

## TELECOMMUNICATIONS ACT 2009

(No. 20 of 2009)

### TELECOMMUNICATIONS (TRANSITIONAL LICENCE FEES) REGULATIONS 2010

IN exercise of the powers conferred upon it by sections 18 and 142 of the Act, the Commission makes these Regulations –

#### Citation and commencement

1. (1) These Regulations may be cited as the Telecommunications (Transitional Licence Fees) Regulations 2010.
- (2) These Regulations commence on the date of publication in the *Gazette*.

#### Definition

2. In these Regulations –

“call origination revenues” means the retail revenues earned on all calls made by the service provider's customers whether they are domestic, international or roaming calls;

“wholesale inbound and outbound interconnect revenues and payments” mean the revenues earned (inbound) from and payments made (outbound) to third party service providers whether domestic or international for interconnection, including wholesale call origination services;

“wholesale inbound and outbound roaming revenues and payments” mean all revenues earned (inbound) from and payments made (outbound) to third party service providers, whether domestic or international, for roaming access, including call origination, sms, and termination;

“SMS origination revenues” means the retail revenues earned on all SMS made by the service provider's customers whether they are domestic, international or roaming SMS;

“wholesale inbound and outbound SMS interconnection revenues and payments” mean the revenues earned

“wholesale inbound and outbound SMS interconnection revenues and payments” mean the revenues earned (inbound) from and payments made (outbound) to third party service providers whether domestic or international for SMS interconnection;

“access and line rental revenues” means all revenues earned from the service provider's customer for access and line rental, including the costs of reconnection, the price of a SIM card and monthly line rental charges;

“internet connectivity revenues” means the access and usage revenues earned from the service provider's customers for internet connectivity;

“leased lines revenues” means the revenues earned from providing leased lines;

“SMS” means short message service;

"service licence" refers to any licence or authorisation issued by the Telecommunications Commission to a person or body corporate to provide telecommunications services as defined in the Telecommunication Act 2009;

"application" means a request for or registration under a service licence or a request for an assignment of radio spectrum.

#### **Applications for licences or authorisations**

3. A person (“applicant”) may, in writing, apply to the Commission for a service licence or the assignment of radio spectrum, and accompanied by the following application fees –

- (a) \$200 for service licence;
- (b) \$200 for radio spectrum.

#### **Annual service licence fee**

4. (1) The annual licence fee shall be two percent of a service provider's annual gross revenue as specified in section 133 (3) (d) of the Act, subject to instalment payments required under section 133 (3) (e) of the Act.

(2) For the purpose of this regulation, "gross revenue" means the sum of all revenues earned less payments made as set out below –

- (a) call origination revenue;
- (b) wholesale inbound interconnection and wholesale inbound call origination revenue;
- (c) wholesale inbound roaming revenue;
- (d) SMS origination revenue;
- (e) wholesale inbound SMS interconnection revenue;
- (f) access and line rental revenues;
- (g) internet connectivity revenues;
- (h) leased line revenues;
- (i) wholesale outbound interconnection and wholesale outbound call origination payments;
- (j) wholesale outbound roaming payments;
- (k) wholesale outbound SMS interconnection payments.

**Information to be provided**

5. For the purpose of verifying service licence fee payments, the Commission shall, in writing, require a service provider to provide the following –

- (a) the period of its financial year;
- (b) a certificate from its external auditor stating the correctness of the gross revenue;
- (d) any other information the Commission may specify.

**Validation of fees**

6. Any licence fee collected by the Commission prior to the commencement of these Regulations is validated as if the fee were authorised and collected under these Regulations.

**Duration**

7. These Regulations apply only to the transitional funding period under section 133 of the Act.

MADE AT HONIARA this 27<sup>th</sup> day of October 2010.

A handwritten signature in black ink, appearing to read 'N. Williams', with a long, sweeping flourish extending to the right. The signature is written over a dotted horizontal line.

**NICHOLAS WILLIAMS**

**COMMISSIONER FOR THE TELECOMMUNICATIONS  
COMMISSION**