

REGULATORY AUTHORITY MINUTES RA/03/13

Minutes of the Third Meeting of the Board of Commissioners held on the 12th day of February, 2013 at 3rd Floor, Cumberland House, 1 Victoria Street, Hamilton, Bermuda

Commissioners present: John Cunningham
Carl Musson
Kent Stewart

Chief Executive: Philip Micallef

1. Acceptance and Quorum

The meeting commenced at 11.00 and Kent Stewart, Chairman, chaired the meeting. All Commissioners and the Chief Executive being present, a quorum existed.

2. Minutes of last meeting

The minutes of the second meeting of the Board of Commissioners on the 5th February, 2013, were approved.

3. Policies

After due discussion it was resolved that the following policies be and hereby are approved:

a **Pilot Project Policy**

Any provider [means anyone and not just licensed carriers] may make application to the RA in order to have an opportunity to test technology and infrastructure either prior to or after the issuance of an ICOL and the minimum terms and conditions for any such approval shall be those set out in the Attachment 1 to and forming part of these minutes. This policy shall be known as the Pilot Project Policy.

b **Provisional Spectrum Request Policy**

Any provider [means anyone and not just licensed carriers] may make application to the RA for unused spectrum either prior to or after the issuance of an ICOL and the minimum terms and conditions for any such approval shall be those set out in Attachment 2 to and forming part of these minutes. This policy shall be known as the Provisional Spectrum Request Policy.

4. Market Consultation

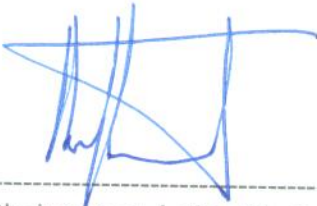
After due discussion, it was resolved that a Market Consultation be initiated

with a deadline for response from interested parties of Friday 15th March 2013, and the same be and hereby is approved.

5. **Date of next meeting**

To be determined.

Signed as an accurate record of this meeting:-



Chairman or Acting Chairman

26/2/13

Date

Policy on Pilot Project Requests

Bermuda's size, geographic location and population density mean that it is an ideal location to act as a test-bed for new services.

It is a microcosm that offers the potential for testing various applications, or technologies, with limited investment.

This Pilot Project Policy is intended to give stakeholders the opportunity to become more acquainted with the technology, its benefits and associated pitfalls and be in a better position to evaluate its feasibility before proceeding to provide the service on a commercial basis.

The Regulatory Authority will consider any requests for pilot projects which an operator or any prospective investor may wish to carry out subject to the following conditions:

1. Requests made to the Regulatory Authority (RA) should contain
 - Reason why the pilot project is needed
 - Geographic coverage of pilot project in terms of households and/or population
 - Duration of pilot project
 - Short description of the technology being used highlighting any innovative features
 - Results expected from pilot in terms of validation of construction techniques, equipment used, budgets, timelines, performance, quality of service, back office processes and customer service.
 - Overall advantages to Bermuda

2. The pilot project request will be evaluated and the following overall guidelines will be used to determine its final decision:
 - Number of households in pilot should not exceed 30 (thirty) in total if pilot involves households
 - Number of population involved should not exceed 120 (one hundred and twenty) persons if pilot involves individual persons.

- Technology being tested has never been used before by the carrier in question in Bermuda
 - Overall benefit to the Telecom Industry, Bermudian customers and the Bermudian economy.
3. Operators granted permission to carry out a pilot project need to adhere to following conditions:
- Equipment used in pilot must be certified to be compliant with Bermudian Regulations and the operator of the pilot project must at all times take all the necessary precautions to ensure that no interference is experienced.
 - Should the operator decide to commercially launch the tested service prior to expiry of the granted period the operator would have to apply for all the necessary licenses and/or authorisations as defined in the Electronic Communications Act
 - Pilot project operators are not exempted from the obligation of diligently obtaining, at their own expense, any permits, licenses or other approval or authorization that may be necessary to construct, operate the service or from the obligation of complying with any conditions associated with such permits, licenses, other approvals or authorisations
 - Any right, interest or entitlement resulting from permission to conduct pilot project is not transferable and may only be exercised by the person identified in the request
 - The pilot project operator is required to report back to the Regulatory Authority the project success or otherwise, details of the technology, particular issues encountered and other considerations. Such information will be treated in line with the confidentiality guidelines of the Authority.
 - The Regulatory Authority reserves the right to inspect the installation in question at any time.

Date: Thursday 14th February 2013.

Policy on Provisional Spectrum Requests

The Regulatory Authority will consider any requests for provisional spectrum subject to the following conditions:

1. Requests made to the Regulatory Authority (RA) should contain
 - information on exact spectrum required,
 - reason why this spectrum is needed,
 - geographic coverage serviced by spectrum requested,
 - number of proposed customers and
 - an accompanying Business Plan (can be marked confidential)

2. The name of the requester and frequency being requested will be posted on RA website and other entities will have an opportunity to comment on if they so wish

3. The spectrum request if approved will only be granted on a provisional basis up to 31st October 2014. The period for which the spectrum is granted may not be necessarily extended. This renewal or re-farming or cessation of spectrum will depend on the results of the spectrum audit/investigation which the RA will be carrying out.

Date: Wednesday 13th February 2013.