



TURKS AND CAICOS ISLANDS TELECOMMUNICATIONS COMMISSION

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PROVIDENCIALES
TURKS & CAICOS ISLANDS

March 4, 2009

COMMISSION DECISION 2009 – 2

Re: Digicel Turks and Caicos – Application for Licence Change to allow the Offering of Fixed Line Services

BACKGROUND

On November 7, 2008, the Commission received the attached application from Digicel Turks and Caicos Ltd. (Digicel), seeking permission to begin offering fixed wireless telephony services.

On November 13, 2008, the Commission published TCITC Public Notice 2008-7, calling for comments on the application by December 13, 2008. No comments were received on the application.

The application proposed to utilize the company's existing GSM network and assigned spectrum to provide connections to fixed terminals for residential and commercial customers throughout the Turks and Caicos Islands commencing immediately upon approval of the licence.

COMMISSION DECISION

The Commission has reviewed the application, and finds that the introduction of the new services contemplated by Digicel is in keeping with the Telecommunications Policy for Turks and Caicos Islands set out in 2003, regarding the harnessing of market forces to provide innovation and competition in the Telecommunications sector, and with the relevant sections of the Telecommunications Ordinance 2004. Moreover, as there were no comments received on the application, the Commission concludes that the application should be approved forthwith. The Commission will so recommend to the Hon. J. Hall, and with his approval, the Digicel licence will be reissued with the appropriate changes. The required changes to the current licence held by Digicel are set out in Appendix A to this decision.

Appendix A

Recommended Changes to the Licence Granted to Digicel (Turks and Caicos) Ltd. Dated 31 March, 2006

Section 4. – Scope

An additional paragraph should be inserted after paragraph 4.5 as follows:

“4.6 In addition to the domestic and international mobile wireless services authorized in the previous paragraphs, effective March 1, 2009, the company is authorized to provide the fixed line public telecommunications services set out in Annex A to this licence, using the networks described in Annex B to the licence.”

Paragraphs 4.6 and 4.7 should be renumbered appropriately.

Annex A: Licensed Services:

Sections 1 to 3 should be reworded as follows:

“1. The Licensee is authorized pursuant to this licence to provide the following domestic and international services to the public:

- a. Fixed and mobile telephony services;*
- b. Fixed and mobile data services; and/or*
- c. Fixed and mobile information services*

using switched or packet technology, or any form of transmission, or any combination thereof.

2. The licensee is authorized pursuant to this licence to own and operate all telecommunications facilities necessary for the licensee’s telecommunications networks provided that the networks are used to provide domestic and international:

- a. Fixed and mobile telephony services;*
- b. Fixed and mobile data services; and/or*
- c. Fixed and mobile information services*

using switched or packet technology, or any other form of transmission or any combination thereof.

3. For the avoidance of doubt, nothing in this licence grants the licensee the rights to own or operate any telecommunications facilities for the provision of Internet Access Services that have not been granted in accordance with the Telecommunications Ordinance and associated Regulations.”

Annex B
Licensed Networks

Sections 1 to 3 should be modified as follows:

“1. The licensee is authorized pursuant to this licence to establish own and operate all telecommunications facilities necessary for mobile and fixed telecommunications networks used to provide domestic and international:

*Fixed and mobile voice telephony services;
Fixed and mobile data services; and/or
Fixed and mobile information services*

Including inbound and outbound roaming using switched or packet technology or any other form or transmission or any combination thereof.

2. The licensee’s key network elements and equipment infrastructure include the following:

*Fixed and mobile telephone exchange and radio base stations;
National and international connectivity for licensed services is provided by interconnection links to national and international telecommunications exchanges.*

3. For the avoidance of doubt, nothing in this licence grants the licensee the rights to own or operate any telecommunications facilities used for the provision of Internet Access Services that have not been granted in accordance with the Telecommunications Ordinance and associated Regulations.”