



Procedures Manual

Module 1: General Information and Common Procedures

LPM1/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Module 1: General Information and Common Procedures

1.1. Scope

1.1.1 It is intended that Module 1

- (i) provide definitions for all terms used throughout this Procedures Manual;
- (ii) establish the context for the key entities that are integral to successful implementation of these procedures, namely, the Minister with responsibility for telecommunications, the Eastern Caribbean Telecommunications Authority, and the Commission, by stating the roles and functions of each entity; and
- (iii) state general procedures that ought to be used, unless otherwise specified in subsequent modules.

1.2. Definitions

“Act” means the Telecommunications Act No. 27 of 2000 Laws of Saint Lucia

“adjudication” means a formal process similar to litigation for resolving disputes;

“alternative dispute resolution process” or **“ADR process”** means the process, method or technique employed or requested pursuant to the Telecommunications (Dispute Resolution) Regulations by parties to resolve a dispute and intended to avoid the delay, expense, formalities or complexity of a tribunal hearing or litigation these processes include mediation, conciliation and arbitration;

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

“application” means any submission to the Commission for which a decision is necessary, including licence applications, frequency authorizations, registrations, renewals and modifications to licences and complaints/disputes.

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

“arbitration” means the alternative dispute resolution (ADR) process in which an arbitrator, or group of arbitrators, renders a binding decision after reviewing the arguments presented by both parties.

“arbitrator” means a neutral person either chosen by the parties to a dispute or appointed by a court, to hear the claims and arguments respecting the dispute and to render a decision thereon;

“Board” means the Board of Directors of ECTEL appointed pursuant to Article 8 of the Treaty;

“broadcasting” means the transmission of radio or video programming to the public on a free, pay, subscription, or other basis, whether by cable television, terrestrial, or satellite means, or by other electronic delivery of such programming;

“business day” means a day that falls on a Monday, Tuesday, Wednesday, Thursday or Friday, except where such day is a public holiday in St. Lucia.

“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 7 of the Act;

“commissioner” means a commissioner appointed pursuant to section 8 of the Act;

“Commission” means the National Telecommunications Regulatory Commission established by the Act;

“conciliation” means – the adjustment and settlement of a dispute in an informal non-adversarial manner; or the alternative dispute resolution (ADR) process used to achieve among the parties an amicable and fair resolution of a dispute;

“Contracting States” means the states that are party to the Treaty establishing the Eastern Caribbean Telecommunications Authority (ECTEL)

“document” means any written or printed material, including electronic documents, prepared by or submitted to the Commission;

“dominant interconnection provider” means a telecommunications provider which possesses significant market power with respect to the market or markets for telecommunications services in Saint Lucia;

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

“essential service” means a telecommunications service designated as such by the Commission under the Telecommunications (Interconnections) Regulations 2001;

“individual licence” means a licence granted to a particular person in accordance with section 30 of the Act on terms specific to that person;

“infrastructure” includes facilities, submarine cables and landing sites, towers, sites and underground facilities;

“infrastructure sharing” means the joint utilisation of a particular physical structure, segment, element, or feature of the entire infrastructure;

“inspector” means a person appointed under section 52 of the Act;

“interconnection” means the connection of two or more separate telecommunication systems, networks, links, nodes, equipment, circuits and devices involving a physical link or interface.

“licence” means an individual licence or a class licence;

“licence fees” means the initial, annual and renewal fees payable by an applicant, licensee or frequency authorisation holder to the Inland Revenue Department;

“licensee” means a telecommunications provider who is licensed to operate a telecommunications network or provide telecommunications services, or a person who is licensed to use telecommunications equipment within Saint Lucia;

“licence applicant” an applicant for a licence to provide telecommunications services or to operate a telecommunications network or to use telecommunications equipment within Saint Lucia;

“major supplier” means a telecommunications provider that is designated as a major supplier under regulation 6(5) of the Telecommunications (Retail Tariff) Regulations, 2005;

“mediation” means a private, informal dispute resolution process in which a mediator helps parties to reach an agreement;

“mediator” means a neutral third person who helps parties to reach an agreement; but has no power to impose a decision on the parties;

- “Minister”** means the Minister responsible for telecommunications;
- “NTRC”** means the National Telecommunications Regulatory Commission established by the Act;
- “Person”** includes any individual, corporation (whether aggregate or sole), partnership, association, undertaking, club, society and any other body of one or more persons;
- “price cap plan”** means an incentive-based method for regulation of the rates charged by a telecommunications provider for one or more regulated services, and may include other provisions as to the rates, or the maximum or minimum rates, terms and conditions for any such regulated service.
- “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;
- “public consultation”** means a process of interaction between the Commission and the public on significant policy issues that potentially impact upon consumers and the telecommunications industry.
- “public telecommunications network”** means a telecommunications network used for the provision of telecommunications services to the public;
- “public voice telephony services”** means the commercial provision to the public of the direct transport and switching of voice telephony in real time from and to network termination points;
- “radio communications”** means the transmission, emission or reception of signs, signals, text, images and sounds, or other intelligence of any nature by radio;
- “regulated service”** means a telecommunications service that is designated by the Commission as a regulated service under regulation 6 or deemed to be a regulated service under regulation 43, under the Telecommunications (Retail Tariff) Regulations;
- “radio equipment”** means any equipment or apparatus designed or used for radio communications;
- “special licence”** means a licence granted pursuant to the provisions of section 7 of the Act by the Minister in an emergency or other exigent circumstances;
- “tariff”** means the rates, terms and conditions applicable to a regulated service.
- “telecommunications”** means any form of transmission, emission, or reception

of signs, text, images and sounds or other intelligence of any nature by wire, radio, optical or other electromagnetic means;

“telecommunications facilities” means any facility, apparatus or other thing that is used or capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility;

“telecommunications network” means any wire, radio, optical, or other electromagnetic system used to route, switch, or transmit telecommunications;

“telecommunications provider” means a person who is licensed under the Act to operate a telecommunications network or to provide telecommunications services;

“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;

“terminal equipment” means equipment intended to be connected directly or indirectly to the network termination point of a telecommunications network in order to emit, transmit, or receive telecommunications services;

“tower” means a tower, or a pole, or a mast or a similar structure;

“Treaty” means the Treaty Establishing ECTEL signed at St. George’s, Grenada on 4th of May, 2000 and includes the Treaty as amended from time to time.

“Universal service” includes the provision of —

- (a) public voice telephony;
- (b) internet access;
- (c) telecommunications services to schools, hospitals and similar institutions, and the disabled and physically challenged; or
- (d) other service by which people access efficient, affordable and modern telecommunications.

“unregulated service” means a telecommunications service that is not a regulated service.

1.3. Role of the Commission

1.3.1 The NTRC is the organization responsible for the regulation of the telecommunications sector in Saint Lucia. Its functions and powers are drawn from the Act, and it is under the general direction and control of the Minister.

1.4. Functions and Powers of the Commission

1.4.1 The functions of the Commission are to

- (a) Advise the Minister on the formulation of national policy on telecommunications matters with a view to ensuring the efficient, economic and harmonised development of the telecommunications and broadcasting services and radio communications of Saint Lucia;
- (b) Ensure compliance with the Government's international obligations on telecommunications;
- (c) Be responsible for technical regulation and the setting of technical standards of telecommunications and ensure compatibility with international standards;
- (d) Plan, supervise, regulate and manage the use of the radio frequency spectrum in conjunction with ECTEL, including the assignment and registration of radio frequencies to be used by all stations operating in Saint Lucia or on any ship, aircraft, vessel, or other floating or airborne contrivance or spacecraft registered in Saint Lucia;
- (e) Regulate prices for telecommunications services;
- (f) Advise the Minister in all matters related to tariffs for telecommunications service;
- (g) Collect all fees prescribed and any other tariffs levied under this Act or Regulations;
- (h) Receive and review applications for licences and advise the Minister accordingly;
- (i) Monitor and ensure that licensees comply with the conditions attached to their licences;
- (j) Review proposed interconnection agreements by telecommunications providers and recommend to the Minister whether or not he should approve such agreements;

- (k) Investigate and resolve any dispute relating to interconnections or sharing of infrastructure between telecommunications providers;
 - (l) Investigate and resolve complaints related to harmful interference;
 - (m) Monitor anti-competitive practices in the telecommunications sector and advise the national body responsible for the regulation of anti-competitive practices accordingly;
 - (n) Maintain a register of licensees and frequency authorization holders;
 - (o) Provide the Minister with such information as he may require from time to time;
 - (p) Undertake in conjunction with other institutions and entities where practicable, training, manpower planning, seminars and conferences in areas of national and regional importance in telecommunications;
 - (q) Report to and advise the Minister on the legal, technical, financial, economic aspects of telecommunications, and the social impact of telecommunications;
 - (r) Manage the universal service fund.
- 1.4.2 In the performance of those above functions the Commission is required, where necessary, consult and liaise with ECTEL.
- 1.4.3 The Commission shall have the power to do all things necessary or convenient to be done or in connection with the performance of its functions. Without limiting the generality of that provision, the Commission has the power to
- (a) acquire information relevant to the performance of its functions including whether or not a person is in breach of a licence, frequency authorisation or the Act;
 - (b) require payment of fees;
 - (c) initiate legal proceedings against a licensee or authorised frequency holder for the purposes of compliance;
 - (d) hold public hearings pertaining to its functions;
 - (e) sit as a tribunal; and
 - (f) do anything incidental to its powers.

1.5. Role of the Minister

- 1.5.1 The Minister is responsible for formulating national policy on telecommunications matters in Saint Lucia and may give directions of a policy nature to the Commission, and the Commission shall comply with such directions.
- 1.5.2 In keeping with the provisions of the Act, the Minister is required in stated circumstance to consult with the Commission on the exercise of his or her powers, and, wherever practicable, to adopt the policies and recommendations proposed by ECTEL.
- 1.5.3 The Minister also makes the final determination on licence applications (and any related frequency authorization in respect of such licences) on the advice of the Commission and ECTEL.

1.6. Role and Structure of ECTEL

- 1.6.1 ECTEL comprises a Council of Ministers, a Board of Directors and a Directorate. The Council of Ministers is responsible for the formulation of policy for the management of telecommunications in the Contracting States. The Board of Directors is responsible for the ensuring the effective implementation of the Treaty and policy directives from Council and is answerable to the Council. The Directorate which comprises such staff as ECTEL requires for the conduct of its work, operates under the general supervision of a Managing Director and is responsible for the general administration of the Treaty and for the day to day management of ECTEL.

1.7. Summary of ECTEL's Functions

- 1.7.1 ECTEL's functions are to co-ordinate with, and advise, the Contracting States on the conduct and regulation of telecommunications and ancillary matters for ensuring the purposes of this Treaty. The primary additional functions include:
- (a) Coordinating with, and advising the Contracting States on the conduct and regulation of telecommunications and ancillary matters for ensuring the purposes of the Treaty;
 - (b) Preparing and maintaining a harmonized regional radio spectrum plan;

- (c) Recommending regional policy for the conduct of telecommunications, in particular in relation to universal service, interconnection, numbering and pricing, and monitoring its implementation in the Contracting States;
- (d) Recommending to the Contracting States the type of telecommunications networks or services which should be subject to individual licence and class licence, respectively, and exemption, if any;
- (e) Recommending to the Contracting States the type of communications networks, services and radio equipment, which should be subject to frequency authorisation, and exemption, if any;
- (f) Preparing and recommending to the Contracting States forms, other instruments and regulations for the adoption in the Contracting States for the purpose of harmonisation of telecommunications, including application forms and other forms in respect of licences, frequency authorisations and tender documents;
- (g) Designing and operating open tender procedures for individual licences as requested by Contracting States;
- (h) Reviewing applications for individual licences submitted by a Contracting State, and recommending applicants who satisfy the relevant technical and financial requirements for individual licences;
- (i) Recommending to the Contracting States terms and conditions to be included in a licence, particularly in respect of the provision of universal service;
- (j) Recommending to the Contracting States matters relating to the management of frequency authorisations, including the sale, if any, by auction;
- (k) Monitoring, in collaboration with the Contracting State, the effectiveness of the licence for the purpose of this Treaty and making the appropriate recommendations to the Contracting State including recommending suspension or revocation of the licence;
- (l) Recommending to the Contracting States and appropriate fee structure for licences or other matters for or in relation to the conduct or regulation of telecommunications;
- (m) Recommending a regional cost-based pricing regime for implementation by each Contracting State;

- (n) Recommending the technical standards and procedures for the approval of equipment, including radio equipment for use in the operation of telecommunications in each Contracting State;
- (o) co-ordinating activities with relevant international organisations, States or other bodies or persons for the promotion or implementation of the Treaty;
- (p) Advising Contracting States on the management of the Universal Service Fund and making recommendations on applications for disbursement from these Funds;
- (q) Preparing annual reports for submission to the Council of Ministers on the execution of its functions;
- (r) Perform such other functions as are assigned to it by resolution of the Council of Ministers.

1.8. Application of Rules

- 1.8.1 This manual describes the processes that will normally be followed in the proceedings of the National Telecommunications Regulatory Commission (the Commission, or the NTRC). They may be referred to as the NTRC Rules of Procedure. The Rules of Procedure are governed by the Telecommunications Act, 2000, and the Regulations, and in the event of any inconsistencies between these Rules and the Act or Regulations, the provisions of the Act or applicable Regulations shall take precedence.

1.9. Directions on Procedure

- 1.9.1 Where it deems it appropriate in any proceeding, the Commission may issue directions on procedure, which shall govern the conduct of the proceeding;
- 1.9.2 Any person intending to make an application to the Commission may, prior to filing the application, may seek guidance from the Commission regarding the procedure to be followed in dealing with the application.

1.10. Computation of Time and Time Limits

1.10.1 Whenever a time limit or deadline calculated under these rules falls on a Saturday, Sunday, or public holiday, the time limit is extended to the following working day.

1.10.2 When the Commission directs a party to act by or within a specified time, the period of time may be enlarged, but only if good cause shown and upon just terms. Requests shall be made in writing to the Commission within a reasonable time prior to the expiration of the period in question, so that the Commission shall be in a position to furnish a timely response.

1.11. Stay of Proceeding

1.11.1 Where a party to a proceeding has not complied with any requirement of these Rules or any direction on procedure issued under section 1.7, the Commission may stay the proceeding until satisfied that such requirement has been complied with or take such other steps as it considers just and reasonable.

1.12. Form of Documents

1.12.1 All applications, interventions and other documents made or submitted by any party in connection with any proceeding shall, unless special circumstances otherwise require, be in standard letter format, or on the prescribed form as may be required by the Commission;

1.12.2 The style of cause for each proceeding, unless otherwise determined by the Commission, shall consist of the name of the applicant followed by a short phrase summarizing the nature of the application, for example “Telecom Company A, Application for Licence Renewal”.

1.12.3 Whenever applicable reference codes issued by the Commission, such as for a licence or a complaint, should be cited in the subject and/or the body of the document.

1.13. Notices

1.13.1 As might be required, the Commission may publish notices, duly signed by the Chairman of the Commission, on its web site, in the Gazette, and if deemed necessary, in the newspaper.

Notice of Proceedings

1.13.2 Notices of proceedings will generally state the following:

- (a) Whether the proceeding has been initiated by the Commission of its own motion, or at the request of a party;
- (b) The purpose of the proceeding;
- (c) The legal basis of the proceeding;
- (d) The parties to the proceeding, or the procedure through which parties may register for participation in the proceeding;
- (e) A statement of the issues requiring a decision;
- (f) The date for a hearing if required, and directions on procedure for such hearing;
- (g) Any other information pertinent to the proceeding;

1.13.3 From time to time, the Commission may publish other notices, in some cases to report on the status of ongoing proceedings, to announce important events, licensing decisions and to describe initiatives in which the public will be invited to participate.

1.14. Service

1.14.1 Service of any notice or other document, including a document originated by the Commission, shall be effected either by personal service, in which case service shall be deemed to have been made on the date of delivery, or by mail, in which case service shall be deemed to have been made when the notice or other document is deposited in a post office.

1.14.2 Personal service may be effected on the Commission at its offices on the 2nd Floor, Global Tile Building, Bois d'Orange, Gros Islet.

1.15. Public Inspections

- 1.15.1 The Commission shall notify the public of the documents that are available for public inspection and the fees, if any, that are applicable. This may be done by the publication of a Notice in the Gazette, a local newspaper, on the Commission's website or any other medium deemed appropriate.
- 1.15.2 Public inspections will be permitted between the hours of 9:00 a.m. to 3:30 p.m. Monday to Friday, at the offices of the Commission on the 2nd Floor, Global Tile Building, Bois d'Orange, Gros Islet.

1.16. Circulation List

- 1.16.1 The Commission shall develop and maintain electronic circulation lists on identified topics as a means of keeping interested parties informed of specific activities within the sector, and to facilitate participation when necessary.
- 1.16.2 Parties may register for inclusion in the circulation lists in writing on the Commission's website, www.ntrc.org.lc. In addition to the contact information that must be supplied, the registrant would be required to specify the circulation list(s) of interest, which could comprise (and is not limited to)
- (a) notices (of consultations, proceedings, updates to registers, etc),
 - (b) news and press releases,
 - (c) public consultations, and
 - (d) determination notices.



Procedures Manual

Module 2: Consultations

LPM2/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Module 2: Consultations

2.1. General

2.1.1 This module describes the processes through which the Commission will conduct consultations on matters of public interest. They represent a commitment on the part of the Commission to involve the public in the development of legislation, policies, programs and services through adequately resourced processes that are transparent, accessible, accountable, and supported by factual information.

2.1.2 Consultations cover a broad range of topics, but generally will relate to issues that will affect the public interest at large, and/or the industry in a significant way. Public interest issues could include:

- (a) Pricing issues, especially as they relate to consumer services;
- (b) Universal service aspects of telephone and information services;
- (c) Services relating to education and health care;
- (d) Privacy and confidentiality aspects of telecommunications – such matters as junk fax, telemarketing etc.

2.1.3 Industry-related issues could include some of the above matters, plus such things as:

- (a) Interconnection issues – pricing, availability of facilities, etc.
- (b) Business issues between and amongst competitors;
- (c) Numbering plans;
- (d) Number portability;
- (e) Choice of long distance providers.

2.2. Scope

2.2.1 This module focuses on the types of consultations that might be administered by the Commission, which fall into three (3) general categories:

- (i) Public Consultations, which refers to a written process that allows two rounds of comments from the public. It is the preferred method for securing the views of a wide cross-section of interests and is the foundation for careful deliberation by the Commission on matters of far

reaching importance. Although the standard duration of this process is 84 days, compress timelines can be permitted.

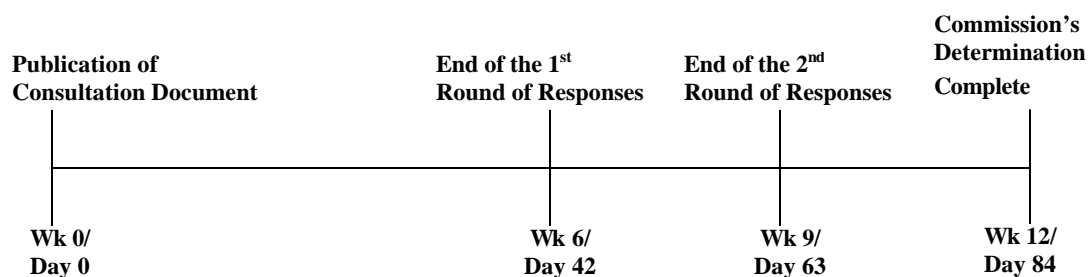
- (ii) Consultations facilitated by the Commission on behalf of other parties. For example, ECTEL might request that the Commission circulate a consultation document for comment, with all responses forwarded to ECTEL for its deliberation.
- (iii) Consultations where the Commission is required to make a decision on a proposal submitted by another party.

2.3. Public Consultations - Format

2.3.1 Public Consultations allow for two rounds of input from interested parties and, on average, are scheduled to run for up to 84 days from the publication of the consultation document to the publication of a Statement or Policy Position Paper by the Commission based views received. The generally comprise the following steps:

	Activity	Duration
1.	The Commission prepares and publishes a consultation document	0
2.	Responses are submitted to the Commission on the consultation document (1st round of responses)	42 days/ 6 weeks (max)
3.	The Commission circulates and invites comments on the responses	0
4.	Further comments are submitted to the Commission (2nd round of responses)	21 days/ 3 weeks (min)
5.	The Commission publishes a Statement or Policy Position Paper after due deliberation	21 days/ 3 weeks (min)
6.	Total Duration = 84 days/12 weeks	

2.3.2 A time line for a public consultation is as follows:



2.4. Public Consultations - Form

- 2.4.1 A written format will be utilized for all Public Consultations. This is due to the multifaceted and often complex nature of telecommunication issues for which consultations may be required. This format is intended to simplify the recording of contributions and enhance the Commission's ability to document/formalize and give proper consideration to the inputs received.
- 2.4.2 Although supplementary forms to written consultations might be encouraged, should participants wish to make representations on an imminent or ongoing consultation through those supplementary mediums, and are not prepared to provide all stakeholders with an opportunity to respond to their positions by formalising their comments, the Commission would consider those inputs, but outside the imminent or ongoing consultation.

2.5. Accelerated Public Consultations

- 2.5.1 On the occasions when an 84-day Public Consultation process may not be appropriate, the Commission may opt to hold an Accelerated Public Consultation.
- 2.5.2 The following list describes some of the circumstances when Accelerated Public Consultations might be used:
- (a) To re-consult on issues recently consulted upon;
 - (b) Prior to a licence review;
 - (c) Prior to issuing a direction, consent, or determination;
 - (d) For consultations on urgent policy issues of interest to a narrow group of stakeholders.
- 2.5.3 The Commission shall decide the time frames for Accelerated Public Consultations on a case-by-case basis.
- 2.5.4 The format of Accelerated Public Consultations shall be determined by the Commission, and would generally be arranged in one of two ways. Either,
- (i) the consultation shall maintain the two-tiered format of the consultation process described in 2.3, but with shorter time frames; or

- (ii) the consultation shall only permit comments on the consultation document, before the Commission deliberates on the views shared and provide a determination.

2.6. Availability of Consultation Documents

- 2.6.1 The documents prepared by the Commission shall be made available through:
 - a) NTRC Website (www.ntrc.org.lc); and
 - b) The Office of the Commission (nominal fee will be attached to the cover cost of printing).
- 2.6.2 For subscribers to the Commission's circulation list for public consultations, the documents shall be forwarded automatically when available.

2.7. Circulation of Responses

- 2.7.1 All comments on consultation documents or responses that have been circulated must be submitted to the Commission.
- 2.7.2 The Commission shall also be responsible for disseminating comments received to all other participants who have submitted views on the consultation document. However, should participants desire to circulate their comments to each other, in addition to submitting their responses directly to the Commission, this will redound positively to the consultative process.

2.8. The Commission's Deliberation

- 2.8.1 The Commission wishes to ensure that all stages of the consultation process are open to public participation and scrutiny. The Commission will make available its views on the comments received and how the initial proposal it published, has been affected by those inputs.
- 2.8.2 The following criteria have been deemed to be relevant in the event that the Commission decides to revise its initial position or proposal. The inputs must be
 - (a) Lawful,
 - (b) Relevant,
 - (c) Well presented, showing solid reasoning, and

(d) Not decisively rejected by other respondents on well thought out grounds.

2.9. Confidentiality

General

- 2.9.1 In making its determination, the Commission will be bound only to examine material that has been part of the consultation process, in the interest of encouraging an open, transparent and fair regulatory environment. Quality of the process, and legitimacy of the outcome may be called into question should respondents abuse the privilege of using confidentiality markings on their comments.
- 2.9.2 The Commission will respect all inputs of a confidential nature submitted in the context of public consultations, so identified by its authors. The comments will not be included for circulation; neither will they form part of the public record of the proceeding.

Treatment of Submissions that include Confidential Information

- 2.9.3 Should a respondent submit a response that includes confidential information, the respondent would be encouraged to prepare an abridged version for circulation. Where a party files data that is relevant to the proceeding, and claims confidentiality for such data, the Commission will consider each such claim on its merits, after due process and deliberation.

Right to Override Request that Entire Submission be Confidential

- 2.9.4 The Commission reserves the right to override a request that an entire submission be kept confidential, but such action would only be exercised as a last resort, with every effort being made to achieve a satisfactory agreement with the author of the document.
- 2.9.5 When the Commission intends to override a request that an entire submission be kept confidential,
- (a) it will formally notify the authors in writing of its decision to override a request of confidentiality, giving its reasons.
 - (b) Should the party refute this decision, the Commission will invite the party to a meeting to achieve a satisfactory agreement.

Anonymous Respondent

2.9.6 All parties to Commission consultations must identify themselves. Anonymity will not be allowed in such proceedings, and any submission filed under anonymity will be rejected in order to preserve transparency.

2.10. Consultations on Behalf of Other Parties

2.10.1 Occasionally, the Commission is required to participate in consultations on behalf of other parties. These circumstances can arise either due to the nature of the relationship between the Commission and certain agencies, such as ECTEL or the Ministry of Telecommunications, or there might be a legal requirement to do so. As might be deemed necessary, based on the gravity and anticipated consequences of the proposed consultation, the Commission may refer the matter to ECTEL for its approval.

Commission to Facilitate the Circulation of the Consultation Document and the Receipt of Comments

2.10.2 In the event that a party, such as ECTEL, requests that the Commission circulate a consultation document for comment on its behalf, the Commission's role would be limited to

- (i) circulating the consultation document (2.7), and
- (ii) forwarding all responses received to the requesting party.

Commission is Required to Make a Decision on a Proposal Prepared by Another Party which must be Subject to Public Comment

2.10.3 In the event that a party has prepared a proposal for the Commission's consideration and decision, which must be subject to public comment, the proposal will be put out for consultation using the following process:

- (i) The party presents its proposal to the Commission for a decision.
- (ii) The Commission publishes the proposal and invites views from the public by a specified deadline.
- (iii) The (proposing) party is allowed to review and comment on the inputs received by a specified deadline.
- (iv) The Commission deliberates and makes a determination on the initial proposal, by considering the views shared by the public on the proposal, and the (proposing) party's comment on the inputs received.



Procedures Manual

Module 3: Application and Licensing Processes

LPM3/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Annex III-C(v):	Class Licence Type B Application Form (Aircraft Station)
Annex III-C(vi):	Class Licence Type B Application Form (Ship Station)
Annex III-D:	Table of Licence and Frequency Authorisation Requirements by Service
Annex III-E:	Frequency Authorisation Application Form

Module 3: Application and Licensing Process

3.1 General

3.1.1 The Act, at Section 29 requires that any person wishing to establish or operate a telecommunications network or provide a telecommunications service, must apply for and obtain a licence from the Commission. In cases where a frequency authorization is required for the operation of the network, or the offering of the service, such authorization must be obtained from the Commission before the network is made operational or the service offered to the public.

3.2 Scope

3.2.1 This module presents the application and licensing processes that have been instituted under the Telecommunications Act 2000 and the Telecommunications (Licensing and Authorisation) Regulations, 2002, for the following instruments: Individual Licences, Class Licences, Special Licences, Frequency Authorisation. Specifically, the module describes the processes from the time an application for a licence is filed with the Commission, to the communication of the recommendation to the Minister as to whether or not the licence or frequency authorisation ought to be granted.

3.3 Licence Classifications (Reg. 4, 8 & 13)

3.3.1 Licence classes are technology neutral. The determining factor for licence classification will be the service that will be provided. Under the Act, four (4), licence categories have been developed. The following summaries given are not definitions for the licences identified. For the definitions of the licences, prospective applicants must be guided by the information provided in the Telecommunications Act 2000.

Individual Licence

The services that fall under this licence are generally infrastructure-oriented, requiring the establishment of networks for their deployment. For this reason, the term for such licences is normally 15 years. Those services often provide the network/foundation upon which other services (such as Value-Added Services) can be supported.

Class Licence (Type A)	The services that fall under Type A Class Licence are those for which applicants seek to be providers of telecommunications services, such as Internet Service Provision and International Simple Voice Resale.
Class Licence (Type B)	The services that fall under Type B Class Licence are those for which applicants would be users of telecommunications services. They include Amateur Radio, Land Mobile Radio, Maritime Mobile Radio and Aeronautical Mobile Radio Services.
Class Licence (Type C)	The services that fall under Type C Class Licence are those that can be construed as other support services and controls for the sector. They include Type Approval, Terminal Equipment Dealer's Certification and Customer Premises Wiring. Note: Although these services have been categorised as Class Licences, they will be discussed in <i>Module 5: Terminal Equipment and Public Networks</i> .
Frequency Authorization Licence	This is an ancillary licence, which would be required in addition to the Individual or Class Licence for wireless applications or services that require use of the spectrum. In some cases, specifically for services under Class Licence Type C, the requirements for an Application for Frequency Authorization are satisfied within the respective licence application forms.
Special Licence	This is a special licence to be issued under the discretion of the Minister and only in emergency or exigent circumstances. These licences are not to exceed ten (10) days.

The Application Forms for these licences are available from the local National Telecommunications Regulatory Commission or on its web site at www.ntrc.org.lc .

3.4 Applications for Individual Licences (Reg. 4)

3.4.1 Applications for Individual Licences can be filed for the following services:

- (a) Fixed Public Telecommunications;
- (b) Public Mobile Telecommunications;
- (c) Internet Networks & Services;
- (d) Broadband Networks and services;
- (e) Public Radio Paging; and
- (f) Submarine Cable.

Application Process

3.4.2 Three copies of the application for an individual licence shall be submitted to the Commission, and shall be

- (a) in the prescribed form and contain such information and particulars as set out in the application form, which can be found in Annex III-A to this module and on the NTRC web site, and
- (b) accompanied by the prescribed application fee, which is found in the Fees Section of this manual.

3.4.3 Upon receipt of an application for an individual licence, the Commission shall:

- (i) Issue a receipt in respect of the application fees paid;
- (ii) Send an acknowledgement of receipt of the application;
- (iii) If omissions have been identified in the application as submitted, notify and invite the applicant to supply outstanding information;
- (iv) Upon receipt of outstanding information, conduct a preliminary review of the application;
- (v) When the application is deemed complete and comprehensive, forward it to ECTEL for its review and recommendation;
- (vi) Notify the applicant of the status of its application.

Assessment of Individual Licence Applications by ECTEL

3.4.4 ECTEL will assess the application and when necessary, it might request additional information either directly from the applicant or through the Commission.

3.4.5 Upon completion of its evaluation, ECTEL will forward its recommendation on whether or not the applicant should be awarded an individual licence to the Commission for onward transmission to the Minister.

Notification of Minister's Decision

- 3.4.6 The Minister shall notify the applicant of his or her decision within 30 days of receipt of the recommendation from ECTEL.
- 3.4.7 Where ECTEL has recommended that an individual license be granted, and the Minister so decides, the Minister shall issue the individual licence consistent with the provisions of the Act and upon payment of the prescribed fees set out in the Fees section of this manual.

3.5 Applications for Class Licences (Reg. 8)

- 3.5.1 Class Licences have been categorized as follows:

Class Licence – Type A

- (i) Restricted Internet Service Provision¹
- (ii) Full Internet Service Provision²;
- (iii) Value Added Services³
- (iv) Audiotext / Videotext
- (v) International Simple Voice Resale
- (vi) Private Network/Services

Class Licence – Type B

- (i) Amateur Radio
- (ii) Citizen Band Radio
- (iii) Aeronautical Mobile Radio
- (iv) Maritime Mobile Radio
- (v) Land Mobile Radio

¹ For up to 15 units, particularly suitable for Internet Cafes

² To the public at large

³ Value Added Services – A communications facility using common carrier networks for transmission and providing extra features with separate equipment; services that add value to the basic telecommunications service. An approved list of services that have been categorised as Value Added Services is given in Annex III-B

- (vi) Ship Station Radio
- (vii) Aircraft Station Radio
- (viii) Family Radio Service Band⁴

Class Licence – Type C⁵

- (i) Type Approval⁶
- (ii) Terminal Equipment Dealer's Registration⁷
- (iii) Customer Premises Wiring Registration⁸

Application Process

3.5.2 An application for a Class Licence shall be submitted to the Commission, and shall be:

- (a) in the prescribed form and contain such information and particulars as specified in the form, which can be found in Annex III-C to this module and on the NTRC web site, and
- (b) accompanied by the prescribed application fee found in the Fees Section of this manual.

3.5.3 Upon receipt of an application for a Class Licence, the Commission shall:

- (i) Issue a receipt in respect of the application fees paid;
- (ii) Send an acknowledgement of receipt of the application;
- (iii) Conduct a preliminary review of the application to ensure that all sections of the application have been completed and that all stated supporting documents have been supplied;

⁴ Restricted to non-commercial use.

⁵ Strictly speaking, the topics listed under this heading do not require licences, but have been deemed Other Services, which include support services and controls for sector management. A fuller treatment of their requirements has been given in *Module 5: Terminal Equipment and Public Networks*.

⁶ Certificate of type approval must be issued in order to install, sell for use or use any item of telecommunications equipment in St. Lucia.

⁷ Registration is required for the provision of installation, maintenance and repair of terminal equipment.

⁸ Registration is required for the supply of cables or the installation, maintenance and repair of cable-associated services.

- (iv) If omissions have been identified in the application as submitted, notify and invite the applicant to supply outstanding information;
- (v) When the outstanding information has been supplied, promptly initiate its review procedure.

Assessment of Class Licence Applications by the Commission

- 3.5.4 The Commission will assess the application and when necessary, it might request additional information from the applicant.
- 3.5.5 In reviewing applications for services categorised under Class Licence Type A, the Commission will ensure that
 - (a) the legal requirements are satisfied,
 - (b) the source of funds have been clearly identified,
 - (c) adequate funding is available to establish business,
 - (d) the proposed business (as per the business plan) is financially viable,
 - (e) the required technical content has been provided and the requisite technical expertise is available.
- 3.5.6 In reviewing applications for services categorised under Class Licence Type B, the Commission will ensure, in addition to receiving all stated supporting documents, that the required technical content and equipment listings have been provided.
- 3.5.7 The Commission may decide to issue a public notice for consultation with the public, experts, industry or other interested parties, or adopt any other reasonable process to aid in deciding whether to grant a licence to an applicant to operate under a class licence.
- 3.5.8 Upon completion of its evaluation and ratification of its decision, the Commission will forward to the Minister its recommendation on whether or not the applicant should be awarded a Class Licence, and notify the applicant that the Commission's assessment has been completed.

Notification of Minister's Decision

- 3.5.9 The Minister shall decide whether or not to grant a class licence to the applicant and shall notify the applicant of that decision within 90 days of receipt of the application;

3.6 Frequency Authorizations (*Reg. 13-18*)

- 3.6.1 An Application for Frequency Authorization shall normally be submitted to the Commission when the proposed service requires exclusive use of specific frequencies. Such an application would be required in addition to an Individual, Class or Special licence when use of the radio frequency spectrum is required. The table presented in Annex III-D provides some guidelines as to when Frequency Authorization would be required
- 3.6.2 A separate Application for Frequency Authorisation is not required for services categorised under Class Licence Type B, as their application forms include the requirements to support the authorization of specified frequencies for the exclusive use of the applicant.
- 3.6.3 When frequency authorisation is required for Television Broadcast, Radio Broadcast or Community Radio Services, the applicant shall first seek the necessary licence from the Ministry of Information (or other relevant agency). After licence approval has been granted, the applicant will apply for frequency authorization through the Commission on the prescribed form, with evidence that a broadcast licence has been issued.
- 3.6.4 Generally, where the frequency bands to be used are shared by various users, no separate frequency application would be required. The licence, however, would impose the obligations with respect to the use of the band, especially in respect of harmful interference. Maritime Mobile Radio, Amateur Radio and Citizen Band Radio are cases of this principle of shared frequency bands that do not require separate applications for use of the spectrum.

Application Process

- 3.6.5 An application for a frequency authorization shall be submitted in writing to the Commission and shall be
- (a) in the prescribed form and contain such information and particulars as specified in the form, which can be found in Annex III-E to this module and on the NTRC web site, and
 - (b) accompanied by the prescribed application fee found in the Fees Section of this manual.
- 3.6.7 Upon receipt of an Application for Frequency Authorisation, the Commission shall ensure that the application has been filed to support an existing licence or an application for a licence.

- 3.6.8 The Commission will follow the procedures (i) to (v), as stated in paragraph 3.4.3, if the application is filed in conjunction with an Application for an Individual Licence and procedures (i) to (v), as stated in paragraph 3.5.3, if the application is filed in conjunction with an Application for a Class Licence.
- 3.6.9 If the Application for Frequency Authorisation is filed in conjunction with an Application for an Individual Licence, the Commission will forward both applications to ECTEL for its review and recommendation.
- 3.6.10 If the Application for Frequency Authorisation is filed in conjunction with an Application for a Class Licence, the Commission will evaluate the licence application first. Upon successful completion of that review, the Commission will consult with ECTEL on the frequency authorisation and will forward a copy of the application and supporting documents to ECTEL for its recommendation.
- 3.6.11 Upon receipt of a Class Licence Type B Application for which frequency authorisation is required, the Commission shall follow the procedures (i) to (v), as stated in paragraph 3.5.3. Upon successful completion of its review, the Commission will consult with ECTEL on the frequency authorisation and will forward a copy of the application and supporting documents to ECTEL for its recommendation.

Recommendations by the Commission

- 3.6.12 The evaluation of frequency authorisation applications would be based on, among other things, the technical integrity of the proposed services, the availability of spectrum and potential interference issues.
- 3.6.13 Upon completion of the review process and consultation with ECTEL, the Commission will make a recommendation to the Minister on the issuance of a frequency authorization, which shall be made within 60 days of receipt of a complete application.
- 3.6.14 The Commission shall not favourably recommend the issuance of frequency authorisation if the applicant has not been favourably recommended for the award of a licence.
- 3.6.15 Upon completion of the evaluation, the Commission shall notify the applicant of the status of its application.

Notification of the Minister's Decision

- 3.6.16 The Minister shall notify the applicant in writing, within 30 days of receipt of the recommendation of the Commission.

3.6.17 Where the application is approved, the Minister shall issue the frequency authorization upon payment of the applicable fee.

3.6.18 Where the application is refused, the Minister shall state in writing the reasons for the refusal.

3.7 Special Licence

3.7.1 Special licences are granted by the Minister only in emergency or other exigent circumstances. Such licences are normally valid for 10 days, and are not renewable.

3.7.2 An application for a Special Licence shall be submitted to the Minister, and shall be:

- (a) in the prescribed form and contain such information and particulars as specified in the form, a copy of which found in the annex to this module and on the NTRC web site, and
- (b) accompanied by the prescribed application fee found in the Fees Section of this manual

3.8 Licence and Frequency Authorisation Register

3.8.1 The Commission shall maintain registers at its principal office containing

- (a) each Individual Licence, Class Licence Frequency Authorisation and Special Licence issued by the Commission;
- (b) the names and registered office of each person licensed or authorised to operate under the Telecommunications Act

3.8.2 The Commission will publish and maintain register (b) on its website.

3.8.3 Both registers shall be open to public inspection and copies of entries in the Register shall be available on payment a fee, as prescribed in Module 1.

3.9 Limited Issue of Individual and Class Licences

3.9.1 In instances, particularly those where limited spectrum resources are employed, or when it has been proposed that the number of licences granted for the operation of a particular type of telecommunications network or for the provision of a

particular type of telecommunications service should be limited, on ECTEL's recommendation, the Commission shall have a Public Consultation on the subject, in keeping with Module 2, containing detailed reasons for the proposed limitation, and shall consider any representations made to it in respect of the proposed limitation.

- 3.9.2 On completion of the consultation exercise, the Commission shall publish a notice in the Gazette and in a local newspaper having a wide circulation, stating the grounds and period during which licences will be granted and the reasons for proposing to limit the number of licences.
- 3.9.3 The Commission shall undertake a periodic review of any limitations imposed on the number of licences that may be granted.

3.10 Policy Regarding the Issuance of Individual Licence

- 3.10.1 The Minister shall issue an individual licence on terms that are non-discriminatory.
- 3.10.2 For the purpose of subparagraph 1 above, a licence is considered to be issued on non-discriminatory terms if:
- (a) telecommunications providers of similar types of telecommunications networks are treated similarly;
 - (b) the licence does not favour any one telecommunications provider or class of telecommunications providers; and
 - (c) the issuance of the licence does not, and is not likely to, adversely affect competition in any market.
- 3.10.3 In granting an individual licence, in addition to the recommendation of ECTEL, the Minister shall also take into account the other factors set out in Section 32 of the Act.
- 3.10.4 The Minister shall not grant an individual licence unless ECTEL so recommends.

Individual Licence(s) Application Form

Under section 30.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

- Fixed Public Telecommunications Licence
- Public Mobile Telecommunications Licence
- Public Radio Paging Licence
- International Simple Voice Resale Licence
- Internet Networks/Services
- Submarine Cable Licence

St. Lucia National Telecommunications Regulatory Commission
NTRC Secretariat
PO Box GM690
Castries
St. Lucia

June 2001

Guidance Notes

- Three (3) copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Individual Licence Application" addressed to the Secretary, St. Lucia National Telecommunications Regulatory Commission, NTRC Secretariat, PO Box GM690, Castries, St. Lucia.
- The completed application form must be accompanied by a fee of one thousand Eastern Caribbean Dollars (EC\$1000.00) per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia.

- Please note that this form may also be used for an application to modify an existing licence under section 40.2 of the Telecommunications Act 2000.
- Please indicate which, if any, information provided by the applicant in this application is confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

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

1.1.6 Website

1.2 **Business Details**

1.2.1 State whether the applicant is a company, partnership, joint venture or other body

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

Name & Nationality

Address

1.2.3 Name under which applicant proposes to trade, and registered office address if different to above:

1.2.4 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St. Lucia, please provide any registration number, which the companies registration office in St. Lucia may have issued.

1.2.5 Please provide certified copies of the Certificate and Memorandum of Incorporation

1.2.6 Address in St. Lucia 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 St. Lucia?

[YES] [NO]

If NO, proceed to question 1.3.2

If YES, was the licence granted or refused?

¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in St. Lucia.

[YES] [NO]

If YES, under what Act(s) was/were the licence(s) granted?

If NO, on what grounds was/were the licence(s) refused?

1.3.2 Has the applicant engaged in any type of business in St. Lucia

[YES] [NO]

If YES, indicate the type of business

1.3.3 Has the applicant ever been licensed under the Telecommunications Act 2000?

[YES] [NO]

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

[YES] [NO]

If YES, on what grounds was the licence revoked?

1.3.5 Has any Affiliate of the applicant previously been granted a licence under the Telecommunications Act 2000, which was revoked?

[YES] [NO]

If YES, state reasons

1.3.6 Is the applicant the holder of a telecommunications licence in any other country?

[YES] [NO]

If YES, state which other countries

1.3.7 Has the applicant or any Affiliate been refused a telecommunications licence in any country, or had a licence revoked?

[YES] [NO]

If YES, state the grounds for refusal or revocation

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

[YES] [NO]

If YES, state the name of the business

1.3.9 Does the applicant have any experience in providing telecommunications services?

[YES] [NO]

If YES, indicate the nature, type of service and nature of the experience

If NO, indicate experience of personnel providing the telecommunications service

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 comprehensive business plan. The plan should outline any assumptions used and should cover a period of at least three (3) years. The information provided must include (with independent confirmation as appropriate):

- Sources of funding (with declaration of source funds, supported by affidavit)
- Availability of funding (e.g. comfort letters);
- Proforma financial statements for three (3) years to include balance sheets, cash flow and income statements; and
- Market forecasts.

2.1.2 For an ongoing concern, please provide Audited Financial Reports including certified Income Statements and Balance Sheets for the last three (3) years in respect of the company, partnership, joint venture or other body, on whose behalf the application is being submitted.

In the case of a new entity, please provide a certified statement of financial affairs of each director

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 licences.

2.1.4 Please provide the names of shareholders with at least 10% of issued shares and their percentage shareholding.

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

[YES] [NO]

If YES, give the name(s) of provider(s) and percentage shareholding

2.1.6 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-subsidisation between the applicant's:

- telecommunications and non-telecommunications activities
- wholesale and retail activities
- telecommunications equipment production or supply and other telecommunications activities.

2.1.7 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.

2.1.8 Has any member of the applicant's managerial staff has been bankrupt, filed bankruptcy or filed bankruptcy proceedings?

[YES] [NO]

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

2.1.9 Has any member of the applicant's managerial staff been a director of a company which has become insolvent or has filed bankruptcy proceedings?

[YES] [NO]

If the answer is YES, please provide the name of the company.

2.1.10 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]

If YES, provide details

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;
- (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 authorisation.

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.

Licence 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 (3) 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:
 - all technical aspects of the services (including equipment)
 - how access to the service is to be provided (e.g. indirect access, direct access, leased lines, etc.)
 - 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.

Licence obligations

- 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

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:

² This 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 authorised officer.

Approved List of Value-Added Services

- Sending and receiving emails on mobile phone
- Receiving emails on pagers
- Broadband entertainment available with internet access
- Wholesale calling card
- Enhanced call routing
- International toll free services
- Universal international freephone number
- Electronic mail
- Voice mail
- Direct Access Code Dialling
- Bulletin Board Service
- Video conferencing
- Morning Alarm Service
- Virtual office services
- Fax store and forward
- Internet access through mobile phone
- Fax transmission through mobile phone
- Mobile Originated Short Messaging Service (SMS) - messages sent from mobile phone
- Transmission of SMS between mobile phones
- Accessing general public information through mobile phone, e.g. exchange rates, flight schedule, news and sports
- Mobile conference calls
- Call forward
- Mobile Call forward
- Call barring
- Mobile Call barring
- Calling Line Identification Presentation (CLIP)
- Calling Line Identification Restriction (CLIR)
- Call wait
- Call hold
- Mobile voice mail
- Alert of SMS received mail

Class Licence(s) Application Form – Type A

Under section 33.1 of the Telecommunications Act 2000

Saint Lucia

Please tick as appropriate:

- Private Telecommunications Network Licence
- Value-Added Services Licence
- Restricted Internet Service Provision Licence (= 15 units)
- Full Internet Service Provision Licence (>15 units)
- International Simple Voice Resale Licence
- Short Term Licence (< 15 days)
- Audio-text Services
- Video-text Services

National Telecommunications Regulatory Commission

NTRC Secretariat

Vide Boutie lle

P. O. Box GM 690

Castries

Guidance Notes

- Three (3) copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Licence Application" addressed to the Secretary, National Telecommunications Regulatory Commission, Vide Boutielle, P. O. Box GM 690, Castries, St. Lucia.
- The completed application form must be accompanied by a fee of five hundred (EC\$500.00) Eastern Caribbean dollars per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia.
- Please indicate which, if any, information provided by the applicant in this application is confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

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

1.1.6 Website

1.2 **Business Details**

1.2.1 State whether the applicant is a company, partnership, joint venture or other body

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

Name & Nationality

Address

1.2.3 Name under which applicant proposes to trade, and registered office address if different to above:

1.2.4 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St. Lucia, please provide any registration number, which the Registry of Companies in St. Lucia may have issued.

1.2.5 Please provide certified copies of the Certificate and Memorandum of Incorporation

1.2.6 Address in St. Lucia 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 St. Lucia?

YES NO

If NO, proceed to question 1.3.2

If YES, was the licence granted or refused?

YES NO

If YES, under what Act(s) was/were the licence(s) granted?

¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in St. Lucia.

—

If NO, on what grounds was/were the licence(s) refused?

—

1.3.2 Has the applicant engaged in any type of business in St. Lucia?

YES NO

If YES, indicate the type of business

—

1.3.3 Has the applicant ever been licensed under the Telecommunications Act 2000?

YES NO

—

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

YES NO

If YES, on what grounds was the licence revoked?

—

1.3.5 Has any Affiliate of the applicant previously been granted a licence under the Telecommunications Act 2000, which was revoked?

YES NO

If YES, state reasons

—

1.3.6 Is the applicant the holder of a telecommunications licence in any other country?

YES NO

If YES, state which other countries

1.3.7 Has the applicant or any Affiliate been refused a telecommunications licence in any country, or had a licence revoked?

YES NO

If YES, state the grounds for refusal or revocation

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

YES NO

If YES, state the name of the business

1.3.9 Does the applicant have any experience in providing telecommunications services?

YES NO

If YES, indicate the nature, type of service and nature of the experience

If NO, indicate experience of personnel providing the telecommunications service

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 comprehensive business plan. The plan should outline any assumptions used and should cover a period of at least three (3) years. The information provided must include (with independent confirmation as appropriate):

- Sources of funding (with declaration of source funds, supported by affidavit)
- Availability of funding (e.g. comfort letters);
- Proforma financial statements for three (3) years to include balance sheets, cash flow and income statements; and
- Market forecasts.

2.1.2 For an ongoing concern, please provide Audited Financial Reports including certified Income Statements and Balance Sheets for the last three (3) years in respect of the company, partnership, joint venture or other body, on whose behalf the application is being submitted.

In the case of a new entity, please provide a certified statement of financial affairs of each director

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 licences.

2.1.4 Please provide the names of shareholders with at least 10% of issued shares and percentage shareholding.

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

YES NO

If YES, give the name(s) of provider(s) and percentage shareholding

2.1.6 Has any member of the applicant's managerial staff been bankrupt, or filed for bankruptcy?

YES NO

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

- 2.1.7 Has any member of the applicant's managerial staff been a director of a company, which has become insolvent or has filed bankruptcy proceedings?

If the answer is YES, please provide the name of the company.

- 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 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

If YES, provide details

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.
- 2.2.1 Please provide a summary of any infrastructure 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 authorisation.
- 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.

2.3 **Applicant's Proposed Activities**

- 2.3.1 Please provide a summary of any infrastructure the applicant is planning to put in place within the next three (3) 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).
- 2.3.3 Please provide a description of each proposed service, including details on the following:
- all technical aspects of the services (including equipment)
 - how access to the service is to be provided (e.g. indirect access, direct access, leased lines, etc.)
 - 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.

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:

² This declaration must be signed:

in the case of an **individual**, by the person in whose name the application is made;

in the case of a **partnership**, by a partner; or

in the case of a **company or other body corporate**, by a director, company secretary or other authorised officer.

Class Licence(s) Application Form - Type B
Under section 33.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

- Aeronautical Mobile Radio Licence
- Land Mobile Radio Licence
- Maritime Mobile Radio Licence

National Telecommunications Regulatory Commission

NTRC Secretariat

Vide Bouteille

P. O. Box GM 690

Castries

St. Lucia

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Telecommunications Licence Application” addressed to the Secretary, National Telecommunications Regulatory Commission, P. O. Box GM 690, Castries, St. Lucia.
- The completed application form must be accompanied by a fee of Four Hundred Eastern Caribbean Dollars (**EC\$ 400.00**), per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia
- For renewal of licence(s), please attach a copy of the present or existing licence to completed application form.
- Please indicate which, if any, information provided by the applicant in this application is confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

1. PART 1 – The Applicant

(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name and address of applicant

1.1.2 (a) Licence No:- _____ (b) Handle _____

1.1.3 Designated contact person: _____

1.1.4 Telephone number: _____

1.1.5 Fax Number: _____

1.1.6 Email address: _____

1.1.7 Website: _____

1.1.8 If the licence is required for a (registered) business

(a) State whether the applicant is a company, partnership, sole proprietorship

(b) Please supply the business's registration number :

1.1.9 If question 9 does not apply, and a licence is being applied for personal use, please answer the following questions:

(a) Date of Birth: _____ Age on last birthday: _____

(b) Nationality _____

(c) Registration Number of Identification Card: _____

(d) Passport Number: _____

(e) Occupation: _____

2 PART II – Technical Details

2.1 Frequency Band:-

VLF - Very Low Frequency

LF - Low Frequency

MF - Medium Frequency

HF - High Frequency

VHF - Very High Frequency

UHF - Ultra High Frequency

SHF - Super High Frequency

EHF - Extra High Frequency

2.2 Class of Station:-

Aeronautical Mobile Radio

Land Mobile Radio

Maritime Mobile Radio

2.3 Required Frequency Range:- _____

2.4 Nature of Service:- _____

2.5 Number of Channels Required:- _____

Voice:- _____ VFT¹:- _____ Data:- _____ Others:- _____

2.7 Details of Communication Points:- (If this space is not sufficient, please use extra paper to indicate the stations)

Type of Station	Location of Station or/Registration No. of Vehicle/Boat/Aircraft	Number of Units	Call Sign
Base/Fixed			
Mobile			
Portable / Handheld			
Repeater			
Any Other Equipment			

¹ VFT – Voice Frequency Telegraphy

2.8 Name and address of the manufacture of Equipment:-

2.9 Details of Equipment:- (Photocopies of the technical specification of equipment manual should be attached)

Type of Station	Make and Model	Serial Number	R.F Output	Class of Emission	Necessary Bandwidth
Base/Fixed					
Mobile					
Portable / Handheld					
Repeater					
Any Other Equipment					

2.10 Details of Antenna:- (Radiation patterns of the antenna must be furnished).

Station	Type	Height	Maximum Gain	Azimuth	Beam Width	Polarization
Base/Fixed						
Mobile						
Portable / Handheld						
Repeater						
Any Other Equipment						

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:-

² This declaration must be signed:

in the case of an **individual**, by the person in whose name the application is made;

in the case of a **sole proprietorship**, by the sole proprietor, or

in the case of a **partnership**, by a partner; or

in the case of a **company or other body corporate**, by a director, company secretary or other authorised officer.

Class Licence(s) Application Form – Type B
Under section 33.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

- Amateur Radio Licence
- Citizen's Band Radio Licence

National Telecommunications Regulatory Commission
NTRC Secretariat
Vide Bouteille
GM 690
Castries
St. Lucia

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Telecommunications Licence Application” addressed to the Secretary, National Telecommunications Regulatory Commission, P. O. Box GM 690, Castries, St. Lucia.
- The completed application form must be accompanied by a fee of Twenty-five Eastern Caribbean Dollars (EC\$ 25.00), per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia
- For renewal of licence(s), please attach a copy of the present or existing licence to completed application form.
 - (i) Two (2) passport sized photographs should be attached.
 - (ii) Photocopies of the technical specifications of the equipment should be furnished.
 - (iii) Documentary proof that applicant has passed the Radio Amateur Examination.
 - (iv) Testimonials of applicant from two referees who are not relatives of the applicant.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

1. PART 1 – The Applicant

(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name of applicant:

1.1.2 Address of applicant:

1.1.3 Telephone number: _____

1.1.4 Fax Number: _____

1.1.5 Email address: _____

1.1.6 Date of Birth: _____ Age on last birthday: _____

1.1.7 Nationality _____

1.1.8 Registration Number of Identification Card: _____

1.1.9 Passport Number: _____

1.1.10 Occupation: _____

2 PART II

2.1 Select as appropriate

New Licence

Renewal

Visitor

Equipment Upgrade/Replacement

Class Upgrade

2.2 Call Sign: _____ Class of Licence: _____

2.2 Place of Issue: _____

2.3 Date of Issue: _____

3 PART III

3.1 Details of Communication Points:

STATION	LOCATION OR REGISTRATION NO. OF VEHICLE/BOAT/AIRCRAFT	NO. OF UNITS
BASE/FIXED		
MOBILE		
PORTABLE / HANDHELD		

3.2 Technical Details:

(Photocopies of technical specifications of equipment should be attached)

STATION	MAKE & MODEL	SERIAL NO.	FREQUENCY BANDS	CLASS OF EMISSION	MAXIMUM R.F. POWER
BASE/FIXED					
MOBILES					
PORTABLE / HANDHELD					
ADDITIONAL INFO					

3.3 Antenna Details

STATION	TYPE	MAXIMUM GAIN	HEIGHT
BASE/FIXED			
MOBILES			
PORTABLE			

3.4 Details of additional equipment and purpose of use: _____

3.5 Supplementary Information: _____

PART IV - DECLARATION¹

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:-

FOR OFFICIAL USE ONLY:

Examination Required:

Call Sign Issued:

YES

NO

Date:

¹ This declaration must be signed by the person in whose name the application is made

Class Licence(s) Application Form – Type B
Under section 33.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

Family Radio Service Licence

National Telecommunications Regulatory Commission
NTRC Secretariat
Vide Bouteille
P. O. Box GM 690
Castries

St. Lucia

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Telecommunications Licence Application” addressed to the Secretary, National Telecommunications Regulatory Commission, P. O. Box GM 690 Castries, St. Lucia
- The completed application form must be accompanied by a fee of Twenty-five Eastern Caribbean Dollars (EC\$ 25.00), per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia.
- For renewal of licence(s), please attach a copy of the present or existing licence to completed application form.
- Photocopies of the technical specifications of the equipment must be furnished.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

1. PART 1 – The Applicant
(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name of applicant:

1.1.2 Address of applicant:

1.1.3 Telephone number: _____

1.1.4 Fax Number: _____

1.1.5 Email address: _____

1.1.6 Date of Birth: _____ Age on last birthday: _____

1.1.7 Nationality _____

1.1.8 Registration Number of Identification Card: _____

1.1.9 Passport Number: _____

1.1.10 Occupation: _____

Make	Model	Serial No	Type Approval	
			Agency	Reference No

Number of FRS units: _____

Frequencies and/or number of channels on each unit: _____

Purpose for which the units will be used: _____

PART IV - DECLARATION¹

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 This declaration must be signed by the person in whose name the application is made;

Class Licence(s) Application Form – Type B
Under section ** of the Telecommunications Act ***

[Country]

Please tick as appropriate:

Aircraft Station Radio Licence

[Country] National Telecommunications Regulatory Commission
[Address]

[Country]

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Telecommunications Licence Application” addressed to the Secretary of the [Commission], [address]
- The completed application form must be accompanied by a fee of Two Hundred Eastern Caribbean Dollars (EC\$ 200.00), per licence, payable to the National Telecommunications regulatory Commission, [Country]
- For renewal of licence(s), please attach the following documents to the completed application form:

A copy of the present or existing

- (a) Aircraft Station Radio License,
- (b) Equipment Installation Certificate
- (c) Radio Operator’s Certificate
- (d) *Ship’s Registration Certificate issued by the Registrar of Ships.*

1. PART I – AIRCRAFT DETAILS

1.1 Name of aircraft: _____

1.2 Country of registration: _____

1.3 Name of the owner: _____

1.4 Address of owner: _____

1.5 Name of Agent: _____

1.6 Address of the Agent: _____

1.7 Name of Accounting Authority: _____

1.8 Address of Accounting Authority: _____

1.9 Accounting Authority Identification Code: _____

1.10 Class of aircraft: _____

1.11 Gross Tonnage: _____

1.12 Size of aircraft: _____

1.13 Distance of operation from nearest land mass: _____

2 PART II – DETAILS OF PRESENT AIRCRAFT STATION LICENCE

(Photocopy of the aircraft station license should be attached)

2.1 Call Sign: _____

2.2 MMSI/DSC Number: _____

2.3 Inmarsat ID: _____

2.4 Country of Issue: _____

2.5 Country of Registration: _____

2.6 Period of Validity: _____

2.7 Public Correspondence Category: _____

2.8 Supplemental Information:

2.9 Details of Radio Operator's Certificates

3 PART III – EQUIPMENT INSTALLATION

(Photocopy of the installation certificate should be attached)

EQUIPMENT TYPE	MAKE & MODEL	TX POWER (Watts)	CLASS OF EMISSION	FREQUENCY BANDS
HF Transceiver				
VHF Transceiver				
ADF Transceiver				
EPIRB				
Marker Receiver				
VHF NAV Receiver				
Glide Slope Receiver				
DME TX				
DME RX				
ATC TX				
ATC RX				
WRT – C Band				
WRT – X Band				
GPC RX				
Radio Altimeter Transceiver				
Doppler NAV Transceiver				
Other				

PART III - DECLARATION¹

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 This declaration must be signed:

- in the case of an **individual**, by the person in whose name the application is made;
- in the case of a **sole proprietorship** by the sole proprietor, or
- in the case of a **partnership**, by a partner; or
- in the case of a **company or other body corporate**, by a director, company secretary or other authorised officer.

Class Licence(s) Application Form – Type B
Under section 33.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

Ship Station Radio Licence

National Telecommunications Regulatory Commission
NTRC Secretariat
Vide Bouteille
P. O. Box GM 690
Castries

St. Lucia

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Telecommunications Licence Application” addressed to the Secretary, National Telecommunications Regulatory Commission, P. o. Box GM 690, Castries, St. Lucia.
- The completed application form must be accompanied by a fee of Two Hundred Eastern Caribbean Dollars (EC\$ 200.00), per licence, payable to the National Telecommunications Regulatory Commission, St. Lucia.
- For renewal of licence(s), please attach the following documents to the completed application form:

A copy of the present or existing

- (a) Ship Station Radio License,
- (b) Equipment Installation Certificate
- (c) Radio Operator’s Certificate
- (d) Ship’s Registration Certificate issued by the Registrar of Ships,

1. PART I – SHIP DETAILS

1.1 Name of ship/vessel: _____

1.2 Country of Registration: _____

1.3 Name of the owner: _____

1.4 Address of owner: _____

1.5 Name of Agent: _____

1.6 Address of the Agent: _____

1.7 Name of Accounting Authority: _____

1.8 Address of Accounting Authority: _____

1.9 Accounting Authority Identification Code: _____

1.10 Class of Ship/Vessel: _____

1.11 Gross Tonnage: _____

1.12 Size of Ship/Vessel: _____

1.13 Distance of operation from nearest land mass: _____

2 PART II – DETAILS OF PRESENT SHIP STATION LICENCE

(Photocopy of the ship station license should be attached)

2.1 Call Sign: _____

2.2 MMSI/DSC Number: _____

2.3 Inmarsat ID: _____

2.4 Country of Issue: _____

2.5 Country of Registration: _____

2.6 Period of Validity: _____

2.7 Public Correspondence Category: _____

2.8 Supplemental Information:

2.9 Details of Radio Operator's Certificates

3 PART III – EQUIPMENT INSTALLATION

(Photocopy of the installation certificate should be attached)

EQUIPMENT TYPE	MAKE & MODEL	Tx POWER (watts)	CLASS OF EMISSION	FREQUENCY BANDS
MF/HF				
MF/HF DSC				
VHF				
VHF DSC				
HAND VHF				
INMARSAT				
E.P.I.R.B				
RADAR				
SART				
EGC				
WATCH Rx				
GPS				
DIRECTION FINDER				
NAVTEX				
SATNAV				
OTHER				

PART III - DECLARATION¹

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 This declaration must be signed:

- in the case of an **individual**, by the person in whose name the application is made;
- in the case of a **sole proprietorship** by the sole proprietor, or
- in the case of a **partnership**, by a partner; or
- in the case of a **company or other body corporate**, by a director, company secretary or other authorised officer.

Licence & Frequency Authorisation Requirements by Service

TYPE OF SERVICE	LICENCE CATEGORY	FREQUENCY AUTHORISATION REQUIRED
Mobile/Cellular Networks/Services	Individual	Yes
Fixed Public Networks/Services	Individual	Yes
Submarine Cable Crossing/Landing	Individual	No
Public Radio Paging Networks/ Services	Individual	Yes
Internet Network & Services	Individual	For Wireless Applications
Public Radio Paging Networks/ Services	Individual	Yes
TV/Radio Broadcast	Licence/Approval from Gov't Required	Yes
Community Radio	Licence/Approval from Gov't Required	Yes
Subscriber Television (wireless)	Licence/Approval from Gov't Req'd	Yes
Restricted Internet Services	Class – Type A	For Wireless Applications
Full Internet Services	Class – Type A	For Wireless Applications
Audiotext / Videotext	Class – Type A	For Wireless Applications
Value Added Services <i>Includes Data Services</i>	Class – Type A	For Wireless Applications
Private Telecommunications Networks/Services	Class – Type A	For Wireless Applications
International Simple Voice Resale	Class – Type A	No
Short Term Licence	Class – Type A	For Wireless Applications

Annex III-D:

TYPE OF SERVICE	LICENCE CATEGORY	FREQUENCY AUTHORISATION REQUIRED
Aeronautical Mobile	Class – Type B ¹	Yes
Maritime Mobile	Class – Type B	No
Land Mobile	Class – Type B	Yes
Family Radio Service Band	Class – Type B	No
Ship Station Radio Licence	Class – Type B	Yes
Aircraft Station Radio Licence	Class – Type B	Yes
Amateur Radio	Class – Type B	No
Citizen Band Radio	Class – Type B	No
Type Approval	Class – Type C	No
Customer Premises Wiring	Class – Type C	No
Terminal Equipment Dealer's Certification	Class – Type C	No
Special Licence	Special Licence	For Wireless Applications
Domain Name Registration	Agency Licence	No

¹ For services under Class Licence – Type B, the application forms are so designed to incorporate the application for frequency authorization as may be required. Consequently, a separate Application for Frequency Authorization is no longer necessary.

Frequency Authorisation Application Form

Under section [] of the Telecommunications Act 2000

St. Lucia

National Telecommunications Regulatory Commission
NTRC Secretariat
Vide Bouteille
P. O. Box GM690

St. Lucia

Guidance Notes

- **Three (3) copies** of the completed application form should be submitted in an envelope clearly marked "Telecommunications Frequency Authorisation Application" addressed to the Secretary, National Telecommunications Regulatory Commission, P. O. Box GM 690, Castries, St. Lucia.
- 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, St. Lucia.
- Please indicate which, if any, information provided by the applicant in this application is confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

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

1.1.6 Website

1.2 **Business Details**

1.2.1 State whether the applicant is a company, partnership, joint venture or other body

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

Name

Address

1.2.3 Name under which applicant proposes to trade, and registered office address if different to above:

1.2.4 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St. Lucia, please provide any registration number which the companies registration office in St. Lucia may have issued.

1.2.5 Address in St. Lucia 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 and been granted a telecommunications licence or any other licence under any Act in St. Lucia requiring frequency authorisation?

[YES] [NO]

If YES, state which Act and the type of service.

1.3.2 Has the applicant ever been issued a frequency authorisation under the Telecommunications Act 2000?

¹ Where the applicant is located overseas, the application must include an address for service of process and any other notice in St. Lucia.

[YES] [NO]

1.3.3 If the answer to question 1.3.2 is YES, has any such frequency authorisation been revoked?

[YES] [NO]

If YES, on what grounds was the frequency authorization revoked?

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

[YES] [NO]

If YES, state reasons

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

[YES] [NO]

If YES, state which other countries

1.3.6 Has the applicant or any Affiliate been refused a frequency authorisation in any country, or had a frequency authorisation revoked?

[YES] [NO]

If YES, state the grounds for refusal or revocation

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

[YES] [NO]

If YES, state the name of the business

1.3.8 Does the applicant have any experience in providing telecommunications services?

[YES]

[NO]

If YES, indicate the nature, type of service and nature of the experience

If NO, indicate experience of personnel providing the telecommunications service

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 Please provide the names of shareholders with at least 10% of issued shares and their percentage shareholding.

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

[YES] [NO]

If YES, give the name(s) of provider(s) and percentage shareholding

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 If the applicant is using radio frequency spectrum, please provide details of any 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**

Frequencies

2.3.1 Indicate the list of frequencies in order of priority that the applicant is applying for:

Radiocommunications Station

2.3.2 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 2.3.4.

2.3.3 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.
- (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 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 satellite 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

2.3.4 Please provide a summary of the radio-based infrastructure that the applicant is planning to put in place within the next three (3) years, as per the requested frequencies. 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) preferred equipment carrier frequency range for channel assignment
- (g) whether system is intended to be duplicated
- (h) Type of antenna, including details of antenna height
- (i) Call signs
- (j) address of location from where equipment is to be operated (if different from Radiocommunications Station location)
- (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.
- (l) guaranteed maximum boresight gain relative to an isotropic radiator for any antenna specified (rounded up to nearest dB)

Services

- 2.3.5 Please provide a description of the service which the applicant proposes to provide using the frequencies for which it is applying.

Obligations

- 2.3.6 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

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:

² This 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 authorised officer.



Procedures Manual

Module 4: Interconnection

LPM4/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Module 4: Interconnection

4.1. General

4.1.1 Under provisions of the Act (Section 46), any telecommunications provider operating a public telecommunications network is obliged to make an interconnection with other providers requesting such interconnection, on reasonable technical grounds, and on reasonable, non-discriminatory terms and conditions, including the application of cost-based rates for any interconnection services provided. Any interconnection agreements entered into between operators must first be submitted to the Commission for its approval, and such agreements shall be open to public inspection.

4.2. Scope

4.2.1 This module states provides guidance on the processes that would be followed by the Commission on the subject of interconnection, based on the content of the Telecommunications Act 2000 and the Telecommunications (Interconnection) Regulations, 2002.

4.3. Interconnection Regulations – Dominant Providers (*Reg. 9*)

4.3.1 The Minister has published, pursuant to Section 74 of the Act, Regulations governing Interconnection between service providers in St. Lucia (the Interconnection Regulations). The regulations describe the process under which the Commission, on the advice of ECTEL, will determine whether or not a service provider is a dominant interconnection provider, to whom certain restrictions and obligations apply. The obligations include the publication of a Reference Interconnection Offer (RIO), which is to be made public, and which will contain certain information specified in the Regulations.

4.4. Requests for Interconnection (*Reg. 4*)

4.4.1 An operator seeking interconnection (the interconnecting provider) with another operator (the interconnection provider) shall notify the Commission of its request, with a copy to ECTEL. The request shall contain at least the following:

- (a) A copy of the interconnecting provider's licence;
 - (b) A description of the services for which interconnection is sought;
 - (c) Any other information as specified in the RIO or reasonably required in order for the interconnection provider to understand the request.
- 4.4.2 The interconnection provider shall provide on request, information reasonably necessary to the interconnecting provider in order to facilitate the conclusion of an agreement. The information provided shall include any relevant network or other changes planned within the following 6 months, unless otherwise agreed by the Commission.

4.5. The Interconnection Agreement (*Reg. 16*)

- 4.5.1 All interconnection agreements and RIO's must be in writing, and the following matters shall be specified therein, except where a particular matter is irrelevant to the specific form of interconnection requested:
- (a) Access to ancillary, supplementary and advanced services;
 - (b) Adequate capacity and service levels including the remedies for any failure to meet those service levels;
 - (c) A provision that deals with regulatory change, including determinations by the Commission;
 - (d) Duration and renegotiation of the agreement;
 - (e) Forecasting, ordering, provisioning and testing procedures;
 - (f) Dispute resolution procedures;
 - (g) Geographical and technical characteristics and locations of the points of interconnection;
 - (h) Information handling and confidentiality provisions;
 - (i) Intellectual property rights;
 - (j) Measures anticipated for avoiding interference or damage to the networks of the parties involved, or third parties;
 - (k) National and international appropriate indexes for service quality;
 - (l) Procedures in the event of alterations being proposed to the network or service offerings of one of the parties;

- (m) Provisions for the formation of appropriate working groups to discuss matters relating to interconnection and to resolve any disputes;
- (n) If appropriate, provision of infrastructure sharing and identification of collocation and their terms;
- (o) Provision of network information;
- (p) Technical specifications and standards;
- (q) Terms of payment, including billing and settlement procedures
- (r) the maintenance of end-to-end quality of service;
- (s) the procedures to detect and repair faults, as well as an estimate of acceptable average indexes for detection and repair times;
- (t) the scope and description of the interconnection services to be provided;
- (u) the technical characteristics of all the main and auxiliary signals to be transmitted by the system and the technical conditions of the interfaces;
- (v) transmission of Calling Line Identity, where available to be transmitted;
- (w) ways and procedures for the supply of other services that the parties agree to provide to each other, such as operation, administration, maintenance, emergency calls, operator services, automated information for use, information on directories, calling cards and intelligent network services;
- (x) the obligations and responsibilities of each party in the event that inadequate or defective equipment is connected to their respective networks; and
- (y) any other relevant issue, including provisions and restrictions as specified in the Regulations, including the Connectivity and public disclosure provisions.

4.6. Interconnection Application Procedures

- 4.6.1 Where two operators have entered into an interconnection agreement, they shall submit a written application for approval of the proposed interconnection agreement together with a draft of the said agreement. The Commission must be in receipt of the application at least 30 days before the proposed effective date of the agreement.
- 4.6.2 The application and the draft agreement will be immediately forwarded to ECTEL for its advice and recommendations, which should be communicated to the

- Commission within 15 days of receipt to facilitate the 30-day time limit in which a decision must be rendered.
- 4.6.3 Upon ECTEL's favourable advice and recommendation, the Commission must approve of the application and inform the operators of its decision in writing.
 - 4.6.4 In the event that further information is required for ECTEL to conduct its evaluation of the application, the Directorate will inform the Commission in writing as to the information required (this should be done within 15 days of receiving the application). In the letter, the applicant will be asked to provide the required information to ECTEL and to the Commission required, within 15 days.
 - 4.6.5 In the cases where a recommendation of re-negotiation of the terms of the agreement is made by ECTEL, the Commission, in written format, must direct the parties to the agreement to renegotiate and submit a revised proposed interconnection agreement to the Commission as prescribed, but for a period no longer than 30 days.
 - 4.6.6 The Commission submits the revised proposal to ECTEL.
 - 4.6.7 The advice and recommendations of ECTEL and the Commission's decision must be made within 10 days of the receipt of the revised proposal.

4.7. Renewal of Interconnection Agreements (Reg. 22)

- 4.7.1 At least 60 days before the 5th anniversary of the agreement, the Commission may issue a reminder by letter informing the parties that within 30 days, applications for the renewal of its interconnect agreement can be made.
- 4.7.2 At least 30 days before the first 5th anniversary of the agreement and each successive 5th anniversary, the licensee must submit to the Commission a written application for approval of the renewal of the agreement and a copy of the said agreement.
- 4.7.3 The Commission will, if necessary, forward the application and a copy of the agreement to ECTEL for advice and recommendations, which shall be provided within 15 days.
- 4.7.4 The Commission, in written format, will inform the licensee of its decision within 15 days of receiving the advice and recommendations from ECTEL.

4.8. The Interconnection Register (Reg. 23)

4.8.1 The Commission must keep a register of all approved Interconnection agreements in the following form:

Part I:

- List of approved interconnection agreements;
- Names of interconnected providers;
- Service areas of interconnected providers' operations;
- Dates of execution of agreements.

Part II: Confidential parts of agreements.

Part III: Other parts of agreements.

4.8.2 The Commission shall maintain an up-to-date copy of the register, and also provide a copy to ECTEL which will be updated on an ongoing basis.

4.9. Confidential Part of Register (Reg. 25)

4.9.1 A written request from the licensee must be submitted to the Commission in order to have any part of an agreement kept in the confidential file. This request must be accompanied by a copy of the agreement with the proposed confidential parts highlighted and a written submission containing a non-confidential description of the relevant portion of the agreement.

4.9.2 In the event of approval of the request for confidentiality, the Commission shall inform the licensee in writing, within 30 days of receipt of the application.

4.9.3 In the cases where the Commission is not prepared to approve the request on a prima facie basis, the Commission shall invite the licensee to the Commission's offices to present its case together with any evidence supporting its claim. At the hearing, the licensee may be represented by 2 of its officers, and the Commission by its Chairperson and two other Commissioners nominated for the purpose by the Chairperson.

4.9.4 At least three days prior to the hearing, the licensee must present the Commission's with a copy of any documentation on which they wish to rely on to support their application. During the presentation (to be no more than one hour's duration), a record of the submissions must be made by the Commission's

representatives and may be used to question the licensee's representatives to obtain further information or clarification of any part of their submission.

- 4.9.5 At the conclusion of the presentation, the Commission's representatives may use a further hour to deliberate and hand down its decision or it may inform the licensee's representatives that its decision will be communicated within 15 days.
- 4.9.6 In instances where the Commission has given its decision immediately after the hearing, the licensee must be presented with a hard copy of the decision 15 days thereafter. Where the Commission requires extra time to deliberate, it must make its decision 15 days after the hearing and inform the licensee of the said decision in written format.

4.10. Format for Separating Information (Reg. 26)

- 4.10.1 To obtain disaggregated information of parts of an interconnection agreement, the Commission, in written format, may request the licensee to provide the necessary data.
- 4.10.2 The Commission will specify the information required, the manner in which the information must be presented and the date for submission to its office.

4.11. Access to the Register (Reg. 27)

- 4.11.1 The Commission shall notify the public of the availability of the Register for inspection. This may be done by the publication of a Notice in the Gazette, a local newspaper, on the Commission's website or any other medium deemed appropriate.
- 4.11.2 The Notice must disclose the parts of the Register that will be available for inspection, the fee that would be required to facilitate inspection, the times at which inspection is convenient and the availability of the Register on the Commission's website.
- 4.11.3 Guidelines to the public inspection process have been presented in Module 1.

4.12. Interconnection Dispute Resolution (Reg. 28-30)

- 4.12.1 Where an Interconnection provider and an interconnecting operator are unable, after having negotiated in good faith for a reasonable period, to agree on the terms

and conditions of an interconnection agreement, either party may request the assistance of the Commission to resolve the dispute.

- 4.12.2 When a complaint has been referred to the Commission, it shall take steps to resolve the dispute as promptly as possible, and to the extent possible, preserving any agreements between the parties on matters not in dispute

Role of the Parties to a Dispute

- 4.12.3 The complaining party shall submit to the Commission a clear and reasoned statement of the issues in dispute, as well as any issues on which there is agreement.

- 4.12.4 The respondent shall reply to the complaint within 30 days and shall state the reasons for its position including any statutory or regulatory justification for that position.

Dispute Resolution Options

- 4.12.5 The Commission will respond to a request for assistance by taking the following actions.

- (i) Attempt to resolve the matter through an informal consultation process - in this role, the Commission will bring the parties together to facilitate an agreement, bearing in mind that ultimately, in the absence of an agreement between the parties, the Commission will decide the matter in the public interest. The first attempt to achieve agreement would normally be conducted informally.
- (ii) If agreement cannot be reached, the Commission may
 - (a) Direct the parties to commence or continue negotiations. This approach would be used where the Commission may conclude that the parties may not have been negotiating effectively, or where the Commission believes that a resolution is possible, given circumstances that it might provide the parties as suggestions for their continued negotiations. This latter step would only be taken when it is possible that the parties could reach an agreement with an additional time frame.
 - (b) Appoint a mediator to the dispute – in case the matter cannot be resolved through the negotiating process, the Commission may choose to appoint a mediator, following the process outlined in the Dispute Resolution section of this manual; or

- (c) Act as arbitrator of the dispute – The Commission will request that the parties present their arguments and upon the review of the documents the Commission renders a binding decision.

4.12.6 Where the Commission appoints a mediator, it may direct the payment of the mediator's reasonable costs and expenses by the parties to the dispute.

4.12.7 Where the parties cannot agree on a date upon which to commence negotiations, the Commission shall be empowered to compel the parties to commence negotiations by a prescribed date, and the Commission may set a time limit within which negotiations on interconnection are to be completed, including the steps to be taken if the negotiations fail.

Arbitration by the Commission

4.12.8 When acting as an arbitrator, the Commission shall attempt to achieve a fair balance between the interests of the parties and have regard for the following:

- (a) Whether the proposed ruling promotes the long-term interests of consumers of telecommunications services in St. Lucia;
- (b) The interests of persons who have rights to use the telecommunications networks concerned; and
- (c) The economically efficient operation of a telecommunications network or the provision of a telecommunications service.

4.13. Disconnection of Networks (Reg. 31)

4.13.1 Parties to an interconnection agreement shall not partially or totally disconnect their networks, except

- (i) for circumstances included in r. 17 of the Telecommunications (Interconnection) Regulations, that is
 - (a) there is conduct that is illegal or interferes with the obligations of the telecommunications provider, under the relevant licence, Act or Regulations;
 - (b) interconnection is no longer technically feasible;
 - (c) there are health or safety problems;
 - (d) there are constraints as it pertains to the availability of space;

- (e) there are circumstances that pose an unreasonable risk to the integrity or security of the network or services of the telecommunications provider, from whom the sharing arrangement is requested; or
 - (f) it is necessary to deal with a material degradation of the telecommunications network or services.
- (ii) for circumstances included in the interconnection agreement and agreed to by the parties, and
 - (iii) in any other circumstance when the Commission decides that it would be fair and just to do so.

4.13.2 In the event that the interconnecting parties both agree to partially or totally disconnect their networks, the Commission shall be informed within 10 days of the proposed date for disconnection. The parties would also be required

- (i) To confirm that partial or total disconnection is the only viable option to address the problems identified,
- (ii) To identify how users of one or both of the networks would be affected by the disconnection;
- (iii) To identify any interim measures that could be instituted to minimize any negative effects on users of one or both networks;
- (iv) To include the steps that would be implemented to remedy the problems that necessitated the disconnection, and
- (v) To include the time frame within which network connection could be restored.

4.13.3 The Commission would also require that parties inform users of their network of the partial or total disconnection, especially if they will be adversely affected by that action.

Dispute between Parties as to Partial or Total Disconnection

4.13.4 In the event that there is a dispute between parties of an existing interconnection agreement, which might result in the partial or total disconnection of a network and upon being informed of the dispute in writing by one of the parties, the Commission will conduct an investigation into the matter.

4.13.5 To facilitate resolution of the dispute, the Commission can follow the process described in paragraph 4.12. However, in the event that the intervention of the Commission is deemed urgent by the parties, and specifically if the grounds for

- the proposed disconnection of the networks are in keeping with sub-paragraph 4.13.1, the Commission may invite the parties to a meeting whereby the matter will be discussed and possible resolutions attained.
- 4.13.6 If the parties are unable to settle the dispute at the meeting, the Commission must make a decision on the dispute, including, if it is deemed appropriate, the partial or total disconnection of the relevant network.
- 4.13.7 If the Commission makes its determination at the time of the meeting, the parties will be informed of the decision, and a hard copy will be issued within 10 days. The letter accompanying the decision must disclose the date on which any disconnection will be made and the actions that must be taken by the parties.
- 4.13.8 If the Commission is unable to make a decision at the time of the meeting, it will provide a written decision to the parties within 10 days of the meeting.
- 4.13.9 Where the Commission needs assistance in making its decision, the advice and recommendations of ECTEL shall be solicited. For that purpose, a copy of the complaint, the minutes of the meeting and any other supporting documents will be forwarded to the ECTEL Directorate.
- 4.13.10 Upon receiving ECTEL's advice and recommendations, the Commission will make a decision and inform the parties of its decision, the date of any disconnection ordered, and any actions that must be taken by the parties.

4.14. Infrastructure Sharing (*Reg. 33*)

- 4.14.1 A telecommunications provider when requested is obliged to provide infrastructure sharing arrangements to another telecommunications provider, except where such arrangements:
- (i) Are illegal or incompatible with the obligations of the telecommunications provider, under the relevant licence, Act or Regulations;
 - (ii) Are not technically feasible;
 - (iii) Create health or safety problems;
 - (iv) Require space that is unavailable; or
 - (v) Pose an unreasonable risk to the integrity or security of the network or services of the telecommunications provider from which the sharing arrangement is sought.

4.14.2 In cases of disagreement over infrastructure sharing requests, the Commission may intervene and exercise those procedural and substantive powers and procedures describe in Section 4.12 for interconnection disputes.

Intervention by the Commission (Reg. 34)

4.14.3 The Commission must be informed in writing of a dispute pertaining to infrastructure sharing and/or co-location by one of the parties.

4.14.4 In the case where only one party has filed a complaint, the Commission, in written format must inform the other party, and provide that party with a copy of the complaint and request a report in response to the complaint within 30 days of receiving notification.

4.14.5 Where both parties have made complaints, the Commission must request reports in response from each party.

4.14.6 The parties will be informed of the Commission's intention to conduct its own investigation into the matter. The dispute resolution procedure described in subparagraphs 4.12.3 to 4.12.8 would be followed in such cases.

4.14.7 The Commission's decision (and the final outcome of the dispute resolution proceedings) will be published in the Gazette and a local newspaper.



Procedures Manual

Module 5: Terminal Equipment and Public Networks

LPM5/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

Module 5: Terminal Equipment and Public Networks

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Annexes

Annex V-A: Application Form for Type Approval

Annex V-B: Schedule of Type Approvals that would be Recognised by the Commission

Annex V-C: Telecommunications Inspection Form for Customs Purposes

Annex V-D: Registration Form for Terminal Dealers and Suppliers of Telecommunications Equipment

Module 5: Terminal Equipment and Public Networks

5.1 Scope

5.1.1 This module will describe procedures that have been established based on the Telecommunications Act 2000, Telecommunications (Terminal Equipment and Public Network) Regulations, 2002, and the Telecommunications (Terminal Equipment and Public Network) (Amendment) Regulations, 2003. Specifically, the module describes procedures for

- (i) type approval,
- (ii) the importation of telecommunications equipment, and
- (iii) terminal equipment and terminal supplier registration.

5.2 Type Approval

5.2.1 A person shall not install, sell for use or use any item of telecommunications equipment in Saint Lucia, unless the Commission grants a certificate of type approval in respect of such equipment.

5.2.2 Items of equipment that require type approval include, but are not limited to:

- (a) Cellular, cordless, wired telephone sets and GSM telephones;
- (b) Fax Machines;
- (c) Mobile radios;
- (d) Modems;
- (e) Wireless remote devices;
- (f) PABX's (including small business and key systems);
- (g) Pagers;
- (h) Radio receivers and transmitters;
- (i) Satellite earth stations;
- (j) Telecommunications switching equipment;
- (k) Telex equipment;
- (l) Other equipment emitting radio signals;

- (m) Any other customer premises equipment to be attached to any part of a licensed telecommunications network.

5.2.3 The Commission shall grant certificates of type approvals to the manufacturers of telecommunications equipment, to signify compliance of their equipment with national and/or regional telecommunications standards.

5.2.4 Once a type approval is issued for a given piece of equipment, no further approvals would be required, if the same model is employed in future importations to Saint Lucia.

5.3 Application for Type Approval (Reg. 6)

5.3.1 A manufacturer (or its agent) wishing to obtain type approval in respect of any equipment must present to the Commission:

- (i) a completed application form, a copy of which is included in as Annex V-A to this module and is available at the NTRC website;
- (ii) the prescribed fees, as detailed on the application form and in the Fees Module; and
- (iii) all relevant literature concerning the equipment including technical specifications as prescribed by the Commission after consultation with ECTEL;
- (iv) any documentation disclosing a grant of approval by another Contracting State and/or other recognised organizations, as specified in the annex to this module; and
- (v) a sample of the equipment, if requested.

5.4 Type Approval Application Review Process

Recognition of Type Approval Granted in Other Jurisdictions

5.4.1 The Commission may recognize type approvals granted by other Contracting States or other recognised organizations, and will consult with ECTEL in respect of such matters from time to time.

5.4.2 The Schedule attached as Annex V-B provides a list of recognized type approvals to which this process applies.

5.4.3 Although the Commission shall recognize type approvals that have been granted by the other Contracting States or by other recognized agencies, the applicant is still required to supply all supporting technical details on the equipment for which type approval is requested and a certified copy of the certificate of type approval granted by the other Contracting States or recognized agencies.

Application Process

- 5.4.4 Upon receipt of an Application for Type Approval, the Commission shall:
- (i) Issue a receipt in respect of the application fees paid.
 - (ii) Send an acknowledgement of receipt of the application.
 - (iii) Conduct a preliminary review of the application to ensure that all sections of the application have been completed and that all stated supporting documents have been supplied. If the application is deemed complete, it shall initiate its formal review process.
 - (iv) If omissions have been identified in the application as submitted, notify the applicant and specify a deadline to supply outstanding information.
 - (v) When the deadline for receipt of outstanding information has lapsed, promptly initiate its review procedure.
- 5.4.5 When necessary and especially if there are questions as to the conformity of the equipment to national and/or regional standards, the Commission will forward the application to ECTEL for its recommendations. ECTEL should perform the review process within a 30-day period in light of the fact that the Commission shall respond to the applicant within 6 weeks of receipt of the application.

Type Approval not Granted by a Recognised Agency

- 5.4.6 Any equipment which has not been approved by recognized organizations outside Saint Lucia must be tested against applicable standards.
- 5.4.7 Those standards are being developed by ECTEL, who will eventually be responsible for conducting the necessary testing. If the sample provided passes the relevant tests, a Certificate of Type Approval will be granted to the equipment, in most cases within the 6-week time frame.

Extension of Time Required

- 5.4.8 In cases where an extension of the time period to process the application is required, the Commission shall inform the applicant by letter. In accordance with Regulation 8, the Commission may extend the review period by up to 6 weeks.
- 5.4.9 For network applications for switches over 1000 points and high capacity microwave equipment, the review process can take up to 3-months without an extension period.

Substantive Changes to the Equipment

- 5.4.10 Where substantive changes have occurred in the models, design or technical specifications in respect of equipment that has been granted type approval by the Commission, such equipment must be submitted for fresh approval in respect of the new design.

5.5 Type Approval Fees

- 5.5.1 Unless, otherwise specified in the legislation, upon receipt of a type approval application, the Commission shall compute the applicable fee and forward an invoice to the applicant within 30 days and the applicant shall remit the required fee within 30 days of receipt.
- 5.5.2 Where an applicant fails to remit the necessary fees in the time frame specified, the Commission may terminate any provisional approval it may have granted by written notice to the applicant.

5.6 Provisional Type Approval

- 5.6.1 The Commission may grant Provisional Type Approval as an interim mechanism in the approval process. The grant of Provisional Type Approval would indicate that most of the requirements for the grant of full Type Approval have been met, but there are matters still outstanding which the applicant is required to address.
- 5.6.2 The Commission might consider granting Provisional Type Approval when the following circumstances exist:
- (a) When equipment is shown to have been type approved in other recognized jurisdictions and by other recognized agencies, but the application requirements have not been fully satisfied; and

- (b) The application filed with the Commission is substantially complete, but there is information still outstanding;
- 5.6.3 When Provisional Type Approval is granted, the Commission will specify a time frame within which the applicant would be required to remedy the circumstances that led to the grant of Provisional Type Approval.
- 5.6.4 In the event that the applicant has been granted Provisional Type Approval but is unable to supply the required information to facilitate grant of full type approval by the deadline date specified by the Commission, the applicant may request, within 7 days of the deadline date, that the deadline be extended by a period not exceeding 30 days.
- 5.6.5 Should the applicant fail to provide the required information within the effective time frame of Provisional Type Approval, the Commission will immediately cancel the Provisional Type Approval. The applicant would therefore need to re-apply for type approval, using the procedures stated in paragraph 5.4.
- 5.6.6 Unless otherwise specified, the applicant is not allowed to install, sell for use or use the item of telecommunications equipment for which Provisional Type Approval has been granted by the Commission, in Saint Lucia.

5.7 Exemptions

- 5.7.1 The following items, when so certified by the Commission, may be exempt from type approval procedures:
 - (a) cable for sale and installation of inside wiring, and
 - (b) household appliances.
- 5.7.2 To determine whether or not to exempt the items identified in sub-paragraph 5.7.1 from the type approval procedures, the Commission will take into consideration the items listed in sub-paragraph 5.2.2 to ensure consistency.
- 5.7.1 The Commission will publish by notice a list of the equipment that it has certified as being exempted from type approval procedures.

5.8 Grant of Type Approval

5.8.1 In the event that the equipment conforms to all established standards and all relevant documentation has been supplied, the Certificate of Type Approval could be issued within 7 days of ratification by the Commission.

Type Approval Register

5.8.2 The Commission will maintain a Register of Type Approved Equipment comprising the following parts:

(i) Part I will contain a list of all equipment that has been type-approved by the Commission, and will include the following information:

- (a) Equipment Type,
- (b) Manufacturer,
- (c) Model Number,
- (d) Equipment Description,
- (e) Effective Date for Type Approval, and
- (f) Reference for Certificate of Type Approval.

(ii) Part II of the Register will contain the Certificate of Type Approval issued by the Commission and supporting documentation for the certificate, as might be pertinent.

(iii) Part III of the Register will contain a list of all equipment that the Commission has exempted from the type approval procedures, and will include the following information:

- (a) Equipment Type,
- (b) Manufacturer,
- (c) Model Number,
- (d) Equipment Description, and
- (e) Date of exemption.

5.8.3 The Register would be available for public inspection, as detailed in Module 1.

5.9 Importation of Equipment

5.9.1 A person shall ensure that the importation of radio equipment, customer premises equipment or other terminal equipment

- (a) does not damage or endanger the telecommunications network,
- (b) shall comply with the procedures relating to the type approval of equipment as set out in the Regulations, and
- (c) that he/she is licensed to operate and/or to be in possession of that equipment,

5.9.2 In addition to sub-paragraph 5.9.1, when the importer is a supplier of telecommunications equipment, the importer will ensure that when applicable, equipment is sold only to persons in possession of a valid telecommunications licence.

Inspection at Port of Entry

5.9.3 The Commission shall provide the Comptroller of the Customs & Excise Department with the following information to enable the Customs & Excise Department to identify the telecommunications equipment for which clearance has to be granted and to direct the operator appropriately:

- (a) a list and description of equipment for which type approval has been granted, and
- (b) a list of the persons licensed and/or registered under the Act, and the scope of the licences as it pertains to the importation of telecommunications equipment,

5.9.4 For inspection and record-keeping purposes, the Customs Officer may open the equipment packages to note the specifications and details of the equipment to determine conformity with the national and/or regional standards.

5.9.5 Once satisfied that approval for the release of the equipment is required from the Commission, the Customs Officer will provide the importer with the *Telecommunications Inspection Form for Customs Purposes*, which has been included as Annex V-C to this module.

When Clearance Authorisation is Required from the Commission

5.9.6 The importer is required to complete the *Telecommunications Inspection Form for Customs Purposes* in duplicate and submit it to the Office of the Commission for approval.

- 5.9.7 The Commission will review the completed form and if necessary, it might request additional details on the equipment.
- 5.9.8 Provided that the conditions listed in sub-paragraphs 5.9.1 and 5.9.2 have been satisfied, the Commission can approved the form within 5 days.
- 5.9.9 In urgent circumstances, the operator may visit the office of the Commission to request expedited approval, which would be granted at the discretion of the Commission.
- 5.9.10 Upon approval of the *Telecommunications Inspection Form for Customs Purposes* by the Commission, the importer can clear the telecommunications equipment upon its arrival in Saint Lucia, or return to the Customs & Excise Department to continue clearance of the detained equipment.

If use of the equipment requires a licence, but the importer (or user) is not licensed

- 5.9.11 If the importer (or user) does not have the requisite telecommunications licence to permit the use of identified equipment, the importer would be required to apply for the licence and to satisfy those requirements before the Commission approves the release of the equipment, if it has already been imported and is being detained by the Customs & Excise Department.

If there is need for a licence during efforts to clear equipment from Customs

- 5.9.12 Where the operator does not possess the requisite licence, the Customs Officer must direct him/her to the office of the Commission where the required application form can be obtained. The importer shall return to Customs to obtain clearance of the equipment upon the grant of a licence, and any other approvals that must be issued by the Commission.

5.10 Registration of Suppliers of Terminal Equipment and Related Services

- 5.10.1 A person who wishes to:
- (a) Provide maintenance, repair services, reticulation and any related installations at customer premises; or
 - (b) Supply items of terminal equipment such as fax machines, PABXs or telephone sets shall register with the Commission.

- 5.10.2 The applicant must present the Commission with
- (i) a completed registration form, the template of which has been supplied in the Annex V-D to this module,
 - (ii) documented proof of competence (certificate, etc.) to provide the services specified,
 - (iii) the prescribed registration fee.
- 5.10.3 If requirements are satisfied, the Commission will approve registration and enter the name of the provider on the Register of Suppliers of Terminal Equipment and Related Services.
- 5.10.4 The Commission may issue a registration card to technicians or other authorized persons connected with installation, maintenance and repair services.

Maintenance of the Register

- 5.10.5 The Commission shall maintain a Register of Suppliers of Terminal Equipment and Related Services, which shall be available for inspection by the public, as prescribed in Module 1.
- 5.10.6 The Register shall include the following information:
- (a) name of registrant,
 - (b) contact details of registrant,
 - (c) registered services, and
 - (d) service area.
- 5.10.7 The Register will be updated at least annually, and persons who have not maintained good standing with the Commission will be struck off the Register.

5.11 Renewal of Registration

- 5.11.1 One month prior to the expiration of registration with the Commission a person shall apply for a renewal of its registration. This application shall comprise the renewal form in the annex, the renewal fee stipulated in the Telecommunications Fees Regulations, and a report covering the year of registration providing details on the following:
- (a) a list of consumers and the equipment sold to those customers, when use or possession of the equipment requires a licence,

- (b) a list of all telecommunications equipment imported into Saint Lucia and sold by the registrant, and
- (c) a summary of any complaints, if any, by consumers on the telecommunications equipment sold, installed and/or repaired by the registrant.

5.11.2 Prior to granting the renewal of registration, the Commission will verify the supplier's performance and might contact the supplier's customers for reviews on the equipment and services provided.

5.11.3 Upon confirmation of satisfactory performance by the supplier for the year of registration, the Commission shall renew the registration of the supplier.

Poor Performance by the Supplier

5.11.4 A poor performance report will cause the Commission to write to the supplier indicating its findings and inviting the supplier to respond to the findings within 30 days, and if applicable include the steps that it intends to take to remedy the problems/shortcomings identified.

5.11.5 Upon receipt of the supplier's response, the Commission may choose, depending on the gravity of the shortcomings,

- (a) to renew the supplier's registration with a caution, or
- (b) to refuse to renew the registration and strike the supplier off the register.

Renewal of Supplier's Registration with a Caution

5.11.6 The Commission might be inclined to renew a supplier's registration with a caution, when the infractions have been minor, and/or when remedial action presented by the supplier under sub-paragraph 5.11.4 is deemed acceptable.

Refusal to Renew Registration and Strike Off the Register

5.11.7 The Commission might choose not to renew a supplier's registration and to strike the supplier off the Register if, among other things,

- (a) the supplier has not satisfied the requirements for renewal of registration,
- (b) the supplier is in breach of other provisions of the legislation,
- (c) poor quality of work is being supplied, either not to the specified standards, or can cause damage to the network, property or persons, or
- (d) the supplier is not prepared to decisively correct the problems identified.

5.11.8 For persons struck off the register, they would be required to re-apply for registration to the Commission. They will however, still be required to address the problems that had been identified prior to being struck off the register.

5.12 Directives to Suppliers (Reg. 25)

5.12.1 When the Commission receives a written complaint about a supplier from a consumer or provider, the Commission will inform the supplier of the complaint and of its intention to investigate. The Commission will also request that the supplier provides a response (in respect of the complaint) within 10 days.

5.12.2 The Commission's Technical Officer/Inspector will investigate the matter and prepare a report which must be completed and presented to the Commission within 28 days of receiving the supplier's report.

5.12.3 In written format, the Commission will inform the supplier, consumer or provider of its findings and the outcome of its deliberations.

5.12.4 If the Commission deems that the supplier needs to take corrective action, Commission must specify the course of action to be taken and a time frame of no more than 30 days for compliance.

Non-Compliance by Supplier

5.12.5 Upon the expiration of the compliance period, the Commission's Technical Officer/Inspector must confirm whether or not the supplier has taken the necessary steps as directed by the Commission. In the event that there is non-compliance, the Commission will write to the dealer granting him a further 5-day period to act upon the directive.

5.12.6 In the event that the dealer has still failed to act on the directive, the Commission will consider, based on the factors stated in sub-paragraphs 5.11.5, 5.11.6 and 5.11.7, striking the supplier off the register.

5.12.7 The Commission may also choose to inform the Minister of the situation, depending on its gravity, since there might be implications on other licences that might be held by a supplier. It might therefore advise/recommend the suspension or revocation of the other licences held by the supplier.

Class Licence(s) Application Form – Type B
Under section 33.1 of the Telecommunications Act 2000

St. Lucia

Please tick as appropriate:

Type Approval

National Telecommunications Regulatory Commission
NTRC Secretariat
Vide Bouteille
P. O. Box GM 690
Castries
St. Lucia

Guidance Notes

- This application form can be used for first issue and renewal of licences.
- Three (3) copies of the completed application form should be submitted in an envelope clearly marked “Type Approval Application” addressed to the Secretary, National Telecommunications Regulatory Commission, P. O. Box GM 690, Castries, St. Lucia.
- **For equipment that has obtained Type Approval, either by a recognized agency or in one of the ECTEL States**, the completed application form must be accompanied by a fee of Thirty-five Eastern Caribbean Dollars (EC\$ 35.00), per application form, payable to the National Telecommunications Regulatory Commission, St. Lucia
- **For equipment has not been previously type approved**, the completed application form must be accompanied by a fee of Five Hundred Eastern Caribbean Dollars (EC\$ 500.00), per item, payable to the National Telecommunications Regulatory Commission, St. Lucia.
- For renewal of registration, please attach a copy of the present or existing registration to the completed application form.
- Please indicate which, if any, information provided by the applicant in this application is confidential.
- Please note that any word, phrase or expression used herein shall have the same meaning as it has in the Telecommunications Act 2000.

1. PART 1 – The Applicant

(Please complete fully in type or block letters)

1.1 Contact Details

1.1.1 Name and address of applicant

1.1.2 (a) Licence No:- _____ (b) Handle _____

1.1.3 Designated contact person:

1.1.4 Telephone number

1.1.5 Fax Number

1.1.6 Email address

1.1.7 Website

1.1.8 If the licence is required for a (registered) business

(a) State whether the applicant is a company, partnership, sole proprietorship

(b) Please supply the business's registration number :

1.1.9 If question 1.1.8 does not apply, and a licence is being applied for personal use, please answer the following questions:

(a) Date of Birth: _____ Age on last birthday: _____

(b) Nationality _____

(c) Registration Number of Identification Card: _____

(d) Passport Number: _____

(e) Occupation: _____

2 PART II – Technical Details

2.1 Select the following options as appropriate:

Type Approval has been granted by the ECTEL States

Countries: _____

Type Approval has been granted by recognized international standards agencies

Agencies: _____

New Type Approval requested: equipment has not undergone any Type Approval process

2.2 Details of the purpose for which equipment is intended to be used

LIST OF EQUIPMENT FOR WHICH TYPE APPROVAL IS SOUGHT

#	Description	Make	Model	Serial No	Country of Import	Country of Origin	Year of Manu.	Type Approval Ref	
								Agency	Ref. No

PART III - DECLARATION¹

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 This declaration must be signed:

in the case of an **individual**, by the person in whose name the application is made;

in the case of a **sole proprietorship**, by the sole proprietor

in the case of a **partnership**, by a partner; or

in the case of a **company or other body corporate**, by a director, company secretary or other authorised officer.

Annex V-B: Schedule of Type Approvals that will be Recognised by the Commission¹

- 1) AMPS cellular equipment – FCC Part 68, other US and Canadian Law sections; Facsimile machines that are certified to be in conformity with the technical requirements of Parts 15 and 68 of the Regulations of the US Federal Communications Commission and the related radiation performance standards found in Title 21, chapter 1, subchapter j; of the United States Code of Federal Regulations;
- 2) PABX and related equipment that is certified to be in conformity with the technical requirements of Parts 15 and 68 of the FCC Regulations and related Canadian technical standards for electromagnetic interference, including ICES – 003 Class B;
- 3) TDMA cellular equipment – FCC Part 68, other US and Canadian Law sections;
- 4) GSM Cellular Equipment – FCC Part 68, other US, Canadian Law Sections;
- 5) European Telecommunications Standards Institute (ETSI) Definitions Rules and Decisions.

¹ Source: Telecommunications (Terminal Equipment and Public Network) Regulations, 2002.

TELECOMMUNICATIONS INSPECTION FORM FOR CUSTOMS PURPOSES

THIS IS TO CERTIFY THAT THE TELECOMMUNICATIONS EQUIPMENT SPECIFIED BELOW HAVE/HAVE NOT MET ALL REQUIREMENTS OF THE MINISTRY OF COMMUNICATIONS, WORKS, TRANSPORT & PUBLIC UTILITIES AND HENCE MUST BE CLEARED/FURTHER DETAINED/SEIZED BY THE CUSTOMS AND EXCISE DEPARTMENT.

NOTE: THIS FORM DOES NOT PRECLUDE THE SATISFACTION OF ALL REGULATIONS OF THE CUSTOMS AND EXCISE DEPARTMENT BY THE IMPORTER.

Please Print

SECTION "A" – PARTICULARS OF IMPORTER	
NAME	
ADDRESS	
P O BOX	TEL #

SECTION "B" – PARTICULARS OF EQUIPMENT				
Equipment Type	Manufacturer	Model	Serial Number	FCC/DOC I.D.

SECTION "C" – FOR OFFICIAL USE ONLY		
CUSTOMS DETENTION DOCUMENT NUMBER.....		
..... INSPECTION DATE INSPECTION OFFICER CUSTOMS AGENT
..... WIRELESS OFFICER DATE OFFICIAL STAMP

ST. LUCIA NATIONAL TELECOMMUNICATIONS REGULATORY COMMISSION
TERMINAL EQUIPMENT SUPPLIER REGISTRATION FORM

PLEASE COMPLETE ALL SECTIONS

Please indicate: First Time Registration Renewal

1. PART I - APPLICANT

1.1 Contact Details

1.1.1 Name and business address of applicant

1.1.2 Contact person _____

1.1.3 Telephone _____

1.1.4 Fax _____

1.1.5 E-mail _____

1.1.6 Web address _____

1.2 Business Details

1.2.1 Type of Business of Applicant

- Sole Trader Limited Liability Company
- Partnership Public Liability Company

Other _____

1.2.2 Name under which applicant proposes to trade.

1.2.3 If newly established business, please provide date by which operations are to commence.

Day / Month / Year

1.2.4 Please state the nature of your business.

2. PART II - TECHNICAL DETAILS OF EQUIPMENT

2.1 Types of equipment to be supplied: -

- Cellular telephones;
- Cordless telephones;
- Fax machines;
- GSM telephones;
- Mobile radios;
- Modems;
- Wireless remote devices;
- PABXs (including Small Business Systems and Key Systems);
- Pagers;
- Radio receivers;
- Radio transmitters;
- Satellite earth stations;
- Telecommunications switching equipment;
- Telephone instruments;
- Telex equipment;
- Other equipment emitting a radio signal (*please provide details below*);
- Any other customer premises equipment to be attached to any part of a licensed telecommunications network (*please provide details below*)

2.2 Specification of Equipment – (*A separate page of this table has been provided to enable additional entries.*)

Type of Equipment	Name of Manufacturer	Brand Name	Model No.	Serial No.	Year of Manufacturer	Certification Body & Identification Number

2.3 Please indicate whether your company has been in receipt of any certificates designating it as a supplier of terminal equipment.

Certificate Number	Issuing Authority	Relevant Standard

2.4 Please state the geographical areas in which you intend to trade:

2.5 Please state office addresses of these geographical locations

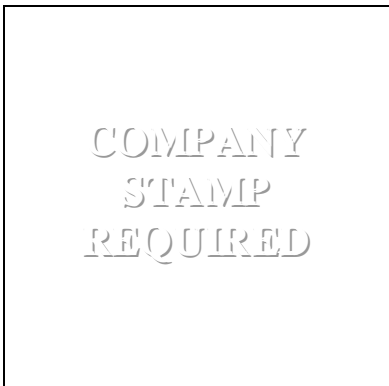
3. PART 111 – SUPPLEMENTARY DOCUMENTATION

Documents submitted: -

- Cash or cheque of an application fee of \$25.00EC payable to the “National Telecommunications Regulatory Commission”
- Photographs or product brochures showing the appearance of the equipment;
- Certified copy of Certificate of Business Name Registration or Certificate of Incorporation
- Certified copies of any other relevant certificates
- Copy of customer agreement contract (if applicable);

4. PART IV – DECLARATION OF APPLICANT

*[I / We] hereby declare that the information and documents presented by *[me / us] in this registration form are to the best of *[my / our] knowledge true and correct.



Signature of Applicant(s): _____

Date: _____

Type of Equipment	Name of Manufacturer	Brand Name	Model No.	Serial No.	Year of Manufacturer	Certification Body & Identification Number



Procedures Manual

Module 6: Private Telecommunications Networks

LPM6/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Module 6: Private Telecommunications Network

6.1 Scope

6.6.1 This module present specific procedures as it pertains to the licensing of Private Telecommunications Network, and uses the Telecommunications (Private Network Licensing) Regulations, 2002 as its primary reference.

6.2 Licence Applications (Reg. 5)

6.2.1 Person wishing to establish a private telecommunications network are required to apply for a licence under the Act, and to complete the Class Licence Type A application forms and application process as stated in Module 3: Licensing Process.

6.2.2 In the event that the private telecommunications network will require use of specified frequencies or bands of frequencies to secure connectivity on the network and especially if those frequencies need to be dedicated for the exclusive use of that network, an Application for Frequency Authorisation must be completed and submitted to the Commission, in keeping with Module 3.

6.2.3 In addition to the satisfying the requirements when applying for a Private Telecommunications Network Licence, as described in Module 3, Licensing Process, the applicant must submit a written statement that discloses the desired date by which operations of the private telecommunications network would commence, which shall be at least 30 days after the date of that the application(s) is (are) filed with the Commission

6.2.3 The statement must be signed by:

- (a) an officer if the applicant/prospective licensee is a member of an unincorporated association; or
- (b) an officer or duly authorised employee if the applicant/prospective licensee is a company or other business entity; or
- (c) one of the partners if the applicant/prospective licensee is a partnership;
- (d) or the applicant/prospective licensee personally if it is an individual.

6.2.4 The Commission shall consider the statement in conjunction with the applications before it. Should it decide to forward a positive recommendation to the Minister

for the grant of a Private Network Licence to the applicant, it will inform the Minister of the applicant's desired launch date, which could be appropriately reflected in the licence.

- 6.2.5 Should it not be possible to process the application and submit the recommendation to the Minister in time to meet the proposed launch date, the Commission will inform the applicant and recommend that the proposed launch date be revised.

6.3 Procedure for Amended Information (Reg. 6)

- 6.3.1 Prior to effecting a major change to its private network operation, which differs substantially from the descriptions given in its licence and/or frequency authorisation applications, the licensee must prepare a new statement in which the information about the change in operations is included. This statement must be submitted to the Commission within 30 days of changing operations.
- 6.3.2 Within the 30-day period subsequent to receiving the revised statement, the Commission will acknowledge receipt. It will review the proposed changes to ensure that it is in keeping with the legislation and terms and conditions stated in the licence and/or frequency authorisations.
- 6.3.3 If the Commission is satisfied that the proposed changes would be in keeping with all legal provisions, the Commission will issue a no-objection statement to the licensee for the proposed action, with 21 days of receipt of the statement, and will notify the Minister.

Major Changes Require Amendment to Licence or Frequency Authorisation

- 6.3.4 If the proposed major change would affect the terms of the licence or frequency authorisation as issued, the Commission will communicate that implication to the licensee, and indicate to the licensee that it cannot proceed with the changes until further advised.
- 6.3.5 The Commission will consult with ECTEL to determine whether the desired changes can be permitted. If it is agreed that the changes can be allowed, the Commission will write to the Minister to recommend that the licence and/or frequency authorisation be amended to reflect the proposed change.
- 6.3.6 If the proposed change cannot be allowed, the Commission will write to the licensee informing it of that position, and if possible recommend alternatives that could be considered.

Commission Concerned about the Implications of the Proposed Changes

- 6.3.7 Should the Commission be concerned that by introducing the proposed changes that the licensee would be in breach of the Act, licence, frequency authorisation or adversely affect the operations of other licensees or the public at large, it will write to the licensee stating its concerns within 14 days of receipt of the revised statement.
- 6.3.8 The licensee will respond to the Commission's concerns within 7 days of receipt of the Commission's communication.
- 6.3.9 Upon receipt of the licensee's response the Commission will then consult with ECTEL and the Minister on the matter to arrive at a decision. This decision would then be communicated to the applicant with an opportunity given for a response.

Updates of Licensing and Technical Information

- 6.3.10 The licensee must present to the Commission a declaration on the anniversary date of the submission of the original statement/application, specifying the truth and accuracy of the information. The declaration should contain information on the description of the network and its operations, technical specifications of equipment and any alterations/modifications made to equipment.

6.4 Monitoring and Inspections of Private Telecommunications Networks

- 6.4.1 In keeping with its monitoring duties and to ensure that licensees provide updated information on any change in their operations and comply with the requirements of the legislation and their licences, the Commission will conduct regular monitoring, at least twice a year, of existing private telecommunications networks.
- 6.4.2 Inspections conducted on a licensee's compound will be carried out at least once a year by the Commission's Technical Officer/Inspector and will be effected on the licensee at reasonable times during the business day or other mutually satisfactory times.
- 6.4.3 The Technical Officer will conduct the inspection on the licensee's premises in the company of a representative of the licensee. At the end of the exercise, the representative will attest to the findings of the inspection

Impromptu Inspection

- 6.4.4 Notwithstanding sub-paragraph 6.4.2, the Commission can direct its Technical Officer/Inspector to carry out an impromptu inspection.

Outcome of the Monitoring/Inspection Exercise

- 6.4.5 Upon completing the inspection, the findings of the inspection will be formally communicated to the licensee.
- 6.4.6 If there are matters that require correction, the licensee would be invited to respond within 14 days and provide the steps that it intends to take to remedy the problems identified.

Problems Result in Breach of the Act

- 6.4.7 If the problems identified have resulted in the breach of the Act or the licence, depending on the gravity of the infractions, the Commission may opt to follow sub-paragraph 6.4.6 and to inform the Minister. Alternatively, the Commission might opt to recommend to the Minister the suspension or revocation of the licence.

Unauthorised Major Change in Operation

- 6.4.8 Any indication of a major change in operation, which has not been brought to the Commission (paragraph 6.3), will cause a letter to be served on the licensee demanding the production of details on the changes made. The letter will indicate the deadline date for submission, which would be no more than 7 days from receipt of the Commission's letter. It will also be clearly communicated that the licensee has failed to comply with the provisions of the Telecommunications (Private Network Licensing) Regulations, 2002.
- 6.4.9 The Minister will be notified of the breach and the Commission will recommend the suspension/revocation of the licence.

6.5 Limits to Disclosure (Reg. 7)

- 6.5.1 The Commission will maintain a list of individuals or entities licensed to establish and operate private networks, which will be part of the Licensing and Frequency Authorisation Register (Module 3), and will be available for public inspection, as prescribed in Module 1.
- 6.5.2 Also included in the Licensing and Frequency Authorisation Register would be information on major changes that have been undertaken by a licensee, which the

licensee would have been required to file with the Commission, in keeping with regulation 6 of the Telecommunications (Private Network Licensing) Regulations, 2002, and paragraph 6.3.

- 6.5.3 Save and except what is deemed confidential, the Commission shall make the list and other documented information on the licensee available for public inspection.

6.6 Notice of Violation (Reg. 14)

- 6.6.1 If a party wishes to file a complaint relating to an alleged violation of the Act or Regulations by a licensee holding a private telecommunications network licence, he/she shall file such complaint with the Commission in writing.

- 6.6.2 The Commission, if after a cursory review of the complaint believes that there is merit to pursue the complaint, will, in written format, inform the licensee of the alleged violation and direct that an explanation be furnished to the Commission within 7 days of receipt of the Commission's letter.

- 6.6.3 The Commission shall forward to the complainant a copy of the explanation provided. The complainant shall have up to 5 days to respond to the explanation provided.

Satisfactory Explanation Provided

- 6.6.4 On receiving a satisfactory explanation from the licensee which clearly refutes allegations of a breach of the Act or its licence, and a response from the complainant to the explanation provided, the Commission will in writing inform the licensee and the complainant that the allegations would not be pursued.

Unsatisfactory Explanation Provided

- 6.6.5 In the cases where the Commission is not satisfied with the explanation provided or it still appears that the licensee is in violation of the Act or licence, the licensee will be informed in writing of the Commission's position.

- 6.6.6 The Commission, depending on the circumstances, may choose to launch an investigation as guided by paragraph 6.4.

- 6.6.7 Alternatively, it may immediately give the licensee directives concerning the action that must be taken to correct the violations. The correspondence must indicate the time frame of no more than 14 days in which the licensee must act and to inform the Commission of the status of the corrective measure taken.

- 6.6.8 Within 21 days of the issue of the directives, the Commission's Technical Officer/Inspector will verify that the violations identified have been remedied, by using the procedures stated in paragraph 6.4.
- 6.6.9 The receipt of a satisfactory report will cause the Commission to send a letter to the licensee acknowledging the licensee's compliance with the directives.
- 6.6.10 On receipt of an unsatisfactory report, the Commission may advise the Minister to suspend/revoke the licence.
- 6.6.11 In cases where the licensee is unable to respond within the prescribed time frame, the Commission may grant an extension upon the receipt of a satisfactory explanation for the delay and the reasons why the extension should be granted. The licensee must make that submission within the 7-day period.

6.7 Notice of Revocation (Reg.15)

- 6.7.1 The Commission, in written format, will inform the licensee of its intention to advise the Minister revoke its licence. This notice must state the reasons for the intended revocation, and inform the licensee of the 28-day period to make representations on the matter.
- 6.7.2 Where the Commission decides that the licensee's representations have merit, the licensee will be notified in writing of the Commission's decision not to pursue the matter further. This shall be done within 7 days of the receipt of the licensee's representations.
- 6.7.3 Where the Commission is not persuaded by the licensee's representations, the licensee will be informed in writing of the Commission's decision, and the Commission will write to the Minister to recommend the revocation of the licence



Procedures Manual

Module 7: Fees

LPM7/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Annexes

Annex VII-A: Schedule of Fees

Module 7: Fees

7.1 Scope

7.1.1 The module will state the procedures for the payment of the following fees, based on the Telecommunications (Fees) Regulations, 2002 and the Telecommunications (Frequency Fees)(Collection Mechanism) Regulations, 2004:

- (a) Application fees for a telecommunications licence or frequency authorization;
- (b) Telecommunications licence fees; and
- (c) Frequency authorization (spectrum) fees.

7.1.2 In addition to the above fees, the Commission is mandated to collect other types of fees. In some instances, the rates have not been stipulated. Guidance is therefore given as to how the Commission would set those fees.

7.2 Acceptable Forms of Payment

7.2.1 The acceptable forms of payment are as follows:

- (a) Cash
- (b) Company cheque
- (c) Bank draft
- (d) International Money Order
- (e) International Postal Order
- (f) Telex/Wire Transfer

7.2.2 Payment of fees is condition of the application and licensing processes.

7.2.3 If application fee is not received the requirements of the application process is incomplete. If the payment of the licence and spectrum fees is not kept up to date, a licensee could be held to be in breach of its licence and/or frequency authorisation. The Minister is vested with the powers to suspend or to revoke the licence and frequency authorisation for non-compliance.

7.3 Application fees

Assessment of Fees

- 7.3.1 Application fees are payable for all licence (Individual Licence, Class Licence Special Licence) and frequency authorisation applications, except for Special Licences granted under emergency circumstances.
- 7.3.2 The applications fees payable per service are listed in the *Schedule of the Fees*, which is Annex VII-A of this module

Payment of Fees

- 7.3.3 Application fees are payable to the National Telecommunications Regulatory Commission, and should be delivered to the Commission upon submission of an application.

7.4 Individual Licence Fees

Assessment of Fees

- 7.4.1 For telecommunications services categorised as requiring an Individual Licence, an initial licence fee as stated in Column IV of Annex VII-A must be paid within 2 weeks of the licensee being informed in writing of the grant of a licence.
- 7.4.2 On the anniversary date of the grant of an Individual Licence, the licensee is required to pay the annual fee, as stipulated in Column V.

Payment of Fees

- 7.4.3 Initial and annual licence fees must be payable to the Accountant General and must be paid in to

Inland Revenue Department
Heraldine Rock Building
The Waterfront
Castries

7.5 Class Licence Fees

Assessment of Fees

- 7.5.1 For telecommunications services categorised as requiring a Class Licence Type A, an initial licence fee as stated in Column IV of Annex VII-A must be paid within 2 weeks of the licensee being informed in writing of the grant of a licence.

- 7.5.2 On the anniversary date of the grant of a Type A Class Licence, the licensee is required to pay the annual fee, as stipulated in Column V of Annex VII-A.
- 7.5.3 For service categorised under Class Licence Type B and Type C, no initial licence fees is stipulated, but payment of annual fees, as stated in Column IV of Annex VII-A is required in advance.

Payment of Fees

- 7.5.4 Annual licence fees must be payable to the Accountant General and must be paid in to

Inland Revenue Department
Heraldine Rock Building
The Waterfront
Castries

7.6 Special Licence Fees

Assessment of Fees

- 7.6.1 Since the Minister may only grant Special Licences under exigent or emergency situation, is for a period not exceeding 10 days, and is non-renewable, there is no initial or annual fee for this licence.

7.7 Telecommunications Frequency Authorisation (Spectrum) Fees

Assessment of Fees

- 7.7.1 There are no initial frequency authorisation (spectrum) fees payable as a prerequisite for the grant of a licence,
- 7.7.2 Payment of frequency authorisation (spectrum) fees, as stipulated in Column IV of Annex VII-A is payable in advance on award of the licence (and/or authorisation).
- 7.7.3 ECTEL shall prepare and the Commission shall issue, on behalf of ECTEL, frequency authorisation invoices to the licensees.

Payment of Fees

- 7.7.4 Frequency authorisation (spectrum) fees must be made payable to the Eastern Caribbean Telecommunications Authority (ECTEL), and must be paid in to the Commission, except in instances when Telex/Wire Transfer is being effected, in

which case it can be paid directly to ECTEL's account, with a notification of payment sent to the Commission.

7.8 Other Fees Prescribed Under the Fees Regulations

7.8.1 Under the Class Licences rubric, Type C, the Telecommunications (Fees) Regulation identified additional fees that the must be collected.

Registration of Terminal Equipment Dealers and for Customer Premises Wiring

7.8.2 In order to register as a dealer/supplier to telecommunications equipment, or to undertake customer premises wiring, an applicant is required to pay the prescribed fee, as stated in Column II to the Commission.

7.8.3 The annual fee, as prescribed in Column IV, must be paid to the Commission on successful registration, and on the anniversary date of each year.

Applications for Type Approval

7.8.4 For equipment or devices that has already been type-approved in other recognised jurisdiction, but for which local type approval is being sought, the application fee payable to the Commission is that listed in Column II for TYP1.

7.8.5 For equipment or devices that have not been type-approved or which may have been type approved in jurisdictions that are not recognised by Saint Lucia, the application fee payable to the Commission is that listed in Column II for TYP2.

7.8.6 In both instances, annual fees are not required, but should the equipment or device be modified, thereby changing the operating parameters for the equipment or device, a fresh application for type approval would need to be made, in keeping with 7.8.3 and 7.8.4.

Examination Fee for Radio Operators

7.8.7 The examination fee for radio operator examinations, such as those for amateur radio operation, is prescribed in Column II and is payable to the Commission.

7.9 Other Fees that the Commission is Mandated to Collect

7.9.1 As prescribed by the legislation, the Commission is required to collect other fees, which might include but is not limited to

- (a) Registration fees,
- (b) Inspection of documents available for public inspection,
- (c) Production of copies of documents available for public inspection,
- (d) Fees associated with dispute resolution proceedings

Fees that the Commission is Authorised to Set

7.9.2 When the Commission is authorised or expected to set fees, it shall be guided by the fees set by other agencies for similar services, and the administrative costs to the Commission.

ANNEX VII-A: Schedule of Fees

INDIVIDUAL LICENCES

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1000	\$ 20,000	3.0% on Gross Revenue
FPT	Fixed Public Telecommunications	\$ 1000	\$ 20,000	3.0% on Gross Revenue
PRP	Public Radio Paging	\$ 1000	\$ 20,000	3.0% on Gross Revenue
INS	Internet Network/Services	\$ 1000	\$ 20,000	3.0% on Gross Revenue
SCL	Submarine Cable Landing	\$ 1000	\$ 50,000	\$ 50,000

CLASS LICENCES (TYPE A)

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
ISP1	Internet Services Provision (= 15 units)	\$ 500	\$ 500	\$ 500
ISP2	Internet Services Provision (> 15 units)	\$ 500	\$ 5,000	3.0% on Gross Revenue
VAS	Value Added Services	\$ 500	\$ 5,000	3.0% on Gross Revenue
AVT	Audio Text / Video Text	\$ 500	\$ 5,000	3.0% on Gross Revenue
PNS	Private Networks/Services	\$ 500	\$ 5,000	\$ 2,000
ISR	International Simple Voice Resale	\$ 500	\$ 2,000	3.0% on 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	\$ 25	
ARN	- Novice		\$ 50
ARG	- General		\$ 50
ARA	- Advanced		\$ 50
ARF	- Temporary Call- Sign		-
CBR	Citizen Band Radio	\$ 25	\$ 50
FRN	Family Radio Band	\$ 25	\$ 50
LM	Land Mobile Radio	\$ 200	
LMB	- Base Station		\$ 100 /unit
LMR	- Repeater		\$ 150 /unit
LMM	- Mobile		\$ 100 /unit
LMP	- Portable		\$ 50 /unit
MM	Maritime Mobile Radio	\$ 200	
MMB	- Base Station		\$ 100 /unit
MMR	- Repeater		\$ 150 /unit
MMM	- Mobile		\$ 100 /unit
MMP	- Portable		\$ 50 /unit
MMS	- Ship Station		\$ 500 /ship
AM	Aeronautical Mobile Radio	\$ 200	
AMB	- Base Station		\$ 100 /unit
AMR	- Repeater		\$ 150 /unit
AMM	- Mobile		\$ 100 /unit
AMP	- Portable		\$ 50 /unit
AMA	- Aircraft Station		\$ 500 /aircraft

SPECIAL LICENCE

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

SPECTRUM FEES

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1,000	\$ 25,000 /MHz
	Public Radio Paging	\$ 1,000	
PRC	Commercial (25kHz bandwidth)		\$ 600 /frequency
PRN	Non-commercial (25kHz bandwidth)		\$ 200 /frequency
MBL	Microwave Broadband Link	\$ 1,000	\$ 10,000 /link
VST	VSAT (per antenna) < 55dBW EIRP	\$ 1,000	\$ 12,000 /antenna
FWA	Fixed Wireless Access (25 MHz per link)	\$ 1,000	\$ 500 /link
SS	Spread Spectrum Applications	\$ 1,000	
SSA	Type A – 500kHz link at 900MHz		\$ 500 /link
SSB	Type B – 1MHz link at 2.4GHz		\$ 2,000 /link
LMDS	LMDS – 40MHz bandwidth	\$ 1,000	\$ 500 /frequency
MMDS	MMDS – 2MHz bandwidth	\$ 1,000	\$ 500 /frequency
SES	Satellite Earth Station	\$ 1,000	
SES1	C Band (Licence < 15 days)		\$ 3,000 /antenna/day
SES2	Ku Band (Licence < 15 days)		\$ 5,000 /antenna/day
SES3	C Band (annual licence)		\$ 50,000 /antenna
SES4	Ku Band (annual licence)		\$ 60,000 /antenna
LMF	Land Mobile Radio (12.5kHz bandwidth)	\$ 200	\$ 200 /frequency
MMF	Maritime Mobile Radio (12.5kHz bandwidth)	\$ 200	\$ 200 /frequency
AMF	Aeronautical Mobile Radio (12.5kHz bandwidth)	\$ 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 Microwave (6MHz link)	\$ 500	\$ 1,000 /link
STL2	Radio STL Microwave (15kHz link)	\$ 500	\$ 250 /link

SOME OF THE OTHER FEES THAT THE COMMISSION IS MANDATED TO COLLECT

LICENCE CODE	DESCRIPTION	LICENCE FEES	
		APPLICATION	ANNUAL
TED	Terminal Equipment Dealer	\$ 25	\$ 250
CPW	Customer Premises Wiring	\$ 25	\$ 100
TYP	Type Approval		
TYP1	- Type Approval – items already approved	\$ 35	N/A
TYP2	- New Type Approval	\$ 500	N/A
EXM	Examination Fee for Radio Operators	\$ 30	N/A



Procedures Manual

Module 8: Spectrum Monitoring and Compliance Management

LPM8/DE05.001

December 16th, 2005

**National Telecommunications Regulatory Commission
Saint Lucia**

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Module 8: Spectrum Monitoring and Compliance Management

8.1 General

8.1.1 As part of its role under the Act, the Commission is charged with the responsibility for monitoring use of the radio spectrum in Saint Lucia, to ensure that holders of frequency authorizations comply with their conditions of licence, and that appropriate measures are applied to prevent or minimize unauthorized use of the spectrum. In performing these functions, the Commission shall coordinate its activities with those of the Saint Lucia Broadcasting Commission, and with ECTEL in respect of the Regional Spectrum Management Plan.

8.2 Scope

8.2.1 The procedures detailed in this module is based primarily on the contents of the telecommunications (Spectrum Management) Regulations 2002, but focuses on the Commission's responsibilities as they pertain to

- (a) monitoring of the radio frequency spectrum,
- (b) managing the radio frequency spectrum, and
- (c) compliance by users.

8.3 Harmful Interference (Reg. 15)

8.3.1 To seek the intervention of the Commission when harmful interference is being experienced, a party who is directly affected by the interference must write to the Commission, and provide, in so far as it is possible, the following details

- (i) the location where the interference is being experienced, and if necessary directions to this site;
- (ii) how the alleged interference is affecting the complainant;
- (iii) some indication as to when the alleged interference began;
- (iv) the regularity of the interference (continuous, hourly, daily, weekly);
- (v) the location of the offending party (if known); and
- (vi) whether the complainant had sought redress and the outcome.

8.3.2 In response, the Commission will send a letter of "acknowledgement of receipt" to the complainant, within 3 days of receiving the written complaint

8.3.3 Depending on the information provided, the Commission might be required to

launch a preliminary investigation to confirm the complaint and to begin to identify parties that might be the cause of the alleged interference.

- 8.3.4 Once possible offending parties have been identified, either through the information provided in 8.3.2 or 8.3.3, the Commission will send a letter to the alleged offending parties informing them of the complaint and directing them to, provide a report to the Commission within 10 days of receiving that letter, which would include, among other things, a response to the complaint and test results for transmitters in that general vicinity.
- 8.3.5 If the offending party has been confirmed and depending on the severity of the interference caused, and specifically that it could be a threat to life or property, the Commission may immediately issue a directive for the temporary suspension of operations of that station on the offending frequency for a period not exceeding 30 days, pending an investigation of the complaint.
- 8.3.6 The Commission will also notify ECTEL of the complaint of harmful interference and the alleged offending parties that have been identified.

When alleged offending party is co-operative

- 8.3.7 Upon its receipt of the alleged offending party's report, the Commission will investigate the matter. The investigation would be conducted by a team, comprising representatives from ECTEL and the Commission's technical team, to be completed within 10 days, and to report the findings to the Commission within 7 days.
- 8.3.8 The Commission, in written format, will inform both the complainant and the alleged offending party of its findings and the action that must be taken by the parties to resolve the interference problem. The parties would be required to comply within a 10-day period.
- 8.3.9 At the conclusion of that period, the Commission's technical team will conduct a monitoring and/or inspection exercise to ensure compliance with the Commission's directions, with an assessment report submitted to the Commission.

When the alleged offending party does not co-operate

- 8.3.10 When the alleged offending party fails to provide a report, the Commission will inform that party, in writing, of the grant of a 5-day grace period to produce the report and of the immediate 30-day suspension of operations that will result if the report is not received. The Minister will also be informed of the matter by a letter from the Commission.
- 8.3.11 In deciding to issue a Directive to Suspend Operations to a station, the Commission may take the following into consideration:

- (a) The number of parties that are being affected by the interference;
- (b) The severity of the interference being experienced;
- (c) Whether the alleged offending party is deliberately being un-cooperative;
- (d) The implications and possible consequences if the interference is not rectified.

8.3.12 If the alleged party's entire operations would be shut down by a Directive to Suspend Operations issued by the Commission, the Commission may also write to the Minister to recommending that the party's licence and frequency authorisation also be suspended.

Directive to Suspend Operations

8.3.13 The Directive to Suspend Operations will be in writing and would include the following information:

- (a) The party's name and registered office;
- (b) The address or location of the station whose operations is to be suspended;
- (c) Station description;
- (d) The frequencies that are affected by the suspension;
- (e) The effective date, duration and end date of the suspension;
- (f) Description of any material that might be removed to effect the suspension of operation;
- (g) The obligations of the party, especially in respect of cooperating with the Commission in its investigation, and to rectifying the problems that might be identified.
- (h) Notice of the sanctions that could be imposed for unauthorised operation, during the suspension period;

8.3.14 The Directive would be served on the alleged offending party at its registered office, 9:00 a.m. to 3:00 p.m. and by a Police Officer, in the presence of the Commission's Technical Officer.

Investigating while a Suspension of Operation is in Effect

8.3.15 During that suspension period, the Commission's technical team, in conjunction with ECTEL, will investigate and report its findings to the Commission. This must be accomplished within a 10-day period.

Follow-up Action After the Investigation is Complete

8.3.16 The alleged offending party will be informed of the findings of the Commission's investigation and advised on the remedial actions to be taken and the resulting

sanctions if found to be in breach of the Commission's directives.

8.3.17 The Commission would advise the complaining party that remedial action is expected from the offending party by a specified deadline, and it would further invite the complaining party to return to Commission should the interference persist after the stated deadline has passed.

8.3.18 Subsequent to the suspension period during which time the radio station complies with the directives, the Commission will make a written recommendation for the reinstatement of the licence to the Minister. The Minister's office would inform the party of the decision.

8.3.19 If after a further 10-day period the offending party still has not complied with the Commission's directions, the Commission will recommend to the Minister that the licence be revoked.

Investigation or Remedial Action Not Completed within Suspension Period

8.3.20 If in the unlikely event that the technical team are unable to complete the investigations within the suspension period is given, the Commission can opt to either

- (a) issue another Directive to Suspend Operations, if the sum of the periods of the two directives does not exceed 30 days, or
- (b) allow the alleged offending party to resume operation from the station under scrutiny, but modified to minimise interference, or
- (c) recommend to the Minister to issue a suspension of the licence and/or frequency authorisation.

Revocation by the Minister

8.3.21 Prior to revoking the licence, the Minister must give the radio station one month's written notice of his intentions. During that period, the radio station may make a representation of his case to the Minister or remedy the situation that is causing the harmful interference or submit written documentation stating any objections to the revocation.

8.3.22 At the end of the notice period, the Minister makes his decision and informs the radio station in written format. If a decision for the revocation of the licence is made then the correspondence must include reasons for the decision and the action that may be taken if it wishes to recommence operations.

8.4 Temporary Use of Frequencies (Reg. 8)

Grant of Frequencies for Emergency Situations

- 8.4.1 When the Commission receives the completed Frequency Authorisation Application Form for temporary use of frequencies for an emergency situation, the Commission makes its decision and informs the applicant in writing stating the timeframe and other relevant conditions such as, limitations on use and application, that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan, etc.
- 8.4.2 In written format, the Commission informs ECTEL of the grant of authorisation for the frequency use.

Grant of Frequencies for Projects of Short Duration

- 8.4.3 In the cases where temporary use of frequencies is required for purposes other than emergencies/projects, the Commission shall forward the Application for Frequency Authorisation application to ECTEL for its recommendations, advice and comments.
- 8.4.4 Upon the receipt of a favourable response from ECTEL, the Commission's technical officer/inspector shall test the frequencies to determine the existence/non-existence of harmful interference. A report is prepared and presented to the Commission.
- 8.4.5 In written format, the Commission informs the Minister of ECTEL's recommendations and its own findings on the harmful interference tests.
- 8.4.6 The Minister makes a decision based on the recommendations and report. The applicant is informed of the decision by the Minister's office.
- 8.4.7 The Minister's office must provide the authorised frequency user with a hard copy of the authorisation and another to the Commission.

8.5 Frequency Authorisation to Government and Other Exempted Agencies

- 8.5.1 A completed application form with a letter disclosing the applicant's status as an exempted agency must be submitted to the Commission.
- 8.5.2 The Commission must then determine the exemption status of the agency by communicating with Ministry of Communications. The Ministry must provide the Commission with a letter verifying the status of the agency.
- 8.5.3 The completed application form and letter of exemption are forwarded to ECTEL for its recommendations/advice. This process should be completed within a 10-day period.
- 8.5.4 On the receipt of ECTEL's response, the Commission must make a written

recommendation to the Minister who makes the decision to grant the authorisation. The applicant is informed of the Minister's decision by a letter from his office.

- 8.5.5 The Minister's office must provide the authorised frequency user with a hard copy of the authorisation and another to the Commission.

8.6 Use of Government Frequencies by Non-Government Agency (Reg. 9)

- 8.6.1 The Commission receives a completed application form with the prescribed fees from the applicant, the non-Government station.
- 8.6.2 The application is forwarded to ECTEL, who assigns the frequency and makes recommendations
- 8.6.3 The Commission may meet with the relevant Government Agency to discuss the assignment.
- 8.6.4 If the said Government agency agrees that the use of the frequency is necessary for coordination of Government and non-Government activities, the agency must provide its consent for the authorisation of the use of the frequency.
- 8.6.5 The Government agency provides the Commission, ECTEL and the applicant with written certification of its consent and the conditions attached.
- 8.6.6 Within 10 days of receiving the certification, the applicant must express its agreement to these conditions in written correspondence to ECTEL, the Commission and the Government agency.
- 8.6.7 Thereafter, the Commission submits its recommendations in written format to the Minister.
- 8.6.8 The Minister makes a decision and the applicant is informed of the same by the Minister's office. This information must reach the applicant in written format.
- 8.6.9 The Minister's office also provides the authorised user with a hard copy of the authorisation and sends another to the Commission.

8.7 Limitation on Frequency Authorization (Reg. 14(2) & (3))

- 8.7.1 If the Commission decides that it might be prudent to limit the frequency authorizations that should be granted, to ensure the efficient use and management of electro-magnetic spectrum, the Commission may consult with ECTEL on its position.

- 8.7.2 The Commission shall have a Public Consultation on the subject, in keeping with Module 2, containing detailed reasons for the proposed limitation, and shall consider any representations made to it in respect of the proposed limitation
- 8.7.3 The Commission will communicate its decision to the Minister
- 8.7.4 On completion of the consultation exercise, the Commission shall publish a notice in the Gazette and in a local newspaper having 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.
- 8.7.5 The Commission publishes a Notice of Limitation on the grant of Frequency Authorizations in the Gazette and a local newspaper.

8.8 Redistribution of Radio Frequencies (Reg. 18)

- 8.8.1 The Commission receives from ECTEL a recommendation to redistribute frequencies.
- 8.8.2 The Commission informs the operator(s) that will be affected by the redistribution by giving them written notice a year prior to the proposed date.
- 8.8.3 The Commission also publishes a Notice informing of the specific objectives and rules for the proposed redistribution must be published in the Gazette and a local newspaper.
- 8.8.4 The operator must respond in writing to the Commission within eight (8) weeks of the receipt of the notifying letter.
- 8.8.5 In the event that the operator requests the opportunity to be heard on the issue, arrangements for a meeting with the operator, representatives of the Commission and ECTEL must be made. At the meeting the operator's concerns and queries must be addressed and if possible, the parties should make resolutions, which will deal with the same. The Commission must record the minutes of the meeting.
- 8.8.6 The Commission then forwards a written recommendation to the Minister who in turn makes a decision.
- 8.8.7 The Minister's office communicates the decision to the operator in written format.
- 8.8.8 The said office must then provide both the operator and the Commission with hard copies of the new frequency authorisation.