Application for Public Supplier Licence

Telecommunications Regulatory Commission PO Box 4401 27 Fish Lock Road, 3rd Floor Road Town, Tortola VG 1110 British Virgin Islands (284) 468-4165

General Instructions

Applicants are required to complete the following:

Part 1: Applicant Details

Part 2: General Information

Applicants are required to respond on a point by point basis as outlined in Section 2. Please follow the Criteria provided in Annex 2 for guidance.

Information to satisfy assignment criteria (to be provided as an annex to the Application)

Part 3: Business Details

Part 4: History of Applicant

Part 5: Clear Timelines for commencement of launch of Service

Appendix 1 – Applicant's Business and Proposed Service(s)

Appendix 2 - Definitions

Appendix 3– Network

Appendix 4 – Broadcasting

For Broadcasting Services, please complete Part(s) 1-5 and Annex 2 and 3. Also be guided by the information in Annex 1

Annex 1: Criteria for Grant of Public Supplier Licence

Annex 2 – Form H – Application for Licence to Install and Operate a Broadcasting Station

Annex 3 – Proposal for the Establishment or Modification of Radio Transmitting or Receiving Station

Annex 4: Attachments

Annex 5 – Submission Checklist

NOTE:

When evaluating an Application, the TRC reserves the right to request information other than that outlined in this Application Form or to waive the requirement to submit specific information requested therein. Failure to submit additional information requested by the TRC may result in the evaluation of the Application in the absence of such information or the rejection of the Application by the TRC.



TELECOMMUNICATIONS REGULATORY COMMISSION APPLICATION FOR PUBLIC SUPPLIER LICENCE

Name of Applicant:						
Type of Application:	New Application	o Renew				
1. Applicant Details						
Registered Business Address:						
Postal Address:						
Designated contact person:						
Position:						
Telephone number:						
Fax number:						
Email address:						
Website:						

2. General Information:

- **2.1.** General information on the Applicant including:
- a. The name, legal status, street address of the head office or principal place of business, postal address.
- b. Any Affiliate (s)¹. Please provide details of share capital, voting rights, partnership or other ownership interest.
- c. The name, legal status, address of the head office or principal place of business and a description of the business of all the shareholders or consortium members of the Applicant, the identification of the shareholder or consortium member, as the case may be, which controls the Applicant, and whether any such shareholders or consortium members are Virgin Islanders. In the case of business corporations listed on a stock exchange or other recognized securities market, this information shall be supplied to the best of the Applicant's knowledge and with respect to persons owning more than thirty-three and one third percent (331/3%) of the issued capital.
- d. A chart showing the ownership structure of the Applicant and illustrating the interrelationship among the applicant and the persons referenced in sub-section 2.1. (c)
- e. Description of the current business or proposed business upon receipt of the Licence from the Applicant for which Trade Licence is granted or applied for.
- **2.2.** The Applicant shall hold a valid Trade Licence, authorising respective activities and a copy of same must be submitted to the TRC². The applicant should at least have applied for a Trade Licence before submitting this Application Form. If a Trade Licence has not yet been granted, please submit a stamped copy of Application Form which was submitted to Department of Trade and Consumer Affairs.

¹ *NOTE: - "Affiliate" means, as with respect to any Person, any other Person directly or indirectly Controlling, Controlled by, or under common Control with, that Person. In the case where one person owns, directly or indirectly, 331/3% or more of the share capital, voting rights, securities, partnership or other ownership interest of another Person, such Person shall be deemed an Affiliate.

² Department of Trade & Consumer Affairs (Business Profession and Trade Licence Act, of 1989 Cap. 200)

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Company	\overline{C})	Partnership	\bigcirc	Joint venture	\circ	
Other Corporate	Entity		Individual	0	1		
					ther body please give toors, company secretary		
Name & Nation	ality			Address			
33 Has any men	nher of th	he Annlic	eant's directors he	 en hankrunt	, or filed for bankrupto	xv?	
			ant s uncetors se	Ali baliki api	, or med for bunking to	, y :	
Yes No							
If the answer is YES, please attach a certified copy of the discharge							
3.4. List significa	int intere	st holder	s in the Applicant	t (331/3%) ³			
	ality			Address			
Name & Nation							
Name & Nation							
Name & Nation							
Name & Nation							

3.5. Has any member of the Applicant's directors been a director or a member of a company, which has become insolvent or has filed bankruptcy proceedings?

³ Persons holding at least 331/3% in Share holdings.

Yes No
If the answer is YES, please provide the name of the company.
4. History of Applicant4.1. Has the Applicant ever applied for a Public Supplier Licence and or a Frequency Authorisation in the Virgin Islands?
Yes No
If YES, please provide the following details of each such Licence.
1. <u>Date of issue;</u>
2. <u>Services provided</u>
3. <u>Term</u>
Please attach (copies) of such Licences
4.2. Has any such Licence been revoked?
Yes No
If YES, please provide the reasons for the revocation of the Licence and or Frequency Authorisation revoked?

4.3. Has an Affiliate or Shareholder of the Applicant or previously been granted or applied for a Licence and or Frequency Authorisation in the Virgin Islands?

Yes No
If YES, explain
4.4. Is the Applicant or its Affiliates the holder of an Authorisation to provide a public telecommunications or broadcasting service and or authorisation to use spectrum in any other country?
Yes No
If YES, state which other countries
4.5. Has the Applicant or any Affiliate or Shareholder been refused a Licence and or frequency authorisation in any country, or had a licence revoked?
Yes No
If YES, state the grounds for refusal or revocation
4.6. Has the Applicant operated under or carried on business under any name other than the name in this Application?
Yes No
If YES, state the other name of the business and explain nature of such business

4.7. Does the Applicant, or any of its Affiliates, conduct similar business to the one proposed in this Application in any company, organization or capacity both in the Virgin Islands and abroad?				
○ Yes ○ No				
If YES, explain				
Yes No				
If YES, give the name(s) of business (es), percentage shareholding and describe the nature of each business				

5. Please provide clear timelines for commencement of launch of service.

Appendix 1 APPLICANT'S BUSINESS AND PROPOSED SERVICE(S)

PLEASE PROVIDE A 5 YEAR BUSINESS PLAN OUTLINING:

A. Product/Service offering

- i. Detailed description of products/services it intends to provide at the wholesale and retail levels
- ii. Identification of target market and customer segments
- iii. Details of market studies specifying consumer demand and demand projections (include subscriber number projections)
- iv. Proposed pricing plans
- v. Traffic forecasts
- vi. Forecast revenue projections
- vii. Detailed assumptions underlying all aspects of the projections made

B. Operations Plan

- i. Please provide a diagrammatic representation of the applicant's group structure
- ii. Please provide a staffing plan
- iii. Forecast operational expenditures

C. Marketing Plans

- Market entry strategy
- ii. Market share projections
- iii. Proposed marketing plan
- iv. Describe the market assessment it has conducted in its business planning activities
- v. Perceived market risks and proposed strategies for mitigation reasons

D. Financial Information

The following is a breakdown of financial data that is required with a licence application:

A) Forecasted Financial Statements (Five Years) and should include the following:

- i. A projection for each of the five years following commencement of Operations
- ii. Balance Sheet, Income Statement, and Statement of Cash Flows
- iii. Market Data and detailed assumptions underlying all aspect of the projections
- iv. Evidence of Financial Resources to establish and maintain the proposed services. This may include, but is not limited to Certified Bank Deposit; Letters of Intent from Shareholders or other Contributors
- v. If the applicant is a member of an operating group, similar information is also required for the group

B) Audited Financial Statements (Three Years) and should include the following:

- i. A report for each of the three years following the commencement of operations
- ii. Each report should include a Balance Sheet, an Income Statement, and a Statement of Cash Flows
- C) Certificate of Good Standing from the Social Security Board (Or equivalent for a foreign shareholder)
- D) Certificate of Good Standing from the Commissioner of Inland Revenue (Or equivalent for foreign shareholder)

E. Technical Requirements

- A. Network (See Appendix 3)
- B. Broadcasting (See Appendix 4)

F. Rollout Plan

i. Detailed description of applicant's proposed network rollout plan. This plan must include the population/geographic coverage plans, rollout timeframes for relevant networks and/or services during the rollout period. A roll-out coverage map will be preferable;

G. Acquisition and Installation Plan

i. All required facilities and equipment capacity;

H. Quality of Service plan

- i. Identification and description of Quality of Service commitments for both wholesale and retail services
- ii. How the applicant proposes to meet its quality of service commitments (Reference should be made to compliance with quality of service standards)

Declaration

On behalf of the applicant, I / I declare that the information provided is accurate and complete in all respects.

Signed:	
Full name signatory:	
Position held:	
Date:	

Appendix 2 - Definitions

- **Antenna Gain:** The ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to pruduce, in a given direction, the same field strength or the same power flux-density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. The gain may be considered for a specified polarization.
- **Broadcasting Service**: A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission (CS).
- **Broadcasting Station:** A station in the broadcasting service.
- **Carrier power (of a radio transmitter):** The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle taken under the condition of no modulation.
- **Class of Emission:** The set of characteristics of an emission, designated by standard symbols, e.g. type of modulation of the main carrier, modulating signal, type of information to be transmitted, and also, if appropriate, any additional signal characteristics.
- **Effective Transmitting Antenna Height:** Antenna height above the average ground level between 3 km and 15 km and 15 km from the transmitter in the direction of the receiver. The height of the antenna, h2, is assumed to be 10 m above the ground.
- **E.I.R.P.** (e.i.r.p.): Equivalent isotropically radiated power The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain).
- **Interference:** The effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy.
- **Power:** Whenever the power of a radio transmitter, etc. is referred to it shall be expressed in one of the following forms, according to the class of emission, using the arbitrary symbols indicated:
 - Peak envelope power (PX or pX);
 - Mean power (PY or pY);
 - Carrier power (PZ or pZ)
- **Peak envelope power (of a radio transmitter):** The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the crest of the modulation envelope taken under normal operating conditions.
- **Mean power (of a radio transmitter):** The average power supplied to the antenna transmission line by a transmitter during an interval of time sufficiently long compared with the lowest frequency encountered in the modulation taken under normal operating conditions.
- **Mobile Service:** A radiocommunication service between mobile and land stations, or between mobile stations (CV).

Appendix 3 - Network

A. Technical Proposal

- a. Technical plans and schematic diagrams, including without restriction a description of the technology or technologies currently employed. Technology or technologies to be employed in the immediate future. The planning principles, methods and accuracy tools to be used in the planning process. Will the Licensee establish its own international gateway for the purpose of providing international telecommunications services? Supply the main characteristics of the proposed Telecommunications Network, making it possible to evaluate:
 - i. The network architecture:
 - ii. The locations of all existing towers (Lat. & Long., height above ground) and switching/routing facilities;
 - iii. The traffic flow capacities;
 - iv. All frequency channels currently in use;
 - v. The channel management and subscriber capacities;
 - vi. The network's compliance with applicable standards and the requirements of the Licence Terms and Conditions;
 - vii. The devices improving use of the assigned frequencies;
 - viii. Traffic management during peak period;
 - ix. The quality of service during peak period;
 - x. Points of interconnection to the other existing Licensees;
 - xi. Public payphone plan;
 - xii. Internet access plan;
 - xiii. International roaming plan;
 - xiv. Technical methodology for providing lawful intercept for telecommunications
- b. Engineering Study including the following:
 - i. Engineering Statement
 - ii. Location of Proposed Antenna Structure
 - iii. Antenna Elevation Pattern
 - iv. Terrain and Contour Data
 - v. Predicted Service Contours (Simulated)
 - vi. Longley-Rice Coverage Area (Simulated)
 - vii. Interference Analysis
 - viii. Coverage Map
 - ix. Equipment Details (see Proposal for the establishment or modification of a radio transmitting or receiving station)
- c. Network overview including proposed network topology proposed network capacity and any requirements or proposed points for interconnection (if applicable). (The network overview should also indicate any need for radio frequency spectrum and the relevant licence applications(s) shall accompany this application form);
- d. Indication of intent to collocate on existing facilities and if relevant applications for these facilities have been approved
- e. Notarized copies of all existing signed agreements with third parties for Telecommunications Services received or provided, such as interconnection, facilities sharing, pole attachments, leases for cell site and equipment locations, subsea or terrestrial cable access, and broadcast programming.
- f. Evidence of Town and Country Planning Department approval for all telecommunications tower sites in accordance with Physical Planning Act, 2004, and evidence of right-of-way for existing pole lines and underground conduits or cables. (Tower sites shall include antennas mounted on utility poles, rooftops, or attached to walls of structures).

Appendix 4 - Broadcasting

B. Technical Proposal

- a. Engineering Study including the following:
 - This pertains to wireless sites or where radio frequencies are required.
 - i. The network architecture;
 - ii. Engineering Statement
 - iii. Location of Proposed Antenna Structure
 - iv. Antenna Elevation Pattern
 - v. Terrain and Contour Data
 - vi. Predicted Service Contours
 - vii. Longley-Rice Coverage Area (Simulated)
 - viii.Interference Analysis (FM)
 - ix. Spacing Study
 - x. Coverage Map
 - xi. Equipment Details (see Proposal for the establishment or modification of a radio transmitting or receiving station)
 - xii. Form H Application for License to Install and Operate a Broadcasting Station
- b. Network overview including proposed network topology proposed network capacity and any requirements or proposed points for interconnection (if applicable). (The network overview should also indicate any need for radio frequency spectrum and the relevant licence applications(s) shall accompany this application form);
- c. Indication of intent to collocate on existing facilities and if relevant applications for these facilities have been approved
- d. Notarized copies of all existing signed agreements with third parties for Telecommunications Services received or provided, such as interconnection, facilities sharing, pole attachments, leases for cell site and equipment locations, subsea or terrestrial cable access, and broadcast programming.
- e. Evidence of Town and Country Planning Department approval for all telecommunications tower sites in accordance with Physical Planning Act, 2004, and evidence of right-of-way for existing pole lines and underground conduits or cables. (Tower sites shall include antennas mounted on utility poles, rooftops, or attached to walls of structures).

Annex 1 (for information): Criteria for the Grant of Public Supplier Licence

Promise to deliver:

- (a) That the proposed services will positively contribute to the socio-economic development of the Virgin Islands to an appreciable extent:
 - 1) Technical in terms of quality of services, new services, innovative services;
 - 2) Economic how the proposed services would contribute to the general economic development of the Virgin Islands;
 - 3) Social how the proposed services would benefit the general community, in terms of general services and additional initiatives.
 - 4) Environmental facilities will have minimal possible environmental (particularly visual) impact.

Ability to deliver:

- (a) he has sufficient resources, skills and expertise to establish and operate the telecommunications services;
- (b) in case of a natural person, he has a right to legally reside in the Virgin Islands;
- (c) in case of a company, it is incorporated in the Virgin Islands; and
- (d) has no outstanding payments due to the Government, including any public authorities, of the Virgin Islands, including social security payments and taxes, including payroll and property taxes.
- (e) Any other legal documentation requested by the Commission

Assurance that proposed service does not prejudice (section 23 (3) of the Constitution):

- (a) interests of defence, public safety, public order, public morality or public health;
- (b) reputations, rights and freedoms of persons, or the private lives of persons concerned in legal proceedings or proceedings before statutory tribunals, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulation of telecommunications, posts, broadcasting or public shows; or
- (c) restrictions on public officers that are reasonably required for the proper performance of their functions.

In all cases and especially in the case of applications to provide media and content services, the Commission shall be mindful of any existing licenced operations in the VI held by the applicant and shall reserve the right not to award a licence or to make recommendations to the applicant concerning required divestment of existing operations.

Objectives in the Telecommunications Code:

- 1) to create a Virgin Islands telecommunications sector that will operate in a competitive manner;
- 2) to ensure a smooth transition for consumers and operators to a fully competitive telecommunications market;
- 3) to optimise the efficiency of radio-electric frequency spectrum utilization and enhance the availability, scope and quality of telecommunications services available in the Virgin Islands;
- 4) to encourage investment in the development of the Virgin Islands telecommunications infrastructure;
- 5) to provide opportunities for reasonable financial returns to the private sector from the operation of such telecommunications services in a competitive market;
- 6) to establish a clear, open and transparent licencing process for the award of telecommunications licences.

FORM H. r.9.

The Telecommunications Act (CAP.171) Territory of the British Virgin Islands APPLICATION FOR LICENCE TO INSTALL AND OPERATE A BROADCASTING STATION

	_	
1.	Name	
2.	Address	
3.	Nationality	
4.	Age of applicant	
5.	Reason for applica	ation
6.	Address where apparatus is to be	used
7.	Who will maintain apparatus	
8.	What	
	qualifications for this purpose has this person	

9.	apparatus
10.	What qualifications for this purpose has
	this person
4.4	
11.	If transmissions are to be effected what will
	be the power applied
	to the valve feeding the aerial
12.	State the frequency or frequencies intended to be used for transmissions
13.	If transmissions are to
	be effected please
	indicate the nature of them, viz: telephone, Telegraph, broadcast, television, etc.
	2010g.up.1, 010 udoust, 020 12/01, 000
14.	Are the persons nominated to maintain and operate the apparatus acquainted with the
14.	Provisions of the Radio Regulations annexed to the International Telecommunications
	Convention (Atlantic City, 1947) in so far as they are applicable to the purpose of this Application
	Application
Signature of	Applicant
	Date
	Dute

PROPOSAL FOR THE ESTABLISHMENT OR MODIFICATION OF RADIO TRANSMITTING OR RECEIVING STATION

1.	the esta	blis	d to obtain clearance on behalf of				
			Locati	on (giving nearest large town)			
		b)	(1) Na	tional Grid (Civil) Map Reference (preferably an eight-figure reference)			
		c)		er of mats:			
		d)	(2) He	eight in metres at the highest point of aerial system(s) above Mean Sea Level:			
		e)	(2) (3) Height in metres at base of aerial system (s) above Mean Sea Level:				
	f) g)	f)	(4) Manufacture of transmitter; type number etc:				
		g)		esignation of emissions (s):			
		h)	(4) Pulse recurrence frequency (where applicable):(4) Pulse width in micro seconds (where applicable):				
		i)					
		j)		wer. Inculde:- Mean power supplied to aerial transmission line (dBWPY):			
			(ii)	Peak power supplied to aerial transmission line (dBWPX):			
			(iii)	Mean radiated power (dBWPYe/PYi):			
			(iv)	Peak radiated power (dBWPXe/Pxi):			

		(see Article 1 of the Radio Regulations)				
k)	(4) A	erials:-				
	(i)	Aerial aperture dimensions in metres				
		(Where applicable, eg. Radar aerials):				
	(ii)	Height of center of aerial aperture above Mean Sea Level:				
	(iii)	Aerial beam width (between half-power, ie 3 dB points):				
	(iv)	Aerial type and relative gain:				
	(v)	Direction of maximum radiation in:-				
		(a) Azimuth: (5)				
		(b) Elevation: (5)				
	(vi)	Aerial azimuth scan rate:				
1)	(6) Fr	equency bands:				
	(To be used to certify that site sharing was not found possible):-					
	Consi	Consideration has been given to existing sites within				
		sed location, but none of these is suitable for the following reasons:-				
	•••••					

*For Stations using Frequencies between 30 MHz and 30 GHz

- 3. The sponsoring Department should include one of the following statements as appropriate:-
 - *a. "The field around this station will nowhere exceed 100W/m².
- *b. "The operating agency of this station has undertaken to ensure that the current 'Safety Precautions Relating to Intense Radio Frequency Radiation' (7) will be followed and that specifically, members of the public will be excluded from any area around this station where the

field may exceed 100W/m^{2"}

*For Station using frequencies below 30MHz

- 4. The sponsoring Department should include which of the following alternative statements is appropriate:-
 - *a. "There is no part of any public road lying within 50 meters (9) of the main radiating element of this station."

-ALTERNATIVELY-

*b. "Although part of a public road runs closer than 50 meters (9) from the main radiating element of this situation, it has been calculated that there will be no risk of accidental initiation of civil electric detonators, when packed for storage and transport (10) being carried on this road."

NOTES

*Delete as necessary

- 1. In certain circumstances (for example North Sea Platforms), positions may be given in latitude and longitude.
- 2. Aerial system means the aerial and its supporting structure e. g. Pole, mast or building.
- 3. Height to include extensions such as lighting conductors.
- 4. Applies to radio transmitting and radar stations only.
- 5. If scanning mechanically or electronically, states scan limits.
- 6. As listed in the United Kingdom Peacetime Frequency Allocation Table for frequency bands of MHZ and above, or in band symbols VLF, LF, MF or HF) for frequencies below 30 MHz as in Radio Regulations No. 208.
 - 7. Home Office booklet printed by HM Stationery Office (Third Impression 1974).
 - 8. (Reserved)
- 9. This safe distance has been found from experiments with existing VLF, LF and MF stations , and with HF stations having a radiated power not greater than 3MW (64.8 dBW). For stations to employ a radiated power greater than 64.8 dBW the minimum safe distance can be calculated from the formula.

d (min) = 27.4
$$\sqrt{Antilog \frac{(P_1-60)}{10}}$$
 meters (Where P₁ is the radiated Power in dB with reference to 1(Watt)

For HF Broadcasting Stations to employ a radiated power greater than 3MW the minimum safe distance can be calculated from the formula:

- d (min) = 27.4 $\sqrt{P_2}$ (where P_2 is the radiated power in megawatts (MW)
- 10. Departments concerned with the operational use of EED in the vicinity of radio stations may need to take special precautions to minimize RF radiation hazards. Information on the characteristics of such stations can be obtained from the Secretaries of the Working Group on Radio Size Clearance or by direct application to the operators of the radio stations concerned.
- 11. Exceptionally within SIX weeks a request for this extension having been made to the Sponsoring Department by an action addressee.

Note: To further clarify this submission, engineering study and interference study must be appended and made part to the application.

Annex 2 ATTACHMENTS

	DESCRIPTION	
1	Product/Service Offering	
1(a)	Detailed description of products/services it intends to provide	
1(b)	Identification of target market and customer segments	
1(c)	Details of market studies specifying consumer demand and demand projections	
1(d)	Proposed pricing plans	
1(e)	Traffic forecasts	
1(f)	Forecast revenue projections	
1(g)	Details assumptions underlying all aspects of the projections made	
2	Operations Plan	
2(a)	Diagrammatic representation of the applicant's group structure	
2(b)	Staffing Plan	
2(c)	Forecast Operational Expenditures	
3	Marketing Plan	
3(a)	Market entry strategy	
3(b)	Market Share Projections	
3(c)	Proposed Marketing Plan	
3(d)	Market assessment it has conducted in its business planning activity	
3(e)	Perceived market risks and proposed strategies for mitigation reasons	
4	Financial Information	
	Forecasted Financial Statements (Five Years) and should include the following:	

4(a)	Projection for each of the five (5) years following commencement of Operations		
4(b)	Balance Sheet, Income Statement, and Statement of Cash Flows		
4(c)	Market Data and detailed assumptions underlying all aspect of the projections		
4(d)	Evidence of Financial Resources to establish and maintain the proposed service		
	Audited Financial Statements (Three Years) and should include the following:		
4(aa)	A report for each of the three years following the commencement of operations		
4(bb)	Each report should include a Balance Sheet, an Income Statement, and a Statement of Cash Flows		
4(cc)	Certificate of Good Standing from the Social Security Board		
4(dd)	Certificate of Good Standing from the Commissioner of Inland Revenue		
5	Technical Proposal		
6	Rollout Plan		
7	Acquisition and Installation Plan		
8	Quality of Service Plan		

Annex 3 SUBMISSION CHECKLIST

ITEM SECTION	DESCRIPTION	DOCUMENT SUBMITTED	CHECK BOX IF NOT APPLICABLE	
Please ensure that the relevant documents for the following have been submitted:				
	Completed Application Form			
	Completed Form H (Application for Licence to Install and Operate a Broadcast Station			
	Completed Proposal for the establishment or modification of a radio transmitting or receiving station			