


Telecommunications Act 1984

Licence granted to Sure Isle of Man Limited to provide services under section 5 of the Telecommunications Act 1984

Notice of Modification

1. In accordance with its power under the Telecommunications Act 1984 ("the Act"), and having given notice in accordance with section 10 of that Act, the Communications Commission hereby modifies the Licence for the Running of Telecommunication Systems granted to Sure Isle of Man Limited on 9 May 2006 under section 5 of the Act.
2. The Licence shall be modified by inserting Part 5: Additional Obligations in respect of 4G Service Provision into Schedule 1 of the Licence.
3. This document shall be construed as if it formed part of the Licence.

Signed on behalf of the Communications Commission



Dr Carmel McLaughlin

Director

17 October 2013

PART 5

ADDITIONAL OBLIGATIONS IN RESPECT OF 4G SERVICE PROVISION

31. INTERPRETATION AND APPLICATION

31.1 The conditions in this Part are binding upon the Communications Provider insofar as the Communications Provider:

31.1.1 runs a telecommunications system making use of 4G telecommunications standards; and/or

31.1.2 provides telecommunications services making use of 4G telecommunications standards.

31.2 The conditions in this Part apply only to the Communications Provider's:

31.2.1 running of a 4G telecommunications system; and/or

31.2.2 provision of 4G telecommunications services.

31.3 In this Part:

31.3.1 **"4G telecommunications standards"** means:

(a) the Long Term Evolution (LTE) standard specified by the 3rd Generation Partnership Project ("3GPP");

(b) the Mobile WiMAX (IEEE 802.16e-2005) standard specified by the Institute of Electrical and Electronics Engineers ("IEEE");

(c) the Long Term Evolution Advanced (LTE-Advanced) standard specified by the 3GPP;

(d) the Wireless MAN-Advanced (IEEE 802.16m) standard specified by the IEEE;

(e) any standard recognised as a fourth generation (4G) standard by the International Telecommunication Union; and/or

(f) any standard based upon or derived from standards falling within those contained within this definition.

31.3.2 **"4G telecommunications system"** means a telecommunications system which makes use of 4G telecommunications standards and is capable of delivering the Minimum Speeds under normal conditions.

31.3.3 **"4G telecommunications services"** means services, which are provided by means of the use of 4G telecommunications standards, and which under normal conditions deliver the Minimum Speeds.

31.3.4 The **"Minimum Speeds"** means a mobile data download speed of 5Mbps.

31.3.5 **"Lightly loaded"** means a network in which it is assumed that a single user is demanding service within the serving cell, and the surrounding cells of the network are loaded to a light level, meaning the common channels only are transmitting at 22% of the maximum cell power.

32. **ROLLOUT CONDITIONS**

32.1 The Communications Provider shall ensure that at all times after the Launch Date it is:

32.1.1 running a 4G telecommunications system in the Isle of Man; and

32.1.2 providing 4G telecommunications services to consumers in the Isle of Man.

32.2 The Communications Provider shall ensure that at all times after the Launch Date it provides and maintains an electronic communications network that is capable of providing, with 90% confidence, a mobile telecommunications service with a sustained downlink speed of not less than five megabits per second (5Mbps) when that network is lightly loaded, to users in an area within which at least 33% of the population of the Isle of Man lives.

32.3 The Communications Provider shall ensure that at all times after the Coverage Date it provides and maintains an electronic communications network that is capable of providing, with 90% confidence, a mobile telecommunications service with a sustained downlink speed of not less than five megabits per second (5Mbps) when that network is lightly loaded, to users in an area within which at least 95% of the population of the Isle of Man lives.

32.4 The Communications Provider shall not be in breach of this condition by reason of temporary interruptions to service, provided that it has taken reasonable precautions to minimise such temporary interruptions. In addition, the Communications Provider shall not be in breach of this condition due to factors outside its immediate control, including (but not limited to) inappropriate device selection by the customer.

32.5 For the purposes of this Condition:

32.5.1 the Launch Date is nine months following 4G licence award;

32.5.2 the Coverage Date is two years following Launch Date;

32.5.3 **"Coverage"** means outdoor coverage.

33. **PAYMENT OF 4G LICENCE FEE**

33.1 The Communications Provider shall pay, or cause to be paid, to the Treasury the following sum:

33.1.1 £150,000 on notification of the Commission's award of an appropriate Telecommunications Act 1984 licence incorporating this Part, or the modification of an existing Telecommunications Act licence to incorporate this Part (the "**4G licence fee**");

33.1.2 If the process has included a Sealed Bid Stage, the additional amount will also be payable at this time;

33.1.3 Provided that the Communications Provider shall not be required to pay more than one 4G licence fee.

33.2 For the purposes of paragraph 1(b) of Schedule 2, amounts payable under this Condition shall be deemed to be amounts payable under Condition 23 of this Licence.