



ICOL Application

Supplemental Information Order – COVID 19:

Date: March 20, 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”) sets out 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 October 25, 2019 sets the policies for the RA to implement for the issuance of any new public COL, including any ICOL.

On October 25, 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”). On February 25, 2020 the RA issued a Supplemental Information Order that specified the following information:

- (i) the maximum number of ICOLs to be awarded during the relevant period, based on current and 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.

On March 18, 2020 the Bermuda Government initiated significant preventative measures to suppress the spread of COVID-19 after the confirmation of the first cases of COVID-19 in Bermuda. Accordingly, in recognition of the unusual circumstances and impact on the normal functioning of the local and global communities, the RA issues this Order to revise the indicative timeline for the ICOL licensing award process.

Decision and Order

The RA hereby determines that:

- 1) the revised 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 30 business days;
 - to publish each Qualifying Application and commence a public consultation within 5 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 20th day of March 2020.