



# The allocation of Public Telecommunications Services (PTS) apparatus licences in the 2.1 GHz band

Spectrum Planning Discussion Paper

SPP 7/09

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# 1 Introduction

The Australian Communications and Media Authority (ACMA) manages Australia's radiofrequency spectrum. Part of the ACMA's task is to facilitate spectrum access for new technologies in a flexible and responsive manner while balancing the needs of existing spectrum users.

## Purpose

The purpose of this paper is to provide context and frame discussion between the ACMA and interested parties on the proposed licensing arrangements to support the allocation of public telecommunications service (PTS) apparatus licences in the paired frequency bands 1920-1980 MHz and 2110 – 2170 MHz (the 2 GHz band) in areas of regional and remote Australia.

It is important to note that the spectrum considered for allocation is outside geographic areas that are designated for spectrum licensing.

The proposals discussed in this paper are intended to provide assurance that adequate protection is afforded to existing services from the introduction of PTS systems in the band. The technical and regulatory policies proposed in this paper aim to strike a balance between allowing developing and existing technologies, such as terrestrial mobile telecommunications services, to access spectrum and addressing the legitimate concerns of incumbent users regarding the protection of existing infrastructure.

## Scope

The issues raised in the paper will provide stakeholders with the opportunity to enter into discussions with the ACMA regarding:

- The current demand for access to spectrum in the 2 GHz band;
- The proposed licensing arrangements for PTS apparatus licences to support terrestrial mobile telecommunications services in regional and remote areas of Australia;
- The proposed coordination criteria for the PTS licensing option in the 2 GHz band; and
- The proposed amendments to legislative instruments that, when implemented, will enable the ACMA to issue PMTS Class B apparatus licences in the 2 GHz band.

This paper does not propose to address issues such as spectrum licence expiry or re-issue in the 2 GHz band or the cost to access spectrum in regional areas of Australia.

## Context

The *Australian Communications and Media Authority Act 2005* (the ACMA Act) sets out the spectrum management functions of the ACMA including:

- Managing the radiofrequency spectrum in accordance with the *Radiocommunications Act 1992* (the Act); and
- To advise and assist the radiocommunications community.

In managing the radiofrequency spectrum, the ACMA is guided by the object of the Act. Two of the principal objects outlined in section 3 of the Act are to:

(a) Maximise, by ensuring the efficient allocation and use of the spectrum, the overall public benefit derived from using the radiofrequency spectrum.

...

(e) Provide an efficient, equitable and transparent system of charging for the use of spectrum, taking account of the value of both commercial and non-commercial use of spectrum.

...

Further to this, the ACMA has developed a set of principles that guide the ACMA's approach to a range of spectrum management initiatives. The principles are designed to increase the transparency, predictability and consistency of ACMA's decision making in a climate of rapid technological change and increasing demand for new services.

The ACMA's Principles for Spectrum Management (the Principles) are consistent with the principles of good regulatory process. They provide directions that will generally result in welfare being maximised and, together with the use of a total welfare standard, articulate the ACMA's proposed standard approach to spectrum management. The Principles are listed below.

- Principle 1 – Allocate spectrum to the highest value use or uses;
- Principle 2 – Enable and encourage spectrum to move to its highest value use or uses;
- Principle 3 – Use the least cost and least restrictive approach to achieving policy objectives;
- Principle 4 – To the extent possible, balance certainty and flexibility; and
- Principle 5 – Balance the cost of interference and the benefits of greater spectrum utilisation.

The ACMA will consider the principles when analysing responses to this discussion paper.

## Submissions

Comments on the issues set out in the discussion paper must be forwarded by close of business on **23 November 2009** to:

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### **Publication of submissions**

In general, the ACMA publishes all submissions it receives. However, the ACMA will not publish submissions that it considers contain defamatory or irrelevant material.

The ACMA prefers to receive submissions which are not claimed to be confidential. However, the ACMA accepts that a submitter may sometimes wish to provide information in confidence. In these circumstances, submitters are asked to identify the material over which confidentiality is claimed and provide a written explanation for confidentiality claims.

The ACMA will not automatically accept all claims of confidentiality. The ACMA will consider each claim for confidentiality on a case-by-case basis. If the ACMA accepts a confidentiality claim, it will not publish the confidential information unless required to do so by law.

#### ***When can the ACMA be required by law to release information?***

The ACMA may be required to release submissions by law under the *Freedom of Information Act 1982* (Cth) or for other reasons, including for the purpose of parliamentary processes or court subpoena. The ACMA will seek to consult submitters of confidential information before that information is provided to another body or agency, but the ACMA cannot guarantee that confidential information will not be released through these or other legal means.

#### ***Sharing of information***

Under the *Australian Communications and Media Authority Act 2005*, the ACMA is able to disclose submissions to the Minister, Department including authorised officials, Royal Commissions and certain Commonwealth authorities such as the Australian Competition and Consumer Commission and Australian Securities and Investment Commission.

If information is accepted by the ACMA as confidential, the ACMA will seek to consult with the submitter of the information where the ACMA intends to share that information.

## 2 Current licensing arrangements in the 2 GHz band

### Background

The ACMA received interest in late 2008 from telecommunications providers seeking to access spectrum in the paired frequency bands 1920-1980 MHz and 2110-2170 MHz (the 2 GHz band) in regional and remote areas of Australia. The 2 GHz band is currently allocated on a co-primary basis to fixed and mobile services; with space research services allocated on a co-primary basis in the 2110-2120 MHz segment respectively.<sup>1</sup>

There is evidence of increasing demand, both domestic and internationally, for spectrum to provide increased capacity for services offered by mobile telecommunications providers. The 2 GHz band has been identified as an IMT band and allocated internationally for mobile telecommunications services. By developing appropriate coordination criteria and making further spectrum available in regional and remote areas of Australia for mobile telecommunications services, the ACMA can facilitate increased use of the band by multiple services in areas where the spectrum may have otherwise remained unused.

In Australia, the 2 GHz band is allocated via the issue of spectrum licences in metropolitan and regional areas; and the issue of apparatus licences in regional and remote areas of Australia that are outside the scope of the Re-allocation Declaration. The discussion below highlights the current use and licensing arrangements in place for the metropolitan and regional areas under the spectrum licence framework; and licensing arrangements in regional and remote areas under the apparatus licence framework respectively.

### Metropolitan & Regional Areas

The 2 GHz band was re-allocated for spectrum licensing in specific geographic areas in the *Radiocommunications (Spectrum Re-allocation) Declaration No. 2 of 2000* (the Re-allocation Declaration) made by the Minister in accordance with section 153B of the Act. The Re-allocation Declaration declared that the full 60 MHz of spectrum available in the 2 GHz band (1920-1980 MHz / 2110-2170 MHz) would be allocated by the issue of spectrum licences in metropolitan areas; and 20 MHz of the 2 GHz band (1960-1980 MHz /

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<sup>1</sup> This information is taken from the *Australian Radiofrequency Spectrum Plan 2009* and is available on the ACMA's website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_2713](http://www.acma.gov.au/WEB/STANDARD/pc=PC_2713)

2150-2170 MHz) would be allocated by the issue of spectrum licences in regional areas of Australia.<sup>2</sup>

The technical framework for the 2 GHz band was designed with 3G mobile telecommunications services the expected service to be deployed.

It is important to note that residual spectrum licence areas in the 2 GHz band can no longer be allocated via the issued of spectrum licences as the relevant spectrum Re-allocation Declaration has been revoked.<sup>3</sup> This means that, unless the ACMA recommends to the Minister that a further re-allocation declaration be made, the ACMA may allocate spectrum in these residual areas via the issue of apparatus or class licences.

## **REVOCATION OF THE RE-ALLOCATION DECLARATION**

The registration provisions of the *Legislative Instruments Act 2003* (the Legislative Instruments Act) provide that any legislative instrument that was not registered on the Federal Register of Legislative Instruments would automatically be revoked. Any unregistered instrument made between 1 January 2000 and 31 December 2004 was revoked on 1 January 2006; and unregistered instruments made before 1 January 2000 were revoked on 1 January 2008. The Re-allocation Declaration was not registered on the Federal Register of Legislative Instruments and was subsequently revoked on 1 January 2006.

However, despite the revocation of the Re-allocation Declaration, section 15 of the Legislative Instruments Act preserves the rights of spectrum licensees in relation to spectrum licences issued as a result of the Re-allocations Declaration. Section 15 of the Legislative Instruments Act provides that:

The repeal of any legislative instrument, or of any provision of a legislative instrument, does not, unless the contrary intention appears in the Act or legislative instrument affecting the repeal:

- (1) Revive anything not in force or existing at the time at which the repeal takes effect; or
- (2) Affect the previous operation of the instrument or provision or anything duly done or suffered under the instrument or provision; or
- (3) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the instrument or provision.

Therefore, the rights and obligations obtained by licensees via allocation of their spectrum licences remain in force.

## **Rural & Remote Areas**

In areas of regional and remote Australia that are outside of the spectrum licence areas defined in the Re-allocation Declaration, the 2 GHz band is predominantly used for the

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<sup>2</sup> Reference to 60 MHz and 20 MHz bandwidth implies that the spectrum is paired.

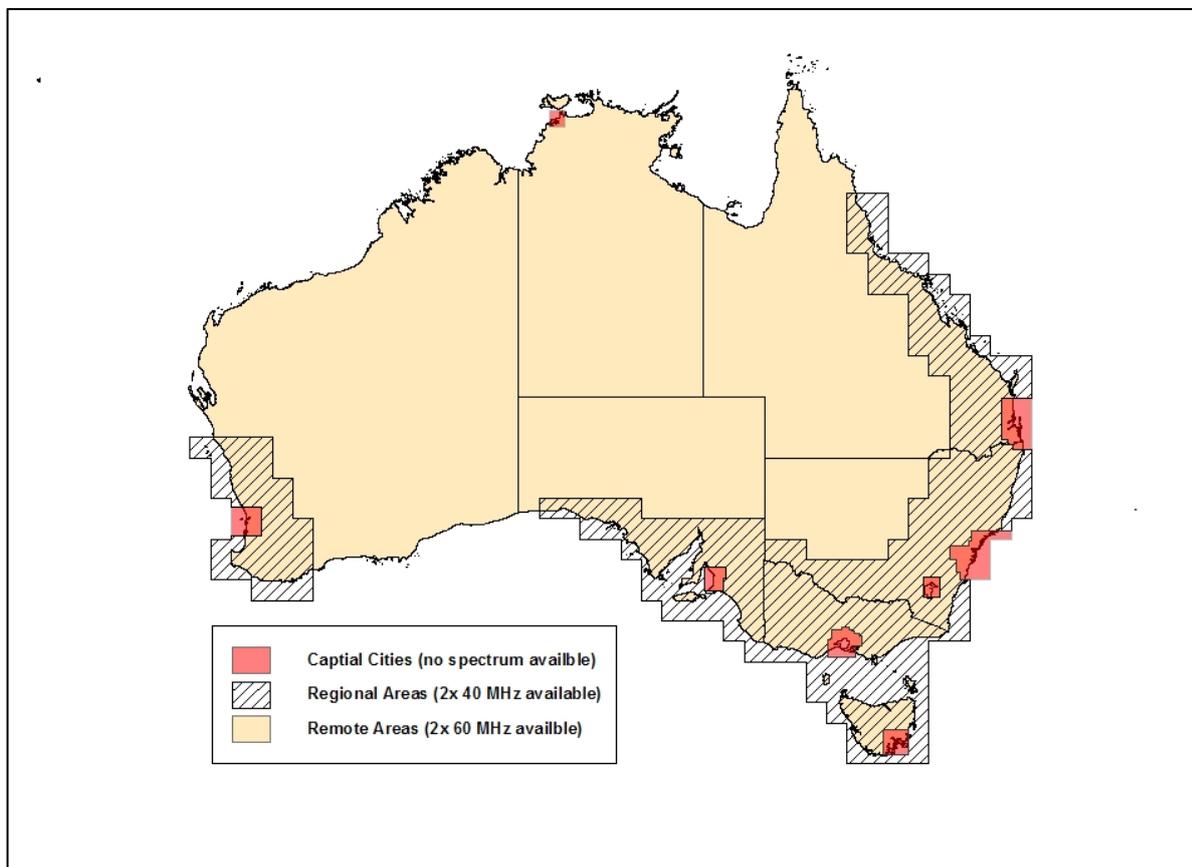
<sup>3</sup> Residual spectrum licence areas are geographic areas where lots were not allocated for spectrum licences in the initial allocation in 2001; or allocated as spectrum licences while the Re-allocation Declaration was in force. Residual areas in the 2 GHz band include 5 MHz of spectrum in metropolitan areas such as Adelaide, Brisbane, Canberra, Darwin, Hobart and Perth; and various amounts of spectrum in regional areas that were identified for allocation by the issue of spectrum licences in the Re-allocation Declaration.

deployment of fixed point-to-point links to support both voice and data communications for remote communities.

The ACMA anticipates that there will be minimal disruption to existing services in the 2 GHz band by the introduction of public telecommunications service (PTS) apparatus licences in the band.

The ACMA intends to amend the regulatory framework to enable the issue of PTS apparatus licences in geographic areas that are outside the scope of the Re-allocation Declaration and areas that are not specified in Embargo 26 in *Radiocommunications Assignment and Licensing Instruction (RALI) MS03: Spectrum Embargoes*.<sup>4</sup>

The map presented below provides an indication of the geographic areas where 2 GHz spectrum will be made available for allocation via the issue of PTS apparatus licences.



No spectrum is provided in capital cities, or metropolitan areas of Australia as all spectrum in the 2 GHz band was re-allocated for spectrum licensing; however varying amounts of spectrum is available in regional and remote areas.

The ACMA may issue PTS apparatus licences in the 40 MHz of available spectrum using the 1920-1960 MHz / 2110-2150 MHz segment of the 2 GHz band in regional areas of

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<sup>4</sup> Segments of the 2 GHz band that were re-allocated for spectrum licensing are included in Embargo 26. The embargo is included in RALI MS03 and can be accessed on the ACMA website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_2712](http://www.acma.gov.au/WEB/STANDARD/pc=PC_2712)

Australia, subject to successful coordination with incumbent services. The full 60 MHz of spectrum in the 2 GHz band will be made available for allocation in remote areas of Australia, subject to successful coordination with incumbent services.

Further information on the licensing arrangements and the coordination criteria is provided in Chapters 3 and 4; and information on the proposed amendments to the regulatory framework is provided in Chapter 5.

## 3 Licensing arrangements

The ACMA has considered the following issues in its analysis to determine the preferred licensing option:

- Telecommunications providers have requested access to the 2 GHz band to increase capacity for mobile telecommunications services in regional and remote areas;
- The ACMA intends to facilitate quick access to the 2 GHz band in response to these requests;
- There is a need to develop appropriate coordination criteria providing effective interference management arrangements to ensure that new and existing services can co-exist in the band;
- Consideration of the objects of the Act such as ensuring the efficient allocation of spectrum, combined with the need to maximise the overall public benefit from its use; and
- Analysis of the proposed licensing and coordination arrangements with the Principles.

The ACMA believes that the issue of public telecommunications service (PTS) licences on a site coordinated basis best supports arrangements for the deployment of advanced telecommunications technologies (3G, 4G, LTE) in the 2 GHz band.

By issuing PMTS Class B apparatus licences on a site coordinated basis, the ACMA will be able to provide incumbent services with certainty regarding issues such as interference management. The use of the PMTS Class B licensing option will also provide access to the 2 GHz band using a licensing arrangement that reflects the current use of the 2 GHz band in metropolitan and regional areas for mobile telecommunications services.

### The PTS Licensing Option

Public Telecommunications Service (PTS) apparatus licences are used to authorise terrestrial mobile telecommunications systems. A PTS licence is issued for a radiocommunications service that consists of two or more land stations that are operated:

- a) By a person who holds a telecommunications carrier licence under the *Telecommunications Act 1997* (the Telecommunications Act); and
- b) For providing a public mobile telecommunications service (PMTS).

Under the current regulatory arrangements, there are three licensing options available for the PTS licence type, including:

- a) PMTS Class A – authorising a public mobile telecommunications service in the 800 MHz band;
- b) PMTS Class B – authorising public mobile telecommunications services in the 900 MHz and 1800 MHz bands; and
- c) Public Access Cordless Telecommunications Services (PACTS)

The PMTS Class A and PACTS licensing options are now largely redundant. The PMTS Class A licences are used in Australia’s offshore islands and external territories, where there are only four existing licences, issued to Telstra. The PACTS licensing option has not been used for more than a decade.

The ACMA intends to amend the applicable regulatory arrangements for PTS licences so that the PMTS Class B licensing option enables the operation of terrestrial public mobile telecommunications services in the 2 GHz band, and any other frequency band allocated for IMT technologies.

Further information on the proposed amendments is provided in Chapter 5.

## **Allocation Mechanisms**

There are two ways in which the ACMA can issue apparatus licences. Licences can be issued via an administrative allocation process, referred to as an “over the counter” (OTC) allocation in accordance with section 100 of the Act. In these cases, the ACMA will generally issue an apparatus licence on a first in time, or order of receipt, basis. The other option is to issue licences via a price-based allocation (PBA) process in accordance with section 106 of the Act. The ACMA applies PBA processes in situations where the demand for access to spectrum may exceed its supply.

The ACMA intends to issue PMTS Class B apparatus licences in the 2 GHz band on a site coordinated basis via the administrative allocation process. The administrative allocation process will enable prospective applicants to use Accredited Persons to coordinate and submit applications for the proposed deployments of transmitters in the band.

As discussed above, the ACMA intends to release 40 MHz of available spectrum using the 1920-1960 MHz / 2110-2150 MHz segment of the 2 GHz band in regional areas of Australia, subject to successful coordination with incumbent services. The full 60 MHz of spectrum in the 2 GHz band will be made available for allocation in remote areas of Australia, subject to successful coordination with incumbent services. The ACMA understands that a number of telecommunications providers will be able to access spectrum as a result of this spectrum release in the 2 GHz band.

Where spectrum is limited due to the existence of incumbent services, prospective licensees are also encouraged to negotiate with existing licensees and, where possible, develop arrangements to facilitate the co-existence of their respective services.

An annual transmitter licence tax will apply to PMTS Class B apparatus licences issued in the 2 GHz band. The annual transmitter licence tax amount will be \$0.06 for each paired MHz of spectrum multiplied by the population to which the service relates. The population amount is determined by reference to Census data.

Further information on the applicable annual transmitter licence tax is provided in Chapter 5.

## 4 Technical Parameters

### Development of coordination criteria

Coordination criteria in the 2 GHz band have been developed to support the deployment and operation of PTS technologies using FDD (frequency division duplex) configurations. It is assumed that technologies based on the 3GPP standard (that is, UMTS/WCDMA technologies) are the most likely PTS technologies to be deployed.

Coordination requirements for many of the services operating in and around the 2 GHz band are already defined in various Radiocommunications Assignment and Licensing Instructions (RALI), the Radiocommunications Advisory Guidelines made under section 262 of the Act, or contained within the relevant spectrum licence technical framework.

However, the coordination criteria for the PTS apparatus licences in the 2 GHz band will be provided in a new RALI document. The purpose of the new RALI is to provide information about, and describe the necessary steps for the frequency coordination and licensing of proposed PTS systems. The RALI will draw on information provided in the technical framework for the 2 GHz spectrum licences, as well as technical coordination criteria outlined in RALI FX3 and RALI FX19, to determine appropriate interference management arrangements and coordination criteria for the issue of PTS apparatus licences in the band.

The RALI developed by the ACMA applies 5 MHz channel bandwidths to PTS apparatus licences issued in the 2 GHz band; and notes that no more than two 5 MHz channels will be assigned to a single licensee in the same geographic area.

A copy of the coordination criteria can be accessed on the ACMA's website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311889](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311889)

### Incumbent services & other issues

The ACMA has identified several incumbent services that could be affected by the introduction of PTS apparatus licences in the 2 GHz band. These services operate on either a co-channel or adjacent channel basis with the proposed PTS apparatus licences.

Some of the incumbent services that may be affected by the introduction of PTS apparatus licences include:

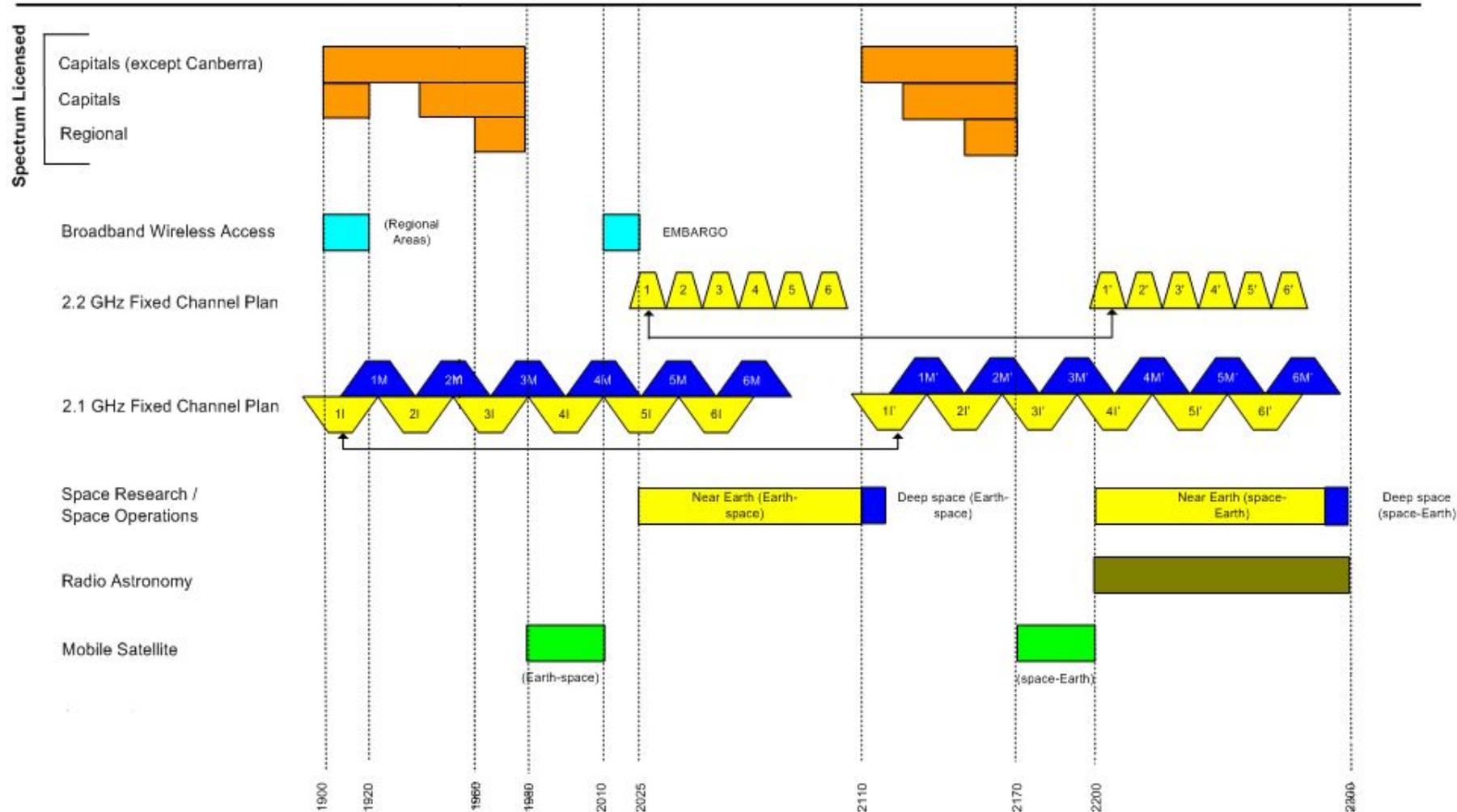
- Fixed Earth
- Earth Receive

- Fixed Services (including fixed receive, point-to-point and point-to-multipoint)
- Registered 2 GHz Band Spectrum Licence Devices
- Scientific Assigned

The issue of apparatus licences using the coordination criteria set out in the new RALI will provide the desired level of flexibility to review applications for services in the band on a case by case basis. The assignment model adopted by the ACMA will provide certainty to incumbent licensees by ensuring their ongoing protection in the band; and ensure that minimal costs are passed on to incumbent operators as they will not be required to relocate to other frequency bands.

Figure 4.1 below illustrates the current licensing arrangements in the 1900-2300 MHz frequency range.

Figure 4.1 – current licensing arrangements in the band 1900 MHz – 2300 MHz.



## 5 Regulatory framework

The ACMA is proposing amendments to the PTS licensing arrangement to enable PMTS Class B apparatus licences to be issued in the 2 GHz band; and to make other amendments that are intended to increase the overall flexibility of the PTS licensing arrangement.

### **Proposed changes to the PTS licensing arrangement**

Under the current regulatory framework, the PTS licensing arrangement provides three licensing options including PMTS Class A authorising public mobile telecommunications services in the 800 MHz band; PMTS Class B authorising public mobile telecommunications services in the 900 MHz and 1800 MHz bands; and PACTS, respectively.

#### **REMOVAL OF UNUSED LICENSING OPTIONS**

While a number of PMTS Class B apparatus licences have been issued in the 900 MHz and 1800 MHz bands to support the operation of public mobile telecommunications services throughout Australia, there are only four existing PMTS Class A apparatus licences in the 800 MHz band. The PMTS Class A licensing option was originally established to authorise the analogue advanced mobile phone service (AMPS) network operated by Telstra in the 800 MHz band. The NextG network that now operates in that band is predominantly authorised under spectrum licences. The PACTS licensing option has not been used in over a decade.

The ACMA intends to take advantage of the opportunity presented by the amendment to rationalise the number of licensing options under the PTS licence type. The ACMA proposes to remove the PMTS Class A and PACTS licensing options.

This change would result in all terrestrial mobile telecommunications services being authorised under a PMTS Class B apparatus licence outside of spectrum licensed areas. The ACMA proposes to convert the four existing PMTS Class A apparatus licences to PMTS Class B apparatus licences. The existing conditions and applicable transmitter licence taxes would continue to apply to these services.

#### **REGULATORY REDUCTION**

The ACMA does not believe it is necessary to specify frequency bands of operation for PTS licences in the *Radiocommunications (Interpretation) Determination 2000* (the Interpretation Determination). This is because frequency bands can be more efficiently specified in individual licences, with additional conditions for specific frequency ranges set out in the *Radiocommunications Licence Conditions (PTS Licence) Determination 1997* (the PTS LCD).

Removing references to the specific frequency bands is a technology-flexible approach that would enable the ACMA to issue PMTS Class B apparatus licences in new frequency bands more quickly. This will improve the ACMA's responsiveness to advances in technology, particularly as new bands are internationally identified and allocated domestically for use by mobile telecommunications.

Another restriction of the current PTS licence type is that it requires the licensee to hold a carrier licence under the Telecommunications Act. This requirement is unnecessary because it duplicates the requirements under section 42 of the Telecommunications Act, which already apply to licensees who supply a carriage service to the public. An unintended consequence of this requirement is that some PTS licensees may be required to hold a carrier licence even though there is no requirement under the Telecommunications Act. For this reason, the ACMA proposes to remove this requirement.

## **AUTHORISATION OF REPEATERS**

PTS licences are primarily used to authorise base stations that provide mobile telecommunications services. However, local conditions and geography may cause deficiencies or "black spots" in base station coverage. Network operators therefore use repeater stations to improve coverage. Each repeater station receives transmissions from a base station and automatically retransmits them to the end user in the black spot, doing the same for the transmissions from the end user back to the base station.

In order to operate, repeater stations must transmit on both transmit and base receive frequencies specified in the PTS licence. The ACMA proposes to vary the definition of PTS licences in the Interpretation Determination to refer to the operation of one or more land stations under the licence; and include specific licence conditions in the PTS LCD that repeater transmissions are authorised under PMTS Class B apparatus licences to operate using both transmit and base receive frequencies.

## **Proposed regulatory amendments**

The ACMA is proposing to amend a number of legislative instruments that, in combination, will ensure that all frequency bands identified for international mobile telecommunications (IMT) technologies that may be used by telecommunications providers to provide a terrestrial mobile telecommunications service, are able to be licensed using the PMTS Class B apparatus licence option. The legislative instruments that will be amended include:

- The *Radiocommunications (Interpretation) Determination 2000*;
- The *Radiocommunications Licence Conditions (PTS Licence) Determination 1997*;
- The *Radiocommunications (Charges) Determination 2007*; and
- The *Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2)*.

A summary of the proposed amendments to each legislative instrument is provided below.

### ***Radiocommunications (Interpretation) Determination 2000***

Schedule 1 of the Interpretation Determination sets out the definitions for the various apparatus licence types. As discussed above, the ACMA proposes to amend the Interpretation Determination to make the PTS licence type more flexible and remove redundant regulation. The proposed amendments include:

- Removing reference to frequency bands for the PMTS Class B apparatus licence;
- Removing the definition of the PACTS licensing option as this option is discontinued; and
- Removing the requirement that the licensee must hold a carrier licence under the Telecommunications Act.

The ACMA believes that these amendments will increase the flexibility of the PTS licence type for the delivery of terrestrial mobile telecommunications services via the issue of PMTS Class B apparatus licences for any frequency band that may be allocated internationally for IMT related services.

A copy of the draft amendment instrument for the Interpretation Determination is available on the ACMA's website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311889](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311889)

### ***Radiocommunications Licence Conditions (PTS Licence) Determination 1997***

Section 107 (1) (f) of the Act provides that the ACMA may determine, by written instrument, conditions that may apply to particular types of apparatus licences. The PTS LCD sets out the conditions that apply to PTS apparatus licences that may be issued by the ACMA.

The amendment instrument for the PTS LCD proposes to add a condition that is intended to clarify the authorisation of repeater stations to operate using the transmit and base receive frequencies authorised on the relevant PMTS Class B apparatus licence. The amendment instrument will also remove references of the PMTS Class A and PACTS licensing options from the PTS LCD.

A copy of the draft amendment instrument for the PTS LCD is available on the ACMA's website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311889](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311889)

### ***Radiocommunications (Charges) Determination 2007***

Administrative charges apply to the issue, renewal and coordination of apparatus licences. The ACMA sets out the amount of the administrative charge for each apparatus licence type in the *Radiocommunications (Charges) Determination 2007* (the Charges Determination).

The draft amendment instrument for the Charges Determination proposes to remove references to the PMTS Class A and PACTS apparatus licence types; and the relevant charges information for these licence types respectively.

A copy of the draft amendment instrument for the Charges Determination is available on the ACMA's website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311889](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311889)

### ***Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2)***

The *Radiocommunications (Transmitter Licence Tax) Determination 2003 (No 2)* (the Transmitter Licence Tax Determination) sets out the amount of annual tax to be applied to each transmitter authorised under an apparatus licence. The tax is payable at the time the apparatus licence is issued, and again at the time of apparatus licence renewal.

The ACMA intends to specify the base transmit segment of the paired frequency bands authorised under the PMTS Class B apparatus licence in the Transmitter Licence Tax Determination. For example, the ACMA proposes to expand the PMTS Class B apparatus licence option set out in the Transmitter Licence Tax Determination to include the base

transmit segments of the 2 GHz band. The 2 GHz band is the paired frequency bands 1920-1980 MHz and 2110-2170 MHz. Therefore, the base transmit segment of the band (2110-2170 MHz) will be included as a new line item in Table 702 of the Transmitter Licence Tax Determination.

The tax amount that will apply to the 2110-2170 MHz segment of the 2 GHz band is \$0.06 for each paired MHz of spectrum multiplied by the population of the area to which the service relates. The population amount is determined using applicable Census data.

The ACMA also proposes to include provisions in the amendment instrument to grandfather the current annual transmitter licence tax applicable to the four existing PMTS Class A apparatus licences after their conversion to PMTS Class B apparatus licences. The frequency range 870-890 MHz will be specified as a line item in paragraph 201 (1) (q) of the Transmitter Licence Tax Determination. This will ensure that licensees holding this particular licence type will continue to be taxed on a “per spectrum access” basis that is consistent with the current arrangements for the band.

Therefore, the amendment instrument proposes to amend the Transmitter Licence Tax Determination in the following way:

- Include a new line item at 17A showing the PMTS Class B sub-band operating in the 2110-2170 MHz frequency band with a tax of \$0.06 for each paired MHz of spectrum multiplied by the population of the area to which the service relates;
- Convert the PMTS Class A licence to a PMTS Class B apparatus licence operated in the 870-890 MHz frequency range;
- Amend the 900 MHz and 1800 MHz PMTS Class B apparatus licences specified in line items 16 and 17 to specify the base transmit segments of the frequency bands. That is, the 900 MHz band will be amended to reflect the base transmit frequency range 935-960 MHz; and the 1800 MHz band will be amended to reflect the base transmit frequency range 1710-1820 MHz, respectively.

A copy of the draft amendment instrument to the Transmitter Licence Tax Determination is available on the ACMA’s website at [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311889](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311889)