

**PUBLIC TELECOMMUNICATION SERVICE (LICENCE)
REGULATIONS 1998**

BR 47/1998

TELECOMMUNICATIONS ACT 1986

1986 : 35

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The Minister in exercise of the power conferred upon him by section 59 of the Telecommunications Act 1986 makes the following Regulations:

Citation

1 These Regulations may be cited as the Public Telecommunication Service (Licence) Regulations 1998.

Interpretation

2 In these Regulations, unless the context otherwise requires —

"the Act" means the Telecommunications Act 1986;

"British ship" means a vessel registered in Bermuda under the Merchant Shipping Act 1894, Part I;

"Class A Licence" means a licence issued to a provider of public telecommunication service, to, from, or through Bermuda, using, unless otherwise provided for in the licence, circuits that are under the provider's direct control and ownership;

"Class B Licence" means a licence issued to a provider of public telecommunication service, within Bermuda, using, unless otherwise provided for in the licence, circuits that are under the provider's direct control and ownership;

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"Class C Licence" means a licence issued to a provider of public telecommunication service using, unless otherwise provided for in the licence, circuits that are provided by either a provider issued with a Class A licence or Class B licence or a provider issued with both such licences.

Application

3 These Regulations apply to any application for the grant of a licence to establish, maintain or operate a public telecommunication service, other than—

- (a) a cable television service;
- (b) a subscription radio service,

in Bermuda, or on board any British ship, or on board any aircraft, that is registered in Bermuda.

Inspection

4 A licence shall be open to inspection at any reasonable time by the Telecommunications Inspector, or by any person appointed in that behalf by the Minister or by a police officer.

Applicant for licence

5 A body corporate entitled to carry on business in Bermuda under the Companies Act 1981 may apply to the Minister for a licence under these Regulations.

Information to be contained in application

6 An application for a licence shall be made to the Minister in writing and shall contain the following information, that is to say—

- (a) the name and registered address of the applicant;
- (b) proof to the satisfaction of the Minister showing conclusively that the applicant is in a financial position to construct, establish, maintain or operate the service for which the application is made;
- (c) a description of the proposed service together with such technical information, plans and maps as the Minister may require;
- (d) information as to any contents agreement and arrangement regarding interconnection, through traffic, routes and charges therefor that the applicant has made with other Carriers;

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- (e) a list of the rates and charges that the applicant proposes to charge the users of the service and the terms and conditions, if any, subject to which the service will be provided;
- (f) a detailed description of the services which the applicant wishes to provide, including details of the market for such services and identification of competitive services;
- (g) identification and explanation of any radio frequency spectrum requirements;
- (h) a detailed description of the facilities required to provide the proposed services, including technical standards, network plans, interconnection requirements, siting of transmission facilities and matters related to such facilities;
- (i) corporate information, including corporate history, relevant experience and expertise, staffing details and information on relevant domestic and international alliances;
- (j) full disclosure of the ownership and control of the applicant, including the names and addresses of all directors;
- (k) audited financial statements for the past three full fiscal years for the applicant and any relevant affiliates including parent company and affiliated supplier;
- (l) current interim financial statements;
- (m) a detailed five year business plan identifying the proposed investment, revenues, expenditures, detailed financial forecasts and describing underlying assumptions;
- (n) evidence of adequate financing; and
- (o) any other information that the Minister may require to be submitted to him or to the Commission.

Duration and renewal of licence

7 (1) A Class A Licence and a Class B Licence shall continue in force for a period of fifteen years from the date of the grant of the licence and may from time to time be renewed.

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(2) A Class C Licence shall continue in force for a period of five years from the date of the grant of the licence and may from time to time be renewed.

Transfer of licence

8 A licence shall not be transferred without the prior consent in writing of the Minister.

Loss or destruction of licence

9 In the event of loss, mutilation or destruction of a licence the licensee shall immediately report the circumstances in which it was lost, mutilated or destroyed, as the case may be, to the Telecommunications Inspector and the Minister may issue a duplicate licence.

Display of licence

10 (1) Every licence granted under these Regulations shall be displayed in a conspicuous place in the licensee's, principal place of business or in such other place as may be specified, in writing, by the Minister.

(2) A licence shall be displayed in such a manner that all terms and conditions subject to which the licence is granted are visible and legible.

Offences

11 A person who wilfully and knowingly makes in a written application under regulation 6 for the issue of a licence a statement that is false in a material particular is guilty of an offence and is liable on conviction by a court of summary jurisdiction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Transitional

12 (1) Subject to paragraph (4) a licence, other than a licence referred to in paragraph (2) or paragraph (3), granted under the provisions of the Public Telecommunication Service (Licence) Regulations 1988 and in force on the date of commencement of these Regulations shall be deemed to be a Class C Licence granted by the Minister under the provisions of these Regulations, and subject as aforesaid, shall continue in force under these Regulations.

(2) Subject to paragraph (4), the public telecommunication service licence granted to TeleBermuda International Limited on the 10th day of January 1997 shall be deemed to be a Class A Licence granted by

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the Minister under the provisions of these Regulations and, subject as aforesaid, shall continue in force under these Regulations.

(3) Subject to paragraph (4), the public telecommunication service licence granted to Quantum Communications Limited on the 19th day of December 1997 shall be deemed to be a Class B licence granted by the Minister under the provisions of these Regulations and, subject as aforesaid, shall continue in force under these Regulations.

(4) A licence referred to in paragraph (1), (2) or (3)—

(a) shall terminate on such date as, but for these Regulations, it would have terminated; and

(b) may, from time to time, be renewed in accordance with the provisions of these Regulations.

Revocation

13 The Public Telecommunications Service (Licence) Regulations 1988 are revoked.