

5th June 2024

Sean McQueen

Australian Communications and Media Authority

PO Box 13112

Law Courts

Melbourne VIC 8010

Submission via Have Your Say

Submission to ACMA on Consultation on Expiring Spectrum Licences: Stage 2

OneWiFi & Infrastructure (OneWiFi) understands that stage 2 of the Expiring Spectrum License (ESL) process, principally involves an information-gathering exercise seeking information from incumbent licensees and prospective alternative licensees about their current or potential future use of the spectrum, and how it promotes the long-term public interest.

OneWiFi's interest in the ESL is that as a Mobile Active Neutral Host we provide active network infrastructure which can be accessed, on an equitable basis, by all Mobile Network Operators (MNOs) holding a spectrum licence, to provide mobile coverage at the lowest marginal costs for all MNOs in underserved areas via services enabled by OneWiFi's Mobile Active Neutral Host solution.

OneWiFi has focused on rolling out its infrastructure in regional and rural localities, where there are no or limited mobile coverage, often where spectrum licensees have spectrum which are not being utilised. This unutilised spectrum can be readily activated on our Mobile Active Neutral Host infrastructure for the benefit of all consumers and communities in the form of mobile service availability and choice, which strongly aligns to public interest objectives.

Public Interest Alignment

OneWiFi believes Mobile Active Neutral Host services strongly aligns with the Public Interest Criteria for ESL renewal, specifically:

- Public Interest Criterion 1: facilitates efficiency – active infrastructure sharing by using shared radio access network (RAN), transmission, and power (including resilience) is implicitly more **efficient** and less costly than standalone infrastructure to maximise the use of spectrum.
- Public Interest Criterion 2: promotes investment and innovation - active infrastructure sharing is an **innovative** model using shared radio access network (RAN), transmission, and power to reduce costs and including enhance resilience for each participant to serve and deliver multi-service provider outcomes. The shared economics of the solution, lowers barrier to entry and enables a more favourable business case to attract **investment** and offer mobile services in remote and regional Australia using existing spectrum.

- Public Interest Criterion 3: enhances competition - Mobile Active Neutral Host solutions enable multi-service provider outcomes by offering services at unit economics that foster competition in the form of multiple MNOs being able to utilise their respective spectrum within a given coverage area, to deliver their respective services, which in turn creates competition and real consumer choice.
- Public Interest Criterion 4: balances public benefits and impacts – Active infrastructure sharing offers immense public benefits, through increased consumer choice and competition enablement. At the same time active sharing reduces environmental and visual impacts, by reducing consumption of power and visual clutter respectively, in delivering community wide balanced telecommunications service outcomes.
- Public interest criterion 5: supports relevant policy objectives and priorities (including regional, rural, and remote connectivity, investment and competition) - Infrastructure sharing has been successfully demonstrated to deliver regional, rural and remote connectivity benefits in line with government policy objectives. Mobile Active Neutral Host solutions, enhance the ability of policy objectives and priorities being met, by facilitating governments to, 'do more for the same spend'.

In light of the strong congruence and alignment with Public Interest criteria, OneWiFi would like to explore with ACMA Alternative License Conditions and mechanisms to enhance Public Interest via enhanced spectrum renewal conditions that facilitate delivery of mobile services via alternative delivery models including Mobile Active Neutral Hosting.

Alternative License Conditions

Firstly, OneWiFi would like to thank ACMA on the well-considered and insightful commentary on Alternative Licence Conditions. OneWiFi welcomes the consideration of Alternative Licence Conditions by the ACMA to address the Public Interest and the Ministerial Policy Statement. Below are OneWiFi's view on the potential options with regards to the ESL and the broader context.

Instrument	Description	OneWiFi Comment
Licence Cancellation	Cancellation of entire spectrum licence if conditions are not met	<ul style="list-style-type: none"> • Agree that the cancellation of the entire spectrum licence would be too drastic in most case • Should only be considered if the licensee is severely in breach of key conditions and unable or unwilling to remediate
Renewal Statements	Assessment of licence condition at licence expiry	<ul style="list-style-type: none"> • Assessment to take place after 15 or 20 years is too long, as an effective mechanism to achieve short to medium term outcomes • The ACMA should consider shorter licence duration (e.g. 5 years with renewal options) as an instrument to ensure

		<p>the licensees deliver on the desired spectrum efficiency and Public Interest outcomes</p> <ul style="list-style-type: none"> • Spectrum is an essential asset for the MNOs and will preserve value even at shorter expiration duration [REDACTED] • Competitive tension will contribute to the preservation of the value of the spectrum to the Government, despite shorter licensing terms • With shorter duration, ACMA may need to provide greater certainty of renewal subject to conditions being met
Enforceable Undertakings	Licence condition as a graduated approach to ensure compliance with incentives and penalties during the licence duration	<ul style="list-style-type: none"> • A very effective alternative instrument, if the shortening of licence duration proves to be overly complex to implement • Enforceable Undertakings conditions can be clearly defined in terms of objectives (e.g. neutral hosted multi-carrier coverage and competition within a certain timeframe for regional/remote communities). For instance, in geographical markets where MNOs don't deploy coverage and / or capacity solutions on a 100% self-funded basis, MNOs should be required to participate in government mobile programs that seeks to maximise value for all participants (e.g. neutral host) • We believe it is an effective instrument in ensuring urgent Public Interests are met in a timely manner • Incentives or penalties can be financial (e.g. additional cost

		<p>to MNOs) or non-financial (limit future access to spectrum, etc)</p> <ul style="list-style-type: none"> • This can be used in combination with Licence Cancellation (for major breach) and Renewal Statement (for very long-term outcomes)
Smaller and Cheaper Spectrum Licences	Disaggregation of licences for areas with specific requirements (e.g. by geography)	<ul style="list-style-type: none"> • We believe this instrument may create unintended negative consequences <p>[REDACTED]</p>
Varying Existing In-Force ESL	Vary ESLs and other spectrum licences, not subject to the ESL process, before the expiration of the licences or during licence term	<ul style="list-style-type: none"> • This instrument should be co-implemented regardless, as it will preserve optionality/safety net for achieving broader policy objectives. It would be highly effective if the ACMA could effectively utilise what is allowed under the Act • The effectiveness can be enhanced in combination with Ministerial Powers, other programs (e.g. RCP/MBSP) administered by the Commonwealth and States, and national/state planning regulations. This in turn would facilitate maximising outcomes of broader government initiatives and programs. For instance, in geographical markets where MNOs do not have coverage, they should be required to

		participate in government programs, such as Neutral Host solutions. This would provide a level of flexibility to drive the greatest desired outcomes, while aligning to priorities of the Commonwealth and the States/Territories
Use-it-or-Share-it (UIOSI)	The spectrum licensee authorise third party use of spectrum subject to approval by the ACMA	<ul style="list-style-type: none"> • Should be strongly considered if such authorisation lends itself towards meeting conditions which would deliver the desired outcomes • Use UIOSI to enable others (such as multi-carrier active neutral host) to deliver services with participation in the downstream service by the MNOs • Essential to ensure the authorisation is for the enablement of the desired outcomes rather than an avenue to offload core licencing obligation and conditions to others
Other Mechanisms	Other instruments outside of the Act	<ul style="list-style-type: none"> • Spectrum is a key instrument and most effective in addressing Public Interest if combined with other instruments such as Ministerial Powers and other programs administered by the Commonwealth and States and therefore, other alternative instruments should be explored. Although we note Section 71 of the Act states that the ACMA may include other conditions in spectrum licence as it thinks fit

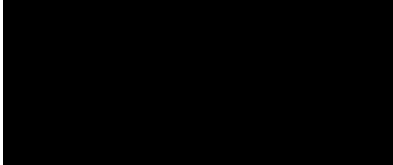
Thank you for the opportunity for OneWiFi to put forward our view on spectrum renewal and we would be pleased to provide additional information in clarification if required.

Yours faithfully,



Managing Director

ONEWIFI & INFRASTRUCTURE



Director of Regulatory Engagement and Policy

ONEWIFI & INFRASTRUCTURE