

# **TELECOMMUNICATIONS LICENSING AUTHORIZATION REGULATIONS**

**LTA – REG – 0001**

**As amended 2015**

## **PRONOUNCEMENT OF REGULATIONS ON THE TELECOMMUNICATIONS LICENSING AUTHORIZATION REGULATIONS**

Pursuant to Part III Section 11(1) (e), (q), (t) and (w) and Part IV, Section 14(1) and 14(3) (c) of the Telecommunications Act of 2007, the LTA hereby issues these Licensing Authorization Regulations.

### **TELECOMMUNICATIONS LICENSING AUTHORIZATION**

**REGULATIONS LTA – REG – 0001 as amended 2015**

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**Liberia Telecommunications Authority**

## TABLE OF CONTENTS

### **PART I - PRELIMINARY**

- |                         |   |
|-------------------------|---|
| 1. Citation             | 4 |
| 2. Scope of Application | 4 |
| 3. Interpretation       | 4 |

### **PART II – LICENSE SCOPE AND CLASSIFICATION**

- |                                |   |
|--------------------------------|---|
| 4. Performance Based Licensing | 7 |
| 5. Nature of License           | 8 |
| 6. Categories of License       | 8 |
| 7. Exemption Orders            | 9 |
| 8. Confidentiality             | 9 |

### **PART III – ACTIONS BY LTA UPON RECEIPT OF APPLICATIONS**

- |                                    |   |
|------------------------------------|---|
| 9. Request for Further Information | 9 |
|------------------------------------|---|

### **PART IV – PROCEDURES FOR THE AWARD OF LICENSES**

- |  |    |
|--|----|
| 10. Individual License   | 10 |
| 11. Application for Individual License                             | 10 |
| 12. Procedure for Processing of Application for Individual License | 11 |
| 13. Application for Class License                                  | 12 |
| 14. Decision by LTA on Class License                               | 12 |
| 15. Notice of Terms, Qualifications and Procedures                 | 13 |

### **PART V – PROCEDURE FOR THE TRANSFER OF OWNERSHIP OR CONTROL**

- |   |    |
|---|----|
| 16. Transfer of Ownership or Control      | 13 |
| 17. Internal Restructuring or Name Change | 14 |

### **PART VI – FREQUENCY AUTHORIZATION**

- |  |    |
|--|----|
| 18. Application for Frequency Authorization        | 14 |
| 19. Duties of LTA on receipt of Application        | 14 |
| 20. Decision by the LTA on Frequency Authorization | 14 |
| 21. Transfer of Frequency Authorization            | 15 |

This document was updated April 15, 2016.

**PART VII – ENFORCEMENT OF LICENSE CONDITIONS AND FREQUENCY AUTHORIZATIONS**

22. Enforcement of License Conditions and Frequency Authorization	15
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**PART VIII – GENERAL PROVISIONS**

23. Non-Discriminatory Terms for Issuance of License	19
24. Additional Obligations of Licensees	19
25. Notice to the LTA	19
26. Renewal and Revocation of License	19
27. Registries	21
28. Transitional Provisions	21

**PART IX – TYPES AND PAYMENT OF FEES**

29. Types of Fees	22
30. Payment of Fees	22
31. Due Date for Payment	23
32. Penalties for Delayed Submission of Required Information/Data and for Delayed Payment	24

**PART X – PROVISION OF FEES INFORMATION**

33. Reporting of Gross Revenue	24
34. Supplementary Information	25

**PART XI – PROVISIONS FOR MIGRATION**

35. Migration to the New Licensing Regime	25
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**APPENDIX**

36. Schedule A	26
37. Schedule B	28
38. Schedule C	30
39. Schedule D	30

## **PART I: PRELIMINARY**

### **1. Citation**

- (1) These Regulations may be cited as the Telecommunications Licensing Authorization Regulations: LTA - REG – **0001 as amended 2015**.

### **2. Scope of Application**

- (1) These regulations shall apply to all new entrants, all existing Licensed telecommunications service providers, Licensed spectrum users, and radio communications equipment users.

### **3. Interpretations**

In these Regulations

- (1) “Act” means the Telecommunications Act of 2007.
- (2) “Annual Numbering Resource Fee” means the non-refundable yearly fee charged a Licensee for the usage of assigned numbering resource.
- (3) “Annual Spectrum Usage Fee” means the non-refundable yearly fee charged a Licensee for the usage of assigned spectrum.
- (4) “Application Fee” means the non-refundable fee paid by a Person upon the filing of an application for License with the LTA.
- (5) "Authorization" means an administrative act which grants a set of permissions to, and imposes obligations upon an entity, thereby giving the entity the authority to establish and exploit telecommunication networks or to offer telecommunication services.
- (6) “Authorization Fee” means the non-refundable fee paid upon the signing or issuance of a License to a Person who applied to the LTA for a License.
- (7) “Broadcasting Service” means the transmission of radio or video programming to the public on a free, pay, subscription or other basis, whether by cable television, terrestrial or satellite, or by any other means of telecommunication.
- (8) “Class License” means a License issued by the LTA with duration of one (1) year to provide telecommunications/ICT services as specified in Schedules A and B of these Regulations and as may be amended.

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- (9) “Complete Application” means an application package containing all relevant required documents plus the required application fees.
- (10) “Declaration” means an expression of intention for the registration of certain telecommunications activities listed in Schedule A under the caption “Open Entry” filed with the LTA by a service provider, which does not require the company to obtain an explicit decision from the LTA prior to commencing the operation of the network or provision of the service.
- (11) “Dominant Service provider” means a service provider designated to have significant market power or otherwise to be dominant in one or more telecommunications service markets pursuant to Sections 27 (d) and 36 of the Act;
- (12) “Exemption Order” means an order made by the LTA pursuant to Section 17 of the Act.
- (13) “Facility-Based Telecommunications Network Operators” means a telecommunications service provider owning, as opposed to leasing, core infrastructure used to provide telecommunications services excluding Broadcast Services.
- (14) “Fiber-on-Air” means fiber trunk networks with wireless last-mile solutions.
- (15) “Frequency Assignment” means an Authorization given by the LTA for a Service Provider to use a radio frequency and or spectrum under specified conditions.
- (16) “Frequency Authorization” means a radio spectrum License or radio frequency authorization granted by the LTA pursuant to the Act and applicable regulations.
- (17) “Frequency Authorization Holder” means a Person to whom a Frequency Authorization has been granted by the LTA.
- (18) “Annual Gross Revenue” means the total revenue derived by a Licensee from the services provided under its License during a License Year, excluding sales of customer premise equipment (CPEs), GST, and any other tax collected by the Licensee on behalf of the GOL as well as any fees collected by the Licensee on behalf of LTA..
- (19) “Individual License” means a License to establish or operate a public telecommunications network or facility necessary to provide telecommunications service as specified in Schedule A of these Regulations and as may be amended.

- (20) “Infrastructure” means the basic facilities and systems comprised of network nodes (i.e., switches and/or routers) and the means to connect them (i.e., wired cable or fibre or wireless) for the purpose of communication between end-points.
- (21) “Liberia Telecommunications Authority” means the regulatory authority established and empowered pursuant to Part III of the Act.
- (22) “License” means an Individual License or a Class License issued pursuant to Part IV of the Act and these Regulations.
- (23) “Licensee” means a Person who holds a License under the Act.
- (24) “LTA” means the Liberia Telecommunications Authority.
- (25) “Minister” means the Minister of Posts and Telecommunications, or such other Minister as is designated by regulation under the Act from time to time.
- (26) “Ministry” means the Ministry of Posts and Telecommunications, or such other Ministry as is designated by regulation under the Act from time to time.
- (27) “Non-Facility-Based Operators” means telecommunications service providers not owning core infrastructure used to provide services.
- (28) “Notice” means any administrative, procedural, interpretive or other notice published by the LTA pursuant to the Act, these Regulations, Rule, or any other regulation.
- (29) “Open Entry” means a Declaration of activities listed in Schedule B under the caption “Open Entry” which does not qualify for Individual License or a Class License.
- (30) “Order” means a written order made by the LTA pursuant to this Act, a regulation or rule.
- (31) “Performance Based Licensing” means a licensing concept that requires a Licensee to pay a percentage of its gross revenue as License fees as opposed to a fixed fee thereby enabling Service Providers to focus more on infrastructural investment and operations.
- (32) “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.
- (33) “Prior Licence” means an authorization for the operation of a telecommunications network or provision of a telecommunications service issued prior to the

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commencement date, that has not expired, been terminated or been surrendered prior to the commencement date.

- (34) “Revenue Statement” means a statement showing revenue sources and the total revenues earned from those sources within a specified time period.
- (35) “Rule” means a rule made by the LTA pursuant to the Telecommunication Act of 2007.
- (36) “Schedule” means any schedule appended to these Regulations, as may be amended or updated by the LTA from time to time.
- (37) “Standalone License” means an Individual License issued a telecommunications service provider to provide any single telecommunications service utilizing a specified technology.
- (38) “Telecommunications Service” means any provision of the voice and data transmission; SIM cards and Pre-paid accessories; equipment and facilities to customers; or any form of transmission of signs, signals, text, images or other intelligence by means of a telecommunications network, but does not include a broadcasting service.
- (39) “Universal/Unified License” means an Individual License that authorizes a facility-based telecommunications service provider to provide converged telecommunications services, meaning, voice, data and video, deploying any present and future technology without the necessity of obtaining any additional Authorization from the LTA. However, the LTA shall be duly notified before the deployment.

## **PART II: LICENSE SCOPE AND CLASSIFICATION**

### **4. Performance/Non-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 segments, which constitute the present scope of telecommunications licensing under the Act:
  - (a) Facility Based Telecommunications Network Operators;
  - (b) Non Facility Based Telecommunications Operators;
  - (c) Broadcasting Service Providers; and

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(d) Open Entry and Non-public Telecommunications Service Providers listed in Schedule B of these Regulations.

(3) The service categories described in Section 4(2) may be provided singularly or in any combination, as permitted by the applicable License or Exemption Order issued pursuant to these Regulations.

## 5. **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, transparent, and justified as those terms and conditions are understood and applied in Liberian, regional and international practices.

## 6. **Categories of License**

(1) The two classes of License shall be:

(a) An Individual License; and

(b) A Class License.

(2) The LTA shall specify which types of telecommunications services require Individual License; and which types of telecommunications services require Class License. The specification of License types shall be included in a Regulation, Rule, Order or Notice issued by the LTA pursuant to Section 16 (2) of the Act.

(3) An Individual License may be a Standalone License or a Universal License. A Standalone License shall be issued to a telecommunications service provider who wishes to provide a single service such as voice, data, or video, etc. A Universal License shall authorize a facility-based telecommunications service provider to provide converged telecommunications services (voice, data, video), deploying any present and future technology without the necessity of obtaining any additional Authorization from the LTA. However, the LTA shall be duly notified before the deployment.

(4) Activities subject to a Class License shall be identified by the LTA from time to time, and shall be published along with the Class License terms, conditions and other applicable requirements.

- (5) A Frequency Assignment and Authorization shall be required for the operation of a telecommunications network or the provision of a telecommunications service or non-telecommunications services that require the use of radio spectrum.
- (6) A Person involved in activities not requiring an Individual License or a Class License shall make a Declaration of said activities to the LTA. Such Declaration shall include the name, address and contact information of the Person, the type of activities involved with, and the date on which the activities were started.

7. **Exemption Orders**

- (1) The LTA may issue an order exempting specified activities or classes of Persons from the requirement to hold a License (Exemption Order).
- (2) An Exemption Order may be made subject to such conditions as the LTA deems necessary and that are consistent with the Act and any applicable regulations and rules.
- (3) Any Person 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.

8. **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 Regulations for the Treatment of Confidentiality, Dispute Resolution, Compliance and Enforcement 2009 (Confidentiality Regulations). In the event of conflict between these Regulations and the Confidentiality Regulations, the Confidentiality Regulations shall supersede.
- (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 Regulations.

**PART III: ACTIONS BY LTA UPON RECEIPT OF APPLICATIONS**

9. **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 seven (7) business days and shall review the application for completeness.

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- (2) Where the application is incomplete, the LTA shall within fourteen (14) business days notify the applicant of the additional information required to process that application, and the LTA may refrain to act further until receipt of that information. The review periods provided for in Part IV Sections 12 and 14 of these Regulations will recommence upon receipt of all information to complete the application.
- (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**

##### **10. Individual License**

- (1) 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).
- (2) The LTA shall conduct an open, fair and transparent public competitive bid process or such other open, fair and transparent process as the LTA may determine to be appropriate in the circumstances.
- (3) The LTA shall comply with any relevant provisions of any applicable laws and regulations of the Government of Liberia.

##### **11. Application for Individual License**

- (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 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

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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 tariff;
- (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 may specify.

(b) be accompanied by any prescribed application fee, deposit or security, or any other License fee prescribed by the LTA.

(2) Each applicant shall be bound by the terms, commitments, offers, plans, representations and obligations stated in their applications.

## **12. Procedures for Processing of Application for Individual License**

(1) Subject to Sections 9 and 10 of these Regulations, upon receipt of an application for an Individual License, the LTA:

- (a) may 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) shall within six (6) weeks notify the applicant in writing of its decision to either:

- (i) request that the applicant provide additional information to assist the LTA in making its decision subject to Section 9(2) of these Regulations; or
  - (ii) grant the application.
- (2) Where an application for an Individual License is approved, the LTA may 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 rejected, the LTA shall in its notification to the applicant state in writing the reason(s) for its rejection.

**13. Application for Class License**

- (1) 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 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.

**14. Decision by LTA on Class License**

- (1) Subject to Part III Section 9 of these Regulations, upon receipt of an application for a Class License, the LTA:
  - (a) may 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) shall 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 subject to Part III Section 9(2) of these Regulations; or
    - (iii) grant the application.
- (2) Where an application for a Class License is approved, the LTA may 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.

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- (3) A class License or authorization shall be granted upon payment of the License and regulatory fees by the applicant. If said fees are not paid within six (6) weeks after issuance of payment invoice to the applicant, the applicant shall be considered as abandoning the licensing process.
- (4) Where an application for a Class License is rejected, the LTA shall in its notification to the applicant state in writing the reason(s) for its rejection.

#### **15. Notice of Terms, Qualifications and Procedures**

- (1) The LTA shall publish a Notice identifying the standard terms and conditions that apply to all Licenses, other unique terms and conditions that may apply to specific Licenses, the qualifications or other application criteria, and any additional procedures applicable to the grant of Licenses, including the time periods within which the LTA expects to assess License applications, notify applicants and reach any related decision.

### **PART V: PROCEDURE FOR THE TRANSFER OF OWNERSHIP OR CONTROL**

#### **16. Transfer of Ownership or Control**

- (1) Any Licensee wishing to transfer ownership or control of its License shall notify 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. Application for an allocated resource to be transferred must be submitted to the LTA by the final beneficiary of the allocation, and accompanied by the signed concurrence of the original operator holding the allocation.
- (2) A written Authorization from the LTA is required prior to the transfer of any License and/or associated frequencies.
- (3) 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

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the LTA, then the LTA shall apply the provisions of Part VII of the Act (COMPETITION POLICY).

- (4) Where approval of a proposed transfer of ownership or control pursuant to Section 32(6) of the Act is rejected, the LTA shall in its notification to the applicant state in writing the reasons for its rejection. 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.

**17. Internal Restructuring or Name Change**

(1) 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 VI: FREQUENCY AUTHORIZATION**

**18. Application for Frequency Authorization**

(1) 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 specified by the LTA in the Notice describing the Frequency Authorization Procedures; and
- (b) be accompanied by the prescribed application fee which shall be non-refundable. The application will not be considered Complete until payment of application fee has been made.

**19. Duties of LTA on Receipt of Application for Frequency Authorization**

(1) Upon receipt of an application for a Frequency Authorization, the LTA shall review the application and upon completion of the review, shall issue a decision.

**20. Decision by LTA Regarding Grant of Frequency Authorization**

(1) In deciding whether or not to grant or renew a Frequency Authorization, the LTA shall take into account:

- (a) The matters set out in the application;
- (b) The National Spectrum Management Plan;

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- (c) The Regional Spectrum Management Plan; and
  - (d) Other relevant matters including payment of applicable fees.
- (2) Subject to the provisions of Section 12 of these Regulations, the LTA shall notify the applicant in writing of its decision within six (6) weeks of receipt of the Complete Application.
- (3) Where the Complete Application is approved, the LTA shall grant the Frequency Authorization.
- (4) Where the application is rejected the LTA shall, in its written notification to the applicant, state the reason(s) for its rejection.

**21. Transfer of Frequency Authorization**

- (1) The provisions of Part V herein shall apply *in the same manner* to the transfer of Frequency Authorizations.

**PART VII: ENFORCEMENT OF LICENSE CONDITIONS AND FREQUENCY AUTHORIZATIONS**

**22. Enforcement of License Conditions and Frequency Authorization**

- (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, its 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;
    - (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 receipt of a complaint about any particular conduct, the LTA shall determine whether there is reason to suspect that a breach of these Regulations

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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 is a suspicion of anti-competitive practice;
  - (iv) there appears to be substantial damage or risk of substantial damage arising from that breach or practice; or
  - (v) there appears to be significant public detriment.
- (d) Where the LTA suspects that a breach of these Regulations, any condition of a License or Frequency Authorization or the Act 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(s) to believe that the Licensee or Frequency Authorization Holder concerned has breached these Regulations or a condition under a License or Frequency Authorization or has engaged in anti-competitive practice.
- (f) The investigation Notice shall be in writing and shall state:
  - (i) that the LTA is investigating a possible breach of these Regulations, a condition of the License or Frequency Authorization or the Act;
  - (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 or report of anti-competitive practice, 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;

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- (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 matter(s) may allow, having regard to the need to carefully and quickly inquire into and investigate the breach or anti-competitive practice and all matters affecting the merits and fair resolution of the matter(s); and
  - (vii) may inform itself of any matter relevant to the breach or anti-competitive practice 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, a condition in a License or Frequency Authorization or the Act;
  - (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 Holder 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 22(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

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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, or the Act, 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; or
- (vii) take such other action as is permitted under applicable laws.

(l) Where the Licensee or Frequency Authorization Holder fails to comply with Section 22(2)(k) of these Regulations, the LTA may take any additional enforcement action available to it under the Act or other laws of Liberia including referring the matter to the Attorney General - Minister of Justice for the purpose of instituting criminal or other appropriate proceedings.

(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

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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 VIII: GENERAL PROVISIONS**

### **23. Non-Discriminatory Terms for Issuance of License**

- (1) Further to Section 5(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 23(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**

- (1) 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 the Act and all regulations promulgated by the LTA.

### **25. Notice to the LTA**

- (1) A 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**

This document was updated April 15, 2016.

- (1) The LTA may 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 to 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 26 (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:

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- (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. **Registries**

- (1) The LTA shall maintain Registries 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;
  - (e) all Exemption Orders; and
  - (f) Open Entry Declarations.
- (2) The Registries shall be opened 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 8 of these Regulations and Section 11 (1) (p) of the Act.
- (3) The LTA shall make copies of entries in the Registries available to members of the public on payment of a prescribed fee, subject again to Section 8 of these Regulations and Section 11 (1) (p) of the Act.

## 28. **Transitional Provisions**

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- (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) All applications 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.
- (3) To facilitate migration from the Old Licensing Regime to the New Licensing Regime, all valid License or Frequency Authorization holders shall have a period of six (6) months to operate under the Old Licensing Regime.

## **PART IX: TYPES AND PAYMENT OF FEES**

### **29. Types of Fees**

- (1) The following types of fees are hereby established and shall be paid by License applicants and all Licensees where applicable, and in accordance with these Regulations.
  - a. Application Fee
  - b. Authorization Fee
  - c. Annual License Fee
  - d. Annual Regulatory Fee
  - e. Annual Spectrum Usage Fee
  - f. Annual Numbering Resource Usage Fee, and
  - g. License Renewal Fee
- (2) 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 the fees established pursuant to these Regulations until these fees are otherwise amended.

### **30. Payment of Fees**

- (1) **Application Fee:** A Person applying for a License shall pay the Application Fee specified in Schedule A and/or B in relation to the particular category of License. Application Fee paid shall be non-refundable.
- (2) **Annual Spectrum Authorization Fee:** A Person holding a License shall be required to pay an annual Spectrum Authorization Fee in accordance with Schedule A appended to these Regulations, or in accordance with the licensing process determined by the LTA pursuant to these Regulations.

- (3) **Annual License Fee:** The annual License Fee for any category of License shall be the fee calculated in accordance with Schedules A and B in relation to that category of License.
- (4) **Annual Regulatory Fee:** Annual Regulatory Fee shall be assessed on all LTA's licensed Service Providers and authorized spectrum users in accordance with Schedules A and B appended to these Regulations.
- (5) Where a Licensee seeks to operate more than one telecommunications network or otherwise seeks to provide Telecommunication Services under more than one category of License, the Licensee shall be required to pay the annual License and Regulatory Fees applicable to each category of License unless the licensee applies for a unified license.
- (6) **Annual Spectrum Usage Fee:** The Annual Spectrum Usage Fees for any category of frequency band shall be calculated in accordance with Schedule C appended to these Regulations. The Annual Spectrum Usage Fees are subject to change every two (2) years following the publication of these Regulations. The Annual Spectrum Usage Fees shall increase by 10% every two (2) years.
  - (7) **Annual Numbering Resource Usage Fee:** The Annual Numbering Resource Usage Fees shall be calculated and charged in accordance with Schedule D appended to these Regulations. The Annual Numbering Resource Usage Fees shall increase by 10% every two (2) years.

### 31. **Due Date for Payment**

- (1) License Application Fees are payable on submission of an application.
- (2) Authorization Fees shall be paid upon the signing or issuance of a License; or in accordance with the licensing process determined by the LTA pursuant to the Licensing Regulations.
- (3) Annual License Fees for Individual License are due and payable in accordance with the payment schedule stipulated in the License. Annual License Fees are payable by or before the due date for payment.
- (4) With the exception of new market entrants, each Licensed Operator will be invoiced for the current year based on the Operator's preceding year declaration that has been vetted by the LTA. .
- (5) During the first year of operations, new market entrants will be required to pay all fees except performance based fees.
- (7) Annual License Fees for Class Licenses are payable by or before the due date for payment.

**32. Penalties for Delayed Submission of Required Information/Data and for Delayed Payment**

- (1) Any provider of services covered under the Act who willfully fails to submit required information/data to the LTA within the time frame required for submission of such information/data shall be assessed a delayed submission penalty as follows:
  - a. A penalty not exceeding One Thousand United States Dollars (USD1, 000.00) shall be charged per day for each day that the delay continues.
  - b. If the delinquency continues, the LTA may institute further regulatory and/or legal actions pursuant to Law.
- (2) Any provider of services covered under the Act who fails to make payment to the LTA within the time frame required for making payment of any of its fees shall be assessed a delayed payment penalty as follows:
  - a. A penalty of one (1) percent of the principal amount due shall be charged for each day the payment is delayed, and shall be compounded daily for each day the delay continues. However penalty levied shall not exceed fifty (50) percent of the principal amount due.
  - b. If the delinquency continues, the LTA may institute further regulatory and/or legal actions pursuant to Law.

**PART X: PROVISION OF FEES INFORMATION**

**33. Reporting of Gross Revenues**

- (1) Any Licensee paying License fees based on its Gross Revenues shall submit its quarterly Gross Revenue Statement to the LTA within 30 days following the end of the quarter. The quarterly revenue statement shall contain full account of Revenue earned and their sources; and shall be accompanied by a sworn statement under penalty of perjury by the Chief Executive Officer (CEO) of the Licensee.
- (2) Any Licensee paying License fees based on its Gross Revenues shall submit to the LTA within thirty (30) days following the end of the first quarter of the ensuing year, its independently audited annual Financial Statements
- (3) In addition to revenue audits commissioned by the Liberia Revenue Authority (LRA), the LTA may at any time commission an audit of the accounts of the Licensee to validate its financial statements presented to the LTA. Where such audit reveals an

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omission or misrepresentation, the Licensee shall be subject to appropriate fines as stipulated in the Revenue Code of Liberia and/or the LTA's Penalty Regulations.

**34. Supplementary Information**

- (1) The LTA shall have the authority to require additional disclosure of financial or other information relevant to the payment of any fees, including obtaining access to Licensee's records, in accordance with section 11(1)(t) of the Act and the terms and conditions of Licenses.
- (2) The Licensee may request that information provided by it pursuant to these Regulations be held in confidence by the LTA in accordance with the Regulations for the Treatment of Confidentiality, Dispute Resolution, Compliance and Enforcement, 2009 (LTA REG 0002).
- (3) The LTA may elect to publish figures or other information relevant to telecommunications markets generally, but will not release information pertaining to any Individual Licensee that has been determined to be confidential pursuant to Section 34(2) above.

**PART XI: PROVISIONS FOR MIGRATION**

**35. Migration to the New Licensing Regime**

- (1) All service providers licensed under the old licensing regime shall be required to migrate to the New Licensing Regime.
- (2) The migration of licensed service providers to the New Licensing Regime shall be done within the time period specified by the LTA, which time period shall not be more than six (6) months. For the avoidance of doubt, billing under the New Licensing Regime will commence July 2015.
- (3) As an incentive for migrating to the New License Regime within the time period specified in Section 35(2) above, a licensed service provider will qualify to extend the remaining duration of its License to fifteen (15) years. For example, Licensee "XYZ" having eight (8) years remaining on its current License will qualify for an additional seven (7) years upon migration.
- (4) A licensed service provider who has paid License fees in advance under the old License Regime shall be credited by the LTA for the amount paid in advance. Allowable Credits shall be prorated and applied over the term of the new License. The LTA may determine other methods to apply credits.

**SCHEDULE A**

**ANNUAL LICENSE AND REGULATORY FEES**

Market Segment	License Category	Sub-segment	License Type	License Duration	Application Fee	Annual Spectrum Authorization Fee	Annual License/ Regulatory Fee	Annual Spectrum Fee
Facility Based Operators	<b>Tier 1</b>		Individual	10 years	\$ 50,000	\$ 100,000	\$250,000 + 3% of annual gross revenue	See Schedule C
	1	Cellular Mobile Network						
	<b>Tier 2</b>		Individual	15 Years	\$ 50,000	\$ 25,000	150,000 + 3% of annual gross revenue	N/A
	2	Infrastructure Network Service						
	<b>Tier 3</b>		Individual	10 years	\$ 5,000	\$ 10,000	\$35,000 + 3% of annual gross revenue	See Schedule C
	3	Triple Play Network Services						
<b>Tier 4</b>		Individual	5 years	\$ 1,000	N/A	10000 + 3% of annual gross revenue	\$ 3,000.00	
4	Internet Service Provider (ISP)							
Non-Facility based Operators	<b>Tier 5</b>		Individual	5 years	\$ 1,200	\$ 1,000	\$ 5,000 + 3% of annual gross revenue	See Schedule C
	1	Application Service Providers						
	2	Resale-based Service Supplier						
	3	Premium Number Service	Class	1 year	\$ 1,000	N/A	1,000 + 3% of annual gross revenue	
	4	Wireless Internet Service Providers (Public Hot Spots)	Class	1 year	\$ 100	N/A	500 + 3% of annual gross revenue	
	5	Other Class License Services (See Schedule B)	<b>See Schedule B</b>					
6	Open Entry (See Schedule B)	N/A						
<b>Notations:</b> 1. All fees are stated in United States Dollars								
2. N/A = Not Applicable								
3. Unified License Fees will be the sum of Individual License Fees stipulated in each sub-segment.								

This document was updated April 15, 2016.

**SCHEDULE A CONTINUES**

License Category	Sub-segment	License Type	License Duration	Application Fees	Authorization Fees	Annual License/ Regulatory Fee	Annual Spectrum Fee					
<b>Commercial Free on Air FM Radio</b>												
1	Montserrat, Margibi and Bomi	Class	1 year	\$ 100	N/A	\$ 2,800.00	N/A					
2	Nimba, Bong and Grand Gedeh					\$ 2,000.00						
3	Grand Bassa, Rivercess and Sinoe					\$ 1,500.00						
4	Lofa, Gbarpolu and Grand Cape Mount					\$ 1,000.00						
5	Maryland, Grand Kru and River Gee					\$ 1,000.00						
<b>Non-Commercial Free On Air FM Radio</b>												
1	Category 1 (Montserrat, Margibi and Bomi)					\$ 1,200.00						
2	Categories 2 - 5 above					\$ 1,000.00						
<b>SW, AM, Community and Satellite Radios</b>												
1	Free on Air/SW and AM Radio Commercial					\$ 1,100.00						
2	Free on Air/SW and AM Radio Non-Commercial					\$ 700.00						
3	Community Radio (Maximum of 500 Watt)					\$ 50.00						
4	Satellite Radio					To be determined						
<b>Television Broadcast (Non-subscription Based)</b>												
1	National TV - Free on Air					\$ 3,750.00						
2	Rural TV - Free on Air	\$ 750.00										
<b>Television Broadcast (Subscription Based)</b>												
1	Cable/Satellite TV with frequency assignment	Individual	5 years	\$ 1,250		\$ 10,000 (first five channels) + \$500 per each additional channel	N/A					
2	Cable/Satellite TV without frequency assignment					\$15,000.00						
1. All fees are stated in United States Dollars												
2. N/A = Not Applicable												
3. Unified License Fees will be the sum of Individual License Fees stipulated in each sub-segment.												

This document was updated April 15, 2016.

**SCHEDULE B**

**OTHER CLASS LICENSE SERVICES AND APPLICABLE FEES**

<b>NO.</b>	<b>TYPE OF SERVICE</b>	<b>APPLICATION FEE *</b>	<b>LICENSE FEE *</b>	<b>ANNUAL SPECTRUM / REGULATORY FEE*</b>
<b>1</b>	<b>Aeronautical Station-Commercial</b>			<b>USD</b>
a.	Aeronautical Ground to Air Station	\$100.00	\$250.00	2000/Station
b.	Aeronautical Air-to-Air	\$250.00	\$350.00	\$3,000.00
c.	Aeronautical Ground Station (Airlines)	\$250.00	\$350.00	\$3,000.00
d.	Radio License-Aircraft (weight ≤ 13,200 Kg)	\$50.00	\$100.00	\$500.00
e.	Radio License-Aircraft weight > 3,200 Kg <14,000Kg)	\$100.00	\$100.00	\$1,000.00
f.	Radio License-Aircraft (weight ≥ 14,000 Kg)	\$100.00	\$100.00	1000/Station
g.	Radio License for Aircraft (Glider)	\$50.00	\$50.00	\$200.00
<b>2</b>	<b>Fixed and Mobile LF/MF/HF Radiocommunications (including Landmobile, Marine &amp; Aeronautical) Stations</b>	\$75.00	\$75.00	\$225.00/Station
<b>3</b>	<b>Fixed and Mobile VHF/UHF/SHF Radiocommunications (including Landmobile, Marine &amp; Aeronautical) Stations</b>	\$100.00	\$200.00	\$300.00 +\$100/Station
<b>NOTE</b>	<i>Between 1 &amp; 10 handsets, a fee of \$75.00 is charged per handset, between 11 &amp; 20, a fee of \$50.00 is charged per handset, between 21 &amp; 50, a fee of \$35.00 is charged per handset and above 50, and a fee of \$25 is charged per handset.</i>			
<b>4</b>	<b>Telecommunications Equipment Dealer's License</b>	\$200.00	\$500.00	\$1,500.00
<b>5</b>	<b>Inmarsat Terminal</b>	\$100.00	\$100.00	\$500.00
<b>6</b>	<b>Ship Radio Station</b>	\$100.00	\$100.00	\$1,000.00

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**SCHEDULE B CONTINUES**

<b>NO.</b>	<b>TYPE OF SERVICE</b>	<b>APPLICATION FEE *</b>	<b>LICENSE FEE *</b>	<b>ANNUAL SPECTRUM / REGULATORY FEE*</b>
7	<b>Public Radio Paging License</b>	\$100.00	\$50.00	\$200.00
8	<b>Corporate Radio Paging License</b>	\$100.00	\$100.00	\$250.00
9	<b>Network Installer License</b>	\$100.00	\$100.00	\$500.00
10	<b>VSAT TERMINAL</b>			<b>Commercial/Self (USD)</b>
a.	Fractional E1 (N x 64 kbps), N=2, Bit Rate 128 Kbps	\$250.00	\$350.00	2000.00/1000.00
b.	Fractional E1 (N x 64 kbps), N=4, Bit Rate 256 Kbps	\$350.00	\$550.00	2000.00/1500.00
c.	Fractional E1 (N x 64 kbps), N=8, Bit Rate 512 Kbps	\$450.00	\$600.00	2500.00/2000.00
d.	Fractional E1 (N x 64 kbps), N=16, Bit Rate 1024 Kbps	\$500.00	\$650.00	3000.00/2500.00
e.	E1 Bit Rate 2048 Kbps	\$500.00	\$700.00	3500.00/3000.00
f.	E2 Bit Rate 8448 Kbps	\$500.00	\$750.00	4000.00/3500.00
g.	E3 Bit Rate 34368 Kbps	\$500.00	\$800.00	4500.00/4000.00
h.	E4 Bit Rate 139264 Kbps	\$500.00	\$900.00	5000.00/4500.00
i	<b>Open Entry</b>			
	Resellers, Amateur, Citizens Band Radio, Internet Café, Tele-Centers, SMS Services, Call Center excluding but not limited to sale of capacities and/or connectivity to Internet subscribers and other services as may be specified by the LTA	To be arrange	To be arrange	To be arrange

\*All identified amounts in United States Dollars.

\*\* The applicable combination of these fee components constitutes the annual License fee for the Licensee.

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## SCHEDULE C

### Annual Spectrum Usage Fees for Higher Technology

Frequency Band	Fee/MHz
1800 MHz	\$ 9,750.00
900 MHz	\$ 19,500.00
EGSM 900	\$ 14,375.00
System Wide	\$ 65,000.00
3.5 GHz	\$ 20,000.00
800 MHz	UNDER REVIEW
1900 MHz	\$ 14,375.00
2100 MHz	\$ 14,375.00
2.5 GHz	\$ 20,000.00
2.3 GHz	\$ 20,000.00
700 MHz	UNDER REVIEW

The LTA is currently reviewing the pricing for the **700MHz & 800MHz** bands in light of changed market conditions. Additional changes may be implemented in other frequency bands. New pricing will be posted after stakeholders consultation.

## SCHEDULE D

### Annual Numbering Resource Fees

Number Block	Fees Per Number Block
Block of 50,000	\$ 5,000
Block of 100,000	\$ 10,000
Block of 500,000	\$ 35,000
Block of 1,000,000	\$ 65,000.00

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*Note: Any required block of number less than 50,000 will be issued at USD\$0.10 per a number.*

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