

COMMONWEALTH OF DOMINICA

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COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. 15 OF 2007

REGULATIONS

MADE by the Minister under section 74 of the Telecommunications Act, 2000 (No.8 of 2000.)

(Gazetted 8th March, 2007)**PART I
PRELIMINARY**

1. These regulations may be cited as the -

Short title.

**TELECOMMUNICATIONS (FEES)
REGULATIONS, 2007**

2. In These regulations, unless the context otherwise requires –

Interpretation.

“Act” means the Telecommunications Act, 2000;

No. 8 of 2000.

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

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

“application fee” means the 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 35 of the Act;

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- “bandwidth” means the width of a communications channel;
- “bank account” means that special bank account set up pursuant to regulation 14 in Dominica to receive Frequency Authorisation fees;
- “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 34 of the Act;
- “Commission” means the National Telecommunications Regulatory Commission as defined in the Act;
- “Contracting State” means the Commonwealth of Dominica, Grenada, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and any State which becomes a party to the Treaty by virtue of Article 22;
- “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 of 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 telecommunications licence or Frequency Authorisation or related matter;

“frequency authorisation” means an authorisation granted by the Minister under section 35 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 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, and/or 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” means a licence granted to a particular person in accordance with section 7 of the Act on terms specific to that person;

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

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

“month” means calendar month;

“person” includes any corporation (either aggregate or sole), any partnership or association and any undertaking, club, society, or other body of one or more persons and any individual;

“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” means a licence granted pursuant to the provisions of section 7 of the Act by the Minister in an emergency or other exigent circumstances;

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

“studio to transmitter links (STL)” means communications link used for the transmission of broadcast material from a studio to the transmitter using a single transmit 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” means any wire, radio, optical, or other electromagnetic system used to route, switch, or transmit telecommunications;

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

“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. Georges, Grenada on 4th May 2000 and includes that Treaty as amended from time to time;

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

3. (1) These Regulations 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. Application.

(2) Where there is conflict between these Regulations and any other Regulations made under this Act in relation to fees, these Regulations shall prevail.

PART II LICENCE FEES

4. A person applying under the Act for an individual licence or submarine cable landing and operating licence shall pay: Individual and Submarine Cable Licences.

(a) the appropriate application fee as set out in column 3 of Schedule I;

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- (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 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.

Class Licence.

5. A person applying under the Act for a class licence shall pay-

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

Frequency Authorisation.

6. A person applying under the Act for a frequency authorisation shall pay-

- (a) the appropriate application fee as set out in column 3 of Schedule 3; and

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- (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 instalments in advance.

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

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

(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 factors including the following:

- (a) the ECTEL recommendation;
- (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. In any other telecommunications related matter for which fees are payable, payments shall be made in accordance with Schedule 5. Miscellaneous Fees.

Liability for other fees.

10. The payment of fees under these Regulations does not relieve a person who is liable to make payments under the requirements of any other Act.

PART III GENERAL FEE PAYMENTS

Payment methods.

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

PART IV FREQUENCY AUTHORISATION FEE PAYMENT PROCEDURE

Invoice Authorization and Issue.

12. 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).

Frequency Authorization Annual Payments.

13. 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 to the bank account.

Frequency Authorization Fees Account.

14. ECTEL shall set up in Dominica a bank account for the specific purpose of receiving the fees.

Account Number.

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

Responsible Officer.

16. The Commission shall assign a responsible officer for collecting and depositing the fees as prescribed herein.

Official Receipt.

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

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

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

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

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

- (a) the original shall be given to the licensee;
- (b) the second copy shall be sent to ECTEL; and
- (c) the third copy shall be retained by the Commission for its record.

21. All fees when collected by the Commission shall be deposited by the responsible officer in the bank 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. Fees Deposit.

22. 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. Accounting for Fees.

23. Deposits 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: Deposit Receipt Submissions.

- (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.

Financial Procedures.
Act No. 4 of 1994

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

Revocation.
SRO No. 8 of 2002.

25. The Telecommunication (Fees) Regulations 2002 is hereby revoked.

SCHEDULE 1 (Regulation 4)

INDIVIDUAL AND SUBMARINE CABLE LICENCES
 COLUMN I COLUMN II COLUMN III COLUMN IV COLUMN V

LICENCE CODE	DESCRIPTION	LICENCE FEES	
		APPLICATION	INITIAL
PMT	Public Mobile Telecommunications	\$ 1000	\$ 20,000
FPT	Fixed Public Telecommunications	\$ 1000	\$ 20,000
PRP	Public Radio Paging	\$ 1000	\$ 20,000
INS	Internet Network/Services	\$ 1000	\$ 20,000
SCL	Submarine Cable Landing	\$ 1000	\$ 50,000
ISP3	Internet Services Provision (>25 units)	\$ 1000	\$ 20,000
	BROADCAST SYSTEMS		
BAM	Broadcast AM Radio Station	\$ 500	\$ 500
BFM	Broadcast FM Radio Station	\$ 500	\$ 500
BTM	Broadcast Television Station	\$ 500	\$ 500
STL1	Television STL Microwave	\$ 500	\$ 500

3.0% of Gross Revenue

3.0% of Gross Revenue

3.0% of Gross Revenue

3.0% of Gross Revenue

\$ 50,000

3.0% of Gross Revenue

\$ 500

\$ 500

\$ 500

\$ 500

**SCHEDULE 2 (regulation 5)
CLASS LICENCES (TYPE A)**

LICENCE CODE	DESCRIPTION	LICENCEFEES		COLUMN III	COLUMN IV	COLUMN V
		APPLICATION	INITIAL			
ISP 1	Internet Services Provision 1-5 Units	\$ 100	\$ 500			N/A
ISP 2	Internet Services Provision (6-25 units)	\$ 500	\$ 500			\$ 500
VAS	Value Added Services	\$ 500	\$ 5,000			3.0% of Gross Revenue
AVT	Audio Text/Video Text	\$ 500	\$ 5,000			3.0% of Gross Revenue
PNS	Private Networks/Services	\$ 500	\$ 5,000			\$ 2,000
ISR	International Simple Voice Resale	\$ 500	\$ 2,000			3.0% of Gross Revenue

CLASS LICENCES (TYPE B)

LICENCE CODE	DESCRIPTION	LICENCEFEES		COLUMN III	COLUMN IV	COLUMN V
		APPLICATION	INITIAL			
AR	Amateur Radio					
ARN	- Novice	\$ 25	\$ 50			\$ 50
ARG	- General	\$ 25	\$ 50			\$ 50
ARA	- Advanced	\$ 25	\$ 50			\$ 50
ARF	- Temporary Call-Sign	\$ 25	\$ 50			N/A
CBR	Citizen Band Radio	\$ 25	\$ 50			\$ 50

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
FRN	Family Radio Service	\$ 25	\$ 50	\$ 50
LM	Land Mobile Radio	\$ 200		
LMB	- Base Station		\$ 75/unit	\$ 75/unit
LMR	- Repeater		\$500/unit	\$ 500/unit
LMM	- Mobile		\$ 75/unit	\$ 75/unit
LMP	- Handheld		\$ 50/unit	\$ 50/unit
MM	Maritime Mobile Radio	\$ 200		
MMB	- Base Station		\$ 75/unit	\$ 75/unit
MMR	- Repeater		\$ 500/unit	\$ 500/unit
MMM	- Mobile		\$ 75/unit	\$ 75/unit
MMP	- Handheld		\$ 50/unit	\$ 50/unit
MMS	Ship Station			
	Ships less than 1600 gross tons		\$300/ship	\$ 300/ship
	Ships greater than 1600 gross tons		\$500/ship	\$ 500/ship
LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
AM	Aero nautical Mobile Radio	\$ 200		
AMB	- Base Station		\$ 75/unit	\$ 75/unit
AMR	- Repeater		\$ 500/unit	\$ 500/unit
AMM	- Mobile		\$ 100/unit	\$ 100/unit
AMP	- Handheld		\$ 50/unit	\$ 50/unit
AMA	- Aircraft Station		\$ 500/aircraft	\$ 500/aircraft

CLASS LICENCES (TYPE C)
 COLUMN I COLUMN II COLUMN III COLUMN IV COLUMN V

LICENCE CODE	DESCRIPTION	LICENCE FEES APPLICATION	INITIAL	ANNUAL
CPW	Customer Premises Wireman Certification	\$ 25	\$ 100	\$ 100
TYP	Type Approval Certification	\$ 500	N/A	N/A
CIR	Customer `` Premises Installation and Repair Certification	\$ 25	\$ 100	\$ 100
TED	Telecommunication Equipment Dealer	\$ 25	\$ 250	\$ 250

SCHEDULE 3 (regulation 6)
 FREQUENCY AUTHORISATION FEES

COLUMN I COLUMN II COLUMN III COLUMN IV

LICENCE CODE	DESCRIPTION	SPECTRUM FEES APPLICATION	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1,000	\$300,000 per Cellular Operator for the first 15 MHz
PMT	Public Mobile Telecommunications	\$ 1,000	For additional frequencies \$ 20,000.00/MHz per frequency pair
PRC	Public Radio Paging	\$ 1,000	
PRN	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

COLUMN I	COLUMN II	COLUMN III	COLUMN IV
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	\$ 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
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
	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	900 MHz FHSS Commercial		\$ 20,000
	900 MHz FHSS Non commercial		\$ 5,000

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COLUMN I	COLUMN II	COLUMN III	COLUMN IV	
SSB	Spread Spectrum 2.4GHz Band			
	FHSS Commercial		\$ 20,000	
	FHSS Non commercial		\$ 6,000	
	DSSS Commercial < 10MHz bandwidth		\$ 7,000	
	DSSS Commercial bandwidth 10-20 MHz		\$ 10,000	
	DSSS Commercial 20-50 MHz bandwidth		\$ 15,000	
	DSSS Commercial > 50 MHz bandwidth		\$ 25,000	
SSC	Spread Spectrum 5.8 GHz Band			
	FHSS Commercial		\$ 20,000	
	FHSS Non commercial		\$ 6,000	
	DSSS Commercial < 10MHz bandwidth		\$ 7,000	
	DSSS Commercial 10-20 MHz		\$ 10,000	
	DSSS Commercial 20-50 MHz bandwidth		\$ 15,000	
	DSSS Commercial > 50 MHz bandwidth		\$ 25,000	
LMDS	DSSS Non Commercial		\$ 10,000	
	LMDS	\$ 1,000		
	< 125 MHz of bandwidth		\$ 500 /frequency Block	
	125 - 250 MHz of bandwidth		\$ 750 /frequency Block	
	250 - 500 Mhz of bandwidth		\$ 1,000 /frequency Block	
	500 MHz of bandwidth		\$ 1,500 /frequency Block	
MMDS	MMDS	\$ 1,000	\$ 500 /frequency	

COLUMN I	COLUMN II	COLUMN III		COLUMN IV
LICENCE CODE	DESCRIPTION	SPECTRUM FEES		ANNUAL
		APPLICATION		
SES	Statellite Earth Station	\$ 1,000		
SES3	C Band (annual licence)		\$ 60,000	per frequency pair
SES4	Ku Band (anual licence)		\$ 50,000	per frequency pair
LMF	Land Mobile Radio	\$ 200	\$	200 per frequency
MMF	Maritime Mobile Radio	\$ 200	\$	200 per frequency
AMF	Aeronautical Mobile Radio	\$ 200	\$	200 per frequency
	BROADCASTING SYSTEMS			
BAM	Broadcast AM Radio Station	\$ 500	\$	500 per frequency
BFM	Broadcast FM Radio Station	\$ 500	\$	2,000 per frequency
BTV	Broadcast Telecision Station	\$ 500	\$	3,000 per frequency
STL1	Television STL Microwave	\$ 500	\$	500 per link
STL2	Radio STL Microwave	\$ 500	\$	200 per link

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SCHEDULE 4 (regulation 7)
SPECIAL LICENCE

COLUMN I	COLUMN II	COLUMN III	COLUMN IV
LICENCE CODE	DESCRIPTION	LICENCE FEES	
		APPLICATION	ANNUAL
SL	SPECIAL LICENCE		
	- Emergencies	\$ 0	N/A
SLX	- Exigencies	\$ 200.00	N/A

SCHEDULE 5

MISCELLANEOUS (regulation 9)

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN IV
LICENCE CODE	DESCRIPTION	LICENCE FEE		
		APPLICATION	INITIAL	ANNUAL
EXM	Examination fee for Radio Operators	\$ 30	N/A	N/A
SEF	Inspection Fee	\$5.00		

Made this 26th day of February, 2007.

REGINALD AUSTRIE
Minister for Telecommunications

DOMINICA

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