
STATUTORY INSTRUMENTS

2018 No. 86

The Wireless Telegraphy (Licence Award) Regulations 2018

PART 6

The principal stage

CHAPTER 1

Principal stage rounds, principal stage forms, principal stage bids and round prices

Principal stage rounds

25.—(1) During the principal stage, there shall be one or more principal stage rounds.

(2) A principal stage round shall begin and end at the times notified by OFCOM under regulation 54.

(3) The number of principal stage rounds shall be determined by OFCOM in accordance with regulation 28.

Principal stage form

26.—(1) OFCOM shall provide each bidder in the principal stage with a principal stage form.

(2) Subject to paragraph (8), a bidder is not required to submit a principal stage form in respect of each principal stage round.

(3) Where a bidder chooses to complete a principal stage form in respect of a principal stage round, that bidder must, on the principal stage form—

- (a) specify the number of principal stage bids for 2.3 GHz lots it wishes to make in that round;
- (b) specify the number of principal stage bids for 3.4 GHz lots it wishes to make in that round;
- (c) indicate whether it wishes to withdraw the standing high bid status of its bids for 2.3 GHz lots from consideration by OFCOM for the assignment of standing high bid status after the end of that round;
- (d) indicate whether it wishes to withdraw the standing high bid status of its bids for 3.4 GHz lots from consideration by OFCOM for the assignment of standing high bid status after the end of that round; and
- (e) indicate whether it wishes to carry forward its eligibility limit (as determined for that round) to the next round.

(4) A principal stage form submitted by a bidder in a round is a valid principal stage form if—

- (a) the bidder has completed the form in accordance with paragraph (3);
- (b) the bidder has submitted the form in accordance with regulation 59 or 60;
- (c) the bidder has complied with regulations 43, 45, 46 and 49 in respect of any principal stage bids specified on the form;

- (d) the bidder has complied with regulation 47 in respect of any withdrawal of standing high bid status indicated on the form;
 - (e) the bidder has complied with regulation 44 in respect of the total frequencies associated with the form; and
 - (f) the bidder has complied with regulation 48 in respect of any request to carry forward its eligibility limit indicated on the form.
- (5) A principal stage bid is a valid principal stage bid if it is specified on a valid principal stage form.
- (6) A withdrawal of standing high bid status is a valid withdrawal of standing high bid status if it is indicated on a valid principal stage form.
- (7) Any request by a bidder to carry forward its eligibility limit is a valid request to carry forward its eligibility limit if it is indicated on a valid principal stage form.
- (8) Any bidder in the principal stage which, in the first principal stage round, does not specify at least one valid principal stage bid shall be excluded from the award process and shall not receive a refund of any sums which the bidder has paid as a deposit under these Regulations, which shall (where not already forfeited) be forfeited together with any interest which has accrued on the deposit.

Principal stage bids

- 27.—(1) Each principal stage bid is a bid for the inclusion in a licence of one lot of a particular type at the round price for a lot of that type or, in the circumstances described in paragraph (2), at twice the round price for a lot of that type.
- (2) The circumstances are where the principal stage bid becomes a winning principal stage bid after withdrawal of that bid's standing high bid status in accordance with regulation 39 or 40.

Number of principal stage rounds

- 28.—(1) After the end of each principal stage round, OFCOM shall determine whether there was a round event in that round in accordance with paragraph (4).
- (2) Where OFCOM determine that there was no round event in that principal stage round there shall be no further principal stage rounds, and OFCOM shall determine the winning principal stage bids in accordance with regulation 37.
- (3) Where OFCOM determine that there was a round event in that principal stage round, there shall be another principal stage round.
- (4) There was a round event in a principal stage round where—
- (a) a bidder specified a valid principal stage bid in that round;
 - (b) a bidder indicated a valid withdrawal of standing high bid status in that round; or
 - (c) an eligibility event occurred in that round.

Round prices for the first principal stage round

29. For the first principal stage round—
- (a) the round price for each 2.3 GHz lot shall be ten million pounds; and
 - (b) the round price for each 3.4 GHz lot shall be one million pounds.

Determination of round prices for subsequent principal stage rounds

- 30.—(1) For each subsequent principal stage round—

- (a) the round price for each 2.3 GHz lot shall be determined by OFCOM in accordance with regulation 31; and
 - (b) the round price for each 3.4 GHz lot shall be determined by OFCOM in accordance with regulation 32.
- (2) The round price shall be the same for each lot of the same type.

Round price for 2.3 GHz lots

31.—(1) The round price for each 2.3 GHz lot shall be the same as it was for the most recent round, except where paragraph (3) applies.

(2) Where paragraph (3) applies, the round price for each 2.3 GHz lot shall be higher than it was for the most recent round.

(3) This paragraph applies where, after the end of the most recent round, OFCOM assigned standing high bid status to four valid principal stage bids for 2.3 GHz lots at the round price of the most recent round.

Round price for 3.4 GHz lots

32.—(1) The round price for each 3.4 GHz lot shall be the same as it was for the most recent round, except where paragraph (3) applies.

(2) Where paragraph (3) applies, the round price for each 3.4 GHz lot shall be higher than it was for the most recent round.

(3) This paragraph applies where, after the end of the most recent round, OFCOM assigned standing high bid status to thirty valid principal stage bids for 3.4 GHz lots at the round price of the most recent round.