

Regulation of Anguilla: 26/2011Gazette Dated: 12th December, 2011

TELECOMMUNICATIONS ACT (R.S.A. c. T6)

TELECOMMUNICATIONS SPECTRUM FEE REGULATIONS 2011

Note: These Regulations are enabled under section 51 of the Telecommunications Act, R.S.A. c. T6.

Interpretation

1. (1) In these Regulations, unless the context otherwise requires—

“Act” means the Telecommunications Act.

(2) Unless otherwise specified, terms used in these Regulations shall have the meanings assigned to them under the Act.

Fees

2. (1) A person applying for a frequency authorization pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations shall pay, under Schedule 1, for the classifications of spectrum usage set out in Column 1, the spectrum fee set out in Column 2.

(2) A person already holding a frequency authorisation or a contract to be granted a frequency authorization in the 800, 900, 1800 or 1900 MHz bands (GSM) in applying for a frequency authorisation pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations for additional frequency in these bands in which they already hold an authorisation or a contract shall pay, under Schedule 2, for the classifications of spectrum usage set out in Column 1, the spectrum fee set out in Column 2.

(3) A person applying for a frequency authorization pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations shall pay, under Schedule 3, for the classifications of spectrum usage set out in Column 1, the spectrum fee set out in Column 2.

(4) A person applying for a frequency authorization pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations shall pay, under Schedule 4, for the classifications of spectrum usage set out in Column 1, the spectrum fee set out in Column 2.

(5) A person applying for a frequency authorization pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations shall pay, under Schedule 5, for the classifications of spectrum usage set out in Columns 1 and 2 the spectrum fee set out in column 3.

(6) A person applying for a frequency authorization pursuant to section 3 of the Telecommunications and Frequency Licensing Regulations shall pay, under Schedule 6, for the classifications of spectrum usage set out in Column 1, according to the spectrum fee set out in Column 2.

Payment of fees

3. (1) The spectrum fee payable pursuant to these Regulations shall be paid as specified by the Commission upon notification of being granted the frequency authorization.

(2) Annual spectrum fees payable pursuant to these Regulations shall be paid not more than 30 days after the anniversary date of the grant of the frequency authorization.

(3) Spectrum fees shall be paid to the Inland Revenue Department of Anguilla.

Penalties

4. A person who fails to pay spectrum fees pursuant to section 3 shall be liable to a penalty of 2% of the spectrum fee due, for each month of default.

Repeal and Savings

5. (1) The Telecommunication Spectrum Fee Regulations R.R.A. T6-7 is hereby repealed.

(2) Notwithstanding the repeal of the said Regulation anything done and any decisions made under such Regulation shall, to the extent not inconsistent with this Regulation, continue to have effect until its expiration or revocation, as the case may be and as if made under this Regulation.

Citation.

6. These Regulations may be cited as the Telecommunications Spectrum Fee Regulations, 2011.

SCHEDULE 1

(Section 2(1))

LICENCE CODE	DESCRIPTION	SPECTRUM FEE (EC\$) ANNUAL
	COLUMN 1	COLUMN 2
AR	Amateur Radio	100.00
ARF	Temporary Call- Sign	50.00
CBR	Citizen Band Radio	100.00
LM	Land Mobile Radio	
LMB	- Base Station	400.00
LMR	- Repeater	60.00
LMM	- Mobile	60.00
LMP	- Portable	60.00
MM	Maritime Mobile Radio General Category (excluding Ferry and Fishing Boats)	
MMB	- Base Station	500.00
MMR	- Repeater	100.00
MMM	- Mobile	100.00

LICENCE CODE	DESCRIPTION	SPECTRUM FEE (EC\$) ANNUAL
MMP	- Portable	100.00
MMS	- Ship Station	100.00
MMFY	Maritime Mobile Radio Ferry Boats	300.00
MMFH	Maritime Mobile Radio Fishing Boats	50.00
MMRO	Marine Radio Operator's Licence	100.00
AM	Aeronautical Mobile Radio (each aircraft)	750.00

SCHEDULE 2

(Section 2(2))

LICENCE CODE	DESCRIPTION	SPECTRUM FEE (One year) (EC\$)
	COLUMN 1	COLUMN 2
PMTF	800 MHz Band (GSM) (850 A Band) ¹	\$5,000/1MHz (Paired)
PMTF	900MHz Band (GSM)	\$5,000/1MHz (Paired)
PMTF	1800 MHz Band (GSM)	\$3,000/1MHz (Paired)
PMTF	1900 MHz Band (GSM)	\$5,000/1MHz (Paired)

SCHEDULE 3

(Section 2(3))

¹ 850A Band – 869 to 881 MHz (DownLink) paired with 824 to 836 MHz (UpLink) for AMPS/TDMAGSM applications.

CODE	DESCRIPTION	SPECTRUM FEE (Ten years) (EC\$)
	COLUMN 1	COLUMN 2
PMTF	1800 MHz Band (GSM) (10 MHz - Paired)	\$324,000
PMTF	1900 MHz Band (GSM) (5 MHz - Paired)	\$ 837,000

SCHEDULE 4

700 MHz Band (MOBILE & IMT) (698 to 806 MHz)
800 MHz (IMT-2000 – cdma2000/ WCDMA) (824 to 894 MHz)

(Section 2(6))

CODE	DESCRIPTION	SPECTRUM FEE ² (Ten years) (EC\$)
	COLUMN 1	COLUMN 2
PMTF	700 MHz Band (MOBILE & IMT - 3G/4G, LTE) (6 MHz - Paired)	\$1,200,000 (EC\$)
PMTF	800 MHz Band (850 IMT) ³ (IMT-2000 – cdma2000/ WCDMA – 3G/4G, LTE) (6 MHz - Paired)	\$ 1,200,000 (EC\$)

SCHEDULE 5

(Section 2(5))

² Schedule 4 Payment Terms: Years 1 and 2, 20% of total (ie., EC\$240,000) each year; Years 3 to 10 the remaining 60% amortized over the remaining 8 years. (Average fee per 1 MHz (paired) per year - EC\$20,000.

³ 850 MHz for IMT 2000 Applications for 3/4G and LTE.

LICENCE CODE	CATEGORIES		SPECTRUM FEE (One year) (EC\$)
	DESCRIPTION	TYPE	
	COLUMN 1	COLUMN 2	COLUMN 3
MMF	Maritime Mobile Radio (12.5kHz bandwidth)	a) General	\$500/frequency
		b) Ferry Boats	\$300/frequency
		c) Fishing Boats	\$50/frequency
AMF	Aeronautical Mobile Radio (12.5kHz bandwidth)	-	\$750/frequency
BAM	Broadcast AM Radio station	AM-Commercial	\$10,000/frequency
		AM-Community (Non-Commercial)	\$500/frequency
BFM	Broadcast FM Radio station	FM-Commercial 1Kwatt or less	\$2,500/frequency
		FM-Commercial More than 1Kwatt	\$5,000/frequency
		FM-Community (Non-Commercial)	\$500/frequency
BSE	Broadcasting Special Events	AM/FM	\$1,000/frequency
BTV	Broadcast Television Station	-	\$5,000/frequency
STL1	Television STL Microwave (6MHz link)	-	\$500/link
STL2	Radio STL Microwave (15kHz link)	-	\$ 500/link

SCHEDULE 6

(Section 2(6))

LICENCE CODE	DESCRIPTION	SPECTRUM FEE (One year) (EC\$)
	COLUMN 1	COLUMN 3
VST	VSAT (per antenna) < 55dBW EIRP	\$1,000/antenna
MBL	Radio Links	\$1,000 per frequency

Made by the Governor in Council this ^{8~~th~~} day of December, 2011.



Alistair Harrison
GOVERNOR OF ANGUILLA