

**Consultation on the draft Telecommunications (Spectrum Management) Regulations
and Telecommunications (Licensing and Frequency Authorisation) Regulations
Recommended by the Eastern Caribbean Telecommunications Authority ("ECTEL")**

in the Member States

Consultation Document

7th June, 2005

1. ECTEL is the regional telecommunications recommendatory body established by Treaty signed by the Commonwealth of Dominica, Grenada, Saint Christopher and Nevis, Saint Lucia and Saint Vincent and the Grenadines on 4th May 2000.
2. As part of its functions ECTEL is required to prepare and recommend regulations for adoption in its Member States for the purpose of harmonization of telecommunications.
3. The Telecommunications Acts of the Contracting States provide for the Ministers to make regulations for or in relation to the management of spectrum.
4. Pursuant to the above ECTEL submits a draft Telecommunications (Spectrum Management) Regulations and Telecommunications (Licensing and Frequency Authorisation) Regulations for consultation in its Member States.
5. The ECTEL submission includes a request to the Commission to conduct public consultations Telecommunications (Spectrum Management) Regulations and Telecommunications (Licensing and Frequency Authorisation) Regulations.
6. ECTEL requests that the Commission submits all comments to ECTEL's Managing Director by 6 July 2005.

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[CONTRACTING STATE]

**TELECOMMUNICATIONS (LICENSING AND AUTHORISATION)
REGULATIONS, 200[-]**

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**TELECOMMUNICATIONS S.R.O. []
(LICENSING AND AUTHORISATION)
REGULATIONS
[]**

STATUTORY RULES AND ORDERS NO. [] OF 200[]
REGULATIONS
MADE by the Minister under section [] of the Telecommunications
Act, 200[] (Act No [] of 200[]).

(Gazetted []).

**PART I
PRELIMINARY**

Citation

1 These Regulations may be cited as the –

**TELECOMMUNICATIONS (LICENSING AND
AUTHORISATION) REGULATIONS 200[-].**

Interpretation

2. In these Regulations –

“Act” means the Telecommunications Act, 200[-];

PART II

LICENCE CLASSIFICATION

Categories of Licenses

3. (1) There shall be three categories of licence:
- (a) an Individual Licence,
 - (b) a Class Licence and
 - (c) Submarine Cable Licence

- (2) An Individual Licence means a licence granted by the Minister in accordance with the Act to a person to own and operate a complete telecommunications network or facility that offers telecommunication switching or transmission capacity or services to other licensed telecommunications providers, businesses or consumers.
- (3) A Class Licence refers to a licence granted by the Minister in accordance with the Act to a person without a complete telecommunications network or facility to lease telecommunications network elements like transmission capacity, switching services, ducts or fibre from Individual Licensees to provide telecommunication services to third parties or resell the telecommunications services of Individual Licensees.
- (4) A Submarine Cable Licence refers to a licence granted by the Minister in accordance with the Act to a person to operate international submarine cable in [Contracting State] and may be either: -
 - (a) for the construction or operation of an international submarine cable landing in [Contracting State] including its associated works or facilities that extends between any place in [Contracting State] and any place outside [Contracting State]; or
 - (b) for the construction or operation of an international submarine cable including its associated works or facilities that extend through [Contracting State] between places outside [Contracting State] and does not connect to facilities within [Contracting State].
- (5) The Minister may on the advice of the NTRC after consultation with ECTEL and by notice published in the Gazette add or remove any service in any category of licence.
- (6) With respect to the provision of Internet services, a distinction shall be made between operating a network to provide Internet services, which shall require an Individual Licence, and using parts of an Individual Licensees network to provide Internet services, which shall require a Class Licence.
- (7) Frequency Authorisation shall be required for the operation of any network or the provision of any service that requires the use of radio spectrum.

PART III

CONTENTS OF APPLICATIONS FOR LICENCE AND FREQUENCY AUTHORISATIONS

Applications

4. (1) Every application for a telecommunications licence or frequency authorisation as the case may be shall be in the prescribed form and shall, where applicable, provide the information specified in the First, Second Third and Fourth Schedules to these regulations showing:

- (a) details regarding the applicant including the applicant's name, legal status, business address, its registered office address and other applicable contact information;
- (b) details regarding the type of telecommunications networks and telecommunications services and the frequencies for which the application is being submitted;
- (c) in the case of a licence to land or operate submarine cable, details regarding the place of landing, capacity and other matters;
- (d) information regarding the applicant's organisational structure including directors, partners, management officials and direct and indirect controlling persons;
- (e) information regarding the applicant's background and other licences or frequency authorisations held by the applicant or any of its affiliates;
- (f) information describing the network or the services to be supplied
- (g) details regarding the applicant's business plan;
- (h) information regarding the applicant's proposed rates;
- (i) interoperability and compatibility with other systems;
- (j) details, policies or strategies or representations regarding applicant's intention and ability to comply with the Act, regulations made thereunder or any conditions of the licence or frequency authorisation; and
- (k) such other information as the Commission may require in order to carry out its duties under the Act.

- (2) The provisions of regulation 4 (1) shall as far as practicable apply to applications for renewal and modification of licences.

Notice to Applicant

5. Upon receipt of an application for a Licence or Frequency Authorisation the Commission shall review the application and notify the Applicant within fourteen days of any further information required to process that application.

Request for further information

6. (1) The Commission may require the Applicant to submit further information pursuant to regulation 4 (1) (k) and may refrain from considering or acting upon the application until the information is supplied.

- (2) Where the Commission refuses to consider or act upon an application until the information requested is supplied the Commission shall notify the Applicant of its decision in writing.

Scope of Licence

7. The Minister's decision to grant a licence to a person does not authorise that person to own or operate any telecommunications network, or provide any telecommunications service, other than that prescribed in the licence.

PART IV

INDIVIDUAL AND SUBMARINE CABLE LICENCES

Application for Individual and Submarine Cable Licences

8. An application for an individual or submarine cable licence shall be submitted in writing to the Commission and shall -
 - (a) be in the prescribed form and contain such information and particulars as are set out in First or Second Schedules respectively; and
 - (b) be accompanied by the prescribed application fee which shall be non refundable.

ECTEL's Recommendation for Individual or Submarine Cable Licences

9. (1) Subject to the provisions of regulations 5 and 6, the Commission upon receipt of an application for an individual or submarine cable licence shall as soon as practicable forward a copy of that application with such further information, if any, to ECTEL.
 - (2) The Commission shall forward the application to the Minister with its recommendations within seven (7) days of receipt of ECTEL's recommendation.

Notice from Minister on Individual and Submarine Cable Licences

10. (1) The Minister shall within seven (7) days of receipt of the recommendation from the Commission notify the applicant in writing of his decision.
 - (2) Where ECTEL has recommended that an individual or submarine cable licence be granted, and the Minister considers it appropriate he shall grant the individual or submarine cable licence consistent with the provisions of section [] of the Act and subject to the payment of the prescribed Fees.
 - (3) Where the application is refused the Minister shall in his notification to the applicant state in writing the reasons for his refusal.

PART V

CLASS LICENCE

Application for Class Licence

11. (1) An application for a class licence shall be submitted in writing to the Commission and shall –
- (a) be in the prescribed form and contain such information and particulars as are set out in Third Schedule; and
 - (b) be accompanied by the prescribed application fee which shall be non-refundable

Consultations on Class Licence Applications

12. The Commission, upon receiving an application for a class licence may consult with ECTEL, members of the public, experts, industry or other persons, or adopt any other reasonable process to aid it in recommending whether or not to grant the licence to the applicant.

Commission's Recommendations on Class Licence

- 13 (1) Upon completion of the process under regulation 12 the Commission shall forward the application to the Minister together with its recommendations as to whether a class licence could be granted or not.
- (2) In making its recommendation to the Minister the Commission shall take into account -
- (a) the matters set out in the application;
 - (b) any submissions received during the process set out in regulation 12; and
 - (c) other relevant matters.

Minister's decision on Class Licence

14. (1) The Minister shall within seven (7) days of the recommendation being received from the NTRC notify the applicant of his decision in writing.
- (2) Where the application is refused the Minister shall in his notification to the applicant state in writing the reasons for his refusal

PART VI

LIMITATION OF LICENCES

Limited Licences

15. Where it is proposed that the number of licences to be granted for the operation of a particular type of telecommunications network or the provision of a particular type of

telecommunications service should be limited, the Commission shall on the recommendation of ECTEL –

- (a) Publish a consultative document containing detailed reasons for the proposed limitation;
- (b) consider any representations made to it in respect of the proposed limitation;
- (c) publish a notice in the *Gazette* and in local newspaper having a wide circulation stating the -
 - (i) grounds and period during which licences will be granted; and
 - (ii) reasons for proposing to limit the number of licences; and
- (d) undertake a periodic review of any limitation imposed on the number of licences granted.

PART VII

PROCEDURE FOR THE ASSIGNMENT OR TRANSFER OF LICENCES

Transfer of Licence

- 16 (1) Where a Licensee applies to the Minister to transfer a licence the application shall be made in writing ninety (90) days prior to the proposed date of transfer.
- (2) The proposed transferee shall comply with the provisions of regulation 4(1).
 - (3) The written application of the Licensee and the completed application form by the proposed transferee for a licence shall be jointly submitted to the Minister who shall as soon as practicable forward the same to ECTEL in the case of and Individual Licence and to the Commission in the case of a Class Licence for its evaluation in accordance with the procedures set out in these regulations for the evaluation of the particular licence.
 - (4) Upon completion of its evaluation of the application ECTEL or the Commission as the case may be shall forward its recommendation to the Minister as to whether the transfer should be approved or not.
 - (5) The Minister acting on such advice may approve or disapprove the transfer
 - (6) Where the Minister disapproves the transfer he shall in his response to the Licensee state in writing the reasons for his refusal.
 - (7) The Minister shall respond to the Applicant within seven (7) days of receipt of a recommendation from ECTEL or the Commission as the case may be.

- (8) Transfer in this part shall include any method by which a licence is to be recorded in the name of another person other than the initial Licensee

PART VIII

FREQUENCY AUTHORISATION

Application for Frequency Authorisation

17. An application for a frequency authorisation shall be submitted in writing to the Commission and shall:
- (a) be in the prescribed form and contain such information and particulars as are set out in Third Schedule; and
 - (b) be accompanied by the prescribed application fee which shall be non-refundable.

Duties of Commission on Receipt of Application for Frequency Authorisation

18. Upon receipt of an application for a frequency authorisation the Commission shall –
- (a) review the application and, notify the applicant of any further information required to process that application; and
 - (b) Consult with ECTEL on that application.

Recommendations of Commission on Grant of Frequency Authorisation

19. (1) Upon completion of the process under Regulation 18, the Commission shall recommend to the Minister whether the frequency authorisation should be granted.
- (2) In deciding whether to recommend to the Minister that the frequency authorisation should be granted, the Commission shall take into account:
- (a) the matters set out in the application;
 - (b) any recommendations of ECTEL;
 - (c) the Regional Spectrum Management Plan; and
 - (d) other relevant matters.
- (3) The Commission shall make its recommendation to the Minister in writing no later than 60 days of receipt of the application.

Minister's decision on Frequency Authorisation

20. (1) The Minister shall notify the applicant in writing of his decision within seven (7) days of receipt of the recommendation from the Commission.
- (2) Where the application is approved the Minister shall grant the frequency authorisation on payment of the prescribed fee.
- (3) Where the application is refused the Minister shall in his notification to the applicant state in writing the reasons for his refusal.

Transfer of Frequency Authorisation

- 21 The provisions of Part VII herein shall apply mutatis mutandis to the transfer of frequency authorisations

PART IX

SPECIAL LICENCE

Application for Special Licence

22. An application for a special licence shall be submitted in writing to the Minister and shall be –
 - (a) in the prescribed form and contain such information and particulars as is set out in Fourth Schedule ; and
 - (b) accompanied by the prescribed application fee which shall be non-refundable.

PART X

ENFORCEMENT OF A LICENCE OR FREQUENCY AUTHORISATION

Enforcement of conditions of Licence

23. (1) Where the Commission is satisfied that a telecommunications provider is contravening or has contravened any of the provisions of the Act, or regulations made under the Act or any of the conditions of his licence or frequency authorisation, the Commission shall commence an investigation for the purpose of securing compliance with the provision, regulation or condition in question.
- (2) The enforcement of conditions of a licence or frequency authorisation shall be subject to the following specific regulatory principles, practices and procedures-
 - (a) the Commission may begin an investigation into a complaint under a number of circumstances-

- (i) following a complaint by any person;
 - (ii) where indicated by matters arising from an investigation of any person as part of the Commission's performance of its duties; or
 - (iii) where the Commission obtains information by other means and that information suggests that a contravention of the licence term or condition may have occurred or is occurring;
- (b) upon a complaint about a particular conduct, the Commission shall determine whether there is reason to suspect that there is a contravention of a condition under the licence or frequency authorisation and if so shall proceed to investigate the complaint;
- (c) in determining whether to proceed with investigating a complaint, the Commission shall give priority to matters where-
 - (i) there has been a breach of the Act or Regulations made thereunder;
 - (ii) there appears to be substantial damage or risk of substantial damage arising from the breach
 - (iii) there is significant public detriment;
 - (iv) successful enforcement by litigation or other means would have a significant deterrent;
 - (v) an important new issue is involved, for example arising from economic or technological change;
- (d) where the Commission has determined and found there is reason to suspect that there is a contravention of any condition of a licence or frequency authorisation, the Commission shall issue an investigation notice in the prescribed form.
- (e) The Commission shall make the decision to issue an investigation notice after giving proper consideration to the merits of the case and deciding whether it has reason to believe that the Telecommunications Provider concerned has contravened a condition under the licence or frequency authorisation, or a provision of the Act or regulations made under the Act -
 - (i) that the Commission is investigating a possible breach of a condition of the licence or frequency authorisation;
 - (ii) the reasons for the suspicion of a contravention or breach, including any matter of fact or law which is relevant to the investigation;
 - (iii) further information required from the Telecommunications Provider in order to complete the investigation; and
 - (iv) where appropriate the steps to be taken in order to remedy the breach;
- (f) in determining matters concerning the breach of a condition of a licence, the Commission in arriving at its decision-
 - (i) shall provide the telecommunications provider with an opportunity to make representation on the matter before the Commission;

- (ii) may provide an opportunity for public comment in connection with the material issues, through a public consultation;
 - (iii) shall, where there has been a public consultation, give full consideration to the public comments received;
 - (iv) shall not be bound by technicalities, legal forms or rules of evidence;
 - (v) shall act as expeditiously as a proper consideration of the matters may allow, having regard to the need to carefully and quickly inquire into and investigate the dispute and all matters affecting the merits and fair settlement of the dispute;
 - (vi) may inform itself of any matter relevant to the dispute in any way it thinks appropriate
- (g) the Commission's decision and directions shall be non-discriminatory and shall treat similarly situated parties in the same manner and on the same basis;
- (h) at any time during the investigation the Commission may issue an interim order directing the Telecommunications Provider to cease and desist from a specified conduct, if the Commission is satisfied that-
- (i) there is prima facie evidence that the operator contravened the provision of the Act, the regulations or a condition in the licence;
 - (ii) continuation of the Telecommunications Provider's conduct is likely to cause serious harm to other operators, consumers or the general public;
 - (iii) the potential harm in allowing the operator to continue its conduct outweighs the burden on the operator;
 - (iv) issuance of the order is in the public interest;
- (i) where the Commission determines that the operator has contravened any of the conditions under the licence or frequency authorisation, provisions under the Act or regulations, the Commission after consultation with ECTEL may take any of the following enforcement actions-
- (i) direct the operator to cease engaging in the conduct;
 - (ii) direct the Licensee to take specific remedial action;
 - (iii) refer the matter to the Director of Public Prosecutions for the instituting of criminal proceedings
- (j) Where the Licensee or Frequency authorisation holder fails to comply with sub-regulation (i) (i) and (ii) the Commission shall advise ECTEL by submitting a full report on the matter.

PART XI

GENERAL PROVISIONS

Terms for issuance of Licence

24. (1) The Minister shall issue an individual licence, class licence and frequency authorisation on terms that are non-discriminatory.
- (2) For the purpose of paragraph 1 above, an individual licence, class licence or frequency authorisation is issued on non-discriminatory terms if –
- (a) telecommunications providers of similar types of telecommunications networks are treated similarly;
 - (b) the licence or frequency authorisation does not favour any one telecommunications provider or class of telecommunications providers; and
 - (c) the issuance of the licence or authorisation does not, and is not likely to, adversely affect competition in any market.

Notice to the Minister

25. The holder of a licence or frequency authorisation shall notify the Minister in writing if either of the following occurs –
- (a) any of the matters forming part of the application for licence changes in a material respect;
 - (b) the licensee enters into any agreement to merge part or all of its telecommunications activities in [ECTEL Member State] with any person;

Revocation of Licence

26. (1) Where the Minister proposes (the “Proposal”) to vary or revoke or suspend a licence or authorisation, he or she shall notify the licensee or authorisation holder –
- (a) of the reasons for the proposed variation, revocation or suspension; and
 - (b) specifying a period of not less than the period stated in the Act to be computed from the date of the notice within which representation with respect to the proposal may be made.
- (2) Where the proposal is the result of a breach of a term, provision or limitation of the licence or authorisation the notice given to the licensee or authorisation holder shall state

that the proposal shall be withdrawn or modified if the breach is remedied within the period of 30 days commencing with the date of the notice:

- (3) Where the Licensee fails to remedy the breach as stated in sub-regulation (2) the Minister shall not later than seven (7) days after the last day for remedy by the Licensee or authorisation holder: -
 - (a) Suspend the licence or frequency authorisation for a period not exceeding three (3) months during which period the Licensee or frequency authorisation holder shall cease all activity related to his licence or frequency authorisation and shall remedy the breach;
 - (b) Where the Licensee or frequency authorisation holder fails to remedy the breach during the suspension period the Minister shall not later than seven (7) days after the last day for remedy by the Licensee or frequency authorisation holder revoke the licence or authorisation.
- (4) Where the Proposal is for any reason other than that stated in sub-regulation (2) the Minister after consultation with the NTRC or ECTEL as the case may be and after considering the submission of the licensee or frequency authorisation holder shall issue his decision not later than forty (45) five days after the last submission of the Licensee.

Register

27. (1) The Commission shall maintain Registers at its principal office containing –
 - (a) each individual licence, class licence, frequency authorisation and special licence;
 - (b) the names and registered office of each person licensed or authorised to operate;
- (2) The Register shall be open to public inspection during normal working hours and may be made available electronically or in any format, as the Commission considers appropriate.
- (3) The Commission shall make copies of entries in the Register available to members of the public on payment of a prescribed fee.

Revocation

28. The Telecommunications (Licensing and Authorisation) Regulations [] is hereby revoked.

Transitional provisions

29. (1) Notwithstanding the revocation of the Telecommunications (Licensing and Authorisation) Regulations [] licences granted thereunder shall remain valid to the extent that it is not in contradiction to the provisions of these Regulations.

- (2) An application for a renewal of a licence or frequency authorisation issued pursuant to the Telecommunications (Licensing and Authorisation) Regulations [] shall be made in accordance with the provisions of these Regulations.
- (3) An application for a licence or frequency authorisation or for the transfer of a licence or frequency authorisation made prior to the passage of these Regulations for which a recommendation has not been made by ECTEL or the NTRC as the case may be to the Minister, shall be processed in accordance with these Regulations.

FIRST SCHEDULE

(Regulation 8 (a))

FORM 1

Application Form for an Individual Licence

Under section [-] of the Telecommunications Act 200[-]

[ECTEL Member State]

Please tick as appropriate:

Fixed Public Telecommunications Licence
Public Mobile Telecommunications Licence
Public Radio Paging Licence
Broadcast Licence

National Telecommunications Regulatory Commission

[Insert Address]

[ECTEL Member State]

Guidance Notes

- 1• [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Individual Licence Application" addressed to Secretary, National Telecommunications Regulatory Commission, [Insert Address], [ECTEL Member State].
- 2• The completed application form must be accompanied by a fee of one thousand Eastern Caribbean dollars (EC\$1000.00) for each licensable service, payable to the National Telecommunications Regulatory Commission, [ECTEL Member State].
- Incomplete applications or applications with conditional statements may be summarily rejected
- 3• Please note that this form may also be used for an application to modify an existing licence under section [..] of the Telecommunications Act 200[.].
- Please indicate which, if any, information provided by the applicant in this application is to be considered confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 200[.].
- The contents of this application form do not constitute legal advice. Applicants are urged to seek independent confirmation and professional advice with respect to any matter pertaining to the telecommunications licensing regime.

A. 1. Part I -THE APPLICANT

(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name and business address of applicant

1.1.2 Designated contact person

1.1.3 Telephone number

1.1.4 Fax number

E-mail address (if available)

1.2. Business Details

1.2.1 If the applicant is a company, partnership, or other body please give the name(s) and private address of each of the current directors, company secretary, or partners:

Name Address

1.2.2 State the name under which applicant proposes to trade, and registered office address if different to above:

1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in [ECTEL Member State], please provide any registration number which the [companies registration office] in [ECTEL Member State] may have issued.

1.2.4 Address in [ECTEL Member State] for service of process or other notices (in case of overseas applicant)¹

1.3 History of the Applicant

1.3.1 Has the applicant ever applied for a licence or registration under any Act in [ECTEL Member State] and been refused

[YES]

[NO]

1.3.2 Has the applicant ever been licensed under the Telecommunications Act 200^[1]

[YES]

[NO]

1.3.3 If the answer to question 1.3.2 is YES, has any such licence been revoked

[YES]

[NO]

1.3.4 Has any Affiliate of the applicant previously been granted a licence under the Telecommunications Act 200^[1] which was revoked

[YES]

[NO]

¹¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in [ECTEL Member State]

1.3.5 Is the applicant the holder of a telecommunications licence in any other country
[YES] [NO]

1.3.6 Has the applicant or any Affiliate been refused a licence mentioned in question 1.3.5 above, or had a licence revoked
[YES] [NO]

1.3.7 Has the applicant operated under or carried on business under any name other than the name in this application
[YES] [NO]

B. PART II - APPLICANT'S BUSINESS AND PROPOSED NETWORK AND/OR SERVICE(S)

2.1 Financial Information and Business Plan

2.1.1 Please provide a business plan. The plan should outline any major assumptions used and should cover a period of at least [five] years. The information provided should include:

- 1• Sources of funding, debt levels, equity and independent confirmation as appropriate;
- 2• Financial statements/projections for [five] years to include cash flow and income statements; and
- 3• Market forecasts.

2.1.2 Please provide Audited Financial Reports including certified Income Statements and Balance Sheets for the last three years in respect of the Company on whose behalf the application is being submitted.

12.1.3 Please provide a diagrammatic representation of the applicant's group structure, including the percentage of shares held. Please indicate which affiliates have, or intend to apply for, other telecommunications licences.

2.1.4 Does the applicant have any shareholdings of over 5% in any other licensed telecommunications provider in the OECS

[YES]

[NO]

2.1.5 Does the applicant have any other trading activities in or outside the telecommunications market

[YES]

[NO]

If the answer is YES, please provide details of any arrangements made to ensure no cross-subsidization between the applicants:

- 1• telecommunications and non-telecommunications activities
- 2• wholesale and retail activities
- 3• telecommunications equipment production or supply and other telecommunications activities.

2.1.6 Please provide brief resumés of key managerial staff, indicating relevant prior experience, qualifications and other sources of expertise as appropriate, and also explain what technical resources exist to help complete plans.

2.1.7 Has any member of the applicant's managerial staff been bankrupt, or been a director of a company which has become insolvent

[YES]

[NO]

—
If the answer is YES, please attach a certified copy of the discharge.

2.1.8 Has the applicant or any member of the applicant's managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft or violence, or is the applicant or any member of the applicant's managerial staff currently the subject of a charge or indictment under the law of any country for [contravention of any law or for] any conduct involving dishonesty, fraud, theft or violence []

[YES] [NO]

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2.2 Applicant's Current Activities

Please provide answers to the following questions in relation to (a) the applicant's activities in the OECS; (b) the applicant's activities elsewhere in the Caribbean; and (c) the applicant's activities elsewhere in the world.

Networks

- 2.2.1 Please provide a summary of the infrastructure that the applicant has in place, including radio-based infrastructure.
- 2.2.2 If the applicant is using radio frequency spectrum, please provide details of the frequency authorisations held, including the number of frequency authorisations and the reference number of each frequency authorization

Services

- 2.2.3 Please provide details of the products and services being provided by the applicant and the terms (including prices) on which they are available. In particular, please provide details on the number of customers and lines installed.
- 2.2.4 Please provide details of current contracts with all classes of customers, as well as copies of all such contracts.

License obligations

2.2.5 Please provide details of how the applicant currently complies with the following obligations in relation to its existing networks and/or services (where relevant):

- (a) any build-out obligations
- (b) any public payphone obligations
- (c) any obligations to provide access to emergency services
- (d) any universal service obligations
- (e) any customer obligations, including the provision of information services, quality of service obligations, and dispute resolution procedures
- (f) any interconnection or facility-sharing obligations, including details of the cost accounting system to be adopted by the applicant in order to allow unbundling of interconnection charges and the calculation of component costs
- (g) any leased line and resale obligations
- (h) any privacy and confidentiality obligations
- (i) any non-discrimination obligations

2.3 Applicant's Proposed Activities

Networks

- 2.3.1 Please provide a summary of the infrastructure that the applicant is planning to put in place within the next three years, including radio-based infrastructure.
- 2.3.2 If the applicant is planning to use radio frequency spectrum, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).

Services

- 2.3.3 Please provide a description of each proposed service, including details on the following:
 - 1• all technical aspects of the services (including equipment)

2• how access to the service is to be provided (e.g. indirect access, direct access, leased lines, etc.)

3• targeted customer base, including number of customers targeted

2.3.4 Please provide details of any proposed supply relationships in respect of the proposed network and/or services.

License obligation

2.3.5 Please provide details of how the applicant proposes to comply with the following obligations in relation to its proposed networks and/or services (where relevant):

(a) any build-out obligations

(b) any public payphone obligations

(c) any obligations to provide access to emergency services

(d) any universal service obligations

(e) any customer obligations, including the provision of information services, quality of service obligations, and dispute resolution procedures

(f) any interconnection or facility-sharing obligations, including details of the cost accounting system to be adopted by the applicant in order to allow unbundling of interconnection charges and the calculation of component costs

(g) any leased line and resale obligations

(h) any privacy and confidentiality obligations

(i) any non-discrimination obligations

C. 3. PART III - DECLARATION²

On behalf of the applicant, I declare that the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed: _____

Position held: _____

Date: _____

²This declaration must be signed:

- 1(i) in the case of an individual, by the person in whose name the application is made;
- 2(ii) in the case of a partnership, by a partner; or
- (iii) in the case of a company or other body corporate, by a director, company

SECOND SCHEDULE

(Regulation 8 (a))

FORM 2

Application Form for a Submarine Cable License

Under section [-] of the Telecommunications Act 200[-]

[ECTEL Member State]

Please tick as appropriate:

Submarine Cable Landing License in [Contracting States]
Submarine Cable extending through [Contracting States] between places
outside [Contracting States] license

National Telecommunications Regulatory Commission

[Insert Address]

[ECTEL Member State]

Guidance Notes

- 4• [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Submarine Cable Licence Application" addressed to Secretary, National Telecommunications Regulatory Commission, [Insert Address], [ECTEL Member State].
- 5• The completed application form must be accompanied by a fee of [] Eastern Caribbean dollars [] for each licensable service, payable to the National Telecommunications Regulatory Commission, [Contracting States].
 - Incomplete applications or applications with conditional statements may be summarily rejected
- 6• Please note that this form may also be used for an application to modify an existing licence under section [..] of the Telecommunications Act 200[.].
 - Please indicate which, if any, information provided by the applicant in this application is to be considered confidential.
 - Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 200[.].
 - The contents of this application form do not constitute legal advice. Applicants are urged to seek independent confirmation and professional advice with respect to any matter pertaining to the telecommunications licensing regime.

D. 1. Part I -THE APPLICANT

(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name and business address of applicant

1.1.2 Designated contact person

1.1.3 Telephone number

1.1.4 Fax number

1.1.5 E-mail address (if available)

1.2. **Business Details**

1.2.1 If the applicant is a company, partnership, or other body please give the name(s) and private address of each of the current directors, company secretary, or partners:

Name Address

- 1.2.2 State the name under which applicant proposes to trade, and registered office address if different to above:

- 1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in [ECTEL Member State], please provide any registration number which the [companies registration office] in [ECTEL Member State] may have issued.

- 1.2.4 Address in [ECTEL Member State] for service of process or other notices (in case of overseas applicant)²

1.3 History of the Applicant

- 1.3.1 Has the applicant ever applied for a license or registration under any Act in [ECTEL Member State] and been refused

[YES]

[NO]

- 1.3.2 Has the applicant ever been licensed under the Telecommunications Act 200¹

[YES]

[NO]

²¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in [ECTEL Member State]

—

1.3.3 If the answer to question 1.3.2 is YES, has any such license been revoked

[YES]

[NO]

—

1.3.4 Has any Affiliate of the applicant previously been granted a license under
the Telecommunications Act 2000 which was revoked

[YES]

[NO]

—

1.3.5 Is the applicant the holder of a telecommunications license in any other
country

[YES]

[NO]

—

1.3.6 Has the applicant or any Affiliate been refused a license mentioned in
question 1.3.5 above, or had a license revoked

[YES]

[NO]

—

1.3.8 Has the applicant operated under or carried on business under any name
other than the name in this application

[YES]

[NO]

E. PART II - APPLICANT'S BUSINESS AND PROPOSED NETWORK AND/OR SERVICE(S)

2.1 Financial Information and Business Plan

2.1.1 Please provide a business plan. The plan should outline any major assumptions used and should cover a period of at least [five] years. The information provided should include:

- 4• Sources of funding, debt levels, equity and independent confirmation as appropriate;
- 5• Financial statements/projections for [five] years to include cash flow and income statements; and
- 6• Market forecasts.

2.1.2 Please provide Audited Financial Reports including certified Income Statements and Balance Sheets for the last three years in respect of the Company on whose behalf the application is being submitted.

2.1.3 Please provide a diagrammatic representation of the applicant's group structure, including the percentage of shares held. Please indicate which affiliates have, or intend to apply for, other telecommunications licenses.

2.1.4 Does the applicant have any shareholdings of over 5% in any other licensed telecommunications provider in the OECS

[YES]

[NO]

2.1.5 Does the applicant have any other trading activities in or outside the telecommunications market

[YES]

[NO]

If the answer is YES, please provide details of any arrangements made to ensure no cross-subsidization between the applicants:

- 4• telecommunications and non-telecommunications activities
- 5• wholesale and retail activities
- 6• telecommunications equipment production or supply and other telecommunications activities.

2.1.6 Please provide brief resumés of key managerial staff, indicating relevant prior experience, qualifications and other sources of expertise as appropriate, and also explain what technical resources exist to help complete plans.

2.1.7 Has any member of the applicant's managerial staff been bankrupt, or been a director of a company which has become insolvent
[YES] [NO]

If the answer is YES, please attach a certified copy of the discharge.

2.1.8 Has the applicant or any member of the applicant's managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft or violence, or is the applicant or any member of the applicant's managerial staff currently the subject of a charge or indictment under the law of any country for [contravention of any law or for] any conduct involving dishonesty, fraud, theft or violence

[YES] [NO]

2.2 Please provide information on:

- (a) the intended route of the cable and in the case of a terminating cable the landing points of the cable in [Contracting State]

- (b) documentation indicating compliance with the requirements of the Ministry of Planning (or its equivalent)

F. 3. PART III - DECLARATION²

On behalf of the applicant, I declare that the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed: _____

Position held: _____

Date: _____

²This declaration must be signed:

- 3(i) in the case of an individual, by the person in whose name the application is made;
- 4(ii) in the case of a partnership, by a partner; or
- (iii) in the case of a company or other body corporate, by a director, company

THIRD SCHEDULE

(Regulation 11(1)(a))

FORM 3

Application Form for a Class Licence
Under section (...) of the Telecommunications Act 200-

National Telecommunications Regulatory Commission
[Insert Address]
[ECTEL Member State]

Please tick as appropriate:

- 1 Private Telecommunications Network Licence
- 2 Value Added Services Licence
- 3 Internet Service Provision Licence
- 4 Amateur Radio Licence
- 5 Aeronautical Mobile Licence
- 6 Maritime Mobile Licence
- 7 International Simple Voice Resale Licence
- 8
- 9

National Telecommunications Regulatory Commission
[Insert Address]
[ECTEL Member State]

Guidance Notes

Guidance Notes

7• [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Individual Licence Application" addressed to Secretary, National Telecommunications Regulatory Commission, [Insert Address], [ECTEL Member State].

8• The completed application form must be accompanied by a fee of Five Hundred (\$500.00) Eastern Caribbean dollars (EC\$1000.00) for each licensable service, payable to the National Telecommunications Regulatory Commission, [ECTEL Member State].

- Incomplete applications or applications with conditional statements may be summarily rejected

9• Please note that this form may also be used for an application to modify an existing licence under section [-] of the Telecommunications Act 200-.

- Please indicate which, if any, information provided by the applicant in this application request to be considered confidential.

- The contents of this application form do not constitute legal advice. Applicants are urged to seek legal advice with respect to any matter pertaining to the telecommunications licensing regime.

1• Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 200[].

G.

H. 1. PART I -THE APPLICANT

(Please complete fully in type or block letters)

1

21.1 Contact Details

1.1.1 Name and business address of applicant

11.1.2 Designated contact person

21.1.3 Telephone number

31.1.4 Fax number

41.1.5 E-mail address (if available)

51.2 Business Details

01.2.1 If the applicant is a company, partnership or other body please give the name(s) and private address(es) of each of the current directors, company secretary, or partners:

Name Address

11.2.2 State the name under which applicant proposes to trade, and registered office address if different to above:

21.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in [ECTEL Member State], please provide any registration number which the [companies registration office] in [ECTEL Member State] may have issued.

31.2.4 Address in [ECTEL Member State] for service of process or other notices (in case of overseas applicant)¹

11.3 History of the Applicant

1.3.1 Has the applicant ever applied for a licence or registration under any Act in [ECTEL Member State] and been refused []

[YES]

[NO]

11.3.2 Has the applicant ever been licensed under the Telecommunications Act 2000[]

[YES]

[NO]

11.3.3 If the answer to question 1.3.2 is YES, has any such licence been revoked []

[YES]

[NO]

11.3.4 Has any Affiliate of the applicant previously been granted a licence under the Telecommunications Act 2000 which was revoked []

[YES]

[NO]

1.3.5 Is the applicant the holder of a telecommunications licence in any other country []

[YES]

[NO]

11.3.6 Has the applicant or any Affiliate been refused a licence mentioned in question 1.3.5 above, or had a licence revoked []

[YES]

[NO]

11.3.7 Has the applicant operated under or carried on business under any name other than the name in this application []

[YES]

[NO]

I. 2. PART II - APPLICANT'S BUSINESS AND PROPOSED NETWORK AND/OR SERVICE(S)

2.1 Financial Information and Business Plan

2.1.1 Please provide a business plan. The plan should outline any major assumptions used and should cover a period of at least [five] years. The information provided should include:

- 1• Sources of funding, debt levels, equity and independent confirmation as appropriate;
- 2• Proforma financial statements/ projections for [five] years to include cash flow and income statements; and

3• Market forecasts.

0

2.1.2 Please provide a diagrammatic representation of the applicant's group structure, including the percentage of shares held. Please indicate which affiliates have or intend to apply for, other telecommunications licences.

2.1.3 Does the applicant have any shareholdings of over 5% in any other licensed telecommunications provider in the OECS

[YES]

[NO]

12.1.4 Has any member of the applicant's managerial staff been bankrupt, or been a director of a company which has become insolvent

[YES]

[NO]

If the answer is YES, please attach a certified copy of the discharge

2.1.5 Has the applicant or any member of the applicant's managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving violence or dishonesty, or is the applicant or any member of the applicant's managerial staff currently the subject of a charge or indictment under the law of any country for contravention of any law or for any conduct involving dishonesty, fraud, theft or violence

[YES]

[NO]

2.2 Applicant's Current Activities

Please provide answers to the following questions in relation to (a) the applicant's activities in the OECS; (b) the applicant's activities elsewhere in the Caribbean; and (c) the applicant's activities elsewhere in the world.

12.2.1 Please provide a summary of any infrastructure the applicant has in place, including radio-based infrastructure.

22.2.2 If the applicant is using radio frequency spectrum, please provide details of the frequency authorisations held, including the number of frequency authorisations and the reference number of each frequency authorisation.

32.2.3 Please provide details of the products and services being provided by the applicant and the terms (including prices) on which they are available. In particular, please provide details on the number of customers and lines installed.

42.2.4 Please provide details of current contracts with all classes of customers, as well as copies of all such contracts.

2.3 Applicant's Proposed Activities

12.3.1 Please provide a summary of any infrastructure the applicant is planning to put in place within the next [three] years, including radio-based infrastructure.

22.3.2 If the applicant is planning to use radio frequency spectrum, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).

32.3.3 Please provide a description of each proposed service, including details on the following:

- 1• all technical aspects of the services (including equipment)
- 2• how access to the service is to be provided (e.g. indirect access, direct access, leased lines, etc.)
- 3• targeted customer base, including number of customers targeted

2.3.4 Please provide details of any proposed supply relationships in respect of

J. 3. PART III – declaration²

On behalf of the applicant, I declare that the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed: _____

Full name of signatory: Position held: _____

Position Held: _____

Date: _____

¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in [ECTEL Member State].

² This declaration must be signed:

- (i) in the case of an individual, by the person in whose name the application is made;
- 1(ii) in the case of a partnership, by a partner; or
- (iii) in the case of a company or other body corporate, by a director, company secretary or other authorised officer.

FOURTH SCHEDULE

(Regulation 17(a))

FORM 4

Application Form for a Frequency Authorisation
Under section (-) of the Telecommunications Act 200-

National Telecommunications Regulatory Commission
[Insert Address]
[ECTEL Member State]

Guidance Notes

1• [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Frequency Authorisation Application" addressed to Secretary, National Telecommunications Regulatory Commission, [ECTEL Member State].

2• The completed application form must be accompanied by a fee of one thousand Eastern Caribbean dollars (EC\$1000.00), payable to the National Telecommunications Regulatory Commission, [ECTEL Member State]. The following exemptions apply:

Radio/TV broadcast \$[]
Community Radio \$[]
Land Mobile \$ []
Special licence \$ []

1• Please indicate which, if any, information provided by the applicant in this application is confidential.

2• Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 200[].

K. 1. PART I - THE APPLICANT

(please complete fully in type or block letters)

11.1 Contact Details

01.1.1 Name and business address of applicant

11.1.2 Designated contact person

21.1.3 Telephone number

31.1.4 Fax number

41.1.5 E-mail address (if available)

1.2 Business Details

11.2.1 If the applicant is a company, partnership, or other body please give the name(s) and private address(es) of each of the current directors, company secretary, or partners:

| Name | Address |
|-------|---------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

11.2.2 State the name under which applicant proposes to trade, and registered office address if different to above:

1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in [ECTEL Member State], please provide any registration number, which the [companies registration office] in [ECTEL Member State] may have issued.

11.2.4 Address in [ECTEL Member State] for service of process or other notices (in case of overseas applicant)¹

11.3 History of the Applicant

1.3.1 Has the applicant ever applied for a Frequency Authorisation or registration under any Act in [ECTEL Member State] and been refused []

[YES]

[NO]

11.3.2 Has the applicant ever been issued a Frequency Authorisation under the Telecommunications Act 200[]

[YES]

[NO]

11.3.3 If the answer to question 1.3.2 is YES, has any such Frequency Authorisation been revoked []

[YES]

[NO]

1.3.4 Has any Affiliate of the applicant previously been granted a Frequency Authorisation under the Telecommunications Act 200[], which was revoked []

[YES]

[NO]

1.3.5 Is the applicant the holder of a frequency authorisation in any other country []

[YES]

[NO]

- 1.3.6 Has the applicant or any Affiliate been refused a frequency authorisation mentioned in question 1.3.5 above, or had a frequency authorisation revoked

[YES]

[NO]

- 1.3.7 Has the applicant operated under or carried on business under any name other than the name in this application

[YES]

[NO]

L. 2. PART II - THE APPLICANT'S BUSINESS AND THE PROPOSED NETWORK AND/OR SERVICE(S)

2.1 The Applicant

- 2.1.1 Please provide a diagrammatic representation of the applicant's group structure, including the percentage of shares held. Please indicate which affiliates have, or intend to apply for, other telecommunications licences or frequency authorisations.

- 2.1.2 Does the applicant have any shareholdings of over 5% in any other licensed telecommunications provider or frequency authorisation holder in the OECS

[YES]

[NO]

2.1.3 Has any member of the applicant's managerial staff has been bankrupt, or been a director of a company which has become insolvent []

[YES]

[NO]

If the answer is YES, please attach a certified copy of the discharge.

2.1.4 Has the applicant or any member of the applicant's managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft or violence, or is the applicant or any member of the applicant's managerial staff currently the subject of a charge or indictment under the law of any country for [contravention of any law or for] any conduct involving dishonesty, fraud, theft or violence []

[YES]

[NO]

2.2 Applicant's Current Activities

Please provide answers to the following questions in relation to (a) the applicant's activities in the OECS; (b) the applicant's activities elsewhere in the Caribbean; and (c) the applicant's activities elsewhere in the world.

Networks

2.2.1 Please provide a summary of any radio-based infrastructure, which the applicant currently has in place.

2.2.2 frequency authorisations held, including the number of frequency authorisations and the reference number of each frequency authorisation.

Services

2.2.3 Please provide details of the services currently being provided by the applicant through its existing radio-based infrastructure.

Obligations

2.2.4 Please provide details of how the applicant currently complies with any obligations in respect of harmful interference and any other emissions of electromagnetic radiation from equipment of any description.

2.3 Applicant's Proposed Activities

Radiocommunications Station

12.3.1 Is the frequency authorisation for which the applicant is applying to be used in relation to a satellite earth station

[YES]

[NO]

If the answer is NO, please proceed to question 2.3.3.

12.3.2 If the answer to question 2.3.1 is YES, please provide the following information:

- (a) A letter from the satellite provider, indicating the name and address of the satellite provider, indicating assigned frequencies for the proposed service and the station to be communicated with.
- 0(b) A copy of the manufacturer's technical specification for the transmitter, receiver and antenna.
- (c) The following information in respect of the satellite earth station
 - (i) Make and model
 - (ii) Assigned frequencies (downlink)
 - (iii) Assigned frequency band
 - (iv) Date of bringing into use
 - (v) Location of station, including country and geographic coordinates
 - (vi) Class of emission
 - (vii) Antenna size, antenna gain and receive G/T
 - (viii) Horizontal elevation angle and min/max elevation angle
 - (ix) Azimuth
 - (x) Altitude (a.m.s.l)
 - (xi) Polarisation
 - (xii) Receive noise temperature
 - (xiii) Regular hours of operation
 - (xiv) Maintenance of system
- (d) The following information in respect of the satellite earth station transmitting characteristics:
 - 1(i) Make and model
 - 2(ii) Assigned frequencies (uplink)
 - 3(iii) Assigned frequency band
 - 4(iv) Proposed date of bringing into use

- 5(v) Transmitter power, including saturated transmitter power and maximum radiated power
- 6(vi) Antenna gain
- 7(vii) Polarisation
- 8(viii) Modulation (including FDM-FM, PCM/PSK, TV, and other)
- 9(ix) Regular hours of operation
- 10(x) Agreements with satellite provider
- 11(xi) Operating satellite
- 12(xii) Name of receiving earth station

12.3.3 Please provide a summary of the radio-based infrastructure that the applicant is planning to put in place within the next [three] years. In particular, please provide details of the proposed Radiocommunications Station, including:

- 2(a) Geographical location (latitude and longitude)
- 3(b) Type of equipment and system (including manufacturer and model number)
- 4(c) Radio frequency and direction of transmission [whether link applied for is uni-directional or bi-directional, and relevant transmission details []]
- 5(d) Transmission power level
- 6(e) [preferred polarisation of emissions (i.e. vertical or horizontal)]
- 7(f) [preferred equipment carrier frequency range for channel assignment]
- 8(g) [whether system is intended to be duplicated]
- 9(h) Type of antenna, including details of antenna height
- 10(i) [Call signs]
- 11(j) address of location from where equipment is to be operated (if different from Radiocommunications Station location)
- 12(k) [radio frequency feeder loss and hot-standby loss, rounded up to nearest dB. Any radio frequency feeder loss over 10 dB or hot-standby loss over 4 dB must be justified.]
- 13(l) [guaranteed maximum bore sight gain relative to an isotropic radiator for any antenna specified (rounded up to nearest dB)]

Services

2.3.4 Please provide a description of the service, which the applicant proposes to provide using the frequency band for which it is applying.

Obligations

2.3.5 Please provide details of how the applicant proposes to comply with the obligations in the frequency authorisation [and in the Frequency Authorisation Regulations] in respect of harmful interference, and any other technical regulations in respect of emissions of electromagnetic radiation from equipment of any description

M. 3. PART III – DECLARATION²

On behalf of the applicant, I declare that the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed: _____

Full name of signatory: _____

Position held: _____

Date: _____

¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in [ECTEL Member State].

² This declaration must be signed:

- 1(i) in the case of an individual, by the person in whose name the application is made;
- 2(ii) in the case of a partnership, by a partner; or
- 3(iii) in the case of a company or other body corporate, by a director, company secretary or other authorized officer

FIFTH SCHEDULE

(Regulation 22 (a))

FORM 5

Application Form for a Special Licence
Under section (-) of the Telecommunications Act 200-
[ECTEL Member State]

National Telecommunications Regulatory Commission
[Insert Address]
[ECTEL Member State]

Guidance Notes

- 1• [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Special Licence Application" addressed to Secretary, National Telecommunications Regulatory Commission, , [ECTEL Member State].

2• The completed application form must be accompanied by a fee of one hundred (EC\$100.00) Eastern Caribbean dollars payable to the National Telecommunications Regulatory Commission, [ECTEL Member State].

3• Please indicate which, if any, information provided by the applicant in this application is confidential.

4• Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 200[].

N. 1. PART I - THE APPLICANT

(Please complete fully in type or block letters)

11.1 Contact Details

Name and business address of applicant

11.1.2 Designated contact person

21.1.3 Telephone number

31.1.4 Fax number

41.1.5 E-mail address (if available)

1.2 Business Details

1.2.1 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in [ECTEL Member State], please provide any registration number which the [companies registration office] in [ECTEL Member State] may have issued.

- 1.2.2 Address in [ECTEL Member State] for service of process or other notices (in case of overseas applicant)¹

2. PART II - APPLICANT'S BUSINESS AND PROPOSED NETWORK AND/OR SERVICE(S)

2.1 Applicant's Proposed Activities

Emergency or exigent circumstances

- 2.1.1 Please provide information on the emergency or exigent circumstances serving as the basis of this application for a Special Licence.

Purposes

- 2.1.2 Please provide information on the purposes for which the applicant proposes to provide the Telecommunications Services.

Networks and Radio Frequency

- 2.1.3 Please provide a summary of any infrastructure which the applicant is planning to put in place.

- 2.1.4 Does the applicant require radio frequency to be used in relation to a VSAT earth station

[YES]

[NO]

If the answer is NO, please proceed to question 2.1.6.

- 2.1.5 If the answer to question 2.1.4 is YES, please provide the following information:

(a) A letter from the satellite provider, indicating the name and address of the satellite provider, indicating assigned frequencies for the proposed service and the station to be communicated with.

(b) A copy of the manufacturer's technical specification for the transmitter, receiver and antenna.

(c) The following information in respect of the VSAT earth station receiving characteristics:

- (i) Make and model

- (ii) Assigned frequencies (downlink)
- (iii) Assigned frequency band
- (iv) Date of bringing into use
- (v) Location of station, including country and geographic coordinates
- (vi) Class of emission
- (vii) Antenna size, antenna gain and receive G/T
- (viii) Horizontal elevation angle and min/max elevation angle
- (ix) Azimuth
- (x) Altitude (a.m.s.l)
- (xi) Polarisation
- (xii) Receive noise temperature
- (xiii) Regular hours of operation
- (xiv) Maintenance of system

(d) The following information in respect of the VSAT earth station transmitting characteristics:

- (i) Make and model
- (ii) Assigned frequencies (uplink)
- (iii) Assigned frequency band
- (iv) Proposed date of bringing into use
- (v) Transmitter power, including saturated transmitter power and maximum radiated power
- (vi) Antenna gain
- (vii) Polarisation
- (viii) Modulation (including FDM-FM, PCM/PSK, TV, and other)
- (ix) Regular hours of operation
- (x) Agreements with satellite provider
- (xi) Operating satellite
- (xii) Name of receiving earth station
- (xiii) Location of receiving earth station

2.1.6 If the applicant is planning to use radio frequency spectrum, please provide a summary of the radio-based infrastructure that the applicant is planning to put in place, and in particular, please provide details of the proposed Radiocommunications Station, including:

- (a) Geographical location (latitude and longitude)
- (b) Type of equipment and system (including manufacturer and model number)

- (c) Radio frequency and direction of transmission [whether link applied for is uni-directional or bi-directional, and relevant transmission details []]
- (d) Transmission power level
- (e) [preferred polarisation of emissions (i.e. vertical or horizontal)]
- (f) [whether system is intended to be duplicated]
- (g) type of antenna, including details of antenna height
- (h) [call signs]
- (i) address of location from where equipment is to be operated (if different from Radiocommunications Station location)
- (j) [radio frequency feeder loss and hot-standby loss, rounded up to the nearest dB. Any radio frequency feeder loss over 10 dB or hot-standby loss over 4 dB must be justified.]
- (k) [guaranteed minimum boresight gain relative to an isotropic radiator for any antenna specified (rounded up to the nearest dB)].

Services

Please provide a description of the service which the applicant proposes to provide, including details on how access to the service is to be provided (e.g. indirect access, direct access, leased lines, etc.).

O. 3. PART III – DECLARATION²

On behalf of the applicant, I declare that the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed: _____

Full name of signatory: _____

Position held: _____

Date: _____

¹Where the applicant is located overseas, the application must include an address for service of process and any other notice in [OECS Member State].

²This declaration must be signed:

- (i) in the case of an individual, by the person in whose name the application is made;
- (ii) in the case of a partnership, by a partner; or
- (iii) in the case of a company or other body corporate, by a director, company secretary or other authorized officer.

[CONTRACTING STATE]
TELECOMMUNICATIONS (SPECTRUM MANAGEMENT)
REGULATIONS, 200-

ARRANGEMENT OF REGULATIONS

PART I - PRELIMINARY

1. Citation
2. Interpretation and Application

PART II – MANAGEMENT OF SPECTRUM

3. Commission to manage spectrum
4. Commission to coordinate its management activities
5. Temporary use of frequencies
6. Use of frequencies of non-government stations
7. Conditions to apply
8. Capacity of equipment

PART III – ROLE OF COMMISSION

9. Guidelines for assigning frequencies
10. Management of electro-magnetic spectrum
11. Harmful interference
12. Obligation to give information
13. Suspension of operations or revocation of Frequency Authorisation

PART IV – MISCELLANEOUS

14. Reassignment and Migration of Radio Frequencies

15. Revocation

[CONTRACTING STATE]
STATUTORY RULES AND ORDERS

200- NO. [-]

(GAZETTED [-] [-], 200-)

IN EXERCISE of the powers conferred by section [-] of the Telecommunications Act, 200- the Minister makes the following Regulations:

**TELECOMMUNICATIONS (SPECTRUM MANAGEMENT)
REGULATIONS 2005**

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Spectrum Management) Regulations 2005.

Interpretation and Application

2. (1) In these Regulations

“Act” means the Telecommunications Act, 200[-];

“ECTEL” has the same meaning as that ascribed to it in the Telecommunications Act, 200[-];

“harmful interference” means any radiation or induction that endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and these Regulations;

“incidental emissions” means radio-frequency energy generated during the course of normal operation of a device that is not intentionally designed to generate or emit radio frequency energy;

“radio” means the emission of electro-magnetic radiation into the air, then picking it up with a receiver;

“radio frequency” means any frequency within the electromagnetic spectrum associated with radio wave propagation.

“radio station” means any facility or installation that emits radio frequencies;

“Region II” means geographical area as defined by the International Telecommunication Union (ITU) that covers the Americas (North America, Central America and South America) and the Caribbean; and

“station” means one or more transmitters or receivers or a combination of transmitters or receivers, including the accessory equipment, necessary at one location for carrying out a radio communication service, or the radio astronomy service.

- (2) These regulations apply to the all matters relating to the management and monitoring of radio frequency.
- (3) All persons utilising radio frequency for or in relation to the operation of a telecommunications network or providing a telecommunications service shall obtain Frequency Authorisation for the use of such frequency.

PART II MANAGEMENT OF SPECTRUM

Commission to manage spectrum

3. (1) The Commission shall manage and control the use of electro-magnetic spectrum in [Member State].
 - (a) The management of electro-magnetic spectrum shall as far as practicable be in conformity with the Regional Spectrum Management Plan recommended by ECTEL.
 - (b) The Spectrum Management Plan shall comply with the Regional Plan of Frequency Allocation on Region II and the Master Table of Frequencies of the International Telecommunication Union.
- (2) (a) Subject to the ECTEL recommended Spectrum Management Plan the Commission shall establish a national plan for the allocation and assignment of Radio Frequencies and shall review and amend such plan whenever necessary;

- (b) The National Plan shall also take into consideration the policy and objectives related to future use of Radio Frequency in the [Member State];
- (3) (a) The Commission shall monitor the use of radio frequencies in [Member State] in order to ensure compliance with these Regulations and that holders of Frequency Authorization comply with the conditions, regulations and terms of those authorizations;
- (b) The Commission may use spectrum management and monitoring equipment to detect illegal use of frequencies or equipment;
- (c) The results of such monitoring shall be prima facie evidence of the use of radio frequencies and radio equipment in [Member State].

Commission to coordinate its management activities

- 4. Where the management of the spectrum involves the use of the electro-magnetic spectrum by the armed forces, police force, public security or civil aviation, the Commission shall, if it considers it necessary, consult with the relevant body.

Temporary use of frequencies

- 5. (1) The Commission may recommend that the Minister authorise, on a temporary basis only, the use of frequencies outside the scope of the Regional Spectrum Management Plan for emergencies or projects of short duration if the Commission considers that exceptional circumstances require the utilisation, and that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan.
- (2) The Frequency Authorisations referred to in sub-regulation (1) shall not be used for any commercial purpose or to develop any service to be operated on frequencies other than those allocated to that service.
- (3) All Frequency Authorisations except those issued for emergency purposes or projects of short duration shall prior to their issuance be forwarded to ECTEL for its advice and comments.
- (4) All Frequency Authorisations issued for emergency or other short duration purposes shall as soon as practicable be forwarded to ECTEL for its information.

Use of frequencies by non-government stations

6. The Commission may recommend that the Minister permit non-government stations to use government frequencies in reserved bands if after consultation with the appropriate government agency it finds that the use is necessary for the coordination of government and non-government activities.

Conditions to apply

7. Pursuant to the provisions of regulation 9, the following conditions shall apply:
 - (1) the Commission may recommend the use of government frequencies by non- government stations provided that the non-government stations conform with the conditions recommended by the Commission after consulting the relevant government agency;
 - (2) the frequencies of a non-government station must be certified as necessary by the relevant government agency, and the required written certification shall be furnished to ECTEL, the Commission and the non-government station with which communication is required as soon as is practicably possible; and
 - (3) non-government stations operating on government frequencies shall not cause harmful interference to Government stations or any other Frequency Authorisation holder and in the event of harmful interference, the non- government station shall take immediate steps to eliminate the interference.

Capacity of equipment

8. Equipment utilised by a Frequency Authorisation holder shall be capable of being adapted within a reasonable time frame so that it may receive and transmit on any frequency in the bands assigned to the holder of that authorisation.

PART III

ROLE OF COMMISSON

Guidelines for assigning frequencies

9. The Commission in recommending the assignment of frequencies shall take into account:
 - (1) the views of ECTEL;

- (2) representations or objections that are duly and timely made and not withdrawn;
- (3) the availability of frequencies and the ability for sharing the frequencies;
- (4) the distribution of frequencies between commercial, rural, urban, non-commercial, military or other categories;
- (5) the need for, and location of radio frequency spectrum in use, or to be used by the national Government; and
- (6) the technical characteristics of the equipment involved, and its capability to interconnect with other communications equipment and networks.

Management of electro- magnetic spectrum

- 10. (1) Subject to the Act and these regulations, the Commission shall
 - (a) pursuant to regulation 13, recommend that the Minister suspend, revoke or vary a non-statutory term or condition of any Frequency Authorisation where it considers it necessary to do so;
 - (b) manage and control incidental emissions or emissions from exempted low powered emitters of the electro-magnetic spectrum;
 - (c) manage and control the use of the electro-magnetic spectrum from, to and within the territory of [Member State]; and
 - (d) put into place measures, give authorized directives and make recommendations to prohibit or minimize the incidence of those emissions.
- (2) The Commission may issue a directive requiring a person to comply with technical regulation in respect of the emission of electro-magnetic radiation from equipment of any description.
- (3) The Minister may limit the number of Frequency Authorisations for ensuring the efficient use and management of the electro-magnetic spectrum.
- (4) A notice under this regulation shall be published in the *Gazette* and a local newspaper with a wide circulation for the purpose of bringing the matters to which it relates to the attention of those likely to be affected by those matters.

Harmful interference

11. (1) Where a complaint of harmful interference resulting from the operation of a radio station or the use of the radio spectrum in [Member State] is received from a source within that State or from a foreign source, the Commission shall as soon as practicable investigate that complaint.
- (2) In the event that the harmful interference is from a source within the [Member State] or from another [Member State] the relevant Commission shall immediately notify ECTEL and the alleged offending party.
- (3) Where the Commission finds evidence to support the complaint it shall give the alleged wrongdoer fourteen days from the date of service of the notice to satisfactorily respond to the complaint.
- (4) Upon request of the alleged wrongdoer the Commission may extend by not more than seven days the time required to satisfactorily remedy the harmful interference.
- (5) Where the party is a Frequency Authorisation holder and does not request an extension pursuant to r. 14(4) and it fails to satisfy the Commission that it is not causing harmful interference as alleged or fails to remedy the breach, the Commission shall forthwith submit to the Minister a report including details of the complaint, results of the investigation, any response from the Frequency Authorisation holder and the Commission's recommendation to revoke, suspend or vary the non-statutory terms and conditions of the Frequency Authorisation.
- (6) The Minister, upon receipt of the recommendation from the Commission shall give that Frequency Authorisation holder notice in writing in accordance with the Act of his intention to revoke or suspend the Frequency Authorisation specifying the ground on which he proposes to do so, and giving the Frequency Authorisation holder an opportunity to-
 - (a) present his views;
 - (b) satisfy the Minister that it is not causing the harmful interference as alleged;
 - (c) provide satisfactory reasons why the Frequency Authorisation should not be revoked or suspended or its non-statutory terms or conditions varied.
- (7) Where the party is a Frequency Authorisation holder but is otherwise exempted from the application of the Act the Commission shall advise him of the harmful interference and in conjunction with ECTEL seek to

amicably bring a cessation of the harmful interference during the notification period referred to in (6) above.

- (8) Where the harmful interference is from a source in a non-ECTEL Member State, the affected Commission shall advise ECTEL and ECTEL shall as soon as practicable initiate the procedure established by the International Telecommunication Union for the management of electro-magnetic interference between its member states
- (9) If after the Commission has conducted the investigation it is of the view that the harmful interference is from an unauthorized source within [Member State] it shall as soon as practicable advise ECTEL and submit a report including results of its investigation to the [police force/service] detailing the breach of the Telecommunications Act.

Obligation to give information

12. A Licensee or Frequency Authorisation holder, its agents and/or servants on or at any premises or place entered by an inspector or other authorised officer of the Commission under this regulation shall give to the inspector or other authorised officer any information he may reasonably require for the purposes of these regulations and shall not hinder or obstruct him in the performance of his functions.

PART IV MISCELLANEOUS

Reassignment and Migration of Radio Frequencies

13. (1) The Minister may, on the advice of the Commission and consistent with the Regional Spectrum Management Plan, reassign frequencies
 - (a) to allow for the introduction of new technology;
 - (b) where it is necessary to ensure the efficient use of the radio spectrum;
 - (c) where the overall demand for radio frequencies for a particular telecommunications service cannot be met; or
 - (d) where another licensee requests and the Minister considers it appropriate to do so
- (2) The Commission shall, before advising the Minister regarding the reassignment of radio frequencies
 - (a) consult with ECTEL;

- (b) allow any person likely to be affected by the proposed activity an opportunity to make representations;
 - (c) ensure that any person licensed to provide telecommunications services or establish and operate a telecommunications network is able to maintain continuity in the provision of the relevant services or networks;
 - (d) give holders of existing frequency authorisations reasonable notice of the pending reassignment; and where necessary,
 - (e) publish specific objectives and non-discriminatory rules for the proposed reassignment.
- (3) Except where a reassignment is made pursuant to sub-regulation (2) (d) a Frequency Authorisation holder shall not be entitled to compensation.
- (4) Where a reassignment is made pursuant to sub-regulation (2) (d) the holder of a Frequency Authorisation for those frequencies shall be entitled to compensation from the requesting licensee.
- (5) Compensation referred to under sub-regulation (4) shall be for costs reasonably incurred in complying with that reassignment.

Revocation

14. The Telecommunications (Spectrum Management) Regulations [Year] are hereby revoked.

Dated the [-] day of 2005

Minister with responsibility for Telecommunications