

LEGAL NOTICE NO. 206

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT, 2001

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 78(1) OF THE
TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (FEES)
REGULATIONS, 2006

1. These Regulations may be cited as the Telecommunications Citation
(Fees) Regulations, 2006.

PART I

PRELIMINARY

2. In these Regulations—

“Act” means the Telecommunications Act, 2001;

“concessionaire” means the holder of a concession granted by
the Minister under section 21 of the Act;

“concession fee payment date” means the date determined
pursuant to regulation 3 for payment of fees due under a
concession;

“concession period” and “licence period” means the period from
the grant of a concession or licence to the end of the term
of the last renewal of the concession or licence,
respectively;

“financial year” means the financial year of the Authority as
set out in section 58 of the Act;

“licensee” means the holder of a licence granted by the
Authority under section 36 of the Act;

“licence fee payment date” means the date determined
pursuant to regulation 10 for payment of fees due under a
licence;

Interpreta-
tion
Act No. 4 of
2001

“major territorial” in relation to a concession means the entitlement of the concessionaire to operate a public telecommunications network or provide public telecommunications or broadcasting services within the island of Trinidad only;

“minor territorial” in relation to a concession means the entitlement of the concessionaire to operate a public telecommunications network or provide public telecommunications or broadcasting services within the island of Tobago only;

“national” in relation to a concession means the entitlement of the concessionaire to operate a public telecommunications network or provide public telecommunications or broadcasting services throughout Trinidad and Tobago; and

“niche” in relation to a concession means the entitlement of the concessionaire to operate a public telecommunications network or provide public telecommunications or broadcasting services in only that part of Trinidad and Tobago defined by the Authority and specified in the concession.

First invoice
for concession
fees

First
Schedule

3. (1) Where the Minister grants a concession for a term exceeding one year, the Authority shall issue and serve on the relevant concessionaire an invoice for the fees set out in the fourth column of the First Schedule to these Regulations, based on the type and sub-type of concession set out in the first and second columns, respectively, of the said Schedule calculated in accordance with the formula set out in the third column.

(2) The applicable fee shall be for such period, not exceeding one year, as the Authority considers appropriate.

(3) The invoice shall be payable within twenty-eight days of its date and prescribe the concession fee payment date.

(4) The concession fee payment date shall be the day immediately following the last day of the period for which the fees are payable under the invoice.

Concession
granted for
less than one
year

4. (1) Where the Minister grants or renews a concession for a term of one year or less, the concession fee shall be the annual fee set out in the fourth column of the First Schedule based on the type and sub-type of concession set out in the first and second columns, respectively, of the said Schedule, adjusted on a *pro rata* basis for the term of the concession.

(2) The fee shall be payable in full on the date of the grant or renewal of the concession as the case may require.

5. (1) Every concessionaire shall within thirty days of the grant of a concession and thereafter no later than 15th November in each year, submit to the Authority details of its gross revenues in each month for the twelve-month period (or such part thereof for which the concessionaire was in operation) ending on 30th September immediately preceding, arising from each telecommunications network, telecommunications service or broadcasting service which the concessionaire operates or provides.

(2) The details shall be submitted in the form specified by the Authority by publication on its website or notification to any or all relevant concessionaires, and shall be verified by the concessionaire's chief financial officer.

6. (1) The Authority shall no later than 1st March in each year publish on its website—

- (a) the total of the revenues for each part of the telecommunications and broadcasting sectors in Trinidad and Tobago in the financial year immediately preceding;
- (b) the total costs of the Authority in respect of concessions, calculated on the basis of the Authority's expenditure budget for the then current financial year, approved in accordance with section 55 of the Act.

7. (1) No earlier than the concession fee payment date in each year, the Authority shall issue and serve on the concessionaire in respect of whose concession the concession fee payment date pertains, an invoice setting out the fee payable for the twelve-month period commencing on the concession fee payment date or the period from the payment date to the end of the concession period, whichever is shorter.

(2) The fee shall be calculated as set out in regulation 3(1) and shall become due and payable within twenty-eight days of the date of the invoice.

8. The Authority shall—

- (a) where the concessionaire did not operate at any time during the twelve-month period, utilize the concessionaire's projected revenues for its first full twelve-month period of operation as notified to the Authority in the concessionaire's application for the concession; or

- (b) where the concessionaire operated for a period less than the twelve-month period, utilize—
- (i) the concessionaire's gross revenues for the months of the year that it has been in operation, as submitted to the Authority pursuant to regulation 5; and
 - (ii) the concessionaire's projected revenues for its first full twelve-month period of operation as notified to the Authority in the concessionaire's application for the concession, adjusted *pro rata* for the remainder of the twelve-month period,

to calculate the applicable concession fee for the relevant financial year.

Recalculation
of concession
fee

9. (1) The Authority shall, at the end of each financial year recalculate the concession fees payable by each concessionaire on the basis of the total revenues of the telecommunications and broadcasting sectors in that financial year inclusive of any projected revenues taken into account under regulation 8.

(2) Any difference between the concession fee so calculated and the concession fee actually paid by the concessionaire for the relevant year will be refunded or recovered as the case may require in the next invoice issued to that concessionaire.

Fee minimum
for certain
concessions

10. Notwithstanding the provisions of the First Schedule to these Regulations, the total annual concession fee for any concessionaire that holds a national territorial or major territorial concession shall not be less than ten thousand dollars and the annual concession fee for any other concessionaire shall not be less than one thousand dollars.

First invoice
for licence fee

11. (1) Where the Authority grants a licence for a term exceeding one year, the Authority shall issue and serve on the licensee, a first invoice for the fees set out in the third column of the Second Schedule to these Regulations, based on the spectrum bands and the type of service set out in the first and second columns, respectively, of the said Schedule.

Second
Schedule

(2) The applicable fee shall be for the period from the date of grant for such period, not exceeding one year, as the Authority considers appropriate.

(3) The invoice shall be payable within twenty-eight days of its date and prescribe the licence fee payment date.

(4) The licence fee payment date shall be the day immediately following the last day of the period for which the fees are payable under the invoice.

12. (1) No earlier than the licence fee payment date in each year, the Authority shall issue and serve on the licensee in respect of whose licence the licence fee payment date pertains, an invoice setting out the fee payable for the twelve-month period commencing on the licence fee payment date or the period from the payment date to the end of the licence term, whichever is shorter.

(2) The fee shall be calculated in accordance with regulation 11(1) and shall become due and payable within twenty-eight days of the date of the invoice.

13. Where the Authority grants or renews a licence for a term which is one year or less, the licence fee shall be the applicable annual fee for the relevant type of licence adjusted on a *pro rata* basis for the term of the licence and shall be payable in full upon the date of grant or renewal of the licence.

14. A concessionaire authorized to provide a domestic public telecommunications service which includes the right to provide a public telephone service shall, in relation to each number assigned to that concessionaire, pay to the Authority the numbering fee specified in the Third Schedule to these Regulations.

15. (1) The first payment of fees for each number shall be payable on assignment and on a *pro rata* basis from the date of assignment until the 30th September next following, and payment of such fees thereafter shall be in respect of each financial year and made annually in advance on the first day of the relevant financial year.

(2) No later than 15th September in each year the Authority shall provide every concessionaire to whom numbers have been assigned, with a statement setting out the numbers assigned to that concessionaire and the corresponding fees due for the coming financial year.

16. Every applicant for a concession, licence or any other authorization to be granted or renewed by or upon the recommendation of the Authority, shall pay to the Authority upon submission of the application, the relevant application fee as specified in the fourth column of the First or Second Schedule to these Regulations, as the case may require.

- Refund of application fees
17. Application fees shall only be refunded where—
- (a) the Authority does not accept the submission of the application and informs the applicant to that effect, in writing; or
 - (b) the Authority, in its sole discretion deems that the particular circumstances warrant the refund of the application fee.
- Service fees Fourth Schedule
18. The fees set out in the Fourth Schedule to these Regulations shall be payable to the Authority in respect of the services referred to therein.
- Fees determined by auction or competitive process
19. (1) The Authority may select persons for the grant of licences for spectrum or frequency within certain bands through an auction or other competitive process.
- (2) Where such a process is utilized, the procedures set out in the Telecommunications Tenders Rules, 2004 shall apply, and the licence fee for licences granted, after the competitive process, within such bands shall be as determined in the competitive process.
- (3) The use of a competitive process to grant a licence shall not affect any concession fee payable for any concession in respect of which that licence is granted.
- Submission of financial statements
20. Each concessionaire shall, within twenty weeks of the end of the concessionaire's annual accounting period, submit to the Authority, its full audited accounts including but not limited to—
- (a) balance sheet;
 - (b) income and expenditure statements; and
 - (c) related notes to the accounts.
- Submission of unaudited accounts
21. Notwithstanding regulation 20, the Authority may—
- (a) where a concessionaire is not required by law or its internal procedures to produce annual audited accounts; and
 - (b) upon written application to the Authority prior to the end of the relevant accounting period,
- by written notice to the relevant concessionaire, permit the concessionaire to submit in relation to the requirements of regulations 5 and 20, and in respect of a particular accounting period, accounts or statements which have not been audited.

22. The Authority may, upon the giving of seven days notice to a concessionaire, inspect any records of the concessionaire to verify the accuracy of any information provided to the Authority pursuant to these Regulations.

23. Where a concessionaire fails to submit information or any part of the information required under regulation 5 or 20 by the date on which such information is due, the Authority may for the purposes of these Regulations and fulfilling its functions, estimate the information based on its assessment of the market or industry benchmarks or any other reasonable method.

24. A concessionaire who knowingly submits false information to the Authority under these Regulations commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

25. Fees payable under these Regulations shall be paid at such place and by such methods as the Authority may from time to time publish on its website.

FIRST SCHEDULE

(Regulations 3 and 16)

CONCESSION FEES

Type	Sub-Types	Concession Fee	Application Fee
Type 1—Network Only	Domestic mobile	Concession fee= $[(TR_j t-1 / TRt-1) * TCt]$	\$16,000
	Domestic fixed (national or major territorial)	Where:	\$10,000
	Domestic fixed (niche or minor territorial)	TR _j t-1=total revenue earned by the concessionaire, j in year t-1;	\$1,000
	International	TRt-1=total revenue of the telecommunications and broadcasting sector in the country in year t-1; and	\$10,000
Type 2—Network and Services (Service Neutral)	Domestic mobile		\$32,000
	Domestic fixed (national or major territorial)	TCt=total cost of the Authority related to concessions budgeted for year t	\$20,000
	Domestic fixed (niche or minor territorial)		\$1,000
	International		\$20,000
Type 3—Virtual Network and Services (Service Neutral)	Virtual Networks (national or major territorial)		\$8,000
	Virtual Networks (niche or minor territorial)		\$1,000

FIRST SCHEDULE—Continued

CONCESSION FEES

Type	Sub-Types	Concession Fee	Application Fee
Type 4—Specific Telecommunications Services	Telecommunications services (national or major territorial)		\$1,000
	Telecommunications services (niche or minor territorial)		\$200
Type 5—Specific Broadcasting Services	Broadcast Services—free to air TV (national or major territorial)		\$1,000
	Broadcast Services—free to air TV (niche or minor territorial)		\$200
	Broadcast Services—free to air Radio (national or major territorial)		\$1,000
	Broadcast Services—free to air Radio (niche or minor territorial)		\$200
	Broadcast Services—Subscription (national or major territorial)		\$1,000
	Broadcast Services—Subscription (niche or minor territorial)		\$200

SECOND SCHEDULE
LICENCE FEES

(Regulations 11 and 16)

Table 1—*Shared Spectrum*

Spectrum Bands	Type of Service	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
All bands allocated in the Frequency Allocation Table for these services	Aeronautical Station Licence	\$700	\$100
	Amateur Station Licence	\$100	\$20
	CB Station Licence	\$100	\$20
	Maritime Station Licence	\$200	\$50
	Spread Spectrum Station Licence	\$400 per base station	\$50
	Shared Spectrum Station Licence <5W (RF output power)	\$100 per station	\$20
All Assigned Bands	Shared Spectrum Station Licence 5W — 25W (RF output power)	\$200 per station	\$20
	Shared Spectrum Station Licence >25W (RF output power)	\$400 per station	\$20

SECOND SCHEDULE—Continued

Table 2—Satellite Services

Spectrum Bands	Type of Service	Sub-categories	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
All bands allocated in the Frequency Allocation Table for these services. C-Band, KU-Band, L-Band, KA-Band	Satellite Services :	VSAT—Telecommunications Station Licence	\$150 per KHz	\$500
	Broadcasting (BSS), Mobile (MSS) & Fixed Satellite Services (FSS)	VSAT—Control/ Telemetry Station Licence	\$50 per KHz	\$500
		Earth Station Station Licence	\$15,000 per MHz	\$700
		Portable Satellite Communication System Station Licence	\$1.60 per KHz	\$500
		Commercial TVRO Station Licence	\$1,500 per MHz	\$700

SECOND SCHEDULE—Continued

Table 3—Other Services

SPECTRUM BAND 30—216 MHz

Type of Service	Sub-categories	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Land Mobile	Conventional	\$50 per KHz pair	\$200
	Station Licence	\$40 per KHz pair	\$100
Broadcasting Station Licences	Radio (FM)	National or major territorial	\$500
		Niche or minor territorial	\$200
	Television—VHF	National or major territorial	\$500
		Niche or minor territorial	\$200

SECOND SCHEDULE—Continued
 Table 3—Other Services—Continued
 SPECTRUM BAND 216—960 MHz

Type of Service	Sub-categories	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Cellular Mobile	Spectrum Licence	\$542,160 per MHz pair	\$32,000
	Trunked and conventional	\$99 per KHz pair	\$200
Land Mobile	Spectrum Licence	\$79 per KHz pair	\$100
	Station Licence	\$20 per KHz pair	\$100
Fixed	Point-to-Point Station Licence	\$59 per KHz pair	\$200
	Point-to-Multipoint Spectrum Licence	\$25 per KHz	\$500
Broadcasting Station Licences	Television —UHF	\$21 per KHz	\$200
	National or major territorial Niche or minor territorial	\$10 per KHz pair	\$100
FM radio—STL's	Station Licence	\$10 per KHz pair	\$100
FM radio—Outside Broadcasts	Spectrum Licence	\$10 per KHz pair	\$100
Control and Telemetry	SCADA	\$50 per KHz pair	\$200
	Spectrum Licence Station Licence	\$40 per KHz pair	\$100

SECOND SCHEDULE—Continued
 Table 3—Other Services—Continued
 SPECTRUM BAND 960—2200 MHz

Type of Service	Sub-categories	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Cellular Mobile	Spectrum Licence	\$542,160 per MHz pair	\$32,000
	Point-to-Point Station Licence	\$4,000 per MHz pair	\$100
Fixed	Point-to-Multipoint Spectrum Licence	\$4,000 per MHz pair	\$100
	Outside broadcasts Spectrum Licence	\$790 per MHz pair	\$100
Television			
SPECTRUM BAND 2200—5850 MHz			
Type of Service	Sub-categories	Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Fixed (Low Capacity, Long Distances)	Point-to- Multipoint	\$4,000 per MHz pair	\$300
	Point-to-Point Station Licence	\$4,000 per MHz pair	\$100
Television	Point-to-Point Station Licence	\$4,000 per MHz pair	\$100
	Outside broadcasts Spectrum Licence	\$790 per MHz pair	\$100

SECOND SCHEDULE—Continued

Table 3—Other Services—Continued

SPECTRUM BAND 5850—8500 MHz

Type of Service	Sub-categories		Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Fixed (Medium to High Capacity)	Point-to-Point	Spectrum Licence	\$4,000 per MHz pair	\$300
		Station Licence	\$400 per MHz pair	\$100
Television—Studio to transmitter link	STL's Station Licence		\$400 per MHz pair	\$100

SPECTRUM BAND >8500 MHz

Type of Service	Sub-categories		Licence Fee (Administrative plus Operating plus Spectrum Usage)	Application Fee
Fixed	Point-to-Point	Spectrum Licence	\$4,000 per MHz pair	\$400
		Station Licence	\$134 per MHz pair	\$100
	Point-to-Multipoint	Spectrum Licence	\$4,000 per MHz pair	\$400
		Station Licence	\$134 per MHz pair	\$100

THIRD SCHEDULE

(Regulation 14)

NUMBERING FEES

Number category	Numbering Fee
Fixed Line Services	Ten cents (\$0.10)
Mobile Services	Twenty cents (\$0.20)
N00 numbers	Thirty-five cents (\$0.35)
Information/Premium/Number Translation Services	Thirty-five cents (\$0.35)
Plant Test Code Services	Thirty-five cents (\$0.35)
555-xxxx, 666-xxxx	Thirty-five cents (\$0.35)

FOURTH SCHEDULE

(Regulation 18)

SERVICE FEES

Service Provided by the Authority	Fee
Copy of document (including printed documents and soft copies produced on CD-ROM or other storage media provided by the Authority)	\$20

Made this 6th day of September, 2006.

L. SAITH
*Minister of Public Administration
and Information*

Laid in the House of Representatives this 15th day of September,
2006.

J. SAMPSON
Clerk of the House

Laid in the Senate this 19th day of September, 2006.

N. JAGGASSAR
Clerk of the Senate