

BELIZE:

**TELECOMMUNICATIONS (LICENSING CLASSIFICATION,
AUTHORISATION AND FEE STRUCTURE),
REGULATIONS 2002**

S.I. No. 110 of 2002

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BELIZE:

STATUTORY INSTRUMENT

No. 110 of 2002

REGULATIONS made by the Public Utilities Commission pursuant to the powers conferred upon it by section 56 of the Belize Telecommunications Act, (No. 16 of 2002), and all other powers thereunto it enabling.

(Gazetted 28th September, 2002.)

PART I

PRELIMINARY

1. These Regulations may be cited as the **Short title.**

TELECOMMUNICATIONS (LICENSING CLASSIFICATION, AUTHORISATION, AND FEE STRUCTURE) REGULATIONS, 2002

2. These Regulations shall come into force on the 30 day of September 2002. **Commencement.**

3. (1) In these Regulations, unless the context otherwise requires, **Interpretation.**

“Act” means the Belize Telecommunications Act; **No. 16 of 2002.**

“carrier” means in the telecommunications context, a company that offers its network infrastructure for hire to provide communication services to the public;

“Private networks” means a network based on leased lines or other facilities which are used to provide telecommunication services within an organization or within a closed user group as a complement or a substitute to the public network;

“Public Switched Telephone Network or PSTN” means the infrastructure of physical switching and transmission facilities that is used to provide the majority of telephone and other telecommunication services to the public;

“Schedule” means the Schedule to these Regulations;

CAP. 223.

“PUC” means the Public Utilities Commission established under the Public Utilities Commission Act.

(2) A word or phrase not defined in these Regulations but defined in the Act shall have the meaning assigned to it in the Act.

PART II

LICENCE CLASSIFICATION

Class of licences.

4. (1) There shall be the following types of licences issued by the PUC:

- (a) an Individual Licence,
- (b) a Class Licence.

(2) An Individual Licence shall be specific to an individual operator and shall cover the basic Public Switched Telephone Network (PSTN) services, mobile and wireless services, and any service that requires frequency spectrum.

(3) A Class Licence shall be issued where Individual Licences are not justified but there may still be a need to

place certain conditions on the provision of the service. Class Licences shall be issued by the PUC within the framework of general authorisations made by the PUC. Class Licences shall apply to services such as data transmission, resale, internet, value-added services and private networks.

(4) General Authorisations in respect of Class Licences made by Order of the PUC shall contain conditions to be applied to Class Licences including eligibility requirements to qualify for and to hold a Class Licence.

(5) Individual Licences shall be structured so that they can include the provision of telecommunication services that can also be provided by Class Licences under a General Authorisation. Class Licences shall not be applicable to services provided only through Individual Licences.

(6) With respect to the provision of internet service, a distinction shall be made between creating a network to provide internet services, which will require an Individual Licence, and using an existing network to provide internet services, which will require a Class Licence.

(7) Frequency Authorisation from the PUC shall be required for any service that requires the use of specified frequencies. An application for such frequency authorisation shall be made to the PUC in addition to the application for the provision of the service in an Individual Licence.

(8) The issue of licences shall be determined in accordance with the classification of service to be provided.

PART III

INDIVIDUAL LICENCE

5. (1) An application for a licence under this Part shall be made in writing in such form and in such manner, and shall

**Application
for a licence.**

contain such information and particulars and shall be accompanied by such details as may from time to time be specified by the PUC.

Schedule.

(2) An application for a licence under this section shall be accompanied by a non-refundable fee as contained in the Schedule to these Regulations.

(3) Within fourteen days after making an application, the applicant shall publish a notice of the application in two local newspapers with national circulation.

(4) Upon receipt of the application for an Individual Licence, the PUC shall review the application and notify the applicant within fourteen days of any further information required to process that application.

(5) Before granting an Individual Licence, the PUC shall give notice-

- (a) stating that it proposes to grant an Individual Licence;
- (b) stating the reasons why it proposes to grant the Individual Licence; and
- (c) specifying the time (not being less than fourteen days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made;

and shall consider any representations or objections which are duly made and not withdrawn.

(6) A notice under paragraph (4) above shall be given by publishing same in such manner as the PUC considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.

(7) In deciding whether to approve an Individual Licence, the PUC shall take the following into account:

- (a) the matters set out in the application;
- (b) any submission received during the process of consultation as set out in paragraph (5) above;
- (c) criteria for granting a licence as set out in section 16 of the Act;
- (d) other relevant matters.

(8) The PUC shall notify the applicant in writing of its decision within ninety days of receipt of the application.

(9) Where the PUC decides to grant an Individual Licence it shall issue the licence in conformity with the provisions of the Act and upon payment of the prescribed fees.

(10) Where an application is refused, the PUC shall notify the applicant in writing giving reasons for its refusal.

(11) Where it is proposed that the number of licences to be granted for the operation of a particular type of telecommunications network or the provision of a particular type of telecommunications service should be limited, the PUC shall,

- (a) publish a consultative document containing detailed reasons for the proposed limitation;
- (b) consider any representations made to it in respect of the proposed limitation;
- (c) publish a notice in the *Gazette* and two local newspapers having national circulation stating the

- (i)** grounds and period during which licences will be granted; and
- (ii)** reasons for proposing to limit the number of licences; and
- (d)** undertake a periodic review of any limitation imposed on the number of licences granted.

PART IV

CLASS LICENCE

**Application
for class
licence.**

6. (1) An application for a licence under this Part shall be made in writing in such form and in such manner, and shall contain such information and particulars and shall be accompanied by such details as may from time to time be specified by the PUC.

Schedule.

(2) An application for a licence under this section shall be accompanied by a non-refundable fee as contained in the Schedule to these Regulations.

(3) Within fourteen days after making an application, the applicant shall publish a notice of the application in two local newspapers having national circulation.

(4) Upon receipt of an application for a Class Licence, the PUC shall review the application within fourteen days and notify the applicant of any further information required to process such application.

(5) In deciding whether to approve a Class Licence, the PUC shall take the following into account:

- (a)** the matters set out in the application;
- (b)** any submissions received from the public;

- (c) criteria for granting a licence as set out in section 16 of the Act,;
- (d) other relevant matters.

(6) The PUC shall decide whether or not to grant a Class Licence to the applicant within sixty days of the receipt of the application.

(7) The grant of a Class Licence does not authorise the ownership or operation of any telecommunications network, or the provision of any telecommunication service, other than that prescribed in the Class Licence.

PART V

FREQUENCY AUTHORISATION

7. (1) An application for a licence under this Part shall be made in writing in such form and in such manner, and shall contain such information and particulars and shall be accompanied by such details as may from time to time be specified by the PUC.

**Application
for frequency
authorisation.**

(2) An application for a licence under this section shall be accompanied by a non-refundable fee as contained in the Schedule to these Regulations.

Schedule.

(3) Within fourteen days after making an application, the applicant shall publish a notice of the application in two local newspapers having national circulation.

(4) Upon receipt of an application for a frequency authorisation, the PUC shall review the application, notifying the applicant of any further information required to process such application.

(5) In deciding whether to approve a frequency authorisation, the PUC shall take the following into account:

- (a)** the matters set out in the application;
- (b)** any submissions received from the public;
- (c)** any regional, national or international Spectrum Management Plan; and
- (d)** any other relevant matters.

(6) After review, the PUC shall decide whether the frequency authorisation should be granted and issue its decision in writing no later than sixty days from receipt of the application.

(7) Where an application is approved the PUC shall issue the frequency authorisation on payment of the prescribed fee. Where a licence is refused, the PUC shall state in writing its reasons for such refusal.

PART VI

FEE STRUCTURE

**Payment of
fees.**

Schedule.

8. (1) Any person applying under these Regulations for an Individual Licence, a Class Licence, or a Frequency Authorisation shall be required to pay the fees as set out in the Schedule as follows:

- (a)** on filing of the application, the Application Fee;
- (b)** on grant of the licence, the Initial Fee;
- (c)** at the end of the first calendar year, the Annual Fee; and
- (d)** annually, after the first calendar year, the Annual Fee.

(2) Any fees not covered above which may be applicable to a licensee shall be paid annually by the licensee in accordance with the fees listed in the Schedule.

Schedule.

9. Where a person applying under the Act for a licence is required to make a contribution to the Universal Access Fund such person shall pay such contributions as prescribed in Regulations made by the PUC governing Universal Service Obligations.

**Universal
Access Fund.**

PART VII

GENERAL PROVISIONS

10. (1) The PUC shall issue an Individual Licence, Class Licence and Frequency Authorisation on terms that are non-discriminatory.

**Licences to be
non-
discriminatory.**

(2) For the purpose of this regulation, an Individual Licence, Class Licence or Frequency Authorisation is issued on non-discriminatory terms if:

- (a) telecommunication providers of similar types of telecommunications networks are treated similarly;
- (b) the licence or authorisation does not favor any one telecommunications provider; and
- (c) the issuance of the licence or authorisation does not, and is not likely to, adversely affect competition in any market.

11. (1) The PUC may revoke a licence if it determines that any declaration made during the application process or on the application form is false or misleading.

**Revocation of
licences.**

(2) The holder of a licence or authorisation shall notify the PUC in writing if either of the following occurs:

- (a) any of the matters forming part of the licence application changes in a material respect;
- (b) the licensee enters into any agreement to merge part or all of its telecommunications activities in Belize with any person.

(3) Where the PUC proposes to vary or revoke or suspend a licence or authorisation, the PUC shall notify the licensee or authorisation holder

- (a) of the reasons for the proposed variation, revocation or suspension; and
- (b) specifying a period of not less than thirty days from the date of the notice within which representation with respect to the proposal may be made.

(4) Where the proposal in paragraph (3) above is the result of a breach of a term, provision or limitation of the licence or authorisation

- (a) the notice given to the licensee or authorisation holder shall state that the proposal will be withdrawn or modified if the breach is remedied within the period of thirty days commencing with the date of the notice; and
- (b) the PUC shall within the period of thirty days following the period referred to in paragraph (a), confirm, modify or withdraw the proposal.

Register.

12. (1) The PUC shall maintain a Register at its principal office containing:

- (a) each Individual Licence, Class Licence, and Frequency Authorisation;

- (b) the names and registered office of each person licensed or authorised to operate; and
- (c) any other information pertinent to licensees.

(2) The Register shall be open to public inspection during normal working hours.

(3) The PUC may make copies of entries in the Register available to the members of the public on payment of an administrative fee.

MADE by the Public Utilities Commission this 26th day of September 2002.


Chairman
Public Utilities Commission

SCHEDULE

**FEE STRUCTURE
INDIVIDUAL LICENCE**

	Application Fees	Licence Fees		
		First Year		Annually
	(A)	(B) On grant of licence	(C) At end of first year	(D)
Fixed Public (wireline or wireless)	\$10,000	\$50,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Mobile Cellular	\$5,000	\$25,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Public Radio Paging	\$2,500	\$5,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Internet Networks	\$5,000	\$10,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues

**FEE STRUCTURE
CLASS LICENCE**

	Application Fees	Licence Fees		
		First Year		Annually
	(A)	(B) On grant of licence	(C) At end of first year	(D)
Internet Service	\$2,500	\$5,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Value Added Services	\$2,500	\$5,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Domestic Private Networks excluding 2 meter radio	\$2,500	\$5,000 less fee in column (A)	20,000 less fee in column (B)	30,000
Data Networks	\$2,500	\$5,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Resellers	\$2,500	\$5,000 less fee in column (A)	1.5% of Gross Revenues less fee in column (B)	1.5% of Gross Revenues
Carrier Services:				
Cables Links (submarine, cross border etc.)	\$5,000	\$50,000 less fee in column (A)		\$100,000

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	Application Fees	Licence Fees		
		First Year		Annually
	(A)	(B) On grant of licence	(C) At end of first year	(D)
Earth Station	\$5,000	\$50,000 less fee in column (A)		\$100,000
Terrestrial Radio Links (microwave, HF etc)	\$2,500	\$25,000 less fee in column (A)		\$50,000
Maritime Mobile <i>(i)</i> Fixed Station <i>(ii)</i> Mobile Station <i>(iii)</i> Ship call sign registration <i>(iv)</i> IMMARSAT/Ship commissioning/ maritime identification				\$100 \$50 (handheld) \$100.00 (for each year of registration period) \$500 per application
Land Mobile (2 Meter) Private & Commercial Networks <i>(a)</i> Simplex <i>(i)</i> 2 frequency <i>(ii)</i> fixed <i>(iii)</i> Mobile hand held <i>(a) Repeater</i> <i>(i)</i> Private Operation <i>(ii)</i> Commercial Operation <i>(b) Radio Telecommunication Service</i>				\$150 \$100 \$50 \$200 \$2,000 1.5% of Gross Revenues

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	Application Fees	Licence Fees		
		First Year		Annually
	(A)	(B) On grant of licence	(C) At end of first year	(D)
Aeronautical Service <i>(i)</i> Fixed Station <i>(ii)</i> Mobile Station <i>(iii)</i> Aircraft Station				\$100 \$50 (handheld) \$200
Amateur Service Local/CTU Members <i>(i)</i> New Licence <i>(ii)</i> Licence Renewal Reciprocity <i>(i)</i> New Licence <i>(ii)</i> Licence renewal <i>(iii)</i> Temporary Licence				\$20 \$15 \$40 \$30 \$20 (less than 6 months)
Citizen Band Radio Fixed Station Mobile Station				\$20 \$20
Satellite T.V. for non-commercial use <i>(i)</i> Complete System receive only <i>(ii)</i> Additional Dish <i>(iii)</i> Transmit/Receive Terminal				\$150 \$50 \$300

**FEE STRUCTURE
FREQUENCY AUTHORIZATION**

	Application Fees	Licence Fees		
		First Year		Annually
	(A)	(B) On grant of licence	(C) At end of first year	(D)
Mobile Cellular	\$1,000	\$5,000 less fee in column (A)	\$1,000 per channel less fee in column (B)	\$1,000 per channel
Paging	\$1,000	\$2,500 less fee in column (A)	\$1,000 per channel less fee in column (B)	\$1,000 per channel
Point to Point Links HF VHF UHF SHF				\$100 per channel