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STATUTORY INSTRUMENTS

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**2018 No. 86**

**The Wireless Telegraphy (Licence Award) Regulations 2018**

**PART 6**

**The principal stage**

**CHAPTER 2**

**Assignment of standing high bid status**

**Assignment of standing high bid status by OFCOM after the end of each principal stage round**

**33.**—(1) After the end of each principal stage round, OFCOM shall assign standing high bid status to valid principal stage bids for 2.3 GHz lots and valid principal stage bids for 3.4 GHz lots in accordance with paragraphs (2) and (3).

(2) OFCOM shall assign standing high bid status for each lot type separately.

(3) OFCOM shall assign standing high bid status by—

- (a) first, identifying and ranking the bidders in accordance with regulation [34](#);
- (b) second, identifying and ranking the bids made by those bidders in accordance with regulation [35](#); and
- (c) third, assigning standing high bid status to those bids in accordance with regulation [36](#).

**Process for assigning standing high bid status: ranking the bidders**

**34.**—(1) For each lot type separately, OFCOM shall identify the bidders that fall into one of the following three categories such that—

- (a) the first category contains the bidders (if any) (“category one bidders”) which made valid principal stage bids for a lot of that type at the round price of the most recent round (whether made in the most recent round or in an earlier round);
- (b) the second category contains the bidders (if any) (“category two bidders”) which made valid principal stage bids for lots of that type in the latest round in which the bidder submitted bids for lots of that type satisfying the following conditions—
  - (i) the bids were made at a round price which was lower than the round price of the most recent round; and
  - (ii) all of the bids were assigned standing high bid status by OFCOM after the end of the previous round;
- (c) the third category contains the only bidder (if any) (“category three bidder”) which made valid principal stage bids for lots of that type in the latest round in which the bidder submitted bids for lots of that type satisfying the following conditions—
  - (i) the bids were made at a round price which was lower than the round price of the most recent round;

- (ii) some but not all of the bids were assigned standing high bid status by OFCOM after the end of the previous round; and
  - (iii) the standing high bid status of the bids was not withdrawn by the bidder in the most recent round in accordance with regulation 47.
- (2) For each lot type separately, OFCOM shall rank the bidders on a list (“bidder ranking list”) so that—
  - (a) category one bidders appear above category two bidders and above any category three bidder;
  - (b) category two bidders appear above any category three bidder; and
  - (c) within each category, bidders are ranked in a random order.

**Process for assigning standing high bid status: ranking the bids**

**35.**—(1) For each lot type separately, OFCOM shall identify the relevant valid principal stage bids for each bidder included in the bidder ranking list.

- (2) The relevant valid principal stage bids are—
  - (a) for category one bidders, all the valid principal stage bids for lots of that type made by the bidder in the latest round in which it submitted bids;
  - (b) for category two and category three bidders, all the valid principal stage bids for lots of that type made by the bidder which were assigned standing high bid status after the end of the previous round.
- (3) For each lot type separately, OFCOM shall rank those bids on a list (“overall bid list”) so that all the relevant valid principal stage bids made by a bidder which is ranked higher on the bidder ranking list appear above the relevant valid principal stage bids made by a bidder which is ranked lower on the bidder ranking list.

**Process for assigning standing high bid status: assigning standing high bid status to the bids**

**36.**—(1) For each lot type separately, OFCOM shall assign standing high bid status to bids in the overall bid list by giving such status to bids in the order in which they appear in the list, starting from the top of the list.

- (2) For each lot type separately, OFCOM shall assign standing high bid status to bids until each bid in the overall bid list has been assigned standing high bid status or until the number of bids to which OFCOM has assigned standing high bid status is equal to the number of lots of that type which are available in the award process (whichever happens first).