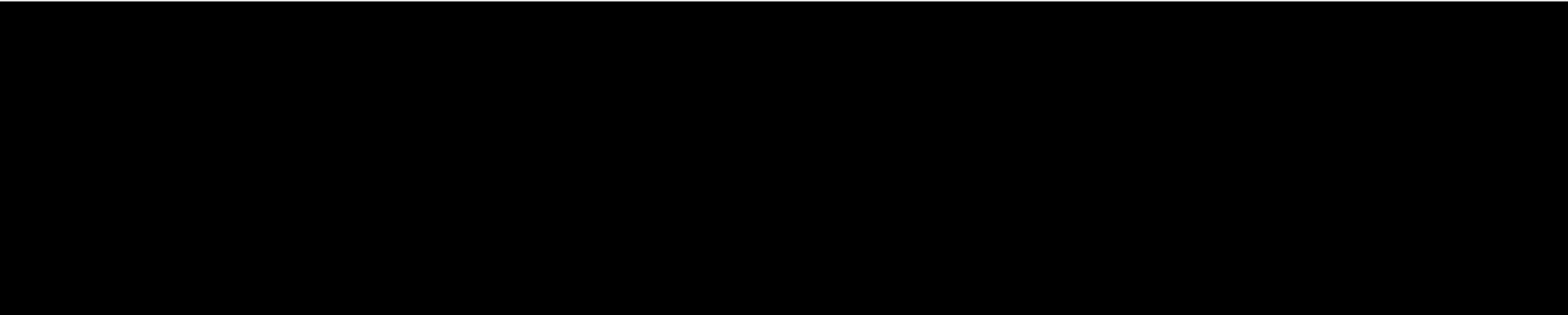


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Themes	Submitter
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Summary of submissions

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Submitter	Theme	Summary	ACMA staff response
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ACCC	ESL outcomes	<p>ACMA should explore future arrangements for the spectrum that reduce barriers to new entry, given rare opportunity provided by ESL (i.e up to 20 year spectrum licences).</p> <p>ACCC notes that it is not aware of any potential new entry into MBB market, but states that the ACMA should investigate potential, such as through s 78 notice, and that if interest is identified, the ACMA should explore opportunities to facilitate/encourage new entry (such as auction settings). Provides Singapore and NZ examples.</p> <p>Notes that mobile market has a high barrier to entry, and states that spectrum access is the most critical barrier (i.e. a new entrant would require access to appropriate spectrum over large geographic areas in order to build out a network on a sufficient scale). Opportunities to acquire WBB spectrum do not occur regularly, and when they do, the cost is often prohibitive.</p>	<p>We intend to seek information from aspirant licensees and stakeholders about use of the spectrum, and are considering using the notice power at section 78 as part of the Stage 2 process.</p> <p>Opportunities for new entrants will need to be considered within the context of the broader public interest.</p>
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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ARCIA	Alternative demand	<p>Predicting increased demand for private WBB networks, and that these networks will realise both an economic and public benefit (i.e. become part of the public interest).</p> <p>Therefore suggest that analysis of the public interest should consider the public benefit generated by Local Area wireless broadband (LA WBB) and private networks, and recognise opportunities for LA WBB to be accommodated into spectrum as WA WBB demands for spectrum change.</p>	LA WBB is likely to be considered among other possible alternative uses for spectrum covered by ESLs.
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CA SSWG	Public Interest Criteria	<p>Consider re-farming for optimum use (higher generation mobile services (5g))</p> <p>Investment by the licensees should be demonstrated through a firm commitment of improved coverage and capacity for remote and regional communities to an agreed timetable.</p> <p>Regional areas are under serviced, satellite 'is the only way' Australians in regional areas will enjoy comparable digital experience as cities.</p> <p>Satellite services suffer when spectrum that can be used by satellite is held by terrestrial carriers.CA SSWG reiterate the issue of digital divide & closing the gap.</p>	<p>This will be raised in Stage 3.</p> <p>Satellite services are likely to be considered among other possible alternative uses for spectrum covered by ESLs.</p> <p>However, regional connectivity and Closing the Gap targets can be addressed by other uses/users and also by other paths outside of spectrum – this will also be a key consideration.</p>
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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Submitter	Theme	Summary	ACMA staff response
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Telstra	Pricing	<p>Renewal pricing should represent fair market value equating to fair return for Government and community for use of scarce resource, but also conservatively (i.e. lower pricing), with the final price a discount on the fair market value.</p> <p>Provides analysis of common approaches to estimating market value of spectrum (benchmarking and valuation modelling), advocating for benchmarking, and rejects approaches used in the previous ESL process.</p> <p>Reasoning for lower pricing includes:</p> <ul style="list-style-type: none"> • Spectrum prices are generally falling on MHz basis globally • Asymmetric risk of setting renewal price too high (that high prices will disincentivise uptake of renewal, leaving spectrum unused, as well as resulting in diminished investment) • Current levels of industry profitability (increased input costs (e.g. infrastructure) and lower returns (provisioning more spectrum per user) • Public interest benefits in facilitating ongoing investment (higher renewal costs passed onto consumers, more capacity for investment to close regional divide) <p>Valuation modelling is complex, lengthy and resource intensive with results often subject to significant uncertainty), benchmarking is more straightforward, but is backward looking and needs to account for falling prices of spectrum.</p> <p>Notes a number of considerations in benchmarking (country, spectrum band, award timing, outliers and price data).</p> <p>Preferable benchmarks be adjusted for different wealth of countries examined, as well as licence duration and payment terms (where fees are payable in instalments, payments should be discounted to a present value using suitable WACC).</p> <p>Previous methodologies for valuing spectrum should be avoided (auction avoidance pricing and public interest approach). Auction avoidance pricing was unsatisfactory due to inefficiency with price set by highest winning bid, and it does not create incentives for participants to reveal their true valuations (other than threat of going to</p>	<p>Noted.</p> <p>Some of the observations about valuation methodologies are consistent with the findings in the Plum Consulting research report.</p>

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Submitter	Theme	Summary	ACMA staff response
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TPG	Public Interest Criteria	<p>MNO should have reasonable confidence on the likely outcome of a public interest assessment well before the renewal application period.</p> <p>However, the proposed criteria and process do not provide this regulatory certainty. Instead, they appear to afford significant discretion to the ACMA regarding the interpretation and application of the proposed public interest criteria.</p> <p>Re. “Facilitates efficiency” – the ACMA has essentially formed a view on the utility of the spectrum in question, and should instead assess (likely at the band level) whether any new uses or changes in consumer demand have emerged that would mean that the current use no longer maximises the long-term public interest.</p> <p>The ACMA should base its decisions on the object of the Act, and not the Statement of Expectations (which has no legislative force). Notwithstanding, the relevant parts of the SoE should be relied upon, instead of new criteria.</p> <p>TPG would support combining criteria 1 and 5.</p> <p>5 (“Supports relevant policy objectives”) will only be relevant for some licensees, and then to varying degrees. Absent government guidance, it should be irrelevant., and the current SOE can be considered in the context of other PICs.</p> <p>3 “Enhances competition” is ill-defined and potentially misguided: the critical issue is avoidance of anti-competitive outcomes. Renewal of licences can enhance competition, or result in neutral outcome. The focus should therefore not be enhancing, but not diminishing competition.</p> <p>Suggests formula to prevent excess concentration of spectrum across substitutable bands – although one that no MNO would <i>currently</i> exceed – to prevent mono/duopolisation.</p> <p>4 “Balances public benefits and impacts” suggests that it is focussed on “special circumstances” use cases like electronic newsgathering (2.5 GHz mid-band gap licences) and 1800 MHz rail licence).</p> <p>The secondary market – or lack thereof - should be relied upon to signal whether the spectrum could be put to more efficient use by another use-case.</p>	<p>There is a linkage between the SoE and the object of the Act: The Commonwealth’s communications policy is expressed in the SoE, and the object of the Act refers to facilitating use of spectrum in a manner that supports Commonwealth policy objectives. Staff consider that it would be broadly consistent with ACMA approaches to spectrum management that to consider ways to promote competitive markets, whether that is among existing licensees and/or new licensees. Staff also note that allocation exercises typically attract an unexpected participant, and it may be relevant to decision-making that renewal of a licence would prevent those circumstances from arising.</p> <p>Staff also note that steps can be taken in a re-allocation exercise to lower the likelihood of the exercise diminishing competition e.g. spectrum floors, bidder credits to support continuity of service for existing licensees.</p> <p>As per consultation paper, this criterion will apply different to different licences/licensees; but it is not intended to focus on a particular group of licences or stakeholders.</p> <p>Staff think it likely that the historical and prospective role of the</p>

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Submitter	Theme	Summary	ACMA staff response
		TPG queries whether the term 'optimal use' is intended to be different to 'highest value use' and, if so, to explain – but either way, TPG is of the view that renewal of its licences would satisfy that meaning.	secondary spectrum market will be a consideration.
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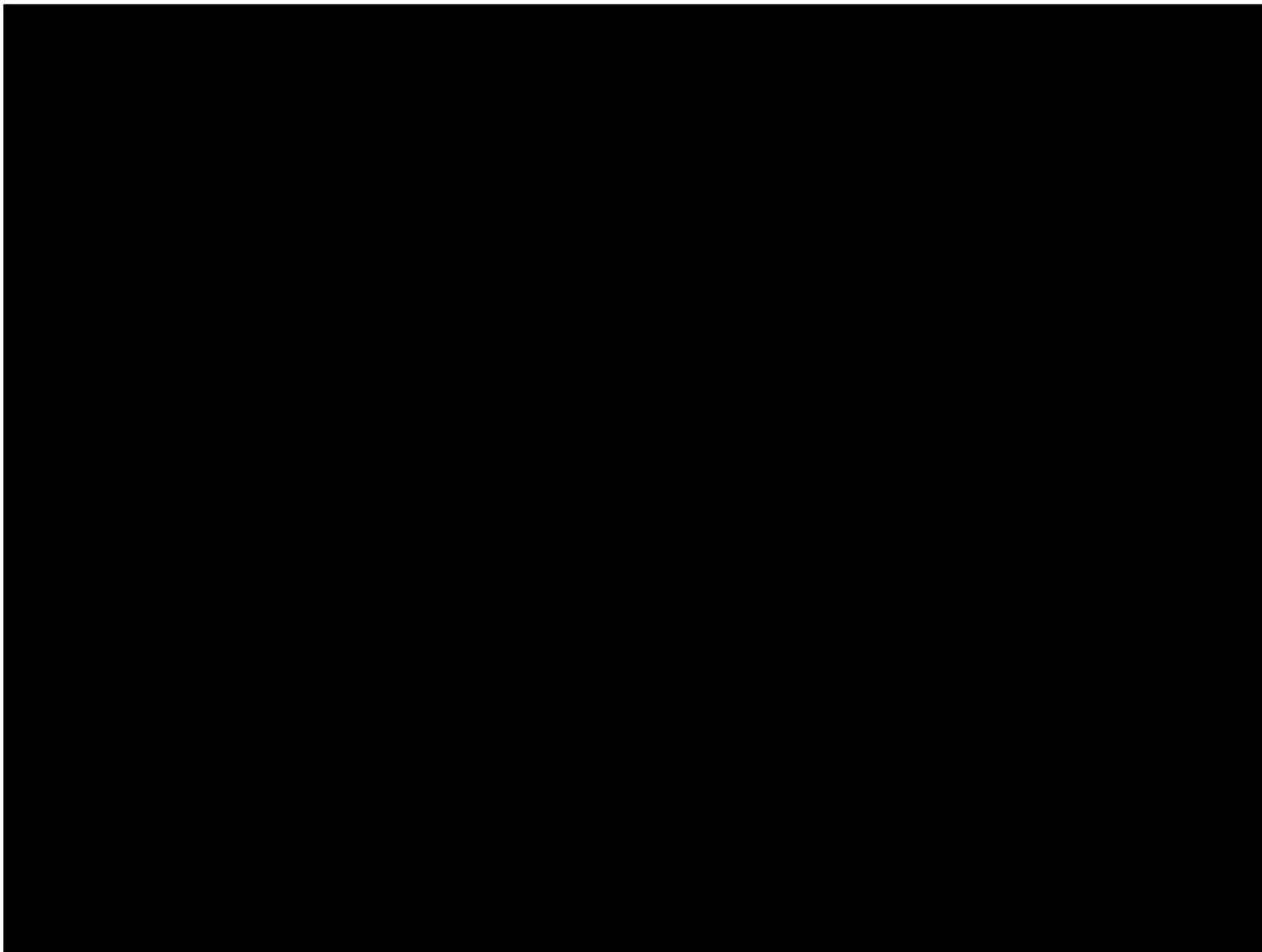
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