



**TELECOMMUNICATIONS REGULATORY COMMISSION**  
**VIRGIN ISLANDS**

**SPECTRUM AWARD MITA - 2016**

**Consultation Questions and Commission Answers**

**Clarification Question One:** Is the reference to “Jost Van Dyke” in Appendix A, Schedule B, paragraph 2 (b) of the Modified Invitation to Apply (*MITA*) to the single island or the island group composed of six different islands? Similarly, do the references to Tortola and Virgin Gorda refer to the island or the island group composed of several different islands?

**Commission Answer:** We confirm that in Appendix A, Schedule B 2(b) of the MITA the islands of Tortola, Jost van Dyke, Virgin Gorda and Anegada refers to the individual islands having those names, rather than the groups of islands that may share the same names.

**Clarification Question Two:** A request was made for provision of all correspondence between the Commission and bidders that submitted bids for the 700 MHz, 1900 MHz and AWS-1 Spectrum Award in 2015.

**Commission Answer:** There were no clarification requests from parties registered for the Spectrum Award 2015 prior to the final date for responses to requests for clarification in 2015. All correspondence relating to subsequent clarification requests from the Commission to Applicants is confidential.

**Clarification Question Three:** What forms of Performance Guarantee would be acceptable to the Commission pursuant to the Additional Commitments?

**Commission Answer:** The applicant is free to propose its own form of Performance Guarantee. Please note that higher scores will be given for Performance Guarantees that:

1. are independently underwritten;
2. are Irrevocable;
3. have a clear definition of the method of drawdown;
4. have clear specifications of the criteria against which drawdown may take place;
5. are backed by credible proposals for methods of verification; and
6. are supported by financial instruments included with the submission.

**Clarification Question Four:** Please confirm the time period that Performance Guarantees are necessary for?

**Commission Answer:** The Performance Guarantees should be valid for a sufficiently long time period that ensures that the Additional Commitments being guaranteed are delivered by the Applicant.

**Clarification Question Five:** Is partial relinquishment of a Performance Guarantee acceptable as rollout and coverage is completed, services offered and quality of service achieved?

**Commission Answer:** Yes, subject to verification to the satisfaction of the Commission that the relevant performance commitments have been achieved.

---

Signed: Guy L. Malone  
Chief Executive Officer