

TELECOMMUNICATIONS

S.R.O. __

[Member State]

STATUTORY RULES AND ORDERS No. of 200-

REGULATIONS

Made by the Minister under section [-] of the Telecommunications Act, 200- (Act No. __ of 200_).

(Gazette No. ...of 200-)

**PART I
PRELIMINARY**

Citation and Commencement

1. (1) These regulations may be cited as the
TELECOMMUNICATIONS (FEES) REGULATIONS, 200_
- (2) These regulations shall come into force on the date of publication.

Interpretation

2. (1) In these regulations, unless the context otherwise requires –

“Account” means that special bank account set up in [*ECTEL Member State*] to receive Frequency authorisation fees.

“Act” means the Telecommunications Act, 200-;

“applicant” means a person applying for a licence or frequency authorisation;

“application” means an application for a licence or frequency authorisation, including a modification or a renewal of a licence;

“application fee” means the fee payable by an applicant to the Commission for a licence or frequency authorisation;

“assigned frequencies” means the frequencies granted by the Minister in a frequency authorisation pursuant to section [-] of the Act;

“class licence” means a licence, as distinct from an individual licence, issued on the same terms to each applicant of a category of users in respect of the operation of a type of telecommunications network or telecommunications service specified under section [-] of the Act;

“Commission” means the National Telecommunications Regulatory Commission as defined in the Act;

“Contracting State” means a country listed in the First Schedule of the Treaty;

“customer premises wireman” means all persons registered by the Commission to wire customer premises ;

“direct sequencing spread spectrum (DSSS)” - a transmission technology where a data signal at the sender station is combined with a higher data rate bit sequence or clipper code, that divides the user data according to a spreading ratio;

“ECTEL” means the Eastern Caribbean Telecommunications Authority established under Article 2 of the Treaty;

“family radio service (FRS)” means is a radio service used by family, friends and associates to communicate within a limited geographical area of less than a mile radius;

“frequency authorisation” means an authorisation granted by the Minister under section [-] of the Act to use radio frequencies in connection with the operation of a network or the provision of services under an individual licence, class licence or otherwise;

“frequency hopping spread spectrum (FHSS)” means a transmission technology where the data signal is modulated with a narrow band carrier signal 'hops' in a random but predictable sequence from one frequency to another as a function of time over a wide band of frequencies;

“frequency pair” means a pair of transmit and receive frequencies used in a semi-duplex and duplex operation;

“gross annual revenue” means the gross revenue earned in the provision of telecommunication services for the reporting year, received by, or due to the licensee and its affiliates, from whatever source derived before any deductions for expenses, discounts,

- returns, or offsets of any kind, save and except domestic interconnection payments and pass through taxes and charges collected for and on behalf of the Government;
- “individual licence” means a licence granted to a particular person in accordance with section 30 on terms specific to that person;
- “licensee” means a telecommunications provider who is licensed to operate a telecommunications network or provide telecommunications services within [ECTEL Member State];
- “licence applicant” an applicant for a licence to provide telecommunications services or to operate a telecommunications network within [ECTEL Member State];
- “Minister” means the Minister to whom responsibility for telecommunications is assigned;
- “Month” means calendar month;
- “New Technologies” means any technology or application not currently provided for in the existing licensing regime that the regulators determine require a licence;
- “person” includes any corporation (either aggregate or sole), any partnership or association and any undertaking, club, society or other body of one or more persons and any individual;
- “private network” means a system to provide telecommunications service to a person or entity that is for the sole and exclusive use of that person or entity and is not interconnected with the public telecommunications network;
- “repeater” means a device that amplifies, reshapes or retimes an input signal;
- “special licence” means a licence granted pursuant to provisions of section [-] by the Minister in an emergency or other exigent circumstances;
- “spread spectrum” means a modulation technique used in wireless systems employing direct sequence, frequency hopping or a hybrid of these, which can be used for multiple access, multiple functions or both multiple access and multiple functions;
- “studio to transmitter links (STL)” means communications link used for the transmission of broadcast material from a studio to the transmitter using a single transmit-receive pair of frequencies;
- “telecommunications equipment dealer” means any person who imports, exports, repairs, maintains, sells or in any way trades in any telecommunications equipment that is specific for a licensed telecommunications service;
- “telecommunications network” means any wire, radio, optical, or other electromagnetic system used to route, switch, or transmit telecommunications;

“telecommunications services” means services provided by means of telecommunications facilities and includes the provision in whole or in part of telecommunications facilities and any related equipment, whether by sale, lease or otherwise, or such other services as may be prescribed by the Minister from time to time;

“traffic bandwidth” means allowable traffic flow or data transfer of a given bandwidth;

“type approval” means a concept in which a design is approved by an agency and all devices subsequently manufactured according to that design are automatically approved;

“Treaty” means the Treaty establishing the Eastern Caribbean Telecommunications Authority signed at St. George’s, Grenada on 4th of May 2000 and includes that Treaty as amended from time to time;

“Value Added Services” means communications facility using the networks of individual licensees for transmission and providing extra data features with separate equipment;

(2) Except so far as the contrary intention appears, an expression used in the Act (including the Treaty) and in these regulations, whether or not a particular meaning is assigned to the expression by the Act, has in these regulations the same meaning as in the Act.

Application

3. (1) These regulations apply to all fees relating to the provision of telecommunications facilities and services and the amounts and circumstances in which they are payable.
- (2) Where there is conflict between these regulations and any other regulations in relation to an issue provided for pursuant to these regulations, these regulations shall prevail.

PART II

Licence Fees

Individual Licence

4. A person applying under the Act for an Individual Licence shall pay:
 - (a) the appropriate application fee as set out in column 3 of Schedule 1;

- (b) on grant of the licence the appropriate initial fee set out in column 4 of Schedule 1; and thereafter;
- (c) on each anniversary date of the granting of the licence, and throughout the duration of the licence the appropriate annual fee set out in column 5 of Schedule 1, save and except where specified that the payment shall be a percentage of gross annual revenue, in those cases the annual payments shall be in arrears. The annual fee payment shall be due within [xx] days of the end of the reporting year of the licensee and shall be accompanied by a gross annual revenue report and supporting attachments that provide details of the calculation.

Class Licence

5. (1) A person applying under the Act for a Class Licence shall pay:
- (a) the appropriate application fee as set out in column 3 of Schedule 2; and
 - (b) on grant of a Type A Class Licence the appropriate initial fee set out in column 4 of Schedule 2; and
 - (c) on each anniversary date of the granting of the licence and throughout the duration of the licence the appropriate annual fee set out in column 5 of Schedule 1 save and except where specified that the payments shall be a percentage of gross annual revenue in those cases the annual payment shall be in arrears. The annual fee payment shall be due within [xx] days of the end of the reporting year of the licensee and shall be accompanied by a gross annual revenue report and supporting attachments that provide details of the calculation.

Frequency Authorisation

- 6 A person applying under the Act for a frequency authorization shall pay:
- (a) the appropriate application fee as set out in column 3 of Schedule 3; and
 - (b) on the grant of a frequency authorization, quarterly in advance equal installments of the appropriate annual fee set out in column 4 of Schedule 3 for all the assigned frequencies.

Special Licence

7. A person applying under the Act for a Special Licence shall pay the appropriate fees as set out in Schedule 4.

Miscellaneous

8. (1) A person applying under the Act for any telecommunications related matter for which no specific provision is made in these regulations shall pay the appropriate fee as determined on a case by case basis by the Minister on the advice of the Commission.

(2) The Commission shall consult with the applicant and any other relevant party and adopt such reasonable process as is appropriate to aid in determining its advice to the Minister.

(3) Notwithstanding sub-regulation (3), the Commission in its determination shall take into account all relevant factors including the following:

- (a) Any ECTEL recommendation;
- (b) The other fees as set out in the Schedules hereto;
- (c) The service to be provided;
- (d) The value of any resource involved; and
- (e) Any reasonably incurred administrative costs.

General Fee Payment Procedure

- 9. A person paying fees in accordance with regulations 4, 5, 6, and 8 shall make payments to the Commission by electronic funds transfer (EFT), bank draft or other monetary instrument as directed by the Commission.

Frequency Authorisation Fees Payment Procedure

- 10. ECTEL shall prepare and the Commission shall issue on behalf of ECTEL Frequency Authorisation invoices to the licensees.
- 11. The Licensee shall pay the fees at the office of the Commission by means of a banker's draft made payable to ECTEL.
- 12. ECTEL shall set up in [*ECTEL Member State*] a bank account for the specific purpose of receiving the fees.
- 13. The Managing Director of ECTEL shall notify the Commission's Chairman, of the bank's branch and account number.
- 14. The Commission shall assign a responsible officer for collecting and depositing the fees as prescribed herein.
- 15. The responsible officer shall issue an official receipt for such fee payments as are received by the Commission.
- 16. The official receipt shall be issued in triplicate and may be printed in either electronic or manual format.
- 17. The official receipt shall state:-

- (a) the invoice number
 - (b) the date of payment
 - (c) the name and address of the licensee
 - (d) the amount paid and balance due (if any)
18. The official receipt shall be signed by the responsible officer and shall be distributed as follows:-
- (a) The original shall be given to the payer;
 - (b) The second copy shall be sent to ECTEL; and
 - (c) The third copy shall be retained by the Commission for its records
19. All fees when collected shall be deposited by the responsible officer in the bank account at the earliest opportunity and in any event not later than midday of the next working day after its receipt by the Commission which shall obtain a receipt from the bank for the amounts so deposited.
20. All receipts for the fees shall be properly accounted for in such books or records of account as may be prescribed by the Managing Director of ECTEL.
21. Deposit receipts shall be submitted to the Managing Director of ECTEL not later than the 7th day of the month following the month of the deposit of the fees and shall be supported by:
- (a) A copy of the invoices issued pursuant to regulation 10 herein; and
 - (b) The used receipt books from which the receipts were issued or Duplicate copies of receipts issued; or
 - (c) A certified statement of a computer printout showing details of all receipts issued.
22. The Commission shall adopt the procedures enacted in the [financial provisions] of the Ministry of Finance so as to meet the accountability requirements with respect to receipt books, receiving custody of receipt books and other similar matters.
23. The payment of fees under these regulations does not relieve a person who is liable to make payments under the requirements of any other Act.

SCHEDULE 1

INDIVIDUAL LICENCES

LICENCE CODE	DESCRIPTION	LICENSE FEES		
		APPLICATION	INITIAL	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1,000	\$ 20,000	3.0% of Gross Revenue
FPT	Fixed Public Telecommunications	\$ 1,000	\$ 20,000	3.0% of Gross Revenue
PRP	Public Radio Paging	\$ 1,000	\$ 20,000	3.0% of Gross Revenue
INS	Internet Network/Services	\$ 1,000	\$ 20,000	3.0% of Gross Revenue
SCL	Submarine Cable Landing	\$ 1,000	\$ 50,000	3.0% of Gross Revenue

SCHEDULE 2

CLASS LICENCES (TYPE A)

LICENCE CODE	DESCRIPTION	LICENSE FEES		
		APPLICATION	INITIAL	ANNUAL
ISP1	Internet Services Provision (≤ 15 units)	\$ 500	\$ 500	\$ 500
ISP2	Internet Services Provision (> 15 units)	\$ 500	\$ 5,000	3.0% of Gross Revenue
VAS	Value Added Services	\$ 500	\$ 5,000	3.0% of Gross Revenue
AVT	Audio Text / Video Text	\$ 500	\$ 5,000	3.0% of Gross Revenue
PNS	Private Networks/Services	\$ 500	\$ 5,000	\$ 2,000
ISR	International Simple Voice Resale (unswitched)	\$ 500	\$ 2,000	3.0% of Gross Revenue
SHT	Short Term (< 15 days)	\$ 500	\$ 100 - \$ 5,000	N/A

CLASS LICENCES (TYPE B)

LICENCE CODE	DESCRIPTION	LICENSE FEES	
		APPLICATION	ANNUAL
AR	Amateur Radio		
ARN	- Novice	\$ 25	\$ 50
ARG	- General	\$ 25	\$ 50
ARA	- Advanced	\$ 25	\$ 50
ARF	- Temporary Call- Sign	\$ 25	\$50
CBR	Citizen Band Radio	\$ 25	\$ 50
FRN	Family Radio Band	\$ 25	
LM	Land Mobile Radio	\$ 200	
LMB	- Base Station		\$ 75 /unit
LMR	- Repeater		\$ 500 /unit
LMM	- Mobile		\$ 75 /unit
LMP	- Handheld		\$ 50 /unit
MM	Maritime Mobile Radio	\$ 200	
MMB	- Base Station		\$ 75 /unit
MMR	- Repeater		\$ 500 /unit
MMM	- Mobile		\$ 75 /unit
MMP	- Handheld		\$ 50 /unit
MMS	- Ship Station		
	Ships less than 1600 gross tons		\$300/ship
	Ships greater than 1600 gross tons		\$500/ship

LICENCE CODE	DESCRIPTION	LICENSE FEES	
		APPLICATION	ANNUAL
AM	Aeronautical Mobile Radio	\$ 200	
AMB	- Base Station		\$ 75 /unit
AMR	- Repeater		\$ 500 /unit
AMM	- Mobile		\$ 100 /unit
AMP	- Handheld		\$ 50 /unit
AMA	- Aircraft Station		\$ 500 /aircraft

CLASS LICENCES (TYPE C)

LICENCE CODE	DESCRIPTION	LICENSE FEES	
		APPLICATION	ANNUAL
TED	Telecommunications Equipment Dealer	\$ 25	\$ 250
CPW	Customer Premises Wireman certification	\$ 25	\$ 100
TYP	Regional Type Approval Certification	\$500	N/A
EXM	Examination Fee for Radio Operators	\$ 30	N/A

SCHEDULE 3**SPECTRUM FEES**

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1,000	\$ 20,000 /MHz per frequency pair
	Public Radio Paging	\$ 1,000	
PRC	Commercial		\$ 600 /frequency
PRN	Non-commercial		\$ 200 /frequency
MBL	Microwave Backhaul	\$ 1,000	
	< 10 MHz bandwidth		\$10,000/frequency pair
	10 – 20 MHz bandwidth		\$20,000/frequency pair
	20 –30 MHz bandwidth		\$30,000/frequency pair
	>30 MHz bandwidth		\$40,000/frequency pair
MCL	Microwave – Cellular Inter-site	\$1,000	
	< 10 MHz bandwidth		\$6,000/frequency pair
	10 – 20 MHz bandwidth		\$12,000/frequency pair
	20 –30 MHz bandwidth		\$18,000/frequency pair
	>30 MHz bandwidth		\$24,000/frequency pair
MCO	Microwave - other	\$1000	
	< 10 MHz bandwidth		\$6,000/frequency pair
	10 – 20 MHz bandwidth		\$12,000/frequency pair
	20 –30 MHz bandwidth		\$18,000/frequency pair
	>30 MHz bandwidth		\$24,000/frequency pair
VST	VSAT	\$ 1,000	
	KU Band		\$ 12,000 /per frequency pair
	C Band		\$ 15,000 /per frequency pair

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
FWA	Fixed Wireless Access (WAN, LAN, PBX etc)	\$ 1,000	
	< 5 MHz bandwidth		\$ 500 /frequency pair
	5 – 10 MHz bandwidth		\$750/frequency pair
	10 –15 MHz bandwidth		\$1,000/frequency pair
	>15 MHz bandwidth		\$1,500/frequency pair
SS	Spread Spectrum Applications	\$ 1,000	
SSA	900MHz FHSS Commercial		\$20,000
	900MHz FHSS Non commercial		\$5,000
SSB	Spread Spectrum 2.4GHz Band		
	FHSS Commercial		\$30,000
	FHSS Non commercial		\$6,000
	DSSS Commercial < 20MHz bandwidth		\$15,000
	DSSS Commercial 20 – 50 MHz bandwidth		\$30,000
	DSSS Commercial > 50 MHz bandwidth		\$45,000
	DSSS Non commercial		\$10,000
SSC	Spread Spectrum 5.8 GHz Band		
	FHSS Commercial		\$30,000
	FHSS Non commercial		\$6,000
	DSSS Commercial < 20MHz bandwidth		\$15,000
	DSSS Commercial 20 – 50 MHz bandwidth		\$30,000
	DSSS Commercial > 50 MHz bandwidth		\$45,000
	DSSS Non commercial		\$10,000
LMDS	LMDS	\$ 1,000	
	< 125 MHz of Bandwidth		\$ 5,000 /frequency pair
	125 – 250 MHz of bandwidth		\$ 7,500 /frequency pair
	250 – 500 MHz of bandwidth		\$ 10,000 /frequency pair
	>500 MHz of bandwidth		\$ 15,000 /frequency pair
MMDS	MMDS	\$ 1,000	
	5 MHZ bandwidth		\$5,000

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
SES	Satellite Earth Station	\$ 1,000	
SES1	C Band (Licence < 15 days)		\$ 6,000 per frequency pair
SES2	Ku Band (Licence < 15 days)		\$ 4,000 per frequency pair
SES3	C Band (annual licence)		\$ 60,000 per frequency pair
SES4	Ku Band (annual licence)		\$ 50,000 per frequency pair
LMF	Land Mobile Radio	\$ 200	\$ 200 /frequency
MMF	Maritime Mobile Radio	\$ 200	\$ 200 /frequency
AMF	Aeronautical Mobile Radio	\$ 200	\$ 200 /frequency
	BROADCAST SYSTEMS		
BAM	Broadcast AM Radio Station	\$ 500	\$ 500 /frequency
BFM	Broadcast FM Radio Station	\$ 500	\$ 2,000 /frequency
BTV	Broadcast Television Station	\$ 500	\$ 3,000 /frequency
STL1	Television STL	\$ 500	\$ 500 /link
STL2	Radio STL	\$ 500	\$ 200 /link

SCHEDULE 4

SPECIAL LICENCE

LICENCE CODE	DESCRIPTION	LICENSE FEES	
		APPLICATION	ANNUAL
SL	SPECIAL LICENSE		
SLE	- Emergencies	\$ 0	N/A
SLX	- Exigencies	\$ 200.00	N/A

Made this – day of 200-

Minister with responsibility for Telecommunications