



# **ICOL Application and Open Window Supplemental Information Order:**

Date: February 25, 2020

### Background

Section 16 of the Electronic Communications Act 2011 (the “ECA”) requires the Regulatory Authority of Bermuda (the “RA”) to specify the criteria, conditions, requirements and procedures that shall apply to the grant of Communications Operating Licences (“COLs”), including Integrated COLs (“ICOLs”).

The Regulatory Authority (Master Communications Operating Licence Application Process) General Determination 2019 (the “GD”) set forth the application and award process for ICOLs, which includes an annual window during which applicants may submit ICOL applications to the RA using a Master Application Form set by the RA, by administrative determination.

The Communications Operating Licence Policy (the “Ministerial Policy”) issued by the Minister of Home Affairs on 25 October 2019 set the policies for the RA to implement for the issuance of any new public COL, including any ICOL.

On 25 October 2019, the RA issued the ICOL Application and Open Window Decision & Order (the “Application Order”) setting the application process and form for ICOLs. The Application Order also sets the period of time during which the RA would accept new ICOL applications - January 27, 2020 to February 28, 2020 (the “Open Window”). In furtherance of the GD, the RA is now supplementing the Application Order by specifying the following information:

- (i) the maximum number of ICOLs to be awarded during the relevant period, based on current and forecast market conditions;
- (ii) any additional eligibility requirements beyond those set by the Ministerial Policy; and
- (iii) the planned process and indicative timetable for the licence award process in accordance with Section 49(2) of the Regulatory Authority Act 2011.

*Decision and Order*

The RA hereby determines that:

- 1) the number of ICOLs to be awarded shall be a maximum of two (2);
- 2) it shall not impose any eligibility requirements for a Qualifying Application other than those established pursuant to the Ministerial Policy; and
- 3) the indicative timeline by which the RA expects to assess ICOL applications following the close of the Open Window is:
  - to confirm receipt of a Qualifying Application within 15 business days;
  - to publish each Qualifying Application and commence a public consultation within 2 business days after confirmation of receipt of such Qualifying Application(s);
  - to publish a preliminary report for public comment within 30 business days from commencement of the public consultation; and
  - to issue a final report and decision on each Qualifying Application and licence, if any, within 30 business days after publication of the preliminary report.

So ordered this February 25, 2020.