



Fee Schedule 2011

ECS 27/2010

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UTILITIES REGULATION & COMPETITION AUTHORITY

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1. Introduction

Under Part XVI of the Communications Act, 2009 (“Comms Act”), which came into force on 1 September, 2009 URCA has the power and duty to collect certain fees from licensees for itself and on behalf of other bodies. URCA has reviewed and hereby revises the Fee Schedule published March 26, 2010 (“the Fee Schedule”) such that this Revised Fee Schedule now amends the level of annual URCA Fee as contained in Table 2.

The amendment to Table 2 of this Revised Fee Schedule is consequential to URCA’s budgeted costs for the financial year January 1 to December 31, 2011 charged to Licensees in accordance with the Comms Act in order to fund URCA’s operations and planned activities over this period. In its *Three Year Strategy and Annual Plan for 2009 – 2010* (ECS 17/2010) document, URCA informed the public that its initial financial year would run from September 1, 2009 to December 31, 2010 covering a sixteen (16) month period¹. With the expiration of this period, URCA is required under the Comms Act to publish an Annual Plan which will, *inter alia*, set out URCA’s strategy for the forthcoming financial year and its budget based on targeted activities.

Therefore, the level of annual URCA Fee stipulated in Table 2 has been set to cover URCA’s annual budgeted costs of performing its functions and exercising its powers under the Comms Act specifically for the financial year January 1 to December 31, 2011. The details of this budget are provided in ECS 26/2010, published on December 10, 2010. This document therefore contains the level of **fees applicable from 1 January 2011** as follows:

- Under Section 92 of the Comms Act, URCA has determined to levy the fees and charges set out in Tables 2 and 3 respectively. (See URCA’s Final Determination on Class Licences, Exemptions and Types of Fees ECS – 24/2009 found on URCA’s website at www.urbahamas.bs).
- Under Section 91 of the Comms Act, licensees will be required to pay a Communications Licence fee to the Government but collected by URCA (these are set out in Table 4).
- There will be an obligation for licensees to pay other fees, such as under the Utilities Tribunal Act, 2009 (UAT Act) (these fees will be set out in Table 5 once duly determined in accordance with the UAT Act).

¹ For a full explanation see section 6 of ECS 17/2010 at www.urbahamas.bs

- Under Section 93 of the Comms Act, URCA will impose charges for radio spectrum (these are set out in Table 6).
- Under Section 76 of the Comms Act, URCA can, by regulation, require the payment of a fee for processing merger control applications and making an adjudication and, if applicable, an order, in the exercise of its merger control functions. A regulation on merger control fees has been published on the URCA website at www.urbahamas.bs.

This Fee Schedule will be kept under review and will be revised from time to time.

2. The annual URCA Fee and other URCA Fees

Under Section 92(2) of the Comms Act, fees levied by URCA must, amongst other things, be proportionate and be published in an appropriate and sufficiently detailed manner, so as to be readily accessible; and be set to cover URCA's annual budgeted costs of performing URCA's functions and exercising its powers under the Comms Act and the Utilities Regulation and Competition Authority Act, 2009 (URCA Act) and to recover any deficit from previous years.

The annual URCA Fee funds the operations of URCA and is charged annually in respect of the forthcoming financial year. URCA's financial year runs from January 1 to December 31. URCA publishes its Annual Plan that includes its objectives and target activities for the year and sets out URCA's budget based upon its projected activities and budgeted costs for the year. This is a requirement under Section 41 of the URCA Act.

The annual URCA Fee is calculated based on a Licensee's relevant turnover. Licensees will be invoiced at the end of each calendar year for the annual URCA Fee and Licensees must make full payment within thirty (30) days of being invoiced. Late payment will attract a statutory interest under Section 94 of the Comms Act at a daily rate of four per centum (4%) per annum over the prime lending rate as published by the Central Bank of The Bahamas.

URCA may exercise its discretion to permit payment arrangements of the annual URCA Fee by Licensees. However, payments by a Licensee made outside the required 30 day period for full payment, as invoiced by URCA, will attract interest at the level stated above. URCA encourages all Licensees to make full payment of the annual URCA Fee as prescribed in the URCA invoice. URCA emphasizes that it must bill and collect the annual URCA Fee in a manner that ensures it will have the necessary funding to be able to effectively and efficiently achieve its projected targets and activities for the year.

The annual URCA Fee becomes payable before a Licensee commences activities within a regulated sector. This is particularly applicable to a new Licensee who been issued an Individual Operating Licence or a Class Operating Licence Requiring Registration by URCA under the Comms Act. Where URCA issues a new Comms Act licence, the Licensee will be invoiced for the annual URCA Fee in accordance with this Fee Schedule and will be required to pay the fee within the period as prescribed in the invoice.

URCA may also levy other fees and charges under Section 92(1)(a) and (b) of the Comms Act for particular services rendered by URCA in the performance of its functions and the exercise of its powers under the Comms Act. These fees are payable each time for any application required under the Comms Act or for the supply or making of copies of documents. All licence applicants are required to pay the licence application fee under this Fee Schedule upon submission of the licence application form in order for URCA to commence processing of the application. Where the applicant fails to pay the requisite licence application fee, the statutory application processing time under the Comms Act will not start until such payment has been made.

The fees detailed in Table 2 below are the annual URCA Fees for the financial year January 1, 2011 to December 31, 2011 and have been set to cover URCA’s annual budgeted costs for performing its duties.

The fees detailed in Tables 1 and 3 below are set to cover the URCA licence application processing and administrative costs and the costs for the supply or making of copies of URCA documents, respectively.

Table 1 – Application / Administrative Fees

Licence Type	Application/ Administrative Fees
Amateur Radio	\$10
Ships Radio (Under 1600 tons)	\$10
Ships Radio (Over 1600 tons)	\$100
Private Landbase	\$100
Broadcast License (Spectrum)	\$100
Wireless Local Loop	\$1000
Ship radio – Pleasure	\$10
VSAT	\$100
Spectrum Broadband	\$1000
Private Port	\$10
Fixed Wireless Service	\$1000
Telecommunications	\$5000

Aeronautical Fixed Ground	\$100
Public Paging	\$100
Public Trunking	\$100
Internet Service Provider	\$100
Private Paging	\$10
Private Trunking	\$10
Broadcast Radio	\$100
Broadcast Television	\$100
Pay TV/Cable TV	\$5000

Please refer to the Licensing Guidelines, available on the URCA website (www.urbahamas.bs) and the Communications Act 2009 for further information relating to application / administrative fees.

Table 2 – URCA Annual Fee – Operating Licence

See the Final Determination on Class Licences, Exemptions and Types of Fees ECS – 24/2009 which is available at www.urbahamas.bs

Licence Type	URCA Fee ² (per annum)
Individual Operating Licence	
Less than \$0.5m annual relevant turnover	\$3000
Greater than or equal to \$0.5m annual relevant turnover.	1.165% of annual relevant turnover
Registrable Class Operating Licence	
Less than \$0.5m annual relevant turnover	\$3000
Greater than or equal to \$0.5m annual relevant turnover.	1.165% of annual relevant turnover

Table 3 - URCA Publications

See the Final Determination on Class Licences, Exemptions and Types of Fees ECS – 24/2009 which is available at www.urbahamas.bs

	Fee
Copy of URCA Publications	\$5

² Payable under s 92(1)(c) of the Communications Act 2009

3. The Communications Licence Fees

Licensees required to pay the URCA Annual Fee must also pay the Communications Licence Fee (“Comms Fee”). This fee becomes payable before a Licensee commences its licensed activities under the Comms Act. The Comms Fee is set in Schedule 3 of the Comms Act at 3% of the Licensee’s relevant turnover. This amount may only be changed by an amendment to the Comms Act.

In each subsequent year, the Comms Fee must be paid to URCA by Licensees on or before April 30 of each year. Under the Comms Act, URCA acts on behalf of the Government to administer the billing and collection of the Comms Fee and must account to the Treasury of The Bahamas on or before June 30 of each year for all Comms Fees it collects. URCA will invoice Licensees for the Comms Fee at the end of each calendar year. Licensees are encouraged to pay the Comms fee as soon as possible after receiving an invoice from URCA but must make full payment no later than April 30 of each year.

Late payment of the Comms Fee will attract a statutory interest under Section 94 of the Comms Act at a daily rate of four per centum (4%) per annum over the prime lending rate as published by the Central Bank of The Bahamas.

As the Comms Fee is a “pass through” fee payable to the Government of The Bahamas and only billed and collected by URCA, URCA has no discretion to permit payment arrangements of this fee by Licensees.

The fee detailed in Table 4 below are the Comms Fee for which URCA will invoice Licensees annually until the prescribed level of fee has been changed by an amendment to the Comms Act.

Table 4 - Communications Licence Fee

	Communications Licence Fee (per annum)
Every person required to pay an URCA fee pursuant to section 92(1)(c) of the Communications Act	3% of annual relevant turnover

4. The Tribunal Fee

All Licensees in a regulated sector will be required to pay the Tribunal Fee. Once determined by the Registrar of the Tribunal, URCA will publish in its Fee Schedule the level of Tribunal Fee payable by Licensees. As soon as reasonably practicable and in any event within three (3) months after the publication of the Registrar's estimate in accordance with the Utilities Appeal Tribunal Act, 2009, URCA will invoice and collect the Tribunal Fee from all Licensees in a regulated sector at the end of each calendar year.

Table 5 - Tribunal Fee

Every person required to pay an URCA fee pursuant to section 92(1)(c) of the Communications Act	UAT Fee (per annum)
Utility Appeals Tribunal Fee	TBD ²

5. Spectrum Fee

All Licensees that have been allocated or use radio spectrum under a licence issued by URCA are required to pay the Spectrum Fee. The Spectrum Fee must be paid to URCA on behalf of the Government before the Licensee commences activities under its licence and in each subsequent year. URCA acts on behalf of the Government to administer the billing and collection of the Spectrum Fee and will invoice Licensees for the Spectrum Fee in accordance with the Fee Schedule, as revised from time to time, at the end of each calendar year.

Under the Comms Act, the Minister with responsibility for the Electronic Communications Sector (the Minister) may set the level of spectrum fees in the Premium Spectrum bands and URCA will impose charges for spectrum in the Standard Spectrum bands. The level of spectrum fees has been stipulated in Table 6 below and is currently the same level of fees that the legacy regulator, the Public Utilities Commission (PUC), charged for spectrum. The spectrum fees should be considered in conjunction with the National Spectrum Plan (ECS 06/2010) as published by URCA on March 12, 2010.

² Schedule 3 of the UAT Act provides for URCA to bill and collect the Tribunal Fee on behalf of the Tribunal. The Registrar of the Tribunal, acting under the direction of the President of the Tribunal, must firstly publish and certify the anticipated relevant expenditure of the Tribunal before a Tribunal Fee can be determined and billed. URCA will accordingly bill licensees once the Tribunal Fee has been determined.

As the Spectrum Fee is also a “pass through” fee payable to the Government of The Bahamas and only billed and collected by URCA, URCA has no discretion to permit payment arrangements of this fee by Licensees. As such, licensees are invoiced at the end of each calendar year and Licensees must make full payment within thirty (30) days of being invoiced.

The fees detailed in Table 6 below are the Spectrum Fees that are, with the exception of spectrum listed for Cellular Mobile Services or unless explicitly stated for other services, calculated and charged on a “per island” basis. The Minister has determined the spectrum listed for Cellular Mobile Services to be Premium Spectrum and has set the level of such Spectrum Fee to be charged on a national basis.

Table 6 - Annual Spectrum Fee

PREMIUM SPECTRUM

Spectrum Allocation	Spectrum Fee (per annum)
Broadband Wireless Access (Fixed Services)	
1.7/2.1 GHz Bands (5 MHz bandwidth blocks)	\$3,000
2.3 GHz Band (5 MHz bandwidth blocks)	\$3,000
Cellular Mobile Services	
850 MHz A & B Bands (per 30 kHz channels)	\$300
1900 MHz Band (10 MHz bandwidth)	\$50,000

STANDARD SPECTRUM

Spectrum Allocation	Spectrum Fee (per annum)
<u>Aeronautical</u>	
Aeronautical Fixed Ground Station Licence	\$300
<u>Marine</u>	
Ship Radio Telephone Station - Pleasure Craft	\$30
Ship Radio Telephone Station - under 1600 tons	\$75
Ship Radio Telephone Station - over 1600 tons	\$150
<u>Land Base Station (Fixed Services)</u>	
Private Land Base Station Licence (single frequency assignment) (per 25 kHz RF channel)	\$250
Private Land Base Station Licence (duplex frequency assignment) (per 25 kHz RF channel pair)	\$500

<u>Others</u>	
Private Trunking – per five 25 kHz RF channel pairs	\$390
Public Trunking - per five 25 kHz RF channel pairs	\$1300
Public Paging (25 kHz bandwidth)	\$1300
Private Paging (25 kHz bandwidth)	\$100
Amateur Radio Station	\$25
Experimental Radio Station	\$100
VSAT systems with dishes less than 3.8 meters with one 64 kbs channel	\$500
VSAT systems with more than one 64 kbs channels – per channel	\$500
Earth Stations with dishes larger than 3 meters, with multiple channels	\$4500
<u>Radio & Television Broadcast Services</u>	
FM Radio Broadcast Station (200 kHz bandwidth)	\$500
Studio to Transmitter Links (STL) (Below 1GHz, 100 kHz bandwidth)	\$250
TV Broadcast Station (6 MHz bandwidth)	\$3000
<u>Fixed Stations Operating Above 1 GHz (Point-to-point)</u>	
Bandwidth Per Radio Link - Up to 50kHz (per radio link)	\$450
Bandwidth Per Radio Link - 50kHz to 3.5MHz (per radio link)	\$620
Bandwidth Per Radio Link - 3.5 MHz but less than 30 MHz (per radio link)	\$800
Bandwidth Per Radio Link - 30MHz or more (per radio link)	\$1200

Fixed Radiocommunications	
<u>Point-to-Multipoint</u>	
2.5 GHz Band Per each 6MHz bandwidth channel	\$800
3.5 GHz Band Per the first pair of 1 MHz bandwidth channels Per each additional pair of 1 MHz bandwidth channels	\$4,000 \$2,000