

**DRAFT TELECOMMUNICATIONS
(LICENSING AND AUTHORIZATION)
REGULATIONS**

LTA – REG – 0001-2013



REPUBLIC OF LIBERIA
Liberia Telecommunications Authority



Republic of Liberia
DRAFT TELECOMMUNICATIONS (LICENSING AND AUTHORIZATION)
REGULATIONS, 2008

AS AMENDED AND RE-ISSUED _____, 2013

CONTENTS

PART I - PRELIMINARY

- | | |
|-------------------|---|
| 1. Citation | 5 |
| 2. Interpretation | 5 |

PART II – LICENSE SCOPE AND CLASSIFICATION

- | | |
|--------------------------------|-----|
| 3. Performance Based Licensing | 6 |
| 4. Nature of License | 6 |
| 5. Categories of License | 6-7 |
| 6. Exemption Orders | 7 |
| 7. Confidentiality | 7-8 |

PART III – ACTIONS BY LTA UPON RECEIPT OF APPLICATIONS

- | | |
|------------------------------------|---|
| 8. Request for Further Information | 8 |
|------------------------------------|---|

PART IV – PROCEDURES FOR AWARD OF LICENSES

- | | |
|--|------|
| 9. Notice of Terms, Qualifications and Procedures | 8 |
| 10. Application for Individual License | 8-9 |
| 11. Procedure for Processing of Individual License | 9-10 |

PART V – CLASS License

- | | |
|--|----|
| 12. Notice of Terms, Qualifications and Procedures | 10 |
| 13. Application for Class License | 10 |
| 14. Decision by LTA on Class License | 10 |

PART VI – PROCEDURE FOR THE TRANSFER OF OWNERSHIP OR CONTROL

- | | |
|---|-------|
| 15. Transfer of Ownership or Control | 10-11 |
| 16. Internal Restructuring or Name Change | 11 |

PART VII – FREQUENCY AUTHORIZATION

| | |
|--|-------|
| 17. Application for Frequency Authorization | 11 |
| 18. Duties of LTA on receipt of Application | 11 |
| 19. Decision by LTA on Frequency Authorization | 11-12 |
| 20. Transfer of Frequency Authorization | 12 |

PART VIII – LICENSE AND AUTHORIZATION FEES

| | |
|------------------------------------|----|
| 21. License and Authorization Fees | 12 |
|------------------------------------|----|

PART IX – ENFORCEMENT OF A LICENSE OR FREQUENCY AUTHORIZATION

| | |
|---------------------------------------|-------|
| 22. Enforcement of License conditions | 12-15 |
|---------------------------------------|-------|

PART X – GENERAL PROVISIONS

| | |
|--|-------|
| 23. Non-Discriminatory Terms for Issuance of License | 15 |
| 24. Additional Obligations of Licensees | 15-16 |
| 25. Notice to the LTA | 16 |
| 26. Renewal and Revocation of License | 16-17 |
| 27. Registers | 17 |
| 28. Transitional Provisions | 17 |

REPUBLIC OF LIBERIA

STATUTORY RULES AND ORDERS

2008 No. 1

Published March 2013

IN EXERCISE of the powers conferred by Part IV and Part VI of the Telecommunications Act, 2007, the Liberia Telecommunications Authority makes the following Regulations:

TELECOMMUNICATIONS LICENSING AND AUTHORIZATION

REGULATIONS LTA – REG – 0001-2013

PART I PRELIMINARY

1. Citation

These Regulations may be cited as the Telecommunications Licensing and Authorization Regulations: REG **0001-2013**.

2. Interpretation

In these Regulations –

- (a) “Act” means Telecommunications Act of 2007;
- (b) “Class License” means a License issued by the LTA pursuant to Sections 5(5), 5(6) or 5(7) of these Regulations;
- (c) “Declaration” means a filing made by a person or legal entity with the LTA pursuant to Section 6(3) of these Regulations;
- (d) “enhanced telecommunications service providers” are service providers who expand basic telecommunications transmission services by value added applications, including the manipulation of voice or data communications, content services and electronic commerce services;
- (e) “Frequency Authorization” means a radio spectrum license or radio frequency authorization granted by the LTA pursuant to the Act and applicable regulations;
- (f) “Frequency Authorization Holder” means a person to whom a Frequency Authorization has been granted by the LTA;
- (g) “General Authorization” means a type of Class License issued by the LTA pursuant to Section 5(6) of these Regulations;
- (h) “Individual License” means a License issued by the LTA pursuant to Section 5(2), 5(3) or 5(4) of these Regulations;
- (i) “Liberia Telecommunications Authority” or “LTA” means the regulatory authority established and empowered pursuant to Part III of the Act;
- (j) “License” means an Individual License or Class License issued pursuant to Part IV of the Act;
- (k) “Licensee” means a person who holds a license under the Act;
- (l) “Minister” means the Minister of Posts and Telecommunications, or such other Minister as is designated by regulation under the Act from time to time;
- (m) “Ministry” means the Ministry of Posts and Telecommunications, or such other Ministry as is designated by regulation under the Act from time to time;
- (n) “person” means a natural or other legally recognized person or entity, and includes a joint stock company, a limited liability company, a partnership, a sole proprietorship, a joint venture, or other form of entity whether incorporated or unincorporated; and
- (o) “Universal License” means a type of Individual License issued by the LTA pursuant to Section 5(3) of these Regulations.

PART II
LICENSE SCOPE AND CLASSIFICATION

3. Performance Based Licensing

- (1) Recognizing industry developments, these Regulations implement a scheme of licensing that anticipates and that will apply to numerous categories of telecommunications activities.
- (2) Accordingly, the LTA will accept applications for telecommunications licenses in the following categories, which constitute the present scope of telecommunications licensing under the Act:
 - (a) Facility based telecommunications network operators;
 - (b) Non Facility based telecommunications service providers; and
 - (c) Enhanced telecommunications services providers.
- (3) The service categories described in Section 3(2) may be provided singly or in any combination, as permitted by the applicable license or exemption order issued pursuant to these Regulations.

4. Nature of License

- (1) The grant of a License or Frequency Authorization to a person authorizes that person to own or operate any telecommunications network, or provide any telecommunications service, only as prescribed in the License or Frequency Authorization.
- (2) A License or Frequency Authorization is a unilateral grant of permission from the LTA to provide a telecommunications service or operate a telecommunications network, and shall not be regarded as a contract or bilateral agreement.
- (3) The terms and conditions of any License or Frequency Authorization granted by the LTA shall, in all cases, be non-discriminatory, proportionate, and transparent and justified as those terms and conditions are understood and applied in Liberian, regional and international practice.

5. Categories of License

- (1) The two classes of license shall be:
 - (a) an Individual License; and
 - (b) A Class License.
- (2) An Individual License granted by the LTA in accordance with the Act authorizes a person to establish or operate a public telecommunications network or facility necessary to provide telecommunications services.
- (3) *The LTA may also grant a “Universal License”. A Universal License is a type of Individual License, and authorizes the licensee to establish or operate a public telecommunications network or facility, and to provide telecommunications services to the public, without restricting the network technologies to be used (for example fixed, wireless or broadband facilities or applicable technical standards) or the categories of services to be provided (for example, differentiating among voice, data and content services).*
- (4) The provision of telecommunications services to the public and the ownership or operation of telecommunications networks used to provide telecommunications services to the public shall require an Individual License where:

- (a) the licensee requires or is granted by the LTA exclusive use of scarce physical or other resources, including radio spectrum (which shall be subject to, and require, a separate radio spectrum license or general authorization); or
 - (b) The licensing procedures specified pursuant to these Regulations indicate that the licensee will be subject to individually defined obligations or will have the benefit of individually defined rights.
- (5) A Class License may be granted by the LTA for any provision of telecommunications services to the public or the ownership or operation of telecommunications network facilities that are not subject to an Individual License.
- (6) The LTA may also grant a “General Authorization”. A General Authorization is a type of Class License, and may authorize the licensee to establish or operate a public telecommunications network or facility, and to provide telecommunications services to the public, without restricting the network technologies to be used or the categories of services to be provided.
- (7) Activities subject to a Class License shall be identified by the LTA from time to time and published along with the Class License terms and conditions and application requirements.
- (8) The LTA shall publish in the Official Gazette of the Republic of Liberia the telecommunications networks and services that are subject to an Individual License, a Class License, a Declaration or a Frequency Authorization.
- (9) A Frequency Authorization shall be required for the operation of a telecommunications network or the provision of a telecommunications service that requires the use of radio spectrum. Frequency Authorizations shall be issued under separate regulations issued by the LTA and Part VII of these Regulations.

6. **Exemption Orders**

- (1) The LTA may issue an order (an “exemption order”) exempting specified activities or classes of persons from the requirement to hold a license.
- (2) An exemption order may be made subject to such conditions as the LTA deems necessary and that are consistent with this Act and any applicable regulations and rules.
- (3) Any person or legal entity intending to provide telecommunications services that are the subject of an exemption order shall file a “Declaration” with the LTA providing all required information about the telecommunications services and service provider, including any changes in that information that may occur following initial filing, and shall otherwise ensure strict compliance with the exemption order. The LTA may refuse to accept any Declaration, and may cancel a Declaration at any time, for failure to comply with the applicable exemption order and Declaration requirements.

7. **Confidentiality**

- (1) A telecommunications service provider submitting information to the LTA pursuant to the requirements of these Regulations may submit a request in writing to the LTA, identifying the specific information that it wants protected and explaining the commercial or other basis of the request, under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

- (2) The LTA shall issue a response to the confidentiality request, and any conditions applicable to the disclosure of confidential information, as provided for under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

PART III ACTIONS BY LTA UPON RECEIPT OF APPLICATIONS

8. Request for Additional Information

- (1) Upon receipt of an application for a License or Frequency Authorization, the LTA shall acknowledge the receipt of the application within three (3) days and shall review the application for completeness;
- (2) Where the application is incomplete, the LTA shall within seven (7) days notify the applicant of the additional information required to process that application and that the LTA may refrain to act further until receipt of that information;
- (3) Where the LTA is satisfied with the completeness of an application for an Individual License or a Class License, it shall review the application in accordance with these Regulations and its published licensing procedures.

PART IV PROCEDURES FOR AWARD of LICENSES INDIVIDUAL LICENSE

In granting an Individual License, the LTA may use a variety of fair and transparent procedural steps and methods to include;

- a. Competitive Bid Process
 - b. Beauty Contest
 - c. Auctions and
 - d. First-Come First-Served (an open / unsolicited application by an interested party)
- (1) (i) The LTA shall conduct an open, fair and transparent public competitive bid process or such other open, fair and transparent process as LTA may determine to be appropriate in the circumstances;
- (2) (ii) The LTA shall comply with any relevant provisions of any applicable laws and regulations of the Government of Liberia.

9. Notice of Terms, Qualifications and Procedures

The LTA shall publish a notice identifying the intended terms and conditions of the license, the qualifications or other application criteria, and any additional procedures applicable to the grant of license, including the time periods within which the LTA expects to assess license applications, notify applicants and reach any related decision.

10. Application for Individual Licenses

- (1) An application for an Individual License shall be submitted to the LTA and shall:
 - (a) Be in the form and contain such information and particulars as are prescribed by the LTA in the notice describing the individual license and additional licensing procedures and may include:

- (i) applicant's details, including name, legal status, business address, the address of its registered office and other applicable contact information;
 - (ii) details regarding the type of telecommunications networks and telecommunications services and in the case of wireless telecommunications systems, the required Frequency Authorizations for which the application is being submitted;
 - (iii) information regarding the applicant's directors, partners, management, officials and controlling persons;
 - (iv) information regarding the applicant's background and other licenses or Frequency Authorizations held by the applicant or any of its affiliates;
 - (v) information describing the telecommunications network or telecommunications services to be supplied;
 - (vi) details regarding business plans, including the estimated date of commencement of the relevant activity;
 - (vii) information regarding the applicant's proposed rates; and
 - (viii) details, policies, strategies or representations regarding the applicant's intention and ability to comply with the Act, these Regulations, or any conditions of a License or Frequency Authorization granted under regulations issued by the LTA;
 - (ix) the applicant's experience relevant to the License or Frequency Authorization for which the applicant is applying; and
 - (x) Any other information that the LTA specifies.
- (b) Be accompanied by any prescribed application fee, deposit or security, or any other license fee prescribed by the LTA, which shall be non-refundable.
- (2) Each applicant shall be bound by the terms, commitments, offers, plans, representations and obligations stated in their applications.

11. Procedures for Processing of Applications for Individual Licenses

- (1) Subject to Sections 8 and 9 of these Regulations, upon receipt of an application for an Individual License, the LTA shall:
- (a) Consult with members of the public, experts, industry or other persons, or adopt any other reasonable process to aid it in deciding whether or not to grant the License to the applicant.
 - (b) Within sixty (60) days notify the applicant in writing of its decision to either:
 - (i) Reject the application;
 - (ii) Request that the applicant provide additional information to assist the LTA in making its decision; or
 - (iii) Grant the application.
- (2) Where an application for an Individual License is granted, the LTA will engage in further consultations with the applicant to complete preparation of the applicable

- license terms and conditions and to complete the license award process in other respects without delay.
- (3) Where an application for an Individual License is refused, the LTA shall in its notification to the applicant state in writing the reasons for its refusal.

PART V CLASS LICENSE

12. Notice of Terms, Qualifications and Procedures

The LTA shall publish a notice identifying the intended terms and conditions of the Class License, the qualifications or other licensing criteria, and any additional procedures applicable to the grant of license.

13. Application for Class License

An application for a Class License shall be submitted to the LTA and shall:

- (a) Be in the form and contain such information and particulars as are prescribed by the LTA in the notice describing the Class License and additional licensing procedures; and
- (b) Be accompanied by any prescribed application fee, deposit or security, or any other license fee prescribed by the LTA, which shall be non-refundable.

14. Decision by LTA on Class License

(1) Subject to Section 8 of these Regulations, upon receipt of an application for a Class License, the LTA shall:

- (a) Consult with members of the public, experts, industry or other persons, or adopt any other reasonable process to aid it in deciding whether or not to grant the Class License to the applicant.
- (b) Within thirty (30) days notify the applicant in writing of its decision to either:
 - (i) reject the application;
 - (ii) request that the applicant provide additional information to assist the LTA in making its decision; or
 - (iii) Grant the application.

(2) Where an application for a Class License is granted, the LTA will engage in further consultations with the applicant to complete preparation of the applicable license terms and conditions and to complete the license award process in other respects without delay.

(3) Where an application for a Class License is refused, the LTA shall in its notification to the applicant state in writing the reasons for its refusal.

PART VI PROCEDURE FOR THE TRANSFER OF OWNERSHIP OR CONTROL

15. Transfer of Ownership or Control

(1) Any Licensee wishing to transfer ownership or control of the Licensee shall apply to the LTA in writing at least ninety (90) days prior to the proposed date of transfer, or such other period as may be determined by the LTA, and shall provide

the LTA with any information it requests regarding the parties to and the terms of the proposed transfer transaction.

(2) If the LTA determines that:

(a) A dominant service provider, or an affiliate of a dominant service provider is:

i) The person ultimately acquiring ownership or control of the service provider; or

ii) The person whose ownership or control is being transferred; or

(b) As a result of the transfer, a person, alone or with its affiliates, would become a dominant service provider according to any applicable criteria, methodology or processes for the designation of dominant service providers published by the LTA,

Then the LTA shall apply the provisions of Sections 32 (2), 32 (3), 32 (4), 32 (5) and 32(6) of the Act.

(3) Where approval of a proposed transfer of ownership or control pursuant to Section 32(6) of the Act is refused, the LTA shall in its notification to the applicant state in writing the reasons for its refusal. If the Licensee proceeds to complete the transfer of ownership or control of the Licensee, the LTA may revoke the License of the Licensee or apply any other sanctions, remedies or penalties provided under the Act.

16. Internal Restructuring or Name Change

Where a license transfer is required as a result of a change of name or internal restructuring in accordance with the General Business Law of the Republic of Liberia, and which results in no change to the beneficial ownership or ultimate control of the Licensee, the provisions of Section 16 of these Regulations shall not apply and the Licensee shall within thirty (30) days notify the LTA of the change of name or internal restructuring and the reasons for the change, and shall provide any additional information requested by the LTA.

PART VII FREQUENCY AUTHORIZATION

17. Application for Frequency Authorization

An application for a Frequency Authorization shall be submitted in writing to the LTA and shall:

(a) Be in the prescribed form and contain such information and particulars as are prescribed by the LTA in the notice describing the frequency authorization procedures.

(b) Be accompanied by the prescribed application fee which shall be non-refundable.

18. Duties of LTA on Receipt of Application for Frequency Authorization

Upon receipt of an application for a Frequency Authorization, the LTA shall review the application.

19. Decision by LTA Regarding Grant of Frequency Authorization

- (1) In deciding whether or not to grant the Frequency Authorization, the LTA shall take into account:
- (a) The matters set out in the application;
 - (b) The National Spectrum Management Plan, if such a plan exists;
 - (c) The Regional Spectrum Management Plan, if such a plan exists; and
 - (d) Other relevant matters.
- (2) Subject to the provisions of Section 8 of these Regulations, the LTA shall notify the applicant in writing of its decision within sixty (60) days of receipt of the application.
- (3) Where the application is approved, the LTA shall grant the Frequency Authorization on payment of the prescribed fee.
- (4) Where the application is refused the LTA shall in its notification to the applicant state in writing the reasons for its refusal.

20. Transfer of Frequency Authorization

The provisions of Part VI herein shall apply *mutatis mutandis* to the transfer of Frequency Authorizations.

**PART VIII
LICENSE AND AUTHORIZATION FEES**

- 21. The LTA shall from time to time determine License, Authorization or other telecommunications regulatory fees. Licenses and Authorizations granted pursuant to these Regulations shall be governed by fees determined by the LTA.**

**PART IX
ENFORCEMENT OF A LICENSE OR FREQUENCY AUTHORIZATION**

22. Enforcement of License Conditions

- (1) Where the LTA is satisfied that a Licensee or Frequency Authorization Holder is contravening or has contravened any of the provisions of these Regulations, his/her License or Frequency Authorization, the LTA shall commence an investigation for the purpose of securing compliance with the provision, regulation or condition in question.
- (2) The enforcement of conditions of a License or Frequency Authorization shall be subject to the following specific regulatory principles, practices and procedures:
- (a) The LTA may begin an investigation in the following circumstances:
 - (i) upon receipt of a complaint by anyone;
 - (ii) where indicated by matters arising from an investigation of any person as part of the LTA's performance of its duties; or
 - (iii) Where the LTA obtains information in the course of the performance of its duties or by other means and that information suggests that a contravention of one or more terms or conditions may have occurred or is occurring.
 - (b) Upon receiving a complaint about any particular conduct, the LTA shall determine whether there is reason to suspect that a breach of

these Regulations or a condition under a License or Frequency Authorization may have occurred or is occurring, and if so the LTA shall proceed to investigate the complaint.

- (c) In determining whether to proceed with an investigation, the LTA shall give priority to matters where:
 - (i) there has been a breach of these Regulations;
 - (ii) there has been a breach of a condition in the License or Frequency Authorization;
 - (iii) there appears to be substantial damage or risk of substantial damage arising from that breach; or
 - (iv) There appears to be significant public detriment.
- (d) Where the LTA has determined there is reason to suspect that a breach of these Regulations or any condition of a License or Frequency Authorization may have occurred or is occurring, the LTA shall issue an investigation notice.
- (e) The LTA shall make the decision to issue an investigation notice after giving proper consideration to the merits of the case and deciding whether it has reason to believe that the Licensee or Frequency Authorization Holder concerned has breached these Regulations or a condition under a License or Frequency Authorization.
- (f) The investigation notice shall be in writing and shall state:
 - (i) that the LTA is investigating a possible breach of these regulations or a condition of the License or Frequency Authorization;
 - (ii) the reasons for the suspecting a breach, including any matter of fact or law which is relevant to the investigation; and
 - (iii) The information to be provided by the Licensee or Frequency Authorization Holder to the LTA in order to proceed with the investigation.
- (g) In determining matters concerning the breach of a condition of a License or Frequency Authorization, the LTA in arriving at its decision:
 - (i) Shall provide the Licensee or Frequency Authorization Holder with an opportunity to make representations on the matter before the LTA;
 - (ii) May provide an opportunity for the public to make representations in connection with the material issues;
 - (iii) Shall give consideration to the representations of the Licensee or Frequency Authorization Holder;
 - (iv) Shall, where there has been a public consultation, give consideration to the public comments received;
 - (v) Shall not be bound by technicalities, legal forms or rules of evidence;
 - (vi) Shall act as expeditiously as a proper consideration of the matters may allow, having regard to the need to carefully and quickly inquire into and investigate the breach and all

- matters affecting the merits and fair resolution of the matter; and
- (vii) May inform itself of any matter relevant to the breach under investigation in any way it thinks appropriate.
- (h) The LTA's decision and directions shall be non-discriminatory and shall treat similarly situated parties in the same manner and on the same basis.
- (i) At any time during the investigation the LTA may issue an interim order directing the Licensee or Frequency Authorization Holder to cease and desist from a specified conduct, if the LTA is satisfied that:
- (i) There is prima facie evidence that the Licensee or Frequency Authorization Holder has breached any provision of these Regulations or a condition in a License or Frequency Authorization;
 - (ii) Continuation of the Licensee or Frequency Authorization Holder's conduct is likely to cause serious harm to other licensees or frequency holders, consumers or the general public;
 - (iii) The potential harm in allowing the Licensee or Frequency Authorization Holders to continue its conduct outweighs the burden on the Licensee or Frequency Authorization Holder; and
 - (iv) Issuance of the order is otherwise in the public interest;
- (j) Unless otherwise specified by the LTA, the interim order issued by the LTA under Section 23(2) (i) of these Regulations shall take effect three (3) days after the interim order is issued. If the Licensee or Frequency Authorization Holder ceases or desists from the conduct specified in the interim order prior to the date on which the interim order takes effect, the LTA shall immediately withdraw the interim order.
- (k) Where the LTA determines that the Licensee or Frequency Authorization Holder has contravened any of the conditions under these Regulations, a License or Frequency Authorization, the LTA may take any of the following enforcement actions:
- (i) Direct the Licensee or Frequency Authorization Holder to cease engaging in the provision of the service or use of the particular frequency or cease both as the case may be;
 - (ii) Direct the Licensee or Frequency Authorization Holder to take specific remedial action and provide proof to the satisfaction of the LTA that such remedial action has been undertaken;
 - (iii) Revoke the License or Frequency Authorization held by the Licensee or Frequency Authorization Holder;
 - (iv) Reduce the remaining term of the License or Frequency Authorization held by the Licensee or Frequency Authorization Holder;

- (v) Refuse to renew or extend the term of the License or Frequency Authorization held by the Licensee or Frequency Authorization Holder;
 - (vi) Impose a monetary penalty on the Licensee;
 - (vii) refer the matter to the Attorney General - Minister of Justice for the purpose of instituting of criminal or other appropriate proceedings; or
 - (viii) Take such other action as is permitted under applicable laws.
- (1) Where the Licensee or Frequency Authorization Holder fails to comply with Sections 23(2) (k) (i), (ii) or (iii) of these Regulations, the LTA may take any additional enforcement action available to it under the Act or other laws of Liberia.
- (3) Any order or exercise of authority by the LTA that gives rise to a dispute that is not otherwise resolved may be submitted by the Licensee to arbitration in accordance with Section 75 of the Act.
- (4) Decisions or other actions by the LTA shall be subject to any other appeal, review or dispute processes provided for in the Act or any other applicable laws.
- (5) Prior to commencing any arbitration or other review or dispute processes, the Licensee shall notify the LTA in writing of its complaint and request a meeting with the LTA to discuss the complaint. The Licensee shall also prepare a full statement of the nature of the complaint, and deliver the statement to the LTA within thirty (30) days of the date of the LTA's order or other activity complained of.

PART X GENERAL PROVISIONS

23. Non-Discriminatory Terms for Issuance of License

- (1) Further to Section 4(3) of these Regulations and Section 16(8) of the Act, the LTA shall issue an Individual License, Class License or Frequency Authorization on terms that are non-discriminatory.
- (2) For the purpose of Section 24(1) of these Regulations, an Individual License, Class License or Frequency Authorization shall be issued on non-discriminatory terms if:
- (a) Telecommunications providers of similar types of telecommunications networks or telecommunications services are treated similarly;
 - (b) The License or Frequency Authorization does not favor any one telecommunications provider or class of telecommunications providers; and
 - (c) The issuance of the License or Frequency Authorization is likely to enhance competition in the market.

24. Additional Obligations of Licensees

Every operator of a telecommunications network or provider of a telecommunications service shall:

- (a) Comply with Sections 69 (National Security) and 70 (Public Emergencies) of the Act; and

- (b) Observe the conditions of its License, Frequency Authorization, or Declaration, and otherwise comply with all regulations promulgated by the LTA and the Act.

25. Notice to the LTA

The holder of a License or Frequency Authorization shall notify the LTA in writing if the information provided to the LTA in applying for the License or Frequency Authorization changes in any material respect.

26. Renewal and Revocation of License

- (1) The LTA shall automatically renew Licenses or Frequency Authorizations granted under these Regulations for a period equivalent to the first License or Frequency Authorization granted unless:
 - (a) the Licensee or Frequency Authorization Holder failed to comply materially with any of the provisions of the Act or these Regulations or the terms and conditions of the License or Frequency Authorization; or
 - (b) The Licensee or Frequency Authorization Holder failed to comply materially with any lawful direction of the LTA.
- (2) Where the LTA proposes (herein called the “Proposal”) to amend, modify, suspend, revoke or not renew a License or Frequency Authorization, it shall provide notification (the “Notice”) to the Licensee or Frequency Authorization Holder in writing:
 - (a) That it is considering the proposed amendment, modification, suspension, revocation or non-renewal;
 - (b) The reasons for the proposed amendment, modification, suspension, revocation or non-renewal; and
 - (c) The date on which the amendment, modification, suspension, revocation or non-renewal is proposed to take effect, and the period within which representations on the Proposal may be made;
- (3) The Notice:
 - (a) Shall give the licensee sufficient time, as determined by the LTA at its sole discretion, but in any event no less than thirty (30) days, to prepare comments on the Proposal;
 - (b) Shall set out any procedures the LTA will use in implementing the Proposal; and
 - (c) May invite comments from other interested parties or the general public.
- (4) The LTA shall consider any comments made by the Licensee regarding the Proposal in a timely manner;
- (5) Where the Proposal is the result of a breach of the Act, these Regulations or the terms and conditions of the License or Frequency Authorization, the Notice to the Licensee or Frequency Authorization Holder shall state that the Proposal may be withdrawn if the breach is remedied within the period of thirty (30) days, or such other period as the LTA may determine, commencing from the date of the Notice;
- (6) Where the Licensee or Frequency Authorization Holder fails to remedy the breach as stated in Section 27 (5) of these Regulations, the LTA shall, no later than seven (7) days after the last day for remedy by the Licensee or Frequency Authorization Holder:

- (a) Suspend the License or Frequency Authorization for a period not exceeding three (3) months (the “Suspension Period”) during which period the Licensee or Frequency Authorization Holder shall cease all activities related to its License or Frequency Authorization and shall remedy the breach; and
 - (b) Shall revoke the License or Frequency Authorization where the Licensee or Frequency Authorization Holder fails to remedy the breach during the Suspension Period.
- (7) If the LTA implements a variation in License pursuant to this Section, it shall provide the licensee with sufficient time, as determined by the LTA at its sole discretion, to implement any changes needed to comply with the License change.
- (8) Where a License is suspended, revoked or not renewed, the LTA shall take into account continuity of service to customers and include in its order such terms and conditions as it deems appropriate.

27. Register

- (1) The LTA shall maintain a Register at its principal office containing:
 - (a) Each Individual License, Class License and Frequency Authorization;
 - (b) The names, registered office and/or principal place of business of each person licensed or otherwise authorized to operate a telecommunications network or to provide a telecommunications service;
 - (c) All notices identifying the applicable terms and conditions of Licenses, the qualifications or other applicant criteria, and the procedures applicable to the grant of License;
 - (d) Each License application and all correspondence and decisions regarding the application; and
 - (e) All exemption orders and related Declarations.
- (2) The Registers shall be open to public inspection during normal working hours and may be made available in any format the LTA considers appropriate, subject to any determinations regarding confidential or commercially sensitive information made by the LTA pursuant to Section 7 of these Regulations and Section 11 (1) (p) of the Act.
- (3) The LTA shall make copies of entries in the Register available to members of the public on payment of a prescribed fee, subject again to Section 7 of these Regulations and Section 11 (1) (p) of the Act.

28. Transitional Provisions

- (1) An application for a renewal of a License or Frequency Authorization issued pursuant to the Act shall be made in accordance with the provisions of these Regulations and the Act.
- (2) An application for a License or Frequency Authorization or for the transfer of a License or Frequency Authorization made prior to the passage of these Regulations, for which a decision has not been made by the LTA, shall be processed in accordance with these Regulations and the Act.