

DRAFT

NETWORK–SERVICE LICENCE APPLICATION FORM
PRESCRIBED APPLICATION FORM FOR
AN ELECTRONIC COMMUNICATION NETWORK–SERVICE LICENCE

OR

THE PROVISION OF
AN ELECTRONIC COMMUNICATIONS NETWORK (ONLY)

APPLICATION FOR A NETWORKS –SERVICE LICENCE

Under section 36-37 of the Electronic Communications Act

Name of Applicant

Type of Application

- New Application
- Application to amend or modify an existing licence
- Application to renew Licence
- Application to surrender Licence

Please tick as appropriate the service for which you are applying:

- Fixed Electronic Telecommunications networks and services
- Internet networks and services
- Public Mobile Electronic Communications Networks and services
- Submarine Cable Landing
- Subscriber Television
- Network (only)
- Public Radio Paging
- Other (Please specify)

GUIDANCE NOTES:

- (i) This application is to be completed in triplicate.
- (ii) Tick the service(s) for which the licence is sought. Application may be submitted electronically or in hard copy. Three (3) copies of the completed application should be submitted in an envelope clearly marked “Application for Electronic Communications Network and or Network and Service Licence” addressed to The Minister of Electronic Communications, [Insert Address], [ECA Member State].
- (iii) A copy of the application shall be simultaneously submitted to ECA and the Commission.
- (iv) Please note that this form may be used for an application to modify an existing licence.
- (v) This form may also be used to surrender a licence. Please attach a copy of the licence to be surrendered.
- (vi) This form may also be used for renewal of a licence. Please attach a copy of the existing licence to the completed application.
- (vii) The appropriate application fee of one thousand Eastern Caribbean Dollars [EC\$1000] must accompany the completed form for each licence applied for, payable to the National Electronic Regulatory Commission, [in ECA Member State].
- (viii) For questions or sections which are not applicable, write ‘NOT APPLICABLE’ in bold or print.
- (ix) Incomplete applications or applications with conditional statements may be summarily rejected.
- (x) Please indicate which information provided in your application is to be considered confidential.
- (xi) Any word, phase or expression used herein shall have the same meaning as it has in the Electronic Communications Act.
- (xii) Where any documents are requested a certified copy should be provided if the document originates from an ECA Member State. Where the document originates from outside an ECA Member State a notarised copy should be provided along with an Apostille.
- (xiii) The content of this application form does not constitute legal advice.
- (xiv) Applicants are advised to seek independent confirmation and professional advice with respect to any matter pertaining to this licencing procedure.
- (xv) ECA Member State means: Commonwealth of Dominica, Grenada, St. Kitts and Nevis, Saint Lucia and St. Vincent and the Grenadines.
- (xvi) These guidelines are subject to the provisions of the Electronic Communications [Act] and any regulations thereto.

1. PART I- THE APPLICANT

(Please complete fully in type or block letters)

1.1 Contact Details

| | | |
|-------|---|--|
| 1.1.1 | Name of applicant: | |
| 1.1.2 | Address for Service | |
| 1.1.3 | Postal Address if different from above: | |
| 1.1.4 | Designated contact person: | |
| 1.1.5 | Telephone number: | |
| 1.1.6 | Fax number: | |
| 1.1.7 | E-mail address: | |
| 1.1.8 | Website: | |

1.2 Business Details

1.2.1 State whether the applicant is a company, partnership, joint venture or other body corporate.

.....
.....

1.2.2 If the applicant is a company, partnership, joint venture or other body corporate, please give the names and private addresses of each of the current directors, company secretary or partners:

| Name | Address | Position/Nationality |
|------|---------|----------------------|
| | | |
| | | |
| | | |

1.2.3 Date of incorporation

1.2.4 Date of registration

1.2.5 Has any member of the applicant's managerial staff been bankrupt, filed bankruptcy or filed bankruptcy proceedings 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.

1.2.6 State the name under which the applicant proposes to trade and registered office address if different from above.

| |
|--|
| |
|--|

1.2.7 Shareholders holding 25% or more shares

| Percent holding | Name of Shareholder | Address | Nationality |
|-----------------|---------------------|---------|-------------|
| | | | |
| | | | |

1.2.8 In the case of a company or other body corporate, please provide certified copies of the company/entity's Certificate of Incorporation from the Registrar in [ECA Member State], Articles and memorandum of Incorporation, Certificate of Good Standing and Return of Allotments/shareholding from the Registrar of Companies in [ECA Member State] and Notice of Directors.¹ In the case of a company or other body corporate from outside an [ECA Member State] please provide Notarised copies of the above with an Apostille.

1.3 History of the Applicant

1.3.1 Has the applicant ever applied for a licence or registration under any Act in [ECA Member State] and been refused?

[YES]

[NO]

If YES, please explain

| |
|--|
| |
|--|

1.3.2 Has the applicant ever been licensed under the Electronic Communications Bill?

[YES]

[NO]

If YES, please explain

| |
|--|
| |
|--|

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

[YES]

[NO]

¹ (For companies or entities incorporated outside an ECA Member State please provide Notarised copies with Apostille)

If YES please explain

1.3.4 Has any Affiliate of the applicant previously been granted a licence under the Telecommunications Act 200[-] which was revoked?

[YES]

[NO]

1.3.5 Is the applicant or Affiliate the holder of a telecommunications/Electronic Communications licence in any other country?

[YES]

[NO]

If YES, state which other countries and type of licence

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

[YES]

[NO]

If YES, state the grounds for refusal or revocation.

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

[YES]

[NO]

If YES, state the name of the business

1.3.8 Does the applicant have any experience in providing telecommunications services?

[YES]

[NO]

If YES, indicate the nature, type of service and nature of the experience.

If NO, indicate experience of personnel providing the telecommunications service.

2. PART II TECHNICAL INFORMATION (FOR SUBMARINE CABLE APPLICATION)

2.1 Please provide information on:

(a) The intended route of the cable and in the case of a terminating cable the landing points of the cable in [Contracting State]:

(b) The technical description of each proposed cable network, including details on the following:

- a. all technical aspects of the cable, including type, capacity and accessory equipment;
- b. cable route with proposed landing point(s);
- c. how access to the cable is to be provided (e.g. indirect access, direct access, leased lines, etc.);
- d. support mechanisms for the cable landing and maintenance;
- e. targeted customer base, including type and number of customers targeted.

(c) Documentation indicating compliance with the requirements of the Ministry of Planning (or its equivalent)

3. PART III – APPLICANT’S BUSINESS AND PROPOSED NETWORK/ TECHNOLOGY AND/OR SERVICES(S)

3.1 Financial Information and Business Plan

3.1.1 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 fund, including amount and type of funding supported by independent confirmation as appropriate including by official letter of credit from financial institution, or affidavit with supporting official bank statements;

- Availability of funding (e.g. letters of intent, financial records or audited financial statements in support of funding);
- Proforma Financial statements for [five] years to include balance sheets, statement of cash flow and income statements; and
- Market analysis, targeted customer base, projected market penetration, sensitivity analysis.
- Plans to comply with licensing obligations including buildout obligations and contribution to Universal Service Fund.

3.1.2 Please provide certified copies of Audited financial statement of the last three (3) years in respect of the company, partnership, joint venture or other body, on whose behalf the application is being submitted.

In the case of a new entity, please provide a certified statement of financial affairs of each principle.

3.1.3 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.

3.1.4 Does the applicant have any shareholdings in any other licensed telecommunications provider in CARICOM?

[YES]

[NO]

If YES, give the name(s) of provider(s) and percentage shareholding

3.1.5 Does the applicant have any other trading activities in or outside the telecommunications/Electronic Communications market?

[YES]

[NO]

If the answer is YES, please provide details of any arrangements made to ensure no cross-subsidisation between the applicants:

(a) telecommunications and non-telecommunications activities

- 3.1.6 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.

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

- 3.1.7 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]

If YES, provide details

- 3.1.8 Has any member of the applicant's managerial staff been bankrupt, filed bankruptcy or filed bankruptcy proceedings or been a director, partner, joint venture or other body corporate of a company which has become insolvent?

[YES]

[NO]

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

3.2 Applicant's Current Activities

Network /technology

- 3.2.1 Please provide a summary of the infrastructure that the applicant has in place, including radio-based infrastructure.
- 3.2.2 If the applicant is using radio frequency spectrum, please provide a summary of the frequency authorisations held, including the number of frequency authorisations and the reference number of each frequency authorization.

Services

- 3.2.3 Please provide a summary of the products and services being offered.

Licence obligations

- 3.2.4 Please indicate whether 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
- (g) any leased line and resale obligations
- (h) any privacy and confidentiality obligations
- (i) any non-discrimination obligations
- (j) infrastructure sharing
- (k) Number portability
- (l) Equal and indirect access
- (m) Payment of fees
- (n) Roaming

3.3 Applicant's Proposed Activities

Networks / technology

- 3.3.1 Please provide a summary of the infrastructure that the applicant is planning to put in place within the next three (3) years, including radio-based infrastructure.
- 3.3.2 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/or attached 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 (e.g. indirect access, direct access, leased lines, etc.)
 - targeted customer base, including number of customers targeted

Licence obligations

- 2.3.4 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,
 - (g) any leased line and resale obligations
 - (h) any privacy and confidentiality obligations
 - (i) any non-discrimination obligations
 - (j) infrastructure sharing
 - (k) Number portability

- (1) Equal and indirect access
- (0) Roaming

2.3.5 Number of employees (Actual and or Proposed) _____

4. PART III - DECLARATION²

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. I accept that the Licence may be revoked and the appropriate penalty applied if it is established that the information provided herein is incorrect or inaccurate.

Signed: _____

Full name of signatory: _____

Position held: _____

Date: _____

² 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 sole proprietorship, by the sole proprietor, or
- (iii) In the case of a partnership, by a partner; or
- (iv) In the case of a company or other body corporate, by a director of the company or other body corporate
- (v) In the case of a company provide (3 certified copies) of the authorized representative & Company seal