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**Pivotel Response to the ACMA's  
Expiring Spectrum Licences Stage 4 consultation:  
Updated Preliminary Views on Pricing  
December 2025**

**6<sup>th</sup> March 2026**

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## 1. Introduction

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Pivotel Group Pty Limited (Pivotel) welcomes the opportunity to respond to the Australian Communications and Media Authority's (ACMA) Expiring Spectrum Licences Stage 4 consultation: Updated Preliminary Views on Pricing (December 2025).

Pivotel is an Australian owned and operated carrier that has delivered voice, data and satellite connectivity solutions to regional and remote Australians since 2003. Pivotel holds a carrier licence under the Telecommunications Act 1997 (Cth) and operates one of only four Australian public mobile networks, including a 4G/LTE terrestrial network complemented by mobile satellite services across all major satellite platforms including Iridium, Inmarsat, Globalstar, nbn™ and services from LEO providers including OneWeb and Starlink.

Pivotel has been an active participant in the ESL consultation process and has previously made submissions addressing the use-case and competitive implications of ESL decisions, most recently in its response to the ACMA's earlier ESL discussion paper. Pivotel has also recently presented at the CommsDay Radio and Regulatory Forum 2026 on the role of Full MVNOs as a pathway to competition in the Australian mobile market. These prior submissions and presentations are incorporated by reference into this response.

While this stage of the consultation formally addresses pricing methodology and updated preliminary price levels, Pivotel's primary submission concerns the conditions that should be attached to any renewal of spectrum licences, particularly those covering low-band spectrum. Pivotel submits that pricing policy and licence conditions are inseparable: the public interest is not adequately served by setting a market price for spectrum renewal and attaching no further obligations to the use of that spectrum. The ACMA has available to it, through the Ministerial Policy Statement (MPS) and through its own public interest criteria, a clear mandate to do more.

This submission addresses:

- The conditions that should attach to all renewed low-band spectrum licences, including mandatory spectrum sharing and place-based access obligations;
- The requirement to impose Radio Access Network (RAN) access obligations on renewing licensees, to give effect to Full MVNO competition in Australia; and
- Pivotel's views on the updated pricing methodology, including the benchmarking approach and the treatment of regional spectrum value.

## 2. Pivotel's Position and Relevant Context

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### 2.1 Pivotel's Role in Regional and Remote Australia

Pivotel's terrestrial mobile network, is a custom-designed, fully managed 4G/5G solution operating beyond the existing national MNOs' cellular footprint. Pivotel currently operates ~20 LTE base stations and expects to deploy substantially more, the number of which is ultimately dependent on availability of suitable spectrum.

Pivotel's recent deployments include:

- 4G/5G active sharing networks in Wilcannia and Brewarrina (New South Wales), delivered under the NSW Government Active Sharing Program in partnership with OneWiFi. These networks support emergency calling (Triple Zero), affordable prepaid mobile services and fixed wireless broadband, and are built on Pivotel's own mobile core network operating in an active MORAN (Multi-Operator Radio Access Network) sharing model.
- Twenty-six community Wi-Fi networks across the Northern Territory, with new 4G/5G community kiosks under development, providing coverage of up to 2–3 kilometres with Starlink satellite backhaul, supporting both subscription and non-subscription services.

These deployments demonstrate that Pivotel is not a theoretical future entrant. It is today delivering infrastructure-based connectivity solutions that serve communities which the three national MNOs do not serve commercially, and it is doing so at prices that are genuinely affordable to remote communities.

Pivotel's community networks are limited by the absence of access to low-band spectrum. Low-band propagation characteristics (particularly sub-1 GHz bands such as 700 MHz and 850 MHz) are essential to providing cost-

effective wide-area coverage in regional and remote areas. Without access to this spectrum, Pivotal must either use more expensive mid-band infrastructure deployments requiring approximately three times the capital expenditure for equivalent coverage, or restrict its service footprint. Access to low-band spectrum is the single most significant constraint on Pivotal's ability to extend its network and deliver on the policy objectives the Ministerial Policy Statement (MPS) has identified.

## 2.2 The Ministerial Policy Statement Objectives and their Implications for Licence Conditions

The MPS on Expiring Spectrum Licences specifies five Government communications policy objectives that the ACMA must consider in the design of the ESL process:

- Supporting service continuity for end users, particularly where no alternative service is available;
- Facilitating opportunities for new entrants and use cases, including for low earth orbit satellites;
- Connectivity and investment in regional and remote areas to deliver improved services to end users;
- Promoting competition; and
- Capacity for sustained investment and innovation.

These objectives are not satisfied by pricing alone. The renewal of low-band spectrum licences to the same three incumbents at a benchmark-derived price, without accompanying conditions, delivers continuity but does not in itself promote competition, facilitate new entrants, or improve regional connectivity. In Pivotal's previous submission on the ESL discussion paper, Pivotal observed:

### *Pivotal's Previous Submission (ESL Discussion Paper, 2024)*

"Low-band spectrum is essential to deploy cost-effective and fit for purpose solutions in regional and remote Australia but is not available via an Area Wide Licence (AWL) mechanism. For three decades, the national MNOs have held low band spectrum licences, and yet there remain substantial gaps in fulfilling the communication needs of regional and remote Australia."

"Whilst it is acknowledged that existing spectrum holders and users thereof, have an ongoing requirement to the use of that spectrum, Pivotal's view is this should only apply in areas where the spectrum is being utilised and where the Highest Value Use (HVV) is being applied. Where the spectrum is not being utilised and it is subject to long term licence conditions it should be made available to alternative users under either the 'Use it or Lose it' (UIOLI) or 'Use it or Share it' (UIOSI) principles."

Pivotal maintains and reaffirms these positions. The opportunity presented by the ESL process, the renewal of the majority of in-force spectrum licences between 2028 and 2032, is one that will not recur for at least a decade. Attaching appropriate conditions to these renewals is the most powerful lever available to the ACMA and to government to give practical effect to the MPS policy objectives. Pivotal urges the ACMA to use it.

## 3. Conditions on Renewed Low-Band Spectrum Licences

### 3.1 The Case for Mandatory Sharing Conditions

Pivotal submits that all renewed low-band spectrum licences (700 MHz and 850 MHz bands) should be subject to mandatory spectrum sharing conditions as a condition of renewal. This submission is grounded in the following propositions:

#### **a) Low-band spectrum is a uniquely scarce and public resource**

Sub-1 GHz spectrum has propagation characteristics that make it the only cost-effective foundation for wide-area mobile coverage in regional and remote Australia. As Pivotal noted in its previous ESL submission, over 60% of

Australia's landmass remains without mobile connectivity, and this unused low-band spectrum is effectively lying fallow in these areas. The spectrum is not being used to serve these areas, yet it is held exclusively by the national MNOs under licences that preclude access by any other provider.

The public interest test applicable under the Radiocommunications Act 1992 is "designed to ensure that spectrum is used efficiently, by preventing it from being locked up in uses that no longer offer the highest value or the maximum public benefit." Where low-band spectrum is held by national licensees across areas they have no commercial intention to serve, without sharing obligations, the Highest Value Use principle is not being satisfied.

### **b) Market mechanisms alone have failed to deliver spectrum access**

Pivotel has pursued access to low-band spectrum through every available mechanism. [CIC starts] Pivotel entered into a 10-year spectrum sharing agreement with Vodafone Hutchison Australia (TPG) in October 2016 to access at least 2x5 MHz of spectrum on a non-exclusive basis at pre-approved locations. That agreement resulted in spectrum usage approval at only two nominated sites. Numerous subsequent requests were denied. Pivotel has also made approaches to the other national MNOs seeking interest in providing low-band spectrum access. No interest was forthcoming. [CIC ends]

Pivotel participated in the 850–900 MHz spectrum licence auction in December 2021 and bid substantial sums to attempt to acquire 2x10 MHz of regional spectrum. The structure of the lots and the 20-year licensing approach made it impossible for Pivotel to compete effectively. The perverse outcome was that the successful bidders for regional spectrum paid more per MHz per pop than for metropolitan areas, ultimately securing a nationwide asset that forecloses regional access for a further two decades.

These experiences demonstrate clearly that voluntary and market-based approaches to low-band spectrum access for alternative regional providers have not worked and will not work without regulatory intervention.

### **c) The ACMA has the power and mandate to impose sharing conditions**

Section 106 of the Radiocommunications Act 1992 empowers the ACMA to impose conditions on spectrum licences, including conditions concerning sharing of spectrum and technical parameters. The MPS expressly directs the ACMA to consider facilitating opportunities for new entrants and connectivity in regional and remote areas. These two instruments, read together, provide a clear and direct mandate for the ACMA to impose mandatory sharing conditions as part of the ESL renewal process.

The ACMA's own ESL public interest criteria include the facilitation of efficiency and the enhancement of competition. Renewing low-band licences without sharing conditions does not facilitate efficiency (spectrum is unused across the majority of the licence area) and does not enhance competition (it entrenches three-MNO dominance for another 15+ years).

## **3.2 Form of Mandatory Sharing Conditions**

Pivotel submits that the mandatory sharing conditions applicable to renewed low-band spectrum licences should include the following elements:

### **a) Geographic scope: beyond the coverage perimeter**

The sharing obligation should apply to those geographic areas of the licence where the licensee does not operate active mobile network infrastructure and has no firm, documented commercial plans to do so within a reasonable timeframe (which Pivotel suggests should be defined as 24 months from the date of renewal). This approach respects the incumbent's legitimate interest in its deployed network while releasing spectrum that is demonstrably unused.

Pivotel supports the position it has previously articulated, that incumbent licensees should retain first rights to spectrum in geographic areas where they have existing and demonstrated planned mobile coverage. The proposed sharing condition should operate only beyond that perimeter, defined as the boundary of the licensee's 99th-percentile population coverage. This is consistent with the ACMA's preferred view that the ESL process should support service continuity where networks currently operate.

### **b) Mechanism: Use It or Share It (UIOSI)**

Where a licensee cannot demonstrate active use within the geographic scope defined above, it should be obliged to make spectrum available to third parties under a regulated access framework (i.e. via an Area Wide Licence or apparatus licence model) at a regulated price based on the licensee's marginal cost of making the spectrum available. Pivotel has previously advocated for the Ofcom 'Shared Access' framework as a model:

#### ***Pivotel's Previous Submission — Ofcom Shared Access Model***

"Pivotel prefers the approach taken by Ofcom in the UK concerning 'Access to licensed mobile spectrum' which recently announced 'a new licensing approach to provide localised access to spectrum bands that can support mobile technology'. The Shared Access framework provides a mechanism to access frequencies with established or developing mobile equipment ecosystems, on a localised basis... This approach is simple and cost effective and provides access to spectrum in areas where it is not being utilised allowing regional and remote users to benefit from innovative area specific solutions."

The UIOSI mechanism gives licensees the first right to use spectrum in a location, with the obligation arising only if they fail to do so. This is a proportionate and commercially reasonable form of sharing condition. The 'Use it or Lose it' (UIOLI) principle provides a backstop where spectrum that is genuinely fallow could be relinquished or returned to the pool for reallocation as AWLs.

### **c) Subset allocation for place-based solutions**

As an alternative or complement to UIOSI, Pivotel submits that a defined subset of low-band spectrum within each renewed licence should be mandatorily allocated for place-based or community-specific solutions in areas beyond the MNO's coverage perimeter. Pivotel proposes that a minimum of 2x5 MHz within each low-band holding be designated for access by third-party providers under an Area Wide Licence framework in geographic areas outside the incumbent's active coverage area.

This approach is consistent with the model of targeted spectrum availability that Pivotel has advocated throughout the ESL process, and which aligns with the Government's objective of connectivity investment in regional and remote areas. Place-based solutions, specifically designed for a defined community, corridor or industry use case, are the most efficient way to extend connectivity to the 60%+ of Australia's landmass that is not commercially served by any MNO.

Examples of place-based solutions that would benefit from this approach include:

- First Nations communities requiring affordable, locally managed mobile connectivity;
- Agricultural and pastoral properties requiring IoT connectivity for precision farming and remote management;
- Transport corridors requiring coverage for road safety and freight logistics;
- Mining and resources operations requiring private LTE/5G networks; and
- Disaster response and emergency communications deployments, including a COW-based neutral host model as previously presented to the ACMA.

### **d) The neutral host and MOCN framework**

Pivotel's active sharing deployments in Wilcannia and Brewarrina demonstrate the viability of the neutral host / MOCN (Multi-Operator Core Network) and/or MORAN (Multi Operator Radio Access Network) models as a practical mechanism for delivering connectivity in underserved areas. The MORAN networks in Wilcannia and Brewarrina utilise Pivotel's mobile core, and AL/AWL mid-band spectrum [CIC Starts] **LTE Band 1 and a combination of NR Bands N77 and N78** [CIC Ends] operating in an active sharing architecture with OneWiFi's Active RAN sites where other carriers' can access the network through a MOCN and/or MORAN active sharing model.

For this model to scale, and for it to be commercially sustainable, Pivotel requires access to low-band spectrum in the areas where these networks are deployed. Mandatory sharing conditions on renewed low-band licences are the mechanism that would make this possible. Pivotel submits that the ACMA's licence conditions should

expressly contemplate and facilitate neutral host deployments by non-incumbent carriers as a legitimate and encouraged use case for mandatorily shared spectrum.

***Pivotel's Previous Submission — Neutral Host and Emergency Response***

“One good example of how spectrum could be utilised by unique infrastructure, and a carrier like Pivotel in a disaster event, would be through the deployment of licensed spectrum for emergency response Cell on Wheels (COWs) and offering neutral host connectivity to all carriers and critical connectivity for first responders and disaster management teams... This service would be provided on a managed service, whereby a pre-determined number of COWs would be deployed to nationally distributed locations... Under this kind of solution, only one COW would need to be deployed to an impacted area, servicing all emergency response users, in addition to all end users of the national MNOs.”

“The above scenario is entirely dependent on access to suitable spectrum, and inter-working with national MNOs, who have already indicated that emergency roaming is viable.”

**Pivotel Recommendation 1: Mandatory Low-Band Sharing Conditions**

All renewed sub-1 GHz (700 MHz and 850 MHz) spectrum licences should, as a condition of renewal, be subject to:

1. A Use-It-or-Share-It (UIOSI) obligation: where a licensee does not operate active mobile network infrastructure in a geographic area and has no documented commercial plans to do so within 24 months, the licensee must make the spectrum available to third-party providers under a regulated access framework.
2. A place-based subset allocation: a minimum of 2x5 MHz within each low-band renewed licence must be made available for Area Wide Licence access by third-party providers in areas beyond the incumbent's active coverage perimeter.
3. These conditions should be designed to facilitate neutral host and MOCN arrangements, consistent with the MPS objective of regional and remote connectivity investment.

## 4. RAN Access Obligations: Enabling Full MVNO Competition

### 4.1 The Full MVNO Landscape in Australia

Renewal of spectrum licences provides a unique and time-critical opportunity to impose structural conditions that promote competition in the Australian mobile market. Pivotel submits that renewing licensees should be subject to an obligation to provide Radio Access Network (RAN) access to infrastructure-based Full MVNOs.

The Australian mobile market is built around three national MNOs and their sub-brands, together with more than 30 thin MVNOs. Thin MVNOs have had some commercial success in the value-driven prepaid market but have captured a very small share of the postpaid and business/enterprise segments. There is currently only one Full MVNO operating in Australia (Lycamobile), focused on ethnic and international calling markets. In contrast, across Europe, Full MVNOs represent the largest category of the MVNO market, with a market share of 50% in 2023, reflecting regulatory frameworks that actively encourage wholesale access and allow MVNOs to deploy their own core network elements.

As the OECD's Economic Survey of Australia (January 2026) has noted:

**OECD Economic Survey: Australia 2026**

“Australia’s mobile telecommunications sector is dominated by three firms, which collectively control nearly the entire market. Barriers to entry are particularly high in regional areas, where coverage is often limited to a single provider’s network infrastructure. This lack of competitive pressure has contributed to relatively high retail prices and limited-service quality improvements relative to OECD peers.”

The OECD has explicitly called for efforts to encourage a fourth mobile network operator to enter the Australian market. Full MVNOs represent a practical and achievable pathway toward that outcome, one that does not require the economically prohibitive step of building a complete duplicate radio network, but rather leverages existing RAN infrastructure under regulated wholesale access arrangements.

## 4.2 What a Full MVNO Is and Why It Matters

A Full (or ‘Thick’) MVNO is distinguished from a thin MVNO by its ownership and operation of core network infrastructure: its own SIM cards, mobile core network, numbering, interconnection arrangements and billing systems. A Full MVNO acquires from the host MNO only RAN connectivity access to base stations and radio spectrum. This distinction is commercially significant:

- Full MVNOs have complete control over all network service offerings and can innovate freely in product, pricing, and service design without being constrained by the host MNO’s wholesale terms;
- Full MVNOs can deploy unique propositions targeted to specific communities and markets — ethnic communities, regional industries, enterprise users, remote communities — that thin MVNOs cannot because they lack control over core network elements;
- Full MVNOs introduce a level of infrastructure-based competition without requiring duplication of the RAN, making them a proportionate and efficient competitive model;
- Full MVNOs are capable of facilitating their own satellite direct-to-device roaming add-ons and multi-IMSI/single-number services; and
- A Full MVNO service can function as an adjunct to a community-level MNO’s own network, providing national coverage through the MVNO roaming model when a community member leaves the local network area.

Pivotel today operates a mobile core network with the technical capability to function as a Full MVNO. Pivotel’s Wilcannia and Brewarrina deployments are built on Pivotel’s own mobile core operating in MORAN active sharing mode with OneWiFi radio base stations. The Pivotel core “effectively operates as a ‘Full’ MVNO,” and Pivotel is in the process of extending its core capabilities, including Voice and SMS over Wi-Fi and satellite direct-to-device roaming, in 2026.

Pivotel’s vision for Full MVNO access to a national MNO would allow Pivotel’s community networks to become genuinely portable: a resident of Wilcannia, Brewarrina or any other community network using Pivotel’s local network, could carry their mobile service and number when travelling nationally, using the host MNO’s RAN under a Full MVNO roaming arrangement. This is not technically complex, it mirrors the model already successfully employed by the TPG/Optus MOCN arrangement, but it requires willing commercial partners and, Pivotel submits, regulatory mandation where voluntary arrangements are unavailable.

## 4.3 RAN Access Obligations as a Condition of Spectrum Renewal

Pivotel submits that the renewal of spectrum licences, a significant public benefit conferred on incumbents at a market price, should be accompanied by an obligation to provide RAN access to their networks to infrastructure-based Full MVNOs. This obligation should be a condition attached to all renewed spectrum licences held by national MNOs operating in bands with WA WBB use and should apply across all Territories in which the licensee holds spectrum.

The basis for this submission is as follows:

### a) Spectrum is a public resource and its renewal attracts public interest obligations



The payment of a spectrum access charge, even at a market-derived benchmark price, does not extinguish the public interest nature of the spectrum being renewed. The Act's object is the long-term public interest and the efficient allocation and use of spectrum. Efficiency is not confined to static allocative efficiency (i.e. the right price). It includes dynamic efficiency i.e. the ability of the market to innovate, compete and serve diverse user needs over the licence term. RAN access obligations promote dynamic efficiency by enabling competitive entry without requiring capital-intensive duplication of radio infrastructure.

### **b) The TPG/Optus MOCN precedent demonstrates feasibility**

The ACCC-approved MOCN arrangement between TPG Telecom and Optus demonstrates that two national MNOs can and do share RAN infrastructure under a negotiated access arrangement. The MOCN model for Full MVNOs is technically analogous: the MVNO's core network connects to the host MNO's RAN. What distinguishes Pivotel's proposed condition from the TPG/Optus MOCN is scale and regulatory backing. Pivotel is proposing that RAN access for Full MVNOs be a right, rather than a matter for bilateral commercial negotiation in which incumbents have every incentive to deny or delay access.

### **c) Voluntary access has failed**

As described in Section 3.1(b) above, Pivotel's attempts to negotiate voluntary spectrum and network access arrangements with all three national MNOs have been largely unsuccessful. The TPG agreement produced access at two sites only over a decade. Approaches to Telstra and Optus yielded no interest. This is not surprising: the incumbents have no commercial incentive to enable a competitor that would use their infrastructure to compete against them. Regulatory mandation is the necessary response to this market failure.

### **d) International precedent supports wholesale access mandates**

Full MVNO regulatory frameworks are well-established internationally. In Europe, regulatory requirements for wholesale access and interconnection have enabled the growth of Full MVNOs to 50% of the MVNO market. The Ofcom Shared Access framework in the United Kingdom, which Pivotel has previously recommended as a model for Australia, provides a further example of a proportionate regulatory mechanism that enables access to licensed spectrum without requiring structural separation of the host MNO's assets. Pivotel commends these frameworks to the ACMA as reference models for the design of RAN access conditions under the ESL process.

## **4.4 Design of the RAN Access Obligation**

Pivotel proposes the following design principles for RAN access obligations attached to renewed spectrum licences:

- Eligible access seekers should be defined as carriers operating infrastructure-based Full MVNO core networks. That is, entities that hold an Australian carrier licence, operate their own mobile core network (including SIM management, interconnection and numbering), and are not a subsidiary or controlled entity of an MNO holding the relevant spectrum licence.
- The access obligation should require the renewing licensee to negotiate in good faith to provide RAN connectivity to an eligible access seeker within a defined timeframe (Pivotel suggests six months from an access request), failing which the terms of access should be determined by the ACCC under the existing telecommunications access regime or by ACMA-prescribed licence conditions.
- Pricing for RAN access should be cost-based, reflecting the long run incremental cost to the host MNO of providing access, and should not include a margin designed to make Full MVNO entry commercially unattractive. Reference rates should be published by the ACCC.
- The access obligation should apply on a technology-neutral basis to all frequency bands covered by the renewed licence, to ensure that Full MVNOs can leverage the same 5G capacity and coverage capabilities as the host MNO's own retail customers.
- The obligation should expressly permit the Full MVNO to provide services using the host MNO's RAN in conjunction with the MVNO's own terrestrial network, including in active sharing arrangements such as MORAN or MOCN, to support community-level networks of the type operated by Pivotel.



### **Pivotel Recommendation 2: RAN Access Obligation for Full MVNOs**

All renewed spectrum licences held by national MNOs in bands with WA WBB use should, as a condition of renewal, include an obligation to:

1. Provide Radio Access Network (RAN) access to infrastructure-based Full MVNOs — defined as carrier-licensed entities operating their own mobile core networks — on request and on regulated, cost-based terms.
2. Negotiate in good faith with eligible Full MVNO access seekers, with disputes to be resolved by the ACCC under the telecommunications access regime or by ACMA-prescribed licence conditions.
3. Permit Full MVNO service provision across all frequency bands in the renewed licence on a technology-neutral basis.

This condition should be designed to achieve the MPS objectives of promoting competition and facilitating opportunities for new entrants.

## **5. Comments on Pricing Methodology**

While Pivotel's primary submission concerns licence conditions rather than pricing methodology, Pivotel offers the following observations on the ACMA's updated preliminary views on pricing.

### **5.1 General Approach**

Pivotel accepts the general benchmarking approach as a reasonable methodology for establishing a market reference price for spectrum licence renewal. The use of a peer-reviewed framework incorporating PPP exchange rates, CPI-based indexation, and statistical time-trend testing represents a sound and transparent improvement on the Stage 3 methodology.

Pivotel notes the significant increases in the updated preliminary prices, particularly for the lower 1–3 GHz bands (1800 MHz rising from a range of \$0.1895–\$0.2356 to \$0.3030/MHz/pop, and 2 GHz rising from \$0.1583–\$0.1968 to \$0.2757/MHz/pop) and the upper 1–3 GHz bands (2.3 GHz from \$0.0548–\$0.0670 to \$0.1596/MHz/pop; 2.5 GHz from \$0.0566–\$0.0692 to \$0.1621/MHz/pop). These are material increases that will represent significant capital outlays for renewing licensees.

### **5.2 Regional vs Metropolitan Spectrum Value**

Pivotel submits that the benchmarking methodology does not adequately differentiate between the value of spectrum in densely populated metropolitan areas versus the value of the same spectrum in regional and remote areas where it is largely unused. The \$/MHz/pop metric captures only population-weighted value: it does not capture the reality that, for the 68% or more of Australia's landmass outside the MNOs' coverage perimeters, the spectrum assigned to the national licensees has effectively zero economic value to those licensees — they have made no commercial decision to deploy networks in these areas and have not done so after 30 years.

The ACMA's own population density cohort analysis (used in Step 6B of the benchmarking methodology) is the closest existing mechanism to acknowledging this distinction, but it does not directly address the geographic disconnect between population density and the actual coverage footprint of the licensed network.

Pivotel's submission is that this unaddressed issue reinforces the case for mandatory sharing conditions. If low-band spectrum is valued primarily on the basis of its population coverage, then the portion of that spectrum sitting unused over the majority of Australia's landmass is being valued on a basis that does not reflect its actual use. Mandatory sharing conditions — through UIOSI and place-based allocation — ensure that the public benefit value of this spectrum is realised rather than foregone.

### **5.3 Payment Timing and Instalment Arrangements**

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Pivotel notes the ACMA's view that upfront payment should be the default approach for spectrum access charges, and that instalment arrangements have historically been made available only by ministerial direction in exceptional circumstances. Pivotel does not oppose this position as a general matter.

However, Pivotel notes that the significantly increased preliminary prices — representing a total projected value of \$7.3 billion for all licences, materially above the Stage 3 preliminary range of \$5.0–\$6.2 billion — may have implications for the capacity of incumbent licensees to invest in network improvement and extension in regional areas over the same period. To the extent that high upfront spectrum costs crowd out regional network investment, this would be contrary to the MPS objective of regional and remote connectivity. Pivotel suggests the ACMA consider whether a conditional instalment mechanism — available specifically for investment demonstrably directed to regional coverage extension — would be consistent with the Act and with the MPS's regional connectivity objectives.

## 5.4 Benchmark Data and Regional Comparators

Pivotel notes that the benchmark dataset is drawn primarily from international markets with different geographic characteristics to Australia. DotEcon's peer review acknowledges that population density is the most important cohort variable in the Australian context and notes the difficulty of applying this metric given Australia's vast sparsely populated areas. Pivotel endorses DotEcon's observation that national population density "may be understated in comparison to the areas covered by mobile networks" in the Australian context and submits that this further supports Pivotel's view that the value ascribed to low-band spectrum over non-coverage areas overstates its actual productive value to the incumbent licensees.

## 6. Summary of Recommendations

Pivotel makes the following recommendations to the ACMA in respect of the ESL Stage 4 consultation:

#	Recommendation
1	<b>Mandatory Low-Band Sharing Conditions</b> All renewed sub-1 GHz (700 MHz and 850 MHz) spectrum licences should be subject to Use-It-or-Share-It (UIOSI) obligations and a mandated place-based spectrum subset (minimum 2x5 MHz) available for AWL access by third-party providers in areas beyond the incumbent's active coverage perimeter. These conditions should expressly facilitate neutral host and MOCN arrangements.
2	<b>RAN Access Obligation for Full MVNOs</b> All renewed spectrum licences held by national MNOs in bands with WA WBB use should include a mandatory obligation to provide RAN access to infrastructure-based Full MVNOs (carrier-licensed entities with their own mobile core) on cost-based, regulated terms, with disputes resolved under the ACCC access regime. This obligation should be technology-neutral across all renewed bands and should expressly permit Full MVNO service provision in conjunction with community-level terrestrial networks.
3	<b>Regional Spectrum Value and Pricing</b> The ACMA should give greater weight to the geographic coverage gap between the \$/MHz/pop benchmark methodology and the reality of unused low-band spectrum in non-coverage areas. To the extent that spectrum access charges reflect only population-weighted value, mandatory sharing conditions become the necessary mechanism for ensuring that the public benefit value of unused spectrum is not permanently foregone.
4	<b>MPS Policy Objectives Must Be Given Substantive Effect</b> The ACMA should use the ESL renewal process to give substantive effect to the Ministerial Policy Statement objectives of promoting competition, facilitating new entrants, and improving regional and remote connectivity. These objectives are not served by pricing alone. Licence conditions — mandatory

sharing, RAN access and place-based allocation — are the mechanism by which these policy objectives can be operationalised.

## 7. Conclusion

The renewal of the majority of Australia's in-force spectrum licences between 2028 and 2032 is a once-in-a-decade regulatory event. The conditions attached to these renewals will determine the structure of the Australian mobile market for the 15 years of the renewed licence terms, and the communities and industries that can and cannot access affordable mobile connectivity in regional and remote Australia over that period.

Pivotel urges the ACMA not to allow this opportunity to pass without attaching meaningful conditions to low-band spectrum renewals. The benchmarking methodology and the market price it produces represent one dimension of the public interest — allocative efficiency and a fair return to the Commonwealth for a public resource. But dynamic efficiency, competition, regional connectivity and innovation — the other dimensions of the public interest identified in the MPS and in the ACMA's own ESL policy criteria — require licence conditions, not merely a price.

Mandatory spectrum sharing, place-based allocation, and RAN access for Full MVNOs are conditions that are proportionate to the public benefit conferred by spectrum renewal, supported by the Ministerial Policy Statement, and consistent with the ACMA's legislative powers. They are also practically achievable: Pivotel's own deployments in Wilcannia, Brewarrina and across the Northern Territory demonstrate that the technical and commercial models for these outcomes exist today and are working.

Pivotel is available to brief the ACMA on any aspect of this submission and welcomes the opportunity to continue engaging with the ESL process as it moves toward final preferred views in Q2 2026.

For any questions concerning this response please contact:

[REDACTED]

[REDACTED]

[REDACTED]

**Pivotel Group Pty Limited**

## Appendix: Prior Submissions and Presentations Referenced

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The following prior Pivotel submissions and presentations are incorporated by reference into this response:

- Pivotel Response to ACMA Review of the Numbering Plan and other instruments — Discussion paper (July 2024), which includes Pivotel’s submissions on ESL use-cases, alternative use of low-band spectrum, UIOLI/UIOSI, neutral host frameworks, and the Ofcom Shared Access model.
- Pivotel Presentation to CommsDay Radio and Regulatory Forum 2026: ‘Competition in the Mobile Market — The role of Full MVNOs and Pivotel Developments in Regional Australia’, presented by Peter Bolger (CEO), which sets out the case for Full MVNO access to the Australian mobile market and Pivotel’s current community network deployments in Wilcannia and Brewarrina.

Pivotel also references the following external sources in this submission:

- OECD Economic Surveys: Australia 2026 (January 2026, Volume 2026/03), page 99 — on competition in the Australian mobile telecommunications sector.
- Ofcom: Supporting increased use of shared spectrum — A consultation on proposals to enhance our Shared Access framework to support a growing variety of spectrum users (Ofcom, 2024).
- ACMA: Expiring Spectrum Licences Stage 4 — Updated preliminary views on pricing (December 2025).
- Radiocommunications Act 1992 (Cth), including sections 106 and 294.
- Ministerial Policy Statement: Expiring Spectrum Licences.
- ACMA Statement of Expectations 2024.