



GUYANA

No. __ of 2016

**LICENSING AND FREQUENCY AUTHORISATION
(TELECOMMUNICATIONS)
REGULATIONS**

(Made under the Telecommunications Act 2016 (No. 15 of 2016))

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IN THE EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 85 OF THE TELECOMMUNICATIONS ACT 2016 (NO. 16 OF 2016)

I HEREBY MAKE THE FOLLOWING REGULATIONS:

PART I

GENERAL PROVISIONS

- Citation.** 1. These Regulations may be cited as the Licensing and Frequency Authorisation (Telecommunications) Regulations.
- Interpretation.** 2. (1) In these Regulations, unless the context otherwise requires –
- “certificate of competence” means a certification issued by the Agency, with the approval of the Minister, for the operation of radiocommunication equipment onboard ships and other water-borne vessels;
- No. ___ of 2016 “Spectrum Management Regulations” means the regulations governing the management and use of the spectrum promulgated by the Minister under the Act.
- (2) With respect to any term used in these Regulations and not defined herein, such term shall have the definition provided in section 2.
- (3) Except as otherwise provided in section 19(3) and subject to section 19(4), the Minister may delegate any of his powers under these Regulations, as he deems appropriate or necessary, to the Agency or any other person employed by the Government.
- Scope of application.** 3. (1) These Regulations shall apply to the submission and determination of applications for, and the issuance of –
- (a) individual licences;
 - (b) class licences;
 - (c) special licenses;
 - (d) any exemption from the requirement to obtain a licence that the Minister may by order designate in accordance with section 23(10);
 - (e) frequency authorisations, including the use of the spectrum and radiocommunication equipment related to aircraft, ships and other vessels, and amateur radios;

- (f) dealer's permits;
- (g) certificates of competence; and
- (h) any other certification or permit required pursuant to section 30(12)(b).

(2) With the approval of the Minister, the Agency may make provision for such other matters concerning the application for and granting, maintenance, and renewal of the licences, exemptions, frequency authorisations, permits and certificates provided for in subparagraph (1), not inconsistent with the Act and these Regulations, in the Telecommunications Code, including, subject to section 82 and paragraph 27, the fees payable upon the application for, and the initial granting, maintenance, and renewal of, licences, exemptions, frequency authorisations, dealer's permits, certificates of competence, and any other certification or permit required pursuant to section 30(12)(b), and on an annual or other periodic basis.

(3) Subject to section 23((11), the Minister may, by order or by a Schedule to these Regulations, issue his determinations from time to time under sections 19(d) through (f), 23(10), 24(1), and 30(11), paragraphs 6(a), (b), (c), (d) and (f), and any other relevant section of the Act or these Regulations providing for a requirement by the Minister with regard to licences, exemptions, frequency authorisations, dealer's permits, certificates of competence, and any other certification or permit required pursuant to section 30(12)(b).

Issuance of individual licences and frequency authorisations on a competitive basis.

4. (1) The procedures set forth in Part III of these Regulations shall not apply in instances in which the Minister, as provided for in paragraph 6(1)(e) and after seeking the advice of the Agency, determines that a competitive selection process for an individual licence or a frequency authorisation should be utilised.

(2) The procedures for a competitive selection process under subparagraph (1) shall be determined by the Agency, with the approval of the Minister, and without limiting the methods which may be used, may include one or a combination of the following methods:

- (a) requests for proposals;
- (b) tenders;
- (c) auctions;
- (d) stated criteria; or
- (e) fixed prices.

(3) Any competitive selection process conducted under subparagraphs (1) and (2) shall include a requirement that parties participating in the process submit an

application for the relevant individual licence or frequency authorisation, or both in appropriate circumstances, along with their response to a request for proposals or a tender, or at an appropriate point in an auction or other competitive selection process, using the relevant forms attached as Schedules to these Regulations.

(4) The Agency shall include, in an appropriate document issued by it in connection with the competitive selection process, the details of the individual licence or frequency authorisation offered; specific instructions on the procedure for participating in the competitive selection process; the criteria and, if applicable, associated weightings to be used in the evaluation or other competitive process; and such other matters as the Agency, after consultation with the Minister, shall deem necessary or appropriate for the conduct of the process.

General principles.

5. (1) Every person that intends to operate a public telecommunications network or provide a public telecommunications service shall apply to the Minister for a licence to operate such public telecommunications network or to provide such public telecommunications service pursuant to section 23, 24, or 37, or an exemption under section 23(10), these Regulations and any applicable provisions of the Telecommunications Code.

(2) Every person that intends to use the spectrum or install or operate radiocommunication equipment shall apply for a frequency authorisation pursuant to section 30, these Regulations and any applicable provisions of the Telecommunications Code.

(3) If required by the Minister by order and as otherwise required pursuant to paragraph 20 and any applicable provisions of the Telecommunications Code, every person that intends to sell, or otherwise supply or transfer to any other person, or to programme or otherwise modify, any radiocommunication equipment shall apply for and obtain a dealer's permit prior to carrying out any such sale, other supply or transfer, or programming or other modification.

(4) Pursuant to section 30(12)(b) and as otherwise required pursuant to paragraph 20 and any applicable provisions of the Telecommunications Code, every person that intends to use the spectrum or operate radiocommunication equipment onboard a ship or other water-borne vessel shall apply for and obtain a certificate of competence prior to using the spectrum or operating any such radiocommunication equipment.

(5) It shall be the responsibility of the applicant for a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or any other certification or permit required pursuant to section 30(12)(b) to file its application and supporting documents, and carry out its obligations with regard to the procedures for licences, exemptions, frequency authorisations, dealer's permits, certificates of competence, and other certifications and permits, sufficiently in advance of its contemplated date of commencement or, as provided in section 93(4)(c), its continuation of operating a public telecommunications network; providing a public telecommunications service; using the spectrum or installing or operating radiocommunication equipment;

selling, otherwise supplying or transferring, or programming or otherwise modifying radiocommunication equipment; operating radiocommunication onboard a ship or other water-borne vessel; or conducting any other activity for which a certification or permit is required pursuant to section 30(12)(b).

(6) Questions or clarifications regarding the procedures and requirements for applications for licences, exemptions, frequency authorisations, dealer's permits, certificates of competence or any other certification or permit required pursuant to section 30(12)(b) not addressed in the Act, these Regulations or the Telecommunications Code, may be submitted by the applicant to the Agency in writing:

Provided that the submission of questions or requests for clarifications shall not operate as an excuse for the failure of any person to apply for and obtain the required licence, exemption, frequency authorisation, dealer's permit, certificate of competence, or other certification or permit required pursuant to section 30(12)(b) prior to commencing or continuing to operate a public telecommunications network; to provide a public telecommunications service; to use the spectrum or to install or operate radiocommunication equipment; to sell, otherwise supply or transfer, programme or otherwise modify radiocommunication equipment; to operate radiocommunication equipment onboard a ship or other water-borne vessel; or to conduct any other activity for which a certification or permit is required pursuant to section 30(12)(b).

**Determinations
by the Minister.**

6. (1) The Minister, after seeking the advice of the Agency and subject to the Act, subparagraph (2) and the other provisions of these Regulations, and any relevant provisions of the Telecommunications Code, shall determine –

- (a) the telecommunications networks that shall be classified or reclassified as public telecommunications networks, private telecommunications networks or any other type of network;
- (b) the telecommunications services that shall be classified or reclassified as public telecommunications services, private telecommunications services, value added services, or any other type of service;
- (c) the public telecommunications networks that may be operated, and the public telecommunications services and value added services that may be provided, under class licences;
- (d) the classes or descriptions, if any, of operators or service

providers, and their related public telecommunications networks, public telecommunications services or value added services that are exempt from the requirement to obtain a licence;

- (e) the instances in which a competitive selection process will be utilised for the selection of licensees for individual licences and the selection of authorisation holders;
- (f) any radiocommunication equipment and the related portions of the spectrum designated as available for use by the general public or other person without the need for obtaining a frequency authorisation;
- (g) the grant or denial of any application for a licence, an exemption, a frequency authorisation, a dealer's permit, a certificate of competence, and any other application submitted for a certification or permit required by the Regulations pursuant to section 30(12)(b); and
- (h) the terms and conditions of licences, exemptions, frequency authorisations, dealer's permits, certificates of competence and other certifications or permits issued pursuant to section 30(12)(b).

(2) (a) The telecommunications networks that constitute public telecommunications networks and the telecommunications services that constitute public telecommunications services shall be those public telecommunications networks and public telecommunications services set forth on Schedule 6.

(b) Subject to section 23(11) and after seeking the advice of the Agency, the Minister may amend Schedule 6 by order.

PART II

APPLICATIONS FOR LICENCES, EXEMPTIONS, FREQUENCY AUTHORISATIONS, DEALER'S PERMITS AND CERTIFICATES OF COMPETENCE

Application for an individual licence.

7. An application for an individual licence shall be –
- (a) submitted in triplicate to the Agency on the form set forth on Schedule 1, as may be amended from time to time by the Agency with the approval of the Minister;
 - (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency; and

- (c) except as provided in paragraph 4, shall be reviewed and determined in accordance with the procedures set forth in Part III.

Applications and amendments for certain types of individual licences.

8. (1) A person that intends to land, install or operate any submarine or terrestrial cable for the purpose of connecting to a cable, other facility, or telecommunications network outside Guyana shall first obtain an individual licence, or if such person has already been granted an individual licence, shall first obtain an amendment to such individual licence, expressly authorising the landing, installation or operation of any such cable.

(2) A person that holds any authorisation to engage in broadcasting and that intends to operate a public telecommunications network or provide a public telecommunications service, including the operation of a converged network or the provision of bundled services, must first obtain an individual licence for the operation of such public telecommunications network or provision of such public telecommunications services, in addition to the authorisation to engage in broadcasting or any other licence, approval or permit required under this Act, the regulations or any other written law.

Designation of types of class licences and issuance.

9. (1) Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service or value added service may be provided, on the basis of a class licence, he shall issue an order or regulation to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunication service or value added service that may be so provided and the terms and conditions thereof.

(2) Where the Minister determines to grant a class licence, such licence shall be granted on the same terms and conditions to each applicant in respect to a class of public telecommunications networks, public telecommunications services, or value-added services.

Application for a class licence.

10. An application for a class licence shall be –

- (a) submitted in triplicate to the Agency on the form set forth on Schedule 2, as may be amended from time to time by the Agency with the approval of the Minister;
- (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency; and
- (c) shall be reviewed and determined in accordance with the procedures set forth in Part III.

Determination of need for special licences and related special frequency

11. The Minister may grant a special licence, and a related special frequency authorisation, where he determines that --

- (a) an emergency or other exigent circumstances exist requiring the

authorisations.

provision of the telecommunications services or operation of the telecommunications network to be authorised in such special licence and related special frequency authorisation; or

- (b) it is warranted for demonstration, testing or other short-term purposes

Application for a special licence or special frequency authorisation.

12. An application for a special licence, and if applicable, a related special frequency authorisation, shall be –

- (a) submitted in triplicate to the Agency on the form set forth on Schedule 3, as may be amended from time to time by the Agency with the approval of the Minister;
- (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency; and
- (c) except as provided in the proviso to this paragraph, shall be reviewed and determined in accordance with the procedures set forth in Part III:

Provided that the Minister may grant a special licence and a related special frequency authorisation without the requirement of an application therefor where necessary to provide telecommunications services or to operate telecommunications networks in an emergency or exigent circumstances.

Terms and validity of special licences and related special frequency authorisations.

13. Special licences shall be subject to subsections (6) through (8) of section 23, and a related special frequency authorisation shall be subject to subsections (6) through (8) of section 30, and such other provisions of the Act, these and any other regulations issued thereunder, the Telecommunications Code, other applicable law and terms and conditions as the Minister shall specify therein, and shall be valid for a term not to exceed ten days unless renewed by the Minister for good cause.

Designation of exemptions.

14. The Minister may by order or regulation designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including --

- (a) whether an application for approval of the exemption is required or whether the exemption may be obtained by written registration with the Agency; and

- (b) any obligation that the operator or service provider granted an exemption be subject to provisions of this Act, the regulations and the Telecommunications Code applicable to a licensee.

Application for an exemption.

15. In instances in which an application for an exemption is required, such application shall be –

- (a) submitted in triplicate to the Agency on the form set forth on Schedule 4, as may be amended from time to time by the Agency with the approval of the Minister;
- (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency; and
- (c) shall be reviewed and determined in accordance with the procedures set forth in Part III.

Application for a frequency authorisation

16. An application for a frequency authorisation shall be –

- (a) submitted in triplicate to the Agency on the form set forth on Schedule 5, as may be amended from time to time by the Agency with the approval of the Minister;
- (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency; and
- (c) except as provided in paragraph 4, shall be reviewed and determined in accordance with the procedures set forth in Part III.

Terms of a frequency authorisation.

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17. A frequency authorisation shall be consistent with the spectrum plan established by the Agency pursuant to section 44 or 93(3)(b), as the case may be, and the Spectrum Management Regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.

Applications and amendments for use of the spectrum and radiocommunication equipment for international telecommunications or for reconfiguration, other alteration or addition of radiocommunication equipment.

18. (1) A person that intends to install or operate any radiocommunication equipment within Guyana for the purpose of transmitting any telecommunication to any point outside Guyana shall first obtain a frequency authorisation, or if such person has already been granted a frequency authorisation, shall first obtain an amendment to such frequency authorisation, expressly authorising the installation and operation of any such radiocommunication equipment and the use of the spectrum in connection therewith.

(2) A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and

operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency authorisation by, or to be granted other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.

Orders permitting use of radiocommunication equipment and the spectrum without a frequency authorisation.

19. Notwithstanding any other provision of the Act or these Regulations, the Minister may, by order or in the regulations, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, these Regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.

Applications for dealer's permits, certificates of competence and other mandated certificates and permits.

20. Applications for dealer's permits, certificates of competence and any other certification or permit required by the Minister by order issued pursuant to section 30(12)(b) shall be –

- (a) submitted in triplicate to the Agency on forms to be prescribed by it with the approval of the Minister, which forms may be obtained from the Agency by a request in writing or from the Agency's website;
- (b) accompanied by the prescribed application fee, which shall be non-refundable, in the form of a cheque or other immediately negotiable funds made payable to the Agency;
- (c) reviewed and determined in accordance with procedures prescribed in the order or, with the approval of the Minister, by the Agency in the Telecommunications Code; and
- (d) where it is determined that a dealer's permit, a certificate of competence, or other required certification or permit should be granted, issued by the Agency with the approval of the Minister,

Provided that the provisions of paragraph 22(3) shall apply *mutatis mutandis* to an applicant for a dealer's permit, a certificate of competence and any other certification or permit required by the Minister in an order issued pursuant to section 30(12)(b).

Electronic Filing.

21. Notwithstanding the requirements in these Regulations for the submission of any application in triplicate, the Agency may permit the electronic filing of any such application at any time that it deems appropriate.

PART III

REVIEW AND DETERMINATION OF APPLICATIONS FOR LICENCES, EXEMPTIONS AND FREQUENCY AUTHORISATIONS

**Application forms
and duty to disclose
material changes.**

22. (1) Copies of the application forms for licences, exemptions and frequency authorisations may be obtained from the Agency by a request in writing or from the Agency's website.

(2) Upon receipt of an application for a licence, an exemption or a frequency authorisation or any further information requested by the Agency in accordance with paragraph 24(1), the Agency shall send to the Minister copies of such application, accompanying information, and any further information received from the applicant.

(3) Both during the processing of an application for a licence, exemption or frequency authorisation and after a licence, exemption or frequency authorisation has been granted by the Minister, the applicant shall promptly inform the Agency of any matter included in its application that changes in any material respect.

(4) The Agency or the Minister may reject any application, at any time, if the application is incomplete or if the applicant fails to comply with the application procedures or any other requirement set forth in these Regulations.

Notices.

23. (1) Within seven days of the filing of an application for a licence, exemption or frequency authorisation with the Agency --

(a) the Agency shall cause a notice of such application to be published in the *Official Gazette*, and

(b) the applicant, at its own expense, shall publish a notice of such application in a daily newspaper of general circulation in Guyana.

(2) The notice published by the applicant under subparagraph (1)(b) shall be at least one-fourth of a newspaper page in size and shall appear in an edition of such newspaper published on a day that is not a Sunday.

(3) Notices published by the Agency and the applicant under subparagraph (1) shall include the following information, described in sufficient detail to permit an understanding of the applicant's proposed telecommunications network and telecommunications services, activities, customers, and as applicable, use of the spectrum:

(a) The name and address of the applicant;

- (b) The type of application that the applicant has filed with the Agency and the date on which it was filed;
- (c) A description of the telecommunications networks and telecommunications services for which the applicant has filed the application, the uses to which such telecommunications networks and telecommunications services are proposed to be put, and where applicable, the persons to whom the applicant requests permission to provide the telecommunications networks and the telecommunications services;
- (d) In the case of an application for a frequency authorisation, the type of radiocommunication equipment that the applicant proposes to install and operate;
- (e) In the case of an application to which paragraph 8(1) applies, a description of the cable, other facility or telecommunications network outside Guyana to which the applicant proposes to connect and the type and extent of telecommunications that are proposed to be made via such connection;
- (f) In the case of an application to which paragraph 8(2) applies, a description of the public telecommunications network or public telecommunications service that the applicant proposes to operate or provide, in addition to any broadcasting service that the applicant is already authorised to provide;
- (g) In the case of an application --
 - (i) to which paragraph 18(1) applies, a description of the points outside Guyana to which the applicant proposes to transmit telecommunications using the spectrum, the type and extent of telecommunications proposed to be so transmitted, and the radiocommunication equipment to be utilised in such transmissions;
 - (ii) to which paragraph 18(2) applies, a description of the radiocommunication equipment that the applicant proposes to reconfigure or otherwise alter the technical parameters, or add, and the type of radiocommunications proposed to be transmitted utilising such reconfigured, altered or

added radiocommunication equipment and to whom;

- (h) A statement that interested persons may submit written comments on the application to the Agency; and
- (i) The address of the Agency and the date by which written comments must be submitted, such date to be determined by the Agency and communicated to the applicant in writing, but in no event shall such date be less than forty days from the date of the submission of the application to the Agency.

Review of applications by the Agency and the Minister.

24. (1) Upon receipt of an application for a licence, exemption or frequency authorisation, the Agency shall review it and, after consultation with the Minister, notify the applicant in writing, within fourteen days of its receipt, of any further information required to process the application and the date by which such additional information must be submitted, which date shall be not less than thirty days from the date of such notice by the Agency to the applicant.

(2) The Agency shall notify the applicant for a licence, exemption or frequency authorisation upon its receipt of any written comments from interested persons and shall provide the applicant and the Minister with a copy of any such comments.

(3) The Agency shall supply its recommendation to the Minister with respect to each application for a licence, exemption and frequency authorisation by the thirtieth day after the later of –

- (a) the deadline by which the applicant must provide any further information that the Agency may have requested pursuant to subparagraph (1); and
- (b) the deadline for the submission of written comments on the application established by the Agency in accordance with paragraph 23(3)(i).

(4) In determining whether to grant or deny an application for a licence, an exemption or a frequency authorisation, the Minister shall take into account: --

- (a) the application, any accompanying information, and any further information that may be submitted by the applicant in accordance with subparagraph (1), including the following factors as may be relevant to the application:
 - (i) the applicant's technical and operational ability

and experience in installing and operating the type of telecommunications networks and providing the type of telecommunications services proposed;

- (ii) the applicant's financial ability to establish and operate the telecommunications networks and provide the telecommunications services proposed;
 - (iii) the likelihood that the applicant could establish and begin operating the telecommunications networks and providing the telecommunications services within the timeline proposed in the application or within any otherwise desirable timeline;
 - (iv) the markets to which the applicant proposes to provide telecommunications networks and telecommunications services;
 - (v) the financial and business history of the applicant, its directors, officers, management and technical personnel, and their affiliations;
 - (vi) the suitability of the applicant's business plan for the telecommunications networks and telecommunications services proposed;
 - (vii) the compatibility of the applicant's proposed use of the spectrum with the spectrum plan of the Agency;
- (b) any written representations or objections that are duly made in accordance with paragraph 23(3)(i) and not withdrawn in writing by the person who submitted them;
 - (c) the recommendation of the Agency with regard to the application;
 - (d) the purposes of the Act, the regulations and any other applicable law;
 - (e) the policies of the Government with regard to the telecommunications sector; and
 - (f) any other matter that the Minister deems relevant.

Grant or denial of application.

25. (1) The Minister shall grant or deny any application for an individual licence, class licence, exemption or frequency authorisation based on the factors provided in paragraph 24(4) and applicable policies and other regulations on a non-discriminatory basis.

(2) For the purposes of the Act and these Regulations, an individual licence, class licence, exemption or frequency authorisation shall be deemed to have been granted on a non-discriminatory basis if: --

- (a) operators, service providers and authorisation holders, as the case may be, of similar types of telecommunications networks, telecommunication services, or uses of the spectrum are treated similarly, including under the criteria set forth in paragraph 24(4);
- (b) the terms of a licence, exemption or frequency authorisation do not unduly favour any one operator, service provider or authorisation holder; and
- (c) the issuance of the licence, exemption or frequency authorisation is not likely to adversely affect competition in the relevant market.

(3) Unless otherwise provided in the Act or these Regulations, a licence, exemption or frequency authorisation may be granted for a period not to exceed twenty years.

(4) Where a separate application is required under the Act or these Regulations to operate any type of telecommunications network or provide any type of telecommunications service and such application is granted contemporaneously with the grant of an application for any other type of telecommunication network or telecommunication service, or where a licence or exemption and a frequency authorisation are contemporaneously granted to the same applicant, the Minister may issue the licences for the operation of all such telecommunications networks and telecommunications services, or the licence and the frequency authorisation, in one integral document.

(5) The Minister shall notify the applicant in writing of his decision of whether to grant or deny an application for a licence, exemption or frequency authorisation within thirty days of his receipt of the recommendation of the Agency under paragraph 24(3).

(6) Where an application for a licence, exemption or frequency authorisation is denied, the Minister shall promptly notify the applicant in writing and shall, within four weeks of such denial, give the reasons therefor to the applicant in writing.

(7) On the granting of a licence, exemption or frequency authorisation, the Minister shall cause to be published in the *Official Gazette* a notice to that effect, such notice to set forth the name and address of the licensee, exemption holder or authorisation holder and a general description of the terms and conditions of the licence, exemption or frequency authorisation.

(8) Where the Minister determines to grant a licence, exemption or frequency authorisation, he shall issue such licence, exemption or frequency authorisation in conformity with the Act and these Regulations and upon the payment of the prescribed fee.

(9) The grant of a licence or exemption shall not authorise the ownership or operation of any telecommunications network or the provision of any telecommunications service, and the grant of a frequency authorisation shall not authorise the use of the spectrum or the installation or operation of radiocommunication equipment, other than that prescribed in such licence, exemption or frequency authorisation.

Limitations upon particular types of telecommunications networks, telecommunication services and frequency authorisations.

26. Where the Minister proposes to limit the number of licences or exemptions for the operation of a particular type of telecommunications network or for the provision of a particular type of telecommunications service, or the number of frequency authorisations for the use of particular frequency bands or for the installation or operation of particular radiocommunication equipment, he shall: --

- (a) publish a consultative document containing the reasons for the proposed limitations and setting forth the period within which interested persons may submit written comments;
- (b) consider any written representations made to him within the prescribed period in respect of the proposed limitation;
- (c) publish a notice in the *Official Gazette* and two local newspapers having general circulation in Guyana, stating the grounds upon which and, if applicable, the period during which, applications for the relevant licences, exemptions or frequency authorisations will be accepted and considered on the limited basis; and
- (d) undertake a periodic review of any limitation imposed of the number of licences, exemptions or frequency authorisations to be granted.

PART IV

FEE STRUCTURE

- Fees.**
27. (1) The Agency may charge fees –
- (a) with regard to any licence, exemption, frequency authorisation, dealer's permit, certificate of competence or any other certification or permit required by the Minister by order under section 30(12)(b); and
 - (b) for any document that it makes available or any testing, certification, and service that it provides and any other function that it performs under the Act, the Regulations or other applicable written law.
- (2) The Agency may determine to charge fees, pursuant to subparagraph (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or other certificate or permit; upon the initial grant of a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or other certificate or permit and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in the Act, the Regulations or the Telecommunications Code.
- (3) Except as provided in section 44(7), fees charged by the Agency pursuant to subparagraphs (1) and (2) shall be commensurate with the cost of –
- (a) carrying out the functions of the Agency under the Act and the Regulations and the Telecommunications Code;
 - (b) administering licences, exemptions, frequency authorisations, dealer's permits, certificates of competence and other certifications and permits; and
 - (c) providing documents, carrying out testing, issuing certifications, providing services, and performing any other functions, with respect to the fees described in subparagraph 1(b),
- and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just, reasonable and non-discriminatory basis as the Agency may determine.
- (4) Except as provided in section 93(3), all fees charged by the Agency

under the Act and the Regulations shall be subject to the approval of the Minister and, once approved by him, shall be set forth in the regulations or the Telecommunications Code.

PART V

REGISTRY

Creation and maintenance of registry.

28. (1) The Agency shall, at its principal office and in such form as it shall determine, maintain a registry of –

- (a) every licence, exemption, frequency authorisation, dealer's permit, certificate of competence, and other certification and permit granted to any person under the Act and the regulations;
- (b) every modification, suspension, termination, revocation and non-renewal of a licence, exemption, frequency authorisation, dealer's permit, certificate of competence, or other certification or permit;
- (c) every decision, direction or consent given or determination made by the Minister under the Act and the regulations, and to the extent included in any such decision, direction, consent or determination, the reasons therefor;
- (d) every notice or order, and every revocation of such notices and orders, made by the Minister under the Act and the regulations;
- (e) denials of licenses and frequency authorisations and the reasons therefor; and
- (f) the reasons for any amendment of the spectrum plan.

and such register shall be open for public scrutiny during normal working hours.

(2) In making an entry in the register as provided for in subparagraph (1), the Agency, after consultation with the Minister, shall withhold from public scrutiny --

- (a) any information, the disclosure of which would be contrary to national security; and
- (b) insofar as is practicable, any matter that relates to the affairs of any person, where publication of that matter would or might seriously and prejudicially affect the interests of that person, including his interest in maintaining the confidentiality of trade secrets and other confidential

financial, scientific or technical information, the disclosure of which could reasonably be expected to result in material financial loss or gain to any person.

PART VI

OFFENCES AND PENALTIES

Penalty for failure to obtain a dealer's permit.

29. (1) Subject to the Minister's issuance of the order provided for in section 30(12)(a) and paragraph 5(3), any person who sells, or otherwise supplies or transfers, to any person, or programmes or otherwise modifies, any radiocommunication equipment shall be guilty of an offence unless he is authorised to do so by a dealer's permit.

(2) A person guilty of an offence under this paragraph shall be liable upon summary conviction to a fine of not less than five hundred thousand dollars and not more than one million dollars and imprisonment of six months.

Penalty for failure to obtain a certificate of competence.

30. (1) Any person who operates radiocommunication equipment onboard a ship or other water-borne vessel shall be guilty of an offence unless he is authorised to do so by a certificate of competence.

(2) A person guilty of an offence under this paragraph shall be liable upon summary conviction to a fine of not less than two hundred fifty thousand dollars and not more than five hundred thousand dollars and imprisonment of three months.

Penalty for providing false or misleading information on an application.

31. Any person who knowingly provides false or misleading information on, or in connection with, an application for a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or any other permit or certificate required under section 30(12)(b) of the Act and these Regulations shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months.

Penalty for failure to notify the Agency of material changes in applications.

32. Any person who, while an applicant for a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or any other permit or certificate required under section 30(12)(b), or after a licence, exemption, frequency authorisation, dealer's permit, certificate of competence or other permit or certificate has been issued to him, fails to inform the Agency of any material change in any material matter included in his application shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months.

Penalties for continuing offences.

33. If any offence of which a person is convicted under these Regulations is continued by such person after conviction, he shall be guilty of a further offence and liable to a fine of two hundred fifty thousand dollars for every day on which the offence is continued.

Made this ____ day of _____, 2016

Minister of Public Telecommunications

DRAFT

SCHEDULE 1

APPLICATION FOR AN INDIVIDUAL LICENCE UNDER SECTION 23 OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Telecommunications Individual Licence Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camp Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) pursuant to section 93(5) of the Telecommunications Act 2016 (the “Act”) or in the regulations thereto or the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Licensing and Frequency Authorisation (Telecommunications) Regulations (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying to operate a telecommunications network or provide a telecommunications service.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any licence has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * If you intend to use the spectrum and install and operate radiocommunication equipment in the course of operating the telecommunications networks or providing the telecommunications services for which you are submitting this application, you must also apply for and be granted a frequency authorisation. The application form for a frequency authorisation may be obtained from the Agency by a request in writing or from its website.

* This application must be signed:

- in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made
- in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
- in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company's Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate's governing body stating that the individual signing the application is authorised to do so by the company or other body corporate

PART A: PRELIMINARY INFORMATION

1. This application is being submitted for: *(check all that apply)*

- The operation of a public telecommunications network
- The provision of a public telecommunications service

2. Is this application being submitted in connection with a response to a competitive selection process (e.g., request for proposals, tender, auction, etc.) issued by the Agency?

Yes No

If you answered "yes," please provide the name and identifying number (if any) of the request for proposals, tender, or other document issued by the Agency for the selection process: _____

3. Are you submitting this application because you intend to land, install or operate any submarine or terrestrial cable for the purpose of connecting to a cable, other facility, or telecommunications network outside Guyana? *(See paragraph 8(1) of the Regulations)*

Yes No

If you answer "yes," please provide a brief description of the type of cable that you intend to connect to a cable, other facility or telecommunications network outside Guyana: _____

4. Are you submitting this application because you currently hold an authorisation to engage in broadcasting, but intend to operate a public telecommunications network or provide a public telecommunications service for which you do not currently hold an individual licence? *(See paragraph 8(2) of the Regulations)*

Yes No

If you answer “yes,” please provide a brief description of the type of public telecommunications network you intend to operate and/or public telecommunications service you intend to provide, including any converged public telecommunications network and/or bundled public telecommunications service: _____

PART B: THE APPLICANT AND ITS AFFILIATES

1. **Full Name of Applicant:** _____

2. **Applicant’s Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person’s E-mail Address: _____

Contact Person’s Telephone Number(s): _____

Contact Person’s Facsimile Number(s): _____

3. **Address in Guyana (if different from the above)**

Physical Address: _____

4. **Applicant’s Profile**

- 4.1 **Business classification:** *(check one)*

- Individual
- Sole proprietorship
- Partnership
- Company
- Other (*describe*) _____

4.2 **If the Applicant is an individual or a sole proprietor:**

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 **If the Applicant is a partnership:**

Please submit a copy of the partnership's registration with the relevant governmental authorities.

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above):

If the partners listed below are not the ultimate owners of the partnership, name and address of the ultimate owner: _____

<u>Name and Address of Each Partner</u>	<u>Type of Partner</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
-----------------------------------------	------------------------	--------------------	-----------------------------	----------------------------------

_____	_____	_____	_____	_____
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4.4 **If the Applicant is a company:**

Please submit copies of the company's Articles of Incorporation and Certificate of Incorporation.

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Number of authorised shares: _____

Number of issued shares: _____

Name under which company proposes to do business (if different from item B(1) above):

If the shareholders listed below are not the ultimate owners of the company, name and address of the ultimate parent: _____

<u>Name of Shareholders</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Owners</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Officers, Governing Body Members, and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. **Authorised Agent and Address in Guyana for Service of Process**

Name of authorised agent: _____

Address in Guyana: _____

6. **Name(s) and Address(es) of the Bank(s) or Other Financial Institution(s) Where the Applicant Maintains Its Account(s)**

Name of Bank(s)
or Other Financial Institutions

Address(es)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. **History of the Applicant and Its Affiliates**

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

7.1 Has the Applicant, any of its affiliates, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff been declared bankrupt or otherwise insolvent, or have any of them been shareholders or other owners, partners, directors or other governing body members, officers or key managers of any sole proprietorship, partnership, company or other body corporate that has been declared bankrupt or otherwise insolvent?

Yes No

If the answer to this question is “yes” as to the Applicant, any of its affiliates, or any of the above individuals, please attach a copy of any discharge in bankruptcy as to any of them.

7.2 Do the shareholders or other owners, partners, directors or other governing body members, officers, or key managerial staff have any interest or high level position in any business, other than the Applicant, licensed to operate a telecommunications network or provide a telecommunications service?

Yes No

7.3 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.4 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.5 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.6 If the answer to question 7.5 is “yes,” has any such licence, exemption or frequency authorisation been modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to any such licence, exemption or frequency authorisation?

Yes No

7.7 Does the Applicant or any of its affiliates currently hold, or have any of them ever applied for or held, a licence, exemption, frequency authorisation or any other type of permit to operate a telecommunications network or provide a telecommunications service in any country other than Guyana?

Yes No

7.8 Does the Applicant or any of its affiliates currently operate, or have any of them ever operated, a telecommunications network or provided a telecommunications service in any country other than Guyana for which a licence, exemption, frequency authorisation or any other type of permit was not required?

Yes No

7.9 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

7.10 Has the Applicant, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft, violence or other violation of law, or is any of them currently the subject of any such proceeding?

Yes No

PART C: APPLICANT'S BUSINESS AND PROPOSED TELECOMMUNICATIONS NETWORK AND/OR TELECOMMUNICATIONS SERVICES

1. Financial Information and Business Plan

1.1 Please provide a high-level business plan for the telecommunications network(s) you propose to operate and/or the telecommunications services you propose to provide. The plan should explain any major assumptions and should cover a period of at least five years. The plan should address all of the questions and requests for information set forth in this Part C and should also include:

- * Sources of funding, debt levels, equity and independent confirmation of the same
- * Pro forma financial statements for at least five years, to include cash flow and income statements
- * Market forecasts
- * An explanation of the funding and cash flow through which the Applicant will operate and maintain the telecommunications networks and/or telecommunications services covered by this application

1.2 Please provide audited financial reports/statements, including a certified income statement and balance sheet, for the last three years for the Applicant.

1.3 Please provide a diagrammatic representation of the Applicant’s group structure, including the percentage of shares held by each member of the group. Please indicate which affiliates have applied, or intend to apply, for other licences, exemptions or frequency authorisations to operate telecommunications networks, to provide telecommunications service, or to use the spectrum.

1.4 Does the Applicant or any of its affiliates have any ownership interest of over 5% in any other operator of a telecommunications network or provider of telecommunications services in any country?

Yes No

1.5 Does the Applicant have any other business inside or outside the telecommunications market in any country?

Yes No

1.6 If the answer to question 1.5 is “yes,” please provide the details of your arrangements to ensure no cross-subsidisation between your:

- * telecommunications and non-telecommunications activities
- * wholesale and retail telecommunications activities
- * telecommunications equipment production or supply and other telecommunications activities

- 1.7 Please provide the resumes of the Applicant's officers, corporate secretary (if any), and key managerial staff for the telecommunications activities for which you are applying, indicating relevant prior experience, qualifications and other sources of expertise, and explain what technical resources exist, or will be obtained, to carry out the Applicant's proposed telecommunications activities in Guyana.

2. **The Applicant's Current Telecommunications Activities**

Please provide answers to the following questions in relation to the Applicant's activities in (1) Guyana, (2) elsewhere in Caribbean countries, and (2) elsewhere in the world.

2.1 **Telecommunications Networks**

- (a) Please provide a summary of the telecommunications infrastructure that the Applicant has in place, including radiocommunication networks infrastructure.
- (b) If the Applicant is using the spectrum and/or radiocommunication networks and/or radiocommunication equipment, please provide details of the frequency authorisations held, including the number of frequency authorisations, the reference number of each frequency authorisation and the name of the governmental authority that issued each frequency authorisation.

2.2 **Telecommunications Services**

- (a) Please provide details of the telecommunications services being provided by the Applicant and the terms (including prices) on which they are available. Please include details on the number of customers to whom you provide telecommunications services and the telecommunications products that you offer them.
- (b) Please provide details of current contracts with all classes of customers, as well as a sample of all such contracts.

2.3 **Licence and other obligations**

- (a) Please provide a copy of each licence, exemption, frequency authorisation or other permit held by the Applicant for the operation of telecommunications networks, the provision of telecommunications services, and/or the use of the spectrum and/or radiocommunication networks or equipment.

- (b) Please provide details of how the Applicant currently complies with the following obligations in relation to its existing telecommunications networks and/or telecommunications services (where relevant):
- (i) any build-out obligations
 - (ii) any public payphone obligations
 - (iii) any obligations to provide access to emergency services
 - (iv) any universal service obligations
 - (v) any customer obligations, including the provision of information services, quality of service obligations, number portability, equal access, dialing parity and dispute resolution procedures
 - (vi) any interconnection, access, facility-sharing or collocation obligations, including details of the cost accounting systems utilised by the Applicant in order to allow unbundling or disaggregation of interconnection charges and the calculation of component costs
 - (vii) any leased line and resale obligations
 - (viii) any privacy and confidentiality obligations
 - (ix) any non-discrimination obligations

3. **The Applicant's Proposed Telecommunications Activities**

3.1 **Telecommunications Networks**

- (a) Please provide a summary of the infrastructure that the Applicant is planning to put in place within the next five years, including radiocommunication networks infrastructure.
- (b) If the Applicant is planning to use the spectrum and/or radiocommunication network and/or radiocommunication equipment, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).
- (c) The estimated date upon which you propose to commence operation of the proposed telecommunications network.
- (d) If you are submitting this application because you intend to land or operate a submarine or terrestrial cable for the purpose of connecting to a cable,

other facility, or telecommunications network outside Guyana, please provide the details of the cable, including where you intend to land or lay it, its capacity, other technical and operational specifications, and the cable, telecommunications network, and/or facility outside Guyana to which it will connect.

- (e) If you are submitting this application because you currently hold a permit to engage in broadcasting, but intend to operate a public telecommunications network or provide a public telecommunications service for which you do not currently hold an individual licence, please provide (*as applicable*):
- (i) the technical and operational details of the public telecommunications network that you propose to operate, and an explanation of how (if at all) they would converge with your broadcasting network;
 - (ii) the details of the public telecommunications services you propose to provide, and (if applicable) how they would be bundled with the broadcasting services that you currently provide; and
 - (iii) the customers for your proposed public telecommunications network and/or public telecommunications service.
- (f) Please submit copies of all of the following that apply to your application:
- (i) any engineering studies for construction and equipping, and the operating specifications, of the telecommunications network;
 - (ii) relevant permits, for example, leases or other proof of actual or anticipated legal occupancy of the land or premises on which the telecommunications networks currently exist or would be constructed;
 - (iii) site-maps indicating the actual or anticipated location of the telecommunications networks;
 - (iv) technical details of the interconnection equipment;
 - (v) if you are required to obtain an environmental permit issued by the Environmental Protection Agency for the operation of your telecommunications network, a copy of the environmental permit or, if the application for such permit is still pending with the Environmental Protection Agency, a copy of such application and an explanation of its status;

- (vi) any other technical or operational information that is important in explaining the telecommunications network that you wish to operate.

3.2 Telecommunications Services

- (a) Please provide a description of each proposed telecommunications service, including details on the following:
 - (i) the technical aspects of the telecommunications services (including telecommunications equipment);
 - (ii) how access to each telecommunications service is to be provided (e.g. indirect access, direct access, leased lines, etc.);
 - (iii) targeted customer base, including number of customers targeted and projected;
 - (iv) a justification for, and calculation of, the rate at which you propose to sell the telecommunications services; and
 - (v) the estimated date upon which you propose to commence providing the proposed telecommunications services.
- (b) Please provide details of any proposed supply relationships in respect of the proposed telecommunications network and/or telecommunications services.

3.3 Licence and other obligations

Please provide details of how the Applicant proposes to comply with the following obligations in relation to its proposed telecommunications networks and/or telecommunications services (where relevant):

- (a) any build-out obligations
- (b) any public payphone obligations
- (c) any obligations to provide access to emergency services
- (d) any universal service obligations

- (e) any customer obligations, including the provision of information services, quality of service obligations, number portability, equal access, dialing parity and dispute resolution procedures
- (f) any interconnection, access, facility-sharing or collocation obligations, including details of –
 - * the interconnection agreements, access agreements and any other agreements that the Applicant will need to conclude in order to operate the telecommunications networks and/or provide the telecommunications services to which this application relates
 - * the cost accounting systems to be utilised by the Applicant in order to allow any required unbundling or disaggregation of interconnection charges and the calculation of component costs
- (g) any interconnection, access, facility-sharing or collocation obligations, including details of the cost accounting systems to be utilised by the Applicant in order to allow any required unbundling of interconnection charges and the calculation of component costs
- (h) any leased line and resale obligations
- (i) any privacy and confidentiality obligations
- (j) any non-discrimination obligations

PART D: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects. I acknowledge and agree that submitting an application to the Agency does not mean that a licence will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's discretion acting in accordance with the Telecommunications Act 2016. If the licence is granted, I am fully aware of the obligations and conditions associated with the licence. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____
Full name of signatory: _____
Position: _____
Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.

DRAFT

SCHEDULE 2

APPLICATION FOR A CLASS LICENCE UNDER SECTION 24 OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Telecommunications Class Licence Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camp Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) in section 93(3) of the Telecommunications Act 2016 (the “Act”), in the regulations thereto, or in the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Licensing and Frequency Authorisation (Telecommunications) Regulations (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying to operate a telecommunications network or provide a telecommunications service under a class licence.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any licence has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * If you intend to use the spectrum and install and operate radiocommunication equipment in the course of operating the telecommunications networks or providing the telecommunications services for which you are submitting this application, you must also apply for and be granted a frequency authorisation. The application form for a frequency

authorisation may be obtained from the Agency by a request in writing or from its website.

* This application must be signed:

- in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made
- in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
- in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company's Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate's governing body stating that the individual signing the application is authorised to do so by the company or other body corporate

* Please note that, at the end of this application, you must also declare that to the best of the signatories knowledge, the applicant meets the requirements of the class licence for which it is applying.

PART A: PRELIMINARY INFORMATION

1. This application is being submitted for: *(check all that apply)*

- Value-added services
- Internet services
- Other *(please identify)*: _____

2. Please identify the order or regulation under which the telecommunications network you propose to operate and/or the telecommunications services that you propose to provide have been authorised for a class licence: _____

PART B: THE APPLICANT AND ITS AFFILIATES

1. **Full Name of Applicant:** _____

2. **Applicant's Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person's E-mail Address: _____

Contact Person's Telephone Number(s): _____

Contact Person's Facsimile Number(s): _____

3. **Address in Guyana (if different from the above)**

Physical Address: _____

4. **Applicant's Profile**

4.1 **Business classification:** *(check one)*

- | | | |
|--------------------------|-------------------------------|--------------------------|
| <input type="checkbox"/> | Individual | <input type="checkbox"/> |
| <input type="checkbox"/> | Sole proprietorship | <input type="checkbox"/> |
| <input type="checkbox"/> | Partnership | <input type="checkbox"/> |
| <input type="checkbox"/> | Company | <input type="checkbox"/> |
| <input type="checkbox"/> | Other <i>(describe)</i> _____ | |

4.2 **If the Applicant is an individual or a sole proprietor:**

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 If the Applicant is a partnership:

Please submit a copy of the partnership's registration with the relevant governmental authorities.

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above): _____

If the partners listed below are not the ultimate owners of the partnership, name and address of the ultimate owner: _____

<u>Name and Address of Each Partner</u>	<u>Type of Partner</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.4 If the Applicant is a company:

Please submit copies of the company's Articles of Incorporation and Certificate of Incorporation.

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Number of authorised shares: _____

Number of issued shares: _____

Name under which company proposes to do business (if different from item B(1) above):

If the shareholders listed below are not the ultimate owners of the company, name and address of the ultimate parent: _____

<u>Name of Shareholders</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Officers, Directors, Corporate Secretary and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.5 If the Applicant is another type of body corporate:

Please submit copies of the body corporate's organisational documents and registration with the relevant governmental authorities.

Type of body corporate: _____

Place of formation: _____

Date of formation: _____

Registration number: _____

Name under which body corporate proposes to do business (if different from item B(1) above):

If the owners listed below are not the ultimate owners of the body corporate, name and address of the ultimate owner: _____

<u>Name of Owners</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
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<u>Name of Officers, Governing Body Members, and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
---------------------------------------------------------------------------	-------------------------	--------------------	-----------------	----------------------------------

7. History of the Applicant and Its Affiliates

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

7.1 Has the Applicant, any of its affiliates, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff been declared bankrupt or otherwise insolvent, or have any of them been shareholders or other owners, partners, directors or other governing body members, officers or key managers of any sole proprietorship, partnership, company or other body corporate that has been declared bankrupt or otherwise insolvent?

Yes No

If the answer to this question is “yes” as to the Applicant, any of its affiliates, or any of the above individuals, please attach a copy of any discharge in bankruptcy as to any of them.

7.2 Do the shareholders or other owners, partners, directors or other governing body members, officers, or key managerial staff have any interest or high level position in any business, other than the Applicant, licensed to operate a telecommunications network or provide a telecommunications service?

Yes No

7.3 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.4 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.5 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.6 If the answer to question 7.5 is “yes,” has any such licence, exemption or frequency authorisation been modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to any such licence, exemption or frequency authorisation?

Yes No

7.7 Does the Applicant or any of its affiliates currently hold, or have any of them ever applied for or held, a licence, exemption, frequency authorisation or any other type of permit to operate a telecommunications network or provide a telecommunications service in any country other than Guyana?

Yes No

7.8 Does the Applicant or any of its affiliates currently operate, or have any of them ever operated, a telecommunications network or provided a telecommunications service in any country other than Guyana for which a licence, exemption, frequency authorisation or any other type of permit was not required?

Yes No

7.9 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

7.10 Has the Applicant, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft, violence or other violation of law, or is any of them currently the subject of any such proceeding?

Yes No

PART C: APPLICANT'S BUSINESS AND PROPOSED TELECOMMUNICATIONS NETWORK AND/OR TELECOMMUNICATIONS SERVICES

1. Financial Information and Business Plan

1.1 Please provide a high-level business plan for the telecommunications network(s) you propose to operate and/or the telecommunications services you propose to provide. The plan should explain any major assumptions and should cover a period of at least five years. The plan should address all of the questions and requests for information set forth in this Part C and should also include:

- * Sources of funding, debt levels, equity and independent confirmation of the same
- * Pro forma financial statements for at least five years, to include cash flow and income statements
- * Market forecasts
- * An explanation of the funding and cash flow through which the Applicant will operate and maintain the telecommunications networks and/or telecommunications services covered by this application

1.2 Please provide audited financial reports/statements, including a certified income statement and balance sheet, for the last three years for the Applicant.

1.3 Please provide a diagrammatic representation of the Applicant's group structure, including the percentage of shares held by each member of the group. Please indicate which affiliates have applied, or intend to apply, for other licences, exemptions or frequency authorisations to operate telecommunications networks, to provide telecommunications service, or to use the spectrum.

1.4 Does the Applicant or any of its affiliates have any ownership interest of over 5% in any other operator of a telecommunications network or provider of telecommunications services in any country?

Yes No

1.5 Does the Applicant have any other business inside or outside the telecommunications market in any country?

Yes No

1.6 If the answer to question 1.5 is “yes,” please provide the details of your arrangements to ensure no cross-subsidisation between your:

- * telecommunications and non-telecommunications activities
- * wholesale and retail telecommunications activities
- * telecommunications equipment production or supply and other telecommunications activities

1.7 Please provide the resumes of the Applicant’s officers, corporate secretary (if any), and key managerial staff for the telecommunications activities for which you are applying, indicating relevant prior experience, qualifications and other sources of expertise, and explain what technical resources exist, or will be obtained, to carry out the Applicant’s proposed telecommunications activities in Guyana.

2. The Applicant’s Current Telecommunications Activities

Please provide answers to the following questions in relation to the Applicant’s activities in (1) Guyana, (2) elsewhere in Caribbean countries, and (2) elsewhere in the world.

2.1 Telecommunications Networks

- (a) Please provide a summary of the telecommunications infrastructure that the Applicant has in place, including radiocommunication networks infrastructure.

- (b) If the Applicant is using the spectrum and/or radiocommunication networks and/or radiocommunication equipment, please provide details of the frequency authorisations held, including the number of frequency authorisations, the reference number of each frequency authorisation and the name of the governmental authority that issued each frequency authorisation.

2.2 Telecommunications Services

- (a) Please provide details of the telecommunications services being provided by the Applicant and the terms (including prices) on which they are available. Please include details on the number of customers to whom you provide telecommunications services and the telecommunications products that you offer them.
- (b) Please provide details of current contracts with all classes of customers, as well as a sample of all such contracts.

3. The Applicant's Proposed Telecommunications Activities

3.1 Telecommunications Networks

- (a) Please provide a summary of the infrastructure that the Applicant is planning to put in place within the next five years, including radiocommunication networks infrastructure.
- (b) If the Applicant is planning to use the spectrum and/or radiocommunication network and/or radiocommunication equipment, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).
- (c) The estimated date upon which you propose to commence operation of the proposed telecommunications network.
- (d) Please submit copies of all of the following that apply to your application:
 - (i) any engineering studies for construction and equipping, and the operating specifications, of the telecommunications network;
 - (ii) relevant permits, for example, leases or other proof of actual or anticipated legal occupancy of the land or premises on which the telecommunications networks currently exist or would be constructed;
 - (iii) site-maps indicating the actual or anticipated location of the telecommunications networks;

- (iv) technical details of the interconnection equipment;
- (v) if you are required to obtain an environmental permit issued by the Environmental Protection Agency for the operation of your telecommunications network, a copy of the environmental permit or, if the application for such permit is still pending with the Environmental Protection Agency, a copy of such application and an explanation of its status;
- (vi) any other technical or operational information that is important in explaining the telecommunications network that you wish to operate.

3.2 Telecommunications Services

- (a) Please provide a description of each proposed telecommunications service, including details on the following:
 - (i) the technical aspects of the telecommunications services (including telecommunications equipment);
 - (ii) how access to each telecommunications service is to be provided (e.g. indirect access, direct access, leased lines, etc.);
 - (iii) targeted customer base, including number of customers targeted and projected;
 - (iv) a justification for, and calculation of, the rate at which you propose to sell the telecommunications services; and
 - (v) the estimated date upon which you propose to commence providing the proposed telecommunications services.
- (b) Please provide details of any proposed supply relationships in respect of the proposed telecommunications network and/or telecommunications services.

PART D: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects, and that to the best of my knowledge, the Applicant meets the requirements of the class licence identified in Item A(2) above. I acknowledge and agree that submitting an application to the Agency does not mean that a licence will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's discretion acting in

accordance with the Telecommunications Act 2016. If the licence is granted, I am fully aware of the obligations and conditions associated with the licence. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____

Full name of signatory: _____

Position: _____

Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.

SCHEDULE 3

APPLICATION FOR A SPECIAL LICENCE AND RELATED SPECIAL FREQUENCY AUTHORISATION UNDER SECTION 37 OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Telecommunications Special Licence and Related Frequency Authorisation Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camo Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) in section 93(3) of the Telecommunications Act 2016 (the “Act”), in the regulations thereto, or in the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Licensing and Frequency Authorisation (Telecommunications) Regulations (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying for a special licence and (if applicable) a related frequency authorisation.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any licence has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * This application must be signed:
 - in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made

- in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
- in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company's Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate's governing body stating that the individual signing the application is authorised to do so by the company or other body corporate

* Please note that, if your application is granted, the special licence and (if applicable) related frequency authorisation will be valid for **ten (10) days only**. If the activities for which you are applying are to extend beyond those ten (10) days, **you must submit a written request for an extension of the special licence and (if applicable) related frequency authorisation to the Agency prior to the expiration of your original special licence and (if applicable) related frequency authorisation. The written request must set forth an explanation for why there is good cause for the extension.**

PART A: PRELIMINARY INFORMATION

1. This application is being submitted for: *(check all that apply)*
- Emergency or other exigent circumstances
 - Demonstration purposes
 - Testing purposes
 - Other short-term purposes *(please describe briefly)*: _____

PART B: THE APPLICANT AND ITS AFFILIATES

1. **Full Name of Applicant:** _____

2. **Applicant's Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person's E-mail Address: _____

Contact Person's Telephone Number(s): _____

Contact Person's Facsimile Number(s): _____

3. Address in Guyana (if different from the above)

Physical Address: _____

4. Applicant's Profile

4.1 Business classification: (check one)

- Individual
- Sole proprietorship
- Partnership
- Company
- Other (*describe*) _____

4.2 If the Applicant is an individual or a sole proprietor:

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 If the Applicant is a partnership:

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above):

4.4 If the Applicant is a company:

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Name under which company proposes to do business (if different from item B(1) above):

4.5 If the Applicant is another type of body corporate:

Type of body corporate: _____

Place of formation: _____

Date of formation: _____

Registration number: _____

Name under which body corporate proposes to do business (if different from item B(1) above):

5. Authorised Agent and Address in Guyana for Service of Process

Name of authorised agent: _____

Address in Guyana: _____

7. History of the Applicant and Its Affiliates

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

7.1 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.2 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.3 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.4 If the answer to question 7.3 is “yes,” has any such licence, exemption or frequency authorisation been modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to any such licence, exemption or frequency authorisation?

Yes No

7.5 Does the Applicant or any of its affiliates currently hold, or have any of them ever applied for or held, a licence, exemption, frequency authorisation or any other type of permit to operate a telecommunications network or provide a telecommunications service in any country other than Guyana?

Yes No

7.6 Does the Applicant or any of its affiliates currently operate, or have any of them ever operated, a telecommunications network or provided a telecommunications service in any country other than Guyana for which a licence, exemption, frequency authorisation or any other type of permit was not required?

Yes No

7.7 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

7.8 Has the Applicant, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft, violence or other violation of law, or is any of them currently the subject of any such proceeding?

Yes No

PART C: APPLICANT’S PROPOSED TELECOMMUNICATIONS NETWORK AND/OR TELECOMMUNICATIONS SERVICES

1. Applicant's Proposed Purposes and Activities

1.1 **Emergency or exigent circumstances.** If applicable, please provide information on the emergency or exigent circumstances that are the basis of this application:

1.2 **Demonstration, testing or other short-term purposes.** If applicable, please provide information on the demonstration, testing or other short-term purposes that are the basis of this application:

1.3 **Purposes and type of activities.** Please provide information on the purposes for which the Applicant proposes to operate a telecommunications network and/or provide telecommunications services and the type of activities to be carried out.

2. The Proposed Telecommunications Network and/or Telecommunications Services and Use of the Spectrum/Operation of Radiocommunication Equipment

2.1 Telecommunications Networks and Telecommunications Services

(a) Please describe any telecommunications network that the Applicant proposes to operate and any infrastructure it is planning to put into place, including radiocommunication networks infrastructure:

- (b) Please describe any telecommunications services that the Applicant is planning to provide, including details on how access to the service is to be provided (e.g., indirect access, direct access, lease lines, etc.) and to whom the service is to be provided:

- (c) Does the Applicant need to use the spectrum and, if so, what is/are the proposed frequency band(s)?

- (d) Is an earth station involved in the Applicant's proposed use of the spectrum?

Yes No

If "yes," please provide the following information on the earth station and its characteristics:

- (i) A letter from the satellite provider, indicating the name and address of the satellite provider, assigned frequencies for the proposed service and the station to be communicated with.

- (ii) A copy of the manufacturer's technical specification for the transmitter, receiver and antenna.
- (e) Please provide the following information on the radiocommunication equipment, including antennas, and any radiocommunication station you intend to install and operate:
- (i) **Transmitter**
 - A. Location of station, including geographic coordinates
 - B. Make, model and class of equipment
 - C. Requested frequency band(s)
 - D. Number of channels requested and channel bandwidth
 - E. Effective radiated power (dBm) If the transmitter has a power rating, please indicate it.
 - F. IF Frequencies (kHz)
 - G. Pattern of radiation (not a spec of a transmitter)
 - H. ITU class of emission designation (for each frequency)
 - I. Type of service(s)
 - (ii) **Receiver**
 - A. Make, model and class of receiver
 - B. Requested frequency band
 - C. Receiver selectivity (adjacent channel rejection)
 - D. Receiver sensitivity (Indicate type dB SINAD, dynamic, static)
 - E. Spurious and image rejection
 - F. IF Frequency (KHz)
 - G. Type of service(s)
 - (iii) **Antenna**
 - A. Geographical location including latitude and longitude
 - B. Antenna make and model
 - C. Antenna type
 - D. Antenna size and maximum gain
 - E. Antenna height above average terrain (m)
 - F. Maximum EIRP (dBW)
 - G. Beamwidth (degrees)
 - H. Maximum power density (mW/cm^2)
 - I. Azimuth (degrees)
 - J. Elevation (degrees)
 - K. Polarisation
 - L. Total transmission line loss
 - M. Effective radiated power
 - N. Power supply requirements

- O. Type of service(s)
- P. Hours of operation (UTC)

(iv) Satellite earth stations

- Q. Name of receiving earth station
- R. Operating satellite(s)
- S. Agreements with satellite provider
- T. Satellite receiving beam designation
- U. Proposed date of bringing into use

PART D: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects. I acknowledge and agree that submitting an application to the Agency does not mean that a licence (or a related special frequency authorisation) will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's discretion acting in accordance with the Telecommunications Act 2016. If the licence (and, if applicable, related frequency authorisation) is granted, I am fully aware of the obligations and conditions associated with the licence and (if applicable) related frequency authorisation, including the obligation to exclude unauthorised persons from access to or the operation of any radiocommunication equipment that the Applicant may be authorised to install and operate. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____

Full name of signatory: _____

Position: _____

Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.

SCHEDULE 4

APPLICATION FOR AN EXEMPTION UNDER SECTION 23(10) OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Telecommunications Exemption Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camp Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) in section 93(3) of the Telecommunications Act 2016 (the “Act”), in the regulations thereto, or in the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Licensing and Frequency Authorisation (Telecommunications) Regulations (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying to operate a telecommunications network or provide a telecommunications service under an exemption.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any exemption has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * If you intend to use the spectrum and install and operate radiocommunication equipment in the course of operating the telecommunications networks or providing the telecommunications services for which you are submitting this application, you must also apply for and be granted a frequency authorisation. The application form for a frequency authorisation may be obtained from the Agency by a request in writing or from its website.

* This application must be signed:

- in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made
- in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
- in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company's Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate's governing body stating that the individual signing the application is authorised to do so by the company or other body corporate

* Please note that, at the end of this application, you must also declare that to the best of the signatories knowledge, the applicant meets the requirements of the exemption for which it is applying.

PART A: PRELIMINARY INFORMATION

1. This application is being submitted for: *(check all that apply)*

- The operation of a telecommunications network
- The provision of telecommunications services
- Other *(please identify)*: _____

2. Please identify the order or regulation under which the telecommunications network you propose to operate and/or the telecommunications services that you propose to provide have been authorised for an exemption: _____

PART B: THE APPLICANT AND ITS AFFILIATES

1. **Full Name of Applicant:** _____

2. **Applicant's Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person's E-mail Address: _____

Contact Person's Telephone Number(s): _____

Contact Person's Facsimile Number(s): _____

3. Address in Guyana (if different from the above)

Physical Address: _____

4. Applicant's Profile

4.1 Business classification: (check one)

- Individual
- Sole proprietorship
- Partnership
- Company
- Other (describe) _____

4.2 If the Applicant is an individual or a sole proprietor:

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 If the Applicant is a partnership:

Please submit a copy of the partnership's registration with the relevant governmental authorities.

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above):

If the partners listed below are not the ultimate owners of the partnership, name and address of the ultimate owner: _____

<u>Name and Address of Each Partner</u>	<u>Type of Partner</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.4 If the Applicant is a company:

Please submit copies of the company's Articles of Incorporation and Certificate of Incorporation.

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Number of authorised shares: _____

Number of issued shares: _____

Name under which company proposes to do business (if different from item B(1) above):

If the shareholders listed below are not the ultimate owners of the company, name and address of the ultimate parent: _____

<u>Name of Shareholders</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Officers, Directors, Corporate Secretary and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
----------------------------------------------------------------------------------	-------------------------	--------------------	-----------------	----------------------------------

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.5 If the Applicant is another type of body corporate:

Please submit copies of the body corporate's organisational documents and registration with the relevant governmental authorities.

Type of body corporate: _____

Place of formation: _____

Date of formation: _____

Registration number: _____

Name under which body corporate proposes to do business (if different from item B(1) above):

If the owners listed below are not the ultimate owners of the body corporate, name and address of the ultimate owner: _____

<u>Name of Owners</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Officers, Governing Body Members, and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. Authorised Agent and Address in Guyana for Service of Process

Name of authorised agent: _____

Address in Guyana: _____

6. Name(s) and Address(es) of the Bank(s) or Other Financial Institution(s) Where the Applicant Maintains Its Account(s)

Name of Bank(s)
or Other Financial Institutions

Address(es)

<u>Name of Bank(s) or Other Financial Institutions</u>	<u>Address(es)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. History of the Applicant and Its Affiliates

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

7.1 Has the Applicant, any of its affiliates, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff been declared bankrupt or otherwise insolvent, or have any of them been shareholders or other owners, partners, directors or other governing body members, officers or key managers of any sole proprietorship, partnership, company or other body corporate that has been declared bankrupt or otherwise insolvent?

Yes No

If the answer to this question is “yes” as to the Applicant, any of its affiliates, or any of the above individuals, please attach a copy of any discharge in bankruptcy as to any of them.

7.2 Do the shareholders or other owners, partners, directors or other governing body members, officers, or key managerial staff have any interest or high level position in any business, other than the Applicant, licensed to operate a telecommunications network or provide a telecommunications service?

Yes No

7.3 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.4 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.5 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.6 If the answer to question 7.5 is “yes,” has any such licence, exemption or frequency authorisation been modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to any such licence, exemption or frequency authorisation?

Yes No

7.7 Does the Applicant or any of its affiliates currently hold, or have any of them ever applied for or held, a licence, exemption, frequency authorisation or any other type of permit to operate a telecommunications network or provide a telecommunications service in any country other than Guyana?

Yes No

7.8 Does the Applicant or any of its affiliates currently operate, or have any of them ever operated, a telecommunications network or provided a telecommunications service in any country other than Guyana for which a licence, exemption, frequency authorisation or any other type of permit was not required?

Yes No

7.9 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

7.10 Has the Applicant, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft, violence or other violation of law, or is any of them currently the subject of any such proceeding?

Yes No

PART C: APPLICANT'S BUSINESS AND PROPOSED TELECOMMUNICATIONS NETWORK AND/OR TELECOMMUNICATIONS SERVICES

1. Financial Information and Business Plan

1.1 Please provide a high-level business plan for the telecommunications network(s) you propose to operate and/or the telecommunications services you propose to provide. The plan should explain any major assumptions and should cover a period of at least five years. The plan should address all of the questions and requests for information set forth in this Part C and should also include:

- * Sources of funding, debt levels, equity and independent confirmation of the same
- * Pro forma financial statements for at least five years, to include cash flow and income statements
- * Market forecasts
- * An explanation of the funding and cash flow through which the Applicant will operate and maintain the telecommunications networks and/or telecommunications services covered by this application

1.2 Please provide audited financial reports/statements, including a certified income statement and balance sheet, for the last three years for the Applicant.

1.3 Please provide a diagrammatic representation of the Applicant's group structure, including the percentage of shares held by each member of the group. Please indicate which affiliates have applied, or intend to apply, for other licences, exemptions or frequency authorisations to operate telecommunications networks, to provide telecommunications service, or to use the spectrum.

1.4 Does the Applicant or any of its affiliates have any ownership interest of over 5% in any other operator of a telecommunications network or provider of telecommunications services in any country?

Yes No

1.5 Does the Applicant have any other business inside or outside the telecommunications market in any country?

Yes No

1.6 If the answer to question 1.5 is “yes,” please provide the details of your arrangements to ensure no cross-subsidisation between your:

- * telecommunications and non-telecommunications activities
- * wholesale and retail telecommunications activities
- * telecommunications equipment production or supply and other telecommunications activities

1.7 Please provide the resumes of the Applicant’s officers, corporate secretary (if any), and key managerial staff for the telecommunications activities for which you are applying, indicating relevant prior experience, qualifications and other sources of expertise, and explain what technical resources exist, or will be obtained, to carry out the Applicant’s proposed telecommunications activities in Guyana.

2. The Applicant’s Current Telecommunications Activities

Please provide answers to the following questions in relation to the Applicant’s activities in (1) Guyana, (2) elsewhere in Caribbean countries, and (2) elsewhere in the world.

2.1 Telecommunications Networks

- (a) Please provide a summary of the telecommunications infrastructure that the Applicant has in place, including radiocommunication networks infrastructure.

- (b) If the Applicant is using the spectrum and/or radiocommunication networks and/or radiocommunication equipment, please provide details of the frequency authorisations held, including the number of frequency authorisations, the reference number of each frequency authorisation and the name of the governmental authority that issued each frequency authorisation.

2.2 Telecommunications Services

- (a) Please provide details of the telecommunications services being provided by the Applicant and the terms (including prices) on which they are available. Please include details on the number of customers to whom you provide telecommunications services and the telecommunications products that you offer them.
- (b) Please provide details of current contracts with all classes of customers, as well as a sample of all such contracts.

3. The Applicant's Proposed Telecommunications Activities

3.1 Telecommunications Networks

- (a) Please provide a summary of the infrastructure that the Applicant is planning to put in place within the next five years, including radiocommunication networks infrastructure.
- (b) If the Applicant is planning to use the spectrum and/or radiocommunication network and/or radiocommunication equipment, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).
- (c) The estimated date upon which you propose to commence operation of the proposed telecommunications network.
- (d) Please submit copies of all of the following that apply to your application:
 - (i) any engineering studies for construction and equipping, and the operating specifications, of the telecommunications network;
 - (ii) relevant permits, for example, leases or other proof of actual or anticipated legal occupancy of the land or premises on which the telecommunications networks currently exist or would be constructed;
 - (iii) site-maps indicating the actual or anticipated location of the telecommunications networks;

- (iv) technical details of the interconnection equipment;
- (v) if you are required to obtain an environmental permit issued by the Environmental Protection Agency for the operation of your telecommunications network, a copy of the environmental permit or, if the application for such permit is still pending with the Environmental Protection Agency, a copy of such application and an explanation of its status;
- (vi) any other technical or operational information that is important in explaining the telecommunications network that you wish to operate.

3.2 Telecommunications Services

- (a) Please provide a description of each proposed telecommunications service, including details on the following:
 - (i) the technical aspects of the telecommunications services (including telecommunications equipment);
 - (ii) how access to each telecommunications service is to be provided (e.g. indirect access, direct access, leased lines, etc.);
 - (iii) targeted customer base, including number of customers targeted and projected;
 - (iv) a justification for, and calculation of, the rate at which you propose to sell the telecommunications services; and
 - (v) the estimated date upon which you propose to commence providing the proposed telecommunications services.
- (b) Please provide details of any proposed supply relationships in respect of the proposed telecommunications network and/or telecommunications services.

PART D: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects, and that to the best of my knowledge, the Applicant meets the requirements of the exemption identified in Item A(2) above. I acknowledge and agree that submitting an application to the Agency does not mean that an exemption will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's

discretion acting in accordance with the Telecommunications Act 2016. If the exemption is granted, I am fully aware of the obligations and conditions associated with the exemption. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____

Full name of signatory: _____

Position: _____

Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.

SCHEDULE 5

APPLICATION FOR A FREQUENCY AUTHORISATION UNDER SECTION 30 OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Frequency Authorisation Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camp Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) in section 93(3) of the Telecommunications Act 2016 (the “Act”), or in the regulations thereto, or in the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Licensing and Frequency Authorisation (Telecommunications) Regulations (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying to use the spectrum and to install and operate radiocommunication equipment.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any frequency authorisation has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * If you intend to operate a public telecommunications network or provide public telecommunications services in the course of the use of the spectrum and the installation and operation of radiocommunication equipment for which you are submitting this application, you must also apply for and be granted a licence (or, if an exemption applies to your activities, an exemption) under the Act. The application form for a licence (or an

exemption, if you qualify for one) may be obtained from the Agency by a request in writing or from its website.

- * This application must be signed:
 - in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made
 - in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
 - in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company's Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate's governing body stating that the individual signing the application is authorised to do so by the company or other body corporate.
- * A copy of the manufacturer's technical specifications for all radiocommunication equipment that you wish to install and operate must accompany this application (including antenna specifications).
- * The site and antenna mast details are required for technical and frequency planning purposes. The Applicant must satisfy the requirements as to height, structural design, and other factors established by the Guyana Civil Aviation Authority and/or any other relevant authority.
- * In the case of fixed or repeater stations, a diagram drawn on a suitable scale showing the service area and locations to be served must be submitted with your application.
- * The output power of the repeater stations must not exceed 100 watts, that of base/fixed stations must not exceed 45 watts, and that of mobile stations must not exceed 25 watts.
- * If a frequency authorisation is granted to you, you must take every precaution to ensure freedom from interference and not to cause interference to other stations. You must also exclude unauthorised persons from access to or the operation of any radiocommunication equipment that you may be authorised to install and operate.
- * It is recommended that you consult with the Agency in the preparation of this application, to ensure that your plans for use of the spectrum and the installation and operation of radiocommunication equipment are commensurate with the law and policies governing the spectrum.

PART A: PRELIMINARY INFORMATION (to be completed by all Applicants)

1. This application is being submitted for: *(check all that apply)*

- Use of the spectrum and radiocommunication equipment to operate a public telecommunications network *(if yes, please complete Parts A, B, C and H)*
- Use of the spectrum and radiocommunication equipment to provide public telecommunications services *(if yes, please complete Parts A, B, C and H)*
- Use of the spectrum and radiocommunication equipment to operate a private telecommunications network or provide private telecommunications services *(if yes, please complete Parts A, B, D and H)*
- Use of the spectrum and radiocommunication equipment onboard a ship or other water-borne vessel *(if yes, please complete Parts A, B, E and H)*
- Use of the spectrum and radiocommunication equipment onboard an aircraft *(if yes, please complete Parts A, B, F and H)*
- Use of the spectrum and radiocommunication equipment for amateur radio *(if yes, please complete Parts A, B, G and H)*

2. Is this application being submitted in connection with a response to a competitive selection process (e.g., request for proposals, tender, auction, etc.) issued by the Agency?

Yes No

If you answered “yes,” please provide the name and identifying number (if any) of the request for proposals, tender, or other document issued by the Agency for the selection process: _____

3. Are you submitting this application because you intend to install or operate radiocommunication equipment within Guyana for the purpose of transmitting any telecommunications to any point outside Guyana? *(See paragraph 18(1) of the Regulations)*

Yes No

If you answer “yes,” please provide a brief description of the telecommunications you intend to transmit, the point(s) outside Guyana to which they will be transmitted, and the radiocommunication equipment you intend to utilise: _____

4. Are you submitting this application because you currently hold an authorisation to operate a broadcasting network or provide a broadcasting service, but intend to operate a public telecommunications network or provide a public telecommunications service not expressly authorised by such licence and that would use the spectrum and require you to install and operate radiocommunication equipment? *(See paragraph 8(2) of the Regulations)*

Yes No

If you answer “yes,” please provide a brief description of the type of public telecommunications network you intend to operate and/or public telecommunications service you intend to provide, including any converged public telecommunications network and/or bundled public telecommunications service, how you intend to use the spectrum in relation to them, and what radiocommunication equipment you intend to install and operate: _____

PART B: THE APPLICANT AND ITS AFFILIATES *(to be completed by all Applicants)*

1. **Full Name of Applicant:** _____

2. **Applicant’s Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person’s E-mail Address: _____

Contact Person’s Telephone Number(s): _____

Contact Person’s Facsimile Number(s): _____

3. **Address in Guyana (if different from the above)**

Physical Address: _____

4. Applicant's Profile

4.1 Business classification: (check one)

- Individual
- Sole proprietorship
- Partnership
- Company
- Other (describe) _____

4.2 If the Applicant is an individual or a sole proprietor:

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 If the Applicant is a partnership:

Please submit a copy of the partnership's registration with the relevant governmental authorities.

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above):

If the partners listed below are not the ultimate owners of the partnership, name and address of the ultimate owner: _____

<u>Name and Address of Each Partner</u>	<u>Type of Partner</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.4 If the Applicant is a company:

Please submit copies of the company's Articles of Incorporation and Certificate of Incorporation.

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Number of authorised shares: _____

Number of issued shares: _____

Name under which company proposes to do business (if different from item B(1) above):

If the shareholders listed below are not the ultimate owners of the company, name and address of the ultimate parent: _____

<u>Name of Shareholders</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Name under which body corporate proposes to do business (if different from item B(1) above):

If the owners listed below are not the ultimate owners of the body corporate, name and address of the ultimate owner: _____

<u>Name of Owners</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<u>Name of Officers, Governing Body Members, and Key Managerial Staff</u>	<u>Personal Address</u>	<u>Nationality</u>	<u>Position</u>	<u>Passport/ Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. Authorised Agent and Address in Guyana for Service of Process

Name of authorised agent: _____

Address in Guyana: _____

6. Name(s) and Address(es) of the Bank(s) or Other Financial Institution(s) Where the Applicant Maintains Its Account(s)

Name of Bank(s)
or Other Financial Institutions

Address(es)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. History of the Applicant and Its Affiliates

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

7.1 Has the Applicant, any of its affiliates, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff been declared bankrupt or otherwise insolvent, or have any of them been shareholders or other owners, partners, directors or other governing body members, officers or key managers of any sole proprietorship, partnership, company or other body corporate that has been declared bankrupt or otherwise insolvent?

Yes No

If the answer to this question is “yes” as to the Applicant, any of its affiliates, or any of the above individuals, please attach a copy of any discharge in bankruptcy as to any of them.

7.2 Do the shareholders or other owners, partners, directors or other governing body members, officers, or key managerial staff have any interest or high level position in any business, other than the Applicant, licensed to operate a telecommunications network or provide a telecommunications service?

Yes No

7.3 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.4 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.5 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.6 If the answer to question 7.5 is “yes,” has any such licence, exemption or frequency authorisation been modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to any such licence, exemption or frequency authorisation?

Yes No

7.7 Does the Applicant or any of its affiliates currently hold, or have any of them ever applied for or held, a licence, exemption, frequency authorisation or any other type of permit to operate a telecommunications network or provide a telecommunications service in any country other than Guyana?

Yes No

7.8 Does the Applicant or any of its affiliates currently operate, or have any of them ever operated, a telecommunications network or provided a telecommunications service in any country other than Guyana for which a licence, exemption, frequency authorisation or any other type of permit was not required?

Yes No

7.9 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

7.10 Has the Applicant, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff ever been the defendant or respondent in any proceedings in any court in any jurisdiction involving dishonesty, fraud, theft, violence or other violation of law, or is any of them currently the subject of any such proceeding?

Yes No

PART C: APPLICANT'S BUSINESS AND PROPOSED USES OF THE SPECTRUM AND INSTALLATION AND OPERATION OF RADIOCOMMUNICATION EQUIPMENT *(to be completed only by Applicants who intend to use the spectrum and install and operate radiocommunication equipment for purposes of operating a public telecommunications network or providing public telecommunications services.*

Applicants for the operation of a private telecommunications network or provision of private telecommunications service should skip to Part D.

Applicants for use of the spectrum and installation of radiocommunication equipment onboard a ship or other water-borne vessel should skip to Part E.

Applicants for use of the spectrum and installation of radiocommunication equipment onboard an aircraft should skip to Part F.

Applicants for an amateur radio frequency authorisation should skip to Part G.

1. Identification of the use of the spectrum and radiocommunication equipment

1.1 Type of service *(check all that apply)*:

Paging Cellular Mobile Fixed Point-to-Multipoint Relay Station

If other, please describe: _____

If mobile service, state number of mobiles: _____

1.2 Who will operate the radiocommunication equipment/system?

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

State whether operation of the radiocommunication equipment will be in the hands of qualified operator(s), and what arrangement the Applicant proposes to ensure observance by operating personnel of the terms and conditions of the frequency authorisation: _____

1.3 Who will plan the radiocommunication system?

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

1.4 Who will maintain the radiocommunication equipment and system?

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

1.5 Is an earth station involved in the Applicant's proposed use of the spectrum?

Yes No

If "yes," please provide the following information on the earth station and its characteristics:

- (i) A letter from the satellite provider, indicating the name and address of the satellite provider, assigned frequencies for the proposed service and the station to be communicated with.
- (ii) A copy of the manufacturer's technical specification for the transmitter, receiver and antenna.

1.6 Please provide the following information on the radiocommunication equipment, including antennas, and any radiocommunication station you intend to install and operate:

(i) Transmitter

- A. Location of station, including geographic coordinates
- B. Make, model and class of equipment
- C. Requested frequency band(s)
- D. Number of channels requested and channel bandwidth
- E. Effective radiated power (dBm). If the transmitter has a power rating, please indicate it.
- F. Modulation type
- G. IF Frequencies (kHz)
- H. ITU class of emission designation (for each frequency)
- I. Type of service(s)

(ii) Receiver

- A. Make, model and class of receiver
- B. Requested frequency band
- C. Receiver selectivity (adjacent channel rejection)
- D. Receiver sensitivity (Indicate type dB SINAD, dynamic, static)
- E. Spurious and image rejection
- F. IF Frequency (KHz)
- G. Type of service(s)

(iii) Antenna

- A. Geographical location including latitude and longitude
- B. Antenna make and model
- C. Antenna type
- D. Antenna size and maximum gain
- E. Antenna height above average terrain (m)
- F. Maximum EIRP (dBW)

- G. Beamwidth (degrees)
- H. Maximum power density (mW/cm²)
- I. Modulation
- J. Azimuth (degrees)
- K. Elevation (degrees)
- L. Polarisation
- M. Total transmission line loss
- N. Effective radiated power
- O. Power supply requirements
- P. Type of service(s)
- Q. Hours of operation (UTC)

(iv) Satellite earth stations

- A. Name of receiving earth station
- B. Operating satellite(s)
- C. Agreements with satellite provider
- D. Satellite receiving beam designation
- E. Proposed date of bringing into use

PART D: APPLICANT'S BUSINESS AND PROPOSED USES OF THE SPECTRUM AND INSTALLATION AND OPERATION OF RADIOCOMMUNICATION EQUIPMENT *(to be completed only by Applicants who intend to use the spectrum and install and operate radiocommunication equipment for purposes of operating a private telecommunications network or providing private telecommunications services.)*

1. Identification of the use of the spectrum and radiocommunication equipment

1.1 Type of service *(check all that apply)*:

Paging Cellular Mobile Fixed Point-to-Multipoint Relay Station

If other, please describe: _____

If mobile service, state number of mobiles: _____

1.2 Who will operate the radiocommunication equipment/system?

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

State whether operation of the radiocommunication equipment will be in the hands of qualified operator(s), and what arrangement the Applicant proposes to ensure observance by operating personnel of the terms and conditions of the frequency authorisation: _____

1.3 Who will plan the radiocommunication system?

Name: _____
Address: _____

Nationality: _____
Technical qualifications: _____

1.4 Who will maintain the radiocommunication equipment and system?

Name: _____
Address: _____

Nationality: _____
Technical qualifications: _____

1.5 Please provide the following information on the radiocommunication equipment, including antennas, and any radiocommunication station you intend to install and operate:

(i) Transmitter

- A. Location of station, including geographic coordinates
- B. Make, model and class of equipment
- C. Requested frequency band(s)
- D. Number of channels requested and channel bandwidth
- E. Effective radiated power (dBm). If the transmitter has a power rating, please indicate it.

- F. Modulation type
- G. IF Frequencies (kHz)
- H. ITU class of emission designation (for each frequency)
- I. Type of service(s)

(ii) Receiver

- A. Make, model and class of receiver
- B. Requested frequency
- C. Receiver selectivity (adjacent channel rejection)
- D. Receiver sensitivity (Indicate type dB SINAD, dynamic, static)
- E. Spurious and image rejection
- F. IF Frequency (KHz)
- G. Type of service(s)

(iii) Antenna

- A. Geographical location including latitude and longitude
- B. Antenna make and model
- C. Antenna type
- D. Antenna size and maximum gain
- E. Antenna height above average terrain (m)
- F. Maximum EIRP (dBW)
- G. Beamwidth (degrees)
- H. Maximum power density (mW/cm^2)
- I. Modulation
- J. Azimuth (degrees)
- K. Elevation (degrees)
- L. Polarisation
- M. Total transmission line loss
- N. Effective radiated power
- O. Power supply requirements
- P. Type of service(s)
- Q. Hours of operation (UTC)

(iv) Satellite earth stations

- A. Name of receiving earth station
- B. Operating satellite(s)
- C. Agreements with satellite provider
- D. Satellite receiving beam designation
- E. Proposed date of bringing into use

PART E: APPLICANT'S BUSINESS AND PROPOSED USES OF THE SPECTRUM AND INSTALLATION AND OPERATION OF RADIOCOMMUNICATION EQUIPMENT (to be completed only by

Applicants who intend to use the spectrum and install and operate radiocommunication equipment onboard a ship or other water-borne vessel.

1.1 Name of ship: _____

1.2 Port of registration: _____

1.3 Gross tonnage: _____

1.4 Name of ship owner: _____

1.5 Mailing address and telephone number of ship owner: _____

1.6 Visual 4-letter signal (if allocated): _____

1.7 Class of ship (*check appropriate box and insert further information as necessary*):

- Passenger Cargo Tug
Passenger and Cargo Fishing Surveying

1.8 Station(s) with which communications are desired:

1.9 Nature of messages to be sent or received: _____

1.10 Type of transmission: Radio Telegraph Radiotelephone

1.11 Transmitter parameters:

Attach manufacturer's descriptions or specifications

- A. Make (manufacturer), model and class of equipment
- B. Equipment type approved certificate including type number
- C. Quantity carried
- D. Number of channels easily available by simple switching and channel bandwidth
- E. Transmit frequency (MHz)
- F. Output power (w)
- G. ITU class of emission designation (for each frequency)
- H. Details of power supply necessary to operate equipment
- I. Type of service(s)

Which of the following authorities is the equipment approved by:

United Kingdom _____

Canada Department of Transport

United States Federal Communications Commission

Other _____

1.12 Receiver parameters:

Attach manufacturer's descriptions or specifications

Manufacturer's name: _____

Type number: _____

Frequency range: _____

Details of power supply necessary to operate receiver: _____

1.13 Antenna parameters

- A. Antenna make and model
- B. Antenna type
- C. Antenna gain
- D. Horizontal beamwidth (degrees)
- E. Vertical beamwidth (degrees)

- F. Lower frequency (MHz)
- G. Upper frequency (MHz)
- H. ERP (dBW)
- I. Line attenuation (dB)

1.14 Additional apparatus:

Emergency radio apparatus: _____

Radio apparatus in lifeboats and other survival craft: _____

Radar installation: _____

1.15 Who will operate the radiocommunication equipment?

Name: _____

Rank: _____

Address: _____

Nationality: _____

Technical qualifications: _____

State whether operation of the radiocommunication equipment will be in the hands of qualified operator(s), and what arrangement the Applicant proposes to ensure observance by operating personnel of the terms and conditions of the frequency authorisation: _____

1.16 Who will maintain the radiocommunication equipment and system?

Name: _____

Rank: _____

Address: _____

Nationality: _____

Technical qualifications: _____

PART F: APPLICANT'S BUSINESS AND PROPOSED USES OF THE SPECTRUM AND INSTALLATION AND OPERATION OF RADIOCOMMUNICATION EQUIPMENT *(to be completed only by Applicants who intend to use the spectrum and install and operate radiocommunication equipment onboard an aircraft).*

1.1 Make of aircraft: _____

1.2 Customary route(s): _____

1.3 Number of seats (passengers): _____

1.4 Home Airport: _____

1.5 Nationality: _____

1.6 CAD Registration No.: _____

1.7 Purpose of application:
New station Renewal
Modification (*specify*) _____

1.8 Frequencies requested:
A-Private C-Air Carrier P-Portable O-Other

1.9 Please list all transmitters, receivers, radars, radio altimeters and other radiocommunication equipment on board the aircraft:

and for each provide the following technical details:

(i) Transmitter

- A. Make, type, model and class of equipment
- B. Equipment serial number
- C. Lower frequency of operation (MHz)
- D. Upper frequency of operation (MHz)
- E. Total preset channels
- F. Output power (w)
- G. Channel bandwidth (KHz)
- H. ITU class of emission designation (for each frequency)
- I. Type of service(s)

(ii) Receiver

- A. Receiver selectivity (adjacent channel rejection)
- B. Receiver sensitivity (Indicate type: dB SINAD, dynamic, static)

(iii) Antenna

- A. Antenna make and model
- B. Antenna type
- C. Antenna gain
- D. Horizontal beamwidth (degrees)
- E. Vertical beamwidth (degrees)
- F. Lower frequency (MHz)
- G. Upper frequency (MHz)
- H. ERP (dBW)
- I. Line attenuation (dB)

1.10 Who will operate the radiocommunication equipment?

Name: _____

Rank: _____

Address: _____

Nationality: _____

Technical qualifications: _____

State whether operation of the radiocommunication equipment will be in the hands of qualified operator(s), and what arrangement the Applicant proposes to ensure observance by operating personnel of the terms and conditions of the frequency authorisation: _____

1.11 Who will maintain the radiocommunication equipment and system?

Name: _____
Rank: _____
Address _____

Nationality: _____
Technical qualifications: _____

PART G: APPLICANT'S BUSINESS AND PROPOSED USES OF THE SPECTRUM AND INSTALLATION AND OPERATION OF RADIOCOMMUNICATION EQUIPMENT *(to be completed only by Applicants who intend to use the spectrum and install and operate radiocommunication equipment for purposes of amateur radio).*

1.1 Purpose of application:

New station Renewal
Modification (*specify*) _____

1.2 Current station call sign, if any (*if "none," please indicate*): _____

1.3 Is this a request to change your station call sign to the next systematically available call sign?

Yes No

1.4 Please list all transmitters, receivers, and other radiocommunication equipment to be used:

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

State whether operation of the radiocommunication equipment will be in the hands of qualified operator(s), and what arrangement the Applicant proposes to ensure observance by operating personnel of the terms and conditions of the frequency authorisation:

1.6 Who will maintain the radiocommunication equipment and system?

Name: _____

Address: _____

Nationality: _____

Technical qualifications: _____

PART H: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects. I acknowledge and agree that submitting an application to the Agency does not mean that a frequency authorisation will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's discretion acting in accordance with the Telecommunications Act 2016. If a frequency authorisation is granted, I am fully aware of the obligations and conditions associated with it, including the obligation to exclude unauthorised persons from access to or the operation of any radiocommunication equipment that the Applicant may be authorised to install and operate. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such

investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____

Full name of signatory: _____

Position: _____

Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.

DRAFT

SCHEDULE 6

INITIAL LIST OF PUBLIC TELECOMMUNICATIONS NETWORKS AND PUBLIC TELECOMMUNICATIONS SERVICES

(1) **Public Telecommunications Networks**

- (a) Fixed wired and/or wireless public telecommunications networks, utilised to provide domestic and/or international public telecommunications services
- (b) Mobile public telecommunications networks, utilised to provide domestic and/or international public telecommunications services

(2) **Retail Fixed Public Telecommunications Services**

- (a) residential narrowband (voice) access
- (b) residential broadband access
- (c) business narrowband (voice) access
- (d) business broadband access
- (e) public payphones
- (f) local and national long distance calls for residential customers
- (g) local and national long distance calls for business customers
- (h) local and long distance calls to mobile subscribers
- (i) international long distance calls for residential customers
- (j) international long distance calls for business customers
- (k) narrow band (dial up) Internet for residential customers
- (l) narrow band (dial up) Internet for business customers
- (m) broadband Internet for residential customers
- (n) broadband Internet for business customers
- (o) domestic leased lines
- (p) international leased lines

- (q) domestic data transmission
- (r) international data transmission

(3) Wholesale Fixed Public Telecommunications Services

- (a) call origination
- (b) call termination
- (c) call transit
- (d) unbundled local loops (narrow band)
- (e) unbundled local loops (broadband)
- (f) domestic leased line capacity and termination (wireline or wireless)
- (g) international leased line capacity and termination (wireline or wireless)
- (h) IP transit

(4) Retail Mobile Public Telecommunications Services

- (a) voice calls
- (b) messaging services
- (c) narrowband Internet
- (d) broadband Internet
- (e) roaming

(5) Wholesale Mobile Public Telecommunications Services

- (a) access and call origination
- (b) domestic and international call termination
- (c) international roaming
- (d) messaging
- (e) transmission and distribution