

Radiocommunications (Early Access to 700 MHz Band) Determination 2014

*Radiocommunications Act 1992*

The Australian Communications AND MEDIA Authority makes this Determination under subsection 31 (2) of the *Radiocommunications Act 1992*.

Dated

Member

Member/General Manager

Australian Communications and Media Authority

1 Name of Determination

 This Determination is the *Radiocommunications (Early Access to 700 MHz Band) Determination 2014*.

2 Commencement and duration

 (1) This Determination commences on the day it is made.

 (2) This Determination ceases to have effect as if revoked by another instrument at the end of 31 December 2014.

3 Definitions

 (1) In this Determination, unless the contrary intention appears:

***700 MHz band***meansthe parts of the spectrum from 703 to 748 MHz and 758 to 803 MHz, but excluding the Mid West Radio Quiet Zone.

***Act*** means the *Radiocommunications Act 1992*.

***Allocation Determination*** means the *Radiocommunications (Spectrum Licence Allocation – Combinatorial Clock Auction) Determination 2012*.

***Mid West Radio Quiet Zone*** has the meaning given by the *Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2011*.

***PMTS Class B*** has themeaninggiven by the *Radiocommunications (Interpretation) Determination 2000.*

***PTS Licence*** has the meaning given by the *Radiocommunications (Interpretation) Determination 2000.*

(2) In this Determination, each frequency band includes all frequencies that are greater than the lower frequency, up to and including the higher frequency.

4 Issue of licences

 (1) For subsection 31 (2) of the Act, the ACMA may issue a PTS licence in relation to the 700 MHz Band to a person only if:

1. the person has been allocated a part or parts of the spectrum in the 700 MHz band as a result of an auction held in accordance with the Allocation Determination; and
2. the PTS licence is to be used for providing a PMTS Class B service in the same parts of the spectrum that have been allocated to that person as a result of that auction; and
3. the PTS licence is issued for a period that ends on or before 31 December 2014.

 (2) For the purpose of subsection (1), a person is taken to have been allocated a part or parts of the spectrum as a result of an auction held in accordance with the Allocation Determination if the name of the person has been announced or published as a winning bidder by the ACMA in accordance with section 6.10 of the Allocation Determination.

*Note* *1*   The 700 MHz band is in the part of the spectrum that is designated for the purposes of subsection 31(1) of the Act. Should the 700 MHz band cease to be designated, this Determination will cease to have effect.

*Note 2*  A PTS licence is a type of transmitter licence that the ACMA may issue as specified in the *Radiocommunications (Transmitter and Receiver Licences) Determination* made under subsection 98(1) of the Act.