
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 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.

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.

CHAPTER 3

Determination of 3.6 GHz lot additional prices

Determination of 3.6 GHz lot additional prices where there is a valid full adjacency agreement

99. Where OFCOM determined the assignment of 3.6 GHz lots under regulation 96, there is no additional price to be paid by each winning bidder for 3.6 GHz lots, in respect of 3.6 GHz lots.

Determination of 3.6 GHz lot additional prices where there is one or more valid partial adjacency agreements

100. Where OFCOM determined the assignment of 3.6 GHz lots under regulation 97—

- (a) there is no additional price to be paid by each winning bidder for 3.6 GHz lots which is party to a valid partial adjacency agreement, in respect of 3.6 GHz lots; and
- (b) in respect of each winning 3.6 GHz assignment stage bid made by a bidder which is not party to a valid partial adjacency agreement, OFCOM shall determine an amount in whole pounds (the “3.6 GHz lot additional price”) which shall be payable by the relevant winning bidder in accordance with Schedule 4.

Determination of 3.6 GHz lot additional prices where there is no adjacency agreement

101. Where OFCOM determined the assignment of 3.6 GHz lots under regulation 98, in respect of each winning 3.6 GHz assignment stage bid OFCOM shall determine an amount in whole pounds (the “3.6 GHz lot additional price”) which shall be payable by the relevant winning bidder in accordance with Schedule 4.

CHAPTER 4

Determination of assignment of numbered 700 MHz individual frequency lots and 700 MHz individual frequency lot additional prices

Determination of the winning 700 MHz individual frequency lot assignment stage bids

102.—(1) After the deadline for paying the required assignment stage deposit under regulation 81 has passed (and after any negotiation period has ended), OFCOM shall determine the winning 700 MHz individual frequency lot assignment stage bids in accordance with this regulation.

(2) The winning 700 MHz individual frequency lot assignment stage bids shall be those valid 700 MHz individual frequency lot assignment stage bids that comprise the winning combination of valid 700 MHz individual frequency lot assignment stage bids.

(3) The winning combination of valid 700 MHz individual frequency lot assignment stage bids shall be the valid combination of 700 MHz individual frequency lot assignment stage bids having the highest total value of amounts bid.

(4) A combination of valid 700 MHz individual frequency lot assignment stage bids is a valid combination of 700 MHz individual frequency lot assignment stage bids if—

- (a) within that combination there is one valid 700 MHz individual frequency lot assignment stage bid from each winning bidder for 700 MHz individual frequency lots;
- (b) each of those valid 700 MHz individual frequency lot assignment stage bids is for a 700 MHz individual frequency lot assignment stage option as determined by OFCOM for the bidder;
- (c) no numbered 700 MHz individual frequency lot is included in more than one of the 700 MHz individual frequency lot assignment stage bids included in the combination of valid 700 MHz individual frequency lot assignment stage bids; and
- (d) the numbered 700 MHz individual frequency lots not included in that combination of valid 700 MHz individual frequency lot assignment stage bids, taken together, form a single block of numbered 700 MHz individual frequency lots.

(5) Where there is more than one valid combination of 700 MHz individual frequency lot 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 700 MHz individual frequency lot assignment stage bids for which the value is equal highest to determine the winning combination of valid 700 MHz individual frequency lot assignment stage bids.

Determination of 700 MHz individual frequency lot additional prices

103. In respect of each winning 700 MHz individual frequency lot assignment stage bid, OFCOM shall determine an amount in whole pounds (“700 MHz individual frequency lot additional price”) which shall be payable by the relevant winning bidder in accordance with Schedule 5.

CHAPTER 5

Determination of assignment of numbered 700 MHz paired frequency lots and 700 MHz paired frequency lot additional prices

Determination of the winning 700 MHz paired frequency lot assignment stage bids

104.—(1) After the deadline for paying the required assignment stage deposit under regulation 81 has passed (and after any negotiation period has ended), OFCOM shall determine the winning 700 MHz paired frequency lot assignment stage bids in accordance with this regulation.

(2) The winning 700 MHz paired frequency lot assignment stage bids shall be those valid 700 MHz paired frequency lot assignment stage bids that comprise the winning combination of valid 700 MHz paired frequency lot assignment stage bids.

(3) The winning combination of valid 700 MHz paired frequency lot assignment stage bids shall be the valid combination of 700 MHz paired frequency lot assignment stage bids having the highest total value of amounts bid.

(4) A combination of valid 700 MHz paired frequency lot assignment stage bids is a valid combination of 700 MHz paired frequency lot assignment stage bids if—

- (a) within that combination there is one valid 700 MHz paired frequency lot assignment stage bid from each winning bidder for 700 MHz paired frequency lots;
- (b) each of those valid 700 MHz paired frequency lot assignment stage bids is for a 700 MHz paired frequency lot assignment stage option as determined by OFCOM for the bidder;
- (c) no numbered 700 MHz paired frequency lot is included in more than one of the 700 MHz paired frequency lot assignment stage bids included in the combination of valid 700 MHz paired frequency lot assignment stage bids; and
- (d) the numbered 700 MHz paired frequency lots not included in that combination of valid 700 MHz paired frequency lot assignment stage bids, taken together, form a single block of numbered 700 MHz paired frequency lots.

(5) Where there is more than one valid combination of 700 MHz paired frequency lot 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 700 MHz paired frequency lot assignment stage bids for which the value is equal highest to determine the winning combination of valid 700 MHz paired frequency lot assignment stage bids.

Determination of 700 MHz paired frequency lot additional prices

105. In respect of each winning 700 MHz paired frequency lot assignment stage bid, OFCOM shall determine an amount in whole pounds (“700 MHz paired frequency lot additional price”) which shall be payable by the relevant winning bidder in accordance with Schedule 6.

CHAPTER 6

Notification of results of the assignment stage

Notification of results of the assignment stage

106. After the determination of the assignment of the 3.6 GHz lots or the winning 3.6 GHz assignment stage bids, the winning 700 MHz individual frequency lot assignment stage bids and the winning 700 MHz paired frequency lot assignment stage bids, and the determination of the additional price for each winning 3.6 GHz lot assignment stage bid, the additional price for each winning 700 MHz individual frequency lot assignment stage bid and the additional price for each winning 700 MHz paired frequency lot assignment stage bid, OFCOM shall notify each winning bidder of—

- (a) the 700 MHz individual frequency lot assignment stage option for which the bidder made a winning assignment stage bid;
- (b) the additional price (if any) determined for the winning 700 MHz individual frequency lot assignment stage bid made by the bidder;
- (c) the 700 MHz paired frequency lot assignment stage option for which the bidder made a winning assignment stage bid;
- (d) the additional price (if any) determined for the winning 700 MHz paired frequency lot assignment stage bid;
- (e) the assignment of the 3.6 GHz lots (following a valid adjacency agreement), or the winning 3.6 GHz lot assignment stage option for which the bidder made a winning assignment stage bid;
- (f) the additional price (if any) for a winning 3.6 GHz assignment stage bid made by the bidder; and
- (g) whether the bidder is party to a valid adjacency agreement and, if so, who the other parties to that valid adjacency agreement are.