

OFFICE OF UTILITIES REGULATION TELECOMMUNICATIONS ACT, 2000

PROCEDURES FOR PROCESSING APPLICATIONS FOR LICENCES

The Telecommunications Act, 2000 (The Act) provides for the Office of Utilities Regulation (the Office) to receive and process applications for a licence and make recommendations to the Minister in relation to the application. These procedures set out the process by which the Office will solicit and process applications for licenses to be issued under the Act.

INITIATING THE LICENSING PROCESS

The Minister with portfolio responsibility for Telecommunications, issues a directive pursuant to the Act, specifying the number and type of licences to be issued. As at July 1, 2003, Ministerial Directives have been issued with the following effect:

TYPE OF LICENCE	NO. OF LICENCES TO BE ISSUED
Data Service Provider	100
Domestic Carrier	unlimited
Domestic Voice Service Provider	unlimited
Free Trade Zone Carrier	equal to number of spectrum licences
Free Trade Zone Service Provider	1000
International Carrier	unlimited
International Service Provider	unlimited
International Voice Service Provider	unlimited
Internet Service Provider	100
Internet Service Provider/Subscriber	
Television Operator	unlimited

APPLICATION FORMS

Application forms and supporting documentation may be collected from :-

Office of Utilities Regulation
Floor,
PCJ Resource Centre,
36 Trafalgar Road,
Kingston
Jamaica

or downloaded from the Office's website at www.our.org.jm, or by arrangement the Office will courier at applicant's cost.

COMPLETION AND SUBMISSION OF APPLICATIONS

- All applications should be submitted with the prescribed fees to the OUR . A receipt evidencing delivery of application will be given for each application submitted to the OUR.
- Receipts will be mailed by ordinary post to applicants who submit applications by registered post.
- Applications are received by the OUR on a continuing basis.

- All applications and supporting material should be submitted in English. Each application must state that it is being submitted pursuant to an Invitation.
- Applicants must submit no fewer than **three (3)** copies of each application and **one (1)** each of the supporting documentation. The Office reserves the right to request additional copies of applications and supporting documentation.
- Additional information may be requested by the OUR or submitted by the applicant in respect of any application at any time before making its recommendations to the Minister.
- Each application must be accompanied by a non-refundable application fee of JA\$65,000. A separate fee is payable in respect of each application. This payment shall be made by cash, certified cheque or bank draft made payable to the Office of Utilities Regulation.
- Applicants should note the disclosure requirements of the Telecommunications Act, 2000 and any Rules and Regulations made pursuant to this Act. The OUR strongly recommends that applicants rely on independent legal advice in preparing applications.
- Applicants are required to notify the Office of any change to the information submitted with the application. Notification should be done within fifteen (15) working days after the deadline for submission of applications.
- Applicants are required to meet all costs arising from (a) the preparation and submission of applications, (b) providing any additional information requested and (c) the processing of each application including responding to public comments and attending at, and making submissions to the Office concerning these applications. The Office, the Ministry of Commerce Science and Technology and the Government of Jamaica will not accept responsibility or liability for such costs, regardless of whether or not a licence is granted.

PROCESSING OF APPLICATIONS

- The Act requires that Applicants for licences be published in a national newspaper and interested parties allowed 30 days for submitting comments to the OUR.
- All applications and supporting documentation become the property of the OUR upon submission. The OUR reserves the right to make public the names of corporate entities which have submitted applications as well as such information about the contents of the applications as it deems appropriate. Members of the public and other interested parties will have the right to inspect all applications and supporting documentation and to submit comments to the OUR.
- All supporting material submitted with individual applications which may contain sensitive/confidential information concerning business or commercial or financial affairs should be submitted along with the application in a sealed envelope marked "**Confidential Information**". Where the OUR proposes to disclose any such information, it will give the Applicant reasonable notice and an opportunity to make representations to the OUR before the Office makes a final decision on disclosure of such information.
- An evaluation of the Application is conducted by the OUR to determine eligibility for the issuance of a licence. The **OUR** reserves the right to conduct discussions with Applicants if necessary.

- Applicants should be prepared to send a representative(s) to the offices of the OUR to discuss their applications and supporting documentation, if requested by the OUR.

RECOMMENDATIONS OF LICENCES

- The Office shall prepare a report setting out its recommendation for acceptance or rejection of each application. This report is submitted to the Minister for his consideration. Copies of this Report will be made available to each Applicant upon request.

ISSUANCE OF LICENCES

- Pursuant to the Act, the Minister may upon receipt of a recommendation from the Office, either grant the licence, refer the recommendation back to the Office for further consideration; or refuse to grant the licence and the Minister shall as soon as practicable give written reasons for the refusal.
- Licences granted by the Minister, are issued by personnel in the Minister's Office. The Office shall maintain a register of all applications for licences and all licences granted pursuant to the Act, in electronic form.

**GENERAL TERMS AND CONDITIONS OF LICENCES
PURSUANT TO THE TELECOMMUNICATIONS ACT, 2000**

The following licenses are being offered under the Telecommunications Act, 2000.

DATA SERVICE PROVIDER LICENCE

The Licensee is authorized to provide data services.

DOMESTIC CARRIER LICENCE

The Licensee is authorized to own and operate fixed facilities specified in the application.

DOMESTIC VOICE SERVICE LICENCE

The Licensee is authorized to provide fixed services specified in the application.

FREE TRADE ZONE (FTZ) CARRIER

The Licensee is licensed to own and operate licensed facilities so designated by the Ministry of Commerce, Science and Technology.

FREE TRADE ZONE SERVICE PROVIDER

The Licensee is authorized to provide the services specified in the application only through the use of facilities of a duly licensed FTZ carrier.

INTERNATIONAL CARRIER LICENCE

The Licensee is authorized to own and operate International Data, Voice and Transit facilities.

INTERNATIONAL SERVICE PROVIDER LICENCE

The Licensee is authorized to provide telecommunications services in relation to International Voice and Data Services.

INTERNATIONAL VOICE SERVICE PROVIDER LICENCE

The Licensee is licensed to own and operate licensed facilities so designated by the Ministry of Commerce, Science and Technology.

INTERNET SERVICE PROVIDER LICENCE

The Licensee is authorized to provide telecommunications services in relation to Internet Access.

INTERNET SERVICE PROVIDER LICENCE (SUBSCRIBER TELEVISION)

Issued to entities licensed under the Broadcasting and Radio Redifusion Act to provide Subscriber Television Service, authorizing the provision of services in relation to Internet Access .