

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 13 of 2007

Telecommunications (Fees) Regulations, 2007

ARRANGEMENT OF REGULATIONS

PART I - PRELIMINARY

Regulation

1. Citation.
2. Interpretation.
3. Scope.

PART II - LICENCE FEES

4. Individual and submarine cable licences.
5. Class licence.
6. Frequency authorisation.
7. Special licence.
8. Other licences.
9. Miscellaneous fees.
10. Liability for other fees.

PART III - MISCELLANEOUS PROVISIONS

11. Payment methods.
12. Revocation.

SCHEDULES

First Schedule: Individual and Submarine Cable Licences.

Second Schedule: Class Licences.

Third Schedule: Frequency Authorisation Fees.

Fourth Schedule: Special Licence.

Fifth Schedule: Miscellaneous.

STATUTORY RULES AND ORDERS

No. 13 of 2007

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

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**PART I - PRELIMINARY**

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

**2. INTERPRETATION.** In these Regulations, unless the context otherwise requires

“Act” means the Telecommunications Act, No. 2 of 2000;

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

“application” means an application for a licence or a 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 a frequency authorisation;

“assigned frequencies” means the frequencies granted by the Minister in a frequency authorisation under section 10 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 9 of the Act;

“Commission” means the National Telecommunications Regulatory Commission set up under section 15 of 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 a condition;
- “family radio service (FRS)” means a radio service used by family, friends and associates to communicate within a limited geographical area of less than a mile radius;
- “fee” means a charge applicable for or in relation to a telecommunications licence or a Frequency Authorisation or a related matter;
- “Frequency Authorisation” means an authorisation granted by the Minister under section 10 of the Act for the use of 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 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 8 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 Christopher and Nevis;
- “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 by the Minister under section 10A of the Act 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 a 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 under 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 a concept in which a design is approved by an agency 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 4<sup>th</sup> 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;

**3. SCOPE.** (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 the Act in relation to fees, these regulations shall prevail.

## **PART II - FEES**

**4. INDIVIDUAL AND SUBMARINE CABLE LICENCES.** A person applying under the Act for an Individual Licence or Submarine Cable Landing and Operating Licence shall pay

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

5. **CLASS LICENCE.** A person applying under the Act for a Class Licence shall pay

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

6. **FREQUENCY AUTHORISATION.** A person applying under the Act for a Frequency Authorisation shall pay

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

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

8. **OTHER LICENCES.** (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.

(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. **MISCELLANEOUS FEES.** In any other telecommunications related matter for which fees are payable, payments shall be made in accordance with the Fifth Schedule.

10. **LIABILITY FOR OTHER FEES.** 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 - MISCELLANEOUS PROVISIONS

11. **PAYMENT METHODS.** A person paying fees in accordance with these regulations 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.

12. **REVOCAION.** The Telecommunications Licence Fees Order, No. 25 of 2002 and the Telecommunications (Licenses and Fees) Order, No. 9 of 1953 are hereby revoked.

### FIRST SCHEDULE (Regulation 4)

#### INDIVIDUAL AND SUBMARINE CABLE LICENCES

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
PMT	Public Mobile Telecommunications	\$1,000	\$20,000	3.0% of Gross Annual Revenue
FPT	Fixed Public Telecommunications	\$1,000	\$20,000	3.0% of Gross Annual Revenue
PRP	Public Radio Paging	\$1,000	\$20,000	3.0% of Gross Annual Revenue
INS	Internet Network /Services	\$1,000	\$20,000	3.0% of Gross Annual Revenue
SCL	Submarine Cable Landing	\$1,000	\$50,000	3.0% of Gross Annual Revenue except that the minimum fee payable shall not be less than \$50,000
ISP3	Internet Services Provision (>25 units)	\$1,000	\$20,000	3.0% of Gross Annual Revenue

BROADCAST SYSTEMS				
BAM	Broadcast AM Radio Station	\$500	\$500	2.0% of Gross Annual Revenue except that maximum fee payable shall not exceed \$25,000
BFM	Broadcast FM Radio Station	\$500	\$500	2.0% of Gross Annual Revenue except that maximum fee payable shall not exceed \$25,000
BTV	Broadcast Television Station	\$500	\$500	2.0% of Gross Annual Revenue except that maximum fee payable shall not exceed \$25,000
STL1	Television STL Microwave	\$500	\$500	\$500

**SECOND SCHEDULE**  
(Regulation 5)

**CLASS LICENCES (TYPE A)**

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
ISP1	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 Annual Revenue
AVT	Audio Text / Video Text	\$500	\$5,000	3.0% of Gross Annual Revenue
PNS	Private Networks/ Services	\$500	\$5,000	\$2,000
ISR	International Simple Voice Resale	\$500	\$2,000	3.0% of Gross Annual Revenue

**CLASS LICENCES (TYPE B)**

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
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
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
<b>LICENCE CODE</b>	<b>DESCRIPTION</b>	<b>LICENCE FEES</b>		
		<b>APPLICATION</b>	<b>INITIAL</b>	<b>ANNUAL</b>
AM	Aeronautical 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
<b>CLASS LICENCES (TYPE C)</b>				
<b>LICENCE CODE</b>	<b>DESCRIPTION</b>	<b>LICENCE FEES</b>		
		<b>APPLICATION</b>	<b>INITIAL</b>	<b>ANNUAL</b>
CPW	Customer Premises Wireman Certification	\$25	\$100	\$100
TYP	Type Approval Certification	\$500	N/A	N/A
EXM	Examination Fee for Radio Operators	\$30	N/A	N/A



**THIRD SCHEDULE**  
(Regulation 6)

**FREQUENCY AUTHORISATION FEES**

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
PMT	Public Mobile Telecommunications	\$1,000	\$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		\$10,000/frequency
	10 – 20 MHz bandwidth		\$20,000/frequency
	20 – 30 MHz bandwidth		\$30,000/frequency/
	>30 MHz bandwidth		\$40,000/frequency
MCL	Microwave – Cellular Inter-site	\$1,000	
	< 10 MHz bandwidth		\$6,000/frequency pair
	10 – 20 MHz bandwidth		\$12,000/frequency pair
	20 – 30 MHz bandwidth		\$18,000/frequency pair
	>30 MHz bandwidth		\$24,000/frequency pair
MCO	Microwave - other	\$1,000	
	< 10 MHz bandwidth		\$6,000/frequency pair
	10 – 20 MHz bandwidth		\$12,000/frequency pair
	20 – 30 MHz bandwidth		\$18,000/frequency pair
	>30 MHz bandwidth		\$24,000/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
	5 – 10 MHz bandwidth		\$750/frequency
	10 – 15 MHz bandwidth		\$1000/frequency

	>15 MHz bandwidth		\$1500/frequency
SS	Spread Spectrum Applications	\$1,000	
SSA	900 MHz FHSS Commercial		\$20,000
	900 MHz FHSS Non-commercial		\$5,000

SSB	Spread Spectrum 2.4 GHz Band		
	FHSS Commercial		\$30,000
	FHSS Non-commercial		\$6,000
	DSSS Commercial < 20 MHz bandwidth		\$15,000
	DSSS Commercial 20 – 50 MHz bandwidth		\$30,000
	DSSS Commercial > 50 MHz bandwidth		\$45,000

	DSSS Non-commercial		\$10,000
SSC	Spread Spectrum 5.8 GHz Band		
	FHSS Commercial		\$30,000
	FHSS Non-commercial		\$6,000
	DSSS Commercial < 20 MHz bandwidth		\$15,000
	DSSS Commercial 20 – 50 MHz bandwidth		\$30,000
	DSSS Commercial > 50 MHz bandwidth		\$45,000
	DSSS Non-commercial		\$10,000

LMDS	LMDS	\$1,000	
	< 125 MHz of Bandwidth		\$500 /frequency
	125–250 MHz of bandwidth		\$750 /frequency
	250- 500 MHz of bandwidth		\$1,000 /frequency
	500 MHz of bandwidth		\$1,500 /frequency
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
<b>BROADCAST SYSTEMS</b>			
BAM	Broadcast AM Radio Station	\$500	\$500 per frequency
BFM	Broadcast FM Radio Station	\$500	\$2,000 per frequency
BTV	Broadcast Television Station	\$500	\$3,000 per frequency
STL1	Television STL Microwave	\$500	\$500 per link
STL2	Radio STL Microwave	\$500	\$200 per link

#### FOURTH SCHEDULE

(Regulation 7)

#### SPECIAL LICENCE

LICENCE CODE	DESCRIPTION	LICENCE FEES	
		APPLICATION	ANNUAL
SL	SPECIAL LICENCE		
SLE	- Emergencies	\$0	N/A
SLX	- Exigencies	\$200	N/A

#### FIFTH SCHEDULE

(Regulation 9)

#### MISCELLANEOUS

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
TED	Telecommunications Equipment Dealer	\$25	\$250	\$250
SEF	Inspection Fee	\$5.00		

Made this 6<sup>th</sup> day of February 2007.

DENZIL L DOUGLAS

*Minister responsible for Telecommunications*

