

TELECOMMUNICATIONS REGULATORY
COMMISSION

VIRGIN ISLANDS

SMF Phase 1 Spectrum Release – Draft Invitation to Apply

03 August 2018

Reference Number: 01/2018



Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Table of Contents

1	Introduction.....	1
2	Parties eligible to apply	4
3	Services to be provided.....	6
4	Spectrum fees	8
5	Description of the award process	9
6	Contents of the Application	13
7	Conduct of the Applicants	16
8	Review of Applications	18
9	Provisional award schedule	20
10	Definition of terms	21
	Appendix A: Draft Frequency Authorisation	24
	Appendix B: Forms	25

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



1 Introduction

- 1.1 This document, together with its Appendices, is an **Invitation to Apply (“ITA”)** for the award of spectrum lots in the 2.3 GHz, 2.5 GHz and 3.4-3.6 GHz LTE TDD bands (the “Offered Spectrum”) for the provision of fixed wireless access (“FWA”) telecommunications services in the Virgin Islands (“VI”).
- 1.2 Applicants are invited to submit an **Application** in accordance with the Rules as contained in this ITA, for one of pre-defined spectrum lots of the Offered Spectrum.
- 1.3 An Applicant who has submitted a successful Application shall be awarded spectrum upon the grant of a Frequency Authorisation by the **Telecommunications Regulatory Commission (“Commission”)**.

Governing law

- 1.4 The **Telecommunications Act 2006**¹ of the VI (the “Act”) established the Commission as an independent regulatory authority overseeing the telecommunications sector in the VI.
- 1.5 The Commission is the awarding body that will grant Frequency Authorisations for the Offered Spectrum. Frequency Authorisations will be granted according to section 19 of the Act, the Telecommunications Code (Part 5) (Granting Frequency Authorisations (Interim Procedure) Requirements, 2011) and the Rules and processes described in this ITA.
- 1.6 The language for communications between the Applicants and the Commission on all matters pertaining to the grant of Frequency Authorisations pursuant to this ITA shall be English.

The offered spectrum

- 1.7 The Commission intends to grant up to four (4) Frequency Authorisations to be used for the provision of FWA telecommunications services in the VI. Each Frequency Authorisation will be for 15 years subject to the Successful Applicant continuing to hold a valid licence granted by the Commission for the operation of a Telecommunications Network providing telecommunications services in the VI (“**Unitary Licence**”). If the Applicant’s licence expires within the term of Frequency Authorisations granted in this Award and is not renewed by the Commission, such Frequency Authorisations will expire at the same time as the Applicant’s Unitary Licence.
- 1.8 The Frequency Authorisations will grant rights of use of the spectrum arranged in lots in each frequency band as described in Table 1-1 (“**Offered Spectrum**”) below for the purposes of providing FWA telecommunications services in the VI.

Table 1-1: Spectrum lots to be awarded

Lot number	LTE band class	Uplink (MHz)	Downlink (MHz)	Total size
1	41	2500	2570	70 MHz
2	41	2600	2690	90 MHz

¹ The Telecommunications Act ,2006 can be viewed at www.trc.vg

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Lot number	LTE band class	Uplink (MHz)	Downlink (MHz)	Total size
3	40	2300	2400	100 MHz
4	42	3400	3500	100 MHz

- 1.9 To the extent any operator is improperly using spectrum in any of the bands set out above, that spectrum must be cleared immediately.
- 1.10 The rights and obligations of the Authorisation Holder are set out in a Frequency Authorisation for the spectrum awarded in each band. The pro-forma **Frequency Authorisation** is included in this ITA at **Appendix A**.
- 1.11 By applying for spectrum lots, Applicants express their commitment to accept the terms of the Frequency Authorisation to be granted by the Commission (as set out in the pro-forma **Frequency Authorisation** included as **Appendix A** for any or all of the lots for which they apply in accordance with these Rules.
- 1.12 Each Applicant shall be limited to the award of one lot.

Award method

- 1.13 Applicants need to have registered their interest in participating in the award and must have paid the Commitment Fee as specified in Section 4 and 5.
- 1.14 As part of their Application, Applicants shall submit Qualification Documentation as specified in Sections 5 and 6. The Commission shall assess the Qualification Documentation for compliance with the Rules. Only those Applicants with compliant Qualification Documentation shall qualify for the grant of Frequency Authorisations.
- 1.15 In the Qualification Documentation, Applicants shall express their order of preference for Lots in the Offered Spectrum bands, as well as their commitment on the Minimum Service Requirements on **Form E** in **Appendix B**. In this ITA preferences for Lots and Minimum Service Requirement commitments expressed on Form E in Appendix B are referred to as "Bids".
- 1.16 The Commission shall conduct the award of spectrum by a managed assignment process amongst Qualified Applicants, as specified in Section 7 and 8.
- 1.17 The Commission will then review all Applications received and will award the spectrum to those Applicants which have met all requirements as set out in this Invitation to Apply.
- i. Lots will be awarded based upon the stated preference of all Qualified Applicants.
 - ii. In case more than one Qualified Applicant has submitted the same stated preference, the relevant Lot will be awarded to the Qualified Applicant with the highest Minimum Service Requirement commitment.
 - iii. In case more than one applicant has submitted the same stated preference and the same Minimum Service Requirement commitment, the relevant Lot will be awarded to the Qualified Applicant based on the Applicants' Network Deployment Plans ("NDPs") as detailed in Section 8.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Amendments to the Award rules

- 1.18 The Commission may suspend, postpone, modify or cancel the award of spectrum and this ITA at any time.
- 1.19 In the event that the Commission changes the ITA within five (5) Working Days of the announced Application Submission Date, the Commission shall announce a revised Application Submission Date no earlier than five (5) Working Days from the date of the change.
- 1.20 The Commission shall notify persons who have duly registered with the Commission in accordance with Section 5 of any subsequent changes to this ITA.

Disclaimer

- 1.21 Each Applicant should obtain any necessary professional advice and conduct its own independent investigation, due diligence and analysis of all relevant facts and conditions, and of the terms and conditions of the pro-forma **Frequency Authorisation** attached at **Appendix A**.
- 1.22 The Applicant shall bear all costs incurred by it and for it in connection with the preparation and submission of the Application. The Commission will not reimburse any such costs.
- 1.23 This ITA is not an offer or undertaking, expressed or implied, by the Commission or by any other person to grant any Frequency Authorisation.

Construction of this document

- 1.24 Unless otherwise specified, all terms used in the ITA are as defined in Section 10. Where a term is used that is not defined in Section 10 it shall have its natural meaning.
- 1.25 Headings in this ITA are only for guidance and do not form part of it.
- 1.26 The Rules set out in this ITA are binding. In addition, this document contains guidance to Applicants on several aspects of the award of spectrum in accordance with the process prescribed in this ITA. Such guidance is not binding and is set out in italics and within text boxes.



2 Parties eligible to apply

Corporate entity and compliance

- 2.1 An Applicant shall be a legal entity incorporated in the VI. All references to “persons” in this ITA refer to such entities.
- 2.2 The Award is open to all persons who:
- i. hold a Unitary Licence issued by the Commission for the operation of a Telecommunications Network providing telecommunications services in the VI; and
 - ii. at the time of Registration are in material compliance with the Act, their Licences, the Regulations, the Telecommunications Code and any instructions issued by the Commission, including without limitation, the delivery of all financial information and the payment of all fees, levies or royalty fees due to the Commission under their Licences or otherwise; OR have delivered legally binding Undertakings to the Commission at least two (2) Working Days prior to Registration, which have been (a) agreed and signed by the Commission at least two (2) Working Days prior to Registration, (b) identify all areas of material non-compliance and provide a clear plan to address each area with deadlines which are consistent with the timetable for this award process, and (c) include incentives to ensure performance of their Undertakings; and
 - iii. meet the Qualification Criteria listed in Section 6.
- 2.3 Persons who do not comply with the requirements of Rules 2.2.i, 2.2.ii and 2.2.iii will not be allowed to register or to participate in any aspect of the Award as outlined in Section 5. Applicants shall present a certificate in the form set out in **Appendix B – Form F**, certified by an Authorised Person to demonstrate compliance with 2.2.ii and 2.2.iii.

Ownership constraints

- 2.4 An Applicant may not have a Material Interest in any other Applicant or Affiliate of another Applicant.
- 2.5 An Applicant has a “Material Interest” in another Applicant where either the Applicant or any of its Affiliates:
- i. directly or indirectly holds or will hold ten per cent (10%) or more shares in the other Applicant; or
 - ii. may, by refusing their consent or acquiescence, prevent ten per cent (10%) or more of the votes entitled to be cast at a general meeting of the other Applicant from being cast; or
 - iii. directly or indirectly holds or will hold any shares in the other Applicant and has or will have the ability to appoint or remove one or more directors of the Applicant; or
 - iv. may by rights, contracts or any other means, having regard to the considerations of fact or law involved, exercise decisive influence on the Applicant, in particular by ownership or the right to use all or part of the assets of any Applicant or any of its

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Affiliates, or rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.

- 2.6 “Affiliate”, in relation to a given Applicant is any person directly or indirectly controlling, controlled by or under common control with the Applicant where either the Applicant or that person owns, directly or indirectly at least fifty per cent (50%) or more of the share capital, voting rights, securities, partnership or other ownership of interest in the other person or in the Applicant as the case may be.



3 Services to be provided

- 3.1 A Frequency Authorisation to be issued by the Commission shall require that Successful Applicants use the spectrum granted to provide FWA telecommunications services using LTE-TDD technology.
- 3.2 The Frequency Authorisations shall require authorisation holders to provide services in accordance with the **Telecommunications Code (Part 3) (Quality of Service), Requirements 2010**, as applicable.
- 3.3 Successful Applicants who are granted Frequency Authorisations for the use of spectrum shall meet the **Minimum Service Requirement** and the **General Quality of Service requirements** defined in the Frequency Authorisation. These will reflect the **Minimum Service Requirement** committed to by the Successful Applicants as part of its **Application**. For further details, please refer to Part C of the consultation document.

Guidance for Applicants – Minimum Service Requirements

The Authorisation Holder shall provide using the Authorised Spectrum, and thereafter maintain, a FWA telecommunications network that is capable of providing FWA telecommunications services:

- within six (6) months of the Date of Issue*
- to at 100% of the premises on islands of Tortola, Anegada, Jost Van Dyke and Virgin Gorda at the request of an end user no later than five (5) Working Days from receipt of the request from the end user*
- meeting, at least, the Minimum Service Requirement in relating to the entry-level package (in terms of guaranteed minimum download and upload speed, a minimum monthly data allowance for a maximum monthly price of USD 90, excluding any equipment rental charges) committed to by the Authorisation Holder as part of its Application*
- meeting the General Quality of Service requirements with respect to latency, package loss and fault recovery rates specified in the pro-forma Frequency Authorisation at **Appendix A**.*

*Applicants are advised to scrutinise the consultation document and the pro-forma Frequency Authorisation at **Appendix A** for a more detailed description of the Minimum Service Requirements and the general quality of service requirements. The requirements stated in the Frequency Authorisation shall take precedence where different to the description stated in this Guidance.*

- 3.4 The Commission will assess the Applicant's intent and ability to meet the Minimum Service Requirements by assessment of a **Network Deployment Plan** submitted by the Applicant as part of its **Application**. The Network Deployment Plan will be attached to, and referenced by, Frequency Authorisations granted in this Award.
- 3.5 Where a Network Deployment Plan is attached to a Frequency Authorisation, the Authorisation Holder shall deploy, and thereafter maintain, its network incorporating as a minimum the cell sites with the configuration defined in the Network Deployment Plan.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- 3.6 The Network Deployment Plan will only be varied with the written approval of the Commission, and such approval is not to be unreasonably withheld. Such approval will only be granted where the proposed changes are capable of meeting the Minimum Service Requirements.
- 3.7 For the avoidance of doubt, compliance with Rule 3.6 does not absolve the Authorisation Holder from the need to satisfy the Minimum Service Requirements defined in the Frequency Authorisation.



4 Spectrum fees

Commitment Fees

- 4.1 Persons who wish to submit an Application in response to this ITA are required to first register with the Commission by the completion and submission of **Form A** in **Appendix B** by the Final Registration Date identified in Table 9-1. A **Commitment Fee** of **USD 15,000** is payable to the Commission, by cheque made payable to the Telecommunications Regulatory Commission, no later than the Final Registration Date identified in Table 9-1.
- 4.2 The Commission shall not consider an Application submitted by a person who has not registered with the Commission in accordance with Rule 4.1 above.

Annual Spectrum Fees

- 4.3 A Frequency Authorisation shall include the obligation of the authorisation holder to pay Annual Spectrum Fees from the date of issue of the Frequency Authorisation.
- 4.4 The Commission proposes to charge the following Annual Spectrum Fees defined in **Table 4-1** for each lot within the Offered Spectrum. The Annual Spectrum fees are based on a fee of USD 1,500 per MHz. A discount on the per MHz fees are granted for Successful Applicants having committed to higher Minimum Service Requirements. Any discount on the Annual Spectrum Fee related to higher Minimum Service Requirements will only be applied retrospectively (i.e., after receiving evidence that the Successful Applicant has delivered on its Minimum Service Requirements and General Quality of Service requirements in the relevant year).

Table 4-1: Annual Spectrum Fees for the offered spectrum

Spectrum lot number	Total size	Annual Spectrum Fee		
		Minimum service commitment Option 1	Minimum service commitment Option 2	Minimum service commitment Option 3
1	70 MHz	USD 105,000	USD 78,750	USD 52,500
2	90 MHz	USD 135,000	USD 101,250	USD 67,500
3	100 MHz	USD 150,000	USD 112,500	USD 75,000
4	100 MHz	USD 150,000	USD 112,500	USD 75,000

- 4.5 The fees identified in Table 4-1 may be amended by the Commission from time to time.
- 4.6 Annual Spectrum Fees will be payable to the Commission each year upon the anniversary of the date of award of each Frequency Authorisation. The first payment of the Authorisation Fees shall be payable from the date of the award of Frequency Authorisations.



5 Description of the award process

Stages of the award process

- 5.1 The award process shall comprise the five stages described in this ITA:
- i. Registration
 - ii. Question and answer process
 - iii. Submission of Applications
 - iv. Review of Applications
 - v. Grant of Frequency Authorisations
- 5.2 Each of these stages is described below in detail.

Registration

- 5.3 A person wishing to ask questions about this ITA or to submit an Application shall register with the Commission. Registration is conditional upon:
- i. payment of the Commitment Fee specified in Section 4, such payment being duly received by the Commission no later than the Final Registration Date identified in Table 9-1; and
 - ii. the person delivering to the Commission the duly completed Registration Form (Form A in Appendix B to this ITA) by the Final Registration Date identified in Table 9-1; and
- 5.4 Upon completion of the registration process outlined in Rule 5.3 above, the Commission shall send a unique reference to an email address provided by the registered person. This reference should be quoted in all subsequent correspondence between the Commission and the registered person.
- 5.5 A person who is registered with the Commission may opt not to submit an Application in response to this ITA. However, the Commission shall not consider requests for clarifications and shall reject all proposals submitted by persons who have not duly registered with the Commission in accordance with Rule 5.3. To the extent that a person who is registered opts not to submit an Application, the Commission may, in its discretion, return the Commitment Fee to that person.
- 5.6 Completed Registration Forms shall be submitted to the Commission at:

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Postal address:

**Telecommunications Regulatory Commission
P.O. Box 4401
Road Town, Tortola VG1110
British Virgin Islands**

Physical address:

**Telecommunications Regulatory Commission
27 Fish Lock Road
LM Business Centre 3rd Floor
Road Town, Tortola VG1110**

Question and Answer process

- 5.7 Persons who have duly registered with the Commission may submit Requests for Clarification to the Commission by email or post regarding the ITA, the Award process or the terms of the Frequency Authorisation. The Final Date for the submission of Requests for Clarification will be as specified in Table 9-1.
- 5.8 The Commission shall respond to all Requests for Clarification received on or before the Final Date for Requests for Clarification specified in Table 9-1. The Commission will not respond to Requests for Clarification received after the Final Date for Requests for Clarification.
- 5.9 The Commission shall send its responses by e-mail to all persons who have duly registered with the Commission. Where the Commission considers that a Request for Clarification or the response from the Commission necessarily entails the disclosure of information that is confidential to a person, the Commission may, in its discretion, either re-phrase the Request for Clarification and or the response so as to remove all reference to the confidential information or exclude the specific Request for Clarification and or the response from the responses sent to all persons who have registered with the Commission.
- 5.10 Should the Commission amend the ITA, including the Appendices, it will publish the revised ITA on the Website and email and post notices to that effect to each person duly registered with the Commission.
- 5.11 Contact information for the submission of Requests for Clarification to the Commission as specified in Rule 5.7 above are as follows:
E-mail – gmalone@trc.vg and gnelson@trc.vg

Submission of Applications

- 5.12 Applications shall be submitted on the **Application Submission Date** in accordance with the **Delivery Instructions** set out at Rules 5.14 to 5.17 inclusive. The Commission may reject Applications not delivered in accordance with the Delivery Instructions. Applicants shall be bound by their respective Applications until the **Frequency Authorisation Grant Date** specified in Table 9-1.
- 5.13 An Application shall comprise:
- i. complete Qualification Documentation prepared in accordance with Section 6.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- ii. duly completed Registration Form (Form A in Appendix B to this ITA), Compliance Certificate (Form F in Appendix B to this ITA);
 - iii. Undertakings agreed and signed in advance of Registration in accordance with the provisions of Rule 2.2.ii, where required to achieve material compliance as specified in Rule 2.2.ii; and
 - iv. A compliance certificate as specified in Rule 2.2.iii
- 5.14 An Application shall be delivered by hand to the physical address of the Commission as identified in Rule 5.6, for which the Commission shall issue a receipt.
- 5.15 The Application Submission Date shall be as specified in Table 9-1. The Commission may amend any of the dates specified in Table 9-1 by notice to the public issued by the same mode/s of advertisement by which this ITA was advertised.
- 5.16 Subject to Section 5.13 above, the Qualification Documentation shall be placed in sealed non-transparent envelopes and shall comply with the following directions:
- a) This envelope should be labelled as follows: “[*Applicant name and registration reference*]: *Qualification Documentation for the Award of Frequency Authorisations in the VI. Not to be opened before [Application Submission Date (hh.mm, mmm dd, yyyy)]*”.
 - b) The envelope should contain the following:
 - one (1) original Qualification Documentation. This should be clearly marked: “Original”;
 - five (5) copies of the Qualification Documentation. These should be clearly marked: “Copy No. 1 of 5” and so on.
 - a copy of the Qualification Documentation on a readable means of storage such as CD-ROM, Flash memory card, or USB Drive in a format readable by a Microsoft Office Professional Edition 2003 program or be in Adobe Acrobat (.pdf) format. This should include electronic versions of all coverage plots. The storage device should be clearly marked with the Applicant’s name and registration reference.
- 5.17 Applications shall be submitted between the hours of **10.00 and 15.30** on the **Application Submission Date**. The Commission shall issue a receipt to the Applicant upon receipt of its Application. The Commission shall not accept and shall return unopened all Applications submitted otherwise than in accordance with these Rules. The issue of a receipt by the Commission does not mean that the Commission is bound to consider an Application that has not been delivered in accordance with these Rules.

Evaluation of Applications

- 5.18 The Commission shall evaluate Applications which have been submitted in accordance with the Rules contained in this ITA and which have not been rejected by the Commission in accordance with the process outlined in Section 8.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- 5.19 The Commission's Chief Executive Officer will make a recommendation to the Board of the Commission regarding the Successful Applicants and the Frequency Authorisations to be granted. The Commission Board shall decide whether to accept the recommendation.
- 5.20 The Board of the Commission will notify and advise the Minister for Communications and Works of their decision in advance of notification to Applicants.

Grant of Frequency Authorisations

- 5.21 Subject to Successful Applicants being in compliance with the Rules of this ITA and their agreed Undertakings, the Commission shall award spectrum to Successful Applicants by the grant of Frequency Authorisations on the **Frequency Authorisation Grant Date** identified in Section 9.
- 5.22 Where Successful Applicants are not in compliance with their agreed Undertakings, the Applicant shall be disqualified from the Award process and the Review of Applications shall be conducted without that Applicant's Bids being considered.



6 Contents of the Application

- 6.1 An Application shall comprise each of:
- i. **Registration reference** issued by the Commission evidencing that the Applicant has already registered with the Commission; and
 - ii. The **Qualification Documentation**, comprising of all documents set out in Rule 6.3 below.
- 6.2 The Qualification Documentation shall comply with the delivery requirements of Rules 5.13 to 5.19 inclusive.

Qualification Documentation

- 6.3 The Qualification Documentation shall include:
- i. completed **Forms B to F**, which are included at **Appendix B** to this ITA. Guidance on the completion of Forms B to F is included in the forms themselves.
 - ii. A **Performance Bond**, in the form of a bank guarantee or letter of credit, in a form acceptable to the Commission.
 - iii. A compliance certificate including a set of pre-agreed Undertakings between the applicant and the Commission.
 - iv. a **Network Deployment Plan (“NDP”)** that demonstrates in detail how the Applicant plans to meet the minimum service requirements of the Frequency Authorisation. The Applicant’s NDP shall include, at a minimum:
 - a description of its proposed rollout strategy, including its plans to meet the Minimum Service Requirements committed to by the Applicant; and
 - a description of its proposed deployment of technology including details of assumed link budget, antenna and RF assumptions and allowance for propagation and fading losses; and
 - a list of site locations to be used and coverage maps to illustrate the expected coverage;
 - evidence to show that the depicted coverage is likely to achieve the required coverage levels; and
 - a breakdown of the necessary investments in the network and the sources of funding of these investments.

The NDP shall contain separate tables for the network deployment milestones set out in the pro-forma Frequency Authorisation (i.e. 8 months, 12 months and 24 months).

- v. a **Disaster Preparedness and Response Strategy (DPRS) and Business Continuity Plan (BCP)** detailing how the licensee will continue its operation in

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



case of a (natural) disaster. The DPRS and BCP must contain at least the content identified and described by the GSM Association (“GSMA”)².

Commitments on Minimum Service Requirements

- 6.4 As part of **Form E** of their Application, Applicants need to select the level of Minimum Service Requirements they wish to commit to from a set of three (3) pre-determined options. These options are set out in **Table 6-1** to **Table 6-3** below.

Table 6-1: Minimum service level requirements – Option 1

Time after issuance of frequency authorisation	Entry-level package			
	Minimum speed		Monthly data allowance	Monthly price
	Download	Upload		
6 months	10 Mbps	3 Mbps	150 GB	USD 90 or less
12 months	15 Mbps	5 Mbps	200 GB	USD 90 or less
18 months	25 Mbps	8 Mbps	250 GB	USD 90 or less

Table 6-2: Minimum service level requirements – Option 2

Time after issuance of frequency authorisation	Entry-level package			
	Minimum speed		Monthly data allowance	Monthly price
	Download	Upload		
6 months	20 Mbps	6 Mbps	200 GB	USD 90 or less
12 months	25 Mbps	8 Mbps	250 GB	USD 90 or less
18 months	40 Mbps	13 Mbps	300 GB	USD 90 or less

Table 6-3: Minimum service level requirements – Option 3

Time after issuance of frequency authorisation	Entry-level package			
	Minimum speed		Monthly data allowance	Monthly price
	Download	Upload		
6 months	30 Mbps	10 Mbps	250 GB	USD 90 or less
12 months	35 Mbps	11 Mbps	300 GB	USD 90 or less

² For the typical content of a DPRS and BCP, reference is made to the following documents of the GSMA:

<https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2013/01/Designing-an-Effective-Disaster-Preparedness-Response-Programme.pdf>

https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/05/GSMA_Disaster-Response_Business_Continuity_Management_Report.pdf

<https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2018/04/Mobile-Industry-Impact-and-Response-in-the-Caribbean.pdf> .

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Time after issuance of frequency authorisation	Entry-level package			
	Minimum speed		Monthly data allowance	Monthly price
	Download	Upload		
18 months	50 Mbps	16 Mbps	350 GB	USD 90 or less

Authorisation of forms

- 6.5 In all cases an original signature of an Authorised Person is required on each page of Forms B-E from an Authorised Person whose notarised signature has been included as part of **Form C**. The signatures on all these forms will then be compared to the notarised copies in order that their authenticity can be confirmed.
- 6.6 Electronic signatures will not be accepted. All the original versions of the forms shall therefore be printed and signed by hand in blue ink. It is permissible to include photocopied signatures in the forms included in the copies of the Qualification Documentation (i.e., those copies marked “Copy No. 1 of 5” and so on).



7 Conduct of the Applicants

- 7.1 The Applicant shall comply at all times with these Rules.
- 7.2 Applicants shall notify the Commission of any material change to the information provided and/or any representation made in the Qualification Documents that occurs prior to the Frequency Authorisation Grant Date, including but not limited to any change to the composition of the Board of Directors of the Applicant or any matter which may affect the continuing validity of any declarations made in **Form D** and **Form**, by no later than three (3) Working Days before the Frequency Authorisation Grant Date, except if the change occurred later than three (3) Working Days before the Frequency Authorisation Grant Date but before the Frequency Authorisation Grant Date in which case the applicant shall notify the Commission of such change forthwith.
- 7.3 The Applicant shall not and shall ensure that none of its Affiliates or any of its or their directors or employees:
- i. submits to the Commission any information in connection with the award process which is either false or deliberately misleading;
 - ii. submits more than one Application;
 - iii. collude or attempt to collude with another person to distort the outcome of the award process;
 - iv. at any time act in a way which is likely to distort the outcome of the award process;
 - v. at any time disclose, or attempt to disclose, or incite another person to disclose, Confidential Information, whether directly or indirectly, to any person except where the disclosure is:
 - to a professional adviser for the purpose of and to the extent necessary to prepare its Application and subject to such adviser entering into a non-disclosure agreement on terms no less onerous than those in this Section 7.
 - to the Commission;
 - for the purpose of raising finance for a Bid and to a provider of finance.
- 7.4 An Applicant shall notify the Commission as soon as is reasonably practicable if it has evidence or has reasonable grounds to suspect that:
- i. an Applicant has or may have breached these Rules; or
 - ii. any of an Applicant's Affiliates, or any of their directors or employees has acted in a way which would have breached these Rules had they been the Applicant.
- 7.5 The Commission shall have the discretion to disqualify an Applicant if, in the opinion of the Commission, the outcome of the Award would or could be materially affected because:
- i. The Applicant has breached these Rules; or
 - ii. Any of its Affiliates or any of their directors or employees has acted in a way which would breach these Rules had they been the Applicant; or
 - iii. The Applicant has a Material Interest in another Applicant; or
 - iv. the Applicant has not complied with its agreed Undertakings.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- 7.6 Where the Commission believes that there is good reason to disqualify an Applicant, the Commission may, at its sole discretion, permit the Applicant to address the disqualifying factor or may exempt the Applicant from the obligation.
- 7.7 The criteria the Commission shall use in assessing whether to grant an exemption under Rule 7.6 are, that such exemption:
- i. would not diminish the promotion of effective and fair competition among new and existing licensed operators; and
 - ii. would promote the interests of subscribers and users of the relevant telecommunications services.
- 7.8 Interested parties are not permitted to solicit or receive advice on matters related to this ITA or to the award of spectrum pursuant to these Rules from:
- (a) any person who has been retained as an adviser to the Commission (or a sub-contractor to such adviser) in relation to the Award. Advisers to the Commission in this regard are:
 - i. Frontier Economics Ltd.
 - ii. Oxperts Consultancy
 - iii. Stephanie Liston
 - (b) any person who has been an employee of the Commission or any of the above advisers in the six (6) months prior to the publication date of this ITA.
- 7.9 For the avoidance of doubt, Rule 7.8 shall not apply to the receipt of responses to Applicants' Requests for Clarification in accordance with these Rules, regardless of whether such responses are given by the Commission directly or by the Commission's advisers.



8 Review of Applications

Evaluation of the Qualification Documentation

- 8.1 During the process of the evaluation of Applications, the Commission may address any requests for clarification to the Principal Authorised Person identified by the Applicant in **Form B**. Applicants shall respond to any requests for clarification within the time frame specified by the Commission. If the Applicant fails to respond within the time frame specified by the Commission, the Commission may proceed to review the Application in the absence of such clarification and has the discretion to disqualify the Applicant from the Award. All clarifications provided by Applicants in response to requests from the Commission shall be signed by one of the Applicant's Authorised Persons and shall include its registration reference.
- 8.2 The qualification process will comprise the Commission's assessment as to whether the Qualification Criteria have been satisfied. The Qualification Criteria are as follows:
- i. The Application is complete and compliant with these Rules;
 - ii. The Applicant is eligible to apply in accordance with the criteria set out in Section 2;
 - iii. The Applicant has no Material Interest in another Applicant;
 - iv. The Network Deployment Plan and Business Continuity Plan are considered adequate by the Commission to meet the Minimum Service Requirements and general quality of service requirements.
- 8.3 Following receipt of Qualification Documentation, the Commission shall publish a list of Applicants, including, where relevant, the Affiliates of each Applicant.
- 8.4 As soon as reasonably possible following the publication by the Commission of the list of Applicants and, in any event, no later than two (2) Working Days following publication, each Applicant shall submit a declaration to the Commission stating whether or not it has a Material Interest in any other Applicant.
- 8.5 Where the Commission deems the submitted Network Deployment Plan or Business Continuity Plan to be of a standard unlikely to deliver the minimum service requirements stipulated in the Frequency Authorisation, the Commission will indicate to the Applicant in what respect the Network Deployment Plan and/or Business Continuity Plan is deficient and the Applicant will be given three (3) days to resubmit its Network Deployment Plan for re-assessment by the Commission.
- 8.6 Where the Commission considers that an Applicant has satisfied the Qualification Criteria, the said Applicant will be added to the list of Qualified Applicants.
- 8.7 Where an Applicant is deemed by the Commission to have failed to comply with the Qualification Criteria, the said Applicant will be disqualified from the Award.
- 8.8 Upon the receipt of declarations by Applicants, as required by Rule 8.4 and completion of Qualification Documentation, the Commission shall individually notify each Qualified Applicant that its Application is eligible for consideration for the award of spectrum.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- 8.9 The Commission shall also notify any Applicant whose Application has been rejected or disqualified.

Award of spectrum lots and Frequency Authorisation

- 8.10 The Commission shall determine the Successful Applicants for each Lot by following the process detailed in Rules 8.11 to 8.14.
- 8.11 The Commission will review all Applications received from Qualified Applicants only.
- 8.12 Lots will be awarded based upon the stated preference of all Qualified Applicants, as set out in their **Forms E**.
- 8.13 In case more than one Qualified Applicant has submitted the same stated preference, the relevant Lot will be awarded to the Qualified Applicant with the highest Minimum Service Requirement commitment, as set out in their **Forms E**.
- 8.14 In case more than one Qualified Applicant has submitted the same stated preference and the same Minimum Service Requirement commitment in their **Form E**, the relevant Lot will be awarded based on the Qualified Applicant's NDPs.
- i. In case the relevant Qualified Applicants have not already submitted the highest Minimum Service Requirement commitment as part of their Form E, the Commission will contact these Qualified Applicants in writing and offer them the opportunity to increase their Minimum Service Requirement commitment in order to obtain their preferred Lot.
 - ii. If the process in Rule 8.14 i. does not lead to a clear allocation of Lots, the relevant Lot will be awarded to the Qualified Applicant with the highest ranked NDP, as determined by the Commission.



9 Provisional award schedule

- 9.1 A provisional timetable is presented in **Table 9-1**. Times in the table refer to local time in the VI.
- 9.2 The Commission reserves the right to amend the list of Award Events and/or the dates and or times of any Award Event by publication on the Website and by notice to each person who has registered with the Commission pursuant to Rule 5.3 above prior to such change coming into effect.

Table 9-1: Provisional timetable for the award process

Award events	Date and time
Deadline for Registration of interest	15:30 on [10] September 2018 (i.e. the closing date of the public consultation period)
ITA issued	Three (3) weeks after the end of the consultation period
Deadline for Requests for Clarification	Two (2) weeks after the ITA has been issued
Final Date for Responses to Requests for Clarification	One (1) week after Deadline for Requests for Clarification
Deadline for Application Submission	Three (3) weeks after the Final Date for Responses to Requests for Clarification
Successful Applicants Notification Date	Three (3) weeks after Deadline for Application Submission
Frequency Authorisation Grant Date	Two (2) weeks after the Successful Applicants Notification Date



10 Definition of terms

10.1 Terms used in this ITA shall have the meaning defined in **Table 10-1**.

Table 10-1: Definition of terms

Term	Meaning
Annual Spectrum Fee	The annual spectrum fees payable to the Commission for the use of spectrum authorised by a Frequency Authorisation granted by the Commission in accordance with this ITA and as amended by the Commission from time to time.
Affiliate	Shall be as defined in Rule 2.6.
Application	An offer (comprising all Qualification Documentation as required by the Rules) submitted by an Applicant for the award of spectrum from the Offered Spectrum in accordance with the ITA.
Commitment Fee	The non-refundable fee specified in Rule 4.1 that a person shall pay to register its interest to participate in the award.
Applicant	A legal entity incorporated in the VI that submits an Application in response to this ITA.
Award	The procedure set out in this ITA by which the Commission intends to grant Frequency Authorisations to award and authorise the use of spectrum in the Offered Spectrum bands.
Award Rules	The rules for the Award as set out in this ITA including the Appendices and forms referenced by these rules and any amendments issued by the Commission in accordance with Rule 1.19.
Authorisation Holder	The person or organisation to whom a Frequency Authorisation will be granted by the Commission in accordance with this Award.
Authorised Person	An individual named by the Applicant who is authorised to act on behalf of the Applicant in all matters relating to the Award.
Application Submission Date	The date identified in Table 9-1 which is the last date of submission for Applications in response to this ITA.
Business Continuity Plan (BCP)	A part of the Qualification Documentation as defined in Rule 6.3 that details, jointly with the DPRS, how the licensee will continue its operation in case of a (natural) disaster.
Commission	The Telecommunications Regulatory Commission of the VI
Confidential Information	Any information that is not in the public domain and which, if it were made public, or disclosed to another actual or potential Applicant, would be likely to affect the decisions that such Applicant might make in relation to the Award process.
Delivery Instructions	The instructions set out in Rule 5.133 to Rule 5.19.
Disaster Preparedness and Response Strategy (DPRS)	A part of the Qualification Documentation as defined in Rule 6.3 that details, jointly with the BCP, how the licensee will continue its operation in case of a (natural) disaster.
Frequency Authorisation	The legal instrument which authorises the use of spectrum within a frequency band under the Telecommunications Act, 2006.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Term	Meaning
FWA	Fixed Wireless Access (FWA) is a wireless access application in which the location of the end-user termination and the network access point to be connected to the end user are fixed, whereby wireless access has been defined by the International Telecommunications Union (ITU) as end-user radio connection(s) to core networks, see Recommendation ITU-R F.1399.
FWA Telecommunications Services	Subject to such definition that may be published from time to time by the International Telecommunications Union, such telecommunications services delivered through a FWA network. These include broadband, television and voice services.
ITA	The Invitation to Apply for the award of spectrum and grant of Frequency Authorisations as defined in this document including all appendices.
Licence	A licence granted by the Commission for the provision of telecommunications services to the public and for the operation of a public mobile telecommunications network in the VI in accordance with the Act.
Lots	Discrete packages of spectrum within the Offered Spectrum for which Frequency Authorisation may be granted to Applicants, as set out in Table 1-1.
Material Interest	Shall be as defined in Rule 2.5.
Network Deployment Plan (NPC)	A part of the Qualification Documentation as defined in Rule 6.3 that demonstrates compliance with the Minimum Service Requirements stipulated in the Frequency Authorisation.
Offered Spectrum	The spectrum lots in the 2.3 GHz, 2.5 GHz and 3.4-3.6 GHz bands for which Frequency Authorisations may be granted in the Award process.
Payment Instructions	The instructions for payment set out in Section 4.
Preferred Lot	The lot that an Applicant nominates as its preferred lot in a lot category.
Qualification Criteria	The criteria set out in Rule 8.2 that an Application shall satisfy in order for the Applicant to be considered to be a qualified Applicant.
Qualification Documentation	The information included in an Application required for establishing that the Application meets the Qualification Criteria.
Qualified Applicant	An Applicant whose Application has complied with the Qualification Criteria set out in Section 8.2.
Registration	The process by which a prospective Applicant registers with the Commission its interest in submitting a response to the ITA in accordance with the requirements of Sections 5.3 to 5.6 upon payment of the Registration Fee as required or waived in accordance with the Rules.
RF	Radio frequency
Rules	The set of requirements for an Application to be considered valid as stipulated in this ITA.
Successful Applicant	An Applicant declared as such by the Commission after application of the Application evaluation criteria in Section 8.
Undertakings	Actions and commitments agreed and signed between a prospective Applicant and the Commission at least two Working Days prior to Registration, to be undertaken by an operator in order to become materially compliant with the Act, their Licence, the Regulations, the Telecommunications Code and any instructions issued by the Commission as required in Rule 2.2.ii

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Term	Meaning
VI	The British Virgin Islands and its territorial waters
Website	The Commission's website (www.trc.vg).
Working Day	A day (other than a Saturday or Sunday) on which the clearing banks in VI are open for general business.



Appendix A: Draft Frequency Authorisation



Appendix B: Forms

- B.1 This Appendix includes all the Forms that interested persons shall be required to complete and submit to the Commission in accordance with the Award Rules.
- B.2 It contains the following forms:
- i. FORM A: Registration Form
 - ii. FORM B: Applicant's Information Form
 - iii. FORM C: Proof of Authority for Authorised Persons
 - iv. FORM D: The Applicant's Declarations Form
 - v. FORM E: Lot Preference and Minimum Service Requirements Form
 - vi. FORM F: Compliance Certificate

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Form A – Registration Form

Section 1: Details of the Registering Party

Please provide the following details for the Registering Party:

Full Company Name	
Registered Company Number	

Section 2: Contact Details

Please provide the following contact details for at least one (and an alternative) contact.

Full Name	
Job title	
Email Address	
Postal Address	
Direct Dial Telephone Number	
Fax Number	

Full Name	
Job title	
Email Address	
Postal Address	
Direct Dial Telephone Number	
Fax Number	

Instructions for the Completion of the Registration Form

This Registration Form should be completed in accordance with the following instructions. The Commission may reject a Registration Form which has not been completed in accordance with these instructions.

- i. The Form may be completed either electronically or in handwriting using blue ink.
- ii. If the Form is completed in handwriting, block capitals should be used.
- iii. If additional space is required for the provision of responses in any Section completed in hard copy, please attach clearly marked additional pages to the Form and state the number of attached pages on the front page of the Form. All additional pages should be signed by the person whose contact details are provided in Section 2 of the Form.
- iv. The contact information should be provided for at least one and an alternative contact.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- v. The contact details shall be for the specific named contact person (i.e. not a general clearing or switchboard address/telephone number).

Instructions for the payment of the Commitment Fee

Upon submission of this Registration Form, a Commitment Fee of USD 15,000 shall be paid to the Commission. The Commitment Fee is non-refundable (subject to the Commission's discretion). It will, however, be credited towards the Annual Spectrum Fees payable in the first year of the licence term by the Successful Applicant.

A person will be deemed to have successfully registered only upon submission of this Registration Form pursuant to Rule 5.3 of the ITA and payment of the Commitment Fee in accordance with the Payment Instructions outlined in Section 4 of the ITA.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Form B – Applicant’s Information Form

Section 1: Details of the Applicant:

a) Please provide the following details for the Applicant:

Full Company Name	
Company Registration Number	
Address of Registered Office	
Date of Incorporation (MM/DD/YYYY)	
Place of Incorporation	
Applicant Registration Password	

b) Please attach to this Form a current excerpt from the Companies Register or Certificate of Incorporation.

Attached	
----------	--

Section 2: Contact Details

Please provide the following contact details for at least one Person authorised to act on behalf of the Applicant in relation to the Award and who shall be the nominated contact person for related communications with the Commission.

Principal Authorised Person	
Nationality	
National Identification Card or Passport Number (please indicate which)	
Position	
Email Address	
Postal Address	
Direct Dial Telephone Number	
Fax Number	

Please provide the names and equivalent contact details for an alternative individual authorised to act on behalf of the Applicant in matters pertaining to the Award.

Second Authorised Person	
Nationality	
National Identification Card or Passport Number (please indicate which)	
Position	
Email Address	

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Postal Address	
Direct Dial Telephone Number	
Fax Number	

Section 4: Signature of Authorised Person

The undersigned, being a person authorised to act on behalf of [*Name of Applicant*] in all matters related to this Award, confirms that the information provided in Applicant's Information Form B is, to the best of his/her knowledge, true, accurate and complete at the date of Signature.

Printed Name of Authorised Person:

Signature

Date of signature (MM/DD/YYYY)

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE
TDD Frequency Bands



Form C – Proof of Authority

Applicant Address Line 1
Applicant Address Line 2
Applicant Address Line 3
Applicant Address Line 4

The CEO
Telecommunications Regulatory Commission,
P.O. Box 4401
Road Town, Tortola VG1110
British Virgin Islands

Date:

Dear Sir,

Authority to Act on Behalf of the Applicant– FORM C

By Resolution of the Board of Directors of [insert name of Applicant] on [insert date of Resolution] to grant the Power of Attorney, a notarised copy of which I attach to this letter, I hereby confirm that [insert names of all Authorised Persons listed in Form B] are authorised to act on behalf of [insert name of Applicant] in all matters related to the award of spectrum in accordance with the Invitation to Apply published by the Commission on [insert date of ITA], including the acceptance of the terms and conditions of any Frequency Authorisation that may be offered to [insert name of Applicant] and the execution of such Frequency Authorisation for that purpose.

Yours sincerely,

Company Secretary

[Name of Applicant]

INSTRUCTIONS FOR THE ATTACHMENTS TO FORM C

Form C shall be accompanied by a notarised copy of the Power of Attorney authorising specific named persons to act on behalf of the Applicant. It shall also contain a notarised copy of the signatures of all the Authorised Persons. The signatures on all Forms will be compared to the notarised copies in order that their authenticity can be positively determined.

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Form D – Applicant’s Declarations Form

Section 1

Name of Applicant	
Registration reference	

Section 2: Ownership structure

For each person with a shareholding in the Applicant equal to or in excess of 10%, please provide the information in the table below and, where applicable, provide a current excerpt from the Commercial Register or Certificate of Incorporation for that party.

Full Name of Shareholder	
Registered Office (if applicable)	
Date of Incorporation (MM/DD/YYYY) (if applicable)	
Place of Incorporation (if applicable)	
Commercial Register Number (if applicable, or local equivalent)	
Principal place of business	
Summary of principal business activity	

Applicants shall also provide a structure chart(s) showing the relationship between/among the Applicant and its Affiliates.

Section 3: Acceptance and declaration

[Name of Applicant] hereby declares that the Applicant is legally capable of holding a Frequency Authorisation and or a Licence for the provision of telecommunications services to the public in the Virgin Islands in accordance with the Telecommunications Act, 2006.

[Name of Applicant] hereby undertakes that if it is a Successful Applicant to which the Commission offers an award of spectrum, it will unconditionally accept all the terms and conditions of the Frequency Authorisation as set out in the Appendices of the ITA.

[Name of Applicant] hereby represent and warrant that:

- **[Name of Applicant]** is legally capable of submitting an Application in response to the ITA and otherwise participating in the Award;
- Neither **[Name of Applicant]** nor any of its Affiliates nor any of their directors or employees has reached any agreement with or colluded with any other person in such manner as might reasonably be expected to distort the competitive outcome of the Award;
- **[Name of Applicant]** has complied at all times with and undertakes to continue to comply with the Award Rules;

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



- All representations made in the Application and that may subsequently be made by [Name of Applicant] in connection with the Award are, to the best of [Name of Applicant's] knowledge, having made all reasonable enquiries, correct;
- [Name of Applicant] understands that if it makes a materially incorrect representation it may be liable to disqualification from the Award;
- To the best of [Name of Applicant]'s knowledge, [Name of Applicant] is not currently and is not expected to have any Material Interest in any other Applicant.

The undersigned, being a Person authorised to act on behalf of [Name of Applicant] in all matters related to this Award, confirms that the information provided in this Form D is, to the best of his/her knowledge, true, accurate and complete at the date of Signature.

The undersigned accepts and understands the declarations made at Section 3 of this Form D.

Printed Name of Authorised Person

Signature

Date of signature (MM/DD/YYYY)

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Form E – Lot Preference and Minimum Service Requirements Form

Section 1: Applicant Information

Applicant's full name	
Registration reference	

Section 2: Spectrum lots of interest

Please state your order of preference for lots in the Offered Spectrum bands in the table below.

Preference	Lot reference
1 st Preferred Lot	None / L1 / L2 / L3 / L4*
2 nd Preferred Lot	None / L1 / L2 / L3 / L4*
3 rd Preferred Lot	None / L1 / L2 / L3 / L4*

* Delete as applicable

Where no single lot reference is clearly indicated in the above tables, the Commission will assume that no lot reference has been selected.

Section 3: Commitment on Minimum Service Requirements

Please specify your which Minimum Service Requirements Option you commit to in the table below.

Minimum Service Requirements						Please tick (✓) the preferred Minimum Service Requirements option
Option 1	Time after issuance of frequency authorisation	Entry-level package				
		Minimum speed		Monthly data allowance	Monthly price	
	Download	Upload				
	6 months	10 Mbps	3 Mbps	150 GB	USD 90 or less	
	12 months	15 Mbps	5 Mbps	200 GB	USD 90 or less	
18 months	25 Mbps	8 Mbps	250 GB	USD 90 or less		
Option 2	Time after issuance of frequency authorisation	Entry-level package				
		Minimum speed		Monthly data allowance	Monthly price	
	Download	Upload				
	6 months	20 Mbps	6 Mbps	200 GB	USD 90 or less	
	12 months	25 Mbps	8 Mbps	250 GB	USD 90 or less	
18 months	40 Mbps	13 Mbps	300 GB	USD 90 or less		
Option 3	Time after issuance of frequency authorisation	Entry-level package				
		Minimum speed		Monthly data allowance	Monthly price	
	Download	Upload				
	6 months	30 Mbps	10 Mbps	250 GB	USD 90 or less	
	12 months	35 Mbps	11 Mbps	300 GB	USD 90 or less	
18 months	50 Mbps	16 Mbps	350 GB	USD 90 or less		

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Section 4: Declaration and signature

The undersigned, being a Person authorised to act on behalf of [Applicant's name] in all matters related to this Award, confirms that in the event that [Applicant's name] is a Successful Applicant in the Award, [name of Applicant] hereby undertakes to:

- pay all fees associated with the grant of any Frequency Authorisation that might be offered to the Applicant; and
- agree to the inclusion of the Network Deployment Plan, Disaster Preparedness and Response Strategy, and Business Continuity Plan submitted with this Application to become obligations of the Frequency Authorisations in accordance with the Rules of the Award.

Printed Name of Authorised Person

Signature

Date of signature (MM/DD/YYYY)

Invitation to Apply for Spectrum in 2.3 GHz, 2.5 GHz, 3.4 – 3.6 GHz LTE TDD Frequency Bands



Form F – Compliance Certificate

Section 1: Applicant Information

Applicant's full name	
Registration reference	

Section 2: Statement of Compliance

The Applicant is operating within the terms of its current Licence and frequency authorisations, is compliant in all material respects with the Act, the Regulations, the Telecommunications Code and any instructions of the Commission OR the Applicant has delivered legally binding Undertakings to the Commission at least two (2) Working Days prior to Registration, which have been (a) agreed by the Commission at least two (2) Working Days prior to Registration, (b) identify all areas of material non-compliance and provide a clear plan to address each area with deadlines which are consistent with the timetable for this award process, and (c) include acceptable incentives to ensure performance of their Undertakings. The agreed Undertakings are attached to this Form F.

Section 3: Certification and signature

The undersigned, being a Person authorised to act on behalf of [Applicant's name] in all matters related to this Award, confirms that in the event that [Applicant's name] is a Successful Tenderer in the Award, [Applicant's name] hereby certifies that the Statement set out in Section 2 is true and correct.

Printed Name of Authorised Person

Signature

Date of signature (MM/DD/YYYY)