

SAINT CHRISTOPHER AND NEVIS  
STATUTORY RULES AND ORDERS

No. 2 of 2002

The Minister responsible for telecommunications, in exercise of the powers conferred under section 54 of the Telecommunications Act, 2000 makes these Regulations.

1. **SHORT TITLE.** These Regulations may be cited as the **TELECOMMUNICATIONS (LICENSING AND AUTHORISATION) REGULATIONS, 2002.**

**PART I  
PRELIMINARY**

2. **COMMENCEMENT.** These Regulations shall come into force on such day as the Minister by Order published in the *Gazette* appoints.

3. **INTERPRETATION.** In these Regulations:

“Act” means the Telecommunications Act, 2000;

“Schedule” means a Schedule to these Regulations.

**PART II  
INDIVIDUAL LICENCE**

4. **APPLICATION FOR INDIVIDUAL LICENCE.** An application for an individual licence shall be submitted in writing to the Commission and shall:

- (a) be in the prescribed form and contain such information and particulars as is set out in **Schedule 1**; and
- (b) be accompanied by the prescribed application fee.

5. **PROCESSING OF APPLICATION.** (1) Upon receipt of an application for an individual licence the Commission shall:

- (a) review the application, notifying the applicant of any apparent further information required to process that application; and
- (b) promptly forward a copy of that application to ECTEL.

6. **NOTIFICATION OF MINISTER'S DECISION.** (1) The Minister shall notify the applicant of his decision within 30 days of receipt of the recommendation from ECTEL.

(2) Where ECTEL has recommended that an individual licence be granted, and the Minister so decides, the Minister shall issue the individual licence consistent with the provisions of section 8(4) of the Act and upon payment of the prescribed Fees.

(3) Where the application is refused the Minister shall in his notification to the applicant state in writing the reasons for his refusal.

**7. CONTENT OF INDIVIDUAL LICENCE.** (1) The Minister shall issue an individual licence on terms that are non-discriminatory.

(2) For the purpose of sub-regulation (1), a licence is 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.

**8. LIMITED ISSUE OF INDIVIDUAL AND CLASS LICENCES.** Where it is proposed that the number of licences to be granted for the operation of a particular type of telecommunications network or the provision of a particular type of telecommunications service should be limited, the Commission shall on the recommendation of ECTEL:

- (a) publish a consultative document containing detailed reasons for the proposed limitation;
- (b) consider any representations made to it in respect of the proposed limitation;
- (c) publish a notice in the Gazette and in a local newspaper having a wide circulation stating the:
  - (i) grounds and period during which licences will be granted; and
  - (ii) reasons for proposing to limit the number of licences; and
- (d) undertake a periodic review of any limitation imposed on the number of licences granted.

### PART III CLASS LICENCE

**9. APPLICATION FOR CLASS LICENCE.** (1) An application for a class licence shall be submitted in writing to the Commission and shall:

- (a) be in the prescribed form and contain such information and particulars as is set out in **Schedule 2**; and
- (b) be accompanied by the prescribed application fee.

**10. CONSULTATION BY COMMISSION.** The Commission, upon receiving an application for a class licence may consult with members of the public, experts, industry or other persons, or adopt any other reasonable process to aid it in deciding whether to grant a licence to a person to operate under a class licence.

**11. RECOMMENDATION BY COMMISSION.** (1) Upon completion of the process under **Regulation 9**, the Commission shall recommend to the Minister whether a class licence should be granted.

(2) In deciding whether to recommend to the Minister that the class licence be granted, the Commission shall take into account:

- (a) the matters set out in the application;
- (b) any submissions received during the process set out in **Regulation 9**;
- (c) other relevant matters.

**12. NOTIFICATION OF MINISTER'S DECISION.** (1) The Minister shall decide whether to grant a class licence to the applicant within 90 days of the application being received by the Commission.

(2) The Minister's decision to grant a class licence to a person does not licence that person to own or operate any telecommunications network, or provide any telecommunications service, other than that prescribed in the class licence.

#### **PART IV FREQUENCY AUTHORISATION**

**13. APPLICATION FOR FREQUENCY AUTHORISATION.** (1) An application for a frequency authorisation shall be submitted in writing to the Commission and shall:

- (a) be in prescribed form and contain such information and particulars as is set out in **Schedule 3**; and
- (b) be accompanied by the prescribed application fee.

**14. PROCEDURE TO BE FOLLOWED BY COMMISSION.** (1) Upon receipt of an application for a frequency authorisation the Commission shall:

- (a) review the application, notifying the applicant of any apparent further information required to process that application; and
- (b) Consult with ECTEL on that application.

**15. RECOMMENDATION BY COMMISSION.** (1) Upon completion of the process under **Regulation 14**, the Commission shall recommend to the Minister whether the frequency authorisation should be granted.



(2) In deciding whether to recommend to the Minister that the frequency authorisation be granted, the Commission shall take into account:

- (a) the matters set out in the application;
- (b) any recommendations of ECTEL;
- (c) the Regional Spectrum Management Plan; and
- (d) other relevant matters.

(3) The Commission shall make its recommendation to the Minister in writing no later than 60 days of receipt of the application.

**16. NOTIFICATION OF MINISTER'S DECISION.** (1) The Minister shall notify the applicant in writing of his decision within 30 days of receipt of the recommendation of the Commission.

(2) Where the application is approved the Minister shall issue the frequency authorisation on payment of the prescribed fee.

(3) Where the application is refused the Minister shall in his notification to the applicant state in writing the reasons for his refusal.

**17. TERMS OF LICENCE/AUTHORISATION TO BE NON-DISCRIMINATORY.** (1) The Minister shall issue an individual licence, class licence and frequency authorisation on terms that are non-discriminatory.

(2) For the purpose of sub-regulation (1), an individual licence, class licence or frequency authorisation is issued on non-discriminatory terms if:

- (a) telecommunications providers of similar types of telecommunications networks are treated similarly;
- (b) the licence or authorisation does not favour any one telecommunications provider or class of telecommunications providers; and
- (c) the issuance of the licence or authorisation does not, and is not likely to, adversely affect competition in any market.

## PART V SPECIAL LICENCE

**18. APPLICATION FOR SPECIAL LICENCE.** (1) An application for a special licence shall be submitted in writing to the Minister and shall be:

- (a) in prescribed form and contain such information and particulars as is set out in **Schedule 4**; and
- (b) accompanied by the prescribed application fee.

## PART VI GENERAL PROVISIONS

### 19. NOTIFICATION OF MATERIAL CHANGES AND MERGERS.

(1) The holder of a licence or authorisation shall notify the Minister in writing if either of the following occurs:

- (a) any of the matters forming part of the licence application pertaining to and within the knowledge of the licence changes in a material respect;
- (b) the licensee enters into any agreement to merge part or all of its telecommunications activities in Saint Christopher and Nevis with any person.

20. **VARIATION, REVOCATION OR SUSPENSION.** (1) Where the Minister proposes to vary or revoke or suspend a licence or authorisation, he shall notify the licensee or authorisation holder:

- (a) of the reasons for the proposed variation, revocation or suspension; and
- (b) specifying a period of not less than 30 days from the date of the notice within which representation with respect to the proposal may be made.

(2) Where the proposal is the result of a breach of a term, provision or limitation of the licence or authorisation:

- (a) the notice given to the licensee or authorisation holder shall state that the proposal will be withdrawn or modified if the breach is remedied within the period of 30 days commencing with the date of the notice; and
- (b) the Minister shall within the period of 30 days following the period referred to in sub-paragraph (a), confirm, modify or withdraw the proposal.

21. **REGISTER.** (1) The Commission shall maintain Registers at its principal office containing:

- (a) each individual licence, class licence, frequency authorisation and special licence;
- (b) the names and registered office of each person licensed or authorised to operate;

(2) The Register shall be open to public inspection during normal working hours and may be made available electronically or in any format as the Commission considers appropriate.

(3) The Commission shall make copies of entries in the Register available to members of the public on payment of a prescribed fee.

**Schedule 1**

(Regulation 4(a))

ECTEL Approved Forms: Version 1

**Application Form for an Individual Licence**

Under section 7.1 of the Telecommunications Act 2000

St Kitts/Nevis

Please tick as appropriate:

- ☐ Fixed Public Telecommunications Licence
- ☐ Public Mobile Telecommunications Licence
- ☐ Public Radio Paging Licence
- ☐ International Simple Voice Resale Licence
- ☐ Submarine Cable Licence

National Telecommunications Regulatory Commission  
C/o Ministry of Telecommunications and Technology  
Church Street  
P O Box 186  
Basseterre  
St Kitts/Nevis

**Guidance Notes**

- [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Individual Licence Application" addressed to Chairman, National Telecommunications Regulatory Commission, c/o Ministry of Telecommunications, Science, Technology, Church Street, P O Box 186, Basseterre, St Kitts/Nevis.
- 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 Kitts/Nevis.
- Please note that this form may also be used for an application to modify an existing licence under section 12 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.



**I. 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**

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**1.1.2 Designated contact person****1.1.3 Telephone number****1.1.4 Fax number****1.1.5 E-mail address (if available)****1.2 Business Details****1.2.1 If the applicant is a company, partnership, or other body please give the name(s) and private address of each of the current directors, company secretary, or partners:****Name****Address**

Name	Address

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

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**1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St Kitts/Nevis, please**

provide any registration number which the [companies registration office] in St Kitts/Nevis may have issued.

- 1.2.4 Address in St Kitts/Nevis for service of process or other notices (in case of overseas applicant)<sup>1</sup>

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### 1.3 History of the Applicant

- 1.3.1 Has the applicant ever applied for a licence or registration under any Act in St Kitts/Nevis and been refused?

[YES]

[NO]

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- 1.3.2 Has the applicant ever been licensed under the Telecommunications Act 2000?

[YES]

[NO]

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

[YES]

[NO]

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

[YES]

[NO]

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

[YES]

[NO]

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<sup>1</sup> Where the applicant is located overseas, the application must include an address for service of process and any other notice in St Kitts/Nevis.



- 1.3.6 Has the applicant or any Affiliate been refused a licence mentioned in question 1.3.5 above, or had a licence revoked?

[YES]

[NO]

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

[YES]

[NO]

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## 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 high-level business plan. The plan should outline any major assumptions used and should cover a period of at least [five] years. The information provided should include:

- Sources of funding, debt levels, equity and independent confirmation as appropriate;
- Proforma financial statements for [five] years to include cash flow and income statements; and
- Market forecasts.

- 2.1.2 Please provide Audited Financial Reports including certified Income Statements and Balance Sheets for the last [three] years in respect of the Company on whose behalf the application is being submitted.

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

[YES]

[NO]

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- 2.1.5 Does the applicant have any other trading activities in or outside the telecommunications market?

[YES]

[NO]

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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.

2.1.6 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.

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

[YES]

[NO]

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

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 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]

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## 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 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] 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 (eg. 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 – DECLARATION<sup>2</sup>

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:

<sup>2</sup> 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.

**Schedule 2**

(Regulation 9(1)(a))

ECTEL Approved Forms: Version 1

**Application Form for a Class Licence**

Under section 9.1 of the Telecommunications Act 2000

St Kitts/Nevis

Please tick as appropriate:

- ☐ Private Telecommunications Network Licence
- ☐ Value-Added Services Licence
- ☐ Internet Service Provision Licence
- ☐ Amateur Radio Licence
- ☐ [Aeronautical Mobile Licence]
- ☐ [Maritime Mobile Licence]

National Telecommunications Regulatory Commission  
NTRC Secretariat

C/o Ministry of Telecommunications and Technology  
Church Street  
P O Box 186  
Basseterre  
St Kitts/Nevis

**Guidance Notes**

- [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Licence Application" addressed to Chairman, National Telecommunications Regulatory Commission, c/o Ministry of Telecommunications, Science, Technology, Church Street, P O Box 186, Basseterre, St Kitts/Nevis.
- The completed application form must be accompanied by a fee of five hundred Eastern Caribbean dollars (EC\$500.00) for each service Licence applied for payable to the National Telecommunications Regulatory Commission, St Kitts/Nevis.
- 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**

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**1.1.2 Designated contact person****1.1.3 Telephone number****1.1.4 Fax number****1.1.5 E-mail address (if available)****1.2 Business Details****1.2.1 If the applicant is a company, partnership, or other body please give the name(s) and private address(es) of each of the current directors, company secretary, or partners:****Name****Address**

Name	Address

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

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**1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St Kitts/Nevis, please**



provide any registration number which the [companies registration office] in St Kitts/Nevis may have issued.

- 1.2.4 Address in St Kitts/Nevis for service of process or other notices (in case of overseas applicant)<sup>1</sup>

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### 1.3 History of the Applicant

- 1.3.1 Has the applicant ever applied for a licence or registration under any Act in St Kitts/Nevis and been refused?

[YES]

[NO]

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- 1.3.2 Has the applicant ever been licensed under the Telecommunications Act 2000?

[YES]

[NO]

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

[YES]

[NO]

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

[YES]

[NO]

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

[YES]

[NO]

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<sup>1</sup> Where the applicant is located overseas, the application must include an address for service of process and any other notice in St Kitts/Nevis.

- 1.3.6 Has the applicant or any Affiliate been refused a licence mentioned in question 1.3.5 above, or had a licence revoked?

[YES]

[NO]

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

[YES]

[NO]

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## 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 business plan. The plan should outline any major assumptions used and should cover a period of at least [five] years. The information provided should include:

- Sources of funding, debt levels, equity and independent confirmation as appropriate;
- Proforma financial statements for [five] years to include cash flow and income statements; and
- Market forecasts.

- 2.1.2 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.

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

[YES]

[NO]

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- 2.1.4 Has any member of the applicant's managerial staff been bankrupt, or been a director of a company which has become insolvent?

[YES]

[NO]

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

- 2.1.5 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]

## 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 the 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 the infrastructure the applicant is planning to put in place within the next [three] 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 (eg. 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 – DECLARATION<sup>2</sup>**

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:**

<sup>2</sup> 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.

**Schedule 3**

(Regulation 13(1)(a))

ECTEL Approved Forms: Version 1

**Application Form for a Frequency Authorisation**

Under section 10.43 of the Telecommunications Act 2000

St Kitts/Nevis

National Telecommunications Regulatory Commission  
C/o Ministry of Telecommunications and Technology  
Church Street  
P O Box 186  
Basseterre  
St Kitts/Nevis

**Guidance Notes**

- [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Frequency Authorisation Application" addressed to Chairman, National Telecommunications Regulatory Commission, c/o Ministry of Telecommunications, Science, Technology, Church Street, P O Box 186, Basseterre, St Kitts/Nevis.
- 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 Kitts/Nevis.
- 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 business address of applicant**

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- \_\_\_\_\_
- \_\_\_\_\_
- 1.1.2 Designated contact person
- 1.1.3 Telephone number
- 1.1.4 Fax number
- 1.1.5 E-mail address (if available)

**1.2 Business Details**

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

**Name**

**Address**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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\_\_\_\_\_

\_\_\_\_\_

- 1.2.3 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St Kitts/Nevis, please provide any registration number which the [companies registration office] in St Kitts/Nevis may have issued.

- 1.2.4 Address in St Kitts/Nevis for service of process or other notices (in case of overseas applicant)<sup>1</sup>

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> Where the applicant is located overseas, the application must include an address for service of process and any other notice in St Kitts/Nevis.



## 1.3 History of the Applicant

- 1.3.1 Has the applicant ever applied for a Frequency Authorisation or registration under any Act in St Kitts/Nevis and been refused?

[YES]

[NO]

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- 1.3.2 Has the applicant ever been issued a Frequency Authorisation under the Telecommunications Act 2000?

[YES]

[NO]

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- 1.3.3 If the answer to question 1.3.2 is YES, has any such Frequency Authorisation been revoked?

[YES]

[NO]

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- 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]

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

[YES]

[NO]

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- 1.3.6 Has the applicant or any Affiliate been refused a frequency authorisation mentioned in question 1.3.5 above, or had a frequency authorisation revoked?

[YES]

[NO]

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

[YES]

[NO]

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## 2. PART II – 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 Does the applicant have any shareholdings of over 5% in any other licensed telecommunications provider or frequency authorisation holder in the OECS?

[YES]

[NO]

2.1.3 Has any member of the applicant's managerial staff has been bankrupt, or been a director of a company which has become insolvent?

[YES]

[NO]

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

2.1.4 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]

### 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

*Radiocommunications Station*

- 2.3.1 Is the frequency authorisation for which the applicant is applying to be used in relation to a satellite earth station?

[YES]

[NO]

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If the answer is NO, please proceed to question 2.3.3.

- 2.3.2 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

2.3.3 Please provide a summary of the radio-based infrastructure that the applicant is planning to put in place within the next [three] years. 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 (ie. 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 10dB or hot-standby loss over 4dB must be justified]



- (l) [guaranteed maximum boresight gain relative to an isotropic radiator for any antenna specified (rounded up to nearest dB)]

*Services*

- 2.3.4 Please provide a description of the service which the applicant proposes to provide using the frequency band for which it is applying.

*Obligations*

- 2.3.5 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 – DECLARATION<sup>2</sup>**

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:**

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**Full name of signatory:**

**Position held:**

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**Date:**

<sup>2</sup> 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.

**Schedule 4**

(Regulation 18(1)(a))

ECTEL Approved Forms: Version 1

**Application Form for a Special Licence**

Under section 104.3 of the Telecommunications Act 2000

St Kitts/Nevis

National Telecommunications Regulatory Commission  
NTRC Secretariat  
C/o Ministry of Telecommunications and Technology  
Church Street  
P O Box 186  
Basseterre  
St Kitts/Nevis

**Guidance Notes**

- [3] copies of the completed application form should be submitted in an envelope clearly marked "Telecommunications Special Licence Application" addressed to Chairman, National Telecommunications Regulatory Commission, c/o Ministry of Telecommunications, Science, Technology, Church Street, P O Box 186, Basseterre, St Kitts/Nevis.
- The completed application form must be accompanied by a fee of one hundred Eastern Caribbean dollars (EC\$100.00), payable to the National Telecommunications Regulatory Commission, St Kitts/Nevis.
- 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**

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- 1.1.2 Designated contact person
  - 1.1.3 Telephone number
  - 1.1.4 Fax number
  - 1.1.5 E-mail address (if available)

## 1.2 Business Details

- 1.2.1 In the case of a company or other body corporate, please supply the company's registered number. If not incorporated in St Kitts/Nevis, please provide any registration number which the [companies registration office] in St Kitts/Nevis may have issued.
  - 1.2.2 Address in St Kitts/Nevis for service of process or other notices (in case of overseas applicant)<sup>1</sup>
- 
- 
- 
- 
- 

## 2. PART II – APPLICANT'S BUSINESS AND PROPOSED NETWORK AND/OR SERVICE(S)

### 2.1 Applicant's Proposed Activities

#### *Emergency or exigent circumstances*

- 2.1.1 Please provide information on the emergency or exigent circumstances serving as the basis of this application for a Special Licence.

#### *Purposes*

- 2.1.2 Please provide information on the purposes for which the applicant proposes to provide the Telecommunications Services.

#### *Networks and Radio Frequency*

- 2.1.3 Please provide a summary of any infrastructure which the applicant is planning to put in place.
- 2.1.4 Does the applicant require radio frequency to be used in relation to a VSAT earth station?

[YES]

[NO]

<sup>1</sup> Where the applicant is located overseas, the application must include an address for service of process and any other notice in St Kitts/Nevis.

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If the answer is NO, please proceed to question 2.1.6.

2.1.5 If the answer to question 2.1.4 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 VSAT 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 VSAT earth station receiving 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

2.1.6 If the applicant is planning to use radio frequency spectrum, please provide a summary of the radio-based infrastructure that the applicant is planning to put in place, and 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 (ie. vertical or horizontal)]
- (f) [whether system is intended to be duplicated]
- (g) type of antenna, including details of antenna height
- (h) [call signs]
- (i) address of location from where equipment is to be operated (if different from Radiocommunications Station location)
- (j) [radio frequency feeder loss and hot-standby loss, rounded up to the nearest dB. Any radio frequency feeder loss over 10dB or hot-standby loss over 4dB must be justified]
- (k) [guaranteed minimum boresight gain relative to an isotropic radiator for any antenna specified (rounded up to nearest dB)]

### *Services*

- Please provide a description of the service which the applicant proposes to provide, including details on how access to the service is to be provided (eg. indirect access, direct access, leased lines, etc.).

<sup>2</sup> 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.

3. PART III – DECLARATION<sup>2</sup>

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:

Made this 22<sup>nd</sup> day of January 2002.

SAM CONDOR  
*Minister responsible for Telecommunications*