

**Revisions to:**

**Final Determinations Class Licences, Exemptions  
and Types of Fees (ECS 24/2009)**

**and**

**Guidelines for the Type Approval Certificate of  
Licence-Exempt Radio Spectrum Devices (ECS  
02/2013)**

**Response to Public Consultation and Final Determination**

**ECS 69/2019**

**Issue Date – 15 November 2019**

## 1. Introduction

In this document, the Utilities Regulation and Competition Authority (“URCA”) issues this Final Determination on the Revisions to the Final Determinations Class Licences, Exemptions and Types of Fees (ECS 24/2009) and Guidelines for the Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013).

URCA issued the Preliminary Determination for this consultation on 5 July 2019. This Final Determination, which is a revision of the Final Determinations on Class Licences, Exemptions and Types of Fees (ECS 24/2009) and Guidelines for the Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013), had the following core objectives:

- Revise Annex G of the Final Determination: Class Licences, Exemptions, and Types of Fees (ECS 24/2009) to allow URCA to grant a type approval certificate for new categories or types of low power electronic communications devices that satisfy the requirements for exemption set out in section 17(3) of the Comms Act; and
- Revise the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013) to make it possible for URCA to exclude other categories or types of low power electronic communications devices from licensing.
- Invite comments from stakeholders on the Preliminary determination setting out the proposed revisions.

The responses to the consultation were due on 5 August 2019. In addition to seeking general comments and views to URCA’s Preliminary Determination, URCA’s consultation paper sought respondents’ views on one question:

**Question: Guidelines for the Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013). Do you agree with the proposed revisions to ECS 02/2013? If not, why?**

Only TUV SUD Ltd. submitted a response to the public consultation. TUV SUD Ltd. is an international expert based in the United Kingdom that provides product testing and product

certification services. URCA thanks the respondent for its written submission and participation in the consultation process, which was useful and constructive.

URCA now sets out its reply to the comments it has received. In so doing, it expressly states that failure on its part to respond in this document to any issue raised by respondents does not necessarily signify agreement in whole or in part with the comment, that it has not considered the comment or that it considers the comment unimportant or without merit.

## **1.1 Background**

The Utilities Regulation and Competition Authority (“URCA”) is the governing body of the new regulatory regime established under the Communications Act, 2009 (“Comms Act”) for electronic communications in The Bahamas. URCA is responsible for licensing persons who provide, operate, or maintain an electronic communications network or provide an electronic communications service. URCA may levy a range of fees for its regulatory activities.

URCA (after consultation) issued a Final Determination on 2 November 2009 (Consultation Document – ECS 24/2009) on the Class Licences, Exemptions & Types of Fees for the electronic communications sector in The Bahamas<sup>1</sup>. That Final Determination sets out the terms and conditions for class licenses, the criteria for license exemptions and the types of fees URCA can levy under the Comms Act.

Also, on 23 January 2013, URCA issued Guidelines for Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013)<sup>2</sup>, which supplement and augment ECS 24/2009 by setting out the Type Approval process applicable to license-exempt low power devices.

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<sup>1</sup> URCA. (2009). Final Determination: Class licences, exemptions and types of fees. Retrieved from <https://www.urbahamas.bs/wp-content/uploads/2017/02/ECS-24-2009-Final-Determination-Class-Licences-Exemptions-and-Types-of-Fees-1.pdf>

<sup>2</sup> URCA. (2013). Guidelines: Type Approval, Exempt Radio Spectrum Devices. Retrieved from <https://www.urbahamas.bs/publications/guidelines-type-approval-exempt-radio-spectrum-devices-3/>

In the Final Determination and Guidelines documents, license exemptions were limited to FCC 47 CFR Part 15 Low Power Devices. URCA now considers that technological innovations make it possible for URCA to exempt other categories of low power devices from licensing. Further, URCA believes that exempting new low power devices that satisfy the conditions of section 17(3) of the Comms Act would reduce the unnecessary administrative burden on URCA and users of such devices and advance the overall electronic communications sector policy objectives set out in section 4 of the Comms Act. In proposing the amendments outlined in sections 4 and 5 below, URCA has considered the requirements under section 5 of the Comms Act, and in URCA's view, the proposed changes satisfy the requirements in the following ways:

- URCA believes, market forces are unlikely to achieve the Electronic Communications Sector Policy (ECSP) objectives;
- regarding costs and implications, URCA is unaware of any party that will be adversely affected;
- the proposed amendments are efficient and proportionate and will be introduced in a manner that is transparent, fair and non-discriminatory; and
- the proposed amendments will further promote the optimal use of radio spectrum by the exempted low power devices.

In this document, except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in the Comms Act. This consultative document does not constitute legal, commercial, or technical advice. This consultation is without prejudice to the legal position of URCA or its rights and duties to regulate the market generally. Lastly, this document should be read in conjunction with the 2017 Revision of Guidance on The Licensing Regime Under The Communications Act, 2009 (ECS 19/2017)<sup>3</sup>.

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<sup>3</sup> URCA. (2017). Guidance on the licensing regime under the Communications Act, 2009. Retrieved from <https://www.urbahamas.bs/wp-content/uploads/2016/08/Revised-Licensing-Guidelines-Nov-21-2017.pdf>

## 1.2 Structure of this Document

The remainder of the document is structured as follows:

- Section 2 sets out URCA's rationale for the proposed regulatory measure;
- Section 3 addresses the response to the consultation question;
- Section 4 sets out the revision of the Final Determinations on Class Licences, Exemptions and Types of Fees (ECS 24/2009);
- Section 5 sets out the revision of the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013); and
- Section 6 presents the conclusion and next steps.

## **2. The Rationale for The Proposed Regulatory Measure**

### **2.1 Reason for Proposed Regulatory Changes**

Every day, people interact with low power devices such as mobile phones, vehicle keys, wifi routers, digital watches, medical test equipment, key digital components in home appliances, commercial and industrial equipment, which provide a range of personal and commercial services. These devices have become integral contributors to people's everyday experience.

Since the publication of the revised Annex G of the Final Determination: Class Licences, Exemptions, and Types of Fees (ECS 24/2009) and the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013), technological advancements have led to the availability of new electronic communications devices that URCA believes can facilitate the adoption of, and migration to, 5G, Internet of Things (IoT) and smart cities. Technology manufacturers are already developing and testing devices such as millimeter wave devices, hubs for hybrid workstations, medical implants, and radar sensors for the transportation industry along with countless other devices. URCA considers that the use of these and other devices on a license-exempt basis could significantly further the ECSP objectives by promoting socio-economic development and the safety of the Bahamian public.

### **2.2 Considerations for Proposed Regulatory Changes**

URCA also considers that:

- i. these devices are unlikely to cause significant interference to networks or carriage services operated or provided by a licensee;
- ii. the risk of harm or inconvenience to other users is outweighed by the benefits to the public from permitting usage on an unlicensed basis; and
- iii. the issuance of an exemption would be compatible with relevant international recommendations and standards.

Having regard for the aforementioned developments, and taking into account that regulators such as Ofcom in the United Kingdom recently expanded its licence exempt regulations to facilitate the use of new low power digital devices, URCA believes that a revision of the existing regulatory measure is required.

### 2.3 List of Proposed Regulatory Changes

Table 1 below sets out the proposed changes to the Final Determinations Class Licences, Exemptions and Types Of Fees (ECS 24/2009) and the Guidelines for The Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013).

**Table 1. List of propose Regulatory Changes**

EXISTING FINAL DETERMINATIONS CLASS LICENCES, EXEMPTIONS AND TYPES OF FEES (ECS 24/2009)	PROPOSED REVISIONS TO THE FINAL DETERMINATIONS CLASS LICENCES, EXEMPTIONS AND TYPES OF FEES (ECS 24/2009)	RATIONAL FOR PROPOSED REVISIONS TO THE FINAL DETERMINATIONS CLASS LICENCES, EXEMPTIONS AND TYPES OF FEES (ECS 24/2009)
<b>2.1 Definitions And Interpretation</b>	<b>3.2 Definitions And Interpretation</b>	<b>Definitions And Interpretation</b>
"CFR" means the Code of Federal Regulations issued and maintained by the FCC;	Removed	The reference to the FCC and CFR restricted URCA's ability to consider devices that comply with the testing requirements of other reputable standardization bodies.
"FCC" means the Federal Communications Commission of the United States of America;	Removed	
<b>1.5 Low Power Devices</b>	<b>2.3 Low Power Devices</b>	<b>Low Power Devices</b>

<p>Low Power Devices are devices capable of radio transmission that:</p> <p>(a) have been tested and approved by the FCC; and</p> <p>(c) meet the specifications set out in Part 15 of Title 47 of the CFR as may be amended from time to time; and</p> <p>(d) have an FCC identification label indicating that the device is authorised by the FCC and a compliance label indicating that the device is authorised under Part 15 of Title 47 of the CFR;</p>	<p>Low Power Devices are devices that</p> <p>i. operate in compliance with the National Spectrum Plan of The Bahamas;</p> <p>ii. have been tested by an URCA-approved Telecommunication Certification Body (“TCB”). A TCB is a highly specialised telecommunication equipment testing facility that verifies the functionality and radio frequency emission characteristics of newly designed telecommunications devices. The purpose of using a TCB is to ensure that RF devices entering The Bahamas will meet the technical regulatory standards published by URCA;</p> <p>iii. have a unique identification label indicating that the device is authorised by an URCA-approved telecommunication regulatory body;</p>	<p>The reference to CFR Part 15 restricted URCA to considering a small subset of low power devices. The effect of removing the reference to CFR Part 15 is that URCA can now consider the type approval of low power devices manufactured in countries other than the USA that satisfy standards and technical requirements of the National Spectrum Plan and other regulatory measures published by URCA.</p>
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<p><b>1.1 Legal Requirement</b></p>	<p><b>3.2 Background</b></p>	<p><b>Background</b></p>
<p>In order to simplify the process for type approval of devices which are likely to have been already approved for use in other jurisdictions in the same region as The Bahamas, URCA has adopted Part 15 of the Code of Federal Regulation (CFR) 475 established by the FCC, which contain standards for Low Power Devices. The CFR is available at <a href="http://www.fcc.gov/oet/info/rules/">http://www.fcc.gov/oet/info/rules/</a>.</p>	<p>However, the low power device must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• The device must operate in compliance with the National Spectrum Plan of The Bahamas;</li> <li>• The device must have been tested by an URCA-approved Telecommunication Certification Body (“TCB”);</li> <li>• The device must have a unique identification label indicating that the device is authorised by an URCA approved telecommunication regulatory body;</li> <li>• The device must only be capable of low power radiation; and</li> <li>• The device must only be capable of transmitting signals over short distances.</li> </ul>	<p>The proposed revision removes the restriction to consider only CFR 47 FCC Part 15 devices and allows URCA to consider the type approval of other low power devices that could potentially further advance the Electronic Communications Policy objectives, as required under the Communications Act, 2009.</p>



<p>The remainder of this document contains the following sections:</p> <ul style="list-style-type: none"> <li>• Section 2: Type Approval Process;</li> <li>• Section 3: addresses repeals and safeguards; and</li> <li>• Section 4: provides a copy of the Application Form for Type Approval.</li> </ul>	<p>The remainder of this section is structured as follows:</p> <p>Section 3.5 explains what a Type Approval Certificate is;</p> <p>Section 3.6 identifies who can apply for a Type Approval Certificate;</p> <p>Section 3.7 describes the application process for a Type Approval Certificate;</p> <p>Section 3.8 explains the technical information applicants must submit;</p> <p>Section 3.9 explains the Declaration of Conformity;</p> <p>Section 3.10 discusses required markings;</p> <p>Section 3.11 explains the conditions for revocation of Type Approval Certificates;</p> <p>Section 3.12 describes the relevant fees; and</p> <p>Section 3.13 discusses repeals and safeguards.</p>	<p>More detailed to assist the reader with navigating the document</p>
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<p><b>2. What is a Type Approval?</b></p>	<p><b>What is Type Approval?</b></p>	<p><b>What is Type Approval?</b></p>
<p>A Type Approval is a certificate granting authorization for the use of a Low Power Device. URCA's process for granting Type Approval is designed to ensure compatibility of Low Power Devices with both licensed and license-exempt electronic communication systems operating legally in The Bahamas.</p>	<p>A Type Approval Certificate is a document that grants authorisation for the use of a specific low power device in The Bahamas. The issuance of a Type Approval Certificate indicates that URCA has confirmed that the device will comply with the exemption requirements set out in section 17(3) of the Comms Act.</p>	<p>The revision emphasizes that URCA is satisfied that the proposed exemption determination would be compatible with relevant international recommendations and standards.</p>

<p>An application for Type Approval must contain the following documentation, at a minimum:</p> <ul style="list-style-type: none"> <li>a completed application form ECS 02/2013 (See Annex or obtainable from URCA’s website) for each make and model;</li> <li>a signed and dated Test Report for each device, issued by an accredited Test Laboratory;</li> <li>a copy of the FCC’s Grant of Equipment Authorization Certification for the device;</li> <li>detailed technical specifications of the device;</li> <li>a Letter of Authorization, if the application is made by anyone other than the manufacturer;</li> <li>and, the Type Approval application fee in accordance with URCA’s Fee Schedule in force at the time of the application.</li> </ul>	<p>An application for a Type Approval Certificate must contain the following documentation, at a minimum:</p> <ul style="list-style-type: none"> <li>• A completed application form for each make and model (See Annex or obtainable from URCA’s website);</li> <li>• A signed and dated Test Report for each device, issued by an accredited Test Laboratory;</li> <li>• A copy of the equipment authorisation certificate for the device;</li> <li>• Detailed technical specifications of the device;</li> <li>• A Letter of Authorization from the manufacturer, if anyone other than the manufacturer makes the application; and,</li> <li>• The application fee in accordance with URCA’s Fee Schedule in force at the time of the application.</li> </ul>	<p>The current procedure only allows for the type approval of devices that have been issued an FCC Grant of Equipment Certificate by the FCC. The revision will allow applicants to submit qualifying evidence based on relevant international standards.</p>
<p><b>2.5 Marking</b></p>	<p><b>3.10 Marking</b></p>	<p><b>Marking</b></p>
<p>d) Approval Number (i.e., the FCC’s Equipment Grant identifier).</p>	<p>d) An approval number issued by the authorising regulatory body.</p>	<p>URCA removed the reference to FCC to avoid potential confusion.</p>

### **3. Response to Consultation Question**

In this Section, URCA summarises and responds to the comments received during the public consultation process, focusing on the comments made on the issues under consultation.

#### **3.1 General Comments**

Only TUV SUD Ltd. provided a response to the public consultation. TUV SUD expressed support of URCA's efforts in advancing regulations to keep up with the technological innovations while ensuring a high level of safety is provided to the public/users and avoiding disruption to nearby equipment. TUV SUD Ltd. noted that the requirements outlined in the consultation document appeared to be similar to the FCC / ISED Canada / Radio Equipment Directive requirements.

#### **3.2 Specific Comments**

TUV SUD Ltd. stated that as The Bahamas is in ITU Region 2, Manufacturers based in North America are interested in URCA and other regulatory bodies in the region recognizing various FCC Rule Parts, such as FCC Rule Part 15 and sections of FCC Rule Parts 2, 74, 95, 101 and related FCC Knowledge DataBase Publications associated with these rules. TUV SUD Ltd. also argued that recognition of the ISED Canada Radio Specification Standards (RSS, Interference Causing Equipment Standards (ICES) and Radio Standard Procedure (RSP-100) would be of interest to Canadian manufacturers. TUV SUD Ltd. also argued that manufacturers in the United Kingdom, Australia, New Zealand, Asia-Pacific and other countries in Region1 and 3 that are subject to the European Radio Equipment Directive (RED)/ETSI EN standards could benefit from the requirements described in the proposal. In relation to URCA revising the Guidelines for the Type Approval of License-Exempt Radio Spectrum Devices (ECS 02/2013) to make it possible for URCA to exclude other categories or types of low power electronic communications devices from licensing; TUV SUD Ltd. expressed support for the revisions.

### **3.3 URCA's Response to Comments**

URCA thanks the respondent for its comments. URCA is of the view that consumers in The Bahamas could obtain significant benefit when global manufacturers gain an interest in exporting electronic communications devices to The Bahamas. URCA believes TUV SUD comments confirm the need for the revision of the Final Determinations Class Licences, Exemptions and Types of Fees (ECS 24/2009) and Guidelines for the Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013).

#### **URCA's Final Determination**

Having considered the consultation response received on the Preliminary Determination on the Revisions of Final Determinations Class Licences, Exemptions and Types of Fees (ECS 24/2009) and Guidelines for the Type Approval Certificate of Licence-Exempt Radio Spectrum Devices (ECS 02/2013), URCA concludes that its preliminary determinations remain valid, and sets out the Final Determination below.

## 4. Final Determination

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

WHEREAS,

- i. on 2 November 2009 URCA issued its Final Determination: Class Licences, Exemptions, and Type of Fees,” (ECS 24/2009);
- ii. in section 6.1 of the Final Determination: Class Licences, Exemptions, and Type of Fees,” (ECS 24/2009), URCA determined that Subject to paragraph 6.2, the criteria set out in the Spectrum Exemption as contained in Annex G to this Final Determination are final, and any person who fulfils such criteria shall be exempt from obtaining a licence under Section 16(1) of the Communications Act, 2009 for Low Power Devices;
- iii. in section 6.2 of the Final Determination: Class Licences, Exemptions, and Type of Fees,” (ECS 24/2009), URCA determined that nothing in the Spectrum Exemption shall relieve any person of any legal requirement to firstly obtain any additional consents, permissions, authorisations or other licences that are necessary for the establishment, operation, maintenance or improvement of a Network or the provision of a Carriage Service; and
- iv. URCA considers that since the publication of the Final Determination: Class Licences, Exemptions, and Types of Fees (ECS 24/2009) and the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013), technological advancements have led to the availability of new electronic communications devices that can facilitate the furtherance of the Electronic Communication Sector Policy Objectives while remaining in full compliance with the requirement of Part IV of the Comms Act.

NOW, URCA, having considered the recommendations from international standardisation bodies, makes the following Final Determination pursuant to section 17 of the Communications Act, 2009 and in accordance with section 99 of the Communications Act, 2009. The Spectrum Exemption (the “Exemption”) in Annex G of The Final Determination: Class Licences, Exemptions, and Type of Fees,” shall be revised as set out below.

## **DEFINITIONS AND INTERPRETATION**

4.1 In this Exemption, except in so far as the context otherwise requires:

“Comms Act” means the Communications Act, 2009.

4.2 For the purpose of interpreting this Exemption:

- (a) Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in the Exemption, and otherwise the Comms Act;
- (b) For ease of reference, in this Exemption terms defined in the Comms Act have been capitalised;
- (c) Subject to Section 2.2 (a), where there is any conflict between the provisions of this Exemption and the Communications Act, the provisions of the Comms Act shall prevail;
- (d) Headings and titles used in this Exemption are for reference only and shall not affect its interpretation or construction; and
- (e) References to any law or statutory instrument include any modification re-enactment or legislative provisions substituted for the same.

## **EXEMPTION**

4.3 Persons are exempt from the requirement of a license for the use of radio spectrum under Section 16(1) of the Comms Act for Low Power Devices.

4.4 Nothing in this Exemption shall relieve any person of any legal requirement to obtain any additional consents, permissions, authorisations or licences that are necessary for the

establishment, operation, maintenance or improvement of a Network, or the provision of a Carriage Service.

## **LOW POWER DEVICES**

4.5 Low Power Devices are devices that:

- a) operate in compliance with the National Spectrum Plan of The Bahamas;
- b) have been tested by an URCA-approved Telecommunication Certification Body (“TCB”). A TCB is a highly specialised telecommunication equipment testing facility that verifies the functionality and radio frequency emission characteristics of newly designed telecommunications devices. The purpose of using a TCB is to ensure that RF devices entering The Bahamas will meet the technical regulatory standards published by URCA;
- c) have a unique identification label indicating that the device is authorised by an URCA-approved telecommunication regulatory body;
- d) are only capable of low power radiation; and
- e) are only capable of transmitting signals over short distances.

4.6 Persons using radio spectrum by means of a Low Power Device may be exempted from the licensing requirements in Part IV of the Comms Act provided that:

- a) it is not an excluded device specified by URCA on its website or in any Regulatory and Other Measure;
- b) associated equipment does not or is unlikely to cause significant interference to networks or carriage services operated or provided by a licensee;
- c) the risk of harm or inconvenience to other users is outweighed by the benefits to the public from permitting usage on an unlicensed basis; and
- d) URCA is satisfied that such exemption would be compatible with relevant international recommendations and standards.

4.7 Low Power Devices shall not cause any harmful or undue interference to any other radiocommunications apparatus and shall not be protected from interference that may be caused by any other radiocommunications apparatus.

Along with this Final Determination, URCA also intends to issue the attached Revisions to the Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices, ECS 02/2013.



## 5. Revised Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices

### 5.1 Introduction

The proposed revisions to the “Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices,” set out in this section, are issued pursuant to Section 17 (the exemption provision) of the Comms Act and are intended to supplement and augment URCA’s proposed revisions to ECS 24/2009 at section 2 above. The Type Approval process established by these Guidelines applies to licence-exempt radio spectrum devices that are not components of licenced electronic communications services or networks and is intended to verify that the device complies with standards adopted by URCA.

These Guidelines set out URCA’s process for the consideration of applications for the Type Approval Certificate.

### 5.2 Legal Requirements

Pursuant to the Exemption provisions contained in the Comms Act, namely:

*s17(3) Persons using radio spectrum may only be exempt from the licensing requirements in this Part provided that-*

*(a) Associated equipment does not or is unlikely to cause significant interference to networks or carriage services operated or provided by a licensee;*

*(b) The risk of harm or inconvenience to other users is outweighed by the benefits to the public from permitting usage on an unlicensed basis; and*

*(c) URCA is satisfied that such an exemption would be compatible with relevant international recommendations and standards; and*

*s17(4) Any exemption determination made by URCA shall be published, and unless revoked in accordance with any term contained in the exemption or accordance with this Act or any other law, shall continue in force for such period as may be specified in or determined by or under the exemption.*

In respect of licences and exemption determinations generally, the Comms Act states that:

*s18(1) An exemption determination exempts a person or class of persons from the requirement of a licence under section 16(1) only in relation to the provision of such network or carriage service or the right to use radio spectrum as may be specified in the exemption determination and subject to the conditions of that exemption determination, if any.*

*s18(2) Regardless of their form or content, licences and exemption determinations shall be and affect unilateral administrative actions of URCA pursuant to its powers under this Act and not bilateral agreements or contracts.*

On 2 November 2009, having regard to the provisions of section 17(3) and (4) and section 18(1) of the Comms Act, URCA issued document reference ECS 24/2009, titled "Final Determination on Class Licences, Exemptions, and Types of Fees." Paragraphs 6.1 and 6.2 of the said Final Determination stated in respect of Spectrum Exemptions as follows:

*Para 6.1 Subject to paragraph 6.2, the criteria set out in the Spectrum Exemption as contained in Annex G to this Final Determination are final, and any person who fulfils such criteria shall be exempt from obtaining a licence under Section 16(1) of the Communications Act, 2009 for Low Power Devices;*

*Para 6.2 Nothing in the Spectrum Exemption shall relieve any person of any legal requirement to firstly obtain any additional consents, permissions, authorisations or other licences that are necessary for*

*the establishment, operation, maintenance or improvement of a Network or the provision of a Carriage Service;*

Under URCA's existing Spectrum Exemption ECS 24/2009, a person is exempt from the requirement to obtain a spectrum license if the devices are low power devices. In this revision of the Guidelines, that condition remains. However, the low power device must meet the following criteria:

- The device must operate in compliance with the National Spectrum Plan of The Bahamas;
- The device must have been tested by an URCA-approved Telecommunication Certification Body ("TCB");
- The device must have a unique identification label indicating that the device is authorised by an URCA approved telecommunication regulatory body;
- The device must only be capable of low power radiation; and
- The device must only be capable of transmitting signals over short distances.

These Guidelines are intended to supplement the Revisions to Final Determinations Class Licences, Exemptions and Types of Fees (ECS 24/2009) and are purely procedural. URCA, therefore, does not consider it necessary to issue a further determination or another regulatory measure to give effect to these Guidelines.

Also, it should be noted that section 16(1) of the Comms Act makes it an offence for anyone to use "any communications equipment to interfere with wireless telegraphy."

### **5.3 Objective**

The objective of these Guidelines is to provide a framework using established procedures which are to cover the following:

- i. Persons who can request a Type Approval Certificate;
- ii. Confirm the relevant standard; and
- iii. Specify the requirements for Type Approval Certificate.

## **5.4 Structure of Guidelines**

The remainder of this section is structured as follows:

- Section 5.5 explains what a Type Approval Certificate is;
- Section 5.6 identifies who can apply for a Type Approval Certificate;
- Section 5.7 describes the application process for a Type Approval Certificate;
- Section 5.8 explains the technical information applicants must submit;
- Section 5.9 explains the Declaration of Conformity;
- Section 5.10 discusses required markings;
- Section 5.11 explains the conditions for revocation of Type Approval Certificates;
- Section 5.12 describes the relevant fees; and
- Section 5.13 discusses repeals and safeguards.

## **5.5 What is a Type Approval Certificate?**

A Type Approval Certificate is a document that grants authorisation for the use of a specific low power device in The Bahamas. The issuance of a Type Approval Certificate indicates that URCA has confirmed that the device will comply with the exemption requirements set out in section 17(3) of the Comms Act.

A Type Approval Certificate will be issued by URCA where URCA is satisfied that:

- i. The device is designed for efficient use of the radio frequency spectrum and avoid harmful interference with no degradation of service to other users of the spectrum;
- ii. The device conforms to health and safety standards and does not cause harm to the user or other individuals; and
- iii. The electromagnetic emissions do not disrupt the operation of equipment operating nearby.

## **5.6 Who can apply for a Type Approval Certificate?**

An application for a Type Approval Certificate can be made by the manufacturer/producer, dealer or importer of a low power device, or a duly authorised agent acting on behalf of the manufacturer. The manufacturer or producer of a low power device is not required to have a presence in The Bahamas in order to apply for a Type Approval Certificate. However, a Type Approval Certificate must be obtained from URCA before a low power device can be imported or used in The Bahamas.

## **5.7 The Application Procedure for Type Approval Certification**

An application for a Type Approval Certificate must contain the following documentation, at a minimum:

- A completed application form for each make and model (See Annex or obtainable from URCA's website);
- A signed and dated Test Report for each device, issued by an accredited Test Laboratory;
- A copy of the equipment authorisation certificate for the device;
- Detailed technical specifications of the device;
- A Letter of Authorization from the manufacturer, if anyone other than the manufacturer makes the application; and,
- The application fee, in accordance with URCA's Fee Schedule in force at the time of the application.

All supporting documentation submitted to URCA in this regard will be treated as confidential. The completed application form and all supporting documents must be submitted to URCA at the following address:

Chief Executive Officer  
Utilities Regulation and Competition Authority  
Frederick House  
Frederick Street  
P.O. Box N-4860

Nassau, The Bahamas

An Application will not be processed unless ALL requested information is received within 30 calendar days. If after 30 calendar days requested information is not received, the application request will be cancelled. A Type Approval Certificate will be issued in the name of the manufacturer (Same as the named Manufacturer on the equipment grant authorisation) without exception. A separate application is required for each make and model for which the applicant is seeking a Type Approval Certificate.

#### **5.8 Technical Information**

The grant of a Type Approval Certificate is based on URCA receiving a submission which contains suitable test reports and other supporting documents demonstrating compliance with the requirements of the Comms Act and the relevant international standards.

The device for which the Type Approval application is submitted must bear the same model number of the test report, including the following:

- i. An index or table of contents;
- ii. A declaration of conformity issued by the manufacturer;
- iii. Technical/operational documentation, including a brief explanation describing how the device is intended to be used;
- iv. Identification of any radio interfaces, antennas or connection points for antennas, radio spectrum range, and the output signal level of the device (EIRP);
- v. Any software or firmware which may affect compliance or influence radio frequency emissions;
- vi. The description shall give sufficient information on the equipment in the event the equipment is an interface card or module for installation in host equipment;
- vii. Circuit diagrams, printed circuit board (PCB) layouts, parts list, and other design and construction information; and,

- viii. Photographs or illustrations in sufficient detail to show the external features and internal layout of the device.

## **5.9 Declaration of Conformity**

A declaration of conformity must be submitted, issued by the manufacturer of the device on company letterhead or company stationery and signed by an authorised representative of the manufacturer, confirming that the device complies with the relevant standards (e.g., radio, health, and safety, EMC, etc.). The manufacturer need not submit any sample equipment unless specifically requested to do so.

Information that is to be included in the declaration of conformity is as follows:

- a. A unique identification number;
- b. The name and contact address of the issuer;
- c. A clear statement of the name, type, date of production or model number of the product, etc.;
- d. A statement of conformity;
- e. A complete list of product standards;
- f. Date of issue;
- g. Signature, name, and function of the authorised person acting on behalf of the issuer; and
- h. Name and address of the accredited Testing Laboratory.

## **5.10 Markings**

Low power devices entering The Bahamas must be marked showing the following information:

- a) The manufacturer's name;
  - b) Model and Type Number;
  - c) Serial number; and
  - d) An approval number issued by the authorising regulatory body.
-

### **5.11 Revocation of Type Approval Certificates**

URCA may revoke the Type Approval Certificate in the following instances:

- i. The low power device has undergone one or more changes and as a result, does not comply with the applicable standards that were in effect at the time the equipment was approved by URCA; or
- ii. In the event of a Policy change to the Guidelines; or
- iii. The low power devices are being used in such a way to permit or enable the establishment and operation of a broadcast radio or television station; or
- iv. The device is known to cause harmful interference to other licensed electronic communication systems.

In the event URCA receives a complaint against the holder of a Type Approval Certificate or has reason to believe that such person is in breach of the Conditions in the Spectrum Exemption or these Guidelines, URCA shall notify the original applicant and any other affected parties (e.g., the manufacturer/producer, dealer or importer of the low power device, or the agent of the manufacturer) of the purported breach and follow the enforcement provisions in Part XVII of the Comms Act regarding the issuance of enforcement Orders and Determinations. If URCA issues a Final Determination with or without an Order revoking the Type Approval Certificate, notification of revocation of the Type Approval Certificate will be published on URCA's website along with the reasons for the cancellation and notify the original applicant and any other affected parties. Upon cancellation of the Type Approval Certificate, further use of the device in The Bahamas is unlawful.

### **5.12 Fees**

An application fee is payable to URCA upon request for Type Approval Certificate. The application fee charged by URCA in respect of an application for a Type Approval Certificate is set out in URCA's Fee Schedule published annually, which is available for download from URCA's website at [www.urbahamas.bs](http://www.urbahamas.bs).



The validity period of the Type Approval Certificate is for the life of the low power device provided the Type Approval Certificate is not revoked as in section 4.11 of these Guidelines or surrendered by the applicant.

### **5.13 Repeal and Safeguard**

These Guidelines shall repeal and replace the *Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013)*.

These Guidelines shall remain in effect until amended, repealed or replaced. Users of devices are reminded that the Comms Act makes it an offence for anyone to use “any communications equipment to interfere with wireless telegraphy.”

## **6. Next Steps**

The Final Determination set on in Section 4 of this document replaces *Annex G of the Final Determination: Class Licences, Exemptions, and Types of Fees (ECS 24/2009)* and the Guidelines set out in Section 5 of this document replaces the *Guidelines for the Type Approval of Licence-Exempt Radio Spectrum Devices (ECS 02/2013)*.

## Annex: Application Form for Type Approval Certificate

APPLICATION FOR TYPE APPROVAL OF LOW POWER DEVICES		
<b>PART A: PARTICULARS OF APPLICANT</b>		
Company Name:		
Company Address:		
Email address:		
Mailing Address:		
Zip Code:	Phone:	Fax:
<b>PART B: DETAILS OF THE EQUIPMENT</b>		
Name of the Manufacturer:		
Address of the Manufacturer:		
Brand Name:	Model No:	Trade Name:
RF channel spacing:	Type of Modulation:	Year of Manufacture:
RF Output:		
Operating Frequency range:		
Transmitter: _____ MHz		
Receiver: _____ MHz		
Identifier:	Equipment Class:	
Proposed use of Equipment:		
<b>PART C: DOCUMENTATION</b>		
<ul style="list-style-type: none"> <li><input type="checkbox"/> A completed application form signed &amp; stamped</li> <li><input type="checkbox"/> Grant of Equipment Authorization Certificate</li> <li><input type="checkbox"/> Technical Specification</li> <li><input type="checkbox"/> Product User's manual</li> <li><input type="checkbox"/> Letter of Authority, if other than Manufacturer</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Signed &amp; dated Test Reports issued by an accredited Test Lab</li> <li><input type="checkbox"/> Safety Report(s)</li> <li><input type="checkbox"/> Electromagnetic Compatibility</li> <li><input type="checkbox"/> Internal &amp; External Photo of DUT</li> <li><input type="checkbox"/> Any other document</li> </ul>	
<b>DECLARATION OF APPLICANT</b>		
<p>[I/we] hereby certify that all information provided above and, in the document(s) attached hereto are true and correct and [I/we] shall comply with policies and procedures on the Type Approval Certificate outlined in the Utilities Regulation and Competition Authority (URCA) Guidelines.</p>		

Signature of Applicant:

Date: