

600 MHz Spectrum Auction: Guidance to external parties in communicating with Arqiva

1. Introduction

Ofcom wrote to Arqiva on 15th September 2011 giving written notice of Ofcom's intention to hold a "Relevant Spectrum Auction" as that term is defined in the Undertakings which were given to the Competition Commission by Arqiva Broadcast Holdings Limited (formerly known as Macquarie UK Broadcast Holdings Limited) et al. of 1st September 2008. Ofcom has also directed Arqiva to prepare Reference Offers for digital terrestrial television managed transmission services and network access in accordance with the specifications and the timetable set out in the letter. <http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-awards/awards-in-preparation/2011/600mhz/Reference-offer-letter.pdf>.

The purpose of this guidance is to provide information to customers, potential bidders and other interested parties as to which part of Arqiva they should contact in connection with the forthcoming 600 MHz spectrum auction.

Arqiva's business is regulated in the areas of Network Access (NA)¹ and Managed Transmission Services (MTS)² pursuant to the Undertakings.

Arqiva also has to adhere to the Information Security Strategy (ISS) which forms part of and is referred to in paragraph 16 the Undertakings.

In order to comply with the ISS in the context of the 600 MHz spectrum auction, it will be necessary to ensure that confidential information provided by:

- (i) either a customer or prospective bidder in relation to existing and new transmission agreements;
- (ii) an MTS provider before during or after the process of negotiating an agreement for network access

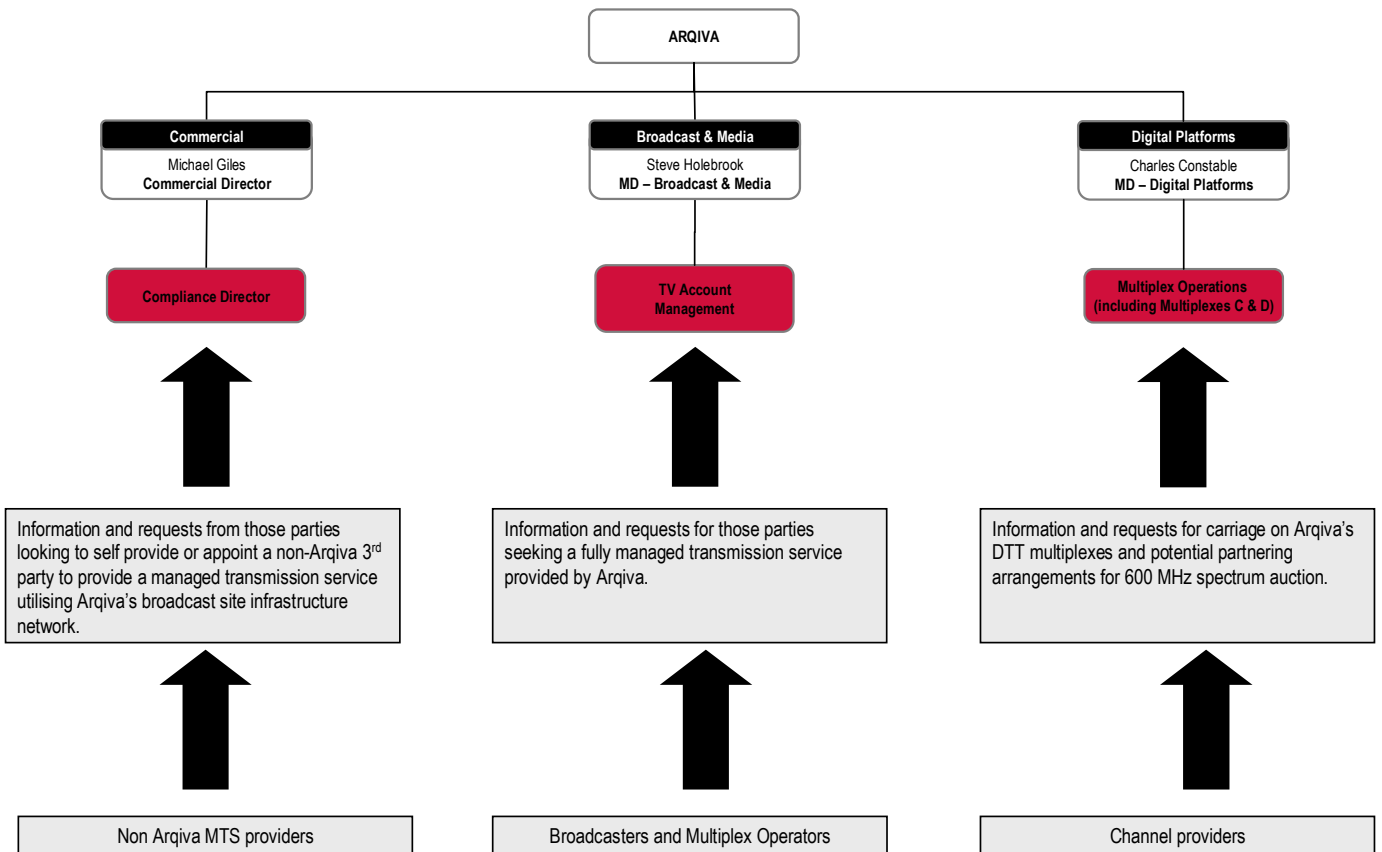
is used solely for the purpose for which it was supplied and that Arqiva shall respect at all times the confidentiality of that information. The information must not be passed on to any other business units, departments, subsidiaries or partners of Arqiva for whom such confidential information could provide a competitive advantage.

¹ **Network Access** means the provision of access to the mast and site network and shared or shareable antenna systems acquired, constructed or installed by Arqiva for the purposes of providing analogue and/or digital terrestrial broadcasting transmission services within the United Kingdom to deliver broadcast content to end users as described in the Report (other than in relation to Community Radio Licences, in respect of which no SLC was found); (Source: the Undertakings)

² **MTS** means the provision of a managed terrestrial transmission service (comprising a package of services including some or all of network design, procurement and installation of transmitters, network monitoring, quality assurance of the signal and/or maintenance of Transmitter equipment) for the purpose of providing analogue and/or digital terrestrial broadcasting transmission services within the United Kingdom to deliver broadcast content to end users as described in the Report (other than in relation to Community Radio Licences, in respect of which no SLC was found); (Source: The Undertakings)

2. Arqiva's structure

The diagram below provides an overview of where the various groups that will be working on 600MHz auction related activities sit within Arqiva's structure and highlights the interface points for interested parties.



3. **Contact Points**

All correspondence and communication with Arqiva in connection with the 600MHz spectrum auction should be directed as follows:

- (a) Potential Bidders for the 600MHz spectrum auction

If your company is a potential bidder for the 600MHz spectrum auction then you may wish to obtain and discuss information relating to Arqiva's broadcast mast network and transmission of broadcast content. The contact details are as follows:

- (i) **For those parties seeking to engage Arqiva to provide a fully managed service comprising of access to Arqiva's broadcast mast network and a managed transmission service. This combined service is referred to as a "Transmission Service" in the Undertakings and Arqiva is obliged to provide a Transmission Service Reference Offer.**

The contact details are as follows:

Steve Holebrook, Managing Director – Broadcast & Media Division -
Email: steve.holebrook@arqiva.com

- (ii) **For those parties seeking to either self provide or engage a third party (not being Arqiva) to provide a managed transmission service then Arqiva will provide information on Arqiva's broadcast mast network and this is referred to as "Network Access" in the Undertakings and Arqiva is obliged to provide a Network Access only 600MHz Reference Offer.**

The contact details are as follows:

Michael Giles, Compliance Director – Commercial Division –
Email: michael.giles@arqiva.com

- (b) Potential customers for carriage to be prospectively provided by Arqiva on any DTT multiplexes operated by Arqiva [following the 600MHz spectrum auction]

If any party is interested in exploring carriage on any DTT multiplex operated by Arqiva, the contact details are as follows:

Charles Constable, Managing Director – Digital Platforms –
Email: charles.constable@arqiva.com

- (c) Potential partners of Arqiva in relation to evaluating opportunities with the 600MHz spectrum

If any party is interested in approaching Arqiva to evaluate opportunities for participating in the 600MHz auction process in partnership with Arqiva, the contact details are as follows:

Charles Constable, Managing Director – Digital Platforms –
Email: charles.constable@arqiva.com

4. Other matters

- (a) Third parties should ensure that communication is established through the appropriate channels referred to in Clause 3 above.
- (b) It is possible that the nature of an enquiry could fall into Clause 3 (a) above as well as Clauses 3 (b) and/or 3 (c). If this is the case, then the third party should contact Michael Giles in the first instance who will determine which approach is the most suitable.

5. The ISS makes reference to “Very High Risk Confidential Information” which would include:

Information which indicates the intention of a Customer or prospective customer (as defined in the Undertakings) to bid or consider a bid for any spectrum auction that could be in competition with Arqiva;

Any prospective customer should take appropriate steps to ensure that any “Very High Risk Confidential Information” that has been communicated to the appropriate contact point(s) referred to under 3 (a) above and its status as “Very High Risk Confidential Information” should be confirmed in writing as such.