

Roma, 22/02/2023

Case M.9674. Future requests for upgrades in municipalities with more than 35,000 inhabitants – Procedure

The procedure outlined below:

- Applies to all the upgrade requests submitted to INWIT in the future, as of the date the Monitoring Trustee confirms its applicability.
- Applies to all Third Parties, providing a clear and uniform process for site upgrades.
- Requires the Parties to accelerate the analysis of sites not yet evaluated in the context of the Common Grid roll-out, leading to the publication on the TR of those sites on which upgrades are requested and that have Free Space.
- Builds on the premise that on almost all the sites for which upgrade (e.g. 5G upgrade in the 3,7GHz band or higher) requests will be submitted, infrastructural works will be required. The 5G upgrades will consist principally of adding to the existing infrastructure.

Procedure

1. **T0:** INWIT receives an upgrade request (including the scheda radio and the current authorised spectrum, which are necessary for the following steps to take place)
2. **T0+5:**
 - If the relevant site has already been published on the TR or is in the process of being published on the TR, INWIT communicates to the Third Party either (a) that the upgrade request needs to be submitted via the TR process pursuant to the Commitments or (b) the date on which publication is expected. The TR procedure applies;
 - If the relevant site has not been published on the TR and is not among those in line for publication, INWIT verifies that the total of the authorised spectrum and the upgrade request is consistent with the spectrum endowment of the requesting Third Party, taking into account the e.m. power already available to that Third Party according to the criteria (which are market practice) for the e.m. power calculation (20W per 5MHZ of downlink band per sector + reduction factors) clarified in the technical paper shared with the Monitoring Trustee and dated 20 November 2020. INWIT includes the site (together with the relevant information) in a list, communicated on a weekly basis via email to the Parties (in an anonymised way), encompassing all the sites where upgrades have been requested in the relevant week.
3. **T0+25:**
 - The Parties carry out an analysis as to whether there is sufficient space available to carry out the requested upgrades (by bringing forward/ expediting the assessment for the purposes of the Common Grid roll-out if necessary).
 - The Parties commit to analysing up to a maximum of 30 sites (in total, i.e. including ex-Vodafone and ex-TIM/INWIT sites) in locations reasonably distributed on the territory of Italy (i.e. north-east, north-west, south and centre of Italy) in any given 20 working day period. The Parties will analyse the upgrade requests received, in line with this timeline, on a rolling basis. If the Parties receive upgrade requests that are not reasonably distributed on the territory of Italy or cover more than 30 sites, INWIT lets the requesting Third Party know that the analysis will take more time than the envisaged 25 or 35 working days (see below);

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- If the relevant site has Free Space or will have it after the infrastructural upgrades are completed, the Parties provide INWIT with the documentation required to proceed with the publication on the TR in the earliest possible batch and indicate the Ready for Service Date according to the estimated date of infrastructural upgrade deployment. INWIT lets the requesting Third Party know that the upgrade for the relevant site can be requested on the TR in the earliest possible batch. The TR procedure applies;
 - If the relevant site does not have Free Space, or if Free Space will not be available as part of a planned upgrade, or if the relevant sites will not have Free Space after infrastructural upgrades are completed, the Parties communicate to INWIT that the site cannot be published on the TR. They indicate to INWIT the Necessary Space and (if any) the available power (which will be lower than the Free Space) that the Parties expect the site to have and the date on which such power is expected to be available in line with the Common Grid roll-out plans. If the Parties expect to carry out upgrades on the relevant site within 2 months of the Third Party's upgrade request, they let INWIT know in order to allow it to propose to the requesting Third Party to proceed with a joint request for the authorisations needed to carry out the upgrade to the competent authorities (see below).
4. **T0+35:** INWIT communicates to the requesting Third Party the available power (which will be lower than the Free Space) and the date as of which the upgrade can be carried out. If the requesting Third Party is still interested, it will have to upload the requests (if not done yet) on the INWI portal (outside the TR). When applicable, INWIT proposes to the requesting Third Party to proceed with a joint (i.e. together with the Parties) request for the authorisations needed to carry out the upgrade to the competent authorities (which is common practice).