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GRENADA

STATUTORY RULES AND ORDERS NO. 46 OF 2006

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 73 OF THE TELECOMMUNICATIONS ACT, NO. 31 OF 2000, THE MINISTER MAKES THE FOLLOWING REGULATIONS—

(Gazetted 22nd December, 2006).

PART I

PRELIMINARY

1. Citation. These Regulations may be cited as the

TELECOMMUNICATIONS (FEES) REGULATIONS, 2006.

2. Definitions. In these Regulations—

“Act” means the Telecommunications Act, No. 31 of 2000;

“applicant” means a person who makes an application for a licence or frequency authorization pursuant to the Telecommunications Act and these Regulations;

“application” means an application made pursuant to the Telecommunications Act or these Regulations for a licence or frequency authorisation, including a modification or a renewal of a licence;

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

“assigned frequencies” means the frequencies granted by the Minister in a frequency authorisation pursuant to section 6 of the Act;

“bandwidth” means the width of a communications channel;

“bank account” means that special bank account set up pursuant to regulation 14 in Grenada to receive Frequency Authorisation fees;

“class licence” has the meaning assigned to it under the Telecommunications Act;

“Commission” means the National Telecommunications Regulatory Commission established pursuant to section 7 of the Telecommunications Act;

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

“Customer premises wireman” means any person licensed by the Commission to wire customer premises;

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

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

“emergency” means a serious, unexpected, and often dangerous situation requiring immediate action;

“exigency” means a demand for immediate action or performance arising from a circumstance or condition;

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

“fee” means a charge applicable for or in relation to a

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telecommunications licence or frequency authorisation or related matter;

“Frequency Authorisation” means an authorisation granted by the Minister pursuant to section 6 of the Act to use radio frequencies in connection with the operation of a network or the provision of services under an individual licence, class licence or otherwise;

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

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

“gross annual revenue” means the gross revenue earned in the provision of telecommunication services for the reporting year, received by, or due to the licensee and its affiliates, from whatever source derived before any deductions for expenses, discounts, returns, or offsets of any kind, save and except domestic interconnection payments and taxes and charges collected for and on behalf of the Government;

“individual licence” has the meaning assigned to it under the Telecommunications Act;

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

“Minister” means the Minister to whom responsibility for telecommunications is assigned;

“month” means calendar month;

“repeater” means a device that amplifies, reshapes or retimes an input signal;

“reporting year” means any annual period for which financial reports are accepted or agreed to be accepted by the Commission;

“special licence” has the meaning assigned to it under the Telecommunications Act;

“spread spectrum” means a modulation technique used in wireless systems employing direct sequence, frequency hopping or a hybrid of these, which can be used for multiple access, multiple functions or both multiple access and multiple functions;

“studio to transmitter links (STL)” means communications link used for the transmission of broadcast material from a studio to the transmitter using a single transmit frequency;

“telecommunications equipment dealer” means any person who imports, exports, repairs, maintains, sells or in any way trades in any telecommunications equipment that is specific for a licensed telecommunications service unless already licensed pursuant to the Act to perform these actions;

“telecommunications network” has the meaning assigned to it under the Telecommunications Act;

“telecommunications services” has the meaning assigned to it under the Telecommunications Act;

“type approval” means where a design is approved by the Commission and all devices subsequently manufactured according to that design are automatically approved;

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

“Value Added Services” means a communications facility using the networks of individual licensees for transmission and

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providing extra data features with separate equipment.

3. Application. (1) These regulations shall apply to all fees relating to the provision of telecommunications facilities, equipment and services and set out the amounts and circumstances in which they are payable.

(2) Where there is conflict between these regulations and any other regulation made pursuant to the Act in relation to fees, these regulations shall prevail.

PART II

Licence Fees

4. Individual and Submarine Cable Licences. A person who makes an application pursuant to the provisions of the Act for an Individual Licence or Submarine Cable Landing and Operating Licence shall pay:

- (a) the appropriate application fee as set out in column 3 of Schedule 1;
- (b) on grant of the licence the appropriate initial fee set out in column 4 of Schedule 1; and
- (c) thereafter on each anniversary date of the granting of the licence, and throughout the duration of the term of the licence the appropriate annual fee set out in column 5 of Schedule 1 save and except where it is payable as a percentage of gross annual revenue then the annual fee payment shall be due and payable within 45 days of the reporting year and shall be accompanied by a gross annual revenue report and supporting attachments that provide details of the calculation.

5. Class Licence. A person who makes an application pursuant to the provisions of the Act for a Class Licence shall pay:

- (a) the appropriate application fee as set out in column 3 of Schedule 2; and
- (b) on grant of a Class Licence the appropriate initial fee set out in column 4 of Schedule 2; and

- (c) thereafter on each anniversary date of the granting of the licence, and throughout the duration of the term of the licence the appropriate annual fee set out in column 5 of Schedule 2 save and except where it is payable as a percentage of gross annual revenue then the annual fee payment shall be due and payable within 45 days of the reporting year and shall be accompanied by a gross revenue report and supporting attachments that provide details of the calculation.

6. Frequency Authorisation. A person who makes an application pursuant to the provisions of the Act for a Frequency Authorization shall pay:

- (a) the appropriate application fee as set out in column 3 of Schedule 3; and
- (b) on the grant of a Frequency Authorization, for all the assigned frequencies, the appropriate annual fee set out in column 4 of Schedule 3 by equal quarterly installments in advance.

7. Special Licence. A person who makes an application pursuant to the provisions of the Act for a Special Licence shall pay the appropriate fees as set out in Schedule 4.

8. Other Licences. (1) A person who makes an application pursuant to the Act for any telecommunications related matter for which no specific provision is made in these regulations shall pay the appropriate fee as determined on a case by case basis by the Minister on the advice of the Commission.

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

(3) The Commission in its determination shall take into account all relevant factor including the following:

- (a) the ECTEL recommendation;

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- (b) the views expressed by the applicant and any other consultees;
- (c) the other fees as set out in the Schedules hereto;
- (d) the commercial value of the service to be provided;
- (e) the value of any resource involved; and
- (f) any reasonably incurred administrative costs.

9. Miscellaneous Fees. In any other telecommunications related matter for which fees are payable payments shall made in accordance with Schedule 5.

10. Liability for other Fees. The payment of fees under these regulations shall not relieve a person who is liable to make payments under the requirements of any other Act.

PART III

GENERAL FEE PAYMENTS

11. Payment Methods. A person paying fees in accordance with regulations 4, 5, 6(a) and 7 shall make payments to the Commission in cash, by credit card, electronic funds transfer (EFT), bank draft or other monetary instrument as directed by the Commission.

PART IV

FREQUENCY AUTHORISATION FEE PAYMENT PROCEDURE

12. Invoice Authorization and Issue. ECTEL shall authorize and the Commission shall issue on behalf of ECTEL Frequency Authorisation invoices to the licensees for fees due pursuant to regulation 6(b).

13. Frequency Authorisation Annual Payments. The Licensee shall pay the annual fees to the Commission in cash, or by means of a banker's

draft or other monetary instrument made payable to ECTEL, or by credit card or electronic funds transfer (EFT) to the bank account.

14. Frequency Authorisation Fees Account. ECTEL shall set up in Grenada a bank account for the specific purpose of receiving the fees.

15. Account Number. The Managing Director of ECTEL shall notify the Chairman of the Commission, of the bank, its branch and the account number.

16. Assignment Officer. The Commission shall assign an officer for collecting and depositing the fees as prescribed herein.

17. Official Receipt. The officer shall issue an official receipt for such fee payments as are received by the Commission.

18. Receipt Format. The official receipt shall be issued in triplicate and may be printed in either electronic or manual format.

19. Receipt Contents. The official receipt shall state the:-

- (a) invoice number;
- (b) date of payment;
- (c) name and address of the Licensee;
- (d) amount paid and balances due (if any).

20. Receipt Distribution. The official receipt shall be signed by the officer and shall be distributed as follows:-

- (a) The original shall be given to the Licensee;

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- (b) The second copy shall be sent to ECTEL; and
- (c) The third copy shall be retained by the Commission for its records.

21. Fees Deposit. All fees when collected by the Commission shall be deposited by the officer in the bank account at the earliest opportunity and in any event not later than midday of the next working day after its receipt and the Commission shall obtain a receipt from the bank for the amounts so deposited.

22. Accounting for Fees. All receipts for the fees shall be properly accounted for in such books or records of account as may be prescribed by the Managing Director of ECTEL.

23. Deposit Receipt Submissions. All deposit receipts shall be submitted to the Managing Director of ECTEL not later than the 7th day of the month following the month of the deposit of the fees and shall be supported by:

- (a) the copies of the receipts issued as specified in regulation 20 (b); and
- (b) a certified statement showing details of all receipts issued and the invoices to which they pertain.

24. Financial Procedures. The Commission shall adopt the procedures made pursuant to the Finance Audit Act so as to meet the accountability requirements with respect to receipt books, receiving and custody of receipt books and other similar matters.

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SCHEDULE I (Regulation 4)

INDIVIDUAL AND SUBMARINE CABLE LICENSES

LICENSE CODE	DESCRIPTION	LICENCE FEES		
		Application	Initial	Annual
PMT	Public Mobile Telecommunications	\$1000	\$20,000	3.0% of Gross Revenue
FPT	Fixed Public Telecommunications	\$1000	\$20,000	3.0% of Gross Revenue
PRP	Public Radio Paging	\$1000	\$20,000	3.0% of Gross Revenue
INS	Internet Network/ Services	\$1000	\$20,000	3.0% of Gross Revenue
SCL	Submarine Cable Landing	\$1000	\$50,000	\$50,000
ISP3	Internet Service Provision (>25 Units)	\$1000	\$20,000	3.0% of Gross Revenue
	BROADCAST SYSTEMS			
BAM	Broadcast AM Radio Station	\$500	\$500	\$500
BFM	Broadcast FM Radio Station	\$500	\$500	\$500
BTV	Broadcast Television Station	\$500	\$500	\$500
STL1	Television STL Microwave	\$500	\$500	\$500

	Public Radio Paging	\$1,000	
PRC	- Commercial		\$600 /frequency
PRN	- Non-Commercial		\$200 /frequency
MBL	Microwave Backhaul	\$1,000	
	< 10 MHz Bandwidth		\$7,000 /frequency
	10 - 20 MHz Bandwidth		\$10,000 /frequency
	20 - 30 MHz Bandwidth		\$12,000 /frequency
	> 30 MHz Bandwidth		\$18,000 /frequency
MCL	Microwave - Cellular Inter-site	\$1,000	
	< 10 MHz Bandwidth		\$5,500 /frequency pair
	10 - 20 MHz Bandwidth		\$6,000 /frequency pair
	20 - 30 MHz Bandwidth		\$6,500 /frequency pair
	> 30 MHz Bandwidth		\$15,000 /frequency pair
MCO	Microwave - Other		
	< 10 MHz Bandwidth		\$5,500 /frequency pair
	10 - 20 MHz Bandwidth		\$6,000 /frequency pair
	20 - 30 MHz Bandwidth		\$6,500 /frequency pair
	> 30 MHz Bandwidth		\$15,000 /frequency pair
VST	VSAT	\$1,000	
	KU Band		\$12,000 /frequency pair
	C Band		\$15,000 /frequency pair
FWA	Fixed Wireless Access (WAN, LAN, PBX etc.)	\$1,000	
	< 5 MHz Bandwidth		\$500 /frequency block

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	5 - 10 MHz Bandwidth		\$750 /frequency block
	10 - 15 MHz Bandwidth		\$1,000 /frequency block
	> 15 MHz Bandwidth		\$1,500 /frequency block
SS	Spread Spectrum Applications	\$1,000	
SSA	900MHz FHSS Commercial		\$20,000
	900MHz FHSS Non-Commercial		\$5,000
SSB	Spread Spectrum 2.4GHz Band		
	FHSS Commercial		\$20,000
	FHSS Non Commercial		\$6,000
	DSSS Commercial < 10MHz bandwidth		\$7,000
	DSSS Commercial 10 - 20 MHz bandwidth		\$10,000
	DSSS Commercial 20 - 50 MHz bandwidth		\$15,000
	DSSS Commercial > 50MHz bandwidth		\$25,000
SSC	Spread Spectrum 5.8GHz Band		
	FHSS Commercial		\$20,000
	FHSS Non Commercial		\$6,000
	DSSS Commercial < 10MHz bandwidth		\$7,000
	DSSS Commercial 10 - 20 MHz bandwidth		\$10,000
	DSSS Commercial 20 - 50 MHz bandwidth		\$15,000
	DSSS Commercial > 50MHz bandwidth		\$25,000
	DSSS Non Commercial		\$10,000
LMDS	LMDS	\$1,000	
	< 125 MHz of bandwidth		\$500 /frequency block

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Made this 19th day of December, 2006.

GREGORY BOWEN
Minister with responsible for Telecommunications.

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