



Virgin Media O2 response to Ofcom Statement and further Consultation:

Future authorisation of the 1900-1920 MHz band

November 2025

INTRODUCTION

Virgin Media O2 (“VMO2”) welcomes the opportunity to respond to Ofcom’s Statement and further consultation on Future authorisation of the 1900-1920 MHz band.¹

Our response focusses on Ofcom’s specific questions.

RESPONSE TO SPECIFIC QUESTIONS

Question 1: Do you have any views on our proposal to allow access to the 1910-1915 MHz spectrum for use by ESN gateways prior to 3 April 2029

The 1910-1915 MHz spectrum is currently licensed to VMO2 (under Telefónica UK Limited) until our authorisation for use is revoked on 3 April 2029. This is a result of Ofcom’s previous consultation and subsequent decision to enable authorisation of new users in the 1900-1920 MHz band from 4 April 2029, through revocation of existing licensees access by providing five years notice in line with the conditions set out in the licences.

Ofcom has identified that the 1910-1915 MHz spectrum could be used to support critical national infrastructure and deliver public and societal benefits. To be clear, VMO2 does not oppose this future usage of the spectrum. However, we are concerned that Ofcom’s proposal to intervene and authorise early access to the spectrum for BT/EE, ahead of the revocation date in our licence and without evidence of market failure, may be premature and risks setting a worrying precedent for mobile spectrum that was acquired at significant cost in a competitive auction.

Ofcom’s Regulatory Principles² and Impact Assessment Guidance³ state that it will operate with a bias against intervention and will always seek the least intrusive regulatory methods of achieving its objectives. Further, Ofcom will intervene where there is a specific statutory duty to work towards a goal that markets alone cannot achieve.

Ofcom’s proposal to intervene and issue a licence to BT/EE (the current provider contracted to supply the ESN Gateway service) feels premature as there are existing market mechanisms such as trading, enabled by The Mobile Trading Regulations, which allows licensees to trade spectrum on commercial terms. There is evidence that trading can lead to an ongoing efficient allocation of spectrum. Examples include our acquisition of 2.6 GHz spectrum which was enabled through a trade with BT/EE, and most recently, our acquisition of 78.8 MHz of spectrum from VodafoneThree, also enabled through trading.

¹ [Statement and further Consultation: Future authorisation of the 1900-1920 MHz band](#)

² [Policies and guidelines](#)

³ [Statement: Impact assessment guidance](#)

It is not clear to VMO2 that Ofcom's proposal to intervene to enable early access for BT/EE to the 1910-1915 MHz spectrum is the least intrusive method of achieving its objectives, nor that Ofcom's intervention is required because the market alone cannot achieve Ofcom's goal. We therefore ask that Ofcom sets out its reasoning to support the case for intervention and clearly identifies any specific circumstances and barriers that has informed its proposals and view that the market alone cannot achieve its goal.

We wish to highlight a recent example of Ofcom's decision making with respect to spectrum authorisation, which does align with its Regulatory Principles and Impact Assessment Guidance, this is its decision on satellite gateway access use in the 28 GHz spectrum band.

In considering direct authorisation for additional satellite gateway use in the 28 GHz band, Ofcom's view was that there is clear potential to enable access under existing mechanisms. In our consultation response, we agreed and suggested that regulatory intervention in the form of direct authorisation, would be premature.

In its decision statement⁴, Ofcom referred to its Impact Assessment Guidance, which states that it operates with a bias against intervention, and has a preference to rely on market mechanisms where possible and effective. Ofcom said that it remained open to pursuing a different approach to its proposal to introduce direct authorisation of satellite gateways in the 28 GHz band i.e. not intervening, if it received evidence that it is possible and effective to rely on existing market mechanisms.

As a result, Ofcom decided not to intervene and directly authorise additional satellite gateway use in frequencies licensed to existing licensees, as it was satisfied that it is reasonable to expect market mechanisms to enable further sharing, but that it may revisit this again in future if it receives evidence that market mechanisms are not proving effective in enabling access.

In light of this, we encourage Ofcom to reflect on its current proposals for the 1910-1915 MHz spectrum, before making its decision.

If Ofcom proceeds with its proposals to intervene and decides to take a different approach to that of its decision on the 28 GHz band, we request that it clearly sets out the reasons for its decision i.e. why intervention is necessary, including any reasons such as specific circumstances, barriers or legal limitations etc, which leads it to conclude that it is not possible or effective for Ofcom to rely on the market alone to achieve its goal. We also seek assurance and reasoning from Ofcom that should it proceed as proposed, the specific circumstances are such that it will not set a precedent for future decisions in relation to authorisation of licensed mobile spectrum to new users.

⁴ [Statement Increasing use of the 27.5-30 GHz and 32 GHz bands](#)

We also request that before Ofcom takes its decision, it confirms from what date it is proposing to enable early access to the 1910-1915 MHz spectrum for BT/EE, as well as the date from which ALF will become payable by BT/EE. We request this clarity as this is not set out in the statement and further consultation.

Question 2: Do you have any views on our proposed licence term requiring the licensee to operate on a non-interference, non-protection basis prior to 3 April 2029?

Notwithstanding our comments above, should Ofcom decide to proceed with its proposal, i.e. directly authorise early access to the 1910-1915 MHz spectrum, without it being enabled through a trade, the proposed licence term is necessary in order to protect our existing rights to use to the spectrum, as authorised by our licence.