



GOVERNMENT OF BARBADOS

Telecommunication Act – 2001
(2001-36)

FORM 11

TU011

**APPLICATION FOR PUBLIC WIDE AREA NETWORK
(SPEECH AND DATA SYSTEMS) LICENCE**

PART A: APPLICANT INFORMATION

(Please read the Notes provided at the back of this Form before completion)

1. Name (if individual):.....

2. Nationality (if individual):.....

3. Address of Applicant (registered office or principal place of business):
.....
.....

4. Mailing Address (if different from registered office address):
.....
.....

5. Applicant is a (n):
Individual Corporation Unincorporate Association Partnership
Please indicate whether this is: a new application an application to modify an existing licence
an application to renew a licence

6. Telephone No:..... 7. Facsimile No.:

8. "E-mail" address:.....

9. Name of Manager of entity:.....

10. Person in Barbados to be contacted in absence of Licensee:
Name:.....
Address:.....
Telephone No:..... "E-mail" Address:.....

11. VAT Registration No:.....

12. Sellers and Dealers Licence No:.....

13. Indicate the approximate number of persons currently or to be employed by the applicant:.....

14. Facsimile No:.....

PART B: TECHNICAL INFORMATION

Applicant shall provide full details of the equipment to be deployed, which should be type approved by the Minister, along with details of service area covered.

Applicant shall also submit description of the system, along with diagrams as necessary.

PART C: DOCUMENTARY EVIDENCE

The applicant also must provide the following documents:

- (a) Copies of certificate for incorporation or business registration certificate.
- (b) Most recent annual audited financial report.
- (c) Documentary evidence to demonstrate the financial capability of the company for the first 2 years of operation.
- (d) Performance Bond or Bank Guarantee for payment of licence fees for the first two years of the licence.

PART D: CERTIFICATION STATEMENT

The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are true, complete, correct, and made in good faith.

The applicant agrees to comply with the Telecommunications (*Public Telecommunications Licensing*) Regulations, 2003 with regard to the application procedures and requirements.

If granted a Licence by the Minister, the applicant agrees to provide the licensed carrier in accordance with the *Telecommunications Act, 2001*. The relevant Regulations made under the Act, and terms and conditions of the licence. Licensee must pay an annual licence fee.

The applicant must obtain any other necessary government approvals required regarding the construction and use of the proposed network facilities.

If granted a licence by the Minister, applicant must have the capability of shutting down any transactions in the event of a malfunction.

Typed or printed name of party authorized to sign:.....	
Position:	
Signature:.....	Date:.....

NOTES

1. The Licence is issued by the Minister and replaces any previous authority granted in respect of the service that is the subject of this Licence.

2. The Licence authorizes (“the Licensee”) to establish, install or use radio transmitting or receiving stations or radio apparatus as described in the Schedule, hereinafter together called “the Radio Communications Equipment”, subject to the terms set out below.

3. Licence Term

- 3.1 The Licence shall continue in force for a period of five (5) years or until revoked by the Minister.
- 3.2 Where the Licensee has complied with the terms and conditions of this Licence, and with the Act and Regulations, the Licensee shall have an expectation that renewal will be granted.

4. Licence Variation and Revocation

4.1 The Minister may exercise his power to vary or revoke the Licence by a written notice served on the Licensee or by a general notice applicable to holders of this class of Licence published in the *Official Gazette*.

5. Changes

- 5.1 The Licence may not be transferred.
- 5.2 The Licensee must give prior or immediate notice to the Minister in writing of any change in the details of the name or address recorded above.

6. Fees

6.1. The Licensee shall pay to the Chief Telecommunications Officer the relevant fee as provided in the *Telecommunications (Licence Fees) Regulations, 2003* in accordance with Section 110 of the *Telecommunications Act 2001-36* and the Regulations made thereunder.

- (i) on or before the date of issue of the Licence; or
- (ii) on or before the fee payment date each year, or before such dates as shall be notified in writing to the Licensee,

failing which the Minister may revoke the Licence.

6.2 A non-refundable application fee is also payable as per the Licence Fees Statutory Instruments.

7. Radio Equipment Use

7.1 The Licensee must ensure that the Radio-Communication Equipment is constructed and used only in accordance with the provisions specified in the Schedules. Any proposal to amend any detail specified in the Schedules must be agreed with the Minister in advance and implement only after the Licence has been varied or re-issued accordingly.

7.2 The Licensee must ensure that the Radio-Communication Equipment is only used by persons who have been authorized by the Licensee to do so and that such persons are made aware, of the requirement to comply with, the terms of the Licence.

8. Access and Inspection

8.1 The Licensee shall permit a person authorized by the Minister:

- (a) to have access to the Radio-Communication Equipment; and
- (b) to inspect the Licence and the Radio-Communication Equipment,

at any and all reasonable times, or when in the opinion of that person an urgent situation exists, at any time to ensure that the Radio-Communication Equipment is being used in accordance with the terms of the Licence.

9. Modification, Restriction and Closedown

9.1 A person authorized by the Minister may require the Radio Equipment or any part thereof to be modified or restricted in use, or temporarily or permanently closed down immediately where in the opinion of the person so authorized by the Minister:

- (a) a breach of the Licence has occurred; or
- (b) the use of the Radio Communication Equipment is causing or contributing to undue interference to the use of other authorized radio communication equipment.

The Minister shall exercise the power by a written notice served on the Licensee or by a general notice applicable to holders of this class of Licence published in the *Official Gazette*.

10. Licensee's Obligations to Customers

10.1 The Licensee shall, in accordance with regulations promulgated by the Fair Trading Commission, take such steps as are necessary to ensure that, in relation to the Licensed Services, each customer can reasonably and reliably have access to information services to assist them with queries relating to the Licensed Services, including but not limited to service conditions, charges and billing.

10.2 The Licensee shall, no later than one month after the issuance of the Licence, file Dispute Resolution Procedures with the Commission, provided that such procedures are consistent with any relevant consumer protection or service provision regulations that may be promulgated by the Commission.

10.3 The Licensee shall, at the time of registration under the Licence, file with the Commission a Standard Customer Agreement containing the terms and conditions for the Standards Customer Agreement at the time of the execution of said Agreement with any and all customers. The provision of all Licensed Services shall be thereafter based upon the terms and conditions of said Agreement. The Licensee may modify the terms and conditions of said Agreement and shall notify its customers and the Commission of such modification. The Agreement and all modifications shall comply with the Act and other applicable authorities.

10.4 The Licensee shall, at the time of registration under the Licence, file with the Commission a Customer Disclosure Statement that is consistent with the requirements set out in Schedule B.

10.5 The Licensee shall not discriminate against any customer using equipment in connection with access to the Licensed Services that is not provided by or leased from the Licensee, provided that any such equipment is of type approved by the Minister.

11. Fair Trading

11.1 The Licensee shall not engage in any activities whether by act or omission, which have or are intended to have the effect of unfairly preventing, restricting or distorting competition in any market for the Licensed Services as specified by statute or by regulations promulgated by the Fair Trading Commission.

12. Privacy and Confidentiality

12.1 The Licensee shall ensure the privacy and confidentiality of information and business secrets obtained in the course of its business from or with any customer by establishing and implementing procedures for maintaining confidentiality of such information as may be established by the Minister.

13. Compliance

- 13.1 The Licensee shall comply with all applicable acts, (including, but not limited to the Act and relevant provisions of the *Small Business Development Act, 1999-23*), regulations, directions, orders and recommendations of the Minister.

14. Customer Disclosure Statement

- 14.1 Each Licensee registered under the Licence for the Provision of Public Wide Area Network (Speech and Data Systems) services shall provide to every customer, client or purchaser of services provided under this Licence a Customer Disclosure Statement that will set out the terms of use of said services. Such Statement may be provided in either written or electronic form. It may be provided on a licensee's website if some form of acknowledgement is received that the customer has accessed and accepted it at the commencement of the provision of service.

A Customer Disclosure Statement shall, as a minimum requirement, provide terms of use in the following categories:

- Acceptable uses to be made of services provided and restriction on such uses;
- Assumption of risk by customers relative to provision of services;
- Assumption of liability on the part of customers;
- Privacy policies;
- Procedures and policies related to changes in services provided;
- Notice procedures regarding changes in services provided, terms and conditions, service renewal and charges and billing;
- Acceptable methods of payment of charges;
- Conditions for termination or modification of services provided by the licensee and refusal of service to customers;
- Disclosure of the governing jurisdiction of law.

15. Interpretation

In this Licence:

- (a) "Commission" means the Fair Trading Commission;
- (b) the establishment, installation and use of radio-communications as established and use of stations and installation and use of apparatus for wireless telegraphy as specified in the section 60 of the *Telecommunications Act 2001-36*;
- (c) "inspect" includes examine and test;
- (d) the *Interpretation Act Cap. I* shall apply to the Licence as it applies to an Act of Parliament;
- (e) the Schedule forms part of the Licence together with any subsequent Schedule which the Minister may issue as a variation of this Licence at a later date; and
- (f) "unlawful interference" has the meaning assigned that it has under section 83 of the *Telecommunications Act 2001-36*.

