

## **Response to Public Consultation**

### **Licensing of Mobile/Fixed Communications Networks in Gibraltar, including 5G Mobile Communication Services**

#### **Response of GibFibre Limited**

On 27th August 2019 the Gibraltar Regulatory Authority (“GRA”) issued the above named consultation document for responses by the public, reference no. CO3/19.

In what follows GibFibre Limited (“GibFibre”) deals with the consultation questions 1 to 6 and then makes more general comments in the area.

Naturally GibFibre welcomes the GRA’s consultation in this area and an approach to be taken that encourages rapid expansion of services. If Gibraltar is to keep up with the provision of technologically advanced and/or innovative wireless services it needs to create a structure in which competition in telecoms can thrive.

In particular operators have to be aware that the regulatory and market climate means that they have to when it comes to frequency allocation either “use it or lose it”. Gibraltar needs, however, to embrace a wide range of technologies with a wide range of services which those who live and work in Gibraltar will increasingly require.

#### **Question 1: Do you agree with, or have you any comments on the GRA’s proposed amendments in respect of the three spectrum ranges?**

GibFibre essentially agrees with the classification of the three spectrum ranges. However, what GibFibre most appreciates is the approach that spectrum is being made available in each of the three bands depending on technological requirements for future development of services and the regulatory regime at an international and EU level.

#### **Question 2: Do you agree with, or have any comments on the proposed introduction of made to measure conditions?**

Where in particular Licences are given for wire ranging robust services what Gibraltar does not need is frequency or spectrum hogging. If there are issues with frequencies then operators should use them or lose them in the view of GibFibre. The question as to whether targets be set in the licences in relation to installation of timing is not new in Gibraltar. It was made in respect of the application for the granting of Licences for 4G. What GibFibre perceives is that that the many difficulties with new operators do not seem to have led to any sanctions or the frequencies being taken back or compulsory assigned. The general principle that the conditions should be made to fit the circumstances is a good one. That licence conditions for wire ranging public systems should be different from those on public but more esoteric uses is sensible. GibFibre, however, has struggled over the interpretation of paragraph 3(e) of the schedule to the Notice 07/2006 concerning the general criteria for the grant of licences limited in number. GibFibre finds it difficult to interpret what “the reliability of the licence is sufficient to provide a robust network” means in reality grateful and would be for the GRA’s view of the practical consequences of this provision.

#### **Question 3: Do you agree with or have any comments on the GRA’s proposed channel plan for the sub-band 3400-3600MHz and conditions of use?**

GibFibre broadly welcomes the GRA’s comments on the proposed channel plan for this sub-band.

**Question 4: Do you agree with or have you any comments on the GRA’s proposed plan for the sub-band 3600-3800MHz?**

GibFibre agrees with the GRA’s comments for the use of this sub-band.

**Question 5: Do you agree with or have you any comments on the GRA’s proposal to consider making spectrum available for MFCN’s in the bands above 6GHz only after WRC 2019 has concluded and relevant documents are published?**

GibFibre can see the sense in waiting until the international elements of allocation are finalised before making rules concerning Gibraltar.

**Question 6: Do you agree with or have you any comments on the GRA’s proposal to include minimum service levels subject to the proposed usage of the spectrum?**

GibFibre thinks that Gibraltar has to some extent suffered from frequencies effectively in some cases being “banked” by Part VI Licenced Operators.

Service levels proposed by the GRA must in some ways be exacting and are necessary to try and encourage operators to launch and cover the population with services. What is equally important, however, is enforcement of those conditions. The conditions by themselves will not solve any problems. The enforcement of the conditions will solve problems and should give Gibraltar residents and businesses the quick timetable they need for the uptake of new services including 5G. The timetables and the ability to move quickly is relevant, however, to some of the points made below in respect of infrastructure sharing and short range technologies. Generally, the minimum service levels suggested do not appear to GibFibre to be overly ambitious.

**General points concerning the Consultation**

1. In an area as compact as Gibraltar and given clear environmental priorities and the need for efficient roll out of equipment by other than incumbent operators it will in the view of GibFibre require the GRA to consider using its powers under Section 52(1) of the Communications Act 2006 in respect of co-location and sharing of network elements and associated facilities. Where there is no possibility of harmful interference which would seem in the majority of cases to be unlikely the easiest thing to do so as to minimise environmental disruption would be to start to authorise on a case by case or general basis the sharing of mast and transceiver sites. If the GRA’s aim truly is to achieve a quick and effective rollout this would seem to GibFibre to be just about the only way in which it is achievable.
2. It may well be that any direction in respect of infrastructure sharing may need to be attached to fairly draconian conditions to encourage existing incumbents not to prevaricate and it may be necessary even to suspend the use of incumbents apparatus on masts where sharing is refused.
3. Generally, the GRA may need to examine given Gibraltar’s unique density in terms of households increased use low powered devices. For example, Notice CO4/17 is part of a general strategy of usage of wireless technologies. Use of low powered devices, however, would require the removal of the restriction on business use in the coda to Section 3(2) of that Notice. That might enable the use of small cell equipment like femtocells to provide services.
4. GibFibre would like to return to the question of enforcement and frequencies. Paying for frequency use and application of licences needs to be enforced. It is no use having use it or lose it provisions if you do not actually lose it if you do not use it. The GRA has to make it clear that conditions will be enforced.

5. It is not clear which Duplexing Mode will be used by the amalgamated L-Band and extended L-Band. It would be useful to know as soon as possible which Duplexing Mode (TDD or FDD) will be utilised. When would a decision on this be forthcoming?

In conclusion, GibFibre's view is:

- It broadly welcomes the measures suggested by the Consultation;
- It recognises the need for made to measure conditions and for service level conditions to achieve the type of services envisaged;
- It could be that the GRA's ambitions could be thwarted without the use of equipment infrastructure sharing provisions and the GRA should not forget the possible use of low range frequency equipment as an adjunct given the particular geographic nature of Gibraltar.