

SCHEDULE 1

Regulations 2(2), 2(3), 2(4) and 2(5)

Lots

In these Regulations—

- (a) “2.3 GHz lot” means any of the four numbered 2.3 GHz lots listed in Column (1) of Table 1 comprising the frequencies listed in the corresponding entry in Column (2) of the same table;
- (b) “3.4 GHz lot” means any of the thirty-eight 3.4 GHz lots listed in Column (1) of Table 2 comprising the frequencies listed in the corresponding entry in Column (2) of the same table;
- (c) “lot” means a 2.3 GHz lot or a 3.4 GHz lot;
- (d) a reference to “lot type” shall be construed as a reference to either of the two different lot types in paragraphs (a) and (b);
- (e) a reference to a numbered 2.3 GHz lot or a numbered 3.4 GHz lot means the lot with that number in Column (1) of Table 1 or Table 2 (as the case may be);
- (f) a reference to a “block” of numbered 2.3 GHz lots or numbered 3.4 GHz lots is to be construed as a reference to a block of sequentially numbered lots;
- (g) a reference to the “lower 3.4 GHz frequency range” shall be construed as a reference to the block of 3.4 GHz lots numbered 1 to 14 listed in Column (1) of Table 2 comprising the frequencies listed in the corresponding entry in Column (2) of the same table; and
- (h) a reference to the “upper 3.4 GHz frequency range” shall be construed as a reference to the block of 3.4 GHz lots numbered 19 to 34 listed in Column (1) of Table 2 comprising the frequencies listed in the corresponding entry in Column (2) of the same table.

**Table 1**

<i>Column 1 2.3 GHz lots</i>	<i>Column 2 Frequencies (MHz)</i>
2.3 GHz lot 1	2350–2360
2.3 GHz lot 2	2360–2370
2.3 GHz lot 3	2370–2380
2.3 GHz lot 4	2380–2390

**Table 2**

<i>Column 1 3.4 GHz lots</i>	<i>Column 2 Frequencies (MHz)</i>
3.4 GHz lot 1	3410–3415
3.4 GHz lot 2	3415–3420
3.4 GHz lot 3	3420–3425
3.4 GHz lot 4	3425–3430
3.4 GHz lot 5	3430–3435
3.4 GHz lot 6	3435–3440
3.4 GHz lot 7	3440–3445

**Changes to legislation:** There are currently no known outstanding effects for the The Wireless Telegraphy (Licence Award) Regulations 2018. (See end of Document for details)

3.4 GHz lot 8	3445–3450
3.4 GHz lot 9	3450–3455
3.4 GHz lot 10	3455–3460
3.4 GHz lot 11	3460–3465
3.4 GHz lot 12	3465–3470
3.4 GHz lot 13	3470–3475
3.4 GHz lot 14	3475–3480
3.4 GHz lot 15	3480–3485
3.4 GHz lot 16	3485–3490
3.4 GHz lot 17	3490–3495
3.4 GHz lot 18	3495–3500
3.4 GHz lot 19	3500–3505
3.4 GHz lot 20	3505–3510
3.4 GHz lot 21	3510–3515
3.4 GHz lot 22	3515–3520
3.4 GHz lot 23	3520–3525
3.4 GHz lot 24	3525–3530
3.4 GHz lot 25	3530–3535
3.4 GHz lot 26	3535–3540
3.4 GHz lot 27	3540–3545
3.4 GHz lot 28	3545–3550
3.4 GHz lot 29	3550–3555
3.4 GHz lot 30	3555–3560
3.4 GHz lot 31	3560–3565
3.4 GHz lot 32	3565–3570
3.4 GHz lot 33	3570–3575
3.4 GHz lot 34	3575–3580
3.4 GHz lot 35	3580–3585
3.4 GHz lot 36	3585–3590
3.4 GHz lot 37	3590–3595
3.4 GHz lot 38	3595–3600

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## SCHEDULE 2

Regulation 4

### Application form and warranty

#### **1. Details of the applicant**

Provide the following details for the applicant—

Applicant's full name

Registered number of company

Registered office of company

Bank sort code and account number

Name of individual contact within applicant

Contact address (if different from registered office)

Contact telephone number

Contact mobile telephone number

Contact fax number

Contact electronic mail address

#### **2. Authorised persons**

Provide details of the name and position in the applicant of at least three and no more than five persons, each of whom has authority to bind the applicant for all purposes relating to the award process. Also provide a specimen signature of each of these persons.

#### **3. Directors or members of managing body**

Provide the name and job title of each of the directors of the applicant or each of the members of the managing body of the applicant.

#### **4. Applicant group**

Provide the names of the applicant's associates (as defined in the Wireless Telegraphy (Licence Award) Regulations 2018 (“the Regulations”)) and for each provide details of their material interest (as defined in the Regulations) in the applicant.

Provide the names of all other members of the applicant group (as defined in the Regulations) in respect of which the applicant has completed a document in the form set out in Schedule 3 to the Regulations in accordance with regulation 4(3)(a)(ii) of the Regulations.

#### **5. Qualification to bid**

In relation to the determination by the Office of Communications (“OFCOM”) under regulation 12 of the Regulations—

- (a) provide details of any reason why the applicant may not be a fit and proper person to hold a licence;
- (b) state whether any member of the applicant's applicant group has colluded, or attempted to collude, or is colluding or attempting to collude, with another person to distort the outcome of the award process and provide a description of any such collusion;
- (c) state whether any member of the applicant's applicant group has acted or is acting in a way which is likely to distort the outcome of the award process and provide a description of any such actions;
- (d) state whether any member of the applicant's applicant group, or any person to whom confidential information has been disclosed, has disclosed, or is disclosing or attempting to disclose or has incited or is inciting another person to disclose, any confidential information, whether directly or indirectly, to any person, and provide a description of the circumstances of any disclosure and the information disclosed, except where the disclosure—
  - (i) is or was to a member of the applicant's applicant group;
  - (ii) is or was to OFCOM;
  - (iii) is or was to a provider of finance for the purpose of raising finance for the applicant's application; or
  - (iv) is or was to a person for the purpose of enabling that person to decide whether to participate as a member of the applicant's bidder group;
- (e) state whether any member of the applicant's applicant group has obtained or is obtaining or attempting to obtain confidential information relating to another applicant and provide a description of any such circumstances;
- (f) state whether any member of the applicant's applicant group is receiving or is attempting to receive services in relation to the award process from any person who has provided or is providing services to OFCOM in relation to the award process and provide a description of the services concerned; and
- (g) state whether (and provide a description of any circumstances in which) any person who is a member or a director or employee of a member of the applicant's applicant group and also a director or employee of a member of another applicant group is—

- (i) taking part in the preparation of both applicant groups for participation in the award process; or
- (ii) receiving confidential information relating to both applicant groups.

## 6. Other information

Provide a brief description of the substance of—

- (a) agreements (if any) relating to the management of the applicant; and
- (b) any criminal investigations or proceedings in the United Kingdom or overseas of which the applicant is aware relating to the applicant or any member of its applicant group or its directors or officers.

## 7. Existing spectrum holdings

Confirm that the applicant has provided the details of existing spectrum holdings required under regulation 4(3)(a)(iii) of the Regulations.

## 8. Warranty

Provide the following warranty—

“[Insert name of applicant] (the “applicant”) represents and warrants to the Office of Communications that—

- (a) the persons authorised in section 2 of this application have read and understood the Regulations, the terms of the licences to be granted under the Regulations, and the Wireless Telegraphy Act 2006;
- (b) the applicant has the legal authority to participate in the award process under the Regulations and to have a licence granted to it, and has in place all necessary consents, permissions and internal approvals for this purpose;
- (c) the information provided in, or in support of, the application is, to the best of the knowledge and belief of the applicant true, accurate and complete in all material respects; and
- (d) the applicant is aware of the provisions in regulations 112 and 115 of the Regulations, including the provisions about disclosure of confidential information (as defined in the Regulations) and obtaining confidential information relating to another applicant or bidder and that any such activities may lead to forfeiture of sums on deposit and exclusion from the award process.”

## 9. 3.4 GHz minimum requirement selection

Specify a 3.4GHz minimum requirement selection: select one (and only one) of the following options—

- a minimum requirement of two 3.4 GHz lots;
- a minimum requirement of three 3.4 GHz lots;
- a minimum requirement of four 3.4 GHz lots; or

— no minimum requirement.

### SCHEDULE 3

Regulation 4

Document for member of applicant's applicant group or bidder group who is not an associate

[Insert name of applicant or bidder] (the “applicant/bidder”) wishes to include [insert name and address of person to be included in applicant or bidder group who is not an associate] as a member of the applicant/bidder's applicant or bidder group as defined in the Wireless Telegraphy (Licence Award) Regulations 2018 (“the Regulations”) for the purpose of the award process under the Regulations.

Under regulation 13 of the Regulations an applicant shall not be qualified to bid in the award process where a member of its bidder group is also a member of another applicant's bidder group. Regulations 112 and 115 contain provisions on disclosure of confidential information (as defined in the Regulations) and obtaining confidential information relating to another applicant or bidder. Under the Regulations such activities may lead to forfeiture of sums on deposit and exclusion from the award process.

#### **Applicant/bidder**

In relation to regulations 13, 112 and 115 of the Regulations, the applicant/bidder represents and warrants to the Office of Communications (“OFCOM”) that so far as it is aware, having made all reasonable enquiries, [insert name of person to be included in applicant or bidder group who is not an associate] is not a member of any other applicant's or bidder's applicant or bidder group.

The applicant/bidder undertakes to inform OFCOM immediately if it becomes aware that [insert name of person to be included in applicant or bidder group who is not an associate]—

- (a) has ever been or becomes a member of any other applicant's or bidder's applicant or bidder group;
- (b) has ever been or becomes a subsidiary of a member of any other applicant's or bidder's applicant or bidder group during the award process; or
- (c) has ever obtained or ever obtains confidential information (as defined in the Regulations) relating to another applicant or bidder.

#### **[Insert name of person to be included in applicant or bidder group who is not an associate]**

[Insert name of person to be included in applicant or bidder group who is not an associate] represents and warrants to OFCOM that it—

- (a) consents to be a member of the applicant/bidder's applicant or bidder group;
- (b) is not a member of any other applicant's or bidder's applicant or bidder group; and
- (c) is aware of the provisions in regulations 112 and 115 of the Regulations about disclosure of confidential information (as defined in the Regulations) and obtaining confidential information relating to another applicant or bidder.

[Insert name of person to be included in applicant or bidder group who is not an associate] undertakes to OFCOM that it will immediately inform OFCOM and the applicant/bidder—

- (a) if it has ever been or becomes a member of any other applicant's or bidder's applicant or bidder group;
- (b) if it has ever been or becomes a subsidiary of a member of any other applicant's or bidder's applicant or bidder group during the award process; or
- (c) if it has ever obtained or if it ever obtains confidential information (as defined in the Regulations) relating to another applicant or bidder.

#### SCHEDULE 4

Regulation 7

##### Declaration to be made by the pre-existing licence holder

UK Broadband Limited hereby consents to the revocation of the pre-existing licence, as defined in The Wireless Telegraphy (Licence Award) Regulations 2018 (the “Regulations”), upon OFCOM granting a replacement licence, as defined in the Regulations, for a block of eight 3.4 GHz lots to UK Broadband Limited in accordance with the Regulations.

[signed by UK Broadband Limited]

#### SCHEDULE 5

Regulation 76

##### Determination of 2.3 GHz additional price

###### **Additional price**

1.—(1) OFCOM shall determine an additional price for each winning 2.3 GHz assignment stage bid by imposition of the requirements that the additional prices must satisfy that are set out in paragraphs 2 to 5.

(2) Where an additional price so determined includes a fraction of a pound, the additional price shall be that price rounded up to the nearest whole pound.

###### **First requirement**

2. The additional price for each winning 2.3 GHz assignment stage bid shall be no less than zero and no more than the amount of that winning 2.3 GHz assignment stage bid.

###### **Second requirement**

3.—(1) Taking the additional prices for the winning 2.3 GHz assignment stage bids together, the additional prices shall be such that if—

- (a) the amount bid by each winning bidder for the 2.3 GHz assignment stage option selected in its winning 2.3 GHz assignment stage bid had been the additional price rather than the amount of its winning 2.3 GHz assignment stage bid (“reduced winning 2.3 GHz assignment stage bid”), and

- (b) subject to sub-paragraph (2), the amount bid by each winning bidder in respect of each other valid 2.3 GHz assignment stage bid made by that bidder had been reduced by an amount equal to the difference between the amount of its winning 2.3 GHz assignment stage bid and the additional price for that relevant winning 2.3 GHz assignment stage bid,

the combination of the reduced winning 2.3 GHz assignment stage bids submitted by the winning bidders would have been the valid combination of 2.3 GHz assignment stage bids or one of the valid combinations of 2.3 GHz assignment stage bids (as the case may be) having the highest total value of amounts bid.

(2) Where the amount of a bid has been reduced in accordance with sub-paragraph (1)(b) and is less than zero, the amount of that bid shall be treated as if it were zero for the purposes of this paragraph.

(3) The bids mentioned in sub-paragraphs (1)(a) and (1)(b) shall, after reduction of the amount of those bids in accordance with those paragraphs, be treated as valid 2.3 GHz assignment stage bids for the purposes of this paragraph.

### Third requirement

4. Taking the additional prices for the winning 2.3 GHz assignment stage bids together, the total of those additional prices shall be no greater than the total of any other prices for the winning 2.3 GHz assignment stage bids that satisfy the requirements set out in paragraphs 2 and 3.

### Fourth requirement

5.—(1) Taking the additional prices for the winning 2.3 GHz assignment stage bids together, the opportunity cost variance of those additional prices calculated in accordance with sub-paragraph (2) shall be less than the opportunity cost variance, calculated in accordance with sub-paragraph (2), of any other prices for the winning 2.3 GHz assignment stage bids that satisfy the requirements set out in paragraphs 2 to 4.

(2) The opportunity cost variance (“ $OCV_A$ ”) of prices mentioned in sub-paragraph (1) is the amount calculated in accordance with the formula  $OCV_A = \sum (p_A - c_A)^2$  where—

- (a) “ $p_A$ ” is the price for a winning 2.3 GHz assignment stage bid; and  
 (b) “ $c_A$ ” is the amount calculated in accordance with the formula set out in sub-paragraph (3) in respect of that winning 2.3 GHz assignment stage bid.

(3) The formula is  $c_A = u_A - t_A + b_A$  where—

- (a) “ $u_A$ ” is the amount calculated in accordance with sub-paragraph (4);  
 (b) “ $t_A$ ” is the total amount of the winning 2.3 GHz assignment stage bids; and  
 (c) “ $b_A$ ” is the amount of the winning 2.3 GHz assignment stage bid for which  $p_A$  is the price.

(4) The amount calculated in accordance with this sub-paragraph is the total amount of the valid combination of 2.3 GHz assignment stage bids or one of the valid combinations of 2.3 GHz assignment stage bids (as the case may be) having the highest total value of amounts bid where, for each 2.3 GHz assignment stage bid made by the winning bidder that submitted the winning 2.3 GHz assignment stage bid for which  $p_A$  is the price, the amount of that 2.3 GHz assignment stage bid is treated as if it were zero for the purposes of this sub-paragraph.

(5) Where the amount of a 2.3 GHz assignment stage bid is treated as if it were zero in accordance with sub-paragraph (4), that 2.3 GHz assignment stage bid shall be treated as a valid 2.3 GHz assignment stage bid for the purposes of that sub-paragraph.



## Interpretation

6. In this Schedule “valid combination of 2.3 GHz assignment stage bids” shall be construed in accordance with regulation 75.

## SCHEDULE 6

Regulation 84

### Determination of 3.4 GHz additional price

#### Additional price

1.—(1) OFCOM shall determine an additional price for each winning 3.4 GHz assignment stage bid by imposition of the requirements that the additional prices must satisfy that are set out in paragraphs 2 to 5.

(2) Where an additional price so determined includes a fraction of a pound, the additional price shall be that price rounded up to the nearest whole pound.

#### First requirement

2. The additional price for each winning 3.4 GHz assignment stage bid shall be no less than zero and no more than the amount of that winning 3.4 GHz assignment stage bid.

#### Second requirement

3.—(1) Taking the additional prices for the winning 3.4 GHz assignment stage bids together, the additional prices shall be such that if—

- (a) the amount bid by each winning bidder for the 3.4 GHz assignment stage option selected in its winning 3.4 GHz assignment stage bid had been the additional price rather than the amount of its winning 3.4 GHz assignment stage bid (“reduced winning 3.4 GHz assignment stage bid”), and
- (b) subject to sub-paragraph (2), the amount bid by each winning bidder in respect of each other valid 3.4 GHz assignment stage bid made by that bidder had been reduced by an amount equal to the difference between the amount of its winning 3.4 GHz assignment stage bid and the additional price for that relevant winning 3.4 GHz assignment stage bid,

the combination of the reduced winning 3.4 GHz assignment stage bids submitted by the winning bidders would have been the valid combination of 3.4 GHz assignment stage bids or one of the valid combinations of 3.4 GHz assignment stage bids (as the case may be) having the highest total value of amounts bid.

(2) Where the amount of a bid has been reduced in accordance with sub-paragraph (1)(b) and is less than zero, the amount of that bid shall be treated as if it were zero for the purposes of this paragraph.

(3) The bids mentioned in sub-paragraphs (1)(a) and (1)(b) shall, after reduction of the amount of those bids in accordance with those paragraphs, be treated as valid 3.4 GHz assignment stage bids for the purposes of this paragraph.

#### Third requirement

4. Taking the additional prices for the winning 3.4 GHz assignment stage bids together, the total of those additional prices shall be no greater than the total of any other prices for the winning 3.4 GHz assignment stage bids that satisfy the requirements set out in paragraphs 2 and 3.

#### Fourth requirement

5.—(1) Taking the additional prices for the winning 3.4 GHz assignment stage bids together, the opportunity cost variance of those additional prices calculated in accordance with sub-paragraph (2) shall be less than the opportunity cost variance, calculated in accordance with sub-paragraph (2), of any other prices for the winning 3.4 GHz assignment stage bids that satisfy the requirements set out in paragraphs 2 to 4.

(2) The opportunity cost variance (“ $OCV_A$ ”) of prices mentioned in sub-paragraph (1) is the amount calculated in accordance with the formula  $OCV_A = \sum (p_A - c_A)^2$  where—

- (a) “ $p_A$ ” is the price for a winning 3.4 GHz assignment stage bid; and
- (b) “ $c_A$ ” is the amount calculated in accordance with the formula set out in sub-paragraph (3) in respect of that winning 3.4 GHz assignment stage bid.

(3) The formula is  $c_A = u_A - t_A + b_A$  where—

- (a) “ $u_A$ ” is the amount calculated in accordance with sub-paragraph (4);
- (b) “ $t_A$ ” is the total amount of the winning 3.4 GHz assignment stage bids; and
- (c) “ $b_A$ ” is the amount of the winning 3.4 GHz assignment stage bid for which  $p_A$  is the price.

(4) The amount calculated in accordance with this sub-paragraph is the total amount of the valid combination of 3.4 GHz assignment stage bids or one of the valid combinations of 3.4 GHz assignment stage bids (as the case may be) having the highest total value of amounts bid where, for each 3.4 GHz assignment stage bid made by the winning bidder that submitted the winning 3.4 GHz assignment stage bid for which  $p_A$  is the price, the amount of that 3.4 GHz assignment stage bid is treated as if it were zero for the purposes of this sub-paragraph.

(5) Where the amount of a 3.4 GHz assignment stage bid is treated as if it were zero in accordance with sub-paragraph (4), that 3.4 GHz assignment stage bid shall be treated as a valid 3.4 GHz assignment stage bid for the purposes of that sub-paragraph.

#### Interpretation

6. In this Schedule “valid combination of 3.4 GHz assignment stage bids” shall be construed in accordance with regulation 81.

### SCHEDULE 7

Regulation 5

#### Frequency bands for existing immediately useable spectrum holdings

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##### **Frequency bands**

791 to 821 MHz  
 832 to 862 MHz  
 880.1 to 914.9 MHz  
 925.1 to 959.9 MHz  
 1452 to 1492 MHz  
 1710.1 to 1781.7 MHz  
 1805.1 to 1876.7 MHz  
 1920.0 to 1979.7 MHz  
 2110.3 to 2169.7 MHz  
 2500 to 2570 MHz  
 2575 to 2595 MHz

2600 to 2615 MHz  
2620 to 2690 MHz

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SCHEDULE 8

Regulation 5

Frequency bands for existing overall spectrum holdings

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***Frequency bands***

791 to 821 MHz  
832 to 862 MHz  
880.1 to 914.9 MHz  
925.1 to 959.9 MHz  
1452 to 1492 MHz  
1710.1 to 1781.7 MHz  
1805.1 to 1876.7 MHz  
1920.0 to 1979.7 MHz  
2110.3 to 2169.7 MHz  
2500 to 2570 MHz  
2575 to 2595 MHz  
2600 to 2615 MHz  
2620 to 2690 MHz  
3480-3500 MHz  
3580-3600 MHz

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**Changes to legislation:**

There are currently no known outstanding effects for the The Wireless Telegraphy (Licence Award) Regulations 2018.