

SAINT VINCENT AND THE GRENADINES

TELECOMMUNICATIONS (FEES) REGULATIONS

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SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2007 NO. 3

Gazetted 9th January, 2007

IN EXERCISE of the powers conferred by section 72 of the Telecommunications Act, 2001, the Minister makes the following Regulations

TELECOMMUNICATIONS (FEES) REGULATIONS, 2007

**PART I
PRELIMINARY**

Citation

1. These regulations may be cited as the Telecommunications (Fees) Regulations, 2007

Interpretation

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

“Act” means the Telecommunications Act, 2001;

“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 33 of the Act;

“bandwidth” means the width of a communications channel;

“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 32 of the Act;

“Commission” means the National Telecommunications Regulatory Commission as defined in the 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 telecommunications licence or Frequency Authorisation or related matter;

“Frequency Authorisation” means an authorisation granted by the Minister under section 34 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” means a licence granted to a particular person in accordance with section 28 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 Saint Vincent and the Grenadines;

“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 provisions of section 40 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 any 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. 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 providing extra data features with separate equipment;

Application

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

PART II

LICENCE FEES

Individual Licences

4. A person applying under the Act for an Individual 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 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 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.

Special Licence

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

Miscellaneous Fees

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

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 regulations 4, 5, 6, 7 and 8 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

REPEAL

Repeal

12. The Telecommunication (Fees) Regulations, 2002 is hereby repealed.

SCHEDULE 1 (Regulation 4)

INDIVIDUAL LICENCES

LICENCE 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
	BROADCAST SYSTEMS			
BAM	Broadcast AM Radio Station	\$1000	\$3500	\$3500
BFM	Broadcast FM Radio Station	\$1000	\$3500	\$3500
BTV	Broadcast Television Station	\$1000	\$3500	\$3500
SUB	Subscriber Television	\$1000	\$20,000	3.0% of Gross Revenue
COM	Community FM Radio Station	\$100	\$10	\$10

SCHEDULE 2 (regulation 5)

CLASS LICENCES (TYPE A)

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
ISP1	Internet Services Provision 15-30 Units	\$500	\$500	\$500
ISP 2	Internet Services Provision (>30 units)	\$500	\$ 5,000	3.0% of Gross Revenue
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	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
AR	Amateur Radio			
ARN	- Novice	\$ 25	\$ 25	N/A
ARG	- General	\$ 25	\$ 25	N/A
ARA	- Advanced	\$ 25	\$ 25	N/A
ARF	- Temporary Call- Sign	\$ 25	\$ 25	N/A
CBR	Citizen Band Radio	\$ 25	\$ 25	N/A
FRN	Family Radio Service	\$ 25	\$ 25	N/A
LM	Land Mobile Radio	\$ 200		
LMB	- Base Station		\$ 100 /unit	\$ 100/unit
LMR	- Repeater		\$ 100 /unit	\$ 100 /unit
LMM	- Mobile		\$ 100 /unit	\$ 100 /unit
LMP	- Handheld		\$ 25 /unit	\$ 25 /unit

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
MM	Maritime Mobile Radio	\$ 200		
MMB	- Base Station		\$ 100 /unit	\$ 100 /unit
MMR	- Repeater		\$ 100 /unit	\$ 100 /unit
MMM	- Mobile		\$ 100 /unit	\$ 100/unit
MMP	- Handheld		\$ 25 /unit	\$ 25 /unit
MMS	Ship Station			
	Ships less than 1600 gross tons		\$300/ship	\$300/ship
	Ships greater than 1600 gross tons		\$400/ship	\$400/ship

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
AM	Aeronautical Mobile Radio	\$ 200		
AMB	- Base Station		\$ 100/unit	\$ 100 /unit
AMR	- Repeater		\$ 150 /unit	\$ 150 /unit
AMM	- Mobile		\$ 100 /unit	\$ 100 /unit
AMP	- Handheld		\$ 25 /unit	\$ 25/unit
AMA	- Aircraft Station		\$ 200 /aircraft	\$ 200 /aircraft

SCHEDULE 3 (regulation 6)

FREQUENCY AUTHORISATION FEES

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
PMT	Public Mobile Telecommunications	\$1000	\$300,000 per Cellular Operator for the first 15MHz
PMT	Public Mobile Telecommunications	\$ 1,000	For additional frequencies \$ 20,000 /MHz per frequency pair
	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	\$1000	
	< 10 MHz bandwidth		\$5,500/frequency pair
	10 – 20 MHz bandwidth		\$6,000/frequency pair

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
MCO (CON'T)	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		\$1000/frequency Block
	>15 MHz bandwidth		\$1500/frequency Block
SS	Spread Spectrum Applications	\$ 1,000	
SSA	900MHz FHSS Commercial		\$20,000
	900MHz FHSS Non commercial		\$5000
SSB	Spread Spectrum 2.4GHz Band		
	FHSS Commercial		\$20,000
	FHSS Non commercial		\$6000
	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

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
SSC	Spread Spectrum 5.8 GHz Band		
	FHSS Commercial		\$20,000
	FHSS Non commercial		\$6000
	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
	DSSS Non commercial		\$10,000
LMDS	LMDS	\$ 1,000	
	< 125 MHz of Bandwidth		\$ 500 /frequency Block
	125 – 250 MHz of bandwidth		\$ 750 /frequency Block
	250- 500 MHz of bandwidth		\$ 1000 /frequency Block
	500 MHZ of bandwidth		\$ 1500 /frequency Block
MMDS	MMDS	\$ 1,000	\$ 500 /frequency

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
SES	Satellite Earth Station	\$ 1,000	
SES3	C Band (annual licence)		\$ 60,000 per frequency pair
SES4	Ku Band (annual 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
	BROADCAST SYSTEMS		
BAM	Broadcast AM Radio Station	\$ 500	\$ 500 per frequency
BFM	Broadcast FM Radio Station	\$ 500	\$ 500 per frequency
BTV	Broadcast Television Station	\$ 500	\$ 300 per frequency
CRS	Community Radio Station	\$ 200	\$ 10 per frequency
STL2	Radio STL Microwave	\$ 500	\$ 25 per link
STL1	Television STL Microwave	\$ 500	\$ 25 per link

SCHEDULE 4 (regulation 7)

SPECIAL LICENCE

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

Schedule 5
MISCELLANEOUS (regulation 9)

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
EXM	Examination Fee for Radio Operators	\$ 30	N/A	N/A
SEF	Inspection Fee	\$5.00	N/A	N/A
CPW	Customer Premises Wireman Certification	\$ 25	\$ 100	\$ 100
TYP	Type Approval Certification	\$100	N/A	N/A
CIR	Customer Premises Installation and Repair Certification	\$25	\$100	\$100
TED	Telecommunications Equipment Dealer	\$ 25	\$ 250	\$ 250
SRO	Ship Station Radio Operators Certification	\$ 25	\$ 25	\$ 25

Made this 3rd day of January, 2007

HON. DR. JERROL THOMPSON
 Minister of Telecommunications
 Science, Technology and Industry