

THE TELECOMMUNICATIONS ACT

REGULATIONS
(*under section 16*)

The Telecommunications (Regulatory Fees) Regulations, 2013 L N 173B/2013

DELEGATION OF FUNCTION (Omitted)
(*under section 20(4)*)

REGULATIONS
(*under section 26*)

The Telecommunications (Spectrum Regulatory Fees) Regulations, 2003 L N 44/2003

ORDER
(*under section 38 and 72*)

The Telecommunications (Universal Service Levy) (No.2) Order, 2011 L N 157L/2011

REGULATIONS
(*under section 72*)

The Telecommunications (Forms) Regulations, 2000 L.N. 61/2000
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ORDER
(*under section 72*)

The Telecommunications (Prescribed Equipment) Order, 2005 L N 151A/2005

THE TELECOMMUNICATIONS ACT

REGULATIONS
(under section 26)THE TELECOMMUNICATIONS (SPECTRUM REGULATORY FEES)
REGULATIONS, 2003

(Made by the Minister on the 30th day of April, 2003)

L.N. 44/2003

1. These Regulations may be cited as the Telecommunications (Spectrum Regulatory Fees) Regulations, 2003.

2. Each holder of a spectrum licence falling within the groups specified in the first column of the Schedule shall pay the appropriate regulatory fees to the Authority as specified in the second column of the Schedule.

<i>Licensees</i>	SCHEDULE <i>Spectrum Regulatory Fees</i>	(Regulation 2) <i>Fees</i>
Group I	Licensees who derive no significant commercial benefit from the use of the spectrum:	35% of spectrum licence fee
Group II (Level I)	Licensees whose business activities are wholly dependent upon the use of the spectrum:	$d \times e$ which is as follows c $c =$ aggregate derived annual value of spectrum licence fees paid by all Level 1 users. $d =$ derived annual value of spectrum licence fee paid by each Level 1 user. $e =$ \$44M.
Group II (Level II)	Licensees who use the spectrum as a preferred means of communication:	70% of spectrum licence fee.

THE TELECOMMUNICATIONS ACT

ORDER

*(under sections 38 and 72)*THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY)
(NO. 2) ORDER, 2011*(Made by the Minister on the 28th day of October, 2011)*

L.N. 157L/2011

1. This Order may be cited as the Telecommunications (Universal Service Levy) (No. 2) Order, 2011.

Citation

2. In this Order, unless the context otherwise requires—

Interpretation

“business day” means any day other than a Saturday, Sunday or a Public General Holiday within the meaning of section 2 of the *Holidays (Public General) Act*;

“domestic carrier” means a carrier who provides domestic service;

“Fund” means the Universal Service Fund;

“international carrier” means a carrier who provides international service;

“Levy” means the charge originally imposed by the Ministerial Order (issued by the Minister of Commerce, Science and Technology pursuant to sections 38 and 39 of the Telecommunications Act) and any levy imposed by paragraph 3;

“terminating carrier” means a domestic carrier who provides termination service on its network;

“transit carrier” means a carrier which provides transit service for the traffic of an international carrier and delivers the traffic to a terminating carrier;

“UAFCL” means the Universal Access Fund Company Limited, a company established under the Laws of Jamaica and which is a wholly owned subsidiary of the Spectrum Management Authority;

“value” has the same meaning as in section 7 of the *General Consumption Tax Act*.

Universal service
levy.

3.—(1) A levy to be known as the Universal Service Levy shall continue to be payable under the Act in the amount and manner specified in this Order.

(2) The Levy shall be—

- (a) US\$0.03 per minute on all incoming international minutes for termination to the Public Switched Telephone Network (hereinafter called “PSTN”);
- (b) US\$0.02 per minute on all incoming international minutes for the termination to the Public Land Mobile Network (hereinafter called “PLMN”); and
- (c) 3% of the value of the products and services specified in the First Schedule to this Order as provided by the domestic carriers and service providers, where such sums are to be identified from sums due as general consumption tax on the products and services.

International carrier
to the remit levy.

4. Every international carrier shall remit to the terminating carrier upon whose PSTN or PLMN it terminates an incoming international call, the Levy, as specified in paragraph 3 (2) (a) and (b), unless otherwise remitted in accordance with the provisions of paragraph 8 (e), (f), (g) and (h).

Terminating carrier
to remit levy.

5. Every terminating carrier shall remit to the Fund through UAFCL, on collection, the Levy specified in paragraph 3 (2) (a) and (b).

Domestic carriers
and service
providers to
contribute to fund.

6. Every domestic carrier and every service provider shall contribute to the Fund, the Levy specified in paragraph 3 (2) (c).

Levy to fund
approved plans re
universal service
obligations.

7. The Levy shall be used to fund the implementation of the obligation to provide Universal Service as approved by the Minister in accordance with section 39(2) of the Act and pursuant to the powers conferred by section 39(1) of the Act.

Procedure for Levy
on the incoming
international calls

8.—(1) The procedure outlined in paragraph (2) shall apply in relation to the Levy on incoming international calls.

(2) The procedure mentioned in sub-paragraph (1) shall be—

- (a) the Levy will be added to the Office approved or, as the case may be, contracted, termination rates for incoming international calls payable by third party carriers to the terminating carriers, and will be collected by those terminating carriers in accordance with the billing and payment terms of the prevailing interconnection on other agreements between the respective parties;
- (b) every international carrier and very terminating carrier shall provide—

- (i) to the office and UAFCL such traffic reports as specified by the Office; and
 - (ii) any other information requested by the Office or UAFCL, in order to validate the calculation of the Levy;
- (c) where a carrier fails to pass on calling line identification, the call shall be deemed to be an incoming international call for the purposes of the Levy;
- (d) a licensee shall not use calling line identification to disguise the origination of a call;
- (e) the Levy to be paid by an international carrier shall be remitted either to the terminating carrier or directly to UAFCL and shall be due and payable in accordance with the terminating carriers' monthly billing and payment cycles;
- (f) where the Levy is remitted by an international carrier to the terminating carrier, the terminating carrier shall remit the Levy collected to UAFCL within five business days of such collection; so, however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant terminating carrier;
- (g) where an international carrier's incoming international traffic must first transit the network of another carrier (namely, a transit carrier) before being delivered to a terminating carrier, the Levy payable in respect of that traffic shall be paid over either to the transit carrier or directly to UAFCL in accordance with the transit carrier's monthly billing and payment cycles;
- (h) where the Levy is remitted by an international carrier to the transit carrier, the transit carrier shall remit the Levy collected to UAFCL within five business days of such collection and shall provide evidence of such payment to the terminating carrier upon whose network the international traffic is ultimately terminated; so however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant transit carrier and terminating carrier;
- (i) terminating carriers who are also international carriers shall remit to UAFCL the Levy payable in respect of incoming international traffic that they terminate on their own network, and the Levy payable for any month shall be remitted within similar timeframes as are accorded to other international carriers who terminate calls on the said terminating carrier's network in accordance with subparagraphs (e) and (f);

- (j) terminating carriers interconnecting with other international carriers shall not be liable for the contributions charged in the calculation of security deposits, guarantees, or other mechanisms for insuring those carriers against loss arising from nonpayment of invoiced charges by their customers;
- (k) in the event that any international carrier or transit carrier fails to remit to a terminating carrier or UAFCL the prescribed Levy, the terminating carrier or the transit carrier, as the case may be, shall be entitled to suspend the provision of termination services in accordance with the procedure approved in this Order;
- (l) each carrier shall no later than the 30th day of November, 2011 submit to the Ministry responsible for telecommunications, the Office and UAFCL, a list of parties currently terminating traffic on the domestic PLMN or PSTN networks pursuant to international contracts or interconnection agreements, as well as evidence of the prevailing billing and payment terms in accordance with interconnections and such other agreements as are subsisting on the 1st day of November, 2011, thereafter, terminating carriers shall update this list as carriers commence or, as the case may be, cease termination of incoming international traffic;
- (m) terminating carriers shall include the Levy as a separate line item in the invoices issued under their domestic interconnection agreements.

Procedure for Levy on the products and services listed in the First Schedule

Second Schedule

Office to take action where Levy not paid

Universal Access Fund Company Limited, provisions applicable

9. Every domestic carrier and every service provider shall contribute the Levy set out in paragraph 3 (2) (c) to Tax Administration Jamaica by accounting for same, by filing the prescribed tax returns on a monthly basis in accordance with the prescribed method and schedule for remitting general consumption tax and shall provide evidence of such contribution by submitting to the Office and UAFCL the form set out in the Second Schedule within five business days of such filing.

10. Where any international carrier, transit carrier, terminating carrier, domestic carrier or service provider fails to contribute the Levy in accordance with this Order, the Office shall be entitled to take action in accordance with the procedure prescribed herein.

11. The following provisions shall apply for the purposes of this Order, in relation to the operations of UAFCL—

- (a) the Board of Directors of UAFCL shall include two representatives jointly nominated by the domestic carriers which own or operate a network (hereinafter called the "Domestic Network Operators"):

- (b) where the Domestic Network Operators fail to reach consensus as to their nominees or there is a failure to submit the aforementioned nominations within any timeframe specified by the Minister, the Minister shall select the representatives;
- (c) the management of the affairs of UAFCL shall be accomplished, *inter alia*, through the use of Board appointed sub-committees, and the membership of such sub-committees shall be open (but not exclusively) to representatives of the Domestic Network Operators on the Board;
- (d) UAFCL shall publish annual audited accounts pursuant to the Public Bodies Management and Accountability Act.

12.—(1) The procedure specified in this paragraph may be used by terminating carriers for the purpose of suspending termination services in the event of disputes as—

Procedure for suspension of termination of services in the event of a dispute and non-payment.

- (a) to the amount of the Levy to be paid;
- (b) to the accuracy as to the computation of the Levy to be paid;
- (c) to the payment or non-payment of the Levy.

(2) The terminating carrier shall give notification (hereinafter called the "Notification of Default") within forty-eight hours of the due date of payment of the Levy to the carrier alleged to be in default (hereinafter called the "carrier-in-default") that the Levy has not been paid for a given month or that the total amount of the Levy has not been paid, as the case may be.

(3) Where the carrier-in-default under sub-paragraph (2) disagrees that there is an amount owing, the carrier shall give written notice to the terminating carrier of the amount of the Levy that is disputed and make payment in respect of the amount of the Levy which is undisputed within twenty-four hours of the Notification of Default.

(4) Where the carrier-in-default fails to make payment of the amount of the Levy that is undisputed, the terminating carrier shall be entitled to suspend termination services within forty-eight hours of delivery of the Notification of Default.

(5) The carrier-in-default's right to withhold payment of any portion of the Levy purportedly due in respect of a given month shall be limited to disputed amounts which equal or exceed five percent of the total Levy due for that period pursuant to the terms and conditions listed in sub-paragraph (6).

(6) The terms and conditions mentioned in sub-paragraph (5) are—

- (a) the traffic volumes and consequent amount in dispute shall be asserted in good faith;
- (b) the carrier-in-default and the terminating carrier shall provide each other with a written statement of the disputed traffic volumes and times and the amount of the Levy that is disputed within ten business days of receipt of the invoice for the month in respect of which the Levy was due, and further supporting documentation shall be provided by either party to the other on reasonable request within a further five business days;
- (c) a dispute notification shall not relieve a carrier of its obligation to pay the Levy due and owing within thirty days of the end of the month in respect of which it is due, if the disputed amount is less than five percent of the total Levy;
- (d) where a carrier-in-default withholds an amount which is less than five percent of the total Levy due on any invoice that is disputed, the terminating carrier may suspend terminating services within forty-eight hours of delivery of the Notification of Default;
- (e) the parties shall exercise reasonable and good faith efforts to resolve disputed volumes, and accordingly, the Levy payments shall be due within twenty-five days of the commencement of the dispute (hereinafter called "the initial period"), and if the parties are unable to resolve the dispute within this time, they may, by mutual agreement, choose to extend the dispute resolution period by another seven days (hereinafter called "the extended period");
- (f) the dispute shall be referred to binding arbitration at the end of the initial period unless the parties extend the dispute resolution period pursuant to sub-paragraph (e); so, however, that if the dispute is not resolved at the expiration of the extended period, the dispute shall be referred to binding arbitration and shall be governed by the provisions of the *Arbitration Act* for the purposes of determining the relevant traffic volumes and times and consequently the amount of the Levy due;
- (g) the carrier-in-default shall pay the Levy due, if any, based on the outcome of the arbitration under sub-paragraph (f) within seven days and failure to make such payment shall entitle the terminating carrier to cease providing termination services to the carrier-in-default immediately thereafter;
- (h) in the event that a terminating carrier suspends termination services to a carrier-in-default, it shall within three days notify the Office, the Minister, UAFCL, and other terminating carriers;

- (i) the Office shall then commence proceedings under section 14 of the Act to determine whether or not there are grounds for a recommendation to the Minister that the licences of the carrier-in-default should be suspended or revoked;
- (j) where the Minister receives a recommendation from the Office for the suspension or revocation of the licence of a carrier-in-default, the Minister, in accordance with section 14 of the Act, shall direct the Office to serve on the carrier-in-default a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the carrier-in-default an opportunity to show cause why its licence should not be suspended or revoked;
- (k) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the Licence of the carrier-in-default, as the case may be, he shall forthwith notify the carrier-in-default, the Office, UAFCL and all terminating carriers and transit carriers of his decision;
- (l) where the Minister decides to suspend or revoke the Licence of the carrier-in-default, then the Office shall give public notification of such suspension or revocation as the case may be;
- (m) where the terminating carriers and transit carriers have been notified of a decision of the Minister to suspend or revoke a licence under sub-paragraph (k) every terminating carrier and every transit carrier shall forthwith cease the provision of termination and transit services for incoming international calls to a carrier-in-default upon receipt of the Notice of Suspension or Revocation of a Licence for the stated period of the suspension or completely, in the case of revocation;
- (n) where payment has been made of any disputed amount, the terminating carrier and the transit carrier shall resume services to the carrier that was in default unless or until notified of a suspension or revocation pursuant to sub-paragraph (k);
- (o) the existence of the procedure under this paragraph shall not constitute a waiver of a terminating carrier's contractual rights.

13.—(1) Where a carrier who is in default for payment of the Levy on incoming international calls does not dispute the Levy charged or any portion thereof or that there has been non-payment thereof after receipt of a Notice of Default, the procedure outlined in sub-paragraph (2) shall apply in the absence of a dispute under paragraph 12.

Procedure for suspension of Termination of services in the event of non-payment in the absence of a dispute and suspension or revocation of licences.

(2) The procedure mentioned in sub-paragraph (1) are—

- (a) within forty-eight hours of the contracted final due date for payment, a terminating carrier shall, by virtue of a Notice of Non-payment (hereinafter called "the Notice") which shall include traffic reports and other relevant information which validates the amount of the Levy, inform the Office and UAFCL of a carrier's failure to pay the Levy, which Notice shall be—
- (i) copied to the Minister and the carrier-in-default;
 - (ii) served in accordance with the existing contractual provisions.
- (b) without prejudice to sub-paragraphs (a) and (e), and particularly in the event of non-compliance with the provisions of those sub-paragraphs; the terminating carrier may suspend terminating services for incoming international traffic to the carrier-in-default on the expiration of forty-eight hours after service of the Notice;
- (c) following receipt of the Notice pursuant to sub-paragraph (a), the Office shall immediately commence investigations in accordance with section 14 (6) and (7) of the Act and shall request that the carrier-in-default within twenty-four hours of the request, give reasons in writing for its failure to pay the Levy;
- (d) the Office shall review the reasons and if it is not satisfied with the reasons, the Office shall, in accordance with section 14 of the Act, recommend to the Minister, the suspension or revocation of the carrier-in-default's licence;
- (e) where the Minister receives a recommendation from the Office for the suspension or revocation of the Licence of a carrier-in-default, the Minister shall, in accordance with section 14 of the Act, direct the Office to serve on the carrier-in-default a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the carrier-in-default an opportunity to show cause why its Licence should not be suspended or revoked;
- (f) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the Licence of the carrier-in-default, as the case may be, he shall forthwith notify the carrier-in-default, the Office, UAFCL and all terminating carriers and transit carriers of his decision;
- (g) where the Minister decides to suspend or revoke the Licence of the carrier-in-default, then the Office shall give public notification of such suspension or revocation;

- (h) every terminating carrier and every transit carrier that has been notified of a decision of the Minister to suspend or revoke a Licence under sub-paragraph (f) shall forthwith cease the provision of termination and transit services for incoming international calls to a carrier-in-default for the stated period of the suspension or completely, in the case of a revocation;
- (i) for the avoidance of doubt, the failure of a carrier-in-default to give reasons, in writing within the stipulated time-frame shall be grounds for the Office to recommend to the Minister that its Licence be suspended or revoked, and following receipt of the Office's recommendation, if the Minister is satisfied that the Levy remains unpaid, he may order the suspension or revocation of the carrier-in-default's licence;
- (j) upon the receipt of a recommendation from the Office pursuant to sub-paragraph (d) the Minister shall act in accordance with the provisions in sub-paragraphs (e) and (f) as the case may be.

14.—(1) Where in the event of the non-payment of the Levy by any domestic carrier or service provider on products and services as listed in the First Schedule the procedure outlined in sub-paragraph (2) shall apply.

Procedure in the Event of non-payment of Levy on Products and Services in First Schedule.

- (2) The procedure mentioned in sub-paragraph (1) are—
 - (a) UAFCL shall notify a defaulting domestic carrier or service provider that the appropriate Levy payment has not been paid for a given month by virtue of a Notice, and copy the Notice to the Minister, the Office and Tax Administration Jamaica;
 - (b) following receipt of the Notice from UAFCL, the Office shall immediately commence investigations in accordance with section 14 (6) and (7) of the Act and request that the defaulting domestic carrier or service provider within forty-eight hours of the request, give reasons in writing for its failure to pay the Levy.
 - (c) the Office shall review the reasons and if it is not satisfied with the reasons, the Office shall recommend to the Minister, the suspension or revocation of the defaulting domestic carrier or service provider's licence;
 - (d) where the Minister receives a recommendation from the Office for the suspension or revocation of a defaulting domestic carrier or service provider's licence, the Minister, in accordance with section 14 of the Act, shall direct the Office to serve on the defaulting domestic carrier or service provider a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the defaulting domestic carrier or service provider an opportunity to show cause why its Licence should not be suspended or revoked;

- (e) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the licence of the defaulting domestic carrier or service provider, as the case may be, he shall forthwith notify the defaulting domestic carrier or service provider, the Office, UAFCL and every carrier of his decision;
- (f) where the Minister decides to suspend or revoke the licence of the defaulting domestic carrier or service provider, the Office shall give the public notification of such suspension or revocation;
- (g) for the avoidance of doubt the failure of a defaulting domestic carrier or service provider to give reasons, in writing within the stipulated time-frame shall be grounds for the Office to recommend to the Minister that its licence be suspended or revoked;
- (h) upon the receipt of a recommendation from the Office pursuant to sub-paragraph (c) the Minister shall act in accordance with the provisions in sub-paragraphs (d) and (e) as the case may be.

Review of Order .

15. This Order is subject to review within eighteen months after the effective date hereof and thereafter at three year intervals, or at such other times before such intervals as the Minister may consider necessary.

FIRST SCHEDULE

(Regulation 3, 14)

Product and Services

1. Telephone line rental
2. VoIP—Calls and Plan Charge Fee
3. Reconnection Fees—Fixed Lines
4. Cellular Services—Rental and Access
5. Telephone Calls—Fixed Lines
6. Telephone Calls—Cellular
7. Prepaid Calling Cards
8. Audio text
9. Interconnection Traffic Services
10. Sale of Cellular handsets
11. Sale of regular telephones
12. Short Message Service (SMS)
13. Enhanced Features, including—
 - (a) conferencing;
 - (b) Magic Touch;
 - (c) Personal Number Service;
 - (d) speed dialling; and
 - (e) tele-class.

NOTE: Failure of an international carrier, terminating carrier or transit carrier to pay or remit the Levy in accordance with this Order shall constitute a breach of the relevant licence, the Act and this Order, as the case may be.

THE TELECOMMUNICATIONS ACT
 THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) (NO. 2) ORDER, 2011
 DECLARATION OF COMPLIANCE
 (Pursuant to Paragraph 9)

1. Name of Licensee:
2. Address of Business and Telephone Number:
3. Period of Return:
4. Total value of specified products and services supplied during the period: -
5. Total tax due on specified products and services supplied during the period:
6. Total paid on specified products and services supplied during the period (if different from 5 above):

I declare that to the best of my knowledge and belief this is a true and correct statement of the information and particulars here given, concerning the filing of prescribed tax returns on the products and services specified in the First Schedule of the Telecommunications (Universal Service Levy) (No. 2) Order, 2011 in keeping with paragraph 9 of the said Order.

 Name of Responsible Officer

 Title/Position

 Signature

 Date

THE TELECOMMUNICATIONS ACT

REGULATIONS

*(under section 16)*THE TELECOMMUNICATIONS (REGULATORY FEES)
REGULATIONS, 2013/2014*(Approved by the Director General of the Office of the Utilities Regulation L.N 173B/2013
on the 13th day of September, 2013)*

1. These Regulations may be cited as the Telecommunications (Regulatory Fees) Regulations, 2013/2014.

2. Each holder of a telecommunications carrier licence and service provider licence shall pay the appropriate regulatory fees to the Office as specified in the paragraphs below.

SCHEDULE OF REGULATORY FEES EFFECTIVE 1ST APRIL, 2013

3 Generally, the computation of the regulatory fee applicable to a licensee in the telecommunications sector is calculated on the basis of the following formula (and shall be payable upon presentation of invoice by the Office)

$$RF_A = R_A/R_T * TB$$

where RF_A = Annual Regulatory fee for company "A"

R_A = Applicable revenues for company "A"

R_T = Total applicable revenues of all relevant companies

TB = Total applicable budget for telecommunications activities

For the financial year beginning April 1st, 2013 the following values apply —

R_T = \$59,288,213,817

TB = \$247,910,209

4. Notwithstanding the formula in paragraph 3 above, there shall be minimum regulatory fees as follows:

<i>Licensees</i>	<i>Regulatory Fees (J\$)</i>
Carrier	300,000
Service Provider	50,000

SCHEDULE, *cont'd*

5 Subject to paragraph 6 below, where the information regarding applicable revenues for computing regulatory fees according to the formula in paragraph 3 above is not available to the Office, or if the calculated regulatory fees using the formula is lower than the applicable minimum regulatory fees specified in paragraph 4 above, then the licensee shall pay the applicable minimum regulatory fee (and such fee shall be payable upon presentation of invoice by the Office)

6 Where the minimum regulatory fee is charged because the information regarding applicable revenues for computing regulatory fees is not available to the Office, this will be a temporary arrangement pending receipt of this information. Once the information is received by the Office, the appropriate regulatory fee that should have been payable effective April 1st, 2013, using the formula set out in paragraph 3 above, will be calculated. The difference between the minimum regulatory fee invoiced and the regulatory fee now calculated, if any, shall be payable by the licensee (and such amount shall be payable upon presentation of invoice by the Office)

THE TELECOMMUNICATIONS ACT

REGULATIONS
(under section 26)THE TELECOMMUNICATIONS (SPECTRUM REGULATORY FEES)
REGULATIONS, 2003

(Made by the Minister on the 30th day of April, 2003)

L N 44/2003

1. These Regulations may be cited as the Telecommunications (Spectrum Regulatory Fees) Regulation, 2003.

2. Each holder of a spectrum licence falling within the groups specified in the first column of the Schedule shall pay the appropriate regulatory fees to the Authority as specified in the second column of the Schedule.

SCHEDULE		(Regulation 2)
<i>Spectrum Regulatory Fees</i>		
<i>Licensees</i>	<i>Fees</i>	
—	—	
Group I		
Licensees who derive no significant commercial benefit from the use of the spectrum	35% of spectrum Licence fee	
Group II (Level I)		
Licensees whose business activities are wholly dependent upon the use of the spectrum	$d \times e$ which is as follows c c = aggregate derived annual value of spectrum licence fees paid by all Level I users. d = derived annual value of spectrum licence fee paid by each Level I user e = \$44M	
Group II (Level II)		
Licensees who use the Spectrum as a preferred means of communication:	70% of Spectrum licence fee.	

FORM 1, contd.

5. Is the applicant the holder of a telecommunications licence in any other country?

YES NO

1. Has the applicant or any connected person been refused a license mentioned in question 5 above, or has such licence been revoked?

YES NO

2. Has the applicant operated under or carried on business under any name other than the name shown on this application?

YES NO

3. Has the applicant ever—

(a) been the defendant or respondent in any proceedings in any court in any jurisdiction in any part of the world involving fraud?

YES NO

(b) at any time declared bankruptcy or made voluntary assignment in bankruptcy?

YES NO

If YES, in addition to giving particulars, attach certified copy of discharge.

SECTION C: Financial Information

If any applicant has been incorporated for longer than eighteen months, attach an audited financial statement for period ending, not later than one year prior to the date of this application.

Please tick the appropriate box. If "YES" give particulars.

Is there any person or company whose name is not disclosed above who has any financial interest in the applicant, either beneficially or otherwise?

YES NO

THE TELECOMMUNICATIONS ACT

ORDER
(under sections 38 and 72)THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY)
(NO. 2) ORDER, 2011*(Made by the Minister on the 28th day of October, 2011)*

L N 157L/2011

1. This Order may be cited as the Telecommunications (Universal Service Levy) (No. 2) Order, 2011.

Citation

2. In this Order, unless the context otherwise requires—

Interpretation

“business day” means any day other than a Saturday, Sunday or a Public General Holiday within the meaning of section 2 of the Holidays (Public General) Act;

“domestic carrier” means a carrier who provides domestic service;

“Fund” means the Universal Service Fund;

“international carrier” means a carrier who provides international service;

“Levy” means the charge originally imposed by the Ministerial Order (issued by the Minister of Commerce, Science and Technology pursuant to sections 38 and 39 of the Telecommunications Act) and any levy imposed by paragraph 3;

“terminating carrier” means a domestic carrier who provides termination service on its network;

“transit carrier” means a carrier which provides transit service for the traffic of an international carrier and delivers the traffic to a terminating carrier;

“UAFCL” means the Universal Access Fund Company Limited, a company established under the Laws of Jamaica and which is a wholly owned subsidiary of the Spectrum Management Authority;

“value” has the same meaning as in section 7 of the General Consumption Tax Act.

Universal Service
Levy

3.—(1) A levy to be known as the Universal Service Levy shall continue to be payable under the Act in the amount and manner specified in this Order.

(2) The Levy shall be—

- (a) US\$0.03 per minute on all incoming international minutes for termination to the Public Switched Telephone Network (hereinafter called “PSTN”);
- (b) US\$0.02 per minute on all incoming international minutes for the termination to the Public Land Mobile Network (hereinafter called “PLMN”); and
- (c) 3% of the value of the products and services specified in the First Schedule to this Order as provided by the domestic carriers and service providers, where such sums are to be identified from sums due as general consumption tax on the products and services.

International carrier
to remit levy

4. Every international carrier shall remit to the terminating carrier upon whose PSTN or PLMN it terminates an incoming international call, the Levy, as specified in paragraph 3(2)(a) and (b), unless otherwise remitted in accordance with the provisions of paragraph 8(e), (f), (g) and (h).

Terminating carrier
to remit levy

5. Every terminating carrier shall remit to the Fund through UAFCL, on collection, the Levy specified in paragraph 3(2)(a) and (b).

Domestic carriers
and service
providers to
contribute to fund

6. Every domestic carrier and every service provider shall contribute to the Fund, the Levy specified in paragraph 3(2)(c).

Levy to fund
approved plans re
universal service
obligations

7. The Levy shall be used to fund the implementation of the obligation to provide Universal Service as approved by the Minister in accordance with section 39(2) of the Act and pursuant to the powers conferred by section 39(1) of the Act.

Procedure for Levy
on the incoming
international calls

8.—(1) The procedure outlined in paragraph (2) shall apply in relation to the Levy on incoming international calls.

(2) The procedure mentioned in sub-paragraph (1) shall be—

- (a) the Levy will be added to the Office approved or, as the case may be, contracted, termination rates for incoming international calls payable by third party carriers to the terminating carriers, and will be collected by those terminating carriers in accordance with the billing and payment terms of the prevailing interconnection on other agreements between the respective parties;
- (b) every international carrier and every terminating carrier shall provide—

- (i) to the office and UAFCL such traffic reports as specified by the Office; and
 - (ii) any other information requested by the Office or UAFCL, in order to validate the calculation of the Levy;
- (c) where a carrier fails to pass on calling line identification, the call shall be deemed to be an incoming international call for the purposes of the Levy;
- (d) a licensee shall not use calling line identification to disguise the origination of a call;
- (e) the Levy to be paid by an international carrier shall be remitted either to the terminating carrier or directly to UAFCL and shall be due and payable in accordance with the terminating carriers' monthly billing and payment cycles;
- (f) where the Levy is remitted by an international carrier to the terminating carrier, the terminating carrier shall remit the Levy collected to UAFCL within five business days of such collection; so, however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant terminating carrier;
- (g) where an international carrier's incoming international traffic must first transit the network of another carrier (namely, a transit carrier) before being delivered to a terminating carrier, the Levy payable in respect of that traffic shall be paid over either to the transit carrier or directly to UAFCL in accordance with the transit carrier's monthly billing and payment cycles;
- (h) where the Levy is remitted by an international carrier to the transit carrier, the transit carrier shall remit the Levy collected to UAFCL within five business days of such collection and shall provide evidence of such payment to the terminating carrier upon whose network the international traffic is ultimately terminated; so however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant transit carrier and terminating carrier;
- (i) terminating carriers who are also international carriers shall remit to UAFCL the Levy payable in respect of incoming international traffic that they terminate on their own network, and the Levy payable for any month shall be remitted within similar timeframes as are accorded to other international carriers who terminate calls on the said terminating carrier's network in accordance with sub-paragraphs (e) and (f);

THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) (NO.2) ORDER, 2011

- (j) terminating carriers interconnecting with other international carriers shall not be liable for the contributions charged in the calculation of security deposits, guarantees, or other mechanisms for insuring those carriers against loss arising from nonpayment of invoiced charges by their customers;
- (k) in the event that any international carrier or transit carrier fails to remit to a terminating carrier or UAFCL the prescribed Levy, the terminating carrier or the transit carrier, as the case may be, shall be entitled to suspend the provision of termination services in accordance with the procedure approved in this Order;
- (l) each carrier shall no later than the 30th day of November, 2011 submit to the Ministry responsible for telecommunications, the Office and UAFCL, a list of parties currently terminating traffic on the domestic PLMN or PSTN networks pursuant to international contracts or interconnection agreements, as well as evidence of the prevailing billing and payment terms in accordance with interconnections and such other agreements as are subsisting on the 1st day of November, 2011, thereafter, terminating carriers shall update this list as carriers commence or, as the case may be, cease termination of incoming international traffic;
- (m) terminating carriers shall include the Levy as a separate line item in the invoices issued under their domestic interconnection agreements.

Procedure for Levy on the products and services listed in the First Schedule

9. Every domestic carrier and every service provider shall contribute the Levy set out in paragraph 3 (2) (c) to Tax Administration Jamaica by accounting for same, by filing the prescribed tax returns on a monthly basis in accordance with the prescribed method and schedule for remitting general consumption tax and shall provide evidence of such contribution by submitting to the Office and UAFCL the form set out in the Second Schedule within five business days of such filing.

Second Schedule

Office to take action where Levy not paid

10. Where any international carrier, transit carrier, terminating carrier, domestic carrier or service provider fails to contribute the Levy in accordance with this Order, the Office shall be entitled to take action in accordance with the procedure prescribed herein.

Universal Access Fund Company Limited, provisions applicable

11. The following provisions shall apply for the purposes of this Order, in relation to the operations of UAFCL—

- (a) the Board of Directors of UAFCL shall include two representatives jointly nominated by the domestic carriers which own or operate a network (hereinafter called the "Domestic Network Operators");

- (b) where the Domestic Network Operators fail to reach consensus as to their nominees or there is a failure to submit the aforementioned nominations within any timeframe specified by the Minister, the Minister shall select the representatives;
- (c) the management of the affairs of UAFCL shall be accomplished, inter alia, through the use of Board appointed sub-committees, and the membership of such sub-committees shall be open (but not exclusively) to representatives of the Domestic Network Operators on the Board;
- (d) UAFCL shall publish annual audited accounts pursuant to the Public Bodies Management and Accountability Act.

12.—(1) The procedure specified in this paragraph may be used by terminating carriers for the purpose of suspending termination services in the event of disputes as—

Procedure for suspension of termination of services in the event of a dispute and non-payment

- (a) to the amount of the Levy to be paid;
- (b) to the accuracy as to the computation of the Levy to be paid;
- (c) to the payment or non-payment of the Levy.

(2) The terminating carrier shall give notification (hereinafter called the "Notification of Default") within forty-eight hours of the due date of payment of the Levy to the carrier alleged to be in default (hereinafter called the "carrier-in-default") that the Levy has not been paid for a given month or that the total amount of the Levy has not been paid, as the case may be.

(3) Where the carrier-in-default under sub-paragraph (2) disagrees that there is an amount owing, the carrier shall give written notice to the terminating carrier of the amount of the Levy that is disputed and make payment in respect of the amount of the Levy which is undisputed within twenty-four hours of the Notification of Default.

(4) Where the carrier-in-default fails to make payment of the amount of the Levy that is undisputed, the terminating carrier shall be entitled to suspend termination services within forty-eight hours of delivery of the Notification of Default.

(5) The carrier-in-default's right to withhold payment of any portion of the Levy purportedly due in respect of a given month shall be limited to disputed amounts which equal or exceed five percent of the total Levy due for that period pursuant to the terms and conditions listed in sub-paragraph (6).

(6) The terms and conditions mentioned in sub-paragraph (5) are—

THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) (NO.2)
ORDER, 2011

- (a) the traffic volumes and consequent amount in dispute shall be asserted in good faith;
- (b) the carrier-in-default and the terminating carrier shall provide each other with a written statement of the disputed traffic volumes and times and the amount of the Levy that is disputed within ten business days of receipt of the invoice for the month in respect of which the Levy was due, and further supporting documentation shall be provided by either party to the other on reasonable request within a further five business days;
- (c) a dispute notification shall not relieve a carrier of its obligation to pay the Levy due and owing within thirty days of the end of the month in respect of which it is due, if the disputed amount is less than five percent of the total Levy;
- (d) where a carrier-in-default withholds an amount which is less than five percent of the total Levy due on any invoice that is disputed, the terminating carrier may suspend terminating services within forty-eight hours of delivery of the Notification of Default;
- (e) the parties shall exercise reasonable and good faith efforts to resolve disputed volumes, and accordingly, the Levy payments shall be due within twenty-five days of the commencement of the dispute (hereinafter called "the initial period"), and if the parties are unable to resolve the dispute within this time, they may, by mutual agreement, choose to extend the dispute resolution period by another seven days (hereinafter called "the extended period");
- (f) the dispute shall be referred to binding arbitration at the end of the initial period unless the parties extend the dispute resolution period pursuant to sub-paragraph (e); so, however, that if the dispute is not resolved at the expiration of the extended period, the dispute shall be referred to binding arbitration and shall be governed by the provisions of the *Arbitration Act* for the purposes of determining the relevant traffic volumes and times and consequently the amount of the Levy due;
- (g) the carrier-in-default shall pay the Levy due, if any, based on the outcome of the arbitration under sub-paragraph (f) within seven days and failure to make such payment shall entitle the terminating carrier to cease providing termination services to the carrier-in-default immediately thereafter;
- (h) in the event that a terminating carrier suspends termination services to a carrier-in-default, it shall within three days notify the Office, the Minister, UAFCL, and other terminating carriers;

- (i) the Office shall then commence proceedings under section 14 of the Act to determine whether or not there are grounds for a recommendation to the Minister that the licences of the carrier-in-default should be suspended or revoked;
- (j) where the Minister receives a recommendation from the Office for the suspension or revocation of the licence of a carrier-in-default, the Minister, in accordance with section 14 of the Act, shall direct the Office to serve on the carrier-in-default a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the carrier-in-default an opportunity to show cause why its licence should not be suspended or revoked;
- (k) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the Licence of the carrier-in-default, as the case may be, he shall forthwith notify the carrier-in-default, the Office, UAFCL and all terminating carriers and transit carriers of his decision;
- (l) where the Minister decides to suspend or revoke the Licence of the carrier-in-default, then the Office shall give public notification of such suspension or revocation as the case may be;
- (m) where the terminating carriers and transit carriers have been notified of a decision of the Minister to suspend or revoke a licence under sub-paragraph (k) every terminating carrier and every transit carrier shall forthwith cease the provision of termination and transit services for incoming international calls to a carrier-in-default upon receipt of the Notice of Suspension or Revocation of a Licence for the stated period of the suspension or completely, in the case of revocation;
- (n) where payment has been made of any disputed amount, the terminating carrier and the transit carrier shall resume services to the carrier that was in default unless or until notified of a suspension or revocation pursuant to sub-paragraph (k);
- (o) the existence of the procedure under this paragraph shall not constitute a waiver of a terminating carrier's contractual rights.

13.—(1) Where a carrier who is in default for payment of the Levy on incoming international calls does not dispute the Levy charged or any portion thereof or that there has been non-payment thereof after receipt of a Notice of Default, the procedure outlined in sub-paragraph (2) shall apply in the absence of a dispute under paragraph 12.

Procedure for suspension of Termination of services in the event of non-payment in the absence of a dispute and suspension or revocation of licenses

(2) The procedure mentioned in sub-paragraph (1) are—

THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) (NO.2)
ORDER, 2011

- (a) within forty-eight hours of the contracted final due date for payment, a terminating carrier shall, by virtue of a Notice of Non-payment (hereinafter called "the Notice") which shall include traffic reports and other relevant information which validates the amount of the Levy, inform the Office and UAFCL of a carrier's failure to pay the Levy, which Notice shall be—
- (i) copied to the Minister and the carrier-in-default;
 - (ii) served in accordance with the existing contractual provisions;
- (b) without prejudice to sub-paragraphs (d) and (e), and particularly in the event of non-compliance with the provisions of those sub-paragraphs; the terminating carrier may suspend terminating services for incoming international traffic to the carrier-in-default on the expiration of forty-eight hours after service of the Notice;
- (c) following receipt of the Notice pursuant to sub-paragraph (a), the Office shall immediately commence investigations in accordance with section 14 (6) and (7) of the Act and shall request that the carrier-in-default within twenty-four hours of the request, give reasons in writing for its failure to pay the Levy;
- (d) the Office shall review the reasons and if it is not satisfied with the reasons, the Office shall, in accordance with section 14 of the Act, recommend to the Minister, the suspension or revocation of the carrier-in-default's licence;
- (e) where the Minister receives a recommendation from the Office for the suspension or revocation of the Licence of a carrier-in-default, the Minister shall, in accordance with section 14 of the Act, direct the Office to serve on the carrier-in-default a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the carrier-in-default an opportunity to show cause why its Licence should not be suspended or revoked;
- (f) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the Licence of the carrier-in-default, as the case may be, he shall forthwith notify the carrier-in-default, the Office, UAFCL and all terminating carriers and transit carriers of his decision;
- (g) where the Minister decides to suspend or revoke the Licence of the carrier-in-default, then the Office shall give public notification of such suspension or revocation;

- (h) every terminating carrier and every transit carrier that has been notified of a decision of the Minister to suspend or revoke a Licence under sub-paragraph (f) shall forthwith cease the provision of termination and transit services for incoming international calls to a carrier-in-default for the stated period of the suspension or completely, in the case of a revocation;
- (i) for the avoidance of doubt, the failure of a carrier-in-default to give reasons, in writing within the stipulated time-frame shall be grounds for the Office to recommend to the Minister that its Licence be suspended or revoked, and following receipt of the Office's recommendation, if the Minister is satisfied that the Levy remains unpaid, he may order the suspension or revocation of the carrier-in-default's licence;
- (j) upon the receipt of a recommendation from the Office pursuant to sub-paragraph (d) the Minister shall act in accordance with the provisions in sub-paragraphs (e) and (f) as the case may be.

14.—(1) Where in the event of the non-payment of the Levy by any domestic carrier or service provider on products and services as listed in the First Schedule the procedure outlined in sub-paragraph (2) shall apply.

Procedure in the
Event of non-
payment of
Levy on
Products and
Services in First
Schedule

(2) The procedure mentioned in sub-paragraph (1) are—

- (a) UAFCL shall notify a defaulting domestic carrier or service provider that the appropriate Levy payment has not been paid for a given month by virtue of a Notice, and copy the Notice to the Minister, the Office and Tax Administration Jamaica;
- (b) following receipt of the Notice from UAFCL, the Office shall immediately commence investigations in accordance with section 14 (6) and (7) of the Act and request that the defaulting domestic carrier or service provider within forty-eight hours of the request, give reasons in writing for its failure to pay the Levy.
- (c) the Office shall review the reasons and if it is not satisfied with the reasons, the Office shall recommend to the Minister, the suspension or revocation of the defaulting domestic carrier or service provider's licence;
- (d) where the Minister receives a recommendation from the Office for the suspension or revocation of a defaulting domestic carrier or service provider's licence, the Minister, in accordance with section 14 of the Act, shall direct the Office to serve on the defaulting domestic carrier or service provider a Notice of Proposed Suspension or Revocation of Licence, as the case may be, and afford the defaulting domestic carrier or service provider an opportunity to show cause why its Licence should not be suspended or revoked;

- (e) where a determination is made by the Minister with respect to the recommendation of the Office for suspension or revocation of the licence of the defaulting domestic carrier or service provider, as the case may be, he shall forthwith notify the defaulting domestic carrier or service provider, the Office, UAFCL and every carrier of his decision;
- (f) where the Minister decides to suspend or revoke the licence of the defaulting domestic carrier or service provider, the Office shall give the public notification of such suspension or revocation;
- (g) for the avoidance of doubt the failure of a defaulting domestic carrier or service provider to give reasons, in writing within the stipulated time-frame shall be grounds for the Office to recommend to the Minister that its licence be suspended or revoked;
- (h) upon the receipt of a recommendation from the Office pursuant to sub-paragraph (c) the Minister shall act in accordance with the provisions in sub-paragraphs (d) and (e) as the case may be.

Review of Order

15. This Order is subject to review within eighteen months after the effective date hereof and thereafter at three year intervals, or at such other times before such intervals as the Minister may consider necessary.

Revocation

16. The Telecommunications (Universal Service Levy) Order, 2011, is revoked.

FIRST SCHEDULE

(Regulation 3, 14)

Product and Services

- 1 Telephone line rental
- 2 VoIP—Calls and Plan Charge Fee
- 3 Reconnection Fees—Fixed Lines
- 4 Cellular Services—Rental and Access
- 5 Telephone Calls—Fixed Lines
- 6 Telephone Calls—Cellular
- 7 Prepaid Calling Cards
- 8 Audio text
- 9 Interconnection Traffic Services
- 10 Sale of Cellular handsets
- 11 Sale of regular telephones
- 12 Short Message Service (SMS)
- 13 Enhanced Features, including—
 - (a) conferencing,
 - (b) Magic Touch,
 - (c) Personal Number Service,
 - (d) speed dialling, and
 - (e) tele-class

NOTE Failure of an international carrier, terminating carrier or transit carrier to pay or remit the Levy in accordance with this Order shall constitute a breach of the relevant licence, the Act and this Order, as the case may be

SECOND SCHEDULE

(Regulation 9)

THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) (NO 2) ORDER, 2011

DECLARATION OF COMPLIANCE

(Pursuant to Paragraph 9)

- 1 Name of Licensee
- 2 Address of Business and Telephone Number
- 3 Period of Return
- 4 Total value of specified products and services supplied during the period
- 5 Total tax due on specified products and services supplied during the period
- 6 Total paid on specified products and services supplied during the period (if different from 5 above)

I declare that to the best of my knowledge and belief this is a true and correct statement of the information and particulars here given, concerning the filing of prescribed tax returns on the products and services specified in the First Schedule of the Telecommunications (Universal Service Levy) (No 2) Order, 2011 in keeping with paragraph 9 of the said Order

Name of Responsible Officer

Title/Position

Signature

Date

THE TELECOMMUNICATIONS ACT

REGULATIONS
(under section 72)THE TELECOMMUNICATIONS (FORMS) REGULATIONS, 2000
(Made by the Minister on the 19th day of June, 2000)L.N. 61/2000
Amdts
L.N. 14/2001
147/2001
113/2003
18/2004
43D/2009

1. These Regulations may be cited as the Telecommunications (Forms) Regulations, 2000
- 2.—(1) An application for a licence under section 11 of the Act shall be in the form prescribed as Form 1 in the Schedule
- (2) Each such application shall be accompanied by an application fee of \$65,000.00
3. A licence granted under section 13 of the Act shall, in the case of—
- (a) a carrier licence, be in the form prescribed as Form 2 in the Schedule, and
- (b) a service provider licence, be in the form prescribed as Form 3 in the Schedule

Form 1
ScheduleForm 2
Schedule

Form 3

SCHEDULE

(Regulations 2 and 3)

FORM 1

THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (FORMS) REGULATIONS, 2000

Application for Carrier or Service Provider Licence

(under section 13)

Please specify type of licence being applied for

 Service Provider Licence Carrier Licence

FORM 1, *cont d*SECTION A *Particulars of Applicant*

- 1 (a) Name of applicant
- (b) Address of applicant
- 2 Where applicant is a company—
- (a) country and date of incorporation and registration
- (b) registration number
- (c) address of registered office
- (d) share capital
- | | par value
(J\$) | authorized
(number) | issued
(number) |
|-------------------|--------------------|------------------------|--------------------|
| preference shares | | | |
| ordinary shares | | | |
- Set out in an attachment the names, businesses, address and dates of appointment of the directors, the chief executive officer and the company secretary
 - Set out in an attachment the names, addresses and country of domicile and shareholdings of all shareholders holding more than 10% of any class of shares in the company
 - Attach certified copies of memorandum of association, articles of association and certificate of incorporation
- 3 Applicant's postal address (if different)
- 4 Telephone No Facsimile No
- E-mail address
- 1 Name and address of any person or organization acting on behalf of the applicant (contact in Jamaica)
- Name
- Address
- Telephone No Facsimile No
- E-mail address

FORM 1, *cont'd*

2 Applicant's bank or financial institutions

Name

Address

Telephone No

Facsimile No

E-mail address

3 Applicant's auditor

Name

Address

Telephone No

Facsimile No

E-mail address

SECTION B *History of Applicant**Please tick the appropriate box If "YES" give particulars*

1 Has the applicant ever applied for a licence or registration under any Act in Jamaica and been refused?

 YES NO

2 Has the applicant ever been licensed under the Telecommunications Act or the Radio and Telegraph Control Act?

 YES NO

3 If the answer to question 2 is YES, has any such licence been revoked?

 YES NO

4 Has any connected person previously been granted a licence under the Telecommunications Act which was revoked?

 YES NO

Note For the definition of "connected person", see section 11(6) of the Telecommunications Act

FORM 1, *cont'd*

- 5 Is the applicant the holder of a telecommunications licence in any other country?
- YES NO
- 6 Has the applicant or any connected person been refused a license mentioned in question 5 above, or has such licence been revoked?
- YES NO
- 7 Has the applicant operated under or carried on business under any name other than the name shown on this application?
- YES NO
- 8 Has the applicant ever—
- (a) been the defendant or respondent in any proceedings in any court in any jurisdiction in any part of the world involving fraud?
- YES NO
- (b) at any time declared bankruptcy or made voluntary assignment in bankruptcy?
- YES NO

If YES, in addition to giving particulars, attach certified copy of discharge

SECTION C *Financial Information*

If any applicant has been incorporated for longer than eighteen months, attach an audited financial statement for period ending not later than one year prior to the date of this application

Please tick the appropriate box. If YES give particulars

Is there any person or company whose name is not disclosed above who has any financial interest in the applicant, either beneficially or otherwise?

- YES NO

FORM 1, cont d

SECTION D *Offences*

Please tick the appropriate box. If YES give particulars

- 1 Has the applicant, or any director or executive officer of the applicant, ever pleaded guilty or been found guilty under any law of Jamaica or any other country of any offence involving dishonesty, fraud or theft?

YES NO

- 2 Has the applicant, or any director or executive officer of the applicant, ever been convicted of any criminal offence not mentioned in paragraph 1?

YES NO

- 3 If the applicant, or any director or executive officer of the applicant, currently the subject of a charge or indictment under any law of Jamaica or any other country for contravention of any law or for any conduct of the type described in paragraph 1 or 2?

YES NO

SECTION E *Civil Proceedings*

Please tick the appropriate box. If YES give particulars

- 1 Has any claim been made successfully in any civil matter before a court or other tribunal in Jamaica or any other country which was based in whole or in part on fraud, theft, deceit or misrepresentation or similar conduct against—

(a) the applicant?

YES NO

(b) any director of the applicant?

YES NO

(c) any executive officer of the applicant?

YES NO

FORM 1, *cont d*

that—

- 1 I am/ _____ is not disqualified
 (Name of Company)
 from being granted a licence by reason of any legal impediment I possess
 the technical qualifications to fully perform the obligations imposed by the
 licence I satisfy the financial requirements for the construction and operation of
 the facility or provision of service to which this application relates
- 2 I am/ _____ is a fit and
 (Name of Company)
 proper person to be granted a licence
- 3 All information submitted in support of this application is true and correct I
 understand that a recommendation for approval from the Office of the Utilities
 Regulation in respect of this application is based on information as declared
 herein I understand that, if I knowingly make any false statement in
 this application, any licence granted pursuant to this application may be
 revoked
- 4 I/ _____ undertake(s) to
 (Name of Company)
 comply with the provisions of the Telecommunications Act relating to the type
 of facility or specified service to which this application relates, including—
- (a) interconnection obligations,
 - (b) universal service obligations,
 - (c) licence limitations, and
 - (d) network expansion requirements

Signature of Applicant

Date

FORM 2

(Regulation 3)

THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (FORMS) REGULATIONS, 2000

Carrier Licence

(pursuant to section 13)

Licence No

The Minister pursuant to section 13 of the Telecommunications Act hereby grants a carrier
 licence to _____ of

(Insert name of licensee)

(Insert licensee's address)

subject to the terms and conditions specified in the Schedule

SCHEDULE

FORM 2 *cont d*

(Regulation 3)

Terms and Conditions of Licence

Grant of Rights

- 1 The licensee is licensed to own and operate, in accordance with the terms of this licence, the following facilities

Commencement, Duration and Renewal of Licence

- 2 This licence shall take effect on _____ and shall expire on the _____
- 3 This licence shall be renewable pursuant to section 15 of the Telecommunications Act

Assignment or Transfer of Licence

- 4 This licence and any right granted hereunder shall not be assigned or otherwise transferred except in accordance with the Telecommunications Act

General

- 5 Any notice or other document required or authorized to be served upon the licensee may be served at the licensee's address, or where the licensee is a company, the address of its registered office
- 6 This licence, and the terms and conditions hereof, shall constitute the entire licence and supersede any prior licenses, permits or undertakings
- 7 Other

Please specify any other term or condition subject to which this licence is granted

Revocation or Suspension of Licence

- 8 Any contravention of the above terms and conditions may result in the suspension or revocation of this licence pursuant to the provisions of the Telecommunications Act

Dated this _____ day of _____, 20

Minister

FORM 3

(Regulation 3)

THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (FORMS) REGULATIONS, 2000

Service Provider Licence
(pursuant to section 13)

Licence No

The Minister pursuant to section 13 of the Telecommunications Act hereby grants a service provider licence to _____ of _____

(Insert name of licensee) (Insert licensee's address)

SCHEDULE

FORM 3, *cont d*

(Regulation 3)

subject to the terms and conditions specified in the Schedule

SCHEDULE

*Terms and Conditions of Licence***Grant of Rights**

- 1 (a) The licensee is licensed to provide to the public the specified services described in paragraph 1(b) in accordance with the terms of this licence
- (b) The licensee is authorized pursuant to this licence to provide the following services to the public

Commencement, Duration and Renewal of Licence

- 2 This licence shall take effect on _____
and shall expire on the _____
- 3 This licence shall be renewable pursuant to section 15 of the Telecommunications Act

Assignment or Transfer of Licence

- 4 This licence and any right granted hereunder shall not be assigned or otherwise transferred except in accordance with the Telecommunications Act

General

- 5 Any notice or other document required or authorized to be served upon the licensee may be served at the licensee's address, or where the licensee is a company, the address of its registered office
- 6 This licence, and the terms and conditions hereof, shall constitute the entire licence and supersede any prior licenses, permits or undertakings
- 7 Other
Please specify any other term or condition subject to which this licence is granted

Revocation or Suspension of Licence

- 8 Any contravention of the above terms and conditions may result in the suspension or revocation of this licence

Dated this _____ day of _____, 20____

Minister

THE TELECOMMUNICATIONS ACT

ORDER
(*under section 72*)

THE TELECOMMUNICATIONS (PRESCRIBED EQUIPMENT) ORDER, 2005

(Made by the Minister on the 8th day of November, 2005)

L N 151A/2005

1. This Order may be cited as the Telecommunications (Prescribed Equipment) Order, 2005.

2.—(1) Any equipment or device which—

(a) unlock cellular telephones;

(b) when used to make telephone calls—

(i) circumvents the international network of a licensed international voice carrier; or

(ii) does not use the services of a licensed domestic voice service provider,

is designated as prescribed equipment.

(2) Nothing in this Order shall apply to computer equipment whose primary use is not to provide voice services.