

**Notice on the Licensing Process for International Mobile Telecommunications (“IMT”) Spectrum, Inviting Comments in Respect of the Provisioning of Mobile Broadband Wireless Open Access Services for Urban and Rural Areas Using the Complimentary Bands, IMT700, IMT800, IMT2300, IMT2600 and IMT3500.**

	Clause	Requirement	Concern / Explain why it is a concern	Preferred Solution
1.	6.3.1	A licensee is required to provide open access to a minimum of three (3) Mobile Virtual Network Operators (MVNO).	Uncertainty as to the “provide open access” portion of this clause.	Clarity should be provided as to the open access to be provided. Is this clause referring to WOAN or the licensees own access.
2.	6.3.2	MVNO must have a minimum of 51% ownership held by persons from Historically Disadvantaged Groups.	Having 51% ownership held by HDG’s is a high standard. The concern is that are we not limiting participation of competent MVNO’s ? What happens where there are no MVNO’s who meet the 51% ownership requirement. Would this limitation not create an environment where MVNO’s participation is deprived?	Having 51% ownership held by HDG’s should not be an absolute requirement, but rather that preference can be provided to MVNO’s who have such 51% ownership of HDG’s.
3.	6.3.5	To ensure the sustainability and future capability of the WOAN an offtake i.e. a minimum of 30% national capacity must be procured from the WOAN collectively as soon as the WOAN is operational, for a period of at least five years, by radio frequency spectrum licensees that are assigned high demand spectrum through this licensing process. The percentage to be procured by each licensee may be proportionate to the amount of high demand spectrum assigned to such licensee.	Uncertainty as to the 30% of national capacity to be procured from the WOAN. An indication needs to be provided as to how this clause will be given effect to.	Clarity should be provided as to the 30% of national capacity to be procured from WOAN, such as: <ul style="list-style-type: none"> <li>- Will a cap be applied limiting the number of MNO’s, and if so, the number of caps;</li> <li>- Will a manner be prescribed as to how the roll-out will be taking place over the period of five years. For example, will there be a once off allocation? Alternatively, allocations at different times during the 5-year period.</li> </ul>

