



Office of Utility Regulation

Application for a Licence to provide Fixed Telecommunications Services and Networks in Guernsey

Information Notice and Application Form

Document No: OUR 02/09R

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Office of Utility Regulation
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Applications for a Licence to Provide Fixed Telecommunications Services and Networks in the Bailiwick of Guernsey

Information Notice and Application Form

1. Introduction

This document sets out the procedures for applying for a licence to provide telecommunications services or to establish, operate and maintain a telecommunications network in the Bailiwick of Guernsey.

The document briefly describes those services that require a licence and provides references to a number of other more detailed information documents to assist interested parties in considering whether or not they require a licence. It then provides information on the timetable for receipt of applications and grant of licences, sets out the information required from applicants and the procedure to be followed in making an application and the fee payable on application. The application form at the end of this document sets out detailed questions as to the proposed operations of the applicant and requires a declaration by the applicant.

Applications will be accepted by the Office of Utility Regulation from 31st March 2002.

2. Requirement to Hold a Licence

Under the Telecommunications (Bailiwick of Guernsey) Law, 2001 (“the Telecoms Law”) a person needs a telecommunications licence from the Director General of Utility Regulation (“Director General”) if one is proposing to engage in;

- (i) establishing, operating and maintaining a telecommunications network; or
- (ii) providing a telecommunications service

as defined by the Law.

Certain exemptions to this requirement are set out in Section 1(2) of the Telecoms Law. These include:

- “(a) the establishment, operation or maintenance by the States of a telecommunications network or the provision by the States of telecommunications services where the network or services are used

exclusively for the purposes of -

- (i) the salaried police force or special constabulary of the Island of Guernsey; or
- (ii) the providers of an emergency service in the Bailiwick;

in the course of carrying out their duties;

(b) the establishment, operation or maintenance by a person of a telecommunications network which is not connected to any other telecommunications network and in the case of which all telecommunications apparatus comprised in the network is situated either -

- (i) on a single set of premises occupied by that person; or
- (ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together,

and which is not -

- (A) operated for or provided to any third party for commercial gain; or
- (B) provided to any third party for the provision by that third party of telecommunications services for commercial gain;

(c) a broadcasting authority by reason only of the transmission by it, by wireless telegraphy, of sounds or visual images from a transmitting station for general reception direct from that station;

(d) the reception of sounds or visual images transmitted, by wireless telegraphy, from a transmitting station for general reception direct from that station or through the medium of a relay service licensed under the Wireless Telegraphy Act; or

(e) activities carried out under a television licence; and "**television licence**" has the same meaning as in the Wireless Telegraphy Act."¹

¹ Extract from Section 1(2) of the Telecommunications (Bailiwick of Guernsey) Law, 2001

In addition, following a public consultation, the Director General has directed, in accordance with section 3 of the Telecoms Law, that a number of other activities are exempted from the requirement to hold a licence. These include:

- (i) Telecommunications services provided by a person or class of persons, which are not provided for commercial gain or are not provided to third parties for provision by them for commercial gain.
- (ii) Telecommunications services that consist wholly of the reception of telecommunications messages.
- (iii) The establishment of a telecommunications network, where there is no requirement to have access to either, or both of, public or private third party land.
- (iv) The establishment, operation or maintenance by a person of a telecommunications network which is connected to any other telecommunications network and in the case of which all telecommunications apparatus comprised in the network is situated either:
 - (i) on a single set of premises occupied by that person; or
 - (ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together,

and which is not –
 - (a) operated for or provided to any third party for commercial gain;
or
 - (b) provided to any third party for the provision by that third party of telecommunications services for commercial gain.
- (v) The establishment and maintenance of payphones for use by third parties.²

Applicants are advised to consult the Telecoms Law and Document OUR 02/07 directly for more detail on the classes of activities that are exempted from the requirement to hold a licence.

The Director General will consider each application on its merits on a case by case basis to decide if a licence is required and, if so, to decide whether to grant or refuse to issue a licence, in accordance with her functions under the Telecoms Law.

² Decision 2.1 in Document OUR 02/07: Telecommunications Licence Terms and Conditions, Report on the Consultation and Decision Notice

Applicants should note that this document does not constitute legal, technical or commercial advice; if potential applicants are unclear as to whether or not their proposed activity requires a licence, OUR will provide assistance wherever possible. However, responsibility lies with parties in the market to ensure that they hold all appropriate permissions to operate in the market and parties are advised to obtain independent advice if they consider it necessary.

3. Timetable for Applications

In accordance with States Directions issued to the Director General in accordance with section 3 of the Regulation Law³, the Director General has granted a licence to Guernsey Telecoms Limited to provide telecommunications networks and services in the Bailiwick of Guernsey. For specified periods the Licences are exclusive and no other party may provide the licensed services and networks. From the date of expiry of the exclusivity periods, other licensed operators may provide services and networks. Those dates are:

- From 1st July 2002: Telecommunications Services other than mobile telecommunications services
- From 1st December 2002: Telecommunications Networks and Leased Circuits other than mobile telecommunications networks.

In order to be in a position to issue licences to successful applicants on the above dates, the Director General will accept the submission of applications from 31st March 2002 in accordance with these procedures. In general OUR will process applications within eight weeks of receipt of the fully completed application and all information required by the Director General to assess the application.

Applicants are advised to read carefully the information in this document before submitting an application for a Fixed Telecommunications Licence. Please also ensure that all necessary supporting documentation is enclosed with your application. Failure to provide all relevant information may delay the processing of your application.

4. Submission of Applications

Applicants should fill out the application form provided with this document and use the checklist at the end to ensure that they have completed all relevant sections and are providing all relevant supporting information. Please use additional sheets if necessary to answer any of the questions.

Applications should be submitted to:

³ Billet d'Etat No VI, 2001: The States Board of Industry – States Directions on the Regulation of the Telecommunications Sector, p. 341 (www.gov.gg/billets/2001/Billet_VI_2001.pdf)

Office of Utility Regulation,
Suite B1 & B2,
Hirzel Court,
St. Peter Port,
Guernsey, GY1 2NH

Applications should be clearly marked 'Application for Fixed Telecommunications Licence' and enclose 2 copies of the application.

While the OUR is pleased to accept application information by e-mail to info@regutil.gg you should provide full hard copies of your application along with all signed declarations and supporting information. The date of receipt of the application shall be deemed to be the date of receipt of the hard copy of the application.

5. Application Fee

All applications must be accompanied by the appropriate application fee of GBP £2,500. Applications submitted without an application fee will not be processed. Application fees should be paid by cheque, made out to the 'Director General of Utility Regulation'.

The Director General will be issuing further information on the fees payable throughout the term of a licence, including proposals for the method of setting such fees and the mechanisms that will be used to ensure that fees are fair and equitable across applicants.

6. ISP request for Dis-application of Conditions

In OUR 04/04⁴, the Director General set out her position on the licensing regime that will apply for ISPs. In particular she determined that she would be prepared to consider a request from ISPs applying for a licence for certain specific licence conditions in the Telecommunications Licence to be dis-applied subject to the applicant making out its case for such a modification.

The Licence Conditions that the Director General is prepared to consider are:

- Condition 16 – monitoring and development plans;
- Condition 17.9 – minimum service levels;
- Condition 17.11 – six monthly reports on service levels;
- Condition 17.13 – establishment of User Councils; and
- Condition 22 – Cessation of Services.

⁴ OUR 04/04: Licensing of Internet Access in the Bailiwick of Guernsey; Report on the Consultation & Decision Notice

Any ISP requesting any conditions to be dis-applied should set out clearly in the form of a separate note the following information:

- (a) the licence conditions that they are requesting that be dis-applied from those listed above;
- (b) the detailed reasons why the applicant believes the conditions should be dis-applied; and
- (c) a statement agreeing to the notify the DG should the applicant at anytime after the issue of any modified licence engage in services beyond the scope of the ISP licence. In such an eventuality the applicant will be issued a full telecommunications licence

ENDS

Application for a licence under Part I, Section 1 of the
Telecommunications (Bailiwick of Guernsey) Law, 2001.

PART A

1. APPLICANTS DETAILS

Full name of Applicant	
Trading Name of Applicant (if different to above)	
Registered Office	
Principal Business Address	
Telephone Number	
Web Site and Email address	
Fax Number	
Contact Name and contact details (to include telephone, fax and email where available)	

2. Business Details

2.1 If the applicant is a company, partnership, co-operative or other body please give the name(s) and private address(es) of each of the current directors or any other officers, company secretary, partners or members of the committee of management. Identify, as applicable, the chairman, chief executive, managing director, finance director, and any other director with specific duties:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2.2 In the case of a company or other body corporate please supply the company's registered number, its jurisdiction of incorporation and the date on which the applicant was incorporated

2.3 In the case of a partnership or similar entity please supply the date on which the applicant was formed.

2.4 Please list any trading and company names (state which and when used) used by the applicant within the last five years. Please list any trading name which the applicant uses or proposed to use if different from the make given under "full name of applicant".

2.5 Address in Guernsey for service of process and other notices

PART B

3. Service and Business Information

- 3.1 Please provide a description of each proposed service, in particular detail how access to the service is provided (indirect access, direct access, leased lines etc.), and targeted customer base on separate annexed A4 sheets.
- 3.2 Please provide a high level business plan. The plan should outline any major assumptions used and should cover a period of at least three years. The information provided should include:
- sources of funding, debt levels, equity and independent confirmation as appropriate;
 - market forecasts and market share.
- 3.3 Please provide brief résumés of key managerial staff indicating relevant prior experience, qualifications, and other sources of expertise as appropriate, and also explain what technical resources exist to help complete plans
- 3.4 Please provide details of quality of service targets supported by the applicant.
- 3.5 Please provide details of how the applicant will give access to emergency services and directory information services. Include also details on how directory information on the applicant's own customers will be maintained and made available to others legitimately seeking it
- 3.6 Please indicated whether you intend to seek an allocation of numbers from the National Numbering Plan (please tick):

Yes:

No:

- 3.7 If yes, please state the type of numbers you will be seeking an allocation of, i.e. carrier access codes, carrier selection codes, geographic, non-geographic or other numbers.

4. Network Information

- 4.1 Please provide a summary of the infrastructure (transmission and/or switching equipment under the control of the applicant) the applicant is planning to put in place within the next three years, including radio based infrastructure.
- 4.2 If the applicant is **planning** to use radio frequency spectrum, please indicate whether an application has been submitted for Wireless Telegraphy licences and provide details (copies may be enclosed if preferred).
- 4.4 Please indicate the steps the applicant is taking to ensure the orderly and efficient use of such spectrum (this information may be provided as a separate annex).

PART C

5. Declaration

On behalf of the applicant, I hereby declare that:

- (a) The applicant shall at all times comply in every respect with the conditions attached to any licence that may be awarded to the applicant as the same may be modified from time to time;
- (b) the applicant shall at all times comply with lawful directions of the Director General; and
- (c) the information provided by me on behalf of the applicant is accurate and complete in all respects.

Signed:

Full name(s) of Signator(y/ies):

<hr/>	<hr/>

Position held (where applicant is a company, co-operative or other body corporate):

Date: _____

Appendix 1

Telecommunications Licence Application Checklist

- | | YES |
|--|--------------------------|
| 1. Is the licence fee included? | <input type="checkbox"/> |
| 2. Are Sections 1 & 2 completed as appropriate? | <input type="checkbox"/> |
| 3. Has the declaration been filled in correctly and by all appropriate persons? | <input type="checkbox"/> |
| 4. Have 2 copies of the application been included? | <input type="checkbox"/> |
| Enclosures | <input type="checkbox"/> |
| 5. Details of each proposed service and proposed customer base | <input type="checkbox"/> |
| 6. Details of any number application planned | <input type="checkbox"/> |
| 7. Details of any telecommunications infrastructure planned (if applicable) | <input type="checkbox"/> |
| 8. Summary of the applicant's infrastructure / planned infrastructure | <input type="checkbox"/> |
| 9. If radio frequency spectrum is to be used, or the applicant has plans to use it, are licence or licence application details enclosed? | <input type="checkbox"/> |
| 10. Has any request been made for the dis-application of any of the conditions specified in Section 6 of these guidelines? (only applicable to ISPs) | <input type="checkbox"/> |

Please tick the "Yes" box where enclosures have been made; if the question is not relevant to your application, put "N/A" (not applicable) in the box.