

Ofcom application form OfW206 (Dec08)

Application for Spectrum Trading

For the transfer of rights and obligations under
Wireless Telegraphy Act licences in accordance with
The Wireless Telegraphy (Spectrum Trading) Trading
Regulations 2004 (SI 3154)

Please ensure this form is signed and dated at the bottom and use capitals throughout.

Before completing this form please read the **Guidance Notes on pages 7-11**

Please note the technical information contained in this application form will be used in the co-ordination procedure with other users of the radio spectrum. Please keep a copy of the completed application form.

A Instructions for completion

General guidelines on Ofcom's policies and procedures as relating to spectrum trading can be found in the document Trading Guidance (OfW224).

Print clearly. Illegible, unclear or incomplete application forms may delay processing.

Please read the notes on completing the application form at the back of this document before completing this form.

A separate form must be completed for each transfer. A single transfer application may involve a number of separate licences from the same class but the trade must involve the same licence holder and transferee.

Applications cannot be progressed unless the form is signed by all relevant parties or relevant proof of consent provided.

The date of effect cannot be back-dated.

Please send your completed application form to:

Ofcom
FAO Spectrum Licensing
PO Box 1285
Warrington
WA1 9GL

E-mail: spectrum.licensing@ofcom.org.uk
Tel: 020 7981 3131

Please note that Ofcom may request further information in order to determine whether it consents to a trade.

How we use your data

We require this information in order to carry out our licensing duties under the Wireless Telegraphy Act.

Please see Ofcom's General Privacy Statement for further information about how Ofcom handles your personal information and your corresponding right:

www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement

B Licence holder details

B.1 Please enter details of the current licence holder(s) (the 'Licence Holder(s)')

If the licence is held by more than one person concurrently ('Concurrent Licence Holders') please tick here and provide details of each such Concurrent Licence Holder on a separate sheet.

Surname

Initials

Title (e.g. Mr, Mrs, Miss, Ms, Dr, other)

Company name

Address

Postcode

Telephone

Fax

E-mail address

B.2 Please enter your Ofcom customer reference number

B.3 Please enter your company registration number

C Proposed transferee details

C.1 Please enter details of the proposed transferee ('Transferee')

If the proposed transfer is a concurrent transfer to more than one person ('Concurrent Transferee') please tick here and provide details of each such Concurrent Transferee on a separate sheet.

- Individual or sole trader
- Limited company
- Incorporated association
- Partnership
- Public limited company
- Registered charity
- Other legal entity (please state)

Surname

Initials

Title (e.g. Mr, Mrs, Miss, Ms, Dr, other)

Company name

Trading name

Address

Postcode

Telephone

Fax

E-mail address

C.2 Is the Transferee an existing customer of Ofcom?

- No
- Yes (please state customer reference number)

D Licence details

D.1 Please provide details of the licence(s) which contains the rights and obligations which you wish to transfer

If you need to provide additional licence numbers please tick here and continue on a separate sheet.

Licence class

Licence no.

E Description of transfer

E.1 Please state the type of transfer you wish to complete

A transfer of all rights and obligations (a full transfer)
(Go to section F)

A transfer of part of the rights and obligations
(a partial transfer) (Go to E.2)

E.2 Please state the type of partial transfer you wish to complete

A partial transfer of frequency (please complete E.3)

A partial transfer of a geographical area (please complete E.4)

A partial transfer of both frequency and a geographical area
(please complete E.3 & E.4)

E.3 Please provide details of your partial transfer of frequency using the appropriate section below

Transmit (MHz)

Receive (MHz)

BW (KHz)

E.3.1 For channelised licences please enter channel centre frequencies. Please continue on a separate sheet of paper if necessary.

Please enter additional information on the proposed frequency partition in the box provided

E.3.2 For Fixed Wireless Access licences and Spectrum Access licences please enter the details of the frequency range you wish to transfer including units. Please continue on a separate sheet of paper if necessary.

Lower

to Upper

Lower

to Upper

E.3.3 For Fixed Point-to-Point licences please enter the Link Reference Number. Please continue on a separate sheet of paper if necessary.

Link Reference Number(s)

E.4 For a partial geographical transfer please provide details and attach additional information as required. If the form provided is not adequate to capture the details of your transfer we strongly recommend that you read the guidance notes for completion of this application at the back of the form and contact Ofcom prior to submitting this form.

Which area would you like to trade?

Specific site (applies to Business Radio Technically Assigned licence only)

Please provide the NGR of the site(s) you wish to trade.

National areas

UK (all of England, Scotland, Wales and Northern Ireland)

England Northern Ireland

Scotland Wales

Grid squares (please refer to section of the Notes on completion at the end of this form)

HP All D

HU All A B C

HY All A B C D

HZ All A

NB All A B C D

SD All A B C D

SE All A B C D

SH All A B C D

SJ All A B C D

SK All A B C D

NC All A B C D

ND All A C

NF All B D

NG All A B C D

NH All A B C D

NJ All A B C D

NK All A C

NL All B D

NM All A B C D

NN All A B C D

NO All A B C D

NR All A B C D

NS All A B C D

NT All A B C D

NU All A C

NV All A B C D

NW All A B C D

NX All A B C D

NY All A B C D

NZ All A C D

SA All A B

SB All A B

SM All D

SN All A B C D

SO All A B C D

SP All A B C D

SR All B

SS All A B C D

ST All A B C D

SU All A B C D

SV All D

SW All B C D

SX All A B C D

SY All A B

SZ All A B

TA All A C

TF All A B C D

TG All C D

TL All A B C D

TM All A B C

TQ All A B C D

TR All A C

TV All A B

F Timing of transfer

F.1 When would you like the transfer to take effect?

Immediate

Postdated (please state proposed date)

G Statistical information

G.1 Pricing and transfer information data is requested by Ofcom on a voluntary basis along with details of any other relevant contractual arrangements. Such information collected by Ofcom will be treated as confidential and any published material will be based on aggregated data to ensure that the confidentiality of individual transactions is preserved.

Any other relevant information relating to contractual arrangements:

Price paid for spectrum: £

H Declaration from Licence Holder

Primary contact

The Licence Holder (and each Concurrent Licence Holder, if any) hereby confirms it has not requested Ofcom to revoke or vary the licence where that revocation or variation has not yet been made.

The Licence Holder (and each Concurrent Licence Holder, if any) hereby warrants that it consents to the transfer detailed in this application;

The Licence Holder (and each Concurrent Licence Holder, if any) indemnifies and holds harmless Ofcom from and against any loss, liability, damages, expenses or costs (including legal costs and expenses on a solicitor/client basis) arising in connection with any inaccurate or misleading information contained in this application (other than in Section C) or with its consent to the transfer.

Signed for and on behalf of the Licence Holder

Date of application

 / /

Full name (in block capitals)

Concurrent Licence Holders

Each Concurrent Licence Holder must sign this form. A director or authorised person must sign for public limited companies, limited companies and other legal entities. Ofcom will, however, address all correspondence to the Primary contact as identified above.

Signed for and on behalf of each Concurrent Licence Holder

Date of application

 / /

Full name (in block capitals)

Company

If the number of Concurrent Licence Holders exceeds the space above, additional details should be provided on a separate sheet of paper in the format given above and attached to this form.

I Declaration from Transferee

Primary contact

The Transferee (and each other Concurrent Transferee) hereby warrants that it consents to the Transfer.

Signed for and on behalf of the Transferee

Date of application

 / /

Full name (in block capitals)

Concurrent Transferees

All Concurrent Transferees must sign this form. A director or authorised person must sign for public limited companies, limited companies and other legal entities. Ofcom will, however, address all correspondence to the primary contact as identified above.

Signed for and on behalf of each Concurrent Transferee

Date of application

 / /

Full name (in block capitals)

Company

If the number of Concurrent Transferees exceeds the space above, additional details should be provided on a separate sheet of paper in the format given above and attached to this form.

FOR OFFICIAL USE ONLY

Application received by Ofcom

Licence renewal date

Case number

Stage payment customer

Notes on Completing an Application for Spectrum Trading

For the transfer of rights and obligations under
Wireless Telegraphy Act licences in accordance with
The Wireless Telegraphy (Spectrum Trading) Trading
Regulations 2004 (SI 3154).

How to fill in your application for Spectrum Trading

These notes provide step by step instructions to help you fill in your OfW206 Application for Spectrum Trading. It is particularly aimed at applicants who are less familiar with the spectrum trading process.

If, after reading this guide, you need more help, please telephone the Spectrum Trading Desk during office hours on 020 7981 3083 or write to us at the address at the bottom of this page.

Contact the Ofcom Advisory Team on 0845 456 3000 for any other Ofcom forms, or information sheets referred to within these guidance notes. All information sheets are also available on the Ofcom website www.ofcom.org.uk. From time to time this form may change, for example due to policy changes, etc. Therefore please check that you have the latest version.

1.0 Introduction

OfW206 can be used for any form of spectrum transfer, both full or partial, permitted by the Spectrum Trading Regulations¹. The types of trades that are permitted by the regulations are summarised in Ofcom's Trading Guidance Notes (OfW224).

Ofcom has introduced spectrum trading to a wide range of different types of licence class and has also enabled a number of different transfer options (e.g. full or partial transfers of frequency and geography). These trading options will apply in different ways to different licence classes. Consequently the information Ofcom will require to process an application may differ depending on the nature of the proposed transfer. Ofcom has attempted to design the application form in such a way as to request and gather this information in the clearest and simplest way possible. We do, however, strongly recommend that you read this guide prior to completing your application.

1.1 Who should complete the form?

The application form must be completed and signed by all parties to a trade (i.e. both the 'Licence Holder' and the 'Transferee'). If the licence to be sold is held concurrently by more than one Licence Holder, each Concurrent Licence Holder must sign the application. Similarly, if the licence is to be acquired by more than one party simultaneously (i.e. they intend to hold the licence as Concurrent Licensees) each of these should also sign the form.

1.2 How many forms should be completed?

A separate form must be completed for each transfer. A single transfer application may involve a number of separate licences from the same class but the trade must involve the same licence holder and transferee. So, for example if you intend to sell two fixed link point to point licences to the same party you may include this on a single form.

1.3 Handling your application

We aim to meet our published Quality of Service targets which will apply when we receive a correctly completed application. In cases of uncertainty or missing information we may attempt to contact you to resolve any points of detail or simply return the form.

When we are satisfied that all the correct details have been provided we will acknowledge this by email to all parties to a trade using the addresses stated in Sections B and C.

1.4 Application fees and licence fees

Ofcom does not charge a fee for processing applications for spectrum trades. However, please note that all licence fees must be paid at the time of transfer. Ofcom is not able to authorise a transfer if licence fees are outstanding. You should ensure that all fees are paid using the normal mechanisms.

1.5 Additional information

In order to properly process your application it may be necessary for Ofcom to contact you to request additional information.

1.6 Surrender of licence

Please note that if the transfer is approved by Ofcom the Licence Holder must surrender its licence to Ofcom in order for Ofcom to put the transfer into effect. Please note also that in the case of a partial transfer the licence will be replaced by a new set of rights and obligations relating to the non-transferred element of your existing licence.

1.7 How to answer the questions

We suggest you start by answering Section A working sequentially through the sections to Section I, answering all relevant questions.

Useful contacts for further advice on completing OfW206

The Spectrum Trading Desk can be contacted on 020 7981 3131

Email: spectrum.licensing@ofcom.org.uk

Fax: 020 7981 3921

Website: www.ofcom.org.uk

Please send your completed application form to:

Ofcom
FAO Spectrum Licensing
PO Box 1285
Warrington
WA1 9GL

E-mail: spectrum.licensing@ofcom.org.uk

Tel: 020 7981 3131

¹ The Wireless Telegraphy (Spectrum trading) Regulations 2004 (2004 NO.3154)

B Licence holder details

B.1 Please enter details of the current licence holder(s) (the 'Licence Holder(s)')

Please enter full details of the current licence holder(s).

B.2 Please enter your Ofcom customer reference number

Please enter your Ofcom customer reference number – you can find this on your licence renewal documentation.

B.3 Please enter your Company Registration Number

Having a registration number is very much dependent on your legal status. You should check whether your legal entity requires you to do so. If so, please enter this in the box provided.

C Proposed transferee details

C.1 Please enter details of the proposed transferee (the 'Transferee')

Please enter details of who the new licence, i.e. that which results from the transfer of rights and obligations, will be issued to – If you are applying for a concurrent transfer tick the relevant box and provide details of each Concurrent Transferee on a separate sheet. Legally this 'person' may be an individual operating a business from one of their own premises or two or more people acting together as a Partnership, Company or an Incorporated Association. The WT Act licence must state the full name of the specific person, company or organisation so that the licence is quite clear. A list of legal entities is provided and you should choose one from the list. If not listed then you should specify this against 'Other legal entity'.

C.2 Is the Transferee an existing customer of Ofcom?

If the Transferee is an existing customer of Ofcom please enter your Ofcom customer reference number – you can find this on any licence renewal documentation.

D Licence details

D.1 Please provide details of the licence which contains the rights and obligations which you wish to transfer

Please enter the licence number for the licence to be transferred. This can be found in your licence documentation.

Please also provide details of the type or 'class' of licence to be transferred, details of this can also be found in your licence documentation. It is important to establish what class of licence you possess as this will dictate the types of transfer you are permitted to undertake.

E Description of transfer

E.1 Please state the type of transfer you wish to complete

A licence can be traded in its entirety or, depending on the licence class, part of the rights and obligation under a licence can be traded. More details on the types of partial trades permitted can be found in Ofcom's Trading Guidance OfW224.

If you wish to transfer a licence in its entirety (full transfer) please tick the appropriate box and proceed directly to Section F. If you wish to transfer part of a licence (a partial transfer) please tick the appropriate box and proceed to Section E.2.

E.2 Please state the type of partial transfer you wish to complete

Ofcom currently allows certain licences to be partitioned by frequency (spectrally partitioned – so for example trading half the frequency channels under your licence) or by geographical area (geographically partitioned – trading part of the area you have rights to operate in). It is also possible to combine both of these options (for example, selling some spectrum in part of the area you have rights to operate in). Not all options are available to all licence classes; please consult Ofcom's Trading Guidance carefully to see what is permitted under the licence class you possess.

E.3 Please provide details of your partial transfer of frequency using the appropriate section below

Different types of licence specify the frequency permitted for use in different ways. For example, licences in the Business Radio Technically Assigned class specify the centre frequency and bandwidth of a channel. Alternatively in the Fixed Wireless Access Class the licence will specify a range of frequencies in which transmissions are permitted. For the purpose of this form the following tradable licences should use the following part of E.3:

E.3.1	E.3.2	E.3.3
Business Radio Technically Assigned	Fixed Wireless Access 3.4 GHz	Spectrum Access 1785 MHz NI Award
Business Radio Area	3.6 GHz	412-414 MHz
Scanning telemetry	28 GHz	1452-1492 MHz
		Fixed Terrestrial Links – Point-to-Point Links

E.3.1 For Channelised Licences. Please continue on a separate sheet of paper if necessary.

Enter the centre frequency of the channel as shown on your licence schedule and the bandwidth of the channel. If the channel is duplex enter both the base transmit and receive frequency, for simplex channels enter only the base transmit frequency.

Frequency partitioning for channelised classes is limited to a minimum frequency bandwidth of 6.25 kHz. If you intend to partition an existing channel, for example splitting a 25 kHz channel in half, please note that channel arrangement must comply with the existing channel raster. You must state in the additional information box the proposed new centre frequency and bandwidths for the channels resulting from this kind of partition. You must also identify what frequency is to be transferred from the existing licence. If you wish to discuss this further please contact the Spectrum Trading Desk.

E.3.2 For Fixed Wireless Access and Spectrum Access licences please enter the details of the frequency range you wish to transfer including units. Please continue on a separate sheet of paper if necessary.

For these type of licences simply enter the lower and upper frequency of the band to be transferred through a partial trade. If your licence has a duplex element please identify the partition for both the base transmit and receive band. Please also enter the frequency units you are using; e.g. MHz, GHz etc.

E.3.3 For Fixed Point-to-Point licences please enter the Link Reference Number. Please continue on a separate sheet of paper if necessary.

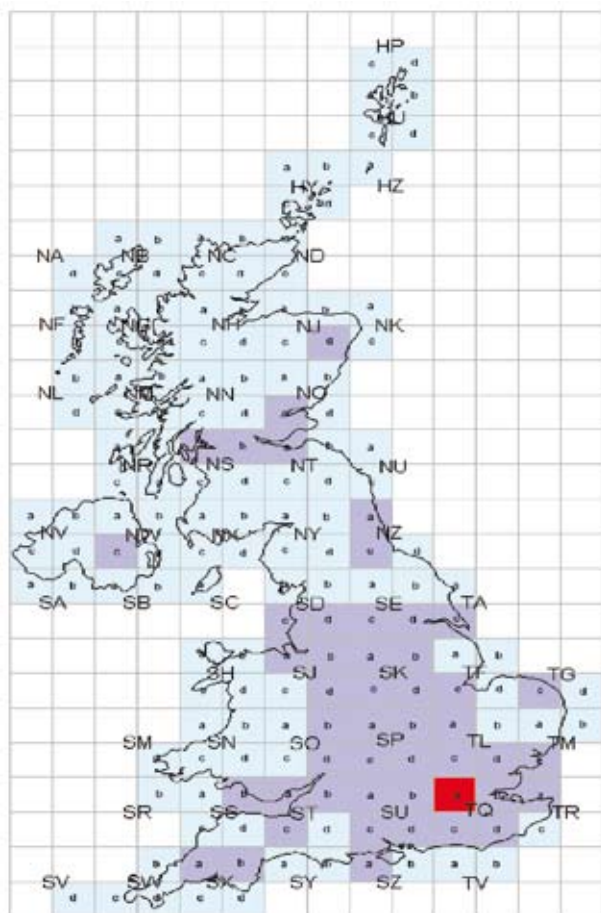
For Fixed Point-to-Point licences please enter the Link Reference Number(s) for the link to be traded – this can be found in your licence documentation.

E.4 For a partial geographical transfer please provide details and attach additional information as required. If the form provided is not adequate to capture the details of your transfer we strongly recommend that you read the guidance notes for completion of this application at the back of the form and contact Ofcom prior to submitting this form.

For those licences where it is possible to geographically partition a licence, if possible, please specify the trade on the form provided. We have recently introduced the concept of 'trading unit'. Trading units are 50km squares that divide up the UK using the National Grid System and provide an easy way to communicate the geographical area you wish to transfer. A map of trading units is provided below (figure 1).

If the form provided is not adequate to capture the details of your transfer we strongly recommend that you contact Ofcom's Spectrum Trading desk prior to submitting this form.

Figure 1 – Trading units



F Timing of transfer

F.1 When would you like the transfer to take effect?

If you wish the trade to take effect immediately Ofcom has finished processing the application simply tick the 'Immediate' box.

It is possible to schedule the date you require the transfer to become effective. To do this simply enter the date in the box marked 'Postdated'. Please note that the date specified should be a working day and give Ofcom reasonable time to properly process your application. The date must be later than 42 calendar days after application and before the expiry of 3 months after application.

Ofcom cannot guarantee meeting any such date since timing will depend on the issues that arise on any particular transfer application. However, Ofcom will take the parties' desired date into account. If the exact date when transfer is to be put into effect is of significance to parties, Ofcom recommends that you liaise with a member of the spectrum trading team.

G Statistical information

Pricing and transfer detail information data is requested by Ofcom on a voluntary basis along with details of any other relevant contractual arrangements. Such information collected by Ofcom will be treated as confidential and any published material will be based on aggregated data to ensure that the confidentiality of individual transactions is preserved.

H Declaration from Licence Holder

Licence Holder(s) should read the declaration carefully and sign the form. If the licence is held by Concurrent Licence Holders, each of these should sign the declaration, copying and signing it on separate sheets if necessary.

I Declaration from Transferee

Transferees should read the declaration carefully and sign the form. If the licence is to be held by Concurrent Transferees, all of these should sign the declaration, copying and signing it on separate sheets if necessary.