



FINAL DETERMINATION AND ORDER

Issued to: COMPLETE BUSINESS SYSTEMS LTD.

**In the matter of: Breach of the
Communications Act, 2009**

Issue Date: April 12, 2012

UTILITIES REGULATION & COMPETITION AUTHORITY

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Final Determination

This Final Determination is issued by the Utilities Regulation and Competition Authority (“URCA”) pursuant to section 99 of the Communications Act, 2009 (“Comms Act”).

WHEREAS under section 16 of Part IV of the Comms Act, a person who wishes to establish, maintain or operate an electronic communications network or provide a carriage service, including by use of radio spectrum, is required to firstly obtain a licence from URCA;

WHEREAS on December 31, 2009 Complete Business Systems Ltd. (“the Licensee”) submitted a Licence Application Form (ECS – F2/09) to URCA for the purpose of providing public trunking services in Freeport, Grand Bahama;

WHEREAS on January 14, 2010 URCA subsequently issued the Licensee a Class Operating Licence Requiring Registration (RO-09-0020) in order to establish, maintain and operate a network to provide public trunking services. The Licensee was simultaneously issued an Individual Spectrum Licence (IS-09-0090) in order to use radio spectrum to provide the said public trunking services. URCA stipulated in the Appendix of the Individual Spectrum Licence that the Assigned Radio Spectrum was granted for the specific purpose of providing the said public trunking services in Freeport, Grand Bahama only;

WHEREAS in exercise of its power under section 27(1)(c) of the Comms Act, URCA revoked the Class Operating Licence Requiring Registration issued to the Licensee for failing to pay the annual URCA fee and interest thereon in breach of Conditions 1.11.1 and 1.14.1 of the said Licence. Consequently, on December 2, 2011 URCA issued a Notice of Revocation pursuant to section 8(1)(e) of the Comms Act to the Licensee and to the general public in The Bahamas by publication of the notice in the daily newspapers;

WHEREAS the provision of public trunking services requires both a Class Operating Licence and an Individual Spectrum Licence and the Licensee’s Class Operating Licence Requiring Registration has been revoked, under section 24(1) of the Comms Act, nothing in Part IV of the Comms Act shall be construed to allow a licensee to operate a network or provide a carriage service or to use spectrum in breach of any applicable provision of any law, any regulatory or other measure or to grant it rights not granted in the licence;

WHEREAS on February 16, 2012, URCA:

(a) Notified the Licensee of the following:

- (i) that URCA, having revoked the Licensee’s Class Operating Licence Requiring Registration, is of the opinion that the Licensee is prohibited from using the Assigned Radio Spectrum without a licence in breach of section 16 of the Comms Act;

(ii) that URCA intended to exercise its power under section 27(1)(a) of the Comms Act to revoke the Licensee's Individual Spectrum Licence so as not to allow the Licensee to operate a network or provide a carriage service or to use spectrum without a licence in breach of section 16 of the Comms Act; and

(iii) that the Licensee had thirty (30) calendar days from the date of service of the Preliminary Determination to either submit representations to URCA regarding the intended revocation of its Individual Spectrum Licence or surrender the Individual Spectrum Licence in writing.

(b) Enclosed a copy of the Draft Order issued under section 95 of the Comms Act notifying the Licensee that URCA would issue a Final Determination in this matter; and

WHEREAS the Licensee has either failed or refused to make such representations or surrender the Individual Spectrum Licence as requested in accordance with the Preliminary Determination;

THEREFORE URCA having considered the information in its possession regarding the Licensee's breach of the Comms Act **HEREBY FINALLY DETERMINES THAT:**

The Licensee, having its Class Operating Licence Requiring Registration revoked, is prohibited from using its Assigned Radio Spectrum without a Licence in breach of section 16 of the Comms Act. Therefore, the Licensee's Individual Spectrum Licence has become ineffectual and is to be revoked in accordance with section 27(1)(a) of the Comms Act.

IN CONSEQUENCE THEREOF UCA issues the attached Order to the Licensee under section 95 of the Comms Act together with this Final Determination.

Dated this 12th day of April, 2012



Kathleen Riviere-Smith
Chief Executive Officer



Order

This Order is issued by the Utilities Regulation and Competition Authority (“URCA”) pursuant to section 95 of the Communications Act, 2009 (Comms Act).

WHEREAS by Final Determination made on April 12, 2012, URCA has determined that the Individual Spectrum Licence issued to the Licensee on January 14, 2010 has become ineffectual due to the revocation of the Licensee’s Class Operating Licence on December 2, 2011. Therefore, under section 24(1) of the Comms Act the Licensee is prohibited from using the Assigned Radio Spectrum without a licence in breach of section 16 of the Comms Act.

IT IS HEREBY ORDERED that the Licensee surrenders its Individual Spectrum Licence within fourteen (14) calendar days of service of the Order by doing so in writing, failing which the Licensee’s Individual Spectrum Licence will be revoked pursuant to section 27(1)(a) of the Comms Act so as not to allow the Licensee to use spectrum without a licence in breach of section 16 of the Comms Act.

Failure by the Licensee to comply with this Order or any part thereof may result in the immediate revocation of the Licence.

Dated this 12th day of April, 2012

Kathleen Riviere-Smith
Chief Executive Officer