

Mr. Y. Harel
Regulatory Manager
Communications Commission
2nd Floor, St Andrews House
Finch Road,
Douglas,
Isle of Man
IM1 2PX

Date: 22/07/2013

Dear Mr Harel,

Re: Consultation on Licensing of 4G Mobile Services and Notice of Proposed Modification to Existing Licences.

This response is on behalf of the Planning and Building Control Division of the Department of Infrastructure.

The Division supports the principle of providing 4G Mobile Services on the Island; however, the Division has a couple of queries relating to the proposed licensing of 4G Mobiles, as this may have a number of implications for planning.

As you will be aware, Manx Telecom is the only mobile phone operator on the Island to have the status of Telecommunications Code System Operator. Sure (Isle of Man) Limited's licence does not have code powers and thus not a Telecommunications Code System Operator. The implications of not being a Telecommunications Code System Operator is that Sure or a new entrant would not be able to install masts and/or antennas under permitted development rights, as granted under the Town and Country Planning (Permitted Development) (Telecommunications) Order 2012, and would need to apply for planning approval for any new installations in order to provide 4G Mobile Services on the Island. This could lead to a delay in the provision of 4G services on the Island, and could give Manx Telecom an unfair advantage in the provision of 4G services over their competitors.

Therefore, are the new licences or the modified licence for Sure (Isle of Man) Limited, which are going to be issued under the Telecommunications Act 1984, going to have Code Powers attached?

I also note the Commission is proposing the licences include service characteristics, which will include the operators being obliged to provide at least 33% population coverage at launch; and being obliged to provide at least 95% population coverage within two years of service launch.

However, due to a potential review of planning policy relating to the siting of mast/antenna and the need for Sure (Isle of Man) Limited and any new entrant to apply for planning approval, Sure (Isle of Man) Limited and/or a new entrant may find it difficult to site their infrastructure within urban areas and may not be able to fulfil the population coverage obligations being proposed; thus, it could lead to them breaching the terms of their 4G licence. This risk could be reduced if Sure (Isle of Man) Limited and any new entrant were granted code powers under the Telecommunications Act 1984, and thus enable them to use the Town and Country Planning (Permitted Development) (Telecommunications) Order 2012. This would create a level playing field for all the mobile phone operators.

If you have any queries, please do not hesitate to contact me on the above telephone number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'I Brooks', written over a horizontal line.

Ian Brooks BA(Hons) DipTP MRTPI
Planning Officer