



Decision on the Review of

Decision 1 of 2016

Radio Spectrum Fees for the Republic of Vanuatu

Summary

The Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR), has completed its review of Decision 1 of 2016 on Radio Spectrum fees and the High Value Spectrum band for the International Mobile Telephony (IMT) applications for the Republic of Vanuatu. The review objective is to:

- Fulfil the requirements to review Decision 1 of 2016 fees schedule in 2018, which was delayed till this year 2020;
- Capture the full range of high value spectrum bands that was not captured in the Decision 1 of 2016; and
- Adopt additional spectrum for IMT application from the resolution of the World Radiocommunication Conference of 2015 (WRC-15), that have not been included in the Decision 1 of 2016.

The TRBR has recently been approached by operators for further assignments of spectrum in a specific range to support the increasing use of mobile telephony and data services. Access to reliable high capacity mobile telephony services is a recognized economic enabler and the existing spectrum bands allocated to IMT in Vanuatu have now been exhausted. As such, the TRBR has investigated the Band 28, the extended spectrum (800 MHz) for IMT applications in Vanuatu.

The Regulator believes that there are no major change that requires a public consultation as most of the changes are to reflect the current demand of high value spectrum, and that most of the spectrum in this Decision are categorized within the high value bands from the WRC-15 Resolution. Further, one of the minor changes is to correct a spectrum range that was not properly captured in the Decision 1 of 2016 as well, detailed in the decision below.

Legal Basis

The Primary legislation and rationale for the establishment of the spectrum fees is the *Telecommunications, Radiocommunications and Broadcasting Regulation Act number 30 as amended by amendment 22 of 2018* (the Act).

The Act gives power to TRBR to regulate the telecommunications, radiocommunications and broadcasting, including management of the radio spectrum in order to promote national, social and economic development.

Paragraph 7(2)(e) of the Act applies and permits TRBR to “*allocate, assign and manage the radio spectrum*”. Further powers are given under paragraph 7(4)(a)(b)(c) of the Act to:

- (a) “prescribing standard terms in various licenses and exemptions; or*
- (b) prescribing procedures, forms and fees in respect of any licence or exception or anything which might be done by any person under this Act, except the provision of reasons for any decision by the Regulator; or*
- (c) providing for the methodology by which any calculation required to be made under this Act is to be made”.*

Based on these powers, the TRBR has formulated the spectrum fees that applies to specific bands detailed in schedule 1 and schedule 2 of Decision 1 of 2016, and in addition made this decision. Other instruments and requirements that TRBR draws from in carrying out its spectrum management functions, as well as assisting TRBR to make this Decision are; the principles set out in its document “*Spectrum Planning, Allocation and Assignment Practices*” (the Practices document) dated 20 December 2011.

Part III of the *Radio Apparatus License and Spectrum License (Fees) Regulation Order No.153 of 2012* (The Regulation) Clause 6 specifies that:

- (1) A person is to apply to the Regulator for a spectrum licence for the assignment of spectrum.*
- (2) The Regulator is to charge the assignment of a spectrum using the administrative incentive pricing or spectrum auction whichever is appropriate under the circumstances.*
- (3) if applying for a spectrum licence under subclause (1), the person must submit with the application the prescribe application fee.*

Reason for the Review of Decision 1 of 2016

The TRBR have made the decision to review the Spectrum fee schedule and include high value spectrum for IMT services is for the following reasons:

1. The Decision 1 of 2016, “Radio Spectrum Fees for the Republic of Vanuatu” clearly stated that the TRBR is to review the spectrum fee schedule in 2018, and it is now nearly 2 years past the date of review. Therefore, the TRBR believes that this is the right time to review the spectrum license fee schedule.
2. There are Spectrums already allocated for IMT services by the WRC-15, categorized under the high value band, but were not included in the 2016 schedule due to the low demand in Vanuatu at that time. The TRBR in its review have considered to adopt these bands into the TRBR high value band categories that can also attract spectrum license fees in Vanuatu. This bands includes:

Table 1: Potential High Value band for the Republic of Vanuatu

Band Number	Frequency Band (MHz)	Upper Band (MHz)	Lower band (MHz)	Bandwidth (MHz)
Band 2	1900 - 2200	1850 - 1910	1930 - 1990	60 + 60 = 120
Band 28 Extended	800	807 - 835	852 - 880	28 + 28 = 56
Band 38	2500 - 2700	2570 - 2620		50
Band 43	3600 – 3800	3600 – 3800		200
Band 52	3300 - 3400	3300 - 3400		100

3. The TRBR also did some research to check whether there is high spectrum demand in categories like Fixed Point to point and Broadcasting. If this is the case then TRBR can categorize these bands into the high spectrum demand category and to add to the existing Mobile Broadband, Wireless and Digital TV in the high value bands fee schedule.
4. To see if there is a need to increase the current fee schedule which are set at the minimum propose fees consulted on during the 2016 spectrum fee consultation.

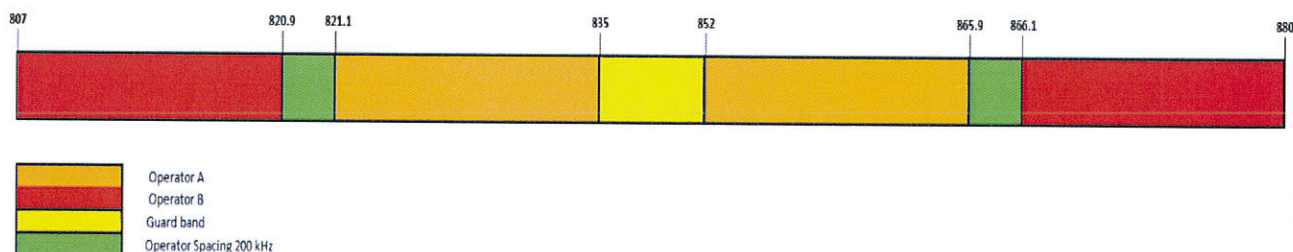
Decision

Considering the above reasons and in exercise of the powers vested in me under the Telecommunications, Radiocommunications and Broadcasting Regulation Act number 30 as amended by Amendment 22 of 2018 (the 'Act'), I, the Regulator make the following Decisions:

1. [Decision 1 of 2016 Radio Spectrum Fees for the Republic of Vanuatu](#) set fees for various spectrum ranges in use by the operators. It did not consider future spectrum use, such as those mention in *Table 1*, and at that time no operator has shown interest in those bands for IMT services in Vanuatu.

In consideration of the paragraph 7(4)(b) and (c) of the Act that gives TRBR powers for "prescribing procedures, forms or fees in respect of any licence" and for "providing for the methodology by which any calculation required to be made under this Act is made", the TRBR has utilized the methodology that was presented as part of the [Spectrum Fees Consultation](#) undertaken with the industry in 2016. Based on that consultation and given that all the spectrum bands mention in *Table 1* are categorized under Mobile Telecommunications/IMT by WRC-15 resolution, the TRBR will be using the same and existing spectrum fees structure consulted on in 2016.

2. The high value bands mention in *table 1* will attract spectrum license fees. However, the TRBR will consider including fees for these bands in the next review of the Spectrum Licence fee schedule in 2021 or once there is demand for use of these bands.
3. The TRBR have proposed to use FDD planning for the 800MHz band, as this spectrum is an extension of the 700 MHz (*Band 28*) and 900 MHz (*Band 8*) which have already been assigned in Vanuatu using the FDD arrangement.
4. The TRBR shall make available this Band (800MHz) for IMT application, and the standard operator spacing of 200 kHz shall be observed by operators when deploying the spectrum. The Assignment of the spectrum will be assigned on first come first serve bases.



5. Due to its penetration characteristics and longer-range capabilities, 800MHz is an extension of band 28 (700 MHz) and band 8 (900 MHz), and will be subjected to the same spectrum fees specified in Decision 01 of 2016.
6. The TRBR will also amend the Band 7 (2500 – 2670 MHz) range mentioned in the 2016 fee schedule, because the band range was not fully captured in the 2016 schedule. According to the International Telecommunications Unions (ITU) Region 3 Frequency Allocation Table and likewise the Vanuatu National Frequency Allocation Table (NTFA), the actual range of the frequency band is 2500 – 2690 MHz. The TRBR will amend the range for IMT Band 7, range 2500 – 2670 MHz to range 2500 – 2690 MHz.

This Decision 02 of 2020 is effective on the day it is signed.

Made at Port Vila this day, 19th of August 2020



Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR)