TRANSATEL RESPONSE to the Bundesnetzagentur Points of orientation and demand survey for the provision of the 800 MHz, 1,800 MHz and 2.6 GHz spectrum for the rollout of digital infrastructures

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Introduction

Transatel, as a member of MVNO Europe, supports the MVNO Europe response to the Bundesnetzagentur "Points of orientation and demand survey for the provision of the 800 MHz, 1,800 MHz and 2.6 GHz spectrum for the rollout of digital infrastructures".

The Transatel response re-enforces a few points of the MVNO Europe response, considering the Transatel background in requesting a Full MVNO access in Germany, and gives slightly different angles of analysis to the Bundesnetzagentur and the German authorities.

This submission contains confidential information. We attach a blacklined version for the public.

A German translation of the Transatel contribution will be provided shortly to the Bundesnetzagentur.

Background

Transatel:

- Provides cellular connectivity services for the IoT (Internet of Things) across the world and in Europe. Transatel participates to the development of the European IoT Internal Market.
- Serves major European enterprises such as Airbus, Stellantis, JLR (Jaguar Land Rover), Worldline, BDR Thermea, etc.

Transatel has faced huge problems in Germany to get a fair network access from the three German MNOs (Mobile Network Operators), in particular from Telefónica Germany. So, Transatel has launched a formal dispute settlement procedure against Telefónica Germany, with the BNetzA, in July 2021.

In October 2021, BNetzA has finally decided to impose to Telefónica Germany to start, within two weeks from the date of its decision, MVNO access negotiations with Transatel.

The need to include access obligations in the future spectrum allocation and special powers to BNetzA to solve access dispute

At this stage, Transatel notes (through its own case) that the obligation "to negotiate" Full MVNO access is not sufficient with German MNO and BNetzA (please refer to the above status of the negotiation between Transatel and the German MNO). Transatel therefore considers that it is necessary to impose on German MNO an "access obligation" to full MVNO in the framework of the allocation of the new frequencies, and unequivocal requirements for spectrum holders to provide fit-for-purpose wholesale access, including to MVNOs, in order to preserve and enhance competition.

In addition to that, it is important to grant BNetzA special powers in an accelerated procedure to settle any disputes that may arise between operators, in connection with such requirement. Transatel has experienced that procedure before the BNetzA is quite long and, even at the end, BNetzA order to a Mobile Network Operator to negotiate with a company seeking wholesale access, is not producing market entry.