

FINAL DETERMINATION AND ORDER

Issued to: PACIFIC WIRELESS COMPANY

**In the matter of: Breach of Licence Condition -
Payment of Fees**

Issue Date: September 23, 2011

UTILITIES REGULATION & COMPETITION AUTHORITY

UBS Annex Bldg., East Bay Street | P.O. Box N-4860 Nassau, Bahamas | T 242.393.0234 | F 242.393.0153 | F 242.393.0237

www.urcabahamas.bs

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 on December 17, 2009 Pacific Wireless Company ("the Licensee") was issued a Class Operating Licence Requiring Registration ("the Licence") to provide public internet services;

WHEREAS Condition 1.11 of the Licence provides that:

"The Licensee shall pay to URCA the following fees and contributions notified by URCA from time to time in accordance with the Communications Act:

1.11.1 any URCA Fees;

1.11.2 the communications licence fees notified by URCA on behalf of the Minister;

1.11.3 the contribution to the Universal Service Fund set by URCA from time to time in accordance with the Communications Act; and

1.11.4 the Tribunal Fee payable pursuant to Schedule 3 of the UAT Act."

WHEREAS Condition 1.14 of the Licence provides that:

"...in the event of a default by the Licensee in the payment of any fees when due under this Licence:

1.14.1 the Licensee shall pay to URCA interest under section 94 of the Communications Act; and

1.14.2 URCA may revoke this Licence under the terms of the Communications Act."

WHEREAS under section 92 of the Comms Act the annual URCA Fee is to be calculated based on the Licensee's relevant turnover and URCA has published in Table 2 of its Fee Schedule ECS 12/2009 document the annual URCA Fee (per annum) payable by a Licensee under a Class Operating Licence Requiring Registration.

WHEREAS under section 94 of the Comms Act interest shall accrue on overdue URCA fees daily at a rate of four percent per annum over the prime lending rate as published by the Central Bank of The Bahamas. The Quarterly Statistical Digest February 2011 Volume 20, No. 1 as published by the Central Bank of The Bahamas lists the prime lending rate for the 2010 as 5.50%.

WHEREAS on September 7, 2010 and February 17, 2011 URCA issued the Licensee Statements on Account for such amounts due and owing by the Licensee under the said Licence for the annual URCA Fee and interest thereon.

WHEREAS URCA, having notified the Licensee in accordance with the Comms Act to pay the annual URCA fees and interest thereon, URCA was of the opinion that the Licensee was and continued to be in breach of Condition 1.11 of the Licence by having failed and/or refused to pay the annual URCA Fee and such interest thereon.

WHEREAS on June 10, 2011, URCA:

- (a) Notified the Licensee:
 - (i) of the specific obligation or obligations the compliance or contravention of which were the subject of the Preliminary Determination; and
 - (ii) specified the period within which the Licensee could make representations about the matters in the Preliminary Determination, comply with the obligations referred to in the Preliminary Determination of which it is in contravention and remedy the consequences of the contraventions notified in the Preliminary Determination;
- (b) Enclosed a copy of the Draft Order under section 95 of the Communications Act, 2009 that URCA would issue a Final Determination in this matter; and

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

THEREFORE URCA having considered the information in its possession regarding the Licensee's failure to pay the annual URCA fees and interest thereon **HEREBY FINALLY DETERMINES THAT:**

The Licensee has failed to pay the annual URCA fees and the interest thereon and thereby has breached Conditions 1.11.1 and 1.14.1 of the said Licence.

IN CONSEQUENCE THEREOF URCA issues the attached Order to the Licensee under section 95 of the Communications Act, 2009 together with this Final Determination.

Dated this 23rd day of September, 2011



Kathleen Riviere-Smith
Director of Policy and Regulation



Order

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

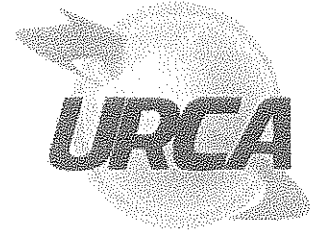
WHEREAS by Final Determination made on September 23, 2011, URCA has determined that Pacific Wireless Company (“the Licensee”) has breached Condition 1.11.1 and 1.14.1 of the Licence by having failed and/or refused to pay the annual URCA Fee as notified by URCA under the Comms Act and the interest thereon;

IT IS HEREBY ORDERED that the Licensee pays the outstanding annual URCA Fee and interest thereon as stipulated in the attached Statement on Account within fourteen (14) calendar days of service of the Order.

Failure by the Licensee to comply with this Order or any part thereof may result in the immediate revocation of the Licence in accordance with section 27(1)(c) of the Comms Act.

Dated this 23rd day of September, 2011

Kathleen Riviere-Smith
Director of Policy and Regulation



UTILITIES REGULATION & COMPETITION AUTHORITY
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 P.O. Box N-4860
 Nassau, Bahamas
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STATEMENT

Pacific Wireless Company
 P.O. Box SB-52275
 Nassau, Bahamas

Attn: John Taylor

Date	Page No
June 07, 2011	1
Account No	
PWC001	
Amount Enclosed	
\$	

Account Number	License ID	Document Number	Date	Due Date	Invoice Type	Description/ Applied No	Amount	
RO-09-0018		IN000644	02/18/2010	03/20/2010	IN	JAN 2010 - DEC 2010	3,000.00	
RO-09-0018		IN000822	07/26/2010	08/25/2010	IN	INTEREST CHARGES	26.53	
RO-09-0018		IN000213	06/07/2011	07/07/2011	IN	INTEREST CHARGES	68.03	
ACCOUNT OVERDUE. ALL CREDIT ON HOLD.							Total \$	3,094.56

0 - 0 Days	1 - 30 DAYS O/DUE	31 - 60 DAYS O/DUE	61 - 90 DAYS O/DUE
0.00	0.00	0.00	3,026.53