

Consultation on the Tender Conditions

in the Procedure for Spectrum Award in the 3410 to 3800 MHz Range

NON BINDING TRANSLATION

Vienna, 21. Februar 2018

Telekom-Control-Kommission (TKK)

bei der Rundfunk und Telekom Regulierungs-GmbH (RTR-GmbH)

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Contents

1	Introduction.....	3
2	Award goals.....	4
3	Tender Document and Auction Rules.....	5
4	Selected topics.....	5
4.1	Regions (chap. 3.1 of the Tender Document)	5
4.2	Rules for infrastructure sharing (chap. 3.7 of the Tender Document)	8
4.3	Technical conditions of use (chap. 3.4 Tender Document)	9
4.4	Coverage obligations (chap. 3.5 of the Tender Document)	9
4.5	Spectrum caps (chap. 4.4 of the Tender Document).....	9
4.6	Minimum bids (chap. 4.2 of the Tender Document)	11
4.7	Pricing (Appendix E of the Tender Document).....	13
4.8	Rules of activity in the clock rounds (Appendix E of the Tender Document) ...	13
4.9	Information policy (Appendix E of the Tender Document)	14
4.10	Defining assignment options (Appendix E of the Tender Document)	15
4.11	Bank guarantee (section 5.3.5 of the Tender Document)	16
5	Statements	16

Annex 1: Cover Sheet

Annex 2: Draft Tender Document (including appendices)

1 Introduction

On 11 January 2016 the Telekom-Control-Kommission (hereafter 'TKK') tasked RTR with beginning preparations for the award of rights to use spectrum including the 3410 to 3600 MHz range (award following the remaining term lasting until the end of 2019). In addition, the TKK initiated an award procedure on 26 September 2016 in response to an application on 23 August 2016 for the award of frequency usage rights for the 3600 to 3800 MHz range. With reference to the corresponding statements put forth in the course of the frequency consultation jointly conducted in 2016 by the Federal Ministry of Transport, Innovation and Technology (BMVIT) and by RTR, the regulatory authority recognises the expediency of awarding the entire 3410 to 3800 MHz range within the framework of a joint auction. The TKK has consequently resolved to merge the award procedure for the two bands and to begin preparations for a joint auction.

The TKK currently assumes that a date in May or June 2018 is realistic for the invitation to tender. The auction would then be held as planned in autumn 2018. The 3600 to 3800 MHz frequency range could then be used with legal effect immediately on assignment, and the 3410 to 3600 MHz range as of 1 January 2020 (once the current usage rights expire). Nonetheless, in view of a number of uncertainties, the regulatory authority reserves the right to deviate from the plan; uncertainties include any limitations on use, or changes to the legal framework (at the European or national level) that might oppose the plan.

In the following, the TKK consults stakeholders on the Tender Document and the Auction Rules (Annex 2), and at the same time submits individual topics for discussion in this consultation document; in response, the TKK anticipates receiving valuable input from the market on the Tender Document, which is planned for formal disclosure in May/June 2018.

Statements are to be e-mailed to tkfreq@rtr.at by **15 March 2018**. Please use the cover sheet template (Appendix 1). A list of the organisations/individuals that have submitted statements for the consultation and consented to disclosure of the organisation/individual will be published. Only if requested will the complete individual statements be published as well.

2 Award goals

The TKK is focusing the award procedure on the goals listed below:

- Goal 1: Legal certainty
- Goal 2: Ensure efficient utilisation of spectrum
- Goal 3: Ensure/encourage effective competition
- Goal 4: Encourage innovation
- Goal 5: Greater connectivity and expanded coverage

Maximising auction income is expressly ruled out as a goal in awarding the spectrum, as is actively supporting new market entrants through actions such as reserving spectrum. To the extent relevant and feasible, the regulatory authority will base key design decisions on the goals listed above.

Efficient frequency use is ensured where bidders are able to acquire spectrum to meet their individual needs, and where a frequency lot is assigned to the bidder who puts the highest value on that lot and submits the highest bid for it.¹ This requires a product design that matches the demands of potential users, ensures fair and equal participation of all users and allows competition for incremental spectrum. This needs to be complemented by an auction design suited to identifying the bidder with the highest valuation. The award procedure also needs to be designed so as to largely avoid any unnecessary fragmentation of spectrum within a single band; in addition, where frequencies are packaged by region, the assignment of different individual frequency ranges to different regions also needs to be avoided. Aggregation and substitution risks are to be minimised in the auction by using a suitable design. For example, bidders should be allowed to acquire a large frequency block for 5G within one of the two bands in all regions. Exercising such an option should not be impaired by switching barriers or aggregation risks. The regulatory authority also wishes to minimise the number of (implicit or explicit) guard blocks, for instance by encouraging synchronous operation or through suitable arrangement of compatible users within the band, while at the same time achieving a certain degree of flexibility allowing for differing business models.

In line with the goal of efficient spectrum usage, as well as to pursue goal 5, the TKK is considering imposing appropriate coverage requirements. This would be firstly to ensure that the spectrum is in fact used and not hoarded for strategy reasons. Secondly, the TKK is considering requirements that would ensure the speedy introduction and propagation of 5G services.

¹ Cf. Art. 55 Telecommunications Act (TKG 2003) and ruling 2013/03/0149 of 4 December 2014 by the Austrian Administrative Court (complaint by a mobile network operator against the TKK decision of 19 November 2013, F 1/11-283).

To achieve the second award goal, the TKK will define appropriate spectrum caps to avoid any disproportionate concentration of usage rights with any one provider and to ensure that effective competition is preserved in the related downstream markets after the auction.

The TKK views the award of this frequency band as a significant contribution to introducing 5G in Austria. Through the timely award of spectrum and a design that allows low-risk aggregation of a wide frequency block in one of the two bands (across regions), the regulatory authority is laying the groundwork for innovative efforts in the area of 5G.

3 Tender Document and Auction Rules

The planned award procedure encompasses the 3410 to 3800 MHz frequency range. The number of frequencies in this range is “limited”, hence the regulatory authority is responsible for the spectrum award.²

As part of this consultation, the regulatory authority is publishing proposals for the Tender Document and the Auction Rules (see Annex 2).

In addition, the following contains explanations and questions concerning those selected topics that the regulatory authority sees as requiring further clarification and discussion (see chapter 4); the consultation participants are requested to respond to these questions. The TKK expects this discussion to render additional knowledge, to serve as the basis for specifying the final version of the Tender Document.

4 Selected topics

4.1 Regions (chap. 3.1 of the Tender Document)

During the consultation on product and auction design (in late 2017), the regulatory authority proposed various options for distributing usage rights according to region. The TKK sees option 4 (division into urban and rural regions) as that which conforms best with the award goals and with demand as expressed by potential bidders. The TKK has nonetheless made the changes described below, based on input from the consultation participants:

- To better map demand, a ten-region model is now preferred, while the TKK is also open to the option of a model specifying twelve regions. However, no demand has yet been clearly expressed for a twelve-region model. The TKK correspondingly invites the consultation participants to express their positions on this issue once more.
- In defining separate urban regions, the regulatory authority has in every case attempted to include any densely populated areas along regional borders in

² Cf. <https://www.bmvit.gv.at/ofb/funk/frequenzverw/natplan/index.html> (in German)

the urban regions, so as to enable more efficient spectrum use. In doing so, the TKK has aligned the choices with the political borders of municipalities.

The figure below depicts the division into ten regions as described in the Tender Document (Annex 2).

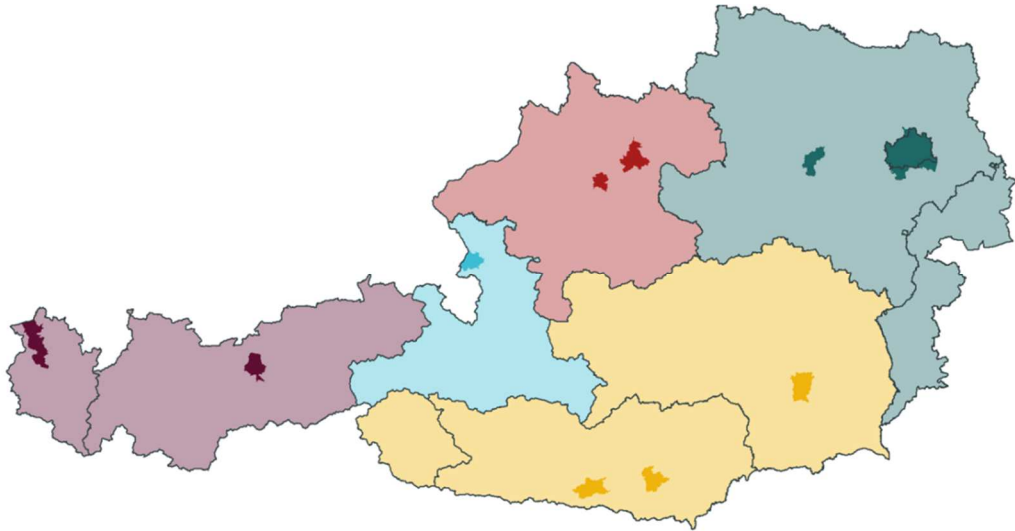


Figure 1: Division into ten regions

The table below lists the ten regions as described in the Tender Document (Annex 2):

Label	Name	Description ³
A01u	Region 1 urban	Vienna+, St Pölten
A01r	Region 1 rural	Vienna, Burgenland and Lower Austria except A01u
A02u	Region 2 urban	Linz+, Wels+
A02r	Region 2 rural	Upper Austria except A02u
A03u	Region 3 urban	City of Salzburg+
A03r	Region 3 rural	Salzburg except A03u
A04u	Region 4 urban	Innsbruck+, Bregenz+
A04r	Region 4 rural	North Tyrol and Vorarlberg except A04u

³ Adjoining municipalities are also incorporated into certain urban regions. Those urban regions are designated in the table with a plus sign. The detailed list of municipalities in each region can be viewed in Appendix G of the Tender Document.

A05u	Region 5 urban	Graz+, Villach, Klagenfurt
A05r	Region 5 rural	Styria, East Tyrol and Carinthia except A05u

Table 1: Description of the ten regions

The figure below depicts the alternatively proposed division into twelve regions (Styria and Carinthia as additional separate regions):

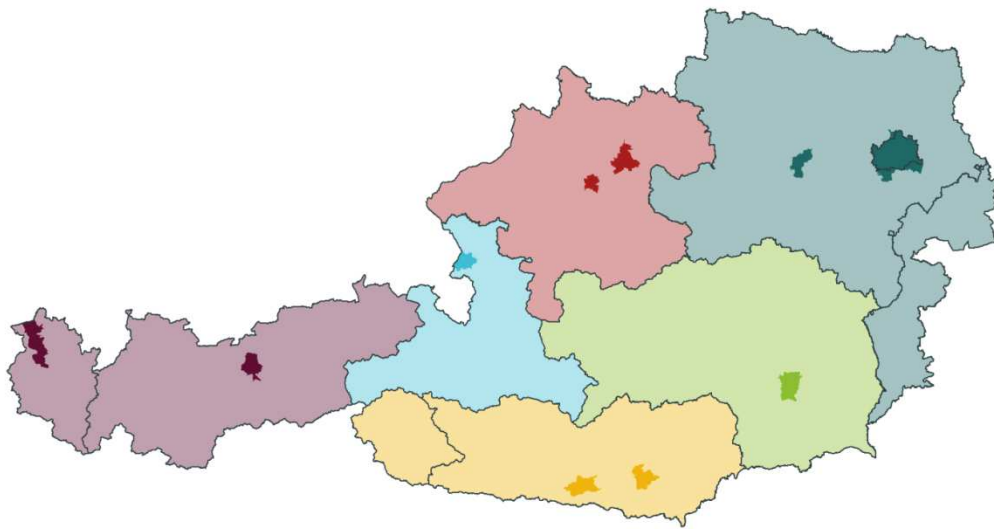


Figure 2: Division into twelve regions (alternative proposal)

The table below lists the twelve regions:

Region label	Region name	Description ⁴
A01u	Region 1 urban	Vienna+, St Pölten
A01r	Region 1 rural	Vienna, Burgenland and Lower Austria except A01u
A02u	Region 2 urban	Linz+, Wels+
A02r	Region 2 rural	Upper Austria except A02u
A03u	Region 3 urban	City of Salzburg+

⁴ Adjoining municipalities are also incorporated into certain urban regions. Those urban regions are designated in the table with a plus sign. The detailed list of municipalities in each region can be viewed in Appendix G of the Tender Document.

A03r	Region 3 rural	Salzburg except A03u
A04u	Region 4 urban	Innsbruck+, Bregenz+
A04r	Region 4 rural	North Tyrol and Vorarlberg except A04u
A05u	Region 5 urban	Villach, Klagenfurt
A05r	Region 5 rural	East Tyrol and Carinthia except A05u
A06u	Region 6 urban	Graz+
A06r	Region 6 rural	Styria except A06u

Table 2: Division into twelve regions (alternative proposal)

Question 1: Should the model with ten or with twelve regions be chosen? Please support your proposal with arguments and facts.

Question 2: Do you have any other suggestions for improving the borders between urban and rural regions? Please make specific suggestions and provide relevant empirical data to support this.

4.2 Rules for infrastructure sharing (chap. 3.7 of the Tender Document)

One of the aims in awarding use of this spectrum is to encourage infrastructure competition (see award goal 3). The three current MNOs are prohibited from cooperating in relation to essential core network functions and to any active elements of access networks in Vienna, Linz and Graz. Cooperation among MNOs in the core network and in these very densely populated regions would enable only minor cost-savings, while at the same time it is very important that MNOs compete independently within the core network and in the most densely populated areas. This prohibition does not apply to new entrants and regional broadband providers, where cooperation is limited to one MNO. Subject to certain very narrowly defined conditions, MNOs can cooperate in active infrastructure in Vienna, Linz and Graz under exceptional circumstances.

For further considerations by the regulatory authority on the issue of infrastructure sharing, we refer to the consultation in the corresponding TKK position paper.

Question 3: Do you have any additional suggestions or proposals for improving the rules for infrastructure sharing (chap. 3.7 of the Tender Document)? What action would you propose for ensuring infrastructure competition? Please base your suggestion on arguments relating to competition principles and provide facts and figures to support your proposal.

4.3 Technical conditions of use (chap. 3.4 Tender Document)

The terms and conditions of use specified in the Tender Document provide exclusively for TDD use. In keeping with the goal of efficiency, spectrum use is limited to this mode of operation, due to the fact that the FDD mode of operation is incompatible and the market exclusively demands TDD.

In the conditions of use presented on 1 February 2018, the Federal Ministry of Transport, Innovation and Technology specified protection zones (see section 3.4 of the Tender Document).

Question 4: The TKK has determined that use of FDD is excluded because the two operating modes are incompatible and also because there is no market demand for FDD. Do you support this view? If not, please provide reasons for your opinion based on the award goal of efficient frequency use.

Question 5: To what extent do you see protection zones as impacting frequency use, specifically with reference to network coverage, costs and efficiency of spectrum use?

4.4 Coverage obligations (chap. 3.5 of the Tender Document)

In the past consultation, the regulatory authority proposed 150 locations to fulfil basic coverage requirements. In response to the large number of submissions received during the consultation procedure at the time, the figure has been adjusted in line with more ambitious coverage obligations.

Question 6: Are you in agreement with the current proposal given in the Tender Document (Annex 2)? Please give reasons for your opinion.

4.5 Spectrum caps (chap. 4.4 of the Tender Document)

In the context of the consultation on product and auction design, the regulatory authority conducted a market analysis that identified three potential challenges to competition, while evaluating spectrum caps in light of these challenges. The participants in the consultation in late 2017 did not express any doubts about the competition challenges.⁵ The participants stated different preferences in respect to the spectrum cap options (see table below).

Cap options	Participants
1: 260 MHz for all	
2: 180 MHz for all	

⁵ A summary of the statements submitted in the consultation can be viewed on the RTR website at https://www.rtr.at/en/inf/Stn_Konsult5GAuktion2018.

3: 180 MHz for all, 140 MHz for A1	
4: 160 MHz for all	●
5: 160 MHz for all, 140 MHz for A1	●
6: 140 MHz for all	●
7: 120 MHz for all	
8: 100 MHz for all*	●●●●●●●●●●

* Some consultation participants suggested reserving a 100 MHz block for (existing) regional broadband providers, with a 60 MHz cap within this range and a 100 MHz cap for the remaining spectrum.

Table 3: Spectrum cap preferences

The regulatory authority has in the meantime been advised of T-Mobile’s planned takeover of (most of) UPC. In an initial assessment, the TKK has come to the conclusion that the planned takeover will not have any impact related to the first two competition challenges, specifically:

- Fewer than three effective competitors in the mobile market (entailing the risk of only one or two bidders successfully acquiring spectrum for 5G services)
- Very asymmetric spectrum shares

On the other hand, the regulatory authority does recognise that the takeover would indeed have impact in terms of the third competition challenge (potential negative impact on intermodal broadband competition). As a result of the takeover, the alternative fixed network infrastructure that is largest by far would become part of T-Mobile, currently the second largest mobile telecommunications provider. In major regions this would lead to two integrated mobile and fixed network providers who together would account for a very large market share. As described in the competition analysis, there is a potential incentive for an integrated mobile and fixed network provider to purchase more spectrum in the auction than needed, in order to curb competition in the broadband market. Correspondingly, in the consultation itself, the regulatory authority proposed additional options providing for asymmetric spectrum caps including tighter caps for integrated providers.

In view of the planned takeover of UPC by T-Mobile, the regulatory authority is considering the specification of tighter caps (of 140 MHz) for T-Mobile in the urban regions where UPC is active. In the case of A1 Telekom, the regulatory authority is considering specifying tighter caps (140 MHz) in all regions. Caps even tighter than 140 MHz could be defined if necessary for A1 Telekom (in all regions) and T-Mobile (in the urban regions where UPC is active). The regulatory authority proposes a cap

of 160 MHz for all other bidders and, in those urban regions not covered by UPC's footprint, for T-Mobile.

Another consideration by the regulatory authority is to loosen the caps for the additional bidding round, under certain conditions and for certain or all bidders, as a means of ensuring that all frequencies are assigned where possible. Whether or not the caps are loosened depends on the following:

- the distribution of spectrum following the clock rounds;
- the risk of usage rights becoming more strongly concentrated (compared with the current distribution);
- the probability of lots remaining unsold even after the additional bidding round;
- the risk of one of the three potential challenges to competition actually materialising.

In the event that the TTK does indeed loosen the spectrum caps for the additional bidding round, this will take place within defined maximum limits. Specifically, A1 Telekom may not purchase more than 160 MHz and the other bidders more than 190 MHz each during the entire principle stage (i.e. clock rounds and additional bidding round).

Before definitively specifying the spectrum caps in the Tender Document, the regulatory authority nonetheless wishes to survey the sector's opinions on spectrum caps once again:

Question 7: Do you share the regulatory authority's conclusions concerning the impact that the takeover of UPC by T-Mobile would have in respect to competition challenge 3 as revealed in the analysis (potential negative impact on intermodal broadband competition)? Please provide business arguments as to why you share or do not share this view, referring to facts and figures to support the arguments.

Question 8: What spectrum caps do you propose for the clock stage? Please base your suggestion on arguments relating to competition principles and provide facts and figures to support your proposal.

Question 9: What spectrum caps do you propose for the additional bidding round, in the event that the TTK loosens the caps for that round? Please base your suggestion on arguments relating to competition principles and provide facts and figures to support your proposal.

4.6 Minimum bids (chap. 4.2 of the Tender Document)

In the consultation on product and auction design in late 2017, the regulatory authority drew attention to potential risks associated with applying the Telecommunications Fee Ordinance (*Telekommunikationsgebührenverordnung*, TKGV) to regional usage rights. The minimum bids would be very high, while a risk of unsold lots would remain. For the division into regions chosen by the TTK, the minimum bids would range between EUR 64 and 78 million. Appreciable price

differences between rural and urban regions that might distort the outcome of the auction would also result.

The participants in that consultation confirmed these concerns. They cited a number of risks relating to a high minimum bid and to the application of the TKGV to regional usage rights. Not least, mention was also made of the government programme.⁶

Several participants in the consultation recommended basing the minimum bid on the TKGV for nationwide usage, and then pro-rating it accordingly for the regions (based on a MHz-per-resident key or other socio-economic criteria).⁷ That would not be permitted under law, however. The TKK has consequently decided to deviate from the TKGV and, pursuant to Art. 55 Par. 4 TKG 2003, to base the minimum bid on reference values at national and international levels.

The regulatory authority obtained the reference values listed below from selected auctions (see Table 4). Auctions of the 2.6 GHz and 3.4 to 3.8 GHz frequency bands in selected European countries were considered for comparison:

- 2.6 GHz (this band displays comparable propagation characteristics)⁸
- 3.x GHz auctions (between 2015 and 2017)⁹

Averages	€ / MHz / Pop	Bid for the entire band in terms of the Austrian population (in €)
2.6 GHz	0.0420	143.3 million
3.x GHz	0.0129	43.9 million
2.6 GHz and 3.x GHz	0.0359	122.3 million
Ireland (incl. SUF)	0.0468	159.6 million

Table 4: Comparative values for minimum bids (source: RTR)

⁶ A summary of the statements submitted in the consultation can be viewed on the RTR website at https://www.rtr.at/en/inf/Stn_Konsult5GAuktion2018.

⁷ A summary of the statements submitted in the consultation can be viewed on the RTR website at https://www.rtr.at/en/inf/Stn_Konsult5GAuktion2018.

⁸ These countries were examined for comparison: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway, Spain, Sweden, Poland and Portugal.

⁹ These countries were examined for comparison: Czech Republic, Ireland, Romania and Slovak Republic.

Considering the existing circumstances – award at an early stage, uncertainty concerning the value and relatively few values for direct comparison – the minimum bid should be set at a rather conservative level, i.e. a low but not insignificant level. Only in this way would it be objectively justified to deviate from the TKGV in the case of regional usage rights.

Question 10: What is your opinion of the regulatory authority's proposal? Do you agree with the regulatory authority's basic proposal or should the regulatory authority set the minimum bids for regional usage rights based on the TKGV?

Question 11: The regulatory authority invites all market participants to submit (additional) reference values. When setting the minimum bids, the regulatory authority will, however, only take into account those values resulting from a competition procedure that is suitable for generating market prices.

4.7 Pricing (Appendix E of the Tender Document)

The auction design proposed here in the consultation provides for a pricing rule, where, in individual stages, prices will potentially vary downwards from the bids submitted:

- in the assignment stage, the additional prices are determined on the basis of a 'modified second-price rule', as was applied previously in the multiband auction in 2013.
- If the exit bids become valid for individual regions at the end of the clock rounds, the price at which the lot is awarded is the lowest price specified in an accepted bid, where this price is between the clock price in the second-last round and the clock price in the last round.

The industry appears to be currently pursuing an initiative to enshrine a pay-as-bid rule in law. In the event that such a rule is enacted, the pricing rules described above would be replaced by a pay-as-bid rule.

4.8 Rules of activity in the clock rounds (Appendix E of the Tender Document)

In an open multi-round process, the rules of activity play a key role in ensuring progress in the price-finding process, by encouraging bidders to reveal their demand. This requires, on the one hand, that demand is not concealed for strategic reasons and is disclosed only in the course of the process and, on the other hand, that bidders are able to respond to price changes by means of their demand.

If a single, uniform product were to be auctioned off, these prerequisites could be met through one very simple activity rule: with a normal demand function, rising prices do not result in increased demand; therefore, bidders are not allowed to increase their demand during the auction.

Where the auction involves several different products – in this case relating to several regions – the situation is further complicated through the use of relative

prices in addition to absolute prices. This means that the demand for spectrum in one region can rise despite increasing prices, because prices in other regions have increased even more, making that region less expensive in relative terms (i.e. the absolute price has increased but the relative price decreased). Typically in this case, the individual auction products are assigned bidding points, which then serve as the basis for aggregating demand across different auction products. The rule of activity correspondingly does not permit a bidder to raise demand, measured in bidding points, as prices increase in the course of the auction, but does allow switching between the individual auction products. The ratios of bidding points decide what switching options are available in this case. If different auction products have highly varying bidding points, it is relatively easy to shift demand from auction products with a high number of bidding points per lot to products with a low number. This frequently results in a later loss of bidding eligibility, making it correspondingly difficult to switch in the other direction.

The proposed auction rules are intended to make it easy to switch between regions, in that each frequency block is weighted equally when determining total demand. In this way, there is no obstacle to shifting demand among regions in response to varying changes in relative prices, while any increase in total demand as the auction progresses is ruled out.

An alternative would be more restrictive rules of activity that would further limit the options for switching among regions. The most radical case would be to completely exclude any switching among regions; here, the demand in each particular region could not rise as the auction progressed – regardless of any changes in relative prices. It would be also conceivable to allow bidders a certain degree of latitude, for instance by maintaining a bidder's eligibility to bid for a specified total number of blocks as long as that bidder submitted a bid for at least X% of that number in one round. Bidding eligibility would then be proportionally adjusted if the bidder were to fall below that threshold.

Other conceivable rules of activity would be to weight the various regions differently (e.g. according to population) by assigning varying bidding points.

Question 12: What is your opinion of the regulatory authority's proposal? Based on your evaluation, do you see a need for any change in the relative weighting of the blocks for the individual regions (and if so, what sort of change)? Do you see a need for further limiting the switching options referred to above or to loosen this restriction?

4.9 Information policy (Appendix E of the Tender Document)

When deciding on an appropriate information policy, a balance needs to be struck between any efficiency gain potentially resulting from enhanced transparency for bidders and any efficiency loss due to strategic bidding behaviour, which might be facilitated or even encouraged by enhanced transparency.

Generally speaking, the pricing signals sent to bidders as the clock rounds progress should provide them with adequate information to allow them to adjust their total

demand as well as their demand across regions, so that the market would ultimately be cleared. This would result from normal market processes, for example. More details about the magnitude of excess demand potentially distort the incentives for revealing demand, by encouraging bidders to submit their bids with a view to the effect that their bid decision has on pricing, or by putting bidders in a better position to coordinate their bidding behaviour to allow the product being offered to be divided up in a mutually acceptable way. This can lead to inefficient outcomes, for example where one bidder with a higher valuation of the frequencies purchases less spectrum than should be the case based on the value structure. Detailed information relating to the amount of excess demand also potentially allows conclusions to be drawn regarding the number of remaining competitors, which serves as an incentive for bidding strategically to influence competition in downstream markets.

At the same time there might be legitimate interest in such information on the part of bidders. For instance, under certain circumstances information on excess demand can reduce a bidder's uncertainty regarding their spectrum valuation, referred to as 'common value uncertainty'. Such information might also be helpful for bidders in planning later bids, by indicating the likelihood of achieving the targeted spectrum portfolio.

The proposal included here in the auction rules represents a compromise, in that bidders are to be informed of the amount of excess demand in larger increments. A similar rule has been proposed by other regulators, including OFCOM in the UK for the PSSR award, in which case OFCOM also aims to disclose a level of information that is useful for bidders but minimises the risk of abuse for strategic bidding.¹⁰

Question 13: What is your opinion of the regulatory authority's proposal? What in your view are the advantages and disadvantages of the proposed information policy and of enhanced transparency? How do you rate the risk of strategic bidding and the need for taking action to safeguard against such bidding?

4.10 Defining assignment options (Appendix E of the Tender Document)

The proposal in the auction rules with regard to defining assignment options specifies the following:

- specific frequencies are assigned to each bidder equalling the amount of spectrum acquired in each region by that bidder during the principle stage, whereby these frequency assignments do not overlap;
- bidders who have acquired the same amount of spectrum in each region in the auction are assigned identical frequencies in each region;
- where bidders have acquired varying amounts of spectrum in more than one region, variation is minimised as far as possible when assigning specific frequencies in the individual regions;

¹⁰ Refer to Ofcom, Public Sector Spectrum Release: Award of the 2.3 and 3.4 GHz spectrum bands, Statement and consultation, 26 May 2015; in particular sections 4.51 and 4.52

- bidders not acquiring spectrum in all regions will be placed in band 42 where possible (i.e. below 3600 MHz).

Here any unsold blocks remaining at the end of the principle stage will be maintained as contiguous blocks for future auctions, unless the aggregate misalignment could be reduced by splitting up individual unsold blocks and placing them between the blocks assigned individual bidders. In this case, the unsold blocks would be used to achieve better alignment, across regions, of the spectrum assigned to winners.

Question 14: What is your opinion of the regulatory authority's proposal? Do you see any other methods for defining assignment options that would be more effective for achieving the award goals? If you do submit alternative proposals, please consider any associated complexity (in terms of both implementation as an algorithm and the decisions required from bidders).

4.11 Bank guarantee (section 5.3.5 of the Tender Document)

In previous frequency awards, a bank guarantee was usually required as security for bids. The TKK is considering additional options for providing security in this award procedure. In this way, bidders are to be given the possibility of using the method that is easier or more cost-effective in their particular case.

Question 15: To provide financial security for bids made in the auction, should bidders have the option of paying the corresponding amount or of depositing a passbook, or should security for bids be exclusively in the form of bank guarantees? Which of the options would you choose?

5 Statements

Statements are to be e-mailed by **15 March 2018** to

tkfreq@rtr.at

Please use the cover sheet below and refer expressly to the specific section and question or the section of the Tender Document in the details of your statement.

The regulatory authority will publish a list of the organisations/individuals that submitted statements for the consultation and consented to disclosure of the organisation/individual.

If requested, the complete individual statements will be published as well.

ANNEX 1

To the Consultation on the Tender
Conditions
in the Procedure for Awarding Spectrum
in the 3410 to 3800 MHz Range

Cover Sheet



Cover Sheet – statement for the consultation on the tender conditions in the procedure for awarding spectrum in the 3410 to 3800 MHz range

General information

Statement submitted by: [Click here to enter text](#)

Represented by (if applicable): [Click here to enter text](#)

Postal address: [Click here to enter text](#)

E-mail address: [Click here to enter text](#)

Confidentiality

Please indicate whether your statement is confidential and, if so, which parts, while providing reasons:

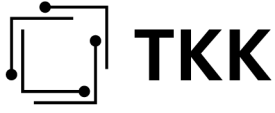
Not confidential	<input type="checkbox"/>	Name/Contact	details/Profession
Statement content	<input type="checkbox"/>	Organisation	<input type="checkbox"/>

Certain passages of the statement are confidential

In this case we request you to additionally submit an appropriately redacted version of the document that you consider suitable for disclosure. The Telekom-Control-Kommission will publish an anonymised summary (without naming organisations/individuals) of all the statements received. Additionally, a list of the organisations/individuals that submitted statements for the consultation and consented to disclosure of the organisation/individual will be published.

Declaration

I hereby confirm that this communication is a formal statement within the framework of the current consultation and that the statement will be used by the regulatory authority subject to any confidentiality requests indicated above. When submitting the statement by e-mail, the requests concerning confidentiality given above will be considered by the regulatory authority as relevant for deciding whether to publish the information, rather than any standard e-mail texts concerning the confidentiality or disclosure of e-mail contents (including any attachments).



Name

Signature

NON BINDING TRANSLATION

ANNEX 2

To the Consultation on the Tender
Conditions

in the Procedure for Awarding Spectrum
in the 3410 to 3800 MHz Range

Draft Tender Document

The draft Tender Document is separately available for downloading.