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STATUTORY INSTRUMENTS

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**2020 No. 1199**

**The Wireless Telegraphy (Licence Award) Regulations 2020**

**PART 8**

Ofcom's determination of the assignment of numbered lots and the additional prices

**CHAPTER 1**

Assignment of numbered 3.6 GHz lots where there is either a valid full adjacency agreement or one or more valid partial adjacency agreements

**Determination of assignment of 3.6 GHz lots where there is a valid full adjacency agreement**

**96.** If there is a valid full adjacency agreement, OFCOM shall determine the assignment of the particular numbered 3.6 GHz lots in accordance with the valid full adjacency agreement after the deadline for paying the required assignment stage deposit under regulation 81 (and after any negotiation period has ended) and notify those assignments to each winning bidder for 3.6 GHz lots in accordance with regulation 106.

**Determination of the winning 3.6 GHz assignment stage bids where there are one or more valid partial adjacency agreements**

**97.—(1)** If there are one or more valid partial adjacency agreements, OFCOM shall determine the winning 3.6 GHz assignment stage bids in accordance with this regulation after the deadline for paying the required assignment stage deposit under regulation 81 (and after any negotiation period has ended).

(2) The winning 3.6 GHz assignment stage bids shall be those valid 3.6 GHz assignment stage bids that comprise the winning combination of valid 3.6 GHz assignment stage bids.

(3) The winning combination of valid 3.6 GHz assignment stage bids shall be the valid combination of 3.6 GHz assignment stage bids having the highest total value of amounts bid.

(4) A combination of valid 3.6 GHz assignment stage bids is a valid combination of 3.6 GHz assignment stage bids if—

- (a) within that combination there is one valid 3.6 GHz assignment stage bid from each winning bidder for 3.6 GHz lots;
- (b) for a bidder that is a partial agreement party, each of those 3.6 GHz assignment stage bids is a valid bid made in accordance with regulation 88;
- (c) for a bidder that is not a partial agreement party, each of those 3.6 GHz assignment stage bids is a valid bid made in accordance with regulation 70;
- (d) no numbered 3.6 GHz lot is included in more than one of the 3.6 GHz assignment stage bids included in the combination of valid 3.6 GHz assignment stage bids;
- (e) the numbered 3.6 GHz lots not included in that combination of valid 3.6 GHz assignment stage bids (the “leftover 3.6 GHz lots”), taken together, form a single block of numbered 3.6 GHz lots;

- (f) the 3.6 GHz lots allocated to parties in a partial adjacency agreement, taken together, form a single block of numbered 3.6 GHz lots;
  - (g) the 3.6 GHz lots allocated to parties in a partial adjacency agreement are allocated in the order shown in the table in the partial adjacency agreement forms submitted to OFCOM; and
  - (h) valid bids from each bidder which made winning principal stage bids for fewer than five 3.6 GHz lots, and which is not a partial agreement party, are for 3.6 GHz lots which form a block which would satisfy one or more of the following conditions:
    - (i) the block includes either 3.6 GHz lot 1 or 3.6 GHz lot 24;
    - (ii) the block is adjacent to a block of fewer than five 3.6 GHz lots which includes 3.6 GHz lot 1 or 3.6 GHz lot 24, but which would not be assigned to partial agreement parties;
    - (iii) the block is adjacent to the block of leftover 3.6 GHz lots which includes 3.6 GHz lot 1 or 3.6 GHz lot 24;
    - (iv) the block is adjacent to a block of fewer than five 3.6 GHz lots which is itself adjacent to a block in a series of other contiguous blocks of fewer than five 3.6 GHz lots, provided that—
      - (aa) at least one block in this series includes 3.6 GHz lot 1 or 3.6 GHz lot 24; and
      - (bb) the series does not include 3.6 GHz lots which would be allocated to partial agreement parties; or
    - (v) the block is adjacent to a block in a series of contiguous blocks (which comprises the block of leftover 3.6 GHz lots and blocks of fewer than five 3.6 GHz lots) provided that—
      - (aa) at least one block in this series includes 3.6 GHz lot 1 or 3.6 GHz lot 24, and
      - (bb) the series does not include 3.6 GHz lots which would be allocated to partial agreement parties.
- (5) Where there is more than one valid combination of 3.6 GHz assignment stage bids for which the total value is equal highest, OFCOM shall employ a method of random selection from amongst those valid combinations of 3.6 GHz assignment stage bids for which the value is equal highest to determine the winning combination of valid 3.6 GHz assignment stage bids.