Annex 3

Information and structure of applications

Applications for frequency assignment may be made as from publication of this Decision in the BNetzA's Official Gazette. Receipt of assignable frequencies will be published in the BNetzA´s Official Gazette and on the BNetzA's website. All market players may submit applications no later than eight weeks from publication of this Decision.

Applications should be submitted to the BNetzA in writing, in German, in quintuplicate, and electronically as well:

Bundesnetzagentur
Referat 226
Fehrbelliner Platz 3
10707 Berlin
Germany
E-mail: 226.BWA@bnetza.de

Applications for the assignment of spectrum can be submitted for each region/all regions.

The application must be structured as follows:

A. Information on the applicant

1. Name and address
2. Legal form
3. Headquarters
4. Investment structure
5. Name of an authorised representative as a contact person
6. Name of a person authorised to take delivery

B. Information on reliability

Applicants must state whether, in the past, they have had a frequency assignment revoked, conditions imposed on account of non-compliance with obligations arising from a licence or frequency assignments, whether legal proceedings have been taken against them for a breach of telecommunications or data protection law or proceedings against them in any of the above cases are pending.

C. Information on efficiency

Applicants must demonstrate that they have the financial means available to build and operate a network and how it is to be funded. Supporting evidence, eg a written declaration from the parent company, from other affilated undertakings or from credit institutions, of how funding is to be secured must be provided. Mere declarations of intent or pledges of endeavour are not recognised as evidence in this regard. Funding assurances from parent companies or other affiliated undertakings should be submitted in the form of a binding letter of comfort. Presentation of a balance sheet does not release the applicant from his duty to provide the relevant information.

Applicants should provide a clear and convincing account of efficiency as regards their business plan (medium-term business planning). Proof of the financial means needed for network build should be oriented by the plan and build costs based on the coverage obligation and its timeframe, and on the cost of day-to-day operations.

D. Information on specialist knowledge

Applicants must demonstrate that the persons engaged in building and operating the BWA network have the knowledge, experience and skills to do so. Applicants should provide a clear and convincing account of specialist knowledge. Applicants should state the knowledge, experience and skills that are needed or are advantageous in respect of building and operating a BWA network and marketing the services and that enable them to exercise the frequency usage rights. In the case of applications from consortia, this information should be supplied for the members providing the specialist knowledge. Also, an account should be given of how the members' specialist knowledge is to be transferred to the applicant.

With a view to the engineering, applicants should provide an account of their knowledge, experience and skills in planning and operating wireless transmission paths.

F. Spectrum requirements

In their application, applicants must show that they actually need spectrum, stating what kind of service they plan to offer on the basis of the technology chosen, and the timeframe envisaged for implementing their service offer. This applies particularly when applicants already have suitable spectrum. Applicants must also show how they intend to meet the coverage obligations linked with the assignment.

Information on technical planning must show that the applicant has a good understanding of the planned approach and is able to use the planning instruments available to him. Applicants should also give details of the following–

- specific approach (eg system concept, network structure)
- set of planning instruments (details of rollout planning, timeframe for network build)
- area and population coverage
- network optimisation
- forecasts of subscriber numbers and call volumes
- operations and maintenance concept (eg network performance, reliability, network and error management).

The assumptions underlying technical planning must be clear and convincing.

The forecast of subscriber numbers should be submitted in the form of a time-differentiated account for the next five years. The forecast of call volumes should show the theoretical assumptions and the planned development of call volumes.