

# **Statement on the final draft of the Regulations for the award of spectrum in the 700 MHz and 3.6-3.8 GHz frequency bands**

Notice of Ofcom's final draft of the Wireless  
Telegraphy (Licence Award) Regulations 2020

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**STATEMENT:**

**Publication date:** 13 March 2020

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# 1. Overview

This document provides notice of Ofcom's intention to make a statutory instrument for the award of spectrum in the 700 MHz and 3.6-3.8 GHz frequency bands.

## **What we have decided – in brief**

On 28 October 2019, we published a consultation on our proposals for the design of the auction of spectrum in the 700 MHz and 3.6-3.8 GHz frequency bands. At the same time, we published a notice of our proposal to make regulations which would implement those proposals.

We have considered the responses to that consultation, and we have today published a statement setting out our decisions for the auction of spectrum in the 700 MHz and 3.6-3.8 GHz frequency bands. This document provides notice of our final draft of the Regulations, which, when enacted, will give effect to the decisions set out in today's statement.

This overview is a high-level summary only. The decisions and reasoning are set out in the full document.

## 2. Introduction

- 2.1 Ofcom has the statutory power under sections 14 and 122(7) of the Wireless Telegraphy Act 2006 (the “2006 Act”) to make regulations to award licences by means of an auction. For the avoidance of doubt, the Regulations take precedence over anything we say in this document.
- 2.2 On 28 October 2019, we published a notice in respect of our proposal to make the Wireless Telegraphy (Licence Award) Regulations 2020 (the “**October 2019 notice**”).<sup>1</sup>
- 2.3 The October 2019 notice contained a draft statutory instrument and invited comments on this by 9 December 2019.
- 2.4 The draft statutory instrument published for consultation in October 2019 was published together with a consultation document setting out our revised proposals on auction design for the award of the 700 MHz and 3.6-3.8 GHz spectrum bands.<sup>2</sup>

### Responses to the October 2019 notice

- 2.5 We received three responses to the October 2019 notice. The two non-confidential ones are published on our website.<sup>3</sup> We summarise and discuss the comments received in section 3.

### Making and publication of the Regulations for the award

- 2.6 Having considered the responses to the October 2019 notice, we have finalised the Wireless Telegraphy (Licence Award) Regulations 2020 (the “**Regulations**”). As set out in our statement “*Award of the 700 MHz and 3.6-3.8 GHz spectrum bands*”,<sup>4</sup> we will make the Regulations once we are certain that stakeholders will either not seek to challenge the decisions set out in that statement, or any such challenges have been disposed of. Once we have made the Regulations, they will be available on [www.legislation.gov.uk](http://www.legislation.gov.uk), which is the only authorised source for published statutory instruments.
- 2.7 We have annexed a final draft of the Regulations to this statement for indicative purposes, in substantially the form we intend to submit for registration and publication once we have made them.

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<sup>1</sup> <https://www.ofcom.org.uk/consultations-and-statements/category-2/auction-regulations-award-700-mhz-3.6-3.8-ghz-spectrum>

<sup>2</sup> <https://www.ofcom.org.uk/consultations-and-statements/category-2/award-700-mhz-3.6-3.8-ghz-spectrum-revised-proposals>

<sup>3</sup> We received non-confidential responses from BT/EE and O2. We also received a confidential response from [REDACTED] BT/EE’s and O2’s responses are available here: <https://www.ofcom.org.uk/consultations-and-statements/category-2/auction-regulations-award-700-mhz-3.6-3.8-ghz-spectrum> The confidential response did not raise comments of a specific nature on the draft regulations and focused on matters of a more general nature.

<sup>4</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/192413/statement-award-700mhz-3.6-3.8ghz-spectrum.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/192413/statement-award-700mhz-3.6-3.8ghz-spectrum.pdf)

2.8 We have also published a separate document, ‘Process guidance for potential applicants and bidders in the auction’ alongside this statement.<sup>5</sup> This document provides guidance on the running of the auction process.

## Document structure

2.9 The structure of this document is as follows:

- a) Section 3 summarises stakeholders’ responses to our October 2019 notice and Ofcom’s subsequent decisions.
- b) Section 4 sets out next steps for the award.
- c) Annex 1 contains a copy of the final draft of the Regulations substantially in the form we intend to submit for registration and publication after they are made.

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<sup>5</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0027/192474/process-guidance-700mhz-3.6-3.8ghz-auction.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0027/192474/process-guidance-700mhz-3.6-3.8ghz-auction.pdf)

## 3. Responses to the Notice and Ofcom's decisions

3.1 We received three responses to the October 2019 notice,<sup>6</sup> two from organisations Telefónica UK Limited (“O2”) and British Telecommunications plc and EE Limited (“BT/EE”) and one confidential respondent. Non-confidential versions of the responses received from BT/EE and O2 are published on our website.<sup>7</sup> Vodafone also noted that it was content that the draft regulations implemented the policy proposals set out in the October 2019 consultation.<sup>8</sup>

### Summary of stakeholder comments and Ofcom's response

#### Auction design

3.2 O2's response to the consultation on the draft regulations included various general comments on full band reconfiguration, the determination of bid constraints, lot size, eligibility points, pricing rule and the information policy for the auction.<sup>9</sup>

3.3 These comments relate to the auction design policy and we have therefore responded to them in our statement ‘Award of the 700 MHz and 3.6-3.8 GHz spectrum bands’ (the “**March 2020 Statement**”), which has been published alongside this document.<sup>10</sup> Please see Section 5 of the March 2020 Statement. O2<sup>11</sup> noted that the Regulations included a term “other bidding indications” in relation to the rules concerning excluding bids made by an excluded bidder and rerunning rounds and asked for clarification of the term.

3.4 We can confirm that “other bidding indications” is intended to refer to any other decisions that a bidder may make in a round, i.e. submission of an eligibility event. Therefore, in the event that Ofcom were to exclude a bidder and re-run rounds under regulations 122 and 129, Ofcom may disregard both any bids and eligibility events from that excluded bidder.

#### Round prices, number of rounds and procedural guidance for bidders

3.5 BT/EE proposed that boundaries are set in the Regulations for the amount that Ofcom can increase prices in each round and that Ofcom provides guidance on its intended approach.<sup>12</sup>

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<sup>6</sup> <https://www.ofcom.org.uk/consultations-and-statements/category-2/proposal-auction-regulations-700mhz-3.6-3.8-ghz>

<sup>7</sup> <https://www.ofcom.org.uk/consultations-and-statements/category-2/auction-regulations-award-700-mhz-3.6-3.8-ghz-spectrum>

<sup>8</sup> Email sent by Vodafone to Ofcom on 9 December 2019.

<sup>9</sup> O2 non-confidential response to the October 2019 notice, pages 3 and 4.

<sup>10</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/192413/statement-award-700mhz-3.6-3.8ghz-spectrum.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/192413/statement-award-700mhz-3.6-3.8ghz-spectrum.pdf)

<sup>11</sup> O2 non-confidential response to the October 2019 notice, page 5.

<sup>12</sup> BT/EE non-confidential response to the October 2019 notice, page 3.

- 3.6 O2 asked for guidance on bid increments, number and duration of bidding rounds and general timings.<sup>13</sup> It requested that Ofcom publish a procedural guidance document for potential applicants and bidders, similar to that published in the Ofcom 2.3 GHz and 3.4-3.6 GHz spectrum auction. It proposed the document should detail procedures for use of the electronic auction system, downloading auction files, how to make alternative bid submissions and the process for communicating questions and answers before and during the auction.
- 3.7 We respond to BT/EE's proposal for setting limits on bid increments in our March 2020 Statement. We note that price increments will be subject to Ofcom's discretion, in order to enable us to best respond to circumstances in the auction as they unfold. Please see paragraphs 5.85-5.90 in the March 2020 Statement. The 'Process guidance for potential applicants and bidders in the auction' provides guidance in relation to price increments, number and duration of bidding rounds and general timings.<sup>14</sup>

## Fax

- 3.8 BT/EE suggested that Ofcom should remove the requirement that bidders provide fax details in their application form and warranty and that it does not use fax to communicate with bidders, as the technology is rapidly becoming obsolete.<sup>15</sup>
- 3.9 In previous auctions, Ofcom has used fax as an alternative form of communication with bidders. We have also typically used fax as the alternative method for bid submission, in the event that a bidder is unable to submit their bid using the electronic auction system. Having reviewed this, we consider that there are now other more appropriate technologies that Ofcom can use for these purposes, such as a password protected email attachments.
- 3.10 We have therefore removed the requirement for prospective bidders to provide fax details in the Regulations. Please see the 'Process guidance for potential applicants and bidders in the auction' on our methods of communication with applicants and bidders throughout the auction process.

## Procedure for the negotiation period

- 3.11 We received comments from BT/EE and O2 on the procedure for the negotiation period, including some suggested improvements. We address these comments below.

### Appointment of independent third party for negotiation period

- 3.12 BT/EE suggested that Ofcom should appoint an independent third party to help facilitate any negotiations between winners of 3.6-3.8 GHz spectrum and help broker potential agreements.<sup>16</sup>

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<sup>13</sup> O2 non-confidential response to the October 2019 notice, page 5.

<sup>14</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0027/192474/process-guidance-700mhz-3.6-3.8ghz-auction.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0027/192474/process-guidance-700mhz-3.6-3.8ghz-auction.pdf)

<sup>15</sup> BT/EE non-confidential response to the October 2019 notice, page 2.

<sup>16</sup> BT/EE non-confidential response to the October 2019 notice, page 4.

- 3.13 We do not consider it is appropriate for Ofcom to appoint a third party to facilitate negotiations. However, this does not preclude bidders from appointing an independent third-party as a facilitator, if they decided this would be appropriate and consistent with the Regulations.

#### **Deposit requirements for participation in the negotiation period**

- 3.14 O2 requested that Ofcom drop the condition that only bidders that have paid their required assignment stage deposit will be allowed to enter into adjacency agreements during the negotiation period.<sup>17</sup>
- 3.15 BT/EE also noted that draft regulation 84(1) stated winning bidders that have failed to pay the required assignment stage deposit are prohibited from participating in the negotiation period and suggested that this was contradicted by draft regulation 85(1)(b) which indicates that each winner of 3.6-3.8 GHz can participate. It suggested that 84(1) be redrafted, if our intention was to prevent bidders that do not pay their assignment deposit from expressing a wish to participate in the negotiation period, while not preventing them from ultimately doing so.
- 3.16 For the avoidance of doubt, Ofcom's intention is that only winning bidders of 3.6-3.8 GHz spectrum that have paid their assignment stage deposit may participate in the negotiation period and enter into an adjacency agreement. Accordingly, we have amended 85(1)(b) to make this clear.
- 3.17 We consider it is appropriate for winning bidders of 3.6-3.8 GHz lots to make a serious commitment to participation in the award, including the negotiation period, and therefore to pay their required assignment stage deposit (if any) before having the opportunity to participate in negotiations. The amendment we have made to the final draft of regulation 85(1)(b) makes this clear.

#### **Trigger for the negotiation period**

- 3.18 O2 suggested that negotiations should proceed unless all relevant parties notify Ofcom that they do not wish to participate.<sup>18</sup> O2 felt that even if only one bidder initially wants to engage in negotiation it should be given the opportunity to present its case to other winners of 3.6-3.8 GHz spectrum.
- 3.19 We consider that if only one winner expresses a desire to negotiate and the others choose not to, then it is very unlikely that a partial adjacency agreement or a full adjacency agreement would be reached. However, it would mean that there would be a delay in the award of spectrum licences during the negotiation period. The final draft of the Regulations has been drafted to expedite release of the frequencies and in the above circumstances it is likely that there would be an unnecessary delay. We have therefore decided to not adopt O2's suggestion.

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<sup>17</sup> O2 non-confidential response to the October 2019 notice, page 6.

<sup>18</sup> O2 non-confidential response to the October 2019 notice, page 7.

### Procedure for submitting adjacency agreement forms

- 3.20 O2 proposed that Ofcom allow bidders to submit a single common adjacency agreement form (signed by the authorised representatives of the relevant parties). It also requested clarification that it would be permissible for the parties to prepare a common form which is then duplicated and signed by each participant. O2 additionally requested clarification that it would be acceptable for parties to a negotiated agreement to submit all forms together in a common submission.<sup>19</sup>
- 3.21 O2 also proposed changes to Ofcom's approach to dealing with incomplete or defective adjacency agreement forms which included the provision of specified time periods to resolve issues.<sup>20</sup> O2 said that these proposed changes were to guard against mistakes or the possibility that a party might act in bad faith and deliberately undermine an agreement.
- 3.22 We have not incorporated O2's proposal relating to bidders submitting a single common form into the final draft of the Regulations, as we consider that this could add an unnecessary amount of potential complexity to the negotiation period. Allowing multiple methods of submitting an adjacency agreement form (i.e. common forms and individual forms) also introduces ambiguity into the process, which could result in confusion and inadvertent errors. We also note that BT/EE agreed with our proposed approach and no other stakeholders raised comments. We expect bidders that wish to enter the negotiation period to note carefully and follow the procedure prescribed in the Regulations.
- 3.23 In the case of O2's suggestions, regarding incomplete or defective adjacency agreement forms, we consider this would result in further complexity to the process and may also add to the potential length of the negotiation period. We have therefore decided not to implement these suggestions. We have, however, made an amendment in the final draft of the Regulations to which will allow bidders to submit another adjacency agreement form in the second phase of the negotiation period, if a valid full adjacency agreement is not determined by Ofcom after the end of the first phase. We believe this will help to guard against mistakes and reduce the impact of a bidder acting in bad faith in the first phase of the negotiation period, which we describe below in paragraphs 3.41-3.46.
- 3.24 We do not envisage that bidders preparing a common form that is duplicated and then signed by each participant would be in contravention of the auction Regulations, provided that bidders follow the process described in the Regulations relating to validity of adjacency agreements.
- 3.25 The 'Process guidance for potential applicants and bidders in the auction' provides guidance in relation to submission of adjacency agreement forms.

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<sup>19</sup> O2 non-confidential response to the October 2019 notice, page 7.

<sup>20</sup> O2 non-confidential response to the October 2019 notice, pages 7 and 8.

### Clarification on the small winner restriction for those not in a partial adjacency agreement

- 3.26 O2 noted that a bidder winning 20 MHz or less of 3.6-3.8 GHz spectrum who is not part of a partial adjacency agreement must be placed closer to one of the edges of the band than any bidders within a partial adjacency agreement, even if all such members in the agreement also won 20 MHz or less. Whilst O2 had no objections to this rule, it requested that Ofcom clarified that this was the intent.<sup>21</sup>
- 3.27 We can confirm that this is the intent, i.e. that small winners that are not part of an adjacency agreement must be placed at either the top or the bottom of the band.

### Clarification on exclusion rules during the negotiation period

- 3.28 In relation to the negotiation period, O2 requested that Ofcom clarify the position regarding events such as collusion, distortion of the outcome of the award process, obtaining confidential information about another applicant or bidder and if a member of a bidder group could be deemed to have become a member of another bidder's bidder group as result of receiving information during the negotiation period. It also requested that the period of exclusion of events be extended from the beginning of the negotiation period through to the end of the award process.<sup>22</sup>
- 3.29 Regulation 122 provides that if Ofcom is satisfied that any of the events set out in regulation 124 are occurring (or have occurred), and that the occurrence would materially affect the outcome of the award process, Ofcom may exclude that bidder from the award process, and any sum paid as a deposit shall be forfeited. Regulation 122(2), however, provides that if certain specified events occur only during the negotiation period, Ofcom shall not exclude a bidder or require its deposit to be forfeited. In regulation 122(2), as suggested by O2, we have now additionally included any of the events specified in regulation 124(2)(e)<sup>23</sup> within this.
- 3.30 With regards to O2's request for further clarification, we are not able to pre-determine whether bidders' actions during the negotiation period would constitute collusion or other grounds for exclusion under the auction Regulations. We also note that all bidding, including negotiations, must be compliant with competition law.
- 3.31 However, we note that participation in the negotiation period would be part of the award process, as opposed to something that may materially affect or distort the outcome of the award process. We therefore do not expect that participating in negotiations or entering into a valid full or partial adjacency agreement would, in and of itself, constitute grounds for exclusion under the Regulations. On that same basis, we do not consider it necessary to extend the regulation 122(2) to the end of the award process.

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<sup>21</sup> O2 non-confidential response to the October 2019 notice, page 8.

<sup>22</sup> O2 non-confidential response to the October 2019 notice, pages 8 and 9.

<sup>23</sup> 'any member of that applicant's or bidder's bidder group obtaining or attempting to obtain confidential information relating to another applicant or bidder'.

- 3.32 We also note that any information exchanged between bidders during the negotiation period takes place after, and therefore cannot affect, the submission of principal stage bids and assignment stage bids.

## Summary of changes in the final draft of the Regulations

- 3.33 In addition to the amendments made in light of stakeholder responses, we have made some further refinements to the Regulations which we describe below.

### Minimum bid in 3.6-3.8 GHz

- 3.34 As set out in our March Statement, we have decided to implement a minimum bid of 10 MHz (two lots) in 3.6-3.8 GHz band. Accordingly, we have included an additional provision in regulation 36(a). See section 5 of our March 2020 Statement for more information.

### Refinements to the negotiation period procedure

#### Publication of whether the negotiation period has been triggered

- 3.35 We have added a provision to regulation 85(1) that, where two or more winning bidders of 3.6-3.8 GHz lots have indicated that they wish to participate in a negotiation period, we will publish on our website the start and end days (and times on those days) for the first phase of the negotiation period and the proposed start and end days (and times on those days) for the second phase of the negotiation period, were it to go ahead.
- 3.36 We consider it is beneficial to publish this information, given that the negotiation period will extend the award process.

#### Length of each phase in the negotiation period

- 3.37 If the negotiation period were to go ahead, there will be up to two phases. As set out in our March 2020 Statement, we envisage the first phase will last up to three weeks, and the second phase (if required) will last one week.
- 3.38 However, we consider it is important to avoid any unnecessary delay in the auction outcome. We have therefore made an amendment to the Regulations in which Ofcom can bring the first phase of the negotiation period to an end earlier than the end day we will have notified to bidders and published on our website, if we receive full adjacency agreement forms from all winning bidders of 3.6-3.8 GHz before that day. This is set out in regulation 95(1).
- 3.39 If Ofcom determines a full adjacency agreement after the end of the first phase, there would be no need for a second phase. Ofcom will therefore proceed to determine the outcome and proceed to the grant stage. This is set out in regulation 95(3).
- 3.40 In the event each winning 3.6 GHz bidder submits a full adjacency agreement form in the first phase, but Ofcom does not determine that there is a valid full adjacency agreement,

regulation 95(4) states there shall be a second phase of negotiation. If there is a second phase of the negotiation period, we will confirm and notify bidders of the timings for the second phase and publish these on our website. These timings may be different to the proposed timings notified under regulation 85.

### **Submission of forms in the first and second phases of the negotiation period**

- 3.41 We have made an amendment to the procedure for submitting forms in the first and second phases of the negotiation period, which is intended to minimise potential errors when submitting the form and guard against strategic play during the negotiation period.
- 3.42 Regulation 86 now says that there will be a valid full adjacency agreement either where:
- a) each winning bidder for 3.6 GHz lots has submitted a matching full adjacency agreement form using the prescribed method in the first phase; or
  - b) each winning bidder for 3.6 GHz lots has submitted a matching full adjacency agreement form using the prescribed method in the second phase.
- 3.43 Regulation 87 remains in substance the same as set out in our draft statutory instrument published with the October 2019 Notice.
- 3.44 The effect of this amendment is, regardless of whether a bidder has submitted a full adjacency agreement form in the first phase, if Ofcom has determined there is no valid full adjacency agreement at the end of the first phase, that bidder may submit a new adjacency agreement form in the second phase. This form may be either a full adjacency agreement form or partial adjacency agreement form.
- 3.45 In other words, Ofcom will not consider forms submitted in the first phase of the negotiation period for the purposes of determining whether there is a valid adjacency agreement in the second phase. Therefore, if a bidder wishes to enter into an adjacency agreement after the first phase of the negotiation period, it must submit a new adjacency agreement form in the second phase.
- 3.46 We have amended regulation 95(4) to the effect that if we do not determine a valid full adjacency agreement after the end of the first phase, we shall make clear our reasoning to winning 3.6 GHz bidders for not determining a full adjacency agreement.

### **Mitigations to strategic play during the negotiation period**

- 3.47 We have included a revised regulation 93 which sets out that, if a bidder were to submit more than one adjacency agreement form, Ofcom will only accept the first adjacency agreement form delivered by the winning 3.6-3.8 GHz bidder in a phase of the negotiation period.
- 3.48 This means that only the first full adjacency agreement form submitted by a bidder in the first phase of the negotiation period will be considered by Ofcom for the purposes of determining whether there is a valid full adjacency agreement after the end of the first phase. Similarly, only the first form (whether full or partial adjacency agreement form) submitted by a bidder in the second phase of the negotiation period will be considered by

Ofcom for the purposes of determining whether there is a valid adjacency agreement after the end of the second phase.

- 3.49 The purpose of this amendment is to eliminate opportunities for bidders to deliver multiple forms strategically as part of the negotiations. For the avoidance of doubt, we expect bidders to deliver only one adjacency agreement form in a phase of the negotiation period, as they may only be party to one adjacency agreement (in accordance with regulation 92).
- 3.50 We have also made clear in regulations 90 and 91 that Ofcom will reject any forms received outside of the times notified to bidders for each phase.

### **Changes to improve clarity of drafting**

- 3.51 BT/EE supplied a list of comments on the draft regulations which included minor editorial suggestions and suggestions to improve clarity of drafting.<sup>24</sup> With the exception of the comment regarding boundaries being set for price increases in each round, and some of the minor editorial suggestions we considered to be unnecessary, we have incorporated these into the final draft of the Regulations.
- 3.52 We have also made various minor drafting changes to the final draft of the Regulations for clarity.

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<sup>24</sup> BT/EE non-confidential response to the October 2019 notice, pages 2 and 3.

## 4. Next steps

- 4.1 We have published a final draft of the Auction Regulations at Annex 1. We intend to make the Auction Regulations once we are certain that stakeholders will either not seek to challenge the decisions set out in our March 2020 Statement, or any such challenges have been disposed of.
- 4.2 The Auction Regulations will come into force after we formally make them – we will specify the date of entry into force in the final Regulations. Once the Regulations are in force, we will publish details of when and how potential bidders may apply to participate in the auction.





































































































- (iii) a person becoming an associate through merger or acquisition activity provided that such activity is not for a purpose related to the award process.
- (3) Events in relation to a bidder (but not an applicant) are—
- (a) a change, after OFCOM have recorded that bidder's existing spectrum holdings under regulation 17, to the existing spectrum holdings of a bidder or, in relation to the bidder, any person referred to in regulation 4(3)(a)(iii) except insofar as the change is a divestment of a part of or the whole of the existing spectrum holdings; and
  - (b) any person which has existing spectrum holdings which was not at the time OFCOM recorded the bidder's existing spectrum holdings under regulation 17 or person referred to in regulation 4(3)(a)(iii) becoming such a person during the award process.

## PART 11

### Miscellaneous

#### General power of exclusion

**125.** OFCOM may, at any time, notify any applicant or bidder of its exclusion from the award process, if required to do so by any direction given by the Secretary of State to OFCOM under section 5 of the Communications Act 2003<sup>(a)</sup> or if, after OFCOM's determination under regulation 10(1) (and notwithstanding that determination), in their opinion the applicant or bidder is not a fit and proper person to hold a licence.

#### Notification to OFCOM

**126.** If, in accordance with any provision of these Regulations, an applicant or bidder is required, or wishes, to notify OFCOM of any fact or circumstance, it must do so by notice in writing which is marked for the attention of the OFCOM persons who are specified by OFCOM for that purpose on OFCOM's website and must also state that notice to OFCOM—

- (a) by electronic mail to an electronic mail address dedicated to the award process which is published by OFCOM on their website; or
- (b) by personal delivery to the Secretary of State, House, 2a Southwark Bridge Road, London, SE1 9HA.

#### Changes to time or location

**127.—**(1) Subject to regulation 128 and 129, paragraph (2) applies where OFCOM determine that it is impracticable for any reason—

- (a) for any document which is to be delivered to OFCOM under these Regulations to be delivered at the place specified or by the deadline specified under these Regulations; or
- (b) for any action which is required to be undertaken in accordance with these Regulations to be completed by the deadline specified.

(2) Where this paragraph applies, OFCOM shall take reasonable steps to notify applicants or bidders that—

- (a) delivery must be made on a different day or within different times on that day or at a different place; and
- (b) the action must be completed on a different day or by a different deadline.

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<sup>(a)</sup> 2003 c.21.































