



Comments on the “Draft Wireless Telegraphy (Licence Award) regulations 2012

BT is pleased to provide the following comments on the above draft regulations published on 24 July 2012 for Ofcom’s consideration.

1. *Schedule 6 (Eligibility points associated with lots):*

- For the “2.6 GHz individual frequency lot” type the number of eligibility points for a lot is indicated as: “n-1, where n is the number of lots selected”. This is quite different to the Statement (para 7.60) where Ofcom indicates that the number of eligibility points for n lots is n-1.

2. *Regulation 24 (2) together with Schedule 3:*

- When determining whether existing and new spectrum holdings exceed the total spectrum cap of 210MHz, under these regulations the concurrent low power spectrum (lot type D1/D2) would be counted towards the cap. However, in the Statement (para A5.28b) the D1/D2 lots were to be excluded from the calculation.
- When determining whether existing and new spectrum holdings exceed the total spectrum cap of 210MHz, as written in the draft regulation the all “n” lots of unpaired 2.6 GHz (lot type E) would be counted towards the cap. However, in the Statement (para A5.28b) only n-1 of the lot type E is to be counted in the calculation.