

**BRITISH VIRGIN ISLANDS**

**APPLICATION FOR PUBLIC SUPPLIER LICENCE**



**Telecommunications Regulatory Commission**

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British Virgin Islands

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LM Business Centre 3rd Floor

Road Town, Tortola VG1110

## GENERAL INSTRUCTIONS

1. In completing the Application, all Applicants are to be guided by their respective Submission Checklist and Annex 1: Criteria for Grant of Public Supplier Licence
2. All Applicants are required to complete the following:

### Part 1: Application Details

- a. Kindly note that under Part 1.1, only Applicants for renewal may select 'Unitary'. All other applicants must select 'Public Telecommunications Network' and/or 'Public Telecommunications Service'.

### Part 2: Applicant Details

### Part 3: Business Details:-

Applicants are required to provide the information outlined in Part 3 which should include:

- a. the name, legal status, street address of the head office or principal place of business, postal address;
- b. any Affiliate(s). Please provide details of share capital, voting rights, partnership, or other ownership interest as an annex if same cannot be inputted into Part 3.
- c. the name, legal status, address of the head office or principal place of business and a description of the business of all the shareholders or consortium members of the Applicant, the identification of the shareholder or consortium member which controls the Applicant, and whether any such shareholders or consortium members are Virgin Islanders. In the case of business corporations listed on a stock exchange or other recognised securities market, this information shall be supplied to the best of the Applicant's knowledge and with respect to persons owning more than ten percent (10%) of the issued capital.
- d. Please note the charts which are to be provided under this section.
- e. Please note the questionnaires which are to be answered under this section.

### Part 4 : History of Applicant

### Part 5: Applicant's Activities in the Telecommunications Sector

- a. Kindly note that Part 5.1 is to be completed *only* by Applicants for renewal.
- b. Kindly note that Part 5.2 is to be completed by *all* Applicants.

3. **All Applicants are required to complete, and comply with, Part 6: Certification.**
4. **Only New Applicants are required to provide the information requested in Annex 2 – New Applicant’s Business and Proposed Network(s) and/or Service(s). Please be guided by Annex 4: Current and Proposed Technical Requirements.**
5. **Only Applicants for renewal are required to provide the information requested in:-**
  - a. Annex 3 – Renewal Applicants Business and Proposed Network(s) and/or Service(s). Please be guided by Annex 4: Current and Proposed Technical Requirements in your preparation of same. Kindly note that Annex 4h. and i. are not required from Applicants for renewal.
  - b. Annex 6 - Compliance with Telecommunications Act, the Regulations, the Telecommunications Code, the conditions, and obligations of the licence Questionnaire.
6. **Applicants for renewal shall hold a valid Trade Licence, authorising respective activities, and a copy of same must be submitted to the Commission.**
7. **Where the Applicant does not have a valid Trade Licence, the Applicant should apply for a Trade Licence before submitting this Application Form. If a Trade Licence has not yet been granted, please submit a stamped copy of Application Form which was submitted to Department of Trade, Investment Promotion and Consumer Affairs.**
8. **Please ensure that the Application is submitted together with the required supporting documents as per the relevant Submission Checklist provided for reference. Any document submitted should be noted as such by ticking the appropriate box in the Submission Checklist. Any document considered as not applicable should be noted as such by ticking the appropriate box in the Submission Checklist.**
9. **Please ensure that the Application and supporting documents are submitted in decemPLICATE (10 copies).**
10. **Any information that is necessary to satisfactorily complete the Application which cannot be inputted into the Application Form is to be provided as an appendix to the Application, clearly identifying the section to which said information relates.**
11. **Please note that each page of this application is to be initialed by the Applicant in the space provided at the bottom of the page.**

**NOTE:** *When evaluating an application, the TRC reserves the right to request information other than that outlined in this Application Form or to waive the requirement to submit specific information requested therein. Failure to submit additional information requested by the TRC may result in the evaluation of the Application in the absence of such information or the rejection of the Application by the Commission.*

## SUBMISSION CHECKLIST FOR NEW APPLICATIONS

ITEM SECTION	DESCRIPTION	DOCUMENT SUBMITTED	NOT APPLICABLE
Please ensure that the relevant documents for the following have been completed and/ or submitted:			
	Completed Application Form	<input type="checkbox"/>	<input type="checkbox"/>
	Associated Fees	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Certificate of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Memorandum and Articles of Association	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Any other relevant supporting documents under the BVI Business Companies Act 2004 which have been filed with the Registrar of Corporate Affairs.	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.2	Certificate of Incumbency	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.3	Certificate copy of Share Register	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.5	Chart showing ownership and group structure of Applicant	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.6	Chart showing the organizational structure of Applicant	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.6	Resumes of key managerial staff	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.7 and Annex 5	Fit & Proper Person Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 A. i.-iii	Description of Product/Service Offerings and Service Rollouts	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 B i.-vii	Market Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 C i.-iii.	Marketing Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 D i.-vi	Operations Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 E. (a) (i-viii), (b) (i-ii), (c), (d), (e) and (f)	Financial Information: Forecasted Financial Statements, Audited Financial Statements, and Certificates of Good Standing.	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 F and Annex 4	Technical Requirements	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 G i.-iii.	Rollout Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 H i-iii	Quality of Service Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 I i	Disaster Recovery and Insurance Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 2 - I ii	Annual Insurance Certificate	<input type="checkbox"/>	<input type="checkbox"/>

## SUBMISSION CHECKLIST FOR RENEWAL APPLICATIONS

ITEM SECTION	DESCRIPTION	DOCUMENT SUBMITTED	NOT APPLICABLE
Please ensure that the relevant documents for the following have been completed and/ or submitted:			
	Completed Application Form	<input type="checkbox"/>	<input type="checkbox"/>
	Associated fees	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Certificate of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Memorandum and Articles of Association	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.1	Any other relevant supporting documents under the BVI Business Companies Act 2004 which have been filed with the Registrar of Corporate Affairs.	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.2	Certificate of Incumbency	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.3	Certificate copy of Share Register	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.5	Chart showing ownership and group structure of Applicant	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.6	Chart showing the organizational structure of Applicant	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.6	Resumes of key managerial staff	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.7 and Annex 5	Fit & Proper Person Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
Part 3.7 and Annex 6	Compliance with Telecommunications Act, the Regulations, the Telecommunications Code, the conditions, and obligations of the licence Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 A (a) i.-iv. and (b) i-viii	Description of Product/Service Offerings and Service Rollouts	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 B i.-vii	Market Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 C i.-iii	Marketing Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 D i.-viii	Operations Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 E. (a) i.-vi, (b) i-ii, (c) i-iii, (d), (e), (f) and (g)	Financial Information: Forecasted Financial Statements, Audited Financial Statements, Financial Projections, and Certificates of Good Standing.	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3F and Annex 4	Technical Requirements	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 G i-iii	Quality of Service Plans	<input type="checkbox"/>	<input type="checkbox"/>

Annex 3 - H i	Disaster Recovery and Insurance Plans	<input type="checkbox"/>	<input type="checkbox"/>
Annex 3 - H ii	Annual Insurance Certificate	<input type="checkbox"/>	<input type="checkbox"/>



## TELECOMMUNICATIONS REGULATORY COMMISSION APPLICATION FOR PUBLIC SUPPLIER LICENCE

### PART 1: APPLICATION DETAILS

<b>Name of Applicant</b>	
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<b>Type of Application:</b>	
<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal

<b>Type of Licence being applied for:</b>		
<input type="checkbox"/> Public telecommunications network	<input type="checkbox"/> Public telecommunications service	<input type="checkbox"/> Unitary

### PART 2: APPLICANT DETAILS

Registered Business Address:	
Telephone number:	
Fax number:	
Email address:	
Website:	

Postal Address:	

**2.1** Particulars of two designated contact persons, namely two directors, or a director and the company secretary of the Applicant who may be contacted for further information:

Name	Position	Address	Telephone number	Email address

### PART 3: BUSINESS DETAILS

**3.1** Identify the Legal Status of the Applicant.

In support of the above, please provide certified copies of the Certificate of Incorporation, Memorandum and Articles of Association and/or any other relevant documents under the BVI Business Companies Act 2004 which have been filed with the Registrar of Corporate Affairs.

Company	<input type="checkbox"/>	Partnership	<input type="checkbox"/>
Individual	<input type="checkbox"/>	Joint Venture	<input type="checkbox"/>
Other Corporate Entity	<input type="checkbox"/>		
Please specify:			

**3.2** If the Applicant is a company, partnership, joint venture or other body, please state below the name(s), private address(es) and nationality(ies) of each of the current directors, company secretary, or partners. In support of your response, please provide a certified copy of the Certificate of Incumbency.

Name	Nationality	Address	Position



**3.3** List the particulars of shareholding of the Applicant. In support of your response, please provide a certified copy of the Share Register.

Name	Nationality	Passport no/ Company No.	Address	Number and percentage (%) of shares held

**3.4** List the particulars of any beneficial owners<sup>1</sup> of the Applicant.

Name	Nationality	Passport no/ Company No.	Address	Number and percentage (%) of interest held

**3.5** For any affiliates<sup>2</sup>, please provide details of share capital, voting rights, partnership, or other ownership interest.


<sup>1</sup> A **beneficial owner** is a person who owns or controls shares in a company but who may not be the registered shareholder listed in the company's register of members.

<sup>2</sup> "**Affiliate**" means, as with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with, that person. In the case where one person owns, directly or indirectly, 10% or more of the share capital, voting rights, securities, partnership or other ownership interest of another person, such person shall be deemed an Affiliate.

- 3.6 A chart showing the ownership and group structure of the Applicant showing any parent, subsidiary or holding companies and illustrating the interrelationship among the Applicant and the persons referenced above.
- 3.7 A chart of the applicant’s organizational structure showing management functions/titles including its divisions or departments. Include brief resumes of key managerial staff indicating relevant prior experience, qualifications, and nationality. Detail any other sources of expertise available to the Company.
- 3.8 Please provide responses to the questions in Annex 4 – Fit & Proper Person Questionnaire.
- 3.9 Please provide responses to the questions in Annex 5 – Compliance Questionnaire (*Renewal applicants only*).

**PART 4: HISTORY OF APPLICANT**

4.1 Has the Applicant ever applied for a Public Supplier Licence, Class Licence, Special Licence and or a Frequency Authorisation in the Virgin Islands?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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4.1.1 What is the status of that application?

Granted <input type="checkbox"/>	Refused <input type="checkbox"/>	Pending <input type="checkbox"/>
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4.1.2 If the application was refused, please provide the reason(s) for such refusal:


4.1.3 If the Licence and/or Frequency Authorisation was granted, please provide the following details of each such licence and/or Frequency Authorisation.

Type of Licence/Frequency Authorisation	Date of Issue	Services Provided	Term of Licence/Frequency Authorisation

**4.2** Has any such Licence and/or Frequency Authorisation been suspended and/or revoked?

If the answer is **YES**, please provide the reason for the suspension and/or revocation of the Licence and/or Frequency Authorisation?


**4.3** Has the Applicant or any Affiliate or Shareholder been refused a Licence and/or Frequency Authorisation in any country, or had a Licence and/or Frequency Authorisation revoked?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please state the grounds for refusal or revocation.


**4.4** Has an Affiliate or Shareholder of the Applicant previously been granted or applied for a Licence and/or Frequency Authorisation in the Virgin Islands?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please explain.


**4.5** Is the Applicant or its Affiliates the holder of a licence to provide a public telecommunications service and/or authorisation to use spectrum in any other country?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please state which other countries.


**4.6** Has the Applicant operated under or carried on business under any name other than the name in this Application?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please state the other name(s) of the business(es) and explain the nature of the business.


**4.7** Does the Applicant, or any of its Affiliates, conduct similar business to the one proposed in this Application in any company, organisation or capacity both in the Virgin Islands and/or abroad?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please explain.


**4.8** Does the Applicant, or any of its Affiliates, hold significant interest in any company, organisation or capacity both in the Virgin Islands and/or abroad?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please give the name(s) of business(es), percentage shareholding and describe the nature of each business.


**PART 5: APPLICANT’S ACTIVITIES IN THE TELECOMMUNICATIONS SECTOR**

**5.1** Please specify, by ticking as appropriate, the type of networks/services that you **currently** provide *(to be completed by existing licensees only)*:

<input type="checkbox"/> Backhaul	<input type="checkbox"/> Broadband wireless	<input type="checkbox"/> Broadcasting Station (Television)	<input type="checkbox"/> Cellular/Mobile Networks
<input type="checkbox"/> Dedicated Internet Access (DIA)	<input type="checkbox"/> Fixed Radio Communication Links	<input type="checkbox"/> Fixed Voice	<input type="checkbox"/> Fixed Wireless Access
<input type="checkbox"/> Internet Exchange Point (IXP)	<input type="checkbox"/> Internet Service Provider (ISP)	<input type="checkbox"/> Pay Television	<input type="checkbox"/> Prepaid Calling Card Services (Own Branding)
<input type="checkbox"/> Private Land Base	<input type="checkbox"/> Private Paging	<input type="checkbox"/> Private Trunking	<input type="checkbox"/> Public Fixed Network
<input type="checkbox"/> Public Paging	<input type="checkbox"/> Public Pay Phone	<input type="checkbox"/> Public Trunking	<input type="checkbox"/> Resale of services (Voice/Data)
<input type="checkbox"/> Service Providers requiring Number resources	<input type="checkbox"/> Submarine Cable Networks	<input type="checkbox"/> Transmission Capacity for Other Licenced Operators (OLOs)	<input type="checkbox"/> Value Added Services (Please specify):
<input type="checkbox"/> VSAT	<input type="checkbox"/> Wi-Fi Networks	<input type="checkbox"/> Other (Please specify):	

**5.2** Please specify, by ticking as appropriate, the type of networks/services that you **propose** to provide  
(to be completed by new applicants and existing licensees):

<input type="checkbox"/> Backhaul	<input type="checkbox"/> Broadband wireless	<input type="checkbox"/> Broadcasting Station (Television)	<input type="checkbox"/> Cellular/Mobile Networks
<input type="checkbox"/> Dedicated Internet Access (DIA)	<input type="checkbox"/> Fixed Radio Communication Links	<input type="checkbox"/> Fixed Voice	<input type="checkbox"/> Fixed Wireless Access
<input type="checkbox"/> Internet Exchange Point (IXP)	<input type="checkbox"/> Internet Service Provider (ISP)	<input type="checkbox"/> Pay Television	<input type="checkbox"/> Prepaid Calling Card Services (Own Branding)
<input type="checkbox"/> Private Land Base	<input type="checkbox"/> Private Paging	<input type="checkbox"/> Private Trunking	<input type="checkbox"/> Public Fixed Network
<input type="checkbox"/> Public Paging	<input type="checkbox"/> Public Pay Phone	<input type="checkbox"/> Public Trunking	<input type="checkbox"/> Resale of services (Voice/Data)
<input type="checkbox"/> Service Providers requiring Number resources	<input type="checkbox"/> Submarine Cable Networks	<input type="checkbox"/> Transmission Capacity for Other Licenced Operators (OLOs)	<input type="checkbox"/> Value Added Services (Please specify):
<input type="checkbox"/> VSAT	<input type="checkbox"/> Wi-Fi Networks	<input type="checkbox"/> Other (Please specify):	

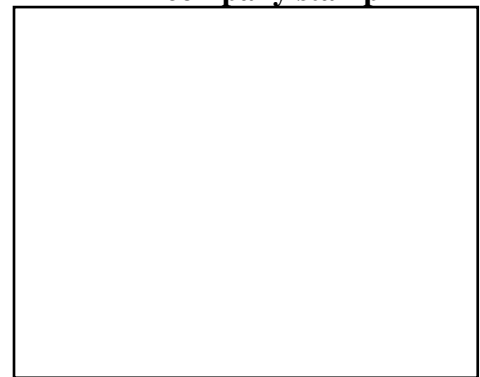
## PART 6: CERTIFICATION

1. The Applicant, by submitting this form and any attachments thereto, represents, warrants and undertakes to and with the Telecommunications Regulatory Commission of the British Virgin Islands (the ‘**Commission**’) that all information, facts and matters (together, ‘**Information**’) contained or referred to in the form and any attachments thereto are true and accurate as at the date of the application and correct in all respects and that nothing has been omitted which renders any such Information incomplete, false or misleading.
2. So far as such Information relates in whole or in part to past or present matters of fact, upon submission of the form, they shall also be deemed to constitute fundamental representations upon which the Commission may grant the Licence or Licences applied for.
3. Promptly upon the occurrence of or promptly upon the Applicant becoming aware of the impending or threatened occurrence of any event which would or might reasonably be expected to cause or constitute a breach of the representations, warranties and undertakings in sub-clause 1 above (or would have caused or constituted a breach of the representations, warranties and undertakings in sub-clause 1 had such event occurred or been known to the Applicant prior to the date of application), the Applicant shall give written notice of the same to the Commission and shall use its best endeavours promptly to prevent or remedy the same.

4. Where the Information consists of any audited accounts of the Applicant, by submitting this form and any attachments thereto, represents, warrants and undertakes to and with the Commission that those accounts are accurate in all material respects and show a true, complete and fair view of the state of affairs, financial position, assets and liabilities of the Applicant and of its results for the financial period therein stated.
  
5. The Applicant further certifies that, to the best of its knowledge, any matters which might influence the Commission' judgement as to whether the Applicant, its directors and substantial shareholders are fit and proper persons to hold a licence to operate a telecommunications network and/or provide a telecommunications service have been made known to the Commission.

Signed:	
Full name signatory:	
Position held:	
Date:	

**Affix company stamp**



## **ANNEX 1**

### **Criteria for the Grant of Public Supplier Licence**

Objectives in the Telecommunications Code:

- 1) to create a Virgin Islands telecommunications sector that will operate in a competitive manner;
- 2) to ensure a smooth transition for consumers and operators to a fully competitive telecommunications market;
- 3) to optimise the efficiency of radio-electric frequency spectrum utilisation and enhance the availability, scope and quality of telecommunications services available in the Virgin Islands;
- 4) to encourage investment in the development of the Virgin Islands telecommunications infrastructure;
- 5) to provide opportunities for reasonable financial returns to the private sector from the operation of such telecommunications services in a competitive market; and
- 6) to establish a clear, open and transparent licencing process for the award of telecommunications licences.

Promise to deliver:

That the proposed services will positively contribute to the socio-economic development of the Virgin Islands to an appreciable extent:

- 1) Technical - in terms of quality of services, new services, innovative services;
- 2) Economic - how the proposed services would contribute to the general economic development of the Virgin Islands;
- 3) Social - how the proposed services would benefit the general community, in terms of general services and additional initiatives (corporate social responsibility); and
- 4) Environmental - facilities will have minimal possible environmental (particularly visual) impact (corporate sustainability).

Ability to deliver:

- 1) he has sufficient resources, skills and expertise to establish and operate the telecommunications services;
- 2) in case of a natural person, he has a right to legally reside in the Virgin Islands;
- 3) in case of a company, it is incorporated in the Virgin Islands;
- 4) has no outstanding payments due to the Government, including any public authorities, of the Virgin Islands, including social security payments and taxes, including payroll and property taxes, which are not the subject of a dispute or awaiting a determination of the Commission, courts or other relevant authority; and
- 5) Any other legal documentation requested by the Commission.

Assurance that proposed service does not prejudice (section 23 (3) of the Constitution):

- 1) interests of defence, public safety, public order, public morality or public health;
- 2) reputations, rights and freedoms of persons, or the private lives of persons concerned in legal proceedings or proceedings before statutory tribunals, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulation of telecommunications, posts, broadcasting or public shows; or
- 3) restrictions on public officers that are reasonably required for the proper performance of their functions.

In all cases, the Commission shall be mindful of any existing licenced operations in the Virgin Islands held by the applicant. In particular, we will consider the extent to which they have (i) operated within the terms of their licence and (ii) complied with the Act, Regulations, Codes, licences and instructions issued by the Commission, during their term of operation. We reserve the right (i) not to award a licence or (ii) to make recommendations to the applicant concerning required divestment of existing operations, to ensure a competitive market and compliance with the telecommunications framework.



## ANNEX 2

### New Applicant's Business and Proposed Network(s) and/or Service(s)

Please provide a detailed description of the activities below as part of your proposed business plan for the next 5 years.

#### A. Description of Product/Service Offerings and Service Rollout

- i. Detailed description of products/services it intends to provide at the wholesale and retail levels.
- ii. Plans and timelines for service rollout.
- iii. Identification of service delivery to be provided for each product/service (e.g. copper, fibre, cell towers, etc.)

#### B. Market Assessment

- i. Describe the market assessment it has conducted in its business planning activities.
- ii. Identification of target market and customer segments.
- iii. Details of market studies specifying consumer demand and demand projections (include subscriber number and market share projections).
- iv. Proposed pricing plans and strategy.
- v. Traffic forecasts.
- vi. Forecast revenue projections.
- vii. Detailed assumptions underlying all aspects of the projections made.

#### C. Marketing Plans

- i. Market entry strategy.
- ii. Proposed marketing plan.
- iii. Perceived market risks and proposed strategies for mitigation reasons.

#### D. Operations Plan

- i. Please provide a staffing plan (showing how the applicant will ensure it has suitably skilled staff, including employee training and development).
- ii. Customer service and complaints resolution plans.
- iii. Representative samples of customer service contracts to be used.
- iv. Plans to provide consumers with better choice, price, quality and innovation that will contribute towards industry development.
- v. Terms and condition for the provision of the proposed networks and services.
- vi. Principal auditors, legal financial and/or other advisors to the company

#### E. Financial Information

The following is a breakdown of financial data that is required with a licence application:

##### (a) Forecasted Financial Statements (Five Years) and should include the following:

- i. A projection for each of the five years following commencement of Operations.

- ii. Balance Sheet, Income Statement, and Statement of Cash Flows.
- iii. Market Data and detailed assumptions underlying all aspect of the projections.
- iv. Initial start-up cost (predicted operating and capital expenditure, proposed financing plan including the sources of the financing) detailed to the Roll-out.
- v. Evidence of Financial Resources and capitalisation, including all debt and equity financing, to establish and maintain the proposed services. This may include, but is not limited to Certified Bank Deposit; Letters of Intent from Shareholders or other Contributors, bank reference and confirmations.
- vi. Description of continuing access to capital and financial capacity, including investments, revenues, credit reserves and other short and long term financial resources
- vii. Ability to show you can make sizeable investment into the infrastructure over the term of the licence.
- viii. If the applicant has a guarantor or is a member of an operating group, similar information is also required for the group.

**(b) Audited Financial Statements (Five Years) and should include the following:**

- i. A report for each of the five years following the commencement of operations.
- ii. Each report should include a Balance Sheet, an Income Statement, and a Statement of Cash Flows.

**(c) Certificate of Good Standing from the Social Security Board (or equivalent for a foreign shareholder).**

**(d) Certificate of Good Standing from the Commissioner of Inland Revenue (or equivalent for foreign shareholder).**

**(e) Certificate of Good Standing BVI Financial Services.**

**(f) Certificate of Good Standing National Health Insurance.**

**F. Technical Requirements – Network. *Please be guided by Annex 4.***

**G. Rollout Plan**

- i. Detailed description of applicant's proposed network rollout plan. This plan must include:
  - i. the population/geographic coverage plans and maps,
  - ii. rollout timeframes for relevant networks and/or services during the rollout period.
- ii. Plans for the acquisition and installation of all required facilities and equipment capacity; and
- iii. A forecast for expected growth of the network or service demand.

**H. Quality of Service Plan**

- i. Identification and description of Quality-of-Service commitments for both wholesale and retail services.
- ii. How the applicant proposes to meet its Quality-of-Service commitments.
- iii. Reference should be made to compliance with Quality-of-Service standards.

**I. Disaster Recovery<sup>3</sup> and Insurance Plans**

- i. The proposed operating procedure including a disaster recovery plan.
- ii. Annual Insurance Certificate for all offices and networks. (The Insurance Certificate must include a breakdown of insurable items, which should include the infrastructure, buildings, vehicles and contents inside the Applicant’s buildings)

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<sup>3</sup> For guidance, please note that the definition of ‘disaster’ is captured in, but not limited, to the events listed under the term “force majeure” at section 2 of the Telecommunications Act, 2006.

## ANNEX 3

### Renewal Applicant's Business and Network(s) and/or Service(s)

Please provide a detailed description of the activities below over the past 5 years of your licence and your proposed business plan for the next 5 years.

#### A. Description of Product/Service Offerings and Service Rollout

##### (a) Current Activities

- i. Current detailed description of products/services it currently provides at the wholesale and retail levels.
- ii. Identification of target market and customer segments.
- iii. Identification of service delivery currently provided for each product/service (e.g. copper, fibre, cell towers, etc.).
- iv. Continuity of products/services (include plans for providing service to underserved areas).

##### (b) Proposed Activities

- i. Description of plans for new products/services it intends to provide at the wholesale and retail levels.
- ii. Identification of target market and customer segments.
- iii. Timelines for service rollout.
- iv. Identification of service delivery to be provided for each product/service (e.g. copper, fibre, cell towers, etc.).
- v. Proposed pricing plans and strategy.
- vi. Traffic forecasts.
- vii. Forecast revenue projections.
- viii. Plans for providing service to underserved areas.

#### B. Market Assessment

- i. Current number of subscribers, types of subscribers and market share of its subscribers.
- ii. Forecast number of subscribers, types of subscribers and market share of its subscribers.
- iii. Current and forecast coverage of service by technology (e.g. 2G, 3G, 4G/LTE, 5G, fixed wireless), by island and by district.
- iv. The licensee's current and proposed contribution towards industry development.
- v. Major technology currently introduced to the industry/investment in the country's infrastructure.
- vi. Major technology to be introduced to the industry/investment in the country's infrastructure.
- vii. Describe the market assessment it has conducted in its future business planning activities.

#### C. Marketing Plans

- i. Market entry strategy for any proposed products/services not already offered to consumers.
- ii. Current and/or proposed marketing plan.
- iii. Perceived market risks and current and/or proposed strategies for mitigation reasons.

#### D. Operations Plans

- i. Contributions to providing consumers with better choice, price, quality and innovation that will contribute towards industry development.
- ii. Upgrades of the infrastructure.
- iii. Customer service and complaints resolution mechanisms currently in place and any proposed plans.
- iv. Representative samples of customer service contracts currently in use.

- v. Terms and conditions by which networks and services are offered or proposed to be offered, if applicable.
- vi. Staffing plan (showing how the applicant ensured/will ensure it has suitably skilled staff, including employee training and development).
- vii. Capacity building activities for its employees.
- viii. Corporate social responsibility.

## **E. Financial Information**

The following is a breakdown of financial data that is required with a licence application:

### **(a) Forecasted Financial Statements (Five Years) and should include the following:**

- i. A financial projection for the next five (5) years of operations not limited to Balance Sheet, Income Statement, and Statement of Cash Flows.
- ii. Market Data and detailed assumptions underlying all aspect of the projections.
- iii. Evidence of Financial Resources and capitalization, including all debt and equity financing, to establish and maintain the proposed services. This may include, but is not limited to Certified Bank Deposit; Letters of Intent from Shareholders or other Contributors, Bond letter, bank reference and confirmations.
- iv. Description of continuing access to capital and financial capacity, including investments, revenues, credit reserves and other short and long term financial resources.
- v. Ability to show you can make sizeable investment into the infrastructure over the term of the license.
- vi. If the applicant has a guarantor or is a member of an operating group, similar information is also required for the group.

### **(b) Audited Financial Statements (last Five Years) and should include the following:**

- i. Audited Financial statements for the last five (5) years, if not previously provided<sup>4</sup>.
- ii. Financial performance for the past 5 years. The Licensee is required to explain the profitability and revenue growth or losses incurred over the past 5 years.

### **(c) Financial Projections and Plans:**

- i. Details of plans for the company including new projects and sectors development over the period of the license.
- ii. How those plans will be funded? How revenues will be maintained or improved? How will the organization stay in business? Applicant may submit Investment Plans, Source of Funds and Projected Revenues. The Commission holds the rights to request further information in this regard.
- iii. In the event of the reliance of the applicant on a Guarantor, the audited financial statements of the Guarantor shall also be provided.

### **(d) Certificate of Good Standing from the Social Security Board (or equivalent for a foreign shareholder).**

### **(e) Certificate of Good Standing from the Commissioner of Inland Revenue (or equivalent for foreign shareholder).**

### **(f) Certificate of Good Standing BVI Financial Services.**

### **(g) Certificate of Good Standing National Health Insurance**

<sup>4</sup> For clarity, the last audited financial statement should not be later than one (1) year prior to the date of this Application.

**F. Technical Requirements – Network. *Please be guided by Annex 4.***

**G. Quality of Service Plans**

- i. Identification and description of Quality-of-Service commitments for both wholesale and retail services.
- ii. How the applicant proposes to meet its Quality-of-Service commitments.
- iii. Reference should be made to compliance with Quality-of-Service standards.

**H. Disaster Recovery<sup>5</sup> and Insurance Plans**

- i. The proposed operating procedure including a disaster recovery plan.
- ii. Annual Insurance Certificate for all offices and networks . (The Insurance Certificate must include a breakdown of insurable items, which should include the infrastructure, buildings, vehicles and contents inside the Applicant’s buildings)

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<sup>5</sup> For guidance, please note that the definition of ‘disaster’ is captured in, but not limited, to the events listed under the term “force majeure” at section 2 of the Telecommunications Act, 2006.

## ANNEX 4 Current & Proposed Technical Requirements

*Note: New applicants – please provide information on your proposed network, by specifying the information below.*

*Renewal applicants – please provide information on your current network, and any proposed changes to your network, by specifying the information below.*

The Applicant must provide detailed information regarding:

- a. technical plans and schematic diagrams, including without restriction a description of the technology or technologies currently employed, proposed, or to be employed in the immediate future including the planning principles, methods and accuracy tools to be used in the planning process.
- b. network security plans currently in place, proposed or to be used in the immediate future.
- c. compliance with accepted international standards.
- d. whether the Licensee has or will establish its own international gateway for the purpose of providing international telecommunications services?
- e. the main characteristics of the current/proposed Telecommunications Network and/or Services, making it possible to evaluate:
  - i. The network architecture;
  - ii. The locations of all existing towers (Latitude & Longitude, height above ground) and switching/routing facilities;
  - iii. The traffic flow capacities;
  - iv. All frequency channels currently in use;
  - v. The channel management and subscriber capacities;
  - vi. The network's compliance with applicable standards and the requirements of the Licence Terms and Conditions;
  - vii. The devices improving use of the assigned frequencies;
  - viii. Traffic management during peak period;
  - ix. The quality of service during peak period;
  - x. Points of interconnection to the other existing Licensees;
  - xi. Public Payphone plan;
  - xii. Internet access plan;
  - xiii. International roaming plan;
  - xiv. Technical methodology for providing lawful intercept for telecommunications.
- f. Network overview including current/proposed network topology, current/proposed network capacity and any requirements or proposed points for interconnection (if applicable). (The network overview should also indicate any need for radio frequency spectrum and the relevant licence applications(s) shall accompany this application form).
- g. Indication of intent to collocate on existing facilities and if relevant applications for these facilities have been approved.
- h. Notarized copies of all existing signed agreements with third parties for Telecommunications Services received or provided, such as interconnection, facilities sharing, pole attachments, leases for cell site and equipment locations, and subsea or terrestrial cable access.
- i. Evidence of Town and Country Planning Department approval for all telecommunications tower sites in accordance with Physical Planning Act, 2004, and evidence of right-of-way for existing pole lines and underground conduits or cables. (Tower sites shall include antennas mounted on utility poles, rooftops, or attached to walls of structures).

**ANNEX 5  
Fit & Proper Person Questionnaire**

1. Has any member of the Applicant's directors, shareholders, managerial staff, and/or officers been bankrupt, or filed for bankruptcy?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please attach a certified copy of the discharge.

2. Has any member of the Applicant's directors, shareholders, managerial staff, and/or officers been a director or a member of a company, which has become insolvent or has filed bankruptcy proceedings?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide the name of the company.


3. Has any member of the Applicant's directors, shareholders, managerial staff, and/or officers been a director or a member of a company, which has had a receiver, or receiver and manager, appointed in respect of any of its assets?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.




4. Has any member of the Applicant's directors, shareholders, managerial staff, and/or officers been a director or a member of a company, which has entered into a compromise or arrangement with creditors?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


5. Has any member of the Applicant's directors, shareholders, managerial staff, and/or officers been a director or a member of a company, which has had a petition been presented in court for its winding up?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


6. Has a receiver, or receiver and manager, been appointed in respect of any of the Applicant's assets?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


7. Has the Applicant entered into a compromise or arrangement with creditors?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


8. Has a petition been presented in court for the winding up of the Applicant?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


9. Has the Applicant, any of the Applicant's directors, shareholders (as specified at Part 3.3 of the Application Form) and/or managerial staff been convicted of any criminal offence; particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence whether or not in the British Virgin Islands or offences under legislation relating to telecommunication networks and services?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


10. Is and/or has the Applicant, any of the Applicant's directors, shareholders (as specified at Part 3.3 of the Application Form) and/or managerial staff been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


11. Has the Applicant, any of the Applicant's directors, shareholders, managerial staff, and/or officers contravened any of the requirements and standards of the telecommunications regulatory system in the BVI or the standards or requirements of other regulatory authorities (including a previous regulator), professional bodies, or government bodies or agencies?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


12. Has the Applicant, any of the Applicant's directors, shareholders, managerial staff, and/or officers been the subject of any adverse finding or any settlement in civil proceedings, particularly in connection with investment or other financial business, misconduct, fraud or the formation or management of a body corporate?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.

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**13.** Has the Applicant been refused the right to carry on a trade, business or profession requiring a licence, registration or other authority whether, as a result of the removal of the relevant licence, registration or other authority?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


**14.** Has the Applicant, any of the Applicant's directors, shareholders (as specified at Part 3.3 of the Application Form) and/or managerial staff been a director, partner or concerned in the management, of a business that has gone into insolvency, liquidation or administration while the person has been connected with that organisation or within one year of that connection?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


**15.** Has the Applicant or Applicant's directors ever been disqualified from acting as director?

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If the answer is **YES**, please provide details of same.


**ANNEX 6**

**Compliance with Telecommunications Act, the Regulations, the Telecommunications Code, the conditions, and obligations of the licence**

**Questionnaire to be completed by Applicants for renewal of telecommunications licence.**

1. Did the Applicant violate any provisions of the Telecommunications Act, the Regulations, the Telecommunications Code, the conditions, and obligations of its licence during the term of its previous licence? If “**Yes**”, what provisions were violated?

**Yes ( )**

**No ( )**


2. Did the Applicant pay the relevant regulatory fees during the term of its previous licence? If “**No**”, which fees were not paid and why were they not paid?

**Yes ( )**

**No ( )**


3. Did the Commission take any enforcement actions against the Applicant during the term of its previous licence? If “**Yes**”, please state the details of the infraction(s) and the actions taken and the results of the actions.

**Yes ( )**

**No ( )**


4. Did the Applicant receive any warnings, instructions, or directives from the Commission in relation to its activities during the term of its previous licence? If “Yes”, please indicate details of same.

Yes ( )

No ( )


5. Did the Applicant provide the licensed service(s) under the terms of its previous licence? If “No”, which services were not provided and why were they not provided?

Yes ( )

No ( )


6. Did the Applicant comply with interconnection obligations set out in the Telecommunications Act or elsewhere during the term of its previous licence? If “No”, why were the obligations not complied with?

Yes ( )

No ( )


7. Did the Applicant comply with access to facilities obligations set out in the Telecommunications Act or elsewhere during the term of its previous licence? If “No”, why were the obligations not complied with?

Yes ( )

No ( )

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8. Has the Applicant complied with the obligations imposed by section 16 of the Telecommunications Act during the term of its previous licence? If “**No**”, which obligations were not complied with and why were they not complied with?

**Yes ( )**

**No ( )**


9. Has the Applicant complied with its compliance obligations imposed by section 72 of the Telecommunications Act during the term of its previous licence? If “**No**”, which obligations were not complied with and why were they not complied with?

**Yes ( )**

**No ( )**


10. Has the Applicant operated within the limitations imposed by the original licence during the term of its previous licence? If “**No**”, why did the Applicant not operate within said limitations?

**Yes ( )**

**No ( )**




11. Has the Applicant operated within the limitations imposed by its frequency authorisation during the term of its previous licence? If “No”, why did the Applicant not operate within said limitations?

Yes ( )

No ( )


12. Has the Applicant complied with all network expansion requirements contained in the original licence during the term of its previous licence? If “No”, why did the Applicant not comply with said requirements?

Yes ( )

No ( )


13. Has the Applicant furnished all reports to the Commission as specified in the Telecommunications Act, the Regulations, the Telecommunications Code, the conditions, and obligations of its licence and prescribed and requested by the Commission during the term of its previous licence? If “No”, why did the Applicant not furnish said reports?

Yes ( )

No ( )
