

Regulation 64B/2018 M on auctioning of the 3410–3800 MHz frequency range

Helsinki August 11, 2018

The Finnish Communications Regulatory Authority (FICORA) has, under section 12 of the Act on Electronic Communications Services (917/2014), laid down as follows:

Section 1 Scope of application

This Regulation shall apply to the auctioning of the 3410–3800 MHz frequency range. This Regulation lays down provisions on registration for auctioning and on the process and procedures applied in the auction in accordance with the Government decree on radio spectrum auction for the 3410–3800 MHz frequency range.

Section 2 Registration period

Registrations must be submitted to FICORA by August 17, 2018, and they must reach FICORA at 4.15 pm at the latest. Registration forms arriving late will be disqualified.

Section 3 Information to be given at registration

Registration for the auction must be made in writing, by using the registration form in Annex 1.

The registration must include the following information of the company or organisation:

- 1) name and Business ID or, in the case of a foreign company or organisation, corresponding business identity code;
- 2) postal address;
- 3) name, telephone number and email address of a contact person who is authorised to represent the company or organisation in the auction;

- 4) a description of the group structure and of effective control.

All required information must be provided and the registration form must be signed by an authorised signatory. The authority to sign of the signatory must be clearly indicated in the trade register, in a corresponding foreign register or in a separate power of attorney.

All documents must be submitted to FICORA either in Finnish, Swedish or English.

Any changes in the information given in the registration must be notified to FICORA in writing without delay.

Section 4 Contact person

FICORA will direct documents and other correspondence pertaining to the auction only to the contact person named in the registration form. It is the bidder's responsibility to ensure that the contact information is correct and up-to-date and that the contact person is available starting from the date of registration until the end of the auction.

Section 5 Auction system

The auction will be conducted electronically. The bidder is responsible for the means necessary for an online auction.

FICORA will deliver the log-in information and passwords to the contact person of the bidder referred to in section 4 by registered letter to the postal address provided in the registration form, or by some other reliable means appropriate for delivering the information in question.

Section 6 Frequency bands

The 3410–3800 MHz frequency range referred to in paragraph X of section X of the government decree has been divided into three 130 MHz frequency bands in the auction.

Section 7 Eligibility

A bidder's right to place bids in each bidding round is called eligibility. Each bidder can place a maximum of one bid in each bidding round.

In order to retain eligibility, the bidder must participate in every bidding round, except for the situation defined in section 13. A bidder retains eligibility if at the beginning of a bidding round they hold the standing high bid on a frequency band or if they have placed a bid for the frequency band in accordance with section 10. Further, a bidder retains eligibility if they have played a waiver in accordance with section 13.

Section 8 Commencement of auction

FICORA will announce the starting date and time of the first bidding round to the bidder's contact person, referred to in section 4, no later than two weeks before the start of the auction.

Section 9 Bid increments

FICORA will determine the going price for a frequency band based on the standing high bid made in the previous bidding round. The going price determined by FICORA shall be no more than 6% higher than the standing high bid in the band.

However, if a bidder has placed a higher bid than the standing high bid on a frequency band in one of the previous bidding rounds, the going price for the bidder is no more than 6% higher than the highest bid placed by the bidder on the frequency band in the previous round.

The bid increments referred to in paragraph 1 and paragraph 2 must, however, be proportionally the same for all bands during the same bidding round. If there is no standing high bid or the bidder has not placed any bids on the frequency band during the previous round, the going price for the bidder is the starting price of the band.

Section 10 Placing bids

Placing bids in this Regulation means:

- 1) placing bids in the first bidding round;
- 2) raising bids in subsequent rounds;
- 3) switching bids in subsequent rounds.

Bids are placed via the online auction system.

In the first bidding round, bidders can place a bid on one frequency band.

In subsequent bidding rounds, the bidder can raise a bid or switch a bid only if the bidder is eligible in accordance with section 7.

A bidder cannot raise a bid if it is the standing high bid as referred to in section 11.

A standing high bid cannot be switched if no other bidder has placed or switched a bid during the previous round in accordance with section 10, or if none of the bidders has played a waiver in accordance with section 13.

If, due to a technical difficulty or other reason, the bidder is unable to place bids via the online system, bids can be placed by other means approved by FICORA.

Only bids placed before the end of the ongoing bidding round are accepted. Bids arriving late will not be accepted.

Section 11 Standing high bid

At the end of the bidding round the standing high bid for a frequency band is the bid that has the highest value. If there are several equal bids for the same frequency band, the standing high bid and the mutual ranking of the bids is set by drawing lots in the online system.

Section 12 Cancelling bids

A bidder's standing bid for a frequency band may only be cancelled if the bidder increases their bid in the same frequency band or switches the bid for another frequency band as stated in Section 10.

Section 13 The right to play a waiver

Each bidder has the right to play a waiver in a maximum of three (3) bidding rounds without reduction of eligibility. The bidder must inform of this before the end of the bidding round where the waiver is used.

If a bidder's eligibility would otherwise be reduced in accordance with section 7, a bidder is regarded without notice as having played a waiver, unless the bidder specifically states that a waiver will not be played.

A bidder may not, however, play a waiver in the first round of the auction.

Section 14 End of the auction

FICORA announces the auction concluded after a bidding round during which no new bids have been placed or waivers have been played as stated in sections 10 and 13, respectively.

Winners of the auction are those bidders, who have the standing high bid on a frequency band after the auction has been concluded. The winner of the auction is entitled to a licence and radio licence as laid down in the Act on Electronic Communications Services.

Section 15 Impact of disqualification of bids

If a bidder's bid, which is the standing high bid, is disqualified under section 15 of the Act on Electronic Communications Services before FICORA has announced the auction concluded, the second highest bid placed on the frequency band will become the new standing high bid. In other respects the auction continues as before.

Section 16 Interruption of the auction

FICORA may interrupt the auction, if an external, urgent incident occurs during the auction, preventing or essentially harming the auctioning in accordance with the auction process referred to in the Government Decree on spectrum auction or this Regulation. Moreover, FICORA may interrupt

the auction if there is reason to suspect prohibited collusion in relation to the auction as referred to in paragraph 3 of section 13 of the Act on Electronic Communications Services, or if there is reason to believe that bids are placed only to prevent the auction from concluding.

The auction may be resumed directly from the point at which it was interrupted. FICORA may declare one or more bidding rounds annulled due to an urgent incident or prohibited collusion as referred to in paragraph 1, and restart the auction from the preceding phase.

Section 17 Entry into force

This Regulation enters into force on August 11, 2018 and will remain valid until further notice.

Section 18 Information and publication

This Regulation is included in the Series of Regulations issued by the Finnish Communications Regulatory Authority and it can be obtained from the FICORA Customer Service Office:

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Helsinki August 11, 2018

Kati Heikkinen
On behalf of Director-General, Deputy Director

Saara Punkka
Chief

ANNEXES

Annex 1: Registration form

ANNEX 1

Registration for auctioning of 3410-3800 MHz

Name of the company or organisation participating in the auction:

The business ID or equivalent of the company or organisation:

Mailing address: _____

Contact information of the person who represents the company or organisation in the auction (the contact person referred to in section 4 of Regulation 64 B/2018)

Name: _____

Phone number: _____

Email: _____

Signature:

The registration form must be signed by an authorised signatory. The authority to sign must be clearly indicated in the extract from the trade register, in a corresponding foreign document or in a separate power of attorney.

The following documents must be annexed to the registration form:

- Extract from the trade register or a corresponding foreign registry document indicating authorized signatory.
- _ Power of attorney, if the authorized signatory is not clearly stated in the extract from the trade register.
- _ Information on all companies and organisations belonging to the same group as the registrant, as defined in Chapter 1, section 6 of the Accounting Act (1336/1997).

The documents may be issued in Finnish, Swedish or English. If the original documents are drawn up in another language, a Finnish, a Swedish or an English translation must be provided.