

Notice of Modification to Licence held by Bluewave Communications Limited
(Publication Number 13/19)

1. In accordance with section 10 of the Telecommunications Act 1984 (the Act), the Communications Commission (the Commission) hereby gives notice of its intention to modify the Licence granted to BlueWave Communications Limited (BlueWave) to provide services under section 5 of the Act.
2. BlueWave is currently licensed to provide telecommunications systems of every description (including voice services and a wider range of business services).
3. This licence modification will enable Bluewave to run a telecommunications system using 900MHz in the Isle of Man and provide telecommunications services using 900MHz to consumers in the Isle of Man. The addition of this spectrum allocation will increase the choice of telecommunications services available to both consumers and businesses.
4. The Licence shall be modified through inserting Part 6: Additional Obligations in respect of Service Provisions using Spectrum in the 900MHz band into Schedule 1 of the Licence. This is to add new conditions and to order the new and existing conditions in a manner that is consistent with other licences issued by the Commission.
5. For purposes of this notice, the new and amended conditions are set out below. In this notice, the new and amended conditions are numbered in accordance with the numbering in the current Licence. The new and amended conditions are as follows:
 - a) Schedule 1, Part 6 to insert conditions **38: Interpretation and Application**. This concerns use of the 900MHz spectrum. Condition **39: Rollout Conditions**, concerns Coverage Date schedule and conditions and **40: Payment of Fees**, states a licence fee of £12,000 which is to be paid in 12 annual instalmentsof £1,000 per annum
6. This notice will be published on the Commission website (www.iomcc.im) and, as required under s.10(5) of the Act, a copy will be sent to the Chief Secretary.
7. Any representations or objections to this change should be made to the Commission by 31st January 2020 for the Commission's consideration.

Ivan Kiely

Chief Executive Officer

A person duly authorised by the Commission

17 December 2019

Proposed Licence Modification

Telecommunications Act 1984

Licence granted to Bluewave Communications Limited to provide services under section 5 of the Telecommunications Act 1984.

Notice of Modification

1. In accordance with its powers under the Telecommunications Act 1984 (Act), and having given notice in accordance with section 10 of the Act, the Communications Commission hereby modifies the Licence for the Running of Telecommunications Systems granted to Bluewave Communications Limited on 20 June 2008 under section 5 of the Act.
2. The Licence shall be modified by inserting Part 6: Additional Obligations in respect of Service Provisions using Spectrum in the 900MHz band into Schedule 1 of the Licence.
3. This document shall be construed as if it formed part of the Licence.

Signed by a person duly authorised by the Communications Commission

Ivan Kiely

Chief Executive Officer

PART 6

ADDITIONAL OBLIGATIONS IN RESPECT OF SERVICE PROVISION USING SPECTRUM IN THE 900 MHZ BAND

38 INTERPRETATION AND APPLICATION

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

38.1.1 runs a telecommunications system making use of 900 MHz; and/or

38.1.2 provides telecommunications services making use of 900 MHz.

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

38.2.1. running of 900 MHz telecommunications system; and/or

38.2.2 provision of telecommunications services using 900MHz.

39 ROLLOUT CONDITIONS

39.1 The Communications Provider shall ensure that at all times after the Coverage Date it is:

- running a telecommunications system using 900 MHz in the Isle of Man; and
- providing telecommunications services using 900 MHz to consumers in the Isle of Man.

39.2 The Communications Provider shall ensure that at all times after the Coverage Date that 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 one megabits per second (1Mbps) when that network is lightly loaded, to users in an area within which at least 50% of the population of the Isle of Man lives;

39.3 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.

39.4 For the purposes of this Condition:

39.4.1.1 the Launch Date is the date of issue of the modification to insert this Part into the Licence;

39.4.1.2 the Coverage Date is two years following Launch Date;

39.4.1.3 "Coverage" means outdoor coverage

39.5 This Part shall have a duration of 12 years and may be renewable at the expiry of that term for 1 or more terms at the discretion of the Commission.

40 PAYMENT OF FEES

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

40.1.1 £1,000 on notification that the Communications Provider has been successful in its application, and accepts the modification of an existing Telecommunications Act licence to incorporate this Part ("the 900 MHz licence fee");

40.1.2 then a further 11 annual payments of £1,000 per annum payable on the anniversary of the modification to the licence to insert this Part.

40.2 For the purposes of paragraph 1(b) of Schedule 2, amounts payable under this Condition shall be deemed to be amounts payable under Condition 24 Licence Fee of this Licence.

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