



*Government of Bermuda*  
Ministry of Home Affairs  
OFFICE OF THE MINISTER

5<sup>th</sup> April, 2019

Regulatory Authority  
Craig Appin House (1<sup>st</sup> Floor)  
8 Wesley Street  
Hamilton HM11

**Attn: Ms. Angela Berry, Chairperson**

Dear Ms. Berry,

**Re: Delegation of Authority and Direction to Consult on and Recommend Procedures for Granting New Integrated Communications Operating Licences, and to Determine the Timing of the Grant of Other Communications Operating Licences**

This letter follows up on the Direction to the Regulatory Authority (the “RA”) that was set out in my letter dated 12th March 2019 (the “Direction”), a copy of which is attached as Annex 1. In summary, it directs the RA immediately to commence the procedural tasks necessary to implement my decision to lift the moratorium (“Moratorium”) on the grant of additional Integrated Communications Operating Licences (“ICOLs”) and other forms of public Communications Operating Licences (“COLs”), in accordance with section 75 of the Electronic Communications Act 2011 (“ECA”).

For the purposes of ensuring a smooth and orderly transition for the introduction of new competitors to Bermuda’s electronic communications sector, the swift implementation of my decision regarding the end to the Moratorium on ICOLs, and for the avoidance of doubt, I hereby direct the exercise of, and where necessary delegate, the following powers to the RA in accordance with section 9(1) of the Regulatory Authority Act 2011 (“RAA”):

1. To consult with the public on the procedures pursuant to which the RA may grant additional ICOLs, which procedures will be established by regulation in accordance with section 18(2) of the ECA;
2. To consult with sectoral participants on a general policy which will be established in accordance with section 13 of the ECA regarding (i) the Minister’s decision to have an unlimited number of public COLs, as set forth in the Direction, and the timing of the grant of such licences, (ii) the scope and duration of such licences and any conditions that the Minister deems necessary as a matter of general policy, (iii) any general limitation on

eligibility for the grant of such licences, and (iv) the timing and procedure for the award of such licences and provisions for renewal, if necessary;

3. To propose recommended procedures pursuant to which the RA may grant additional ICOLs, for consideration by the Minister when preparing to lay the regulation governing the same; and

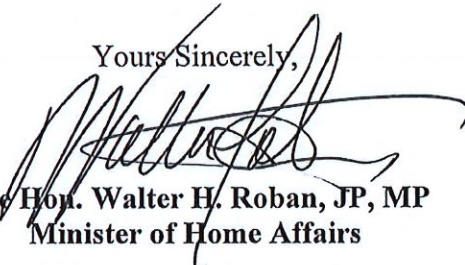
4. To determine the timing of the launch of additional types of COLs, apart from ICOLs, in line with relevant Government policies and the purposes set out in section 5 of the ECA.

To the extent that the powers at items 1-3 above, are already powers conferred to the RA in section 36(2)(k) of the ECA and implicit in Sections 73(1)(a) and 75 of the ECA, I, nonetheless, hereby provide my authorization to carry out these functions in the event there is any doubt about where the authority to perform these functions lie.

With regard to the RA's consultation on a regulation to establish procedures for granting ICOLs, all interested parties should participate in accordance with the process and timelines established by the RA. In keeping with the decision to delegate to the RA the task of conducting this consultation, the Minister will forward to the RA any timely written comments he receives concerning Moratorium-related issues. The Minister will not accept, consider, or forward to the RA any written comments that do not adhere to the procedures and timelines established by the RA for the consultation process. Similarly, the Minister will require any interested party that contacts the Minister directly concerning Moratorium-related issues to comply with section 73 of the RAA and Rule 30 of the RA's Interim Administrative Rules regarding ex parte communications.

The Minister reserves all rights and powers set out in RAA section 9(1), including the right to revoke or modify this delegation at any time.

Yours Sincerely,



**The Hon. Walter H. Roban, JP, MP**  
**Minister of Home Affairs**