

**Office of Communications (Ofcom)**  
**Wireless Telegraphy Act 2006**



**SPECTRUM ACCESS 3.9 GHz**

The spectrum use authorised under this Licence was formerly authorised under licence 0823615 issued by Ofcom on 18 May 2021. This licence document replaces the version of the Licence issued by Ofcom on 01 November 2022 to UK Broadband Limited.

Licence no.: **1295901**  
Date of issue: **01 November 2022XX Month 2024**  
Fee Payment Date: **31 December** (annually)

1. The Office of Communications (Ofcom) grants this wireless telegraphy licence ("the Licence") to

**UK Broadband Limited**  
(Company Reg No: 4713634)  
("the Licensee")  
**450 Longwater Avenue**  
**Green Park**  
**Reading**  
**Berkshire**  
**RG2 6GF**

to establish, install and use wireless telegraphy stations and/or wireless telegraphy apparatus as described in the schedule to this Licence (together "the Radio Equipment") subject to the terms set out below.

**Licence term**

2. This Licence shall continue in force until revoked by Ofcom or surrendered by the Licensee.

**Licence variation and revocation**

3. Pursuant to schedule 1, paragraph 8 of the Wireless Telegraphy Act 2006 (the "Act"), Ofcom may not revoke this Licence under schedule 1, paragraph 6 of the Act except:
  - (a) at the request, or with the consent, of the Licensee;
  - (b) if there has been a breach of any of the terms of this Licence;
  - (c) in accordance with schedule 1 paragraph 8(5) of the Act;
  - (d) if it appears to Ofcom to be necessary or expedient to revoke the Licence for the purpose of complying with a direction by the Secretary of State given to Ofcom under section 5 of the Act or section 5 of the Communications Act 2003;
  - (e) if, in connection with the transfer or proposed transfer of rights and obligations arising by virtue of the Licence, there has been a breach of any provision of regulations made by Ofcom under the powers conferred by section 30 of the Act<sup>1</sup>;

<sup>1</sup> These are regulations on spectrum trading.

- (f) for reasons related to the management of the radio spectrum, provided that in such case the power to revoke may only be exercised after at least five years' notice is given in writing.
- 4. Ofcom may only revoke or vary this Licence by notification in writing to the Licensee and in accordance with schedule 1, paragraphs 6, 6A and 7 of the Act.

## Transfer

- 5. This Licence may not be transferred. The transfer of rights and obligations arising by virtue of this Licence may however be authorised in accordance with regulations made by Ofcom under powers conferred by section 30 of the Act<sup>2</sup>.

## Changes to the Licensee Details

- 6. The Licensee shall give prior notice to Ofcom in writing of any proposed change to the Licensee's name and address as recorded in paragraph 1 of this Licence.

## Spectrum Leasing

- 7. The Licensee may:
  - (a) confer the benefit of the Licence (which is hereinafter referred to as a "lease") on another person (referred to as the "leaseholder") in respect of any wireless telegraphy station or wireless telegraphy apparatus to which the Licence relates;
  - (b) in his contract with the leaseholder permit the leaseholder to confer the benefit of the Licence (hereinafter referred to as "sub-lease") on any other person ("sub-leaseholder"),

provided that the conditions set out in schedule 2 to this Licence are met.

## Fees

- 8. The Licensee shall each year pay to Ofcom the relevant fee as provided under section 12 of the Act and regulations made thereunder on or before the fee payment date shown above, or on or before such dates as shall be notified in writing to the Licensee.
- 9. The Licensee shall also pay interest to Ofcom on any amount which is due to Ofcom under the terms of this Licence or provided for in any regulations made by Ofcom under sections 12 or 13(2) of the Act from the date such amount falls due until the date of payment, at the then applicable Bank of England base rate. In accordance with section 15 of the Act any such amount and any such interest is recoverable by Ofcom.
- 10. If the Licence is surrendered, revoked or varied, no refund, whether in whole or in part, of any amount which is due under the terms of this Licence, payable in accordance with the Regulations, or provided for in any regulations made by Ofcom under sections 12 and 13(2) of the Act will be made, except at the absolute discretion of Ofcom.

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<sup>2</sup> See Ofcom's website for the latest position on spectrum trading and the types of trade which are permitted.

## **Radio equipment use**

11. The Licensee shall ensure that the Radio Equipment is established, installed and used only in accordance with the provisions specified in the schedules to this Licence. Any proposal to amend any detail specified in any of the schedules to this Licence must be agreed with Ofcom in advance and implemented only after this Licence has been varied or reissued accordingly.
12. The Licensee shall ensure that the Radio Equipment is operated in compliance with the terms of this Licence and is used only by persons who have been authorised in writing by the Licensee to do so and that such persons are made aware of, and of the requirement to comply with, the terms of this Licence.
13. The Licensee must ensure that all Radio Equipment is established, installed, modified and used only in accordance with the provisions specified in schedule 3 (EMF Licence Condition) of this Licence.

## **Access and inspection**

14. The Licensee shall permit a person authorised by Ofcom:
  - (a) to have access to the Radio Equipment; and
  - (b) to inspect this Licence and to inspect, examine and test the Radio Equipment,at any and all reasonable times or, when in the opinion of that person an urgent situation exists, at any time, to ensure the Radio Equipment is being used in accordance with the terms of this Licence.

## **Modification, restriction and closedown**

15. Any person authorised by Ofcom may require the Radio Equipment or any part thereof, to be modified or restricted in use, or temporarily or permanently closed down immediately if in the opinion of the person authorised by Ofcom:
  - (a) a breach of a term of the Licence has occurred; and/or
  - (b) the use of the Radio Equipment is, or may be, causing or contributing to undue interference to the use of other authorised radio equipment.
16. Ofcom may require any of Radio Equipment to be modified or restricted in use, or temporarily closed down either immediately or on the expiry of such period as may be specified in the event of a national or local state of emergency being declared. Ofcom may only exercise this power after a written notice has been served on the Licensee or a general notice applicable to holders of a named class of licence has been published.

## Geographical boundaries

17. Subject to the requirements of any coordination procedures notified to the Licensee pursuant to schedule 1 to this Licence, and excluding the areas set out in paragraph 18.7 of this Licence, the Licensee is authorised to establish, install and use the Radio Equipment in the United Kingdom. (The Licensee is not authorised to establish, install and use the Radio Equipment in the Channel Islands or the Isle of Man).
18. The areas excluded from this licence are the territorial sea and any inland waters adjacent to the territorial sea, but in the case of streams, rivers or other watercourses which form part of such inland waters they are only excluded where such stream, river or watercourse is more than 2km wide.

## Interpretation

19. In this Licence:
  - (a) the establishment, installation and use of the Radio Equipment shall be interpreted as establishment and use of wireless telegraphy stations and installation and use of wireless telegraphy apparatus as specified in section 8(1) of the Act;
  - (b) the expression “**interference**” shall have the meaning given by section 115 of the Act;
  - (c) the expressions “**wireless telegraphy station**” and “**wireless telegraphy apparatus**” shall have the meanings given by section 117 of the Act;
  - (d) the expression “**territorial sea**” shall be determined in accordance with the Territorial Sea Act 1987;
  - (e) the expression “**inland waters**” shall have the meaning given by section 221(1) of the Water Resources Act 1991;
  - (f) the schedules form part of this Licence together with any subsequent schedule(s) which Ofcom may issue as a variation to this Licence at a later date; and
  - (g) the Interpretation Act 1978 shall apply to this Licence as it applies to an Act of Parliament.

## Issued by Ofcom

## Office of Communications

## SCHEDULE 1 TO LICENCE NUMBER: 1295901

Schedule Date: XX Month 2024

Licence Category: Spectrum Access 3.9 GHz

### Description of Radio Equipment

1. In this Licence, the Radio Equipment means any station apparatus that transmits in accordance with the requirements of paragraphs 6 to 11 and 7 of this schedule.

### Interface Requirements for the Radio Equipment use

~~2. Use of the Radio Equipment shall comply with the following Interface Requirements:~~

~~IR 2015.1 and IR 2015.2: Spectrum Access in the 3400 MHz to 4009 MHz band.~~

### Special conditions relating to the operation of the Radio Equipment

2.
  - (a) During the period that this Licence remains in force, the Licensee shall compile and maintain accurate written records of:
    - (i) the following details relating to the Radio Equipment where the Radio Equipment spectral density exceeds 25 dBm/MHz or total EIRP e.i.r.p. exceeds 30 dBm:
      - a) postal address;
      - b) National Grid reference (to 100 metres resolution);
      - c) antenna height (above ground level) and type, and bearing east of true north;
      - d) radio frequencies used by the Radio Equipment; and
    - (ii) a statement of the number of subscribing customers,and the Licensee must produce these records if requested by a person authorised by Ofcom.
  - (b) The Licensee shall inform Ofcom of the address of the premises at which this Licence and the information detailed at sub-paragraph 23(a) of this schedule shall be kept.
  - (c) The Licensee must submit to Ofcom copies of the records detailed in sub-paragraph 23(a) of this schedule at such intervals as Ofcom shall notify to the Licensee.
  - (d) The Licensee shall submit to Ofcom in such manner and within such period as specified by Ofcom, such other information in relation to the Radio Equipment, or any wireless telegraphy station or wireless telegraphy apparatus which the Licensee is planning to use, as Ofcom may from time to time request. Such information may include, but is not limited to, information in relation to the radio frequency, transmitted power and date of first use for wireless telegraphy stations or wireless telegraphy apparatus to be established, installed or used within such timeframe and in such areas as Ofcom may reasonably request. The Licensee must also submit to Ofcom in such manner and at such times as Ofcom requests all information relating

to the establishment, installation or use of the Radio Equipment as is reasonably requested for the purpose of verifying compliance with this Licence or for statistical purposes.

(e) The Licensee must ensure that the Radio Equipment is established and installed only for terrestrial use.

(f) The Licensee must ensure that the Radio Equipment is not established, installed and used to transmit to or receive from mobile terminals.

## Co-ordination

3. The Licensee must operate the Radio Equipment in accordance with any co-ordination procedure notified by Ofcom.

## Requirement to commence and maintain transmission

4.

(a) The Licensee must commence regular wireless telegraphy transmissions from each Co-ordinated base station within 18 months of whichever of the following dates is later:

(i) [the date 3.5 years after variation]; or

(ii) the date on which Ofcom notified the Licensee that the base station is Co-ordinated;

and maintain regular transmissions thereafter.

(b) Where the Licensee has contravened paragraph 4(a) of this schedule in relation to a Co-ordinated base station, Ofcom may, subject to the procedure in paragraphs 4(c)-(e) of this schedule, deem that the base station no longer has Co-ordinated status and subsequently the Licensee must not transmit from the base station.

(c) Where Ofcom propose to deem that a base station no longer has Co-ordinated status it must give the Licensee a notification:

(i) setting out the reasons for Ofcom's proposal; and

(ii) specifying that the Licensee has 30 days to make representations in relation to Ofcom's proposal.

(d) Ofcom will have regard to any representations provided by the Licensee before deciding to deem that a base station no longer has Co-ordinated status.

(e) Where Ofcom decide to deem that a base station no longer has Co-ordinated status, Ofcom will give the Licensee a notification of its decision.

## Permitted frequency blocks and band

5. The Radio Equipment may only transmit within the following frequency band:

**3925 – 4009** MHz

## Maximum power within the Permitted Frequency Blocks

6. Subject to any more restrictive limitations imposed by the coordination requirements notified by Ofcom in accordance with paragraph 3 of this schedule, the power transmitted in the Permitted Frequency Blocks shall not exceed:

| Radio Equipment <sup>3</sup>                       | Maximum mean power           |
|--|------------------------------|
| non-AAS base station <sup>[a]</sup>                | 60 dBm / 5 MHz EIRP per cell |
| AAS base station <sup>[a]</sup>                    | 39 dBm / 5 MHz TRP per cell  |
| Nomadic terminal station <sup>[b]</sup>            | 28 dBm TRP                   |
| Fixed or installed terminal station <sup>[b]</sup> | 35 dBm / 5 MHz EIRP          |

[a] For femtocell base stations, power control must be applied to minimise interference to adjacent channels.

[b] The maximum mean power relates to the EIRP or TRP of a specific piece of Radio Equipment irrespective of the number of transmit antennas.

## Maximum power of base stations outside the Permitted Frequency Blocks

7. When transmitting, the Licensee must either transmit in accordance with the condition in paragraph (a) or in accordance with the condition in paragraph (b).

(a) The condition referred to is that the Licensee must transmit within the limits of the Permissive Transmission Mask and, if doing so, the Licensee must also transmit within the limits of transmission Frame Structure A;

(b) The condition referred to is that the Licensee must transmit within the limits of the Restrictive Transmission Mask, and, if doing so, the Licensee must also transmit within the limits of transmission Frame Structure B.

8. The Permissive Transmission Mask means that –

for transmissions on the downlink frequencies, the maximum mean EIRP or TRP emanating from the Radio Equipment transmissions at any frequency outside the Permitted Frequency Blocks, but within 3410 – 3800 MHz, shall not exceed the transitional and baseline requirements in the following table:

|   | Non-AAS dBm / 5 MHz<br>EIRP per antenna | AAS dBm / 5 MHz<br>TRP per cell |
|---|---|---------------------------------|
| -5 to 0 MHz offset from lower<br>block edge 0 to 5 MHz offset<br>from upper block edge  | Min(PMax – 40, 21)                      | Min(PMax' – 40, 16)             |
| -10 to -5 MHz offset from<br>lower block edge 5 to 10 MHz<br>offset from upper block edge                                       | Min(PMax – 43, 15)                      | Min(PMax' – 43, 12)             |
| Out of block baseline power<br>limit (BS) < -10 MHz offset<br>from lower block edge > 10<br>MHz offset from upper block<br>edge | Min(PMax – 43, 13)                      | Min(PMax' – 43, 1)              |

<sup>3</sup> Consumer user equipment will be authorised by means of licence exemption under section 8 of the Wireless Telegraphy Act 2006.

**9. The Restrictive Transmission Mask means that –**

for transmissions on the downlink frequencies, the maximum mean EIRP emanating from the Radio Equipment transmissions at any frequency outside the Permitted Frequency Blocks, but within 3410 – 3800 MHz, shall not exceed baseline in the following table:

|   | Non-AAS dBm / 5 MHz<br>EIRP per cell | AAS dBm / 5 MHz<br>TRP per cell |
|---|--------------------------------------|---------------------------------|
| Out of block baseline power<br>limit (BS) | -34                                  | -43                             |

**10. Frame Structure A (also commonly known as the “Preferred Frame Structure”) means that –**

- (a) transmissions from the Licensee's base stations have a frame structure as shown in Figure 1. Timeslots (or subframes) 0, 2 to 5 and 7 to 9 must be allocated to Downlink (D) or Uplink (U) transmissions as indicated or may be left with no transmissions;
- (b) the Licensee must ensure that the special subframe (S) in timeslots 1 and 6 have a structure that is compatible with TD-LTE special subframe configuration 6, also known as 9:3:2 (DwPTS: GP: UpPTS). For the avoidance of doubt, a special subframe structure is compatible where there are no uplink transmissions within the downlink pilot timeslot (DwPTS) or guard period (GP) and no downlink transmissions within the uplink pilot timeslot (UpPTS) or guard period (GP);
- (c) timeslots must have a duration of 1 millisecond;
- (d) the Licensee shall ensure that frames start at a common reference time so that all licensees' frames are aligned and transmissions synchronised;

Note TD-LTE frame configuration 2 (3:1) is compatible with this frame structure, as are some 5G NR frame configurations. Other technologies are permitted provided that the requirements of paragraphs 10(a) to 10(d) are met.

**11. Frame Structure B (also commonly known as the “Compatible Frame Structure”) means that:**

- (a) transmissions from the Licensee's base stations must have a frame structure as shown in Figure 2. Timeslots (or subframes) 0 and 2 must be allocated to Downlink (D), or Uplink (U) transmissions as indicated;
- (b) the Licensee must ensure that the special subframe (S) in timeslot 1 has a structure that is compatible with TD-LTE special subframe configuration 6, also known as 9:3:2 (DwPTS: GP: UpPTS). For the avoidance of doubt, a special subframe structure is compatible where there are no uplink transmissions within the downlink pilot timeslot (DwPTS) or guard period (GP) and no downlink transmissions within the uplink pilot timeslot (UpPTS) or guard period (GP);
- (c) timeslots must have a duration of 1 millisecond;
- (d) the Licensee shall ensure that frames start at a common reference time so that all licensees' frames are aligned and transmissions synchronised;
- (e) timeslots with no transmission indicated may have no transmission or must be determined as a Downlink, Uplink or Special subframe as necessary in order to ensure compliance with paragraphs 11(c) and 11(f);



- (f) the Licensee must cooperate with other licensees to minimise harmful subframe overlaps if different technologies are used. On rare occasions this may require the frame alignment or guard period to be slightly offset;
- (g) for the avoidance of doubt downlink-only frame structures such as Supplementary Downlink (SDL) are not permitted.

Note all current TD-LTE frame configurations are compatible with this frame structure, as are some 5G NR frame configurations. Other technologies are permitted provided that the requirements of paragraphs 11(a) to 11(d) are met.

**Figure 1: Frame Structure A**

| DL/UL ratio | Subframe Number |   |   |   |   |   |   |   |   |   |
|-------------|-----------------|---|---|---|---|---|---|---|---|---|
|             | 0               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 3:1         | D               | S | U | D | D | D | S | U | D | D |

**Figure 2: Frame Structure B**

| DL/UL ratio | Subframe Number |   |   |   |   |   |   |   |   |   |
|-------------|-----------------|---|---|---|---|---|---|---|---|---|
|             | 0               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|             | D               | S | U |   |   |   |   |   |   |   |

### Maximum permissible e.i.r.p.

12. The Licensee shall ensure that the Radio Equipment conforms to the following e.i.r.p. limits:

Maximum e.i.r.p. +53 dBm/MHz

Except for mobile terminals, which shall conform to the following e.i.r.p. limit:

Maximum e.i.r.p. 25 dBm/MHz

In addition to this, the Licensee may be required to take additional measures to ensure that the establishment, installation and use of the Radio Equipment does not cause undue interference to receiving stations and/or radio apparatus operated by a neighbouring licensee.

### Permissible Out of Block Emissions

13. For Radio Equipment operating at powers above 25dBm/MHz deployed before 1st January 2010 the Licensee shall ensure that Out of Block shall conform to the following:

| Frequency offset measured from the edges of the frequency bands specified in section 5 | Maximum radiated spectral power density EIRP (dBm/MHz) |
|--|--|
| 0  | 53   |
| 0  | 44   |
| $0 < \Delta f < 0.6$   | $44 - 41.67 * \Delta f$                                |
| 0.6  | 19   |
| 1  | 19   |
| $1 < \Delta f < 2$   | $19 - 20 * (\Delta f - 1)$                             |
| $\geq 2$   | -1   |

For Radio Equipment operating at powers above 25dBm/MHz deployed after 1<sup>st</sup> January 2012 the Licensee shall ensure that Out of Block shall conform to the following:

| Frequency offset measured from the edges of the frequency bands specified in section 5 | Maximum radiated spectral power density EIRP (dBm/MHz) |
|--|--|
| 0  | 53   |
| 0  | 44   |
| $0 < \Delta f < 0.6$   | $44 - 41.67 * \Delta f$                                |
| 0.6  | 19   |
| 1  | 19   |
| $1 < \Delta f < 2$   | $19 - 20 * (\Delta f - 1)$                             |
| 2  | -1   |
| 5  | -1   |
| 5  | -15.6  |
| $5 < \Delta f < 6.5$   | $-15.6 - 10.27 * (\Delta f - 5)$                       |
| 6.5  | -31  |
| $6.5 < \Delta f < 9.5$   | $-31 - 4 * (\Delta f - 6.5)$                           |
| $\geq 9.5$   | -43  |

The Licensee shall ensure that Out of Block Emission from the Radio Equipment operating at powers up to 25dBm/MHz shall conform to the following:

| Frequency offset measured from the edges of the frequency bands specified in section 5 | Maximum radiated spectral power density EIRP (dBm/MHz) |
|--|--|
| 0  | 13.7   |
| $0 < \Delta f < 1$   | $13.7 - 15 * \Delta f$                                 |
| 1  | -1.3   |
| $1 < \Delta f < 2.5$   | $-1.3 - 1.27 * (\Delta f - 1)$                         |
| 2.5  | -3.2   |
| $2.5 < \Delta f < 7.5$   | $-3.2 - 0.46 * (\Delta f - 2.5)$                       |
| 7.5  | -5.5   |
| $7.5 < \Delta f < 9.5$   | $-5.5 - 5 * (\Delta f - 7.5)$                          |
| $\geq 9.5$   | -15.5  |

## Interpretation

12. In this schedule:

- (a) **“5G NR”** means “5G New Radio” and refers to the air interface that has been developed by 3GPP for fifth generation (5G) mobile radio networks. This air interface defines how 5G base stations and user devices both transmit and receive radio signals using spectrum;
- (b) **“AAS”** means active antenna system. An AAS is a base station and antenna system where the amplitude and / or phase between antenna elements is continually adjusted resulting in an antenna pattern that varies in response to short term changes in the radio environment. This is not intended to include long term beam shaping such as fixed electrical down tilt. In AAS base stations the antenna system is integrated as part of the base station system or product
- (c) **“Co-ordinated”** means co-ordinated in accordance with any co-ordination procedure notified by Ofcom from time to time pursuant to paragraph 3 of this schedule.
- (d) **“dBm”** means the power level in decibels (logarithmic scale) referenced against 1 milliwatt (i.e. a value of 0 dBm is 0.001 W);
- (e) **“Downlink”** means transmissions from a base station to a terminal station (handset);
- (f) ~~“e.i.r.p.”~~ **“EIRP”** means the equivalent isotropically radiated power. This is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);
- (g) **“femtocell”** means a base station which operates at a power not exceeding 24 dBm EIRP per carrier, and which is or will be used only by and under the control of the Licensee, following the establishment of a telecommunications link between the femtocell and a network of the Licensee;
- (h) **“Fixed or installed”** means used or installed at specific fixed points;  
  
~~“IR” means a United Kingdom Radio Interface Requirement notified by Ofcom in accordance with the Radio Equipment Regulations 2017, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019;~~
- (i) **“lower block edge”** means, in relation to each Permitted Frequency Block, the lowest frequency in that Permitted Frequency Block;  
  
~~“Maximum radiated spectral power density” (of Out of Block Emissions) is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna that is outside the Licensee’s Frequency Block;~~
- (j) **“nomadic”** means intended to be used during halts at unspecified points;
- (k) **“non-AAS”** means a piece of Radio Equipment which is not an AAS;  
  
~~“Out of Block Emission” means radio frequency emissions generated by the Radio Equipment and radiated into the frequency bands adjacent (in terms of frequency) to the Licensee’s Permitted Frequency Bands;~~
- (l) **“per antenna”** means per radiating unit/component (irrespective of the number of radiating elements that make up that unit/component);

- (m) **“per cell”** means per specific piece of Radio Equipment. For a multi-sector base station, per cell refers to each one of the individual sectors irrespective of the number of transmit antennas;
- (n) **“Permitted Frequency Blocks”** has the meaning given to it in paragraph 5 of this Schedule;
- (o) **“PMax”** is the maximum mean power for the base station in question if it is using a non-AAS. This is measured as EIRP per carrier and determined on a per antenna basis;
- (p) **“PMax”** is the maximum mean power for the base station in question if it is using an AAS. This is measured as TRP per carrier and determined on a per cell basis;
- (q) **“TRP”** means the total radiated power. This is the integral of the power transmitted in different directions over the entire radiation sphere, measured during the on part of the transmission;
- (r) **“Uplink”** means transmissions from a terminal station (handset) to a base station;
- (s) **“upper block edge”** means, in relation to each Permitted Frequency Block, the highest frequency in that Permitted Frequency Block.

Ofcom

## **SCHEDULE 2 TO LICENCE NUMBER: 1295901**

**Schedule Date: 01 November 2022**

**Licence Category: Spectrum Access 3.9 GHz**

### **Spectrum Leasing**

#### **Grant of lease**

The Licensee may confer the benefit of the Licence (which is hereinafter referred to as a “lease”) on another person (referred to as the “leaseholder”) in respect of any wireless telegraphy station or wireless telegraphy apparatus to which the Licence relates, provided that the conditions in this schedule are met.

#### **Conditions**

The conditions are –

- L1. The Licensee may only confer the benefit of the Licence on one or more than one leaseholder for –
  - (a) any geographical area forming part of the geographical area in which the Licensee is authorised to establish, install or use wireless telegraphy stations or apparatus under this Licence; and
  - (b) for any frequency range forming part of the frequency band which the Licensee is authorised to use.
- L2. The Licensee shall remain responsible for all obligations under the Licence (including without limitation the obligations to pay licence fees in accordance with clause 8 of this Licence).
- L3. If the Licensee–
  - (a) transfers his rights and obligations under the Licence by way of spectrum trade; or
  - (b) receives a notice of revocation from Ofcom revoking his Licence, the lease (and any sub-lease) shall automatically extinguish.
- L4. If Ofcom varies this licence in such a way that the provisions in condition 1 are no longer satisfied in respect of a lease which has been granted (or any sub-lease made by the leaseholder), that lease (or sub-lease) shall automatically extinguish.
- L5. The licensee must inform the leaseholder and any sub-leaseholder immediately when his Licence terminates (regardless of the reason for such termination).
- L6. The Licensee must inform the leaseholder (and any sub-leaseholder) that it proposes to apply for a spectrum trade, prior to any such application being made to Ofcom.

- L7. The Licensee must ensure that the use of Radio Equipment by the leaseholder (and any sub-leaseholder) complies with the terms, provisions and limitations of this licence.
- L8. The Licensee must inform the leaseholder in writing of the following matters before use of the radio equipment commences:
- (a) the terms, provision and limitations of the Licence that governs the establishment, installation and use of the Radio Equipment;
  - (b) that failure to meet the terms, provisions and limitations of this licence may be a criminal offence;
  - (c) that failure to meet the terms, provisions and limitations of this Licence may also result in close down of the Radio Equipment.
- L9. The Licensee must have a written contract with the leaseholder containing the terms of the lease and must make this available to Ofcom immediately on request.
- L10. The Licensee must maintain records at all times of the persons to whom he has granted a lease and any persons who have been granted a sub-lease under this Licence.
- L11. The Licensee must make these records (and any other relevant information) immediately available to Ofcom on request.
- L12. The Licensee must ensure that one of the terms of the written contract is that both parties are bound by a dispute resolution procedure that provides for the prompt and satisfactory resolution of disputes with or between the holders of leases or any sub-leases under this Licence, including any relating to interference management.
- L13. If Ofcom investigates interference management issues which arise as a result of a complaint to Ofcom, and if both the person which is the subject of any undue interference caused and the source of any undue interference caused are the leaseholder, sub-leaseholders or the Licensee himself, Ofcom will charge the Licensee (and the Licensee shall pay) Ofcom's costs which relate to the investigation.
- L14. The Licensee must comply with all instructions given by Ofcom (whether verbal or in writing) which relate to the Licence or the use of the frequency band, and ensure that any leaseholder any sub-leaseholder are immediately informed and also comply with these instructions.

## Grant of sub-lease

The Licensee may in his contract with the leaseholder permit the leaseholder to confer the benefit of the Licence (hereinafter referred to as “sub-lease”) on any other person (“sub-leaseholder”) provided that the conditions in this schedule are met.

L15. The Licensee must –

- (a) prohibit the sub-leaseholder from further conferring the benefit of the Licence on any other third party; and
- (b) ensure that the sub-leaseholder is made aware of that prohibition.

L16. The Licensee must procure that the terms of any such permission are contained in his contract with his leaseholder.

L17. The Licensee must procure that the written contract between the leaseholder and the sub-leaseholder containing the terms of the lease is made available to Ofcom immediately on request.

L18. The Licensee must require in his contract that the leaseholder informs him immediately of any sub-lease which has taken place.

L19. The sub-lease may only confer the benefit of the Licence on one or more than one such person for –

- (a) any geographical area forming part of the geographical area in which the Licensee is authorised to establish, install or use wireless telegraphy stations or apparatus under this Licence; and
- (b) for any frequency range forming part of the frequency band which the Licensee is authorised to use.

L20. The Licensee shall remain responsible for all obligations under the Licence (including without limitation the obligations to pay licence fees in accordance with clause 8 of this Licence).

L21. The Licensee shall procure that the sub-leaseholder is informed of the following matters in writing before use of the radio equipment commences:

- (a) the terms, provision and limitations of the Licence that governs the establishment, installation and use of the Radio Equipment;
- (b) that failure to meet the terms, provisions and limitations of this Licence may be a criminal offence;
- (c) that failure to meet the terms, provisions and limitations of this Licence may also result in close down of the Radio Equipment.

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## **SCHEDULE 3 TO LICENCE NUMBER: 1295901**

### **EMF Licence Condition**

**Schedule Date:** 01 November 2022

**Licence category:** Spectrum Access 3.9 GHz

#### **Sites which are not shared with another licensee**

1. The Licensee shall only establish, install, modify or use Relevant Radio Equipment if the total electromagnetic field exposure levels produced by the Licensee's On-Site Radio Equipment do not exceed the basic restrictions<sup>4</sup> in the relevant tables for general public exposure identified in the ICNIRP Guidelines<sup>5</sup> in any area where a member of the general public is or can be expected to be present when transmissions are taking place.

#### **Sites which are shared with another licensee**

2. In the case of a shared site where the Shared Site Exemption applies to the Licensee, the Licensee shall comply with paragraph 1 above.
3. In the case of a shared site where the Shared Site Exemption does not apply to the Licensee, the Licensee shall only establish, install, modify or use the Relevant Radio Equipment if:
  - (a) the total electromagnetic field exposure levels produced by the Licensee's On-Site Radio Equipment, together with
  - (b) the total electromagnetic field exposure levels produced by all other wireless telegraphy stations and wireless telegraphy apparatus operated by another licensee on the same site for which the Licensee can reasonably assume that a Shared Site Exemption does not apply,

do not exceed the basic restrictions<sup>6</sup> in the relevant tables for general public exposure identified in the ICNIRP Guidelines<sup>7</sup> in any area where a member of the general public is or can be expected to be present when transmissions are taking place.

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<sup>4</sup> Compliance with the reference levels for general public exposure identified in the ICNIRP Guidelines will ensure compliance with the basic restrictions.

<sup>5</sup> The relevant tables for general public exposure are identified in Ofcom's "Guidance on EMF Compliance and Enforcement".

<sup>6</sup> Compliance with the reference levels for general public exposure identified in the ICNIRP Guidelines will ensure compliance with the basic restrictions.

<sup>7</sup> The relevant tables for general public exposure are identified in Ofcom's "Guidance on EMF Compliance and Enforcement".



## **Emergency Situations**

4. The obligations in paragraphs 1, 2 and 3 above will not apply if the Relevant Radio Equipment is being used for the purpose of seeking emergency assistance or reporting and responding to an emergency situation (in the vicinity of that situation) including for search and rescue activities and maritime emergency communications<sup>8</sup>.

## **Relationship with authorised transmission levels**

5. The Licensee shall comply with paragraphs 1, 2 and 3 above notwithstanding the maximum transmission levels authorised in the Licence.

## **Records**

6. The Licensee shall keep, or shall procure that a third party shall keep, and shall make available to Ofcom on request, records (including the type of records identified in Ofcom's "Guidance on EMF Compliance and Enforcement") that demonstrate how it has complied with paragraphs 1, 2 and 3 above when Relevant Radio Equipment is established, installed, modified or used.

## **Ofcom's "Guidance on EMF Compliance and Enforcement"**

7. When evaluating its compliance with paragraphs 1, 2 and 3 above, the Licensee shall take into account Ofcom's "Guidance on EMF Compliance and Enforcement" that is in force at the relevant time.

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<sup>8</sup> Further information on emergency situations is set out in Ofcom's "Guidance on EMF Compliance and Enforcement".

## Interpretation

8. In this schedule:

- (a) **“dBi”** means the ratio in dB (decibel) when comparing the gain of the antenna to the gain of an isotropic antenna. An isotropic antenna is a theoretical antenna which radiates power uniformly in all directions;
- (b) **“EIRP”** means equivalent isotropically radiated power which is the product of the power supplied to an antenna and the absolute or isotropic antenna gain in a given direction relative to an isotropic antenna;
- (c) **“ERP”** means effective radiated power which is the product of the power supplied to an antenna and its gain in a given direction relative to a half-wave dipole;
- (d) **“general public”** means any person who is not: (a) the Licensee, owner, operator or installer of the Relevant Radio Equipment; or (b) acting under a contract of employment or otherwise acting for purposes connected with their trade, business or profession or the performance by them of a public function;<sup>9</sup>
- (e) **“ICNIRP Guidelines”** means the version of the Guidelines published by the International Commission on Non-Ionizing Radiation Protection for limiting exposure to electromagnetic fields which are identified in Ofcom’s “Guidance on EMF Compliance and Enforcement” that is in force at the relevant time.<sup>10</sup>
- (f) **“Licensee’s On-Site Radio Equipment”** means the Relevant Radio Equipment and any other wireless telegraphy station(s) and wireless telegraphy apparatus on the same site which transmits at powers higher than 10 Watts EIRP or 6.1 Watts ERP.<sup>11</sup>

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<sup>9</sup> There is pre-existing health and safety legislation which already requires employers to protect workers from exposure to electromagnetic fields (“EMF”) including the following legislation specifically relating to EMF (as amended from time to time): [The Control of Electromagnetic Fields at Work Regulations 2016](#), [The Control of Electromagnetic Fields at Work Regulations \(Northern Ireland\) 2016](#) and [The Merchant Shipping and Fishing Vessels \(Health and Safety at Work\) \(Electromagnetic Fields\) Regulations 2016](#).

<sup>10</sup> Ofcom’s “Guidance on EMF Compliance and Enforcement” will initially require the Licensee to comply with the ICNIRP Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz), published in: Health Physics 74(4):494-522, dated April 1998 and available at: <https://www.icnirp.org/cms/upload/publications/ICNIRPemfgdl.pdf> (“1998 Guidelines”) or the ICNIRP Guidelines for limiting exposure to electromagnetic fields (100 KHz to 300 GHz), published in: Health Physics 118(5): 483–524; 2020 and available at: <https://www.icnirp.org/cms/upload/publications/ICNIRPrgdl2020.pdf> (“2020 Guidelines”). However, once work on the relevant standards explaining the methodology for assessing compliance with the 2020 Guidelines has progressed sufficiently, Ofcom will publish a public consultation on updating its “Guidance on EMF Compliance and Enforcement” to explain that going forward Ofcom will be requiring the Licensee to comply with the 2020 Guidelines only. Following this public consultation, Ofcom will publish an updated version of Ofcom’s “Guidance on EMF Compliance and Enforcement” on its website. Ofcom will follow the same process for any subsequent versions of the ICNIRP Guidelines.

<sup>11</sup> 10 Watts EIRP is equivalent to 6.1 Watts ERP. In linear units  $EIRP (W) = 1.64 \times ERP (W)$ ; in decibels  $EIRP (dB) = ERP (dB) + 2.15$ . Ofcom’s “Guidance on EMF Compliance and Enforcement” explains how the Licensee can determine if wireless telegraphy station(s) or wireless telegraphy apparatus “transmits at powers higher than 10 Watts EIRP or 6.1 Watts ERP”.

- (g) **“Relevant Radio Equipment”** means all the Radio Equipment that is authorised by this Licence to transmit at powers higher than 10 Watts EIRP or 6.1 Watts ERP.
- (h) **“Shared Site Exemption”** means any of the following three situations apply on a shared site in relation to the Licensee’s or another licensee’s wireless telegraphy station(s) or wireless telegraphy apparatus that is authorised to transmit at powers higher than 10 Watts EIRP or 6.1 Watts ERP:
- The first situation is that all of the licensee’s wireless telegraphy station(s) or wireless telegraphy apparatus on a shared site do not transmit at a combined total radiated power in any particular direction<sup>12</sup> that is higher than 100 Watts EIRP or 61 Watts ERP;<sup>13</sup>
  - The second situation is that the total electromagnetic field exposure levels produced by the licensee’s wireless telegraphy station(s) or wireless telegraphy apparatus in any area where a member of the general public is or can be expected to be present when transmissions are taking place is no more than 5% of the basic restrictions or 5% of the reference levels in the relevant tables for general public exposure identified in the ICNIRP Guidelines;<sup>14</sup>
  - The third situation is where the licensee’s wireless telegraphy station or wireless telegraphy apparatus has an antenna gain that is equal to or higher than 29 dBi and has a fixed beam;
- (i) **“shared site”** means a site that is shared by the Licensee and at least one other licensee for the purposes of establishing, installing, modifying or using wireless telegraphy stations or wireless telegraphy apparatus;
- (j) **“site”** means a physical structure, building, vehicle or moving platform;
- (k) **“wireless telegraphy apparatus”** has the meaning given to it in section 117 of the Wireless Telegraphy Act 2006; and
- (l) **“wireless telegraphy station”** has the meaning given to it in section 117 of the Wireless Telegraphy Act 2006.

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<sup>12</sup> For the purpose of this situation, the combined total radiated power is a simple sum of the radiated powers (in EIRP or ERP) of all of the licensee’s wireless telegraphy station(s) or wireless telegraphy apparatus on the shared site that transmits signals covering the same or overlapping areas.

<sup>13</sup> 100 Watts EIRP is equivalent to 61 Watts ERP.

<sup>14</sup> The relevant tables for general public exposure are identified in Ofcom’s “Guidance on EMF Compliance and Enforcement”.