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General questions

1) Do you consider secondary trading of rights to use radio spectrum to be beneficial to consumers, businesses and radio users?

Yes, we consider secondary trading to be beneficial because:

Spectrum trading would provide an alternative, and speedier, access to spectrum as companies would be able to buy and sell the right to use spectrum without the need for the regulator to re-plan and re-farm the spectrum. This would encourage spectrum to be re-allocated from low value users to high value users; More efficient companies could displace inefficient ones and expand; New companies could access spectrum to enter new and existing markets, increasing competition and technological developments; and Spectrum trading could reduce the transaction costs of acquiring spectrum.

2) What types of transfer of rights to use radio spectrum (full, leasing, partial etc.) do you consider can be beneficial to consumers, businesses and radio users?

We believe that full transfer of rights to use radio spectrum would establish the highest level of regulatory certainty to those trading in the spectrum and increase the levels of trust in the transactions to establish firmly the certainty of the regulatory environment with regard to Spectrum Trading.

3) What rights and associated obligations do you consider should be within the scope of secondary trading of rights to use radio spectrum?

The right to use spectrum should be given a foundation as strong as ownership of land, therefore the rights and obligations within the scope of secondary trading should be only confined by standard contract law within the state.

4) Would you want to see secondary trading of rights to use radio spectrum introduced in your country or in the countries of interest to you?

Yes, we would feel that all assignable spectrum should be capable of being opened up to secondary trading.

5) What information and electronic communication facilities should be made available to facilitate implementation of secondary trading of rights to use radio spectrum?

A 'Spectrum Registry' should be established in each state, showing the owners contact information of each bit of spectrum and any tenants or sub-letting there upon, the services being deployed, and any other information with regards to their ownership rights.

Scope of trading – change of use, reconfiguration

6) Is the possibility to reconfigure rights important? If yes, what kinds of reconfiguration do you consider would benefit consumers, businesses and users of spectrum? (geography, frequency, time, other)

Yes,

7) Is the possibility to use the spectrum in a flexible way important? If yes, what kinds of flexibility do you consider would benefit consumers, business and users of spectrum (service, technical constraints, other)

Yes, the spectrum should be technology and service agnostic

8) To what extent is the tenure an important issue in assessing secondary trading? (indefinite, rolling, fixed, annual, other)

Tenure is a fundamental issue in secondary trading and should be indefeasible and fixed for the primary owner subject only to National Security.

9) Should the same rules and regulations apply for the whole of the spectrum?

a) Is there a need for different rules and regulations for different frequency bands? geographical areas? services? users?

b) If you see a need for different rules and regulations in question 8a above, please give examples

Competition aspects

10) Should there be specific competition rules in relation to implementing secondary trading of rights to use radio spectrum, or is general competition law enough?

General Competition Law is enough

The role of the spectrum management authority

11) What do you see as the main responsibilities for a spectrum management authority in regards to secondary trading of rights to use radio spectrum?

Ensuring non-interference, mediating disputes, establishing and maintaining a "Spectrum Register" and guaranteeing the primary title to the spectrum rights.

12) To what extent is spectrum management authority approval of trades a benefit or an impediment to the development of a market for secondary trading of rights to use radio spectrum? Under what circumstances do you consider it would be necessary for a spectrum management authority to refuse a trade?

The National Authority should have approval, on the basis only of a breach or possible breach of General Competition Law and mitigation of interference, on an ex ante basis.

13) What specific measures could a spectrum management authority take to handle the issues if secondary trading is introduced? (ex ante approval procedures, ex post notification, competition aspects, limit change of use, interference aspects, other)

The National Authority should have approval, on the basis only of a breach or possible breach of General Competition Law and mitigation of interference, on an ex ante basis.

14) To what extent should the national spectrum management authority actively facilitate secondary trading of rights to use radio spectrum?

They should urgently put in place the "Spectrum Registry", facilitate draft and template trading agreements and market spectrum trading as a way to gain access to spectrum.

Community aspects

15) Do you consider that adoption of individual regimes by EU member states will cause problems for consumers, businesses and radio users? If yes, in what ways and to what extent?

Yes, business operating in an EU context shall require regulatory certainty across national borders. Individual Regimes will distort the potential for spectrum trading to have a positive impact on a pan-EU basis.

16) Do you consider that the EU should take measures to facilitate the implementation of secondary trading of rights to use radio spectrum? If so, in what areas and to what extent?

Yes, the EU should legislate for the urgent implementation of spectrum trading on a standardised basis, with clear target deadlines for enactment.

17) To what extent is European harmonisation of frequencies an important issue in regards to secondary trading of rights to use radio spectrum?

Related experiences and examples of secondary trading

18) What are your experiences with the current spectrum management regimes?

The current regime in Ireland can be quite inflexible. It is based on Antique legislation that has not been updated for decades. The opening up of new bands and services, arising from Industry level demand, can be a long drawn out procedure. A secondary trading regime will be of benefit to allow innovative firms with new technology and service proposals gain a faster foothold to establishing in operation.

19) What are your experiences of secondary trading of rights to use radio spectrum?

n/a

20) Please describe specific scenarios in which you consider that the introduction of secondary trading of rights to use radio spectrum would be beneficial

21) Any other comments

Thank you for the opportunity to participate in this process,

Sincerely,

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