

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 37 OF 2011

INFO-COMMUNICATIONS (FEES) RULES

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NO. 37 OF 2011

INFO-COMMUNICATIONS (FEES) RULES

THE INFO-COMMUNICATIONS (FEES) RULES 2011 MADE BY THE INFO-COMMUNICATIONS AUTHORITY OF MONTserrat WITH THE APPROVAL OF THE GOVERNOR IN COUNCIL UNDER SECTION 72 OF THE INFO-COMMUNICATIONS DEVELOPMENT ACT 2009.

PART 1—PRELIMINARY

1. Citation

These Rules may be cited as the Info-Communications (Fees) Rules, 2011.

2. Interpretation

In these Rules:-

“**Act**” means the Info-Communications Development Act 2009;

“**annual fee**” means the concession fee or licence fee payable on the date of issue of a concession or licence and on the same date every subsequent year;

“**audiotext**” or “**audiotex**” means a simple voice processing technology that is essentially a voice bulletin board, which allows callers to select pre-recorded messages from a menu and is used to provide information that seldom changes or that must be available to large numbers of callers such as time and temperature, hours of operation and travel directions;

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“concession fee” means a fee prescribed under rule 5 and payable in accordance with that rule;

“direct sequencing spread spectrum (DSSS)” means a transmission technology where a data signal at the sender station is combined with a higher data rate bit sequence or chipping code, that divides the user data according to a spreading ratio;

“family radio service (FRS)” means a radio service used by family, friends and associates to communicate within a limited geographical area of less than a mile radius;

“frequency authorization” means an authorization granted by the Authority to use radio frequencies in accordance with the Act;

“frequency hopping spread spectrum (FHSS)” means a transmission technology where the data signal is modulated with a narrow band carrier signal which "hops" in a random but predictable sequence from one frequency to another as a function of time over a wide band of frequencies;

“frequency pair” means a pair of transmit and receive frequencies used in semi-duplex, duplex or semi duplex and duplex operation;

“gross annual revenue” means the gross revenue earned in the provision of telecommunication services for the reporting year, received by, or due to the licensee and its affiliates, from whatever source derived before any deductions for expenses, discounts, returns, or offsets of any kind, save and except domestic interconnection payments and taxes and charges collected for and on behalf of the Government;

“initial fee” means the fee chargeable in respect of a licence or concession issued for the first time;

“licence fee” means a fee prescribed under rule 6 and payable on the date of issue of a licence and on the same date of every subsequent year;

“local multipoint distribution service (LMDS)” means the use of microwave signals to transmit voice, video and data signals for short distances;

“microwave backhaul” means point-to-point microwave radio relay transmission, whether terrestrial or by satellite,

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and usually comprises the intermediate links between the core, or backbone, of the network and the small sub networks at the edge of the entire hierarchical network;

“multi-channel multi-point distribution service (MMDS)” means a wireless telecommunications technology used for general-purpose broadband networking or, more commonly as an alternative method of cable television;

“repeater” means a device that amplifies, reshapes or retimes an input signal;

“reporting year” means any annual period for which financial reports are accepted or agreed to be accepted by the Authority;

“spread spectrum” means a modulation technique used in wireless systems employing direct sequence, frequency hopping or a hybrid of these, which can be used for multiple access, multiple functions or both multiple access and multiple functions;

“studio to transmitter link (STL)” means communications link used for the transmission of broadcast material from a studio to the transmitter using a single transmit frequency;

“terminal equipment dealer” means any person who imports, exports, repairs, maintains, sells or in any way trades in any telecommunications equipment that is specific for a licenced info-communications service;

“type approval” means where a design is approved by the Authority and all devices subsequently manufactured according to that design are automatically approved;

“value added services” means a communications facility using networks of individual licencees for transmission and providing extra data features with separate equipment;

“videotext” is another name for teletext which is a broadcast (one-way) information service.

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3. Purpose

The purpose of these Rules is to prescribe the fees payable to the Authority for or in relation to a concession, licence or other authorization for—

- i) the provision of info-communications network or info-communication service;
- ii) or the use of spectrum resources.

PART 2—FEES

4. Concession fees

- (1) A person who applies for a concession pursuant to section 21 of the Act shall pay the non-refundable application fee set out in Column 3 of Schedule 1 for the relevant type of concession.
- (2) When the Governor in Council grants a concession to a person who applies in accordance with subrule (1), that person shall pay the appropriate initial fee set out in Column 4 of Schedule 1 before the Authority issues the concession.
- (3) A person to whom a concession is issued shall pay the appropriate annual fee specified in Column 5 of Schedule 1—
 - (a) every year from the date of issue of the concession throughout the duration of the concession; or
 - (b) every year, within 45 days of the reporting year, and shall submit a gross annual revenue report.

5. Licence fees

- (1) A person who applies for a licence pursuant to section 31 of the Act shall pay the non-refundable application fee set out in Column 3 of Schedule 2 which relates to the relevant type of licence for which he is applying.
- (2) If the Authority approves an application, the applicant shall pay the relevant annual fee for the licence set out in Column 4 of the Schedule 2 every year from the date of issue of the licence throughout the duration of the licence

6. Frequency authorization fees

A person who applies for frequency authorization shall pay—

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- (a) the appropriate non-refundable application fee as set out in Column 3 of Schedule 3; and
- (b) the appropriate annual fee set out in Column 4 of Schedule 3, on the grant of a frequency authorization, and every year from the date on which the frequency authorisation is granted until the authorisation expires, for all assigned frequencies.

7. Special licence

- (1) A person may apply to the Authority for a special licence, concession or frequency authorization in situation of emergency or if other exigent circumstance exists.
- (2) A special licence may be issued for a period of 10 days is not renewable.
- (3) A person who applies for a special licence concession or frequency authorization shall pay an application fee of \$200 unless the Authority decides that the circumstances justify an exemption from payment of the application fee.

8. Miscellaneous fees

The fees set out in Columns 3 and 4 of Schedule 4 are payable in respect of the other matters related to info-communications set out in Column 2 of that Schedule.

9. Other licences

- (1) A person who applies pursuant to the Act for any info-communications related matter for which no specific provision is made in these Rules shall pay the appropriate fee as determined on a case by case basis by the Authority.
- (2) The Authority in determining the appropriate fee shall take into account all relevant factors including the following:
 - (a) the views expressed by the applicant and other consultants;
 - (b) the other fees set out in the Schedules;
 - (c) the commercial value of the service;
 - (d) the value of any resource involved; and
 - (e) any reasonably incurred administrative costs.

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SCHEDULE 1—CONCESSION FEES

(Rule 4)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
CONCESSION CODE	TYPE OF CONCESSION	APPLICATION FEE	INITIAL FEE	ANNUAL FEE
PFT	WIRED INFO-COM NETWORK & SERVICES			
	(1) Domestic Voice	\$500	\$10,000	3% of Gross Revenue
	(2) International Voice	\$500	\$10,000	3% of Gross Revenue
	(3) Internet Network/ Services	\$500	\$10,000	3% of Gross Revenue
	(4) Service Resale	\$500	\$10,000	3% of Gross Revenue
PMT	WIRELESS INFO-COM NETWORK & SERVICES			
	(1) Domestic Voice	\$500	\$10,000	3% of Gross Revenue
	(2)	\$500	\$10,000	3% of Gross

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COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
CONCESSION CODE	TYPE OF CONCESSION	APPLICATION FEE	INITIAL FEE	ANNUAL FEE
	International Voice			Revenue
	(3) Internet Network/ Services	\$500	\$10,000	3% of Gross Revenue
	(4) Service Resale	\$500	\$10,000	3% of Gross Revenue
	(5) Public Radio Paging	\$500	\$10,000	3% of Gross Revenue
SCL	Submarine Cable Landing	\$500	\$40,000	\$40,000
BAM	Broadcast AM Radio Station	\$250	\$7,000	\$7,000
	Broadcast FM Radio			
BFM1	(1) Commercial (>1 KW)	\$250	\$5,000	\$5,000
BFM2	(2) Commercial (<1KW)	\$250	\$2,000	\$2,000
BFM3	(3) Community Radio – Non-commercial (<100W)	\$100	\$200	\$200
BTV	Broadcast Television Station	\$250	\$3,500	\$7,000

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COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
CONCESSION CODE	TYPE OF CONCESSION	APPLICATION FEE	INITIAL FEE	ANNUAL FEE
SUBTV1	Subscriber Television Wired	\$250	\$10,000	3% of Gross Revenue
SUBTV2	Subscriber Television Wireless	\$250	\$10,000	3% of Gross Revenue
ISP1	Internet Services Provision (≤ 20 Units)	\$50	\$100	\$200
ISP2	Internet Services Provision (> 20 Units)	\$250	\$2,500	3% of Gross Revenue
VAS	Value Added Services	\$250	\$2,500	3% of Gross Revenue
AVT	Audio Text/ Video Text	\$250	\$2,500	3% of Gross Revenue
ISR	International Simple Voice Resale	\$250	\$1,000	3% of Gross Revenue

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SCHEDULE 2—LICENCE FEES
(Rule 5)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
CODE	TYPE OF LICENCE	APPLICATION FEE	ANNUAL FEE
Radio-Communications Licences	Amateur Radio	\$20	
ARN	-Novice		\$50
ARG	-General		\$50
ARA	-Advanced		\$50
CBR	Citizen Band Radio	\$20	\$50
FRN	Family Radio Service	\$20	\$50
LM	Land Mobile Radio	\$100	
LMB	-Base Station		\$50/ unit
LMR	-Repeater		250/ unit
LMM	-Mobile		\$50/ unit
LMP	-Handheld		\$50/ unit
MM	Maritime Mobile Radio	\$100	
MMB	-Base Station		\$50/ unit
MMR	-Repeater		250/ unit
MMM	-Mobile		\$50/ unit
MMP	-Handheld		\$50/ unit
MMS1	-Ships Station (<1600 gross tons)		\$200/ ship
MMS2	-Ships Station (>1600 gross tons)		\$400/ ship

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COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
AM	Aeronautical Mobile Radio	\$100	
AMB	-Base Station		\$50/ unit
AMR	-Repeater		200/ unit
AMM	-Mobile		\$50/ unit
AMP	-Handheld		\$50/ unit
AMA	-Aircraft Station		\$500/aircraft
PNS	Private Network/Services	\$250	\$1000

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SCHEDULE 3—FREQUENCY AUTHORIZATION FEES
(Rule 6)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
CODE	DESCRIPTION	APPLICATION FEE	ANNUAL FEE
PMS	800 MHz Band	\$500	\$10,000/ 1MHz
	900 MHz Band	\$500	\$10,000/ 1MHz
	1800 MHz Band	\$500	\$10,000/ 1MHz
	1900 MHz Band	\$500	\$10,000/ 1MHz
	Above 1900 MHz Band	\$500	\$10,000/ 1MHz
PRC	Public Radio Paging - Commercial	\$500	\$300
PRN	Public Radio Paging – Non-Commercial	\$25	\$100
	Broadcast Systems		
BAM	Broadcast AM Radio Station	\$250	\$1,000/ frequency
	Broadcast FM Radio Station		
BFM1	- Commercial (>1KW)	\$250	\$1,000/ frequency
BFM2	- Commercial (< 1 KW)	\$250	\$1,000/ frequency
BFM3	- FM Community Radio – Non-commercial (<100W)	\$20	\$100/ frequency

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BTV	Broadcast Television Station	\$250	\$1,500/ frequency
STL1	Television STL Microwave (6MHz link)	\$125	250/ link
STL2	Radio STL Microwave (15KHz)	\$50	100/ link
LMF	Land Mobile Radio (12.5KHz bandwidth)		\$50/ frequency
MMF	Maritime Mobile Radio (12.5KHz bandwidth)		\$50/ frequency
AMF	Aeronautical Mobile Radio (12.5KHz bandwidth)		\$50/ frequency
VST	VSAT >55dBW EIRP	\$500	\$10,000/ frequency pair
SES	Satellite Earth Station (C /Ku Band)	\$500	\$25,000/ frequency pair
MMDS	MMDS	\$500	\$250
LMDS	LMDS	\$500	
	<125 MHz bandwidth		\$250
	125-250 MHz bandwidth		\$375
	250-500 MHz bandwidth		\$500

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	>500 MHz Bandwidth		\$750
MBL	Microwave Backhaul	\$500	
	<10 MHz		\$3,500
	10-20 MHz bandwidth		\$5,000
	20-30 MHz bandwidth		\$6,000
	>30MHz bandwidth		\$9,000
MCL	Microwave - Cellular Inter-site	\$500	
	<10 MHz bandwidth		\$2,500
	10-20 MHz bandwidth		\$3,000
	20-30 MHz bandwidth		\$3,250
	>30MHz bandwidth		\$9,000
MCO	Microwave - Other	\$500	
	<10 MHz bandwidth		\$2,225
	10-20 MHz bandwidth		\$3,000
	20-30 MHz bandwidth		\$3,250
	>30MHz bandwidth		\$9,000

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FWA	Fixed Wireless	\$500	
	<5 MHz bandwidth		\$250
	5-10 MHz bandwidth		\$350
	10-15 MHz bandwidth		\$500
	>15MHz bandwidth		\$750
	Spread Spectrum Application	\$500	
SSA	900 MHz Spread Spectrum		
	FHSS Commercial		\$10,000
	FHSS Non-commercial		\$2,500
SSB	2.4 GHz Spread Spectrum	\$500	
	FHSS Commercial		\$10,000
	FHSS Non-commercial		\$2,500
	DSSS Commercial <10 MHz Bandwidth		\$3,500
	DSSS Commercial 10-20 MHz		\$5,000

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	DSSS Commercial 20-50 MHz		\$7,500
	DSSS Commercial >50 MHz Bandwidth		\$12,500
SSC	5.8 GHz Spread Spectrum	\$500	
	FHSS Commercial		\$10,000
	FHSS Non-commercial		\$3,000
	DSSS Commercial		\$3,500
	DSSS Commercial 10-20 MHz Bandwidth		\$5,000
	DSSS Commercial 20-50 MHz		\$7,500
	DSSS Commercial >50 MHz Bandwidth		\$12,500
	DSSS Non- Commercial		\$5,000

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SCHEDULE 4—MISCELLANEOUS FEES
(Rule 8)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
CODE	DESCRIPTION	APPLICATION FEE	ANNUAL FEE
TED	Terminal Equipment Dealer	\$25	\$125
TYP1	Type Approval Certification – Items Already Approved Approval and Certification of Terminal Equipment – Equipment already approved	\$50	N/A
TYP2	Type Approval Certification – New Approval and Certification of Terminal Equipment – New Equipment	\$400	N/A
EXM	Examination Fee for Radio Operators	\$20	N/A
MMRO	Marine Radio Operator’s Licence	\$20	\$75
SEF	Inspection Fee	\$10	N/A

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Made by the Info-Communications Authority of Montserrat this 29th day of June, 2011.

Zephaniah Joseph
CHAIRMAN

Approved by the Governor in Council on this 28th day of July, 2011.

Lynette Farrell
CLERK OF COUNCIL (Ag.)

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Lynette Farrell
CLERK OF COUNCIL (Ag.)