



BERMUDA

REGULATORY AUTHORITY (GRANT OF SPECTRUM LICENCES, PERMITS,
AND EXEMPTED FREQUENCIES) GENERAL DETERMINATION 2020

BR 134 / 2020

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The Regulatory Authority, in the exercise of the power conferred by section 62 of the Regulatory Authority Act 2011, as read with sections 12, 13, 48, 49 and 50 of that Act and sections 5, 9, 35, 36 and 38 of the Electronic Communications Act 2011, makes the following General Determination:

Citation

1 This General Determination may be cited as the Regulatory Authority (Grant of Spectrum Licences, Permits, and Exempted Frequencies) General Determination 2020.

Interpretation

2 In this General Determination, unless the context otherwise requires, terms shall have the meaning given in the Regulatory Authority Act 2011 and the Electronic Communications Act 2011.

General purpose

3 This General Determination establishes the spectrum assignment and licensing framework for the electronic communications sector.

REGULATORY AUTHORITY (GRANT OF SPECTRUM LICENCES, PERMITS,
AND EXEMPTED FREQUENCIES) GENERAL DETERMINATION 2020

Determination

4 (1) This General Determination is made pursuant to the Consultation Document entitled "Grant of Spectrum Licences, Permits, and Exempted Frequencies" dated 18 March 2020 and the Regulatory Authority's Decision on it.

(2) Taking into account the received responses to the Consultation Document and for the reasons given in the Decision, the Authority determines that the Grant of Spectrum Licences, Permits, and Exempted Frequencies regulatory framework, set out in the Schedule, shall apply.

Terms and conditions of General Determination

5 (1) The Schedule to this General Determination has effect.

(2) The Schedule is published on the Regulatory Authority's website (www.ra.bm) and is also available for inspection at the offices of the Authority (1st Floor, Craig Appin House, 8 Wesley Street, Hamilton HM 11) during ordinary business hours.

Effective date of General Determination

6 This General Determination shall become effective on the day it is published in the Official Gazette.

Signed this 22nd day of December 2020

Chairman, Regulatory Authority

[Operative Date: 22 December 2020]



Schedule to the Regulatory Authority (Grant of Spectrum Licences, Permits, and Exempted Frequencies) General Determination 2020

Matter: 20200312

Date: December 22nd, 2020

1 INTERPETATION

(1) In this Schedule, unless the context otherwise requires—

“**Affiliate**” means any entity that owns, is owned by, or shares common ownership with another entity, as evidenced by the ownership of 25 per cent of more of the shares, stock or other securities or voting rights of the owned entity, including through an agreement or arrangement of any type;

“**Authority**” means the Regulatory Authority of Bermuda;

“**Basic Eligibility Requirements**” means the submission of a complete application;

“**COL**” means a Communications Operating Licence granted pursuant to section 16 of the ECA and, for the avoidance of doubt, includes and ICOL;

“**Consultation Document**” means the Consultation Document entitled “Grant of Spectrum Licences, Permits, and Exempted Frequencies” issued by the Authority on 18 March 2020;

“**ECA**” means the Electronic Communications Act 2011;

“**Electronic Communications Network**” means as defined in section 2(1) of the ECA;

“**Electronic Communications Service**” means as defined in section 2(1) of the ECA;

“**Final Report**” means the Final Report, Decision and Order on the Grant of Spectrum Licences, Permits, and Exempted Frequencies issued by the Authority on 3 December 2020;

“**GD**” means this General Determination;

“**HDS**” means high demand spectrum frequencies;

“**ICOL**” means an Integrated Communications Operating Licence granted pursuant to section 18 of the ECA;

“**Master Application Form**” means the application for HDS radio frequency licences, which shall be published on the Authority’s website;

“**Minister**” means the Minister responsible for electronic communications;

“**NHDS**” means spectrum frequencies which are not in high demand;

“**Preliminary Report**” means the Preliminary Report, Decision and Order on the Grant of Spectrum Licences, Permits, and Exempted Frequencies issued by the Authority on 28 August 2020;

“Qualifying Application” means an application that the Authority has determined meets: (1) the basic eligibility requirements (as set by the Minister); (2) the minimum necessary thresholds in relation to financial resources, technical experience, qualifications, business plan and financial plan;

“RAA” means the Regulatory Authority Act 2011.

- (2) For purposes of interpreting this Schedule—
- (a) unless a term is defined in this Schedule or the context otherwise requires, words or expressions shall have the meaning assigned to them by the RAA and the ECA;
 - (b) where there is any conflict between the provisions of this Schedule and the ECA or RAA, the provisions of the ECA or RAA, as the case may be, shall prevail;
 - (c) terms defined herein and in the ECA and RAA have been capitalised;
 - (d) headings and titles used herein are for reference only and shall not affect the interpretation or construction of this Schedule;
 - (e) references to any law or statutory instrument include any modification, re-enactment or legislative provisions substituted for the same;
 - (f) a document referred to herein shall be incorporated into and form part of this Schedule and a reference to such document is to the document as modified from time to time;
 - (g) expressions cognate with those used herein shall be construed accordingly;
 - (h) use of the word "include" or "including" is to be construed as being without limitation; and
 - (i) words importing the singular shall include the plural and vice versa, and words importing the whole shall be treated as including a reference to any part unless explicitly limited.

2 APPLICATION

- (1) Annex 1 sets out the procedure for, applies to, the granting of new Spectrum Licences, Permits, and Exempted Frequencies.
- (2) The Master Application Form, which will require certain information as set out in Annex 2 to the Schedule, shall be used by all applicants for HDS and NHDS radio spectrum frequencies (of any frequency bands that pending approval on, or submitted to the Authority following the effective date of this GD) subject to any amendments that the Authority may make by administrative determination from time to time.
- (3) The General Company Eligibility Requirements, which will require certain information as set out in Annex 3 to the Schedule, shall be used by all applicants for HDS and NHDS radio spectrum frequencies (of any frequency bands that pending approval on, or submitted to the Authority following the effective date of this GD) subject to any amendments that the Authority may make by administrative determination from time to time.

- (4) The general terms and conditions of Spectrum Licences and Permits shall be—
- (a) specified by the Authority in any applicable Administrative Determination, including any and all of the terms and conditions set out in section 36(2)(d) and 36(2)(c) of the ECA; and
 - (b) used by all applicants for HDS and NHDS radio spectrum frequencies (of any frequency bands that pending approval on, or submitted to the Authority following the effective date of this GD) subject to any amendments that the Authority may make by administrative determination from time to time.

Annex 1 – Procedure for Grant of New HDS/NHDS Licences, Permits & Exemptions

1 Procedure for Grant of Commercial HDS and NHDS

1.1 Qualifying Application Process

- (1) As spectrum is a limited resource that acts as an essential input into the supply of many electronic communications services, spectrum assignments have a fundamental impact on ensuring effective competition in the electronic communications sector.
- (2) Based on the eligibility requirements set out below, the Authority shall determine whether each application is a Qualifying Application.
- (3) A Qualifying Application is one that meets:
 - a) the Basic Eligibility Requirements; and
 - b) the international best practice standards with respect to the Applicant's proposed services
 - c) the necessary financial resources, experience, qualifications to successfully execute the Applicant's business plan and financial plan.

1.2 General Assessment Criteria for Comparative Selection Process

- (4) Upon receipt of a Qualified Application for NHDS the Authority shall determine the availability of the requested spectrum and if available the Authority will assess the application based on the following criteria:
 - a) Local presence in Bermuda: applicants must either have, or make the greatest overall commitment to maintain a presence in Bermuda;
 - b) Eligibility to hold an ICOL, a COL or an exemption issued by the Authority;
 - c) Financial Position: The applicant must demonstrate that it has the necessary financial resources to provide the retail services and meet all roll-out and other commitments contained in the Qualified Application and the NHDS licence;
 - d) Technical Capability: The applicant must put forward a sound technical plan for coverage and service provision using the spectrum and demonstrate that it has the technical resources and expertise to implement it;
 - e) Spectral Efficiency: The applicant would be required to justify the quantity of spectrum for which it is applying; and

- f) Other Benefits: Any commitments that will promote the Authority's regulatory functions set forth in section 12 of the RAA (e.g. promotion of Bermudian ownership and Bermudian employment, enhance competition, etc.).
- (5) Once the Authority has determined that the NHDS application meets the assessment criteria above the Authority will issue the appropriate NHDS licence.
- (6) If the Authority determines that the requested NHDS spectrum is not available or the applicant does not meet the assessment criteria above, the Authority will notify the applicant that their request has been denied.

1.3 Assessment of Demand and Availability of Requested HDS

- (7) Upon receipt of a Qualified Application for HDS, the Authority shall assess the availability of the requested HDS spectrum against overall demand by publishing a Notice of Interest ("Notice") on its website and in the Official Gazette.
- (8) The purpose of the Notice is to assess demand for the requested spectrum by communicating that an applicant has expressed interest in HDS spectrum to the general public. The Notice subsequently allows interested sectoral providers to express their own interest in the radio spectrum frequency disclosed in the Notice. The Notice shall outline all relevant details and the way in which interested sectoral providers may formally submit written communication expressing their interest in the spectrum frequencies identified in the Notice.

1.4 Hybrid Assignment Process when Supply Exceeds Demand for Requested HDS

- (9) In circumstances where the Authority fails to receive any additional Qualified Applications in response to the published Notice, the Authority will confirm that supply for the requested spectrum exceeds demand.
- (10) Subsequently, the Authority can assign the requested HDS spectrum on a FCFS basis and will evaluate the sole Qualified Application against the spectrum specific qualifying criteria outlined below in paragraph 13. Subsequently, the costs associated with assessing the applicant's request for a specific radio spectrum frequency band may be reduced since the Authority will only have to review one application.

1.5 Comparative Selection Process when Demand Exceeds Supply for Requested HDS

- (11) If additional sectoral providers communicate an interest in the spectrum specified in the Notice, through the submission of a Qualified Application, the Spectrum Policy requires the Authority to conduct a comparative selection process, where the Authority will evaluate all Qualified Applications against specified eligibility criteria.

- (12) The Spectrum Policy requires the Authority to provide all applicants with advance notice of the criteria and weightings to be used as part of the comparative selection process in order to ensure transparency and objectiveness of the assessment process.
- (13) The comparative selection process enables the Authority to assign spectrum to existing and/or prospective sectoral providers that can demonstrate a genuine need for additional spectrum and in a manner that allows the Authority to promote further competition and technical advancement and efficiency in the electronic communications sector. Ultimately, an effective and efficient comparative selection process allows the Authority to assign spectrum in a manner that is consistent with the purposes of section 37 of the ECA and the Authority's general functions outlined under section 12 of the RAA.
- (14) The costs associated with the comparative selection process are expected to be recovered from a refundable fee submitted with a Qualified Application in response to the published Notice. Further details on the proposed fee are outlined in paragraph 14 below.

1.6 General Assessment Criteria for HDS Comparative Selection Process

- (15) The following general criteria shall be adopted as part of the Comparative Selection Process:
 - a) Local presence in Bermuda: applicants must either have, or make the greatest overall commitment to maintain a presence in Bermuda;
 - b) Eligibility to hold an ICOL under Bermuda law;
 - c) Promotion of Spectrum Management Objectives: whether the applicant's Qualified Application proposes to provide electronic communications services of a quality/coverage and price that would promote the spectrum management objectives. Matters to be considered would include:
 - i Existing spectrum assignments (in particular, sub 1-GHz assignments);
 - ii Access to new technologies;
 - iii Enhanced services;
 - iv Reduction in prices; and
 - v Increased competition in the electronic communications sector.
 - d) Financial Position: The applicant must demonstrate that it has the necessary financial resources to provide the retail services and meet all roll-out and other commitments contained in the Qualified Application and the HDS licence;
 - e) Technical Capability: The applicant must put forward a sound technical plan for coverage and service provision using the spectrum and

demonstrate that it has the technical resources and expertise to implement it;

- f) Spectral Efficiency: The applicant would be required to justify the quantity of spectrum for which it is applying; and
- g) Other Benefits: Any commitments that will promote the Authority's regulatory functions set forth in section 12 of the RAA (e.g. promotion of Bermudian ownership and Bermudian employment, enhance competition, etc.).

1.7 Technical Assessment Criteria for HDS Comparative Selection Process

- (16) Recognizing that specific radio spectrum frequencies are intended for very specific commercial and technical considerations (e.g. Commercial Mobile Radio, Point-to-Point Microwave, Fixed Wireless Access, Other Mobile Radio, etc.), the Authority will utilise any or all of the specific criteria listed below as part of the HDS Comparative Selection Process, at the discretion of the Authority :

Proposed Technical Criteria for HDS Comparative Selection Process		
1. Network/ Technology	1.1	Technology/standard proposed
	1.2	Version of standard proposed (e.g. 3GPP release numbers) and deployment dates
	1.3	Network design and means of delivering capacity
	1.4	Interconnection with other networks in Bermuda
	1.5	Approach to the provision of backhaul
2. Coverage	2.1	Link budgets showing the maximum permissible path loss to support the minimum download user rate.
	2.2	Details of path loss model used for coverage prediction
	2.3	Clutter assumptions (propagation losses and standard deviations)
	2.4	Coverage prediction maps on 8 ½" x 11" and/or 11" x 17" paper at a resolution of 50-meter grid or better for 6-, 9-, 12- and 18-month time periods following issuance of HDS licence. Prediction should be based on a local area probability of coverage of 90%.
3. Roll-out timetable	3.1	Network deployment timetable including a GAANT chart depicting project sequencing, scheduling and resource allocation.
	3.2	Approach to construction and logistics management and project management.
	3.3	Planned project activities including communication and key stakeholder engagement.
	3.4	Perceived key risks and approach to resolving project issues.
4. Quality of Service	4.1	Minimum Average Download User Data Rate in Megabytes per second ("Mbps") to be provided to subscribers by the network using HDS frequencies.
	4.2	Approach to technology choice that will ensure capability to deliver the Minimum Average Download User Data Rate.

	4.3	Approach to network dimensioning that will ensure compliance with the mandatory requirements and the Applicant's quality of service commitments. The Applicant should detail the traffic volume that their network is expected to deliver over the term of the HDS licence.
	4.4	Evidence that the network support systems can generate quarterly reports to be submitted to the Authority.
5. Needs and prioritization	5.1	Explanation of: <ul style="list-style-type: none"> · The need for each HDS spectrum frequency applied for; · The minimum bandwidth with which the Technical Solution may be implemented; and · Why the requirement cannot be met using existing spectrum holdings.
	5.2	Explanation for the Alternative Request position within the overall ranking of Alternative Requests; in particular, the ideal or optimal HDS Lot or HDS Package for realisation of the Applicant's proposal in line with the HDS and ICOL terms and conditions. ¹
6. Efficient Use	6.1	Description of how the proposed Technical Solution constitutes efficient use of each HDS frequency band applied for, considering combined use with: (1) other HDS frequency bands; and (2) existing HDS frequencies assigned to the applicant.
7. Infrastructure Sharing	7.1	A plan for sharing towers, masts and other passive infrastructure with other holders of Spectrum Licences where feasible and an explanation of how the proposed network design and site plan will minimize the duplication of towers, masts, and other passive infrastructure to limit any potential negative impact on the environment, tourism, health and safety or the public interest.
8. Site plan for each technology and HDS frequency band used	8.1	Site information including for each site: <ul style="list-style-type: none"> · The site name, address and ID; · Site coordinates in latitude and longitude (accurate to 4 decimal places); · Ground height above sea level; · Description of the nature of the facilities (e.g. lattice tower, rooftop or monopole). <p>The Site Plan must be sufficiently detailed to demonstrate each of the factors discussed above.</p>
	8.2	Sector information, including: <ul style="list-style-type: none"> · Sector and site ID; · Antenna type, gain and radiation pattern; · Supplier datasheets for antennas should also be included; · Antenna height above ground level; and · Azimuth and down tilt.

¹ An Alternative Request is when the Authority initiates a Request for Applications and multiple bands are made available to respondents. This gives respondents the ability to communicate to the Authority their 1st and 2nd choices with regards to spectrum options.

	8.3	Equipment configuration including for each sector: <ul style="list-style-type: none"> · Sector ID; · Technology and version/revision number; · Frequency band;
		<ul style="list-style-type: none"> · Carrier frequencies and channels; · Total transmitted power (EIRP); · Channel power (EIRP); and · Bandwidth
	8.4	<ul style="list-style-type: none"> · Whether new sites are located close to the existing sites of any ICOL holder; · The nature of upgrades required; and · Whether all necessary leases, permissions and approvals have been sought and/or granted.
	8.5	<p>Demonstration on how the Applicant plans to comply with ICOL Condition 7.2, namely:</p> <p><i>“The Licensee shall, where technically feasible, share with other Licensees that may be designated by the Authority, Masts and other support structures suitable for the placement of Radiocommunications Equipment in an efficient manner that allow for the sharing of such facilities on terms and conditions that are fair, reasonable and transparent...The Licensee shall provide the Authority with advance notice of its intent to construct new Masts or other support structures and such information as the Authority may require to determine the Licensee’s compliance with this Condition.”</i></p>
	8.6	Explanation of how the Applicant intends to comply with any applicable environmental or planning legislation.
9. ICOL Licence Conditions	9.1	Confirmation that the Applicant intends to comply with ICOL Condition A.5.1 in deploying its new facilities,
10. Additional Spectrum	10.1	Details of any additional spectrum requirements that are not HDS frequencies (e.g. for backhaul and supplemental links).
11. Network Capacity	11.1	A statement showing that the network to be provided will meet the capacity requirements of the Applicant’s traffic forecast for the next five years. The traffic forecast should be supplied with a description of how the access network and the backhaul network will be provided to deliver a system that will handle the traffic at a high quality of service. The Applicant should specify key parameters including the design of quality of service targets for the system and the overhead ratio for catering to system traffic peaks (i.e. the peak to mean design traffic ratio). The Applicant should also describe its policy for capacity upgrades.
12. Backhaul deployment	12.1	A description of the Applicant’s strategy for backhaul including the mechanisms to be used to provide it (radio or fixed connections) and the dimensioning rules it intends to follow. A description of the backhaul roadmap should be provided.
13. Sub-sea cable capacity	13.1	A description of the Applicant’s approach to provision of sub-sea cable capacity in order to meet the demand likely to be driven by content and applications and how that approach is likely to change over time.

14. Use of small cells	14.1	A strategy for the introduction and use of small cells in more dense traffic areas, which must include a strategy for the use of small cells in indoor areas.
15. Network resilience	15.1	A description of the Applicant's approach to network resilience. The description should include how the Applicant handles network failures (including power failures), the likely impact on users, and the mitigation measures that the Applicant intends to deploy. The description should also include both the access and core network elements and resilience of other systems essential to the proper functioning of the system (e.g. Home Location Registers ("HLRs")) and the Applicant's planned resilience measures for severe weather events.

1.8 Proposed Application Fee for New HDS and NHDS Licence Applications

- (17) As part of its upcoming 2021/22 Work Plan and Budget, the RA has recommended a new fee structure² to cover costs incurred by the RA for an HDS licence, including any consultancy costs expended for the purposes of assessing an applicant's application. This would take effect on 1 April 2021.
- (18) Recognizing that there is presently strong new interest in obtaining HDS spectrum, the RA wishes to proceed with haste and will accordingly seek retroactive effect for the fee structure to cover the period from publication of this GD through to the date that any Ministerial regulations become operative. This will allow the RA to receive and process applications as soon as possible.
- (19) With respect to NHDS licence applications, the RA proposes that there be no fee for the submission of an application for an NHDS licence.
- (20) Any such new fees will ultimately be subject to Ministerial and legislative approval.

2 Procedures for Grant of non-commercial NHDS Licences for Radio Spectrum

- (1) Any person who seeks to use spectrum for—
- (i) temporary special events,
 - (ii) technical testing,
 - (iii) non-commercial trials, or
 - (iv) any other non-commercial purposes,
- provided that any such use is limited to—
- (a) cases in which electronic communications are provided on a private rather than a public basis,

² See *Preliminary Report Work Plan and Budget for Fiscal Year 2021/22, table 4 of section 9 ("Service Fees")*.

- (b) cases in which electronic communications are provided on other than a commercial basis, or
- (c) cases in which electronic communications are self-provided by a natural person or legal entity whose principal line of business does not include the provision of electronic communications,

may apply for a non-commercial NHDS Licence pursuant to section 38(1)(a) of the ECA, and paragraphs 1.1 to 1.8 shall apply with any necessary modifications.

- (2) A non-commercial NHDS Licence will have a maximum term of ten years and be renewable at the Authority's discretion.
- (3) An application for a non-commercial NHDS Licence must be made using the Master Application Form set out in Annex 2.
- (4) Pursuant to section 16(2) of the ECA, any person who obtains a non-commercial NHDS Licence is exempted from the requirement to hold a COL as required by section 12 of the ECA only to the extent that the licence holder seeks to establish, construct or operate an electronic communications network or provide an electronic communications service for the purposes set out in sub-paragraph (1).

3 Radio apparatus permits

- (1) Any person who is qualified to obtain any form of spectrum licence will be entitled to a radio apparatus permit pursuant to section 38(1)(b) of the ECA.
- (2) The length of such a radio apparatus permit shall be equal in length to the corresponding spectrum licence.

4 Exempted Frequencies

- (1) In the Spectrum Policy, the Minister stated that it was in the best interest of Bermuda to continue to follow the frequency allocations and band plans set by the Federal Communications Commission ("FCC") as much as practicable, so that Bermuda may benefit from the interoperability of communications equipment, including potential economies of scale.
- (2) The Minister found this approach to be consistent with the requirements of ECA section 37(1), which requires that radio spectrum is managed in a manner that:
 - a) is objective, transparent and non-discriminatory;
 - b) is economically and technically efficient; and
 - c) facilitates the introduction and evolution of new technologies and innovative electronic communications services.

- (3) As such, the Authority proposes to follow the FCC's Industrial, Scientific, and Medical Equipment ("ISM") Code of Federal Regulations 47 rules for licence exempt frequencies, to the extent that they are applicable.³ Users of such frequencies would not require a spectrum licence from the Authority as long as they are compliant with the associated rules.
- (4) This proposed exemption shall not relieve an ICOL or COL holder of the obligation to comply with any other requirement of law or practice to obtain additional consents, permissions, authorizations, licences or permits as may be necessary to operate radio apparatus or radio stations, establish, construct and operate an electronic communications network, or provide electronic communications services on a commercial basis.

5 Savings for previous licences and permits

- (1) Any previous permit granted by the RA allowing the use of HDS and NHDS wireless spectrum shall be deemed for the purposes of this GD to respectively have been HDS and commercial NHDS licences granted pursuant to section 38(1)(a) of the ECA.
- (2) Any such previous permit granted in circumstances that would have qualified for a non-commercial NHDS licence had this GD been in place shall be deemed to have been such a licence granted pursuant to section 38(1)(a) of the ECA.
- (3) The purported remaining duration of any permit referred to in sub-paragraphs (1) and (2) as at the time of this GD coming into force shall be construed as the remaining duration of the relevant licence.
- (4) Any such previous permit shall be deemed to have been granted with a coterminous radio apparatus permit pursuant to section 38(1)(b) of the ECA.
- (5) Where any person is deemed to have received a non-commercial NHDS licence as a result of sub-paragraph (2) shall be deemed to have been exempted from the requirement to hold a COL as required by section 12 of the ECA only to the extent that the deemed licence holder had sought, or will seek, to establish, construct or operate an electronic communications network or provide an electronic communications service for the purposes set out in sub-paragraph (1) of paragraph 2 ("Procedures for Grant of non-commercial NHDS Licences for Radio Spectrum").

³ See FCC Code of Federal Regulations 47 https://www.ecfr.gov/cgi-bin/text-idx?SID=a84d3c0eced379f7cfa35f77b618c590&mc=true&node=se47.1.18_1301&rgn=div8spspectrum

Annex 2 – Master Application Forms

Any applicant that seeks to apply for a Spectrum Licence (commercial or non-commercial) shall comply with such requirements which may be set out by the Authority in any applicable Administrative Determination, which shall include the submission of a Master Application Form and the requirements set therein, including those set forth in sections 1-8 below.

1 LICENCE DETAILS

Applicants will be required to submit general information, including the nature of their application (i.e. new application, licence variation, other), the purpose of their application (i.e. fixed wireless access, commercial mobile radio, point-to-point microwave, wireless cable service, other mobile radio service, permit), whether the application is for high-demand spectrum or non-high demand spectrum, and the duration for which the requested spectrum radio frequency shall be held by the applicant (i.e. less than 12 months, greater than 12 months).

2 APPLICATION DETAILS

Applicants will be required to submit identifying information for the applicant, including the applicant's licence number (if applicable), information identifying the applicant (i.e. ICOL holder, Government Ministry, Government Department, other), the applicant's contact details (i.e. name of key contact, legal name of the applicant, the applicant's trade name (if applicable) the applicant's physical address, telephone number(s), e-mail address.

3 FIXED WIRELESS ACCESS

In the event that the applicant has applied for a Fixed Wireless Access spectrum licence, the applicant will be required to specify various technical details including: the requested frequencies (MHz), the TDD's lower and upper frequency and the FDD's uplink and downlink requirements and block size.

In addition to providing various technical details, the applicant will be required to provide various details regarding the site of the applicant's network, including: site locations and antenna height.

4 POINT-TO-POINT MICROWAVE

In the event that the applicant has applied for a Point-To-Point spectrum licence, the applicant will be required to specify various technical details including: the requested frequencies (GHz), the lower and upper frequencies (MHz) and the polarization.

In addition to providing various technical details, the applicant will be required to provide various details regarding the site of the applicant's network, including: site locations and antenna height.

5 COMMERCIAL MOBILE RADIO SERVICE

In the event that the applicant has applied for a Commercial Mobile Radio Service spectrum licence, the applicant will be required to specify various technical details including: the requested frequencies (MHz) and their respective mobile frequency band names.

In addition to providing various technical details, the applicant will be required to provide various details regarding the requested spectrum frequencies, including: TDD band details and FDD band details

6 OTHER MOBILE RADIO SERVICE

In the event that the applicant has applied for an Other Mobile Radio Service spectrum licence, the applicant will be required to specify various technical details including: the requested frequencies (MHz) and the lower and upper frequencies (MHz).

In addition to providing various technical details, the applicant will be required to provide various details regarding the site of the applicant's network, including: site locations, assigned frequencies, base/repeater location, base/repeater station latitude and longitude to four decimal places and antenna height above ground level for base station.

7 WIRELESS CABLE SERVICE

In the event that the applicant has applied for a Wireless Cable Service spectrum licence, the applicant will be required to specify various technical details including: the requested frequencies (MHz) and the lower and upper frequencies (MHz).

In addition to providing various technical details, the applicant will be required to provide various details regarding the site of the applicant's network, including: site locations, assigned frequencies, base station location, base station latitude and longitude to four decimal places, repeater station location, repeater station GPD and antenna higher above ground level for base station.

8 NON-COMMERCIAL NHDS LICENCE

In the event that the applicant has applied for a non-commercial NHDS Licence, the applicant will be required to specify various technical details including: the requested frequencies (MHz) and the lower and upper frequencies (MHz).

In addition to providing various technical details, the applicant will be required to provide various details regarding the site of the applicant's network, including: site locations, assigned frequencies, base/repeater location, base/repeater station latitude and longitude to four decimal places and antenna height above ground level for base station.

Annex 3 – Company Eligibility Requirements Form

Any applicant that seeks to apply for a Spectrum Licence or Permit shall comply with such requirements which may be set out by the Authority in any applicable Administrative Determination, which shall include the submission of a Company Eligibility Requirements Form and the requirements set therein, including those set forth below.

1 HDS APPLICATION

In order to qualify for a new HDS licence, the applicant will be required to submit information verifying that the applicant:

- a) is a company that is duly incorporated under the laws of Bermuda;
- b) is eligible to engage in business in Bermuda;
- c) has a certificate of compliance under the Companies Act 1981; and
- d) is in possession of an ICOL issued by the Authority pursuant to section 16 of the ECA.

2 NHDS APPLICATION

In order to qualify for a new NHDS licence, the applicant will be required to submit information verifying that the applicant:

- a) is a company that is duly incorporated under the laws of Bermuda ;
- b) is eligible to engage in business in Bermuda;
- c) has a certificate of compliance under the Companies Act 1981; and
- d) is in possession of an ICOL or a COL issued by the Authority.

3 APPLICATION FOR NON-COMMERCIAL NHDS LICENCE

In order to qualify for a non-commercial NHDS Licence, the applicant will be required to submit information verifying that the applicant:

- a) is a company that is duly incorporated under the laws of Bermuda ;
- b) is eligible to engage in business in Bermuda;
- c) has a certificate of compliance under the Companies Act 1981.