
STATUTORY INSTRUMENTS

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 2

Ofcom's determination of assignment of numbered 3.6 GHz lots and additional prices where there is no valid full adjacency agreement and no valid partial adjacency agreement

Determination of the winning 3.6 GHz assignment stage bids where there is no valid full adjacency agreement and no valid partial adjacency agreement

98.—(1) After the deadline for paying the required assignment stage deposit under regulation 81 has passed (and after any negotiation period has ended), except where regulation 96 or regulation 97 apply, OFCOM shall determine the winning 3.6 GHz assignment stage bids in accordance with this regulation.

(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) each of those valid 3.6 GHz assignment stage bids is for a 3.6 GHz assignment stage option as determined by OFCOM for the bidder;
- (c) 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;
- (d) 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; and
- (e) valid bids from each bidder which made winning principal stage bids for fewer than five 3.6 GHz lots are for 3.6 GHz lots which form a block which—
 - (i) includes either 3.6 GHz lot 1 or 3.6 GHz lot 24;
 - (ii) 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;
 - (iii) 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) 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 blocks of fewer than five 3.6 GHz lots, provided that at least one block in this series includes 3.6 GHz lot 1 or 3.6 GHz lot 24; or
- (v) 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 at least one block in this series includes 3.6 GHz lot 1 or 3.6 GHz lot 24.

(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.