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Response to the public consultation on  
THE DRAFT RSPG OPINION ON  
LICENSED SHARED ACCESS

**- Non Confidential -**

## **Company Description**

Founded in 1997, WIND Telecomunicazioni S.p.A. (hereinafter WIND) offers integrated mobile, fixed-line and Internet services marketed under the “WIND” and “INFOSTRADA” brand names.

A young, innovative and fast-growing company, WIND has always been committed to bringing out the best in the features that most reflect its values: a top quality network, excellent customer service and transparent and affordable pricing.

In December 2012, Wind confirmed its position as third leading mobile operator in Italy with 21.6 million customers, and the leading alternative operator in Italy for fixed line communications with 3.1 million customers, of which 2.21 million using broadband.

Since 2011 WIND has been part of the Vimpelcom Group, one of the largest firms in the mobile telecommunications sector in the world, present in 18 countries with over 200 million clients.

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[confidential]

## **Wind's Response to the public consultation on the draft RSPG OPINION ON LICENSED SHARED ACCESS**

Wind Telecomunicazioni S.p.A. ("Wind"), one of the largest alternative operators in Italy, welcomes this opportunity to offer its views on the public consultation on the draft RSPG opinion on Licensed Shared Access, especially considering its potential impact on the market in the coming years due to the main trend in electronic communication market.

### **THE NEED FOR FURTHER SPECTRUM**

**First of all Wind wants to remark that in the short and medium term there is no need for further spectrum allocation across European Member States, in particular, considering the very recent liberalization and allocation of 800MHz and 2600MHz frequencies in Europe.**

Operators have sufficient amount of spectrum to handle the increase of broadband services demand, so Wind asks RSPG to consider that any **further allocation of spectrum, or regulatory tool to increase spectrum availability, such as LSA, should be carefully assessed due to its impact** [confidential]. This is particularly true in light of the European Commission objectives of technology and service neutrality, which will allow more flexibility in the use of already available spectrum to meet the data demand for enhanced services.

In several countries across Europe, Member States had recently liberalized a noticeable amount of frequencies, for example in Italy, in 2011, the frequency auction perimeter was between 800MHz and 2600MHz, which entailed, for all Italian operators, a payout higher than 3,9bln€. This is one of the reason why today is not possible to clearly states which band will be more suitable to meet the medium and long-term demand for more spectrum, increasing the frequency availability for all operators.

[confidential]

### **THE INTERFERENCE ISSUE**

One of the main point to consider in this context, and that Wind wants to underline to the RSPG, is the interference problem that may occur in case of LSA. In the RSPG's document it should be clearly stated that its proposed roadmap to **the European Commission cannot be implemented irrespective of the need to address, well in advance, interference problems that may arise in case of future spectrum liberalization and LSA adoption.**

[confidential]

### **THE RELEVANCE OF ELECTROMAGNETIC LIMITS**

**Another important issue that should be included in the RSPG's Opinion to the Commission is related to electromagnetic limits (ELM),** which currently vary considerably among European Member States, representing a fragmentation of the internal Market. As an example, **Italian's limits for electromagnetic emissions are much lower than the rest of Europe** [confidential]

Practically speaking, the hypothesis of building numerous new sites, accordingly to the existing electromagnetic fields limits, appears to be very remote and not realistic, especially in dense urban areas (e.g., main cities) due to difficulties in terms of administrative permissions and likely adverse public opinion. [confidential].

**In this view, Wind is of the opinion that RSPG should also recognize the fact that if electromagnetic limits [confidential] will not be harmonized across EU, fragmentation will persist** [confidential].

#### **LSA AND REGULATORY CERTAINTY AND PREDICTABILITY**

[confidential]**Wind urges to the RSPG to point out that future development on LSA will not invalidate the current decisions on spectrum assignment among Member States (MSs),** [confidential]

In this view, each Member State should perform a public consultation before adopting the LSA to new assigned or allocated bands, for instance, the LSA could be used, in medium and long term, to make available [confidential] bands already allocated to public utilities and military services.

**It is important to remark that the LSA will be welcomed only after several conditions will be met and that will be previously discussed and agreed at national level through an open public consultation, in any case only for those frequencies that are not been allocated yet.**

[confidential].

#### **"ACCESS" TO LSA**

[confidential].

In order to give the best effectiveness to the basic aim of LSA mechanism (i.e., improve capacity for long run data traffic increase) it is important to foresee rules able to assure that LSA could increase capacity levers, on a geo and time base, for those operators that own a national coverage of mobile broadband services.

[confidential].

#### **Other Condition for LSA**

Wind agrees with the RSPG when states that *Administrations, when examining socio-economic benefits would inter alia need to take into account (i) the conditions under*

*which existing assignments were made, including costs incurred, and (ii) the legitimate expectations of the incumbent as well as LSA users. Wind is of the opinion that, among other things, Administration should take also into account:*

- **Developments plans by frequency incumbents.** [confidential]
- **Existing regulatory obligations of country coverage for a specific band,** this parameter should be well considered in case MS will decide to evaluate allow LSA in the same band.

Wind underlines the paramount importance of setting clear transparency rules in case of LSA by Member States. To this end **it is important to assure a transparent access to all information before and during an LSA procedure, both in case of public and private spectrum holders,** in order to let stakeholder be able to attend efficiently to the sharing assignment. [confidential]

Is of paramount importance to launch a public consultation among all possibly interested parties in order to consider properly national specificities and to define those parameters and conditions which will give to the Administration the tool to evaluate the adoption of the LSA in a specific band.

**In this respect it should be considered that, even if in principle the financial compensation can be considered one of the essential conditions in case of LSA in a specific band, it would not be sufficient considering the overall impact that may have on the value of mobile operators' assets and frequencies that would be affected.**

[confidential]