, for the Authority to process your respective personal information as outlined above and you confirm that you have brought this Data Protection notice to the attention of these other persons and obtained their respective consents.

The Authority undertakes to implement appropriate measures and safeguards for the purpose of protecting the confidentiality, integrity and availability of all data processed.

This Data Protection Clause forms an integral part of the Request for further clarifications following the Call for Expression of Interest for the assignment of spectrum in the 800 MHz band.