

Telecommunications (Fees) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT 2014, No. 60

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Telecommunications (Fees) Regulations

*Telecommunications (Fees) Regulations***SAINT LUCIA**

STATUTORY INSTRUMENT, 2014, No.60

[10th June, 2014]

In exercise of the power conferred by section 73 of the Telecommunications Act, Cap. 8.11, the Minister responsible for telecommunications makes these Regulations:

Citation

1. These Regulations may be cited as the Telecommunications (Fees) Regulations, 2014.

Interpretation

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

“Act” means the Telecommunications Act, Cap. 8.11;

“assigned frequencies” means the frequencies granted by the Minister in a frequency authorisation pursuant to section 35 of the Act;

“bandwidth” means the width of a communication channel;

“direct sequencing spread spectrum” or “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;

“Family Radio Service” or “FRS” means a radio service used by family, friends and associates to communicate within a limited geographical area of less than a mile radius;

“Frequency Hopping Spread Spectrum” or “FHSS” means a transmission technology where a 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;

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“frequency pair” means a pair of transmit and receive frequencies used in semi-duplex or duplex operations;

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

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

“repeater” means a device that amplifies, reshapes or retimes an input signal;

“reporting year” means an annual period for which financial reports are accepted by the Commission;

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

“Studio to Transmitter Links” or “STL” means communication links used for the transmission of broadcast material from a studio to the transmitter using a single transmission frequency;

“type approval” means the type approvals specified in the Schedule to the Telecommunications (Terminal Equipment and Public Network) Regulations, Cap.8.11;

“value added services” means a communication facility that uses the network of an individual licensee for the transmission and provision of extra data features with separate equipment.

Application

3.–(1) These Regulations apply to fees relating to the provision of telecommunications facilities, equipment and services and set out the amounts and circumstances in which these fees are payable.

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

Individual licence

4. A applying for an individual licence shall pay-
- (a) the prescribed application fee set out in Schedule 1;
 - (b) on the granting of the licence, the prescribed initial fee set out in Schedule 1; and
 - (c) on each anniversary date of the granting of the licence and throughout the duration of the licence, the prescribed annual fee set out in Schedule 2, except where it is payable as a percentage of gross annual revenue then the annual fee payment shall be due and payable within forty five 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 for a class licence shall pay -
- (a) the prescribed application fee set out in Schedule 2;
 - (b) on the granting of a class licence, the prescribed initial fee set out in Schedule 2; and
 - (c) on each anniversary date of the granting of the licence and throughout the duration of the licence, the prescribed annual fee set out in Schedule 2, except where it is payable as a percentage of gross annual revenue then the annual fee payment shall be due and payable within forty five days of the reporting year and shall be accompanied by a gross annual revenue report and supporting attachments that provide details of the calculation.

*Telecommunications (Fees) Regulations***Frequency authorisation**

6. A person applying for a frequency authorization shall pay -
- (a) the prescribed application fee set out in Schedule 3;
 - (b) on the grant of a frequency authorization, the prescribed fee set out in Schedule 3 for all the assigned frequencies; and
 - (c) the prescribed annual fee set out in Schedule 3 by equal quarterly installments in advance.

Special licence

7. A person applying under the Act for a special licence shall pay the prescribed fees set out in Schedule 4.

Other licences

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

(2) The Commission shall consult with the applicant, ECTEL and any other relevant person and adopt such reasonable process as is appropriate to aid in determining its advice to the Minister.

(3) The Commission shall take into account all relevant factors in determining its advice to the Minister, including -

- (a) ECTEL's recommendations;
- (b) views expressed by the applicant and any other consultees;
- (c) fees set out in the Schedules to these Regulations;
- (d) the commercial value of the service to be provided;
- (e) the value of any resource involved; and
- (f) any reasonably incurred administrative costs.

*Telecommunications (Fees) Regulations***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.

Payments to the Consolidated Fund

11. Except that all fees collected pursuant to regulation 6 are to be paid to ECTEL in accordance with the procedures set out in the Telecommunications (Frequency Fees) (Collection Mechanism) Regulations, Cap.8.11, the Commission shall ensure that fees collected pursuant to these regulations are to be paid into the Consolidated Fund.

Commission not to refund

12. The Commission shall not refund fees paid pursuant to these regulations.

Revocation

13. The Telecommunication (Fees) Regulations, Cap. 8.11 are revoked.

SCHEDULE 1

(regulation 4)

INDIVIDUAL LICENCE FEES

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
PMT	Public Mobile Telecommunications	\$ 1000	\$ 20,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$ 20,000
FPT	Fixed Public Telecommunications	\$ 1000	\$ 20,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$ 20,000
PRP	Public Radio Paging	\$ 1000	\$ 20,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$ 20,000
INS	Internet Network/Services	\$ 1000	\$ 20,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$ 20,000
SUB	Subscriber Television Network/Services	\$1000	\$20,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$ 20,000
SCL	Submarine Cable Landing	\$ 1000	\$ 50,000	\$50,000

SCHEDULE 2

(regulation 5)

CLASS LICENCE FEES

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
MVN	Mobile Virtual Network Operator/Services	\$500	\$5,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
RLC	Resale of Leased Circuits	\$500	\$5,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
IPT	Internet Protocol Telephony Services	\$500	\$5,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
VAS	Value Added Services	\$500	\$ 5,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
AVT	Audio Text / Video Text	\$500	\$ 5,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
ISVR	International Simple Voice Resale	\$500	\$ 2,000	3.0% of Gross Annual Revenue, except that the minimum fee shall not be less than \$5,000
PNS	Private Networks/Services	\$500	\$5,000	\$2,000
BROADCAST SYSTEMS				
BAM	Broadcast AM Radio Station	\$500	\$3,500	\$3,500
BFM	Broadcast FM Radio Station	\$500	\$3,500	\$3,500
BTV	Broadcast Television Station	\$500	\$3,500	\$3,500
COM	Community FM Radio Station	\$100	\$100	\$100

CLASS LICENCE FEES

LICENCE CODE	DESCRIPTION	LICENCE FEES		
		APPLICATION	INITIAL	ANNUAL
AR	Amateur Radio			
ARN	- Novice	\$ 25	\$ 50	N/A
ARG	- General	\$ 25	\$ 50	N/A
ARA	- Advanced	\$ 25	\$ 50	N/A
ARF	- Temporary Call- Sign	\$ 25	\$50	N/A
FRS	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 at 1600 gross tons or greater		\$500/ship	\$500/ship
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

SCHEDULE 3

(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		\$ 7,000/frequency pair on a link
	- 10 – 20 MHz bandwidth		\$10,000/frequency pair on a link
	- 21 –30 MHz bandwidth		\$12,000/frequency pair on a link
	- >30 MHz bandwidth		\$18,000/frequency pair on a link
MCL	Microwave – Cellular Inter-site	\$1,000	
	- < 10 MHz bandwidth		\$5,500/frequency pair on a link
	- 10 – 20 MHz bandwidth		\$6,000/frequency pair on a link
	- 21 –30 MHz bandwidth		\$6,500/frequency pair on a link
	- >30 MHz bandwidth		\$15,000/frequency pair on a link
MCO	Microwave - other	\$1,000	
	- < 10 MHz bandwidth		\$5,500/frequency pair on a link
	- 10 – 20 MHz bandwidth		\$6,000/frequency pair on a link
	- 21 –30 MHz bandwidth		\$6,500/frequency pair on a link
	- >30 MHz bandwidth		\$15,000/frequency pair on a link
MSR	Microwave-Subscriber TV Relay	\$1,000	
	- 6MHz bandwidth		\$1,000/frequency

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
VST	VSAT	\$1,000	
	- KU Band		\$ 12,000 / frequency pair
	- C Band		\$ 15,000 / frequency pair
BWA	Broadband Wireless Access(698 Mhz to 806 Mhz)	\$1,000	20,000 / 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	- 900MHz FHSS Commercial		\$20,000
	- 900MHz FHSS Non commercial		\$5,000
SSB	Spread Spectrum 2.4GHz Band	\$1,000	
	- FHSS Commercial		\$20,000
	- FHSS Non commercial		\$6,000
	- DSSS Commercial < 10MHz		\$7,000
	- DSSS Commercial 10-20MHz bandwidth		\$10,000
	- DSSS Commercial 20 – 50 MHz bandwidth		\$15,000
	- DSSS Commercial > 50 MHz bandwidth		\$25,000
	- DSSS Non commercial		\$10,000
SSC	Spread Spectrum 5.8 GHz Band	\$1,000	
	- FHSS Commercial		\$20,000
	- FHSS Non commercial		\$6,000
	- DSSS Commercial < 10MHz bandwidth		\$7,000
	- DSSS Commercial 10 – 20MHz bandwidth		\$10,000
	- DSSS Commercial 20 – 50 MHz bandwidth		\$15,000
	- DSSS Commercial > 50 MHz bandwidth		\$25,000
	- DSSS Non commercial		\$10,000

LICENCE CODE	DESCRIPTION	SPECTRUM FEES	
		APPLICATION	ANNUAL
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
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	\$ 2,000 per frequency
BTV	- Broadcast Television Station	\$500	\$ 3,000 per frequency
CRS	- Community Radio Station	\$200	\$25 per frequency
STL1	- Television STL Microwave	\$500	\$ 500 per link
STL2	- Radio STL Microwave	\$500	\$ 200 per link

SCHEDULE 4
SPECIAL LICENCE FEES

(regulation 7)

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

(regulation 9)

SCHEDULE 5
MISCELLANEOUS FEES

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
TYP -1	Type Approval Certification	\$500	N/A	N/A

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Made this 4th day of June, 2014.

JAMES FLETCHER,

Minister responsible for telecommunications.

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