TELECOMUNICATIONS REGULATORY COMMISSION
P.O. BOX 4401, ROAD TOWN
Tortola, British Virgin Islands VG1110
Phone (284) 468 4165

RADIO FREQUENCY AUTHORISATION

Licence Number: **VRGBC/00003/2022**

Date of Issue: **2025-01-01**
Date of Expiration: **2026-12-31**

THE TELECOMMUNICATIONS REGULATORY COMMISSION (the Commission), hereby issues this Frequency Authorisation to Caribbean Communications Company Limited (the Authorisation Holder) for the use of the assigned frequency within the Virgin Islands in accordance with the Telecommunications Act, 2006 (the Act) and subject to the terms and conditions herein.

Terms and Conditions

1. Interpretation

1.1 In this Frequency Authorisation, unless indicated otherwise, the following words shall have the following meanings:
a) "assigned frequency" means the frequency authorized by the Commission for use by the Authorisation Holder under this Frequency Authorisation, as identified in the Schedule hereto.
b) "Date of Issue" means the date of issue hereinabove written.
c) "Date of Expiration" means the date of expiration hereinabove written.
d) "facilities" means particular poles, masts, towers, roof-tops and other similar apparatus, inclusive of buildings, which are used to host the equipment used by the Authorisation Holder to facilitate operations on the assigned frequency.

1.2 Except as specified in Article 1.1 above, the words and expressions used herein shall have the meanings given in the Act.

1.3 References to any statute or statutory provision shall, unless the context otherwise requires, be construed as a reference to that statute or statutory provision as from time to time amended, consolidated, modified, extended, re-enacted or replaced.

2. General Conditions

2.1 Regulatory Framework and Applicable Laws

2.1.1 The Authorisation Holder shall comply with the provisions of the Act in the operation or use of the assigned frequency. The terms and conditions of this Frequency Authorisation shall be subject to the provisions of the Act.
2.1.2 The Authorisation Holder shall comply with all Regulations, with the Telecommunications Code and

with all other instruments made under the Act and all relevant laws in force from time to time in the Virgin Islands.
2.1.3 The Authorisation Holder shall comply with any lawful directive issued by the Commission, the Minister or any other person so duly authorised under the Act.
2.1.4 The terms and conditions of this Frequency Authorisation shall be construed in accordance wit. the Laws of the Virgin Islands.
2.1.5 The Authorisation Holder shall not infringe any copyright in any works transmitted or received on the assigned frequency.

2.2 Terms
2.2.1 This Frequency Authorisation shall take effect from the Date of Issue and shall expire on the Date of Expiration ("the Term").
2.2.2 The Authorisation Holder shall apply to the Commission for a renewal of the Frequency Authorisation at least ninety (90) days before the Date of Expiration.
2.2.3 The Commission shall, in processing an application by the Authorisation Holder for the renewal of this Frequency Authorisation, have regard to:
(a) the conduct of the Authorisation Holder during the current term or during the term of any licence granted by the Commission to the Authorisation Holder
(b)and whether the Authorisation Holder failed to comply materially with the Act, the Telecommunications Code, the terms of the Frequency Authorisation and any lawful directive of the Commission.
2.2.4 The Commission shall not renew this Frequency Authorisation if the Authorisation Holder does not comply with its obligation to provide specific information to the Commission under Article 3.1below.
2.2.5 This Frequency Authorisation shall terminate in the event the Authorisation Holder ceases to hold, for whatever reason, a licence to install and operate a broadcasting station.

2.3 Payment of Fees
2.3.1 The Authorisation Holder shall pay to the Commission such fees as applicable to the use of the assigned frequency as the Commission may determine from time to time in accordance with the Act.

2.4 Requirement to Furnish Information to the Commission
2.4.1 Without prejudice to the obligation of the Authorisation Holder to provide specific information to the Commission under the terms of this Frequency Authorisation, the Authorisation holder shall provide the Commission with such information in such manner and at such times as the Commission may request in accordance with the Act.

2.5 Remedies for Non-Compliance
2.5.1 Without prejudice to any other right of action available to the Commission under the terms of this Frequency Authorisation or under any other written law or Regulation, the Commission may take such action as it considers appropriate under the Act for a breach of any condition of this Frequency Authorisation.
2.5.2 If in the opinion of the Commission, the Authorisation Holder has engaged in any conduct identified in section 75(1) of the Act, the Commission may exercise such enforcement powers against the Authorisation Holder under section 75(2) of the Act.

2.6 Force Majeure
2.6.1 The Authorisation Holder shall not be held liable for failure to comply with its obligations under the Frequency Authorisation to the extent that the Commission is satisfied that such failure was directly attributed to an act of force majeure provided that the Authorisation Holder shall use all reasonable endeavours to resume performance of its obligations as soon as the effect of the event of force majeure ceases or abates. For the avoid of doubt, there are no circumstances in which failure to pay fees due hereunder will be attributed to an act of force majeure.
2.6.2 The Authorisation Holder may during a period of emergency in which public services are disrupted due to an act of force majeure, use the assigned frequency for emergency communications and in a manner other than as specified in the Frequency Authorisation provided that such use only persists

during the declared period of emergency and is discontinued when it is possible to resume normal telecommunications services or until such special use of the assigned frequency is terminated by the Governor.

2.7 National Security

2.7.1 The Authorisation Holder shall, upon request by the Governor or otherwise in accordance with any relevant law, co-operate with the Governor or other official agency duly authorised by the Governor to the extent required in matters of law enforcement, public emergency or national security.

2.7.2 The Authorisation Holder shall make available to the Government, as authorised by the Governor, its facilities and or telecommunications equipment for such purposes as may be required under section 89 of the Act when a period of public emergency has been declared.

2.8 Amendment

The Frequency Authorisation may be amended by the written agreement of the Authorisation Holder or by the Commission and otherwise in accordance with section 23 of the Act:

i. due to the effect of an act of force majeure, national security considerations, changes in national legislation or, subject to section 86 of the Act, the need to implement international obligations; or

ii. if the Commission, taking into account the public interest, otherwise deems it necessary to achieve the purposes of the Act.

2.9 Assignment or Transfer

2.9.1 The Authorisation Holder shall not, without the prior written approval of the Commission, such approval not to be unreasonably withheld, transfer, assign or otherwise part with the Frequency Authorisation or any permission, right, obligation or benefit granted under the Frequency Authorisation

2.9.2 Subject to section 20 of the Act, the Authorisation Holder shall not, without the prior written approval of the Commission, such approval not to be unreasonably withheld, enter into any agreement or other arrangement the effect or the purported effect of which would be to permit a person to acquire a significant interest in the Authorisation Holder.

2.10 International Obligations

The Authorisation Holder shall comply with such Regulations of the International Telecommunications Union as the Commission may adopt from time to time and shall observe any international obligations applicable to the Virgin Islands.

2.11 Termination and Suspension

The Frequency Authorisation may be terminated or suspended in accordance with the Act.

2.12 Service of Notices

2.12.1 Any notice required to be given by the Commission to the Authorisation Holder under this Frequency Authorisation shall be in writing and shall be deemed to have been given if sent by hand or post or by facsimile (in the case of facsimile when proof of transmission is received) to the Authorisation Holder's address in the Territory, as indicated in the Authorisation Holder's application for a frequency authorisation or to any other address of which the Authorisation Holder might have provided notice to the Commission from time to time.

2.12.2 Any notice required to be given by the Authorisation Holder to the Commission under this Frequency Authorisation shall be in writing and shall be deemed to have been given if sent by and or post or by facsimile (in the case of facsimile when proof of transmission is received) to the Commission's principal place of business in the Territory.

3. Conditions Specific to this Frequency Authorisation

3.1 Provision of Information to the Commission The Authorisation Holder shall submit to the

Commission no later than the date on which it applies for a renewal of this Frequency Authorisation under Article 2.2.2 above the following items of information:
i. Forecasted Balance Sheet for a period of five (5) years from the Date of Issue;
ii. Forecasted Statement of Cash Flow for a period of five (5) years from the Date of Issue;
iii. Forecasted Income Statement/Capital Cost of Operations for a period of five (5) years from the Date of Issue;
iv. Evidence of existing financial resources to sustain radio broadcasting services to the public on the assigned frequency in accordance with this Frequency Authorisation;
v. Audited Financial Statements;
vi. Certificates of Good Standing issued by the Social Security Board and by the Inland Revenue Board.

3.2 Use of Spectrum

3.2.1 The Authorisation Holder shall use the assigned frequency for the provision of radio broadcasting services to the public within the Territory of the Virgin Islands. The Authorisation Holder shall not use the assigned frequency for any other purpose without the approval of the Commission and in any event shall not use the assigned frequency for any other purpose than to operate a broadcasting station.
3.2.2 The Commission may revoke this Frequency Authorisation in the event that the Authorisation Holder does not commence using the assigned frequency in accordance with the terms and conditions of this Frequency Authorisation within three (3) months of the Date of Issue.
3.2.3 The Authorisation Holder shall not use the assigned frequency for any purpose other than that identified in Article 3.2.1 above without the approval of the Commission.
3.2.4 The Authorisation Holder shall transmit on the assigned frequency at the power level identified in the second column of the Schedule hereto and shall maintain transmission at such power level for the Term of this Frequency Authorisation unless otherwise authorised in writing by the Commission.
3.2.5 The Authorisation Holder shall use the Call Sign identified in the third column of the said Schedule in accordance with Regulations or with the Telecommunications Code and or in accordance with international recommendations and standards recognised by the International Telecommunications Union.
3.2.6 The Authorisation Holder shall ensure that its use of the assigned frequency does not cause harmful interference to any other authorised user of the spectrum unless and to the extent provided for under the Act in accordance with Regulations or with the Telecommunications Code and or in accordance with international recommendations and standards recognised by the International Telecommunications Union.
3.2.7 The Authorisation Holder shall ensure that its use of the assigned frequency does not pose a danger of any nature to the public.
3.2.8 The Authorisation Holder shall, when using the assigned frequency, take proper and adequate measures to safeguard life, property and the environment, including safeguarding against exposure to any electrical or radiation hazard emanating from any equipment used by the Authorisation Holder.
3.2.9 The Authorisation Holder shall ensure that any radio communications service or radio transmitting equipment operated on the assigned frequency or otherwise with the use of the spectrum is in compliance with such other standards and specifications that may be published by the Commission from time to time.
3.2.10 The Authorisation Holder shall, in accordance with instructions issued by the Commission from time to time, co-operate with the Commission in its co-ordination and management of the efficient use of the spectrum as a public resource and shall provide any assistance reasonably requested by the Commission for this purpose.
3.2.11 Subject to Article 3.3 below, the Authorisation Holder shall, in accordance with the Act and with any other applicable law, obtain all required approvals and rights of access for access to lands and or for the construction or erection of the facilities or of any equipment or other installation in relation to the use of the assigned frequency.
3.2.12 The Authorisation Holder shall retain accurate and up-to-date detailed records pertaining to its delivery of radio broadcasting services on the assigned frequency and shall make such information available to the Commission promptly upon request and without charge to the Commission in accordance with the Act.

3.2.13 Without prejudice to the provisions of the Act, the Authorisation Holder shall allow the Commission, upon receiving reasonable prior notice, to inspect the facilities, inclusive of the Authorisation Holder's equipment and shall provide any related assistance to satisfy the Commission that the Authorisation Holder is in compliance with the terms and conditions of this Frequency Authorisation.
3.2.14 The Authorisation Holder shall not significantly change the location or any technical parameter of any transmitter used on the assigned frequency without the prior approval of the Commission.

3.3 Construction of Sites
3.3.1 The Authorisation Holder shall ensure that the facilities:
a. are used, to the maximum possible extent, on a shared basis with other users of the spectrum, licensees and public utilities. To the extent that it is not considered feasible to use the existing facilities and utility installations, the Authorisation Holder shall submit such proof to the Commission as the Commission considers appropriate;
b. are designed and constructed in such a way that they blend in with the surrounding physical environment to the maximum possible extent and to the satisfaction of the Commission.
3.3.2 Except where the Commission exempts a specific type of facility from the requirements of Article 3.3.1 above, the Authorisation Holder, shall satisfy the Commission that the facilities, inclusive of the equipment hosted therein will comply such requirements.
3.3.3 The Commission may recommend changes to the design, structure or any other aspect of the facilities to ensure that the Authorisation Holder complies with the requirements of Article 3.3.1.

3.4 Maintenance of Technical Records
3.4.1 The Authorisation Holder shall maintain accurate, up to date and detailed technical data in relation to the use of the assigned frequency in accordance with this Frequency Authorisation as follows:
a. Specification of the radio broadcasting equipment, including each antenna, used in the provision of radio broadcasting services on the assigned frequency;
b. The coverage area;
c. The effective radiated power (ERP) and the radiated pattern of each antenna;
d. A Site map of the Station including geographical location coordinates; e. The height of each antenna above ground level
f. Such other technical data as may be directed by the Commission from time to time.
3.4.2 The Authorisation Holder shall, subject to section 70 of the Act, provide the Commission with the records referred to in Article 3.4.1 above by such date and in such form as might be specified by the Commission from time to time.
3.4.3 The Authorisation Holder shall notify the Commission of any proposed material changes to its radiocommunication service or radiotransmitting equipment, and shall provide the Commission with such information as the Commission shall reasonably require for the purpose of assessing the effect of such changes.

4. Obligations Specific to Authorisation to Provide Broadcasting Services
4.1 The Authorisation Holder shall notify the Commission of the date that it intends to commence live broadcasting no later than fourteen (14) days before such date.
4.2 The Authorisation Holder shall notify the Commission if it did not commence live broadcasting on the date which it has notified the Commission under Article 4.1 above no later than one (1) day after such date.
4.3 The Authorisation Holder shall notify the Commission no later than seven (7) days in advance, if it intends to temporarily cease broadcasting on the assigned frequency and shall give reasons for the proposed cessation of broadcast.
4.4 The Authorisation Holder shall not cease broadcasting on the assigned frequency without the prior written approval of the Commission.
4.5 The Commission may approve the proposed cessation of broadcast subject to the condition that the Authorisation Holder shall resume broadcasting on the assigned frequency on or by a date specified by

the Commission and the Commission may terminate or suspend this Frequency Authorisation if the Authorisation Holder has not resumed broadcasting on the assigned frequency by such date.

5. Enforcement

4.1 5.1 The Commission may take such enforcement action against the Authorisation Holder as it considers appropriate and or suspend or terminate this Frequency Authorisation in accordance with the Act.

By:
GUY LESTER MALONE
Chief Executive Officer
For and on behalf of:
THE TELECOMMUNICATIONS
REGULATORY COMMISSION



SCHEDULE

The Assigned Frequency

The Commission hereby assigns to the Authorisation Holder the frequency listed below subject to the terms and conditions of this Frequency Authorisation:

#	Frequency	Max Deviation	ERP	callsign
1	90.90 MHz	±75 kHz	5 kW	GEM Radio