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The Republic
of Vanuatu



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TRR response to comments on Draft National Spectrum Planning, Allocation and Assignment Document

TRR, 20 December 2011

This document contains responses to feedback received in the consultation period for the Draft National Spectrum Planning and Allocation Document

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1. BACKGROUND

In May 2011 TRR issued its draft national spectrum planning and allocation document for public consultation. Feedback was received from Telecom Vanuatu Limited (TVL) and Digicel. This document provides response to comments received.

All comments were carefully reviewed and either the Draft Document updated or a comment has been made as to why TRR has not taken the comment into consideration.

2. RESULTS AND COMMENTARY

So as not to be confused with Policies prepared by the Minister responsible for Telecommunications the document has been renamed "Spectrum Planning, Allocation and Assignment Practices".

Reviewer	Reviewer's Comment	TRR Response
Digicel (5)	The Draft Policy is introducing various new measures and tools for the regulator to deploy and alarmingly, the Draft Policy is introducing spectrum fees in Vanuatu. The proper legal basis to introduce these measures and tools to introduce spectrum fees is missing.	The charging of fees for the use of the radio spectrum is not new. Radio licence fees which require the licensee to pay a fee for radio transmissions have been in existence since colonial times. The Act recognises that fees will be paid for spectrum. A regulation will be developed for fees respecting all prior arrangements and Licence terms.
Digicel (7)	TRR in its introduction appears to basing its Draft Policy on section 7(2) of the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009 ("the 2009 Act"). Section 7 of the Act states the following:	TRR does not intend to act contrary to the law. Every draft policy paper and regulation will always be dealt with according to the law. The first stage is to have the draft consulted upon, after which the final draft will be submitted to the Minister for approval. TRR understands that it has no legal basis to make policies and cannot operate outside the law. However TRR is at liberty to prepare documents setting out processes, procedures, practices describing how it will carry out its responsibilities set out in the Law and Regulations.
Digicel (8) .. referring to (7) above	In other words the TRR, based on section 7(2)(e) may (only) allocate, assign and manage the radio spectrum. Further, based on section 7(2)(a) the TRR may advise the Minister as to policy.	Section 7(1) states, 'subject to the provisions of this Act (Telecommunications and Radiocommunications Regulation Act No. 30 of 2009), the Regulator is to regulate telecommunications and radiocommunications'. To regulate is to control by means of rules and regulations. In other words this Document contains a set of procedures. A Regulation dealing with just fees will be presented to the Minister for approval. Section 7 (3) states, ' <i>with the approval of the Minister, the</i>

		<i>Regulator may make regulations as may be necessary or convenient to give effect to the provisions of this Act.'</i>
Digicel (9)	In the Draft Policy however, the regulator is going well beyond the confines of the Act. TRR may only <i>advise the Minister</i> on a Policy that the Minister is to adopt or not. The above section should be read within its confines and cannot be understood to give the TRR the legal right to write a policy nor does it give the TRR the proper legal basis to e.g. introduce fees. Based on section 7(2)(e) that the TRR is basing its Draft Policy on, the TRR may only <i>allocate, assign and manage the radio spectrum</i> and not introduce a policy, as it doing. This Draft Policy therefore seems ultra vires.	The regulator does not intend to act beyond the confines of the Act. Any Draft Policy can only become legal if approved and adopted by the Minister. TRR is at liberty to present its advice in any way it feel is appropriate. If TRR wishes to submit its advice in terms of a Draft Policy it may do so.
Digicel (10)	Further in its introduction TRR states a number of reasons to introduce this Draft Policy. Digicel notes that a number of important considerations are missing. Any policy that is introduced should further support regulatory certainty in the market and avoid over-regulation.	TRR is following the approach of minimising Regulations and producing Guidelines and Practices instead. Regulation will only be prepared where enforcement may be required or simply Licensees do not work in a cooperative manner following Guidelines and Practices. The degree of regulation of the market will almost entirely depend upon the response of Licensees.
Digicel (11)	The vested rights and justifiable expectations of existing spectrum-holders should be acknowledged and respected. The existing licenced operators that currently hold spectrum have invested heavily in the Vanuatu market. Digicel has to date invested in excess of 4 billion vatu in its network and the services it provides in Vanuatu. These investment decisions were made under the legal expectation that no spectrum fess apply in Vanuatu.	Both Digicel and TVL have spectrum clearly identified in their Licences for which no fees were charged when the telecom market was opened up for competition. Clause 10.6 (c) of the Settlement Agreement states: "Any allocation of radio spectrum after the Settlement Date may be subject to a fee (Provided that this fee will not apply to any radio spectrm that is currently being used by TV at the date of this Agreement". Digicel's Licence (Clause 7.1) specifies a block of spectrum allocated at the settlement date. Clause 7.2 gives Digicel the right to request further radio spectrum. TRR will consider such requetss in accordance with the Act. Clause 7 (4) (b) states that the Regulator may make Regulations "prescribing, forms and fees in respect of any licence.....". Clause 12 (2) states that "A person must not install or operate a Radiocommunications

		<p>device... except:</p> <p>(i) Under and in accordance with a licence:"</p> <p>Clause 13 (4) Subject to any Regulations, the Regulator must determine the terms and conditions of, and the fees payable for , licences.</p> <p>Section 13 (6) "Licences for substantially similar telecommunications services or radio frequencies must not be unfairly discriminated between licensees".</p> <p>Section 13 (7) "Discrimination must not be regarded as unfair under subsection (6) only by reason of the imposition of a different licence fee in respect of the assignment of radio spectrum as between any prior licence and any licence issued under this Act"</p> <p>Any additional spectrum requested by Digicel may attract fees.</p> <p>This fact has been notified to Digicel when such additional allocation have been made.</p> <p>We have added a clause in the Draft Policy to recognize prior Agreements and Licences terms, Both TVL and Digicel have been advised in 2010 that any additional spectrum they may require will be charged. Operator's Licences do not explicitly say that all spectrum is free.</p>
Digicel (12)	In paragraph 2 of the Draft Policy, TRR states that the overall goal of spectrum management in Vanuatu is " <i>to create a predictable environment for current and future usage</i> ". Digicel contends that it is not predictability that is important but rather the recognition of justified expectations of existing spectrum licensees that should be a goal of his policy.	As above
Digicel (13)	In paragraph 3 of the Draft Policy, TRR states that careful planning and allocation of the radio spectrum is necessary to ensure that the radio spectrum is as widely available as possible. Digicel thinks that the availability of radio spectrum in itself should not be a goal of the policy. It is important that why the people of Vanuatu	Comment noted, however, TRR believes that because spectrum is a scare national resource, careful planning and allocation is essential to ensure that it is available for everyone who wants to use it for whatever purpose.

	want and require a widely available spectrum is a means necessary to provide these services.	
Digicel (14)	Planning and allocation should first and foremost ensure that future technologies and technological developments are not hampered, whilst existing spectrum holders are not violated in their vested rights and justified expectations to be able to continue to use the spectrum granted to them. The future planning and allocation should take into account the existing usage of spectrum on the one hand and for instance the availability of spectrum to roll out future technologies (such as for instance Long Term Evolution (“LTE”) on the other hand. Future proofing of spectrum planning and allocation is of paramount importance.	Spectrum Planning and Allocation will always, as far as possible, ensure that existing spectrum holders' allocations are maintained.
Digicel (15)	Digicel contends that as spectrum is a scarce good enabling operators to offer their services to the people of Vanuatu and the existing operators have invested heavily in the roll out of networks and services, and as such they have a justifiable expectation and vested rights, allocation of (new) spectrum to new operators should not take place without the direction of and in consultation with the Council of Ministers. Without it, no allocation of spectrum to new mobile operators should be possible.	Allocation of spectrum is in the power of TRR, Section 7 (2)(e) of the Act. Issuing of Licences is in the power of TRR, Section 7 (2)(c) of the Act.
Digicel (17)	Although Digicel favours the principle of technology neutrality in legislation, regulation and policy, it does not agree with the objective that the TRR states in paragraph 4.2 that adequate spectrum shall be available in such a way as to support technology neutrality. Technology neutrality should not be an objective in its own right but rather a supportive principle to free up the path for technological developments, without being technically constrained by restrictive legislation.	TRR believes this comment refers to section 4.3 of the Document rather than paragraph 4.2 and takes note of the comment.
Digicel	In paragraph 4.5, TRR declares that an appropriate re-farming or spectrum	An example would be the loss of broadcasting rights to mobile in the 700 MHz spectrum

(18)	transfer policy shall be adopted for circumstance where it is a justifiable requirement to transfer the use of a frequency band to another use. The regulator fails to explain what constitutes a justifiable requirement. This should be explained and objectively clarified.	band.
Digicel (22)	In the above we already mentioned that this Draft Policy contains statements and somewhat vague concepts. In paragraph 6.1 and 6.2 in Particular, broad concepts are used to describe parts of the Draft Policy. For instance it is stated that radio interference shall be minimized through the <i>judicious</i> use of spectrum engineering or, <i>appropriate spectrum engineering tool and techniques</i> shall be utilized to ensure the <i>efficient and effective allocation and assignment</i> of radio spectrum. Digicel respectfully submits that the TRR should try to at least give an indication or direction as to what should be understood by these terms.	Judicious decisions are reflected in the national spectrum allocation table, while future online spectrum application processes and use of specialised computer applications that automatically check for possible interferences are some of the tools and techniques referred to here that will enhance spectrum management processes. The adoption of international standards for guard bands is one technique which will be used in assigning spectrum. This is a standard practice and does not need explaining.
Digicel (24)	In paragraph 7, TRR states that frequency assignment is the authorization given by TRR for a radio station to use a radio frequency channel under clearly define conditions. Digicel understands this paragraph to cover the assignment of frequency to mobile telecommunications providers and not so much to radio stations. This is in line with the Definitions in the Act and is further corroborated by the fact that the TRR states in paragraph 8 about the Policies for Frequency Assignment that the process of assigning frequencies shall be open, transparent and non-discriminatory and it shall encourage efficient use and support the promotion of competition in the <i>telecommunications</i> sector.	This covers all spectrum users irrespective of use.
Digicel (25)	On the promotion of competition in the telecommunications sector we have already stated that the vested rights and justified expectations of the current mobile operators should be duly considered and no frequencies should be assigned without	See (15) above

	<p>the directive and consultation of the Council of Ministers. Above that, any intention to issue frequency to prospective new mobile operators should first be consulted upon in the existing telecommunications market.</p>	
<p>Digicel (26)</p>	<p>In paragraph 8.6 TRR states that frequency assignment shall be revoked if it is determined that it is in the national interest to reorganize frequency allocations in the National Frequency Spectrum Plan (“NRFSP”). TRR continues to say that in such cases replacement frequency assignments <i>may</i> be offered. This liberty in which TRR may offer replacement, seems to be somewhat in contrast with section 15(1)(d) of the Act in which the licence holder <i>must</i> be provided an alternative spectrum assignment sufficient to their needs.</p>	<p>TRR believes that paragraph 8.6 is in line with the Act. Section 15(1)(d) of the Act reads:</p> <p>(1) The Regulator may amend the terms and conditions of, or revoke a licence if:</p> <p>(a)....</p> <p>(d) the development of new technologies or standards for radio systems makes it reasonably necessary that radio spectrum be reallocated for reasons of efficiency or to facilitate the introduction of new types of services, in each of which case licence holders must, to the extent reasonably practicable, be provided an alternative spectrum assignment sufficient to their needs (TRR’s emphasis).</p>
<p>Digicel (30)</p>	<p>The third and final issue to this paragraph 8.7 is what rule will apply to frequencies that have been issued to licensees before this Draft Policy coming into force but are currently not used? These frequencies have been issued under the current or ‘old’ regime. Will the ‘use it or lose it’ apply here? Perhaps it is a good idea to introduce rules of transition to go with this Policy.</p>	<p>The ‘use it or lose it basis’ is intended to cover all new assignments and will not affect those frequencies specifically identified in the Licences of the two main operators.</p>
<p>Digicel (31)</p>	<p>TRR states in paragraph 9.d that it is an objective of spectrum licensing to enable access to the radio spectrum to as many users as possible taking into account public interest obligations. This objective is too vague. It is unclear to Digicel what is to be understood by this paragraph. Digicel in this respect understands users to be end-users or customers of the respective spectrum licence holders. Digicel respectfully requests the TRR to clarify this paragraph. Further paragraph 9.e. the TRR mentions administrative intervention. Digicel would like to understand what kind of intervention should be thought of in this</p>	<p>A user in this case refers to a person who has a licence to transmit on a radio frequency. Generally end-users or customers utilizing services offered by licensees (eg. mobile phone users), are also users of the spectrum and technically require a licence to use their devices as required by the Act. However, because it would be impractical to manage this, TRR had issued general user radio licences (GURLs) to cover them.</p> <p>TRR have so far issued GURLs for the following;</p> <p>(i) mobile cellular telecommunications devices; (ii) Citizen Band (CB) radios; (iii) Cordless telephones and (iv) Short-range Radio Devices (SRDs). This is an administrative intervention</p>

	case; may be the TRR can give examples.	to simplify licensing requirements. For example Individual mobile end-users do not need to have separate radio licences to operate mobile phone handsets, but will be required to comply with the GURL conditions.
Digicel (32)	In paragraph 9.f there is mention of maximum economic benefit that is derived from the use of the radio spectrum. What kind of benefit is intended here and benefit to whom? Digicel contends that this should be the benefit to the licence holder and the end users of its service in the end but would like the TRR to explain what it intends here.	Maximum benefit to the licence holder, the end-user and the nation. Best use of spectrum to deliver the best value for money services to end-users and the nation.
Digicel (33)	Various methods of licensing shall be available and used as appropriate states paragraph 10.4 but without clarifying what kind of methods we should think of and further what should be understood under 'appropriate'. Digicel respectfully requests a clarification of this section.	If read in full, paragraph 10.4 is self-explanatory. See 10.4 (i) and (ii).
Diigicel (34)	As stated in the above, Digicel is alarmed because of the apparent intended introduction of spectrum charge and/or fees in Vanuatu. In the draft policy, the TRR fails to mention the legal basis upon which it thinks it can base this introduction. The reason for it is that such a basis does not exist, not in the Act and not in the Licence.	See (11) above.
Digicel (36)	Apart from this, we will discuss the relevant section in detail below but from it, no implicit or explicit consent on Digicel's part to the introduction of these fees or charges may be construed. We expressly oppose the introduction of spectrum fees and charges as they have no proper legal basis. The introduction of spectrum fees or charges would at least require an amendment of the legislation. Moreover, the current administration of spectrum and the issuance of it is a task given to TRR under the current legislation without the possibility of charging separate fees or charges for it. These (limited) administration costs for spectrum (management) fees are currently to be	See (11) above and Section 13 (4) & (7)

	covered by the Licence fee as mentioned in section 3 of the Licence.	
Digicel (43)	TRR in paragraph 12.6 states that the spectrum fee for licences granted to users using a market mechanism (for example an auction) shall be determined by the market (i.e. the successful bid price). This brings up the question of what will happen to the existing spectrum licensees. One can not expect them to suddenly pay for spectrum where they had a legitimate expectation that spectrum licence is and will remain free of charge. They have made their investment decision based on the fact that no spectrum fees apply. Moreover this raises the issue of determining what the height of his fee should be since no auction was held and no successful bid price for this spectrum currently in use was ever established.	Spectrum identified in the Licence and where it is not paid, will remain as it is for the duration of the term of the current licence. Auction is given as an option that may be used when there are more than one competing licensees for a particular block of spectrum.
Digicel (44)	Paragraph 14.1 speaks of spectrum management organisations empowered with the monitoring of spectrum. Digicel would like to understand who these organisations are or will be.	Where TRR does not have the technical capacity and equipment to carry out its responsibility it may subcontract to other organisations. TRR has to be open to assistance if offered by operators for the use of their equipment/ tools for activities such as interference resolutions.
TVL Views on Section 2	Some proposed policy guidelines are too prescriptive and not in accordance with the principle of the creation of a predictable environment. These include aspects of planning and allocation, and spectrum charges and fees. TRR should be an enabler of technological choice and should not mandate that future technologies be introduced to Vanuatu without a clear demand for such technologies. In respect of spectrum pricing there is no detail of the formulae to be used by TRR to determine these charges and fees	TRR notes the comment. TRR believes in technological neutrality, however, as a precaution to harmful interferences, TRR will ensure that new technologies derived from the primary services, such as mobile, fixed and broadcasting are allocated the appropriate spectrum. On the comment about charges/ fees formula, TRR notes the comment, however, TRR contends that it inherited a formula less fee structure and is currently reviewing the fees and it may take some time before a formula is consulted on.
TVL (On the Subject of technological neutrality)	TVL supports the principle of neutrality; however the TRR may in fact be forced to choosing between competing technologies. In the case of the 2.5 GHz spectrum band, as an example, the exact determination of what bandwidth is	TRR does not see itself as being involved in any decision as to what technology to use in what spectrum band. Rather TRR believes that the amount of bandwidth available in a particular spectrum band is one of the drivers that the operator uses to decide what technology is

	available for TDD and FDD will impact the deployment of LTE and Wimax	best for them in that particular spectrum band. Licensees are therefore encouraged to choose what technology is best for them. They are expected to use innovative technologies that allow them to utilise the available spectrum band assigned to them efficiently and effectively for their maximum economic benefits.
TVL (On the subject of government users)	The spectrum Policy Document is silent on how government users will be treated in the allocation of spectrum. In many countries governments are heavy users of radio spectrum and may use this valuable resource inefficiently. TVL requests the TRR to make clear how government users will be charged for their use of spectrum, and additionally, how the use of spectrum for emergency services and rural telecommunications will be paid for. There should be objective criteria for the award and use of spectrum by government users.	TRR agrees that in many countries, governments are heavy spectrum users. However, TRR understands that heavy users are usually national defence establishments. Vanuatu is a small country with the VMF and Police using very little spectrum. Traditionally in many countries national defence establishments were exempted from paying fees, however, the tendency now is to make them pay spectrum charges also. Vanuatu VMF and Police have always been charged fees associated with their spectrum use. The Telecom Act provides for the Regulator to grant exceptions to licences and this could be applied to national emergency response services. Rural telecommunications will normally be provided by licenced operators, therefore spectrum would be charged to the operator if the service is not free.
TVL (Comments regarding the need for a spectrum plan)	In most jurisdictions the publication of a Spectrum Policy Document is at the same time accompanied by a radio frequency spectrum plan. This document has not yet been published by the TRR. TVL requests the TRR publishes this document in consultative form as soon as possible to allow predictability of the environment in as far as frequency usage planning is concerned.	TRR wishes to point out that the National Radio Frequency Spectrum Plan (NRFSP) has already been consulted on and gazetted in September 2010. The draft plan went through two levels of consultations and has been published. TVL participated in the second consultation, but submitted no comments
TVL (Comments on incumbent spectrum)	The Spectrum Policy does not contain a statement of incumbent spectrum users' rights. Incumbent spectrum users have in the past acquired spectrum in Vanuatu. The rights of incumbent spectrum users should be spelt out in order to ensure a	TRR's view is that there is no need to state this in the Document and believes that the appropriate place to highlight this would be in the incumbent's licence and in any band/channel planning documents.

users' rights)	predictable environment and to recompense those users should their rights be breached.	
TVL (View on 'use it or lose it' policy)	The spectrum Policy Document proposes a 'use it or lose it' policy for frequency assignment however the TRR does not state how long a licensee has to start using a particular spectrum allocation before this reallocated. TVL requests that the TRR states this period to assist in the creation of a predictive environment.	TRR's response to this is found below.
TVL 3.3(g)	Amend the wording to "enable the introduction of future generations of public and private mobile technologies". As it stands objective (g) is too prescriptive as the spectrum policy should be an enabler only and be technology neutral. Market forces should determine whether a new technology is introduced or not.	TRR agrees with the proposal for amendment of the wording for sub-paragraph 3.3 (g) from wording; introduce future generations of public and private mobile technologies; has been amended to read "enable the introduction of future generations of public and private mobile technologies".
TVL 3.3(k)	TVL supports the TRR's view on technology neutrality, whilst at the same time questions how TRR will balance requirements for TDD and FDD bandwidth in, for example, the 2.5 GHz band as any decisions made are inevitably bound to favour one technology over others including the balance between allocations for LTE and WiMAX.	Spectrum bands may be divided up into blocks which are then applied for and assigned to users who then have the liberty to employ TDD or FDD with the assignments. If larger economies can accommodate many licensees comfortably in the band, then Vanuatu should be able to also.
TVL 3.4	TVL looks forward to the publication of the NRFSP and request that this document is published in consultative form as soon as practicably possible to allow predictability of the spectrum.	The NRFSP has already been consulted upon and gazetted in September 2010. Unfortunately TVL did not comment on this document.
TVL 3.4	TRR note the intention to provide adequate spectrum to support the emergency services. Whilst TVL supports this intention, the issue of how this spectrum is priced and who pays for it needs clarification by TRR	Most Emergency Response Services worldwide use narrow band radio services. Because the provision of Emergency Response Services is a government obligation and of national importance, it is often exempted from paying a fee for the spectrum they use. The Act gives the Regulator the power to grant exceptions therefore they can be easily accommodated.

TVL 3.8(i)	TVL requests that TRR ensures that there is fairness and transparency as part of due process behind all allocation of spectrum.	TRR has always maintained this position, for example, the allocation and assignment of 900 MHz and 1800 MHz mobile spectrums to the mobile operators. TRR did ensure that the two operators were assigned equal spectrum for GSM mobile service.
TVL Sub-section 8(6)	TVL notes the intention in sub-section (6) to revoke frequency assignments if it is determined to be in the national interest, requests the TRR to state which body in Vanuatu determines what national interest is, on what basis and under what powers such decisions will be made, and seeks confirmation that fees will be refunded to any organization that has its frequency assignments revoked. TVL seeks this information from the TRR in the interests of a more predictive environment.	TRR will follow ITU and other International Guidelines and with the approval of the Minister responsible for Telecommunications, will determine as provided for under section 7 (e) of the Telecommunications and Radiocommunications Regulation Act what is of national interest. A planned review of the fees should establish guidelines as to how the issue of the revocation of frequency assignments and the fees already paid may be dealt with.
TVL Sub-section 8(7)	TVL notes that frequency assignments shall be made on a 'use it or lose it basis and requests the TRR to state the length of the period of the 'specified period' in line with the overall objective of creating a predictive environment.	A 'one size fits all' scenario obviously is not a fair way to address this point. The intended use of the amount of spectrum applied for should provide TRR with an idea of the period to be applied when the frequency should be utilised once assigned. Periods for mobile spectrum may be set longer periods while periods for spectrum for civil use, such as for a taxi company's two-way radio system may have something like a year during which it is expected to be utilized. Therefore this issue may be enforced on a case-by-case basis to discourage frequency hoarding and denial of spectrum to other users.
TVL Section 11(I)	Administrative Incentive Pricing – TVL requests that the TRR publishes the proposed formula for determining this pricing method, In the absence of this formula licence holders (and in particular existing licensees) are not provided with a fully predictive environment,	TRR notes the comment. A review of spectrum fees and charges is currently under way. After the draft has gone through a consultation process, the formula for 'Administrative Incentive Pricing' will be published on the TRR website. Existing licensees (mobile operators) have in their licences, clearly identified spectrum for which they do not pay any fees, the period of which is the same as for their current licence. Additional spectrum allocated will however, will be charged as advised in 2010.

<p>TVL comment on Section 11(II)</p>	<p>Spectrum Auctions – TVL believes that the use of auctions as a method of spectrum pricing is not appropriate in a market the size of Vanuatu’s. TVL cautions the TRR against an over-reliance on the use of spectrum auctions in Vanuatu. Not only is the Vanuatu market a small one with limited ability to support the high spectrum fees that auctions have often resulted in elsewhere, but also auctions frequently result in spectrum being over-valued. An unnecessary high cost base in the telecoms sector in Vanuatu is likely to result in higher consumer prices and less completion. TVL suggest that this method of pricing be reconsidered.</p>	<p>TRR notes the comment and does not envisage that spectrum auctions will be used, until the market is fully matured. The Practice needs to have such a provision to equip the TRR with an alternative pricing method. Spectrum auction is undoubtedly the best solution when there is competition for a particular spectrum band by many licensees and is non-discriminatory.</p> <p>Furthermore;</p> <ul style="list-style-type: none"> ▪ Auctions have the advantage of awarding licenses to those who value them most highly, while simultaneously generating revenues, and ▪ Auctions have the potential to encourage efficient utilization of spectrum
<p>TVL comment on Section 12(2)</p>	<p>TVL notes that “all users of spectrum.... Shall pay a fee”. TVL requests the TRR to confirm that the government users will be bound by the same requirement</p>	<ol style="list-style-type: none"> 1. See Section 3(a) of the Act 2. TRR will ensure that existing Agreements are respected

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