

# **DRAFT COMMUNITY RADIO (FM) LICENCE CONSULTATION**

## **Consultation on DRAFT COMMUNITY RADIO (FM) LICENCE Recommended by the Eastern Caribbean Telecommunications Authority ("ECTEL")**

### **Consultation Document**

1. The Eastern Caribbean Telecommunications Authority (ECTEL) established by Treaty signed on the 4<sup>th</sup> May 2000 in St. George's Grenada is, among other things, responsible for recommending licences for adoption by the Member States.
2. Soon after its establishment, ECTEL recommended and the Member States adopted various licences governing a number of different telecommunications services.
3. These licences were granted by the Ministers of Telecommunications of the Member States to several persons. However, there are a number of telecommunications services for which licences remain outstanding.
4. Under the Treaty, ECTEL has the responsibility to prepare licences for the adoption by the Member States.
5. Consistent with the above, ECTEL has prepared a draft Community Radio licence and now seeks comments on it from its administrative stakeholders.
6. The main feature of a Community Radio Licence is that it permits an operator to provide radio service over a limited geographical area.
7. Although the Telecommunications Act of each ECTEL Member State specifically excludes regulation of content and programming, it is anticipated that such a licensee will be delivering specific social benefits on a not-for-profit basis to enrich a particular geographical area.
8. However, in order to ensure that the licence permits only a limited area of coverage, its Annex B provides that the licensee is restricted to a geographical coverage of no more than a two kilometre radius.
9. Further, Clause 1.5 in Annex C provides that the authorized transmitter power should not be more than 10 watts with a maximum effective radiated power (ERP) limited to 10 watts or 10dBW.

## **Consultation Procedure**

ECTEL hereby requests comments from its administrative stakeholders on the draft Community (FM) Radio licence. Upon receipt of comments, ECTEL will revise the draft Community (FM) Radio licence then submit the revised draft to the Commissions with a request that national consultations be held on that document.

The consultation period will run from 22nd May 2006 with comments to be submitted in writing no later than 4:30pm on Friday, 30th June 2006 to:

**The Managing Director**  
**ECTEL**  
**P.O. Box 1886**  
**Vide Boutielle,**  
**Castries**  
**St. Lucia**  
**Facsimile: 1 758 458 1698**  
**E-mail: [communitylicence@ectel.int](mailto:communitylicence@ectel.int)**

All comments should be clearly marked “Comments on Draft Community Radio Licence Consultation”.

**LICENCE**

**GRANTED BY THE MINISTER  
UNDER THE  
TELECOMMUNICATIONS ACT No [-] of 200[-]**

**TO**

***[BROADCAST LICENSEE]***

**FOR THE**

**ESTABLISHMENT AND OPERATION**

**OF A**

**COMMUNITY RADIO (FM) RADIO BROADCAST NETWORK**

**IN**

***[ECTEL Member State]***

## TABLE OF CONTENTS

PART I - THE LICENCE .....	3
1. LICENCE .....	3
2. INTERPRETATION.....	3
3. SCOPE .....	5
4. PRECONDITION .....	5
5. DURATION AND RENEWAL .....	5
6. ASSIGNMENT .....	5
7. MODIFICATION, SUSPENSION AND REVOCATION .....	6
PART II - LICENCE CONDITIONS .....	6
1. LICENCE FEES AND MONIES OWED .....	6
2. NETWORK BUILD OUT AND EMERGENCIES .....	6
3. TECHNICAL STANDARDS .....	7
4. FREQUENCY .....	7
5. INFORMATION REQUIREMENTS .....	7
6. PRIVACY AND CONFIDENTIALITY .....	7
7. PRE-NOTIFICATION OF CHANGES IN SHAREHOLDING .....	8
8. FORCE MAJEURE .....	8
9. COMPLIANCE .....	8
ANNEX A - LICENSED NETWORKS .....	9
ANNEX B - GEOGRAPHICAL COVERAGE RESTRICTION .....	10
ANNEX C- TECHNICAL STANDARDS .....	11

## TELECOMMUNICATIONS BROADCAST LICENCE

**THE MINISTER in accordance with the Telecommunications Act No - of 200-, and acting upon the recommendation of ECTEL, hereby grants this Licence to [BROADCAST LICENSEE] (hereinafter referred to as the Licensee) to establish and operate a Broadcast Network and/or Services within [ECTEL Member State] and to do all or any of the acts specified herein.**

### PART I – LICENCE

#### 1. LICENCE

- 1.1 This licence shall be known as the [Broadcast Licence] Broadcast Network and Services Licence 200-.

#### 2. INTERPRETATION

- 2.1 In this Licence:

“**Act**” means the Telecommunications Act 200[-] and regulations made thereunder;

“**Affiliate**” means, in relation to this Licensee, any body corporate that is a subsidiary of this Licensee or if this Licensee and another body corporate are subsidiaries of the same body corporate or if each of them is controlled by the same person; and if the Licensee and another body corporate are affiliated with the same body corporate at the same time, they are affiliated with each other

“**Annex**” means one or more attachments to this Licence, all of which constitutes a part of and is unique to this Licence.

“**Annual Licence Fee**” means the fee prescribed by the Act payable by the Licensee to the Commission on each anniversary of the Effective Date;

“**Authorised Frequency**” means the radio frequency that the Licensee is authorized to use pursuant to its frequency authorization issued under the Act.

“**Broadcasting Services**” means sound broadcasting services;

“**Commission**” means the Commission established under the Telecommunications Act;

“**Control**” means the Licensee is controlled by a person if any shares of the Licensee carrying voting rights sufficient to elect the majority of the directors of the Licensee are, except by security only, held, directly or indirectly, by or on behalf of that person;

“**Coverage Restriction**” means the restriction on to the geographical coverage as set out in **Annex B** to this Licence;

“**Effective Date**” means [DATE OF LICENCE]

“**Government**” means the Government of the [ECTEL Member State];

“**Licence**” means this Licence together with the Annexes;

“**Licence Term**” means five (5) years from the Effective Date

“**Licensed Area**” means the territory of ECTEL Member State;

“**Licensed Networks**” means those networks detailed in **Annex A**;

“**Licensee**” means [Broadcast Licensee];

“**Order**” means an order issued by the Minister under the Act;

“**Regional Spectrum Management Plan**” means the Spectrum Plan to be developed by ECTEL in accordance with the Regulations;

“**Regulations**” means regulations issued by the Minister pursuant to Section [-] of the Act;

“**Renewal Fee**” means a fee payable by the Licensee to the Commission on the renewal of this Licence;

“**Technical Standards**” means those principles and protocols established by the Commission including those in **Annex C**.

2.2 Any word, phrase or expression used in the Licence shall, unless the context requires otherwise, have the same meaning as it has in the Act.

2.3 Words importing the singular shall include the plural and vice versa.

### **3. SCOPE**

- 3.1 The Licensee is hereby authorized to establish and operate the Licensed Networks to provide the broadcast services to any Person within the Licensed Area provided that such network is in compliance with all applicable laws, in particular the Telecommunications (Terminal Equipment) Regulations.
- 3.2 This License is non-exclusive and is not intended to convey proprietary rights.

### **4. PRECONDITION**

- 4.1 The rights of the Licensee set out herein shall not take effect until the Licensee shall have paid the fees as prescribed in the Act.

### **5. DURATION AND RENEWAL**

- 5.1 This Licence is granted on the Effective Date for a period of five (5) years.
- 5.2 The Minister shall renew the Licence upon request by the Licensee for an additional period of five (5) years upon expiration of the Licence Term provided none of the provisions of section [-] of the Act would cause the Minister to refuse a request for renewal.
- 5.3 Where a Licensee wishes to renew the Licence, it shall apply to the Minister in writing one year prior to the expiry date of the Licence or at a later date if the Minister so determines.
- 5.4 On granting a renewal of the Licence the Minister may vary the terms of the Licence; if the conditions then prevailing require such variation and it is reasonable to do so.
- 5.5 The provisions of section [-] of the Act relating to modification, suspension, revocation shall apply mutatis mutandis to the renewal of a Licence.
- 5.6 Renewal of the Licence shall not take effect until the Licensee has paid the Renewal Fee and any other fees owed under the Licence.

### **6. ASSIGNMENT**

- 6.1 The Licensee shall not assign or otherwise transfer this Licence or any of its rights or obligations under this Licence without the prior written consent of the Minister, subject to clause 6.2 below.

- 6.2 The prior written consent of the Minister shall not be required by the Licensee where the assignment or transfer results from an internal reorganization of a body corporate that involves no change in the beneficial ownership thereof. The Licensee shall give prior notification to the Minister of the nature and extent of such assignment or transfer.

## **7. MODIFICATION, SUSPENSION AND REVOCATION**

- 7.1 This Licence shall be subject to modification, variation, suspension and revocation in accordance with sections [-] and [-] of the Act.
- 7.2 In deciding whether to agree to an amendment proposed by the Licensee, the Minister shall give due consideration to any submissions received from the Licensee and other interested parties in relation to the proposed amendment.
- 7.3 If after three [3] months of the date of issuance of this licence the Licensee does not commence operations leading to the provision of the licensed services for which this licence has been granted, then the Licensee shall forfeit this licence. Upon forfeiture, there shall be no refund of any fees or any other payment that have been paid in respect of this licence.

## **PART II - LICENCE CONDITIONS**

### **1. LICENCE FEES AND MONEYS OWED**

- 1.1 The Licensee shall pay all fees prescribed under the Act.
- 1.2 If the Licensee owes the prescribed fees payable in respect of this Licence, the Licensee shall be in breach of this Licence.

### **2. NETWORK BUILD OUT AND EMERGENCIES**

- 2.1 The Licensee shall comply with the Geographical Coverage Restriction as outlined in **Annex B**.
- 2.2 The Licensee shall provide access for emergency services by means of the Licensed Networks.
- 2.3 In the event of hurricanes, earthquakes, floods and similar emergencies, the Minister may in the first instance require the Licensee to provide free of charge to Government or to such Institutions or persons as the Minister may identify, such Telecommunications Services as the Minister reasonably determines are

- necessary in the public interest. Such period shall not exceed fifteen (15) days in the first instance.
- 2.4 In the event that the emergency extends beyond fifteen (15) days, the Minister may require that the services referred to in clause 2.3.1 continue to be provided free of charge to Government or such Institutions or person as identified by the Minister for a further fifteen (15) days.
- 2.5 The Government will compensate the Licensee for any days in excess of thirty- (30) days.

### **3 TECHNICAL STANDARDS**

- 3.1 The Licensee shall develop and operate the Licensed Networks in accordance with the technical standards outlined in **Annex C**.

### **4. FREQUENCY**

- 4.1 Nothing in this Licence empowers the Licensee to use spectrum that has not been granted in accordance with the Act.
- 4.2 The Licensee shall use the Authorised Frequency in accordance with the Regional Spectrum Management Plan and only for the purposes of providing the Licensed Services.

### **5. INFORMATION REQUIREMENTS**

- 5.1 The Licensee shall provide the Minister, the Commission and ECTEL with any relevant agreements (including agreements with any Affiliates of the Licensee) and such relevant accounting, financial, costs, technical and other information (including but not limited to a complete audited financial report) reasonably required to enable the Minister, the Commission and ECTEL to carry out their functions under the Act in such manner and at such times that the Minister, the Commission and ECTEL may request.

### **6. PRIVACY AND CONFIDENTIALITY**

- 6.1 The Licensee shall ensure the privacy and confidentiality of information and business secrets obtained in the course of its business from any Person to whom it provides Licensed Services by establishing and implementing procedures for maintaining confidentiality of such information as set out in the Act.

**7. PRE-NOTIFICATION OF CHANGES IN SHAREHOLDING**

- 7.1 The Licensee shall notify the Minister of any acquisition of shares or change in shareholding of the Licensee, if by reason of that acquisition or change, the total number of shares held by a Person or any nominee or trustee for that Person, immediately after the change or acquisition exceeds 25 per cent of the total number of shares in the Licensee (where such shareholding did not already exceed 25 per cent prior to that change or acquisition).
- 7.2 The Licensee shall notify the Minister in writing thirty (30) days prior to the taking effect of such change or acquisition stated above.

**8. FORCE MAJEURE**

8.1 Force Majeure refers to an event or accident which is beyond the control of the Licensee and includes:

- (a) acts of God, action by or against enemies of the State, riot or civil commotion;
- (b) strikes, lock-outs and other industrial disturbances;
- (c) wars, blockades or insurrection;
- (d) earthquake, hurricane, flood, fire or explosion or other such disaster;
- (e) outbreak of pestilence or epidemics;
- (f) government rationing of electricity or other wartime or emergency controls imposed by Government;
- (g) embargoes or trade restrictions;

8.2 The Licensee shall not be in breach of this Licence if and to the extent that it is prevented from fulfilling its obligations be reason of Force Majeure.

**9. COMPLIANCE**

9.1 The Licensee shall comply with all applicable Acts, Regulations, Directions, Orders and Recommendations issued by the Minister or the Commission.

Signed by

.....  
Minister of Telecommunications

## **ANNEX A**

### **LICENSED NETWORKS**

1. The Licensee is authorized pursuant to this Licence to establish, own and operate all telecommunications facilities necessary for the transmission of broadcast telecommunications services whether:
  - (a) using wireline or wireless technology, or any combination thereof, provided that network is used to provide audio broadcast programming; or
  - (b) reception or retransmission from satellite networks;
2. In this context, the term “transmission” relates to the infrastructure for the transport of signals intended for the production of broadcast audio programming.

For the avoidance of doubt, nothing in this Licence grants a person the rights to own or operate any telecommunications facilities used for the provision of a any other telecommunication service that have not been granted in accordance with the Act or any other legislation.

## **ANNEX B**

### **GEOGRAPHICAL COVERAGE RESTRICTIONS**

1. The Licensee is restricted to a geographical coverage of no more than a two (2) kilometres radius of the transmitting station located within **[ECTEL Member State]**

## ANNEX C

### Technical Standards For Signal Transmission and Reception BROADCASTING STANDARDS

#### COMMUNITY RADIO (FM) STANDARDS

##### 1.0 GENERAL

- 1.1 The standards contained in this document are the conditions necessary for the establishment of sound broadcasting in the FM band and in addition for the issuance of a Type Approval Certification for FM transmitters.
- 1.2 Type Approval Certification will be issued in accordance with accepted international standards that the equipment has met or test carried by the applicant and certified by a professional engineer.
- 1.3 The Authority [NTRC] reserves the right to require adjustments to be made to the equipment should it cause interference notwithstanding having been certified previously
- 1.4 Major changes in design made to the equipment, other than for the replacement of defective parts, will void the certification unless notified and approved by the Authority.
- 1.5 Transmitters will be authorized for power levels which will provide the minimum accepted field strength of 70 dBu (3.16mV/m) but shall not exceed 10W transmitter power and an ERP of 10dBW<sup>1</sup>
- 1.6 The antenna shall be located no higher than 2.0 feet above average terrain (HAAT)<sup>2</sup>
- 1.7 The use of prime (broadcast) frequencies (88-108MHz) for program rebroadcast will not be permitted.

---

<sup>1</sup> The signal strength varies as the root of the power and is given by;  
 $E = 7 \sqrt{(P)/d}$  where E is signal strength in mV/m, P is power in Watts, d is distance in metre.

<sup>2</sup> The Radio Horizon is a function of the antenna height and is given by the relation:  $D = 1.1415\sqrt{(h)}$ , where h is antenna height above average terrain (HAAT).

## **2.0 LABELING**

2.1 All certified broadcasting equipment must display in a conspicuous location:

- (a) the manufacturer's name or brand name
- (b) the model identification
- (c) the serial number
- (d) the Type Approval Acceptance number (if applicable)

2.2 The identification label must be affixed permanently so that the above information can be seen throughout the life of the equipment

## **3.0 MINIMUM DISTANCE SEPARATION BETWEEN STATIONS**

- (a) FM stations on the same channel must be separated by a minimum distance of 100 Km or 61 Miles.
- (b) FM stations on channels separated by 200 kHz must be separated by a minimum distance of 61Km or 35 Miles.
- (c) FM stations on channels separated by 400 kHz to 600 kHz must be separated by a minimum distance of 25 Km or 15miles.

## **4.0 TRANSMITTER LOCATION**

Location must be so chosen that on the basis of the effective radiated power and antenna height above average terrain (HAAT) employed, a minimum of 70 dB above 1  $\mu\text{V/m}$  (dBu) or 3.16 mV/m is provided over the service area. The transmitter location must ensure that the 1mV/m contour encompasses the population centre that is being served.

## **5.0 TRANSMITTING EQUIPMENT STANDARD**

### **5.1 Transmission System**

A FM broadcasting equipment consists of all the apparatus necessary to convert the modulating input signal to a frequency modulated carrier at the centre frequency of a standard FM channel in the 88 to 108 MHz frequency band.

### **5.2 Type of Emission**

The designation of modulation and emission refer to the manner in which the carrier is modulated and transmitted. The transmitting equipment shall produce F3EGN emission for monophonic operation and F3EHF emission for stereophonic operation. The transmitting equipment shall be capable of operating with a frequency deviation of  $\pm 75$  kHz, which is equivalent to 100% modulation.

### **5.3 Limits of modulation**

Emissions shall not exceed 100 percent modulation except for the following conditions

- (a) FM multiplex sub carrier using any modulation may operate if the multiplexed sub carrier and their sidebands are maintained within the range 20 kHz to 99 kHz.
- (b) Total peak modulation may be increased 0.5% for each 1.0% sub carrier injection modulation.

### **5.4 Carrier Frequency Adjustment**

The transmitting equipment shall be capable of operation in accordance with these standards on any channel in the specified carrier frequency range without change in construction other than changing frequency-determining components.

### **5.5 Power Supply Rating**

The AC voltage input shall be at a frequency of 50Hz. Voltage, Frequency and maximum VA requirement shall be indicated on the transmitting equipment.

## **6.0 RF CARRIER PERFORMANCE RATING**

### **6.1 Power output Rating**

#### **6.1.1 Definition**

The power output rating of transmitting equipment is the carrier power at which the transmitting equipment may be operated continuously into the test load.

- 5.1.2 The standard rating of power output for the transmitting equipment shall be as specified by the individual manufacturer. The transmitting equipment shall be capable of being adjusted to deliver the power output when the AC input voltage varies by 5% from the rated value.

### **5.2 Carrier Frequency Stability**

### 5.2.1 Definition

The carrier frequency stability is the ability of the transmitting equipment to maintain a mean test frequency.

5.2.2 The frequency of the carrier shall remain within  $\pm 1000$  Hz of the mean test frequency.

## 5.3 Spurious Emission

### 5.3.1 Definition

Spurious emissions are radio frequency signals appearing at the transmitting equipment output terminals on frequency other than the specified frequency and modulation products.

5.3.2 A spurious emission from any part of the installation other than the antenna and its transmission line shall not have an effect greater than would occur if the antenna system were supplied with the maximum permitted power at that spurious emission frequency.

5.3.2 Spurious emissions of the transmitting equipment shall not exceed the values given in table 1.

**Table 1**

<b>Spurious Emission</b>	<b>Maximum Value</b>
Between 120 kHz and 240kHz from the carrier frequency.	-25 dB*
More than 240 kHz and up to and including 600 kHz from the carrier frequency	-35 dB*
More than 600 kHz from the carrier frequency which ever is the stronger	$-(43 + 10 \log P)^*$ or $-80$ dB* P= power in watts

\* Referred to the power level of the unmodulated carrier.

## 5.4 Cabinet Radiation

#### 5.4.1 Definition

Cabinet radiation is any emission from the transmitting equipment housing or enclosure from sources other than a normal output port.

5.4.2 Emissions at any frequency shall be at least 54 dB below the calculated field strength reference level.

### **6.0 FM STEREOPHONIC SOUND TRANSMISSION STANDARD**

6.1 A FM broadcast station shall not use  $19 \text{ kHz} \pm 20 \text{ Hz}$ , except as the stereophonic pilot frequency in a transmission system meeting the following criteria –

- a) the modulating signal for the main channel consists of the Left and Right signals;
- b) the pilot subcarrier at  $19 \text{ kHz} \pm 2\text{Hz}$  shall frequency modulate the main carrier between the limits of 8 and 10 percent;
- c) one stereophonic subcarrier shall be the second harmonic of the pilot subcarrier (that is, 38 kHz) and shall cross the time axis with a positive slope simultaneously with each crossing of the time axis by the pilot subcarrier which is not precluded;
- d) double sideband, suppressed carrier amplitude modulation of the stereophonic subcarrier at 38 kHz shall be used;
- e) the stereophonic subcarrier at 38 KHz shall be suppressed to a level less than 1 % of the main carrier;
- f) the modulating signal for the required subcarrier shall be equal to the difference of the Left and right signal;
- g) the applicable modulating levels-
  - i) when a signal exists in only one channel of a two channel (biphonic) sound transmission, modulation of the carrier by a audio components shall not exceed 45%, and modulation of the carrier by the sum of the amplitude modulated subcarrier in the base band range of 23 kHz to 53 kHz shall not exceed 45%;
  - ii) when a signal exists in only one channel of a stereophonic sound transmission having more than one stereophonic subcarrier in the base band, the modulation of the carrier by audio components within the audio base band range of 23 kHz to 99 kHz shall not exceed 53% with the total modulation not to exceed 90%;

- iii) a station not transmitting stereo with a method described above shall limit the main carrier deviation caused by any modulating signals to occupying the band  $19 \text{ kHz} \pm 20 \text{ Hz}$  to  $125 \text{ Hz}$ .
- 6.2 All stations, regardless of the stereophonic transmission shall not exceed the maximum modulation limits of 100 % on peaks on frequency recurrence to 75 kHz deviation. Stations providing subsidiary communications services using subcarrier standards concurrently with the broadcasting of stereophonic or monophonic programs may increase the peak modulation deviation as follows-
- a) the total peak modulation may be increased 0.5% for each percent subcarrier injection modulation;
  - b) the modulation shall not exceed 110 per cent (82.5 kHz peak deviation).
- 6.3 Departure of the carrier or centre frequency of an FM station with an authorized power greater than 10 Watts may not deviate more than 2000 Hz from the authorized carrier.
- 6.4 The audio frequency distortion including all harmonics up to 30 kHz shall not exceed 1% in the range of frequencies from 50 Hz to 15 000 Hz.