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BY EMAIL ONLY
NON-CONFIDENTIAL

Robert Emson
Ofcom
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25 February 2013

Dear Sirs,

Consultation Response of Hutchison 3G UK Limited (“Three”) on Ofcom’s proposal to make (1) spectrum trading regulations and (2) register regulations in connection with the award of 800 MHz and 2.6 GHz of 24 January 2013 (the “Consultation”)

Three welcomes the opportunity to comment on Ofcom’s proposals in the Consultation. Three’s comments in response to the specific questions raised by Ofcom are as follows:

1. Do you have any comments on the proposed Wireless Telegraphy (Mobile Spectrum Trading) Regulations?

In general, Three supports Ofcom’s proposal to make spectrum licences for 800 MHz and 2.6 GHz tradable. As mentioned in our response to Ofcom’s March 2011 Consultation on the assessment of future mobile competition and proposals for the award of 800 MHz and 2.6 GHz spectrum,¹ Three believes it is important that all liberalised and auctioned spectrum is subject to the same terms in relation to spectrum trading and should include a competition check.

In relation to the spectrum trading process to be followed, Three presumes that the same processes for spectrum trades of 900 MHz, 1800 MHz and 2100 MHz will also apply for proposed transfers of 800 MHz and 2.6 GHz spectrum (e.g., in relation to assessing competition issues). Three notes that no timetable for Ofcom’s spectrum trading process (including their competition assessment) appears in the proposed regulations. As a result, Ofcom’s Trading Guidance Notes² will also be an important port of call for business in relation to any proposed 800 MHz and 2.6 GHz spectrum trade. To help with business planning, some degree of certainty is needed on the likely timetable and process for Ofcom to carry out its assessment of a potential trade.

¹ See p.113 of Three’s Non-Confidential Response to Ofcom’s 22 March 2011 Consultation on the “Assessment of future mobile competition and proposals for the award of 800 MHz and 2.6 GHz spectrum and related issues,” dated 7 June 2011.

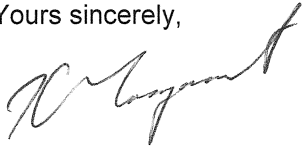
² See Ofcom Trading Guidance Notes, OfW513 (December 2011).

2. Do you have any comments on the proposed Wireless Telegraphy (Register)(Amendment) Regulations?

Three supports Ofcom's proposal.

We would of course be very happy to discuss this further with Ofcom, if you consider that would be of assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'X. Mooyaart', written in a cursive style.

Xavier Mooyaart
Head of Legal – Competition and Regulatory