TELECOMMUNICATIONS NETWORK & SPECTRUM LICENCE

[SECTION 13 AND 35 OF THE TELECOMMUNICATIONS ORDINANCE 2018]

ISSUED TO: DESARROLLOS HOTEL JWM LTD.

ISSUED ON: SEPTEMBER 16TH, 2021

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This **Telecommunications Network & Spectrum Licence** ("the Licence") is granted on the recommendation of the Telecommunications Commission of the Turks and Caicos Islands (the "Commission") to **Desarrollos Hotel JWM Ltd.,** a company duly incorporated in the Turks and Caicos Islands ("the Licensee") by the Minister responsible for Communications ("the Minister").

1. AUTHORITY AND CITATION

1.1 This Licence is granted to the Licensee by the Minister in accordance with section 13 and 35 of the Telecommunications Ordinance 2018 on terms and conditions recommended by the Commission.

1.2 This Licence may be cited as the Desarrollos Hotel JWM Ltd. Land Mobile and Spectrum Licence 2021.

2. INTERPRETATION

2.1 In this Licence, unless the context requires otherwise: -

"**Commencement Date**": August 11, 2021;

"**Government**": means the Government of the Turks and Caicos Islands;

"**Licence**": means this Licence together with its Annexes;

"**Licensed Area**": means the territory of the Turks and Caicos Islands, including its territorial waters and airspace;

"**Licensed Networks**": means those telecommunications networks set out in Annex B;

"**Licensed Services**": means those telecommunications services set out in Annex A;

"**Radiocommunication station**": means a site upon which radiocommunication apparatus is deployed, including any vehicle, ship or aircraft;

"**Regulations**": means regulations issued pursuant to the Telecommunications Ordinance;

"**Regulatory Fees**": means the fees payable by the Licensee to the Commission under Section 47 of the Telecommunications Ordinance;

"**Telecommunications Ordinance**": means the Telecommunications Ordinance 2018;

"**Spectrum Licence**": means the licence to use the spectrum, as set out in Annex C;

"**Assigned Radio Spectrum**": means the radio frequencies assigned in the Spectrum licence;

"**Harmful Interference**": means interference that is or is likely to: (a) cause loss or damage to any person; (b) impair the normal operation of a licensed radiocommunication service or apparatus; (c) corrupt a message conveyed by any such service or apparatus; (d) endanger the functioning of a radio navigation service or of other safety services;

"**Interference**": means the prejudicing by emissions or reflections from the Licensee's radiocommunication station or apparatus of any of the forms of electromagnetic energy or the fulfillment of the purposes for which a terrestrial technical system is installed or maintained;

"**International Standards Body**": means the International Telecommunication Union (ITU), the International Organization for Standardization (ISO), the International Electrotechnical Committee (IEC), the American Standards Organizations, the European Standards Organization and any other body that may be specified by the Commission to be an international standards body;

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"**Spectrum Plan**": means the Turks and Caicos Islands Table of Frequency Allocations published by the Commission under the Telecommunications Ordinance;

"**Technical Conditions**": means the conditions relating to radiated power limits, technical standards, modulation techniques or other characteristics established by international standards bodies that apply to the use of the assigned radio spectrum.

2.2 Any word, phrase or expression used in this Licence shall, unless the context requires otherwise, have the same meaning as it has in the Telecommunications Ordinance and the Regulations.

2.3 Words importing the singular shall include the plural and vice versa. All references to legislation shall be deemed to refer to such legislation as amended or re-enacted from time to time.

3. GRANT

3.1 The Licensee is authorised to connect the Licensed Networks to any: -

3.1.1 Telecommunications apparatus in accordance with applicable requirements; and

3.1.2 Terminal equipment approved for connection in accordance with the Telecommunications Ordinance.

3.2 The Licensee is not authorized to connect the Licensed Networks to any: -

3.2.1 Telecommunications Network operated under a Licence granted by the Minister in accordance with the Telecommunications Ordinance within the Licenced Area.

4. SCOPE OF NETWORK AND SPECTRUM LICENCE

4.1 SCOPE OF NETWORK LICENCE

4.1.1 The Licensee is hereby authorized to provide the Licenced Services by means of the Licenced Networks.

4.1.2 The Licensee is hereby authorised to establish and operate a Land Mobile Radio Service as set out in Annex A using the network described in Annex B.

4.1.3 In no event does this License grant any exclusive right to operate any telecommunications network or to provide any telecommunications service, nor does it convey any proprietary rights.

4.2 SCOPE OF SPECTRUM LICENCE

4.2.1 The Licensee is authorized to use the assigned radio spectrum in accordance with the Spectrum Plan; to install, operate and use the radiocommunications apparatus identified in Annex C for the operation of its Licensed Network and the provision of its Licensed Service. The Licensee may not use the assigned radio spectrum for any other purpose.

4.2.2 The issued spectrum Licence in Annex C replaces any spectrum licence that may have been granted to the Licensee by the Commission or any other person in the past.

4.2.3 For the avoidance of doubt, nothing in this License grants to the Licensee the right to establish or operate any telecommunications network, provide any telecommunications service or use any spectrum other than as set forth in the Telecommunications Ordinance, the Regulations or this License.

4.2.4 The Licensee shall abide by any and all authorized spectrum relocation or diminution as required and regulated by the Commission.

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5. DURATION OF NETWORK AND SPECTRUM LICENCE

5.1 NETWORK LICENCE

5.1.1 This License begins on the Commencement Date and shall continue in force for a period of fifteen (15) years, unless it lapses or unless it is suspended or revoked in accordance with a condition contained in this license or under the Telecommunications Ordinance and Regulations.

5.2 SPECTRUM LICENCE

5.2.1 The duration of the Spectrum License is valid for the period of validity set out in Annex C of the attached Spectrum License/s.

6. PAYMENT OF LICENCE & REGULATORY FEES

6.1 NETWORK & SPECTRUM LICENCE FEES

6.2 The Licensee shall pay an annual Telecommunications Network Licence fee in accordance with section 11 and 12 of the Telecommunications Ordinance, and an annual Spectrum Licence fee in accordance with section 33 and 34 of the Telecommunications Ordinance, as prescribed by the Telecommunications Fee Structure Regulations.

6.3 REGULATORY FEES

6.4 The Licensee shall pay the Regulatory Fees in accordance with section 47 of the Telecommunications Ordinance and the Regulations established thereunder.

6.5 Regulatory Fees shall be paid on the anniversary of the Commencement Date of this Licence.

7. TERMINATION

7.1 In addition to any relevant provision under the Telecommunications Ordinance, this Licence may be terminated upon notice by the Commission to the Licensee with prior written consent of the Minister:

7.1.1 If the Licensee fails to comply with section 20 of the Telecommunications Ordinance;

7.1.2 Should the Licensee be dissolved or go into liquidation otherwise than for the purpose of solvent reconstruction, or shall become insolvent, or shall cease to carry on a telecommunications business;

7.1.3 Where the Commission deems that there is, or is likely to be, a risk to national security;

7.1.4 Should the Licensee fail to pay the Network/Service, or Spectrum License renewal fees as they become due; or

7.1.5 Should the Licensee fail to pay the Regulatory fee as it becomes due.

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8. INFORMATION REQUIREMENTS

8.1 The Licensee shall furnish to the Commission in such manner and at such times as the Commission may request in writing such information related to the activities of the Licensee under this Licence as the Commission may reasonably require in the performance of its functions.

9. CONFIDENTIALITY

9.1 The Licensee shall maintain the confidentiality of, and refrain from using or disclosing, any: -

9.1.1 Confidential, personal, and proprietary information obtained in the course of its business from any user, where such information originates from any such user;

9.1.2 Any information regarding usage of a Licensed Network or a Licensed Service; or

9.1.3 Information received or obtained in connection with the operation of a Licensed Network or the provision of a Licensed Service; unless the customer has given his or her consent to such use or disclosure or such disclosure is required under any law.

10. USE OF SPECTRUM AND APPARATUS

10.1 The Licensee shall ensure that its use of the assigned radio spectrum or radiocommunication apparatus authorised by this Licence does not cause harmful interference to any other licensed radiocommunication service or radiocommunication apparatus.

10.2 The Licensee shall ensure that its radiocommunication apparatus are adequately protected from interference that may be caused by other radiocommunication stations and apparatus operating in the same geographical area or radio frequency band, or in adjacent geographical areas or frequency bands.

10.3 The Licensee shall ensure that its use of the assigned radio spectrum, radiocommunication service or radiocommunication apparatus authorised by this Licence does not cause any danger to the public.

10.4 The Licensee shall ensure that its radiocommunication service and apparatus complies with relevant Technical Conditions.

10.5 The Licensee shall assist the Commission in coordinating and managing the efficient use of radio frequencies with neighbouring countries.

10.6 The Licensee shall obtain all consents and approvals required under the Turks and Caicos Islands laws before the commencement of any installation of its radiocommunication station or apparatus.

10.7 Where the Licensee's radiocommunication station or apparatus causes the emission of harmful interference or causes any other radiocommunication station or apparatus to emit harmful interference, the Licensee shall take such steps as the Commission may direct to remove the source of such harmful interference and furnish such information as the Commission may request concerning the interference. Before making a direction, the Commission may consult the Licensee or any other person that it considers may be affected by the direction.

10.8 The Licensee shall investigate immediately upon being notified in writing by the Commission any complaint alleging that harmful interference has been, is being or is about to be emitted by its radiocommunication station or apparatus.

10.9 The Licensee shall ensure that all persons using its radiocommunication apparatus are made aware of the conditions of this Licence and comply with those conditions.

10.10 The Licensee shall keep accurate, up to date and detailed records of the operation of its radiocommunication apparatus and shall make this information available, promptly and without charge to the Commission.

10.11 The Licensee shall notify the Commission of any proposed material change to its radiocommunication station or apparatus and shall provide such information as the Commission may require for the purpose of assessing the effect of such change.

10.12 Upon receiving reasonable prior notice, the Licensee shall allow the Commission to inspect its radiocommunication station or apparatus and shall provide such assistance as the Commission may require verifying that the radiocommunication station or apparatus are in compliance with the conditions of this Licence.

10.13 The Licensee shall exhibit all notices and instructions given to it by the Commission at its radiocommunication station.

11. NOTICES

11.1 Notice may be given hereunder by the Minister, the Licensee or the Commission by facsimile, hand delivery or courier and addressed to their respective addressees as follows: -

The Minister:	Ministry of Home Affairs, Public Utilities and Transportation Grand Turk Turks and Caicos Islands Attention: Permanent Secretary Fax No: (649) 946 2740
The Licensee:	Desarrollos Hotel JWM LTD 334 Grace Bay Road Providenciales Turks and Caicos Islands Attention: Managing Director Fax No: N/A
The Commission:	Turks & Caicos Islands Telecommunications Commission PO Box 203 872 Business Solutions Complex Leeward Highway Providenciales Turks and Caicos Islands TKCA 1ZZ Attention: Director General Fax No: (649) 946 1119

or any other address or fax number of which the Minister or the Licensee shall have notified the other of them in writing.

11.2 Notices shall be deemed to have been received, in the case of facsimile, at the time of dispatch (or if the day of dispatch is not a business day, on the next following business day); in the case of courier, on the business day after dispatch; and in the case of hand delivery, when delivered (or if the day of delivery is not a business day, on the next following business day).

12. COMPLIANCE AND DISPUTE RESOLUTION

12.1 The Minister and the Commission may, where the Licensee has violated any provision of the Telecommunications Ordinance or the Regulations, or breached any provision of this Licence, take any action authorised by law.

12.2 If the Licensee disputes any action taken or not taken by the Minister or the Commission with respect to this Licence, the Licensee may pursue such rights as it has under sections 54 and 55 of the Telecommunications Ordinance, the Regulations or any other law.

13. REMEDIES FOR NON-COMPLIANCE

13.1 In the event of any failure by the Licensee to comply with the conditions of this Licence the Commission may take such action as it deems appropriate, including suspension and revocation of the Licence, in accordance with the provisions of the Ordinance.

14. GOVERNING LAW

14.1 This Licence shall be construed and interpreted in accordance with the laws of the Turks and Caicos Islands; and all matters relating hereto shall be determined by the courts of the Turks and Caicos Islands.

ANNEX A

LICENSED SERVICES

1. The Licensee is authorized pursuant to this licence to provide the following services within the assigned radio spectrum set out in Annex C:

   a. Land Mobile Radio

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

   b. Any present or future modifications, upgrades or enhancements to the telecommunications services included in Annex A as approved by the Commission.

ANNEX B

LICENSED NETWORKS

1. The Licensee is authorized pursuant to this licence to establish, own and operate telecommunications facilities necessary for the deployment of the Licensed Services listed in Annex A.

2. Prior to installation the Licensee must comply with any applicable enactments and obtain all required permission and approvals.

3. The Licensee may use switched or packet technology or any other form of telecommunications transmission or any combination thereof to provide the Licensed Services.

4. Any enhancements, augmentations, updates, upgrades, replacements and routine or normal expansions of the networks described in clause 1, at the Licensee's discretion and subject to any applicable enactments and required permissions and approvals.

5. For the avoidance of doubt, nothing in this License grants the Licensee the right to use spectrum other than the spectrum set out in Annex C.

ANNEX C

SPECTRUM LICENCE

Pursuant to the terms and conditions set out in clause 5.3 hereof, the Licensee is hereby authorized to use the spectrum as set forth in the attached spectrum licence/s.

[ATTACH SPECTRUM LICENCE/S HERE]

No: **SL-0058PR-1-21**

SPECTRUM LICENCE

COMPANY INFORMATION	
Company Name:	Desarrollos Hotel JWM LTD
Company Address:	334 Grace Bay Road
City, Country:	Providenciales, Turks and Caicos Islands

STATION & ANTENNA DETAILS

	Station 1	Station 2	Station 3
Make:	Kenwood	Kenwood	Kenwood
Model:	NXR-810K2	NX3820HG	NX1300DK
Type:	Repeater	Base	Portable
Location:	21^0 47'47 N 72^0 10'42 W	21^0 47'47 N 72^0 10'42 W	N/A
Transmit Power	25 Watts	5 Watts	5 Watts

	Antenna 1	Antenna 2	Antenna 3
Gain:	5 dBi	9 dBi	0 dBi
Azimuth:	360^0	360^0	360^0
Beamwidth:	24^0	26^0	360^0
Polarization:	Vertical	Vertical	Vertical
Pattern	Omni	Omni	Omni

FREQUENCIES

Licensed Services	Assigned Frequency (MHz)	Bandwidth	Type of Service	Coverage Area	Emission Power level (Watts)	Period of Validity	
						From	To
Land Mobile	458.5000	12.5 KHz	UHF	Country	25, 5, 5	Aug 11, 2021	Aug 11, 2036
Land Mobile	463.5000	12.5 KHz	UHF	Country	25, 5, 5	Aug 11, 2021	Aug 11, 2036

AUTHORIZATION

In accordance with the provisions of section 35 of the TCI Telecommunications Ordinance 2018, the person/company herein is licensed to operate the licensed services within the assigned frequency(ies) in the Turks and Caicos Islands, subject to the terms and conditions contained in the adjoining Telecommunications Network license.

This Spectrum licence may be revoked in the event that the Licensee does not commence, use, or operate the radiocommunication service or radiocommunication apparatus authorized by this licence within nine (9) months of the effective date.

Otis Morris, Minister responsible for Communications
TCI Telecommunications Commission

16 Sept 2021
Date

ATTESTATION CLAUSES

Signature:

Otis Morris, Minister responsible for Communications.

Date: 16 day of September 2021

Accepted on behalf of **Desarrollos Hotel JWM LTD**

Signature:

Name: DANILO T. LUZADA

Capacity: Director of Finance Operations

Date: 27th day of August 2021