

Regulation 64 C/2020 M on auctioning of network licenses in the 25.1-27.5 GHz frequency range

Issued in Helsinki on 14 March 2020

The Finnish Transport and Communications Agency 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 process of auctioning of network licences in the 25.1-27.5 GHz 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 25.1-27.5 GHz frequency range (202/2020).

Section 2 Registration period

Registrations must be submitted to the Finnish Transport and Communications Agency by 20 May 2020 and they must reach the Finnish Transport and Communications Agency at 4.15 pm at the latest. Registration forms arriving late will be disqualified.

Section 3 Information to be submitted 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 and street 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 information required must be given and the registration form must be signed by an authorised signatory. The authority to sign of the signatory must be clearly indicated in trade register, in a corresponding foreign register or in a separate power of attorney.

The following documents must be annexed to the registrations form and submitted to the Finnish Transport and Communications Agency in either Finnish, Swedish or English:

- 1) extract from the trade register or a corresponding foreign registry document indicating authorised signatory status;
- 2) power of attorney, if the authorized signatory is not clearly stated in the extract from the trade register, and
- 3) 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).

Any changes in the information given in the registration must be notified to the Finnish Transport and Communications Agency in writing without delay.

Section 4 Contact person

The Finnish Transport and Communications Agency will direct documents and other correspondence pertaining to the auction only to the contact person named in the registration form or to the new contact person notified by the bidder. 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 well-functioning means necessary for an online auction.

The Finnish Transport and Communications Agency will deliver the log-in information and passwords to the contact person of the bidder referred to in section 4 via reliable verifiable means.

Section 6 Frequency bands

The 25.1-27.5 GHz frequency range referred to in paragraph 1 in section 2 of the Government Decree is divided into three 800 MHz frequency bands in the

auction as follows: 25.1-25.9 GHz (A), 25.9-26.7 GHz (B), and 26.7-27.5 GHz (C).

Section 7 Eligibility

A bidder's right to place a bid 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 situations defined in section 13. A bidder retains eligibility if at the beginning of a bidding round the bidder holds the standing high bid on a frequency band or if the bidder has placed a bid in accordance with section 10. Furthermore, a bidder retains eligibility if the bidder has played a waiver in accordance with section 13.

Section 8 Commencement of auction

The Finnish Transport and Communications Agency will announce the starting date and time of the first bidding round to the bidder's contact person, referred to in section 4, at least two weeks before the start of the auction.

Section 9 Price increments

The Finnish Transport and Communications Agency 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 the Finnish Transport and Communications Agency shall be no more than 6% higher than the standing high bid on 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 that the bidder has placed on the frequency band.

The price increments referred to in paragraph 1 and paragraph 2 must, however, be proportionally the same 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 a bid in this Regulation means:

- 1) placing a bid in the first bidding round;
- 2) raising a bid on a same frequency band in subsequent rounds;
- 3) switching a bid to another frequency band in subsequent rounds.

Bids are placed via the online auction system. Only a valid bid according to this Regulation is regarded as a bid.

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

In subsequent bidding rounds, the bidder can raise its bid or switch its bid only if it 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 bidding round in accordance with this section or if none of the bidders has played a waiver in accordance with section 13.

If, due to a technical difficulty or other imperative reason, the bidder is unable to place bids via the online auction system, bids can be placed by other means approved by the Finnish Transport and Communications Agency.

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

Section 11 The standing high bid

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

Section 12 Cancelling bids

A bidder's previous bid for a frequency band may only be cancelled if the bidder raises its bid in the same frequency band or switches the bid to another frequency band, as stated in Section 10.

13 Section 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. If a bidder wants to play a waiver in a bidding round, the bidder must inform on that before the end of the bidding round.

If in a bidding round 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

The Finnish Transport and Communications Agency announces the auction concluded after a bidding round during which no bid have been placed or waiver 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 frequency band after the auction has been concluded.

Section 15 Impact of disqualified 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 the Finnish Transport and Communications Agency has announced the auction concluded, the second highest bid placed on the frequency band will become the new standing high bid. In all other respects, the auction continues as before.

Section 16 Interruption of auction

The Finnish Transport and Communications Agency 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, the Finnish Transport and Communications Agency 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. The Finnish Transport and Communications Agency 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 15 April 2020 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 Transport and Communications Agency and can be obtained from the Agency's Customer Service:

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Helsinki 14 April 2020

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ANNEXES

Annex 1: Registration form

ANNEX 1

Registration for auctioning of 26 GHz

Name of the company or organisation participating in the auction:

The business ID or equivalent of the company or organisation:

Postal address and street
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 C/2020)

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.