

VIA EMAIL: Ex-pattvbermuda@logic.bm

28 July 2020

Dear Sirs

Re: Section 64 of the Regulatory Act: Direction to IPTV Sectoral Provider

The Regulatory Authority of Bermuda (the “RA”) writes with respect to Internet Protocol television (“IPTV”) services offered by you. You will note that on 12 March 2019 the RA previously requested information as part of an informal fact-finding exercise pursuant to section 60 of the Regulatory Authority Act 2011 (“RAA”).

You will further note that on 12 June 2020 the RA issued a notice of a direction which it proposed to issue to you pursuant to section 64(2) of the RAA.

Section 64(1) of the RAA allows to the RA to direct any sectoral provider to take, or refrain from taking, certain actions, where it concludes that it “is acting in a manner that is not in accordance with its duties and obligations under [the RAA], sectoral legislation [such as the Electronic Communications Act 2011 (“ECA”)], any regulations, any administrative determination, an adjudicative decision or any authorization”.

Therefore, **this letter serves as a formal direction that you must immediately cease the provision of IPTV services until such time as you have applied for and obtained authorization from the RA to provide these services.** This direction must be read in conjunction with our letter of 12 June 2020.

We are in receipt of your email of 25 June 2020. While we thank you for your response, the RA still remains concerned that the provision of IPTV hardware in the local market may entail the provision of IPTV services which would remain a licensable activity. We will continue to monitor the situation and we reserve the right to take further action (or not to take such action, as the case may be).

Section 64(3)(a) of the RAA provides that any such direction is binding on the sectoral participant to which it is addressed.

Should you fail to comply with this direction, please note that you may be subject to further enforcement action pursuant to section 93 of the RAA and/or to criminal prosecution.

If enforcement action is taken, you could be liable to a financial penalty of up to 10% of your total annual turnover – see section 94 of the RAA.

If prosecuted, please note that contravention of section 12 of the ECA is an offence for which you could be liable to: (a) if an individual, imprisonment for two years and/or a fine of \$50,000; (b) if a corporate

body, a fine of \$150,000; or (c) in either case, an additional fine of \$25,000 for every day the contravention continues.

Please note that the RA may modify or revoke this direction at any time after giving you notice of our proposed revocation or modification, pursuant to section 64(3)(b) of the RAA. Therefore, you are encouraged at any time to provide us with confirmation that you are no longer providing IPTV services.

Yours Sincerely,



Denton E. Williams
Chief Executive