



Vodafone Response to Ofcom consultation: Proposals to make auction regulations for the mmWave award



1. Response

Vodafone welcomes the opportunity to respond to Ofcom's consultation on the wording of the draft auction regulations for the mmWave award. We have the following observations:

Regulation 2(1) / Definitions

Regulation 2(1) appear to be missing a series of definitions relating to the 26GHz first period assignment stage options and bids. We also note that the following definitions don't appear in Regulation 2(1):

- "current eligibility capacity" (referenced in Reg 42)
- "ranking list" (referenced in Reg 35)
- "reduced winning 40GHz assignment stage bid" (referenced in Sched 4)
- "reduced winning 26GHz assignment stage bid" (referenced in Sched 5)
- "40 GHz lots assignment stage option list" (referenced in Reg 73)

We also note a typographical error in the definition of "winning combination of valid 40GHz lot assignment stage bids" ("76(30" rather than "76(3)" as intended).

Regulation 4(a)(ii)

We query whether each "person" would relate to a named individual advisor, or whether it would be sufficient to provide information at the level of company name.

Regulation 6(1)

We note a typographical error in the references to regulations 4(3)(a)(i) and 4(3)(b)(ii), i.e. additional spaces after the "3" in both cases.

Regulations 7 / 126

Regulation 7 is missing a paragraph (2). The reference to Regulation 7 in Regulation 126 may therefore be incorrect, as it refers to 7(3) but appears to relate to the content of 7(4).

Regulations 18(1) and 27(4)

In both cases the description of the number of lots for which the bidder may bid appears to omit references to Eligibility Point constraints.

Regulation 25

We believe that item (e) should read "the excess demand for each lot type after the most recent round"



Regulations 21 and 31

Regulations 21 and 31 specify rather drastic consequences for failing to get a bid in on time, or failing to specify a bid for one or more lot categories. There appears to be no reference to round extensions or notifications (such as warnings) in the event of a form completion error, eligibility limit error, communication error or other failure of the auction system, as referenced in Regulations 127 and 131(2). We believe this should be addressed in the relevant regulations.

Regulations 27-30

The terminology on “sets of bids” in 27-30 does not appear to reflect the wording of Ofcom’s decisions about bid semantics as described in November 2023. See for instance 5.2 b) of the November 2023 statement *“Bidders will be able to place one bid in each lot category...”* rather than *“...one set of bids in each lot category...”* Annex 6 of the statement also referred to single bids, not sets of bids. We question whether the change of language was intentional, and the logic behind this change.

Regulation 29

In Regulation 29(2), we believe that the “price” nominated here has no impact on the semantics of the bid given 29(1)(b) and really only affects the order of processing of the increase bid.

This is at best counter-intuitive, and it is not entirely clear that it gives proper effect to Ofcom’s decisions as worded in November 2023 Statement 5.2b) *“When placing a bid to change demand, bidders will be able to specify the price point at which their demand changes”*. We do note, however, that odd semantics were described in Annex 6 of the statement (see A6.48 to A6.50 and the example in Figure A6.4 wherein the nominated price of £3000 has no impact on the meaning of the bid).

Regulation 31

We believe that Regulation 31(4) should specify whether the deemed bid set is a simple set of bids or an “all or nothing” set of bids.

Regulations 33 and 34

We believe that both of these Regulations have sub-paragraph (2) mis-numbered as (1).

Regulations 35 and 37

It is unclear whether, when remaking the list under Regulation 37, the random ordering of bids with the same price point under Regulation 35 is reapplied.



Regulations 41, 43 and 44

These Regulations have two sub-paragraph (1)s, hence leading to incorrect internal references (e.g. sub-paragraph 41(1) refers to non-existent sub-paragraph 41 (10)).

In Regulation 43(7)(b) and 43(7)(c), we believe the references should be to sub-paragraph (a)

Regulation 46

We believe the words “following the previous round” should be added after “demand for that bidder for that lot type”.

Regulation 47

For consistency, we believe the wording should be “previous round” rather than “most recent round”.

Regulation 55

Regulation 55 has two sub-paragraph (1)s, hence leading to incorrect internal references and a broken reference to Regulation 55(5) in Regulation 56.

Regulation 56

We believe that Regulation 56(b)(ii) should specify whether the deemed bid is a simple set of bids or an “all or nothing” set of bids.

Regulation 81

We query whether Regulation 81(4)(d) adequately constrains that leftover 26GHz lower lots be at the lowermost portion of the band.

Regulation 86

We query whether Regulation 86(4)(d) adequately constrains that leftover 26GHz upper lots be at the uppermost portion of the band.

Regulations 96 and 100

We query the interaction of Regulations 96 and 100. Regulation 96 dictates that where an assignment stage form is invalid, Ofcom will notify the bidder of that fact after the assignment stage round. However, Regulation 100 gives Ofcom the power to interpret the bidders’ intention and correct the bid. If nothing else, it needs to be stipulated that Regulation 96 is subject to Regulation 100 (or alternatively that Regulation 100 is notwithstanding Regulation 96).

Regulation 97

Typographical error – reference in sub-paragraph 98(2) to 97(6) should be to 97(b).



Regulations 112 to 115

We note that although Regulation 115 specifically caters for assignment where no bid was made, Regulations 112 to 114 do not make such a provision.

Regulation 123

We query why the assignment stage bids for 40GHz are not published.

Regulation 125

Regulation 125(3) omits options to disregard some or all bids made by an excluded bidder in the assignment stage - and then re-run those rounds - without disregarding bids in the principal stage.

Regulation 132

We query whether the reference to coronavirus pandemic in 132(2)(b) is still relevant.

Schedule 2

Item 5 bullets start at (j) rather than (a)

Schedule 3

Bullets start at (w) rather than (a)

Schedules 4-7

In Item (5)(3) of all schedules, there are errors in the question in that b_A and u_A have not has subscript properly applied (i.e. should be b_A and u_A).

Schedule 7

References in the schedule to “26 GHz lot assignment stage bid” and “26 GHz upper assignment stage bid” should read “26 GHz lot second period assignment stage bid” throughout; similarly for “bids” and “option”.

Vodafone UK
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