



By email to: consultation@ectel.int

October 24, 2025

Mr. David Cox
Managing Director
Eastern Caribbean Telecommunications Authority ("ECTEL")
P. O. Box BW395,
Gros Islet, LC01 601
St. Lucia

Re: Response to Consultation Paper on Recommendation to Amend the Licence Classification Notice to Include Non-Terrestrial Networks and Services Licence and the Telecommunications (Fees) Regulations of the ECTEL Member States for Point-to-Multipoint Wireless Services

Digicel wishes to express its sincere appreciation for the opportunity to participate in the consultation process regarding the proposed amendments to the Licence Classification Notice to include Non-Terrestrial Networks and Services Licence, as well as the Telecommunications (Fees) Regulations for Point-to-Multipoint Wireless Services in the ECTEL Member States ("the Consultation").

We recognize the importance of this initiative in strengthening the regulatory framework and ensuring a consistent approach to administering satellite radio frequency spectrum licences, thereby promoting access to innovative electronic communications services across the region. We value the transparency and inclusiveness of ECTEL's consultation process, and we welcome the chance to contribute our perspectives and expertise.

Digicel now respectfully submits its comments and responses to the Consultation. The comments as provided herein are not exhaustive and Digicel's decision not to respond to any particular issue(s) raised in the draft Regulations or any particular issue(s) raised by any party relating to the subject matter generally does not necessarily represent agreement, in whole or in part nor does any position taken by Digicel in this document represent a waiver or concession of any sort of Digicel's rights in any way.

Questions for clarification regarding the response submitted on behalf of ECTEL markets may be directed to the writer hereof via email at joel.wallace@digicelgroup.com

Sincerely,

Signed by:

A handwritten signature in black ink, appearing to read 'J. Wallace', enclosed within a blue rounded rectangular border.

Joel Wallace (Mr.)

Chief Executive Officer – South West Indies Region

Response to Consultation Paper on Recommendation to Amend the Licence Classification Notice to Include Non-Terrestrial Networks and Services Licence and the Telecommunications (Fees) Regulations of the ECTEL Member States for Point-to-Multipoint Wireless Services

Submitted for and on behalf of the Digicel entities operating under the ECTEL jurisdiction, including but not limited to:

Digicel (SVG) Limited

Former OSV Building, Fountain, St. Vincent & the Grenadines; 1-784-528-7180

Wireless Ventures (St. Kitts-Nevis) Limited

P.O. Box 1033, The Koi Building, One Airport Road, Basseterre, St. Kitts; 1-869- 762-4000

Caribbean Cable Communications (Nevis) Limited

P.O. Box 46, Henville Building, Main Street, Charlestown, Nevis; 1-869-762-8500

Digicel Grenada Limited

Point Salines, St. George's, Grenada; 1-473-423-4500

Digicel (Dominica) Limited

20 Bath Road, P.O. Box 2236, Roseau, Dominica; 1-767- 448-5095

SAT Telecommunications Limited

20 Bath Road, P.O. Box 2236, Roseau, Dominica; 1-767- 448-5095

1.0.Introduction

1.4.

It would be prudent for the ECTEL to include some of the major disadvantages of non-terrestrial network connectivity for completeness. They include high latency issues, slow speeds (upload and download), and vulnerability to bad weather. An unbiased representation of the advantages and disadvantages of non-terrestrial networks is germane to a robust and fulsome contemplation of this public consultation document by stakeholders especially as the ECTEL focuses on resilience as one of the several advantages of NTN connectivity.

4.6 ECTEL Member States

4.6.1

The ECTEL fails to acknowledge that satellite licences have been provisioned to satellite service providers in St. Vincent and the Grenadines and Dominica. The ECTEL should revise its background to capture the advent of satellite telecommunication services in the ECTEL jurisdictions culminating in the jurisdictions where satellite service providers have been authorized to provision broadband services.

5.0 Recommendations

5.2.1

Digicel does not support the introduction of a new class licence. The proposed Non-Terrestrial Networks and Services Class Licence inherently establishes an uneven regulatory playing field between terrestrial operators and non-terrestrial (“NTN”) providers in failing to adequately address the following gaps:

- a) NTN operators that provide services without ground-based infrastructure may present significant monitoring and regulatory challenges, thereby potentially undermining the ability of the ECTEL and National Telecommunications Regulatory Commissions (“NTRCs”) to enforce compliance, quality of service, and consumer protection standards. To mitigate these challenges, it is recommended that the ECTEL require local licensing of all service providers delivering internet access to local consumers within the Member States, irrespective of delivery platform. It must also mandate local legal representation and compliance contacts for enforcement and accountability. Further, support the conclusion that satellite service provider applicants shall be subject to local incorporation requirements, but we would like to kindly note that such requirement shall only be relevant to service providers or satellite operators who serve the consumer market directly.
- b) In juxtaposition to a) above, Digicel wishes to acknowledge that certain regulatory obligations typically imposed on terrestrial network operators such as Know Your Customer (“KYC”), Deep Packet Inspection (“DPI”) and Lawful Intercept (“LI”) may not be realistically enforceable on satellite service providers given the nature of their operations. Satellite providers often function as global infrastructure or capacity suppliers without direct relationships with end users, limiting their ability to conduct KYC verification in accordance with local standards. Likewise, the technical architecture of satellite systems makes the implementation of DPI impractical, as data often traverses multiple jurisdictions and privacy regimes. Similarly, enforcing LI requirements poses significant jurisdictional and operational challenges where the provider lacks local ground infrastructure or operates through intermediaries. Accordingly, while such obligations may be desirable from a regulatory standpoint, the ECTEL should recognize these inherent

limitations and consider alternative compliance mechanisms proportionate to the operational realities of satellite-based service provision.

- c) The NNS licence facilitates market entry for foreign operators who do not contribute to local economies through infrastructure investment, employment, or taxes, potentially leading to revenue loss for ECTEL Member States. Allowing NTN to operate without local infrastructure or investment could disadvantage domestic terrestrial operators who must comply with more stringent licensing, infrastructure, and tax obligations.
- d) Lack of Clarity on Consumer and Quality-of-Service Protections as the draft NNS Class Licence while it stipulates in Annex B¹ that “The licensee shall comply with the applicable Acts, Regulations, Directions, Orders and Recommendations” does not clearly define minimum quality-of-service standards which is explicitly outlined in the licences of existing terrestrial operators.
- e) The absence of universal service contributions by NNS operators, despite profiting from local markets, undermines the principles of reciprocity fair competition and economic participation that form the foundation of the telecommunications licensing framework.
- f) The ECTEL should ensure that all players are operating on a level playing field. A level playing field where operators participating in the same market are subject to the same competitive conditions (i.e., regulatory obligations such as USF fees, Regulatory Fees, Dominance (SMP), Licensee obligations to Users, Non-discrimination and Service Interruption to mention a few) as encapsulated in existing telecommunication network and spectrum licence documentation. In other words, there is no discriminatory

¹ Referenced as Annex D at 3.2 of the Draft Copy Licence

action/requirement prevalent in the market (that is, all market participants situated in the same market are treated similarly).

5.2. 2

Digicel disagrees with the proposed spectrum fee structure for Class (NNS) Licence and Frequency Authorisations as detailed in table 5 and 6 of the Consultation. Instead, the ECTEL is encouraged to consider the model used by Jamaica's Regulator, Spectrum Management Authority, which applies a flat annual fee (based on the quantum of spectrum) up to a specified user threshold, with an additional annual per-user fee for any users beyond that limit.

Table 5

Digicel requires clarification from the ECTEL as to whether 3% of Gross Revenues would apply to a locally incorporated subsidiary of a satellite service provider or the revenues of the multinational parent/holding company of the satellite service provider.

Table of Contents

Part II – Licence Conditions

- a) Digicel seeks clarification from the ECTEL as to why satellite service providers are being absolved of the requirement to contribute to the universal service fund (USF). This is evidenced by the deletion of the universal service fund licence condition and the annexure pertaining to universal service obligations. The ECTEL is reminded that it has to ensure an equitable regulatory environment conducive for fair competition to thrive for operators in similarly situated markets.

- b) The ECTEL's actions also raises the question for terrestrial network operators as to the continued need for USF payments moving forward or a significant reduction in its current applicable rate. For all intents and purposes satellite service providers provide the ubiquitous coverage in underserved areas which was sought from the terrestrial network operators in the first place.
- c) The ECTEL would need to provide clarity as to whether any future partnerships/engagements/agreements between terrestrial network operators and satellite service providers would remove this USF requirement or entail a significant reduction in its current applicable rate given that ubiquitous coverage would be provided to underserved areas by virtue of said partnerships/engagements/agreements.

Notwithstanding, Digicel requests that ECTEL/NTRCs expedite much needed stakeholder engagement on continued USF payments by terrestrial network operators given the aforementioned developments.

- d) The Digicel seeks clarification from the ECTEL as it pertains to the omission of the Non-Discrimination and Fair-Trading clause in the NNS Licence. This clause is present in the terrestrial network operator licences and speaks to important issues such as dominance, potential distortions to competition, non-discrimination in consumer terms and conditions in the event they switch from one operator to another et cetera. Is the ECTEL by virtue of its unilateral omission indicating to the market that potential subscribers to either terrestrial or non-terrestrial networks cannot switch between same? To make these significant omission with no recourse to consultation with stakeholders does not augur well for regulatory certainty and competitive dynamics in the telecommunications sector.

- e) Digicel seeks clarification from ECTEL as to why the annexure that addresses Licensed Networks has been omitted. In the same annexure applicable to terrestrial network operators, it clearly sets out the Licensee's authorization to use its network to own and operate all telecommunications facilities utilized in the provisioning of its licensed services. It also highlights what these services are, key networks elements, infrastructure and equipment utilized in providing said service.

In all fairness, this is information that should be captured in the NNS licence of a non-terrestrial network operator.

- f) Digicel seeks clarification from ECTEL as to the rationale for the deletion of the Geographical coverage obligations and universal service obligation annexures. Even though NTN operators provide ubiquitous network coverage by virtue of their network configuration, it is prudent that the geographical scope of their network coverage of which they are obligated to adhere to is captured.

General Comment

Effective spectrum allocation is essential to ensuring that all industry players operate efficiently within defined geographical boundaries while minimizing the risk of spectrum interference or pollution. The assignment of spectrum to NTN operators outside of globally recognized frequency bands such as the Ka, Ku, and C bands raises concerns, particularly in cases where NTNs are expected to share spectrum with terrestrial networks, thereby increasing the potential for harmful interference.

Furthermore, any spectrum fee framework applied to NTN operators should be equitable and aligned with that imposed on terrestrial operators to prevent the creation of regulatory or economic advantages that could distort fair competition within the market.