

**Licence Modification**  
**Telecommunications Act 1984**  
**(LM/01/20)**

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

13<sup>th</sup> February 2020

## **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.