



Proposal to Open Standard Spectrum Bands Currently Specified as 'Closed' in the National Spectrum Plan 2014-2017 (ECS 03/2014)

STATEMENT OF RESULTS AND FINAL DECISION

ECS 04/2018

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1. Introduction

This Statement of Results and Final Decision is issued by the Utilities Regulation and Competition Authority (“URCA”) pursuant to sections 11 and 12 of the Communications Act, 2009 (Comms Act). The publication of this document concludes URCA's public consultation on “Proposal to Open Standard Spectrum Bands Currently Specified as ‘Closed’ in the National Spectrum Plan 2014-2017 (ECS 03/2014)”, ECS 18/2017 (the “Consultation Document”).¹

1.1 Background

URCA published the National Spectrum Plan 2014-2017 (ECS 03/2014) (the “NSP”) on 10 April 2014. Appendix D of the NSP states which spectrum bands are open and are available for issuance and which spectrum bands are closed and are not available for issuance. In section 5.3 of the NSP, URCA stated that the catalyst for opening new spectrum bands would be growth in demand for new or existing wireless electronic communications services. Since the publication of the NSP Plan, URCA has observed that both domestic and global trends have shown exponential growth in industry demand for spectrum. URCA expects that this trend will continue. Moreover, URCA is of the view that it can respond to this trend by proactively opening additional spectrum bands to satisfy the growing demands for spectrum and facilitate the evolution of new technologies and electronic communications services as required under the Comms Act. Consequently, URCA proposes to open the standard spectrum bands, specified as ‘Closed’ in the NSP for The Bahamas.

URCA, therefore, issued a public Consultation Document under the caption *Proposal to Open Standard Spectrum Bands Currently Specified as ‘Closed’ in the National Spectrum Plan 2014-2017 (ECS 03/2014), ECS 18/2017* on 9 November 2017 to solicit the views of the general public and interested parties on the proposed opening of the radio spectrum bands currently designated as ‘Closed’ in the NSP.

The objectives of the public consultation on the proposal to open standard spectrum bands currently specified as ‘closed’ in the NSP were to:

¹ <http://www.urcabahamas.bs/download/087456200.pdf>

- i. Identify the spectrum bands designated as ‘closed’ in the NSP;
- ii. Propose a method of opening the ‘closed’ spectrum bands;
- iii. Seek comments from interested persons, regarding URCA’s proposed opening of the ‘closed’ spectrum bands; and
- iv. Open the “closed” bands based on the public’s interest and feedback from the industry.

1.2 Responses to this Consultation

As previously mentioned, on 9 November 2017, URCA published *"Proposal to Open Standard Spectrum Bands Currently Specified as ‘Closed’ in the National Spectrum Plan 2014-2017 (ECS 03/2014)", ECS 19/2017* (the “Consultation Document”), seeking comments from the general public and interested parties. The period for submission of written responses and comments to the Consultation Document closed on 9 December 2017. During the consultation period, URCA received written responses from:

- Andros Lakeside Development Company Ltd. (ALDC);
- Be Aliv Limited (Aliv); and
- Cable Bahamas Ltd and its subsidiary Systems Resource Group (CBL & SRG).

The substance of the responses is summarised in this Statement of Results. However, the full text can be downloaded from URCA’s website at www.urbahamas.bs. URCA thanks the respondents for their participation in this public consultation process, which informed the Statement of Results and Final Decision.

In this document, URCA has sought to provide a summary of the responses considered and discussion of URCA’s position on those responses. However, URCA may not have reproduced all matters discussed. The lack of response to a comment or any issue raised by a respondent does not signify URCA’s agreement in whole or in part with the comment nor should it be taken to mean that URCA has not considered the comment or that the comment was considered to be unimportant or without merit.

1.3 Structure of the remainder of this document

The remainder of this document is structured as follows:

- Section 2: Final Determination on Proposal to Open Standard Spectrum Bands Currently Specified as 'Closed' in the National Spectrum Plan 2014-2017 (ECS 03/2014);
- Section 3: Responses to the consultation; and
- Section 4: Conclusion.

2. Final Determination On Proposal To Open Standard Spectrum Bands Currently Specified As ‘Closed’ In The National Spectrum Plan 2014-2017 (Ecs 03/2014)

WHEREAS, The Utilities Regulation and Competition Authority (URCA) issued a public consultation on “Proposal to Open Standard Spectrum Bands Currently Specified as ‘Closed’ in the National Spectrum Plan 2014-2017 (ECS 03/2014)”, ECS 19/2017 on 9 November 2017 to solicit comments from the general public and interested parties.

AND WHEREAS, URCA has duly considered all of the responses to the public consultation;

URCA hereby issues the following Final Decision:

a) Opening of Spectrum Bands

URCA shall recommend to the Minister with Responsibility for the Electronic Communications Sector for a revised National Spectrum Plan (NSP) in accordance with section 31 of the Comms Act, that the bands set out in Table 1 below be specified as open in the NSP.

Table 1: *List of Spectrum Bands Opened*

Frequency Range (MHz)			Classification	Status
380	-	400	Standard	URCA Proposes to Open
470	-	698	Standard	URCA Proposes To Open
894	-	902	Standard	URCA Proposes To Open
902	-	928	Standard	URCA Proposes To Open
928	-	960	Standard	URCA Proposes To Open
960	-	1395	Standard	URCA Proposes To Open
1395	-	1427	Standard	URCA Proposes To Open
1427	-	1500	Standard	URCA Proposes To Open
1500	-	1559	Standard	URCA Proposes To Open
1559	-	1625	Standard	URCA Proposes To Open
1625	-	1661	Standard	URCA Proposes To Open
1661	-	1710	Standard	URCA Proposes To Open
1805	-	1850	Standard	URCA Proposes To Open
1995	-	2025	Standard	URCA Proposes To Open
2025	-	2110	Standard	URCA Proposes To Open
2155	-	2200	Standard	URCA Proposes To Open

2200	-	2305	Standard	URCA Proposes To Open
2320	-	2345	Standard	URCA Proposes To Open
2360	-	2400	Standard	URCA Proposes To Open
3800	-	5725	Standard	URCA Proposes To Open
5875	-	10700	Standard	URCA Proposes To Open
12700	-	24000	Standard	URCA Proposes To Open
43500	-	61000	Standard	URCA Proposes To Open

b) Provisioning of Spectrum Bands

URCA will provision bands set out in Table 1 by implementing the steps set out below:

- Step 1: URCA will prepare draft policy for that band (60 days)
- Step 2: Consultation on the draft policy (30 days)
- Step 3: Finalizing the policy (30 days)
- Step 4: Implementation of the policy (7 days)
- Step 5: Licence award (30 days)

c) Allocation of Spectrum Bands

The service allocations for all spectrum bands, including the bands set out in Table 1, shall conform to the latest version of International Table for Frequency Allocations published by International Telecommunication Union Radio Regulations (ITU-RR) and the Bahamas’ National Frequency Allocation Table (NFAT) in the NSP

d) Determination of Spectrum Band Plans

Any draft policy for spectrum band plan proposed by URCA in fulfillment of Step 1 of the provisioning of Spectrum Bands shall conform to International Telecommunications Union Radiocommunication Regulation (ITU-RR) and shall be harmonised with an appropriate ITU Region 2 band plans, with a view of:

- i. ensuring harmonized spectrum access conditions which enable interoperability and economies of scale for wireless equipment;
- ii. working towards the more efficient use of the radio spectrum; and

- iii. improving the availability of information and communications technologies throughout The Bahamas.

In proposing a policy for any spectrum band plan, URCA shall take into account the costs and implications on spectrum users. In particular, URCA will aim to maximize the implicit and explicit economic benefits that can result by harmonizing band plans with significant international markets.

3. General Comments Received on the Consultation

In this Section, URCA summarises and responds to the general comments received from the respondents. URCA notes that the comments from Be Aliv Limited (Aliv), Cable Bahamas Ltd. (CBL) and its subsidiary, Systems Resource Group (SRG) are similar in content. Therefore, URCA will address these respondents collectively.

3.1 General Comments from Aliv, CBL, and SRG

Be Aliv Limited (Aliv), Cable Bahamas Ltd. (CBL) and its subsidiary, Systems Resource Group (SRG), generally agreed with URCA's proposal to open the proposed spectrum bands on its own volition. Aliv speculated that demand for radio spectrum would increase and urged URCA to position itself to respond quickly and efficiently to the demand for spectrum and with the aim of allocating spectrum to the applicant that would use the spectrum most efficiently over the long term. In that vein, Aliv expressed reservations with issuing spectrum on a first-come-first-serve basis. Also, Aliv urged URCA to review the regulatory position related to spectrum trading and spectrum refarming.

3.2 General Comments form Andros Lakeside Development Company Ltd.

ALDC also agreed with URCA's proposal to open the proposed spectrum bands on its volition. ALDC argued that the opening of additional spectrum could have benefits for the Bahamian public including:

- i. Encouraging availability of new and emerging technologies;
- ii. Stimulating competition by reducing barriers to entry for new entrants;
- iii. Facilitating introduction and deployment of technologies independent of the incumbent operators at a lower cost, and
- iv. Overcoming the bottleneck facilitated by dominant operators.

In addition to highlighting some potential benefits of opening new spectrum bands, ALDC cautioned URCA to be more judicious in relation to spectrum assignments. ALDC urged URCA to ensure that there would be sufficient spectrum resources to facilitate emerging technologies and requested that URCA to limit the amount of spectrum that can be assigned to one licensee.

3.4 URCA's Responses to General Comments

URCA thanks the respondents for offering general comments to the Consultation Document. URCA notes that, in general, the respondents agreed with the proposals set out in the document.

URCA notes the concerns and suggestions expressed by the respondents. Regarding the concerns and suggestions from Be Aliv Limited (Aliv), Cable Bahamas Ltd. (CBL) and Systems Resource Group (SRG), URCA advise the respondent that under the Comms Act, URCA is required to grant spectrum in less than thirty calendar days after receiving a complete application along with the necessary supporting documentation and applicable fees. In its Annual Report 2016, URCA shows that the average time taken to grant spectrum is 11 days after receiving **a complete application along with the application fee and all the required supporting documentation**. However, as it relates to premium spectrum, URCA reminds the respondents that section 30(1) Comms Act provides that Minister shall decide the method of allocating the frequencies, the spectrum fees or the method of setting fees. In both cases, fees and the method of allocation are set to ensure the optimal use of spectrum² and furtherance of the ECSP objectives. Premium spectrum bands are identified in the National Spectrum Plan, published by URCA from time to time in accordance with section 31 of the Comms Act, and are not subject to this process.

Also, URCA draws attention to ALDC's comment about the assignment of an equal amount of premium spectrum to all cellular mobile operators in The Bahamas. URCA advises ALDC that a spectrum management policy premised on equitable spectrum grants to all licensees is wholly inconsistent with regulatory best practices. Instead, URCA aims to assignment spectrum in a manner that is fair, open and transparent and in a manner that is economically efficient and facilitates the availability of new services and furtherance of the ECSP objectives.

² See Section 93, Communications Act, 2009

4. Summary of Responses and Final Decision

In this Section, URCA summarises the respondents' comments to the consultation questions and states its final position.

4.1 Question 1

In opening the proposed spectrum bands designated as closed, do you agree that URCA should consider available technologies when determining the optimal amount of spectrum to be awarded? If not, please provide specific reasons as to why URCA should not consider available technologies.

Aliv, CBL & SRG's Comments

Aliv reasoned that URCA should maintain a technologically neutral approach to the assignment of spectrum and allow successful applicants to determine which technology is the most appropriate.

ALDC's Comments

ALDC agreed that URCA should consider available technologies when determining the optimal amount of spectrum to be awarded. ALDC argued that the proper allocation of spectrum offer the potential for the availability of new and improved services, which promotes the public's interest.

URCA's Response and Final Decision

URCA notes the disagreement amongst the respondents regarding whether URCA should consider available technologies when determining the optimal amount of spectrum to be awarded. URCA believes the current practice of technological neutrality while having regarding for technical requirements of available technologies would provide a degree of satisfaction to all respondents.

Final Decision: Technology-Neutral Approach

URCA shall maintain a technology-neutral approach unless the service allocations specified in the National Frequency Allocation Table make such an approach financially or technically unfeasible.

4.2 Question 2

Do you agree with URCA's proposal to open the remaining spectrum bands on URCA's volition? If not, please provide comments indicating reasons and any recommendations for URCA to consider.

Aliv, CBL & SRG's Response

Aliv, CBL & SRG agreed with URCA's proposal to open the closed spectrum bands on its volition. Aliv, CBL & SRG stated that opening the bands on URCA volition will circumvent the unneeded steps involving the Expressions of Interest, as listed on page 15 of the Consultation Document.

ALDC's Response

ALDC agreed with URCA's proposal to open the remaining spectrum bands on URCA's volition.

URCA's Response and Final Position

URCA thanks the respondents for comments to Question 2 of the Consultation Document. URCA notes that the respondents agreed with URCA opening the closed spectrum bands on its volition.

Final Decision: Provisioning of Spectrum Bands

URCA will provision bands set out in Table 1 by application of the steps listed below:

- Step 1: URCA to prepare draft policy for that band (60 days)
- Step 2: Consultation on the draft policy (30 days)
- Step 3: Finalizing the policy (30 days)
- Step 4: Implementation of the policy (7 days)
- Step 5: Licence award (30 days)

4.3 Question 3

Do you agree with URCA's proposal to open the spectrum bands in the radio frequency spectrum designated as "closed" in the NSP and Table-1? If not, please provide comments indicating reasons and any recommendations for URCA to consider.

Aliv, CBL & SRG's Response

Aliv, CBL & SRG agreed that the spectrum bands currently designated as "closed" should be designated as "open."

ALDC's Response

ALDC agreed with URCA's proposal to open the spectrum bands in the radio frequency spectrum designated as "closed" in the NSP and Table-1 of the Consultation Document.

URCA's Response and Final Position

URCA thanks the respondents for comments to Question 3 of Consultation Document. Having received no opposition to its proposal, URCA will proceed to open the spectrum bands in the radio frequency spectrum designated as "closed" in the NSP and Table-1 of "Proposal to Open Standard Spectrum Bands Currently Specified as 'Closed' in the National Spectrum Plan 2014-2017 (ECS 03/2014)", ECS 19/2017.

URCA has reviewed this issue since the closure of the Public Consultation, and URCA notes that the change proposed could be construed as an amendment to the NSP, which would require the approval of the Minister with Responsibility for the Electronic Communications Sector (the ECS Minister) in accordance with section 31 of the Comms Act. URCA therefore considers that, in relation to this change, URCA's decision should be limited to making a recommendation to the ECS Minister. URCA is scheduled make recommendations on the NSP to the ECS Minister during 2018, and will make this recommendation at that time.

Final Decision: Opening of Spectrum Bands

URCA shall, in accordance with section 31 of the Comms Act, recommend to the ECS Minister that the bands set out in Table 1 of this Final Determination be specified as open in the NSP.

4.4 Question 4

With regards to the spectrum bands referenced in this document designated as “closed,” are there any bands that you feel should be prioritized for special type services outside of the services for which the bands are allocated? If yes, please provide details including the reason(s) why they should be of particular interest.

Aliv, CBL & SRG’s Response

Aliv, CBL & SRG stated that the spectrum bands below 5GHz should be given priority because these bands are more valuable for radio communications.

ALDC’s Response

ALDC specified that the 54-60 MHz, 60-72 MHz, 76-88 MHz, 174-216 MHz, 470-608 MHz and 614-698 MHz allotments should be prioritized for television white space as a secondary allocation on a licence-exempt basis.

URCA’s Response and Final Position

URCA thanks the respondents for comments to question 4 of the Consultation Document. URCA has noted the comments and will give due consideration to prioritizing the opening of the specified bands for the services mentioned by the respondents.

Final Decision: Open of Spectrum Bands: Prioritizing of Specific Band

URCA shall give due consideration to prioritizing the opening of the specified bands for the services mentioned by the respondents.

4.5 Question 5

In consideration of URCA’s proposal to open all of the remaining spectrum bands designated as “closed” in the NSP and Table-1, are there any other criteria, interest or views URCA should be aware of or consider outside of what is being proposed? If yes, please provide information for URCA’s consideration.

Aliv, CBL & SRG's Response

Aliv, CBL & SRG suggested that, in addition to the criteria listed on pages 18 and 19 of the Consultation Document, URCA should focus on the frequency allocations made by the Federal Communications Commission, both to avoid potential interference and to ensure compatibility of end-user equipment.

ALDC's Response

ALDC suggested that URCA should take consider the category of the spectrum it intends to release. ALDC argued that URCA should consider identifying additional license-exempt spectrum in the ranges between 54-60 MHz, 60-72 MHz, 76-88 MHz, 174-216 MHz, 470-608 MHz and 614-698 MHz.

URCA's Response and Final Position

URCA thanks the respondents for comments to Question 5 of the Consultation Document. URCA notes the comments by Aliv, CBL and its subsidiary SRG regarding harmonization of frequency assignment and cross-border coordination. URCA agrees with the respondents and will continue to ensure frequency harmonisation and coordination remains an important consideration for URCA's spectrum management regime.

Also, URCA notes the comments advanced by ALDC. Currently, URCA permits the use of low power devices across a broad range of frequencies under the provision of the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013) published by URCA on 23 January 2013 and Class Spectrum Licence not requiring (ECS 24/2009) published by URCA on 1 November 2009. URCA agrees that white spaces, which refer to the unused spectrum between television channels assignments that serve as guard bands to prevent adjacent channel interference, could be utilised by low-power wireless communications devices. URCA intends to address the use of white space subsequent to the forthcoming public consultation related to digital transition spectrum, which will address the future use of the television broadcasting channels mentioned in ALDC's response.

5. Conclusion

URCA thanks the respondents to this Consultation Document. URCA concludes its consultation on Proposal to Open Standard Spectrum Bands Currently Specified as 'Closed' in the National Spectrum Plan 2014-2017 (ECS 03/2014) with the publication of this Statement of Results to Public Consultation and Final Decision.