

The undersigned, Council Secretary of the Superintendence of Telecommunications (SUTEL), exercising the legal powers granted by subsection b) of article 50 of the General Public Administration Act, Law 6227, and article 35 of the Internal Regulation for Organization and Functions of the Regulatory Authority for Public Services and Decentralized Body SUTEL, therefore informs that in ordinary session 007-2023, held on January 26th 2023, the SUTEL Council unanimously approved the following:

PUBLIC CONSULTATION

In accordance with article 361 of the General Public Administration Act, Law 6227, the SUTEL Council approves submitting to public consultation, in order to receive written observations of interested parties and general public within a period of **10 business days from the publication of this document** in the Official Gazette, the following information:

“PUBLIC CONSULTATION ON INTEREST, DEMAND AND NEW APPLICATIONS FOR SPECTRUM BANDS DESTINED FOR IMT SERVICES DEVELOPMENT IN COSTA RICA”

In accordance to subsection g) of article 2 of the General Telecommunications Act, Law 8642, which establishes the following objective: *"g) To guarantee the efficient and effective allocation, use, exploitation, administration and control of the radioelectric spectrum and other scarce resources."*; subsection i) of article 3 of the same Act which establishes as a guiding principle the optimization of scarce resources defined as: *"the allocation and use of scarce resources and telecommunications infrastructures in objective, timely, transparent, non-discriminatory and efficient manner, with the dual objective of ensuring effective competition in the market, as well as the expansion and improvement of the networks and services"*; and in subsection f) of article 60 of the Regulatory Authority for Public Services Act, Law 7593, states that: *"To ensure, in an objective, proportional, timely, transparent, efficient and non-discriminatory manner, access to the scarce resources associated with the operation of networks and the provision of telecommunications services"*; this public consultation has the objective of collecting information and data regarding the market's interest in spectrum assignment for IMT networks, spectrum demand and possible new applications in Costa Rica, for the following frequency bands¹:

Table 1. Frequency bands to be included in the next spectrum assignment auction for IMT services

Frequency band	Amount of spectrum	Duplexing
700 MHz	90 MHz	FDD
2300 MHz	100 MHz	TDD
3300-3400 MHz	100 MHz	TDD
3400-3500 MHz	100 MHz	TDD
3600-3625 MHz ²	100 MHz	TDD
26 GHz	1250 MHz	TDD
28 GHz	2000 MHz	TDD

¹ Document number MICITT-DM-OF-013-2023 received in SUTEL on January 13th, 2020.

² In accordance with what was indicated by the MICITT: *"Work is being done on the recovery of an additional 75 MHz from 3625 MHz to 3700 MHz that could eventually be considered in the short term once the corresponding processes are completed."*

Table 2. Other frequency bands for IMT services

Banda de frecuencias	Cantidad de espectro disponible	Duplexación
2600 MHz ³	0 MHz	FDD

1. New operators who are interested

For this section, SUTEL requires to obtain comments to the following inquiries:

- a) If you are currently not a licensed mobile operator for IMT services in Costa Rica, but have interest in participating in the next spectrum assignment auction in accordance with article 12 of the General Telecommunications Act, Law 8642, please comment on the following inquiries:

Table 3. Comments on public consultation inquiry 1 a)

Inquiry	Comments
What particular conditions do you consider can be included in the tendering process to encourage your entry into the market?	
Which telecommunication services would you be interested in providing with this spectrum, including FWA (Fixed Wireless Access)?	

In case you are interested in becoming a new IMT operator and service provider, please comment on the following issues:

- b) Indicate which frequency bands you would be interested in participating for, in a possible auction process for the development of IMT systems, according to the provisions of article 12 of the General Telecommunications Act.
- c) Regarding the frequency bands you might be interested in, please indicate the minimum bandwidth you require for the implementation of an IMT network.
- d) Term in which it would require access to the spectrum.
- e) Any other additional comments.
- f) Conditions that might limit or affect your participation in the next IMT spectrum auction.

³ This band is considered in this public consultation, even though it is already assigned to a licensed operator (190 MHz assigned to ICE) and the Executive already established a governing body to investigate possible breaches regarding the use of the spectrum.

Table 4. Comments on public consultation inquiries 1 b) c) d) e)

Frequency band	Interested (Yes / No)	Minimum bandwidth required (MHz)	Term to access spectrum (years)	Additional comments
700 MHz				
2300 MHz				
2600 MHz ⁴				
3300-3400 MHz				
3400-3500 MHz				
3600-3625 MHz ⁵				
26 GHz				
28 GHz				

Table 5. Comments on public consultation inquiry 1 f)

Conditions that might limit or affect your participation in the next IMT spectrum auction

- g) In addition, the next figure shows the current IMT assigned spectrum scenario per licensed operator in Costa Rica:

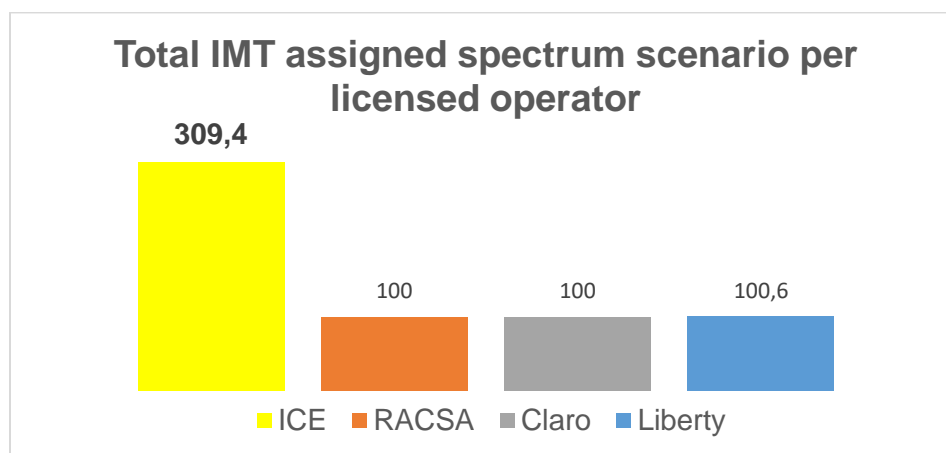


Figure 1. Total IMT assigned spectrum per licensed operator in Costa Rica

⁴ This band is considered in this public consultation, even though it is already assigned to a licensed operator (190 MHz assigned to ICE) and the Executive already established a governing body to investigate possible breaches regarding the use of the spectrum.

⁵ In accordance with what was indicated by the MICITT: "Work is being done on the recovery of an additional 75 MHz from 3625 MHz to 3700 MHz that could eventually be considered in the short term once the corresponding processes are completed."

The total IMT assigned spectrum by licensed operator shown in the previous figure is distributed by frequency bands as shown below:

Table 6. IMT assigned spectrum per licensed operator in Costa Rica by frequency band

Licensed operator	850 MHz band	1800 MHz band	1900/2100 MHz band	2600 MHz band	3500 MHz band	Total IMT assigned spectrum
ICE	39.4 MHz	40 MHz	40 MHz	190 MHz	---	309.4 MHz
RACSA	---	---	---	---	100 MHz	100 MHz
Claro	---	60 MHz	40 MHz	---	---	100 MHz
Liberty	10.6 MHz	50 MHz	40 MHz	---	---	100.6 MHz

According to the foregoing, SUTEL requires comments on the possible negative impact on your interest in participating in the next IMT spectrum auction (in the short term), considering the total IMT assigned spectrum to one licensed mobile operator:

Table 7. Comments on public consultation inquiry 2 g)

On the 2600 MHz frequency band	Comment
<p>Would your interest in participating in the next IMT spectrum auction (in the short term) be negatively affected because of the current IMT spectrum assignments?</p> <p>In case of affirmative answer, please explain the degree of this negative impact and if it could affect your participation in the next IMT spectrum auction. Also, comment if this negative impact could also affect your business model and revenues by services.</p>	

2. Spectrum demand from current IMT licensed mobile operators

In this section, SUTEL requires comments from the current licensed mobile operators and providers of IMT services, on the following issues:

- Indicate which frequency bands you would be interested in the next spectrum IMT auction, according to the provisions of article 12 of the General Telecommunications Act.
- Regarding the frequency bands you might be interested in, please indicate the minimum bandwidth you require for the implementation of an IMT network.
- Term in which it would require access to the spectrum.
- Any other additional comments.
- Conditions that might limit or affect your participation in the next IMT spectrum auction.

Table 8. Comments on public consultation inquiries 2 a) b) c) d)

Frequency band	Interested (Yes / No)	Minimum bandwidth required (MHz)	Term to access spectrum (years)	Additional comments
700 MHz				
2300 MHz				
2600 MHz ⁶				
3300-3400 MHz				
3400-3500 MHz				
3600-3625 MHz ⁷				
26 GHz				
28 GHz				

Table 9. Comments on public consultation inquiries 2 e)

Conditions that might limit or affect your participation on the next IMT spectrum auction

- f) In addition, the next figure shows the current IMT assigned spectrum scenario per licensed operator in Costa Rica:

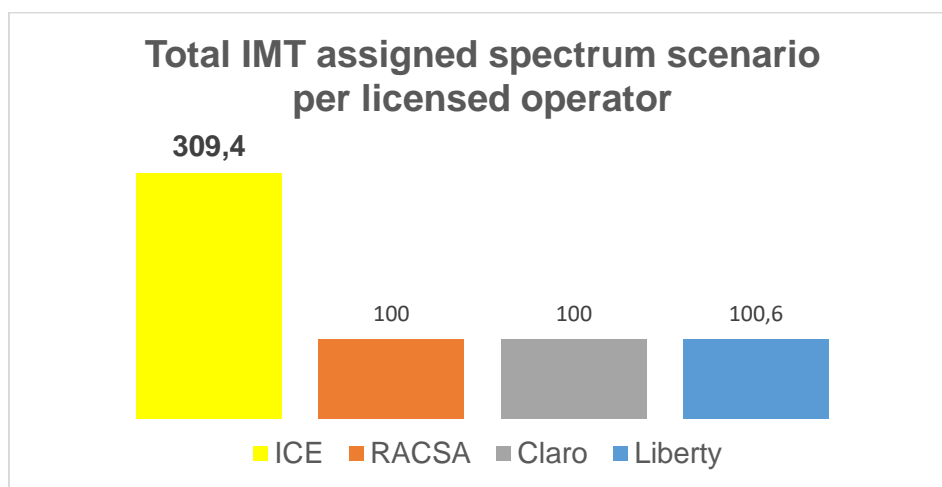


Figure 2. Total IMT assigned spectrum per licensed operator in Costa Rica

⁶ This band is considered in this public consultation, even though it is already assigned to a licensed operator (190 MHz assigned to ICE) and the Executive already established a governing body to investigate possible breaches regarding the use of the spectrum.

⁷ In accordance with what was indicated by the MICITT: "Work is being done on the recovery of an additional 75 MHz from 3625 MHz to 3700 MHz that could eventually be considered in the short term once the corresponding processes are completed".

The total IMT assigned spectrum by licensed operator shown in the previous figure is distributed by frequency bands as shown below:

Table 10. IMT assigned spectrum per licensed operator in Costa Rica by frequency band

Licensed operator	850 MHz band	1800 MHz band	1900/2100 MHz band	2600 MHz band	3500 MHz band	Total IMT assigned spectrum
ICE	39.4 MHz	40 MHz	40 MHz	190 MHz	---	309.4 MHz
RACSA	---	---	---	---	100 MHz	100 MHz
Claro	---	60 MHz	40 MHz	---	---	100 MHz
Liberty	10.6 MHz	50 MHz	40 MHz	---	---	100.6 MHz

According to the foregoing, SUTEL requires comments on the possible negative impact on your interest in participating in the next IMT spectrum auction (in the short term), considering the total IMT assigned spectrum to one licensed mobile operator:

Table 11. Comments on public consultation inquiry 2 f)

On the 2600 MHz frequency band	Comment
<p>Would your interest in participating in the next IMT spectrum auction (in the short term) be negatively affected because of the current IMT spectrum assignments?</p> <p>In case of affirmative answer, please explain the degree of this negative impact and if it could affect your participation in the next IMT spectrum auction. Also, comment if this negative impact could also affect your business model and revenues by services.</p>	

3. Interested companies in deploy a mobile private IMT network

The Ministry of Science, Technology and Telecommunications (MICITT) requested SUTEL to assess the possibility to dedicate one or more segments of the frequency bands for the implementation of mobile private IMT networks⁸. In this regard, SUTEL requires comments for the following inquiries:

⁸ Mobile private IMT networks for specific uses and other vertical applications, to promote development of industrial services and investigation.

Table 8. Comments on public consultation inquiry 3

About the possibility to deploy private IMT networks		Comment		
Would you be interested in requesting spectrum for IMT applications of a private nature through a permit granted in accordance with the provisions of article 26 of the General Telecommunications Act? Justify.				
Which applications would your company use the spectrum for?				
In case of affirmative answer to the first question, please indicate the following:				
<ul style="list-style-type: none"> Indicate which frequency bands you would be interested in the next IMT spectrum auction, in accordance with article 12 of the General Telecommunications Act. Regarding the frequency bands you might be interested in, please indicate the minimum bandwidth you require for the implementation of an IMT network. Term in which you need access to the spectrum. Any other additional comments. 				
Frequency band	Interested (Yes / No)	Minimum bandwidth required (MHz)	Term to access spectrum (years)	Additional comments
700 MHz				
2300 MHz				
2600 MHz ⁹				
3300-3400 MHz				
3400-3500 MHz				
3600-3625 MHz ¹⁰				
26 GHz				
28 GHz				

Please be advised that your comments on this matter should indicate your full name, company name (if you participate on behalf of a company) and address for future notices. Also, all comments and answers must be sent to the email gestiondocumental@sutel.go.cr, or written responses will be also received in SUTEL facilities located in Guachipelín, Escazú, Oficentro Multipark, Tapantí building, 3rd floor, from 8:00 am to 16:00 pm, or vía fax 2215-68821. SUTEL telephone contact: 4000-0000.

If you have any further questions about this consultation, consultaespectro@sutel.go.cr email is available.

TO BE PUBLISHED IN OFFICIAL GAZETTE

⁹ This band is considered in this public consultation, even though it is already assigned to a licensed operator (190 MHz assigned to ICE) and the Executive already established a governing body to investigate possible breaches regarding the use of the spectrum.

¹⁰ In accordance with what was indicated by the MICITT: "Work is being done on the recovery of an additional 75 MHz from 3625 MHz to 3700 MHz that could eventually be considered in the short term once the corresponding processes are completed".

The previous transcription is made for the purpose of communicating the aforementioned agreement adopted by the Council of the Superintendence of Telecommunications (SUTEL).

SUPERINTENDENCE OF TELECOMMUNICATIONS COUNCIL

Luis Alberto Cascante Alvarado
Council Secretary