



**Proposal for Amendments to the  
Telecommunications  
(Universal Service) Regulations, 2015**

<b>Maintenance History</b>		
<b>Date</b>	<b>Change Details</b>	<b>Version</b>
June, 2016	Proposed Amendments	0.1
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## 1. Introduction

### 1.1 Requirements for Telecommunications (Universal Service) Regulations

Section 18(1)(c) of the Telecommunications Act, Chap. 47:31 (“the **Act**”) provides that the Telecommunications Authority of Trinidad and Tobago (“the **Authority**”) shall determine universal service obligations throughout Trinidad and Tobago pursuant to section 28, and shall ensure that such obligations are realised.

Section 28 provides *inter alia* that, in accordance with policy as established by the Minister, the Authority shall determine the services in respect of which the requirements of universal service shall apply and shall determine the manner in which such services shall be provided and funded to meet the requirements of universal service.

The access and use of telecommunications services are considered essential within most societies, as it provides a gateway for communication and for the flow of information. Through most aspects of society telecommunication services are used, for instance in health care, education, business, public service, and even keeping in contact with others on a daily basis.

Considering the importance of telecommunication services, the concept of universal service was developed. Universal service focuses on facilitating accessible and affordable basic telecommunication services to all citizens of Trinidad and Tobago.

The Authority’s policy considerations in relation to the determination of universal service obligations were set out in the Universal Service Framework for Telecommunications Services in Trinidad and Tobago (“the **Framework**”), a document which underwent two (2) rounds of public consultation. This document identified the services in respect of which universal service obligations shall apply, sought to set out the Authority’s operational procedures for the Universal Service Fund into which contributors would be bound to contribute a percentage of their revenues and identified the Universal Service initiatives that would be supported by the Fund.

The purpose of the Telecommunications (Universal Service) Regulations (“the **Regulations**”) was to provide the necessary legal bases for the operation of the Universal Service Fund and for the imposition of obligations on concessionaires to implement such Universal Service initiatives as may be identified by the Authority.

## 1.2 Review Cycle

Given the dynamic nature of the sector, the need may arise to amend the Regulations to support the implementation of any new procedures or initiatives which may be identified. In such a case, the Regulations would be modified in consultation with the public and with interested persons as the Authority deems appropriate and its maintenance history would be revised accordingly.

## 1.3 Consultation Process

On March 23, 2009, the Regulations were released for consultation in accordance with the Authority's **Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago** ("the **Consultation Procedures**") with a deadline of June 5, 2009. In accordance with the Procedures, the Regulations were subject to one (1) round of consultation in which the Authority received the views and opinions of interested persons.

These comments and recommendations were taken into consideration and the Regulations were amended as the Authority considered appropriate.

Upon further consideration, the Authority made minor modifications to the draft Regulations such that further details were provided to the relevant sections, particularly in relation to the disbursement of funds. As such, as a result of the modifications proposed in the draft, the document was re-submitted to the public for comments for a period of four (4) weeks in July 2013, in line with the Authority's Consultation Procedures, for one (1) round of consultation in which the Authority received the views and opinions of interested persons.

These comments and recommendations were taken into consideration and the Regulations were amended as the Authority considered appropriate.

The Authority, following the consultation, prepared the draft Telecommunications (Universal Service) Regulations, 2015 which was submitted to the Minister for approval and thereafter promulgated through negative resolution of Parliament in accordance with section 78 of the Act on May 5<sup>th</sup>, 2015.

The Authority, after the promulgation of the Telecommunications (Universal Service) Regulations, 2015, realized that there was a need to effect necessary amendments to the Regulations.

These proposed amendments were incorporated as the *Telecommunications (Universal Service) (Amendment) Regulations, 2016* which was issued for one (1) round of consultation by the Authority on June 24<sup>th</sup>, 2016 pursuant to the Consultation Procedures.

This consultation garnered comments from key stakeholders which were reviewed by the Authority and compiled in the Authority's Decision on Recommendations. The Authority, taking cognizance of certain comments and recommendations made by the stakeholders, effected further proposed amendments to the draft Telecommunications (Universal Service) Regulations, 2015.

Following the publication of the Authority's Decisions on Recommendations, the proposed amendments to the Telecommunications (Universal Service) Regulations, 2015 will be submitted to the Minister of Public Administration and Communications for approval and promulgation through negative resolution of Parliament in accordance with section 78 of the Act, with Schedule 3 to be amended by Order pursuant to Regulation 16(3) of the Regulations.

## **2. Rationale for modification**

Below, in section 2.1, an overview of the modifications is summarised clause by clause.

The proposals for amendment to the Telecommunications (Universal Service) Regulations, 2015 ("Consolidated Regulations") are attached in Section 3, with the proposed modifications highlighted in bold for ease of reference.

### **2.1 Summary of proposed amendments**

2.1.1 **Regulation 2** is amended as follows:

- delete the definition of "community access centre";
- include a definition for "Universal Access" which shall read "*means to the ability of the entire population to access affordable basic telecommunications services either on an individual or shared basis, as far as reasonably practicable*";
- include a definition for "Universal Service Committee" "*means a committee which is established pursuant to regulation 14 of these Regulations*"; and
- refine the definition of Universal Service Fund to reference the section within the Act to which it applies.

- 2.1.2. **Regulation 3** is amended to remove the word “recurrent” to describe the role of the Authority in the collection and disbursement of funds from the Universal Service Fund (USF) for the implementation of mandatory Universal Service obligations, contractual Universal Service initiatives and any subsidies required for the sustainability of the initiatives.
- 2.1.3. **Regulations 13 and 14** are amended to replace the word ‘sub-section’ with ‘subregulation’ in order to maintain consistency within the Regulations.
- 2.1.4. **Regulation 14** is amended to allow the Universal Service Committee oversight over both contractual and mandatory universal service initiatives and to include the words “Universal Service” for consistency in referencing.
- 2.1.5 **Regulation 17** is amended in the marginal note to be consistent with the referencing to the Universal Service Fund.
- 2.1.6 **Regulation 23(3)** is amended to include the words “Universal Service” for consistency in referencing.
- 2.1.7 **Regulation 24** is amended to allow broader utilisation of the five percent (5%) from the USF to be allocated for Universal Service initiatives.
- 2.18 **Schedule 2** is amended to include the word “Fund” in the heading.
- 2.1.9 **Schedule 3** is amended for the following reasons:
- (a) **Universal Initiative - Item 2:**
- i. To clarify the locations for the deployment of nodes and all other related equipment taking cognizance of GoRTT initiatives.
  - ii. To allow access to universal service funding for the implementation of this mandatory service initiative, in the manner to be prescribed by the Authority, in consultation with the relevant stakeholders.
  - iii. To clarify the description of the type of nodes contemplated under this initiative and to take account of changes in technology, in this way moving towards more technology neutral descriptions.
- (b) **Universal Initiative - Item 3:**
- i. deletion of the word “connectivity” after the words universal access.
  - ii. The inclusion of health centres as a location to be provided with Universal Access.

**It is to be noted that the suggested amendments in the Consolidated Regulations that are attached at Section 3 are illustrative only of the policy positions outlined above and should not be construed as ACTUAL drafting amendments. Amended legislation shall be prepared by the requisite legislative drafters. All proposed changes to the current legislation are highlighted in bold print and where deletions are recommended, strikethrough font used where possible.**



### 3. Consolidation of Proposed Amendments to the Telecommunications (Universal Service) Regulations, 2015

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT, CHAP. 47:31

#### REGULATIONS

*Made by the Minister with the recommendation of the [Telecommunications Authority of Trinidad and Tobago Authority](#) under section 78(1) of the Telecommunications Act, Chap. 47:31 and subject to negative resolution of Parliament*

#### THE TELECOMMUNICATIONS (UNIVERSAL SERVICE) [\(AMENDMENT\)](#) REGULATIONS, [2016](#)

#### PART I PRELIMINARY

Citation 1. These Regulations may be cited as the Telecommunications (Universal Service) [\(Amendment\)](#) Regulations, [2016](#).

Interpretation 2. In these Regulations-

“access gap” means those geographic areas where it is not economically feasible for a concessionaire to establish networks and services;

“basic telecommunications services” means the set of telecommunication services as defined in Schedule 1;

“Board” means the Board established pursuant to section 5 of the Act;

~~“community access centres” means centres located in such Universal Service areas as may be identified by the Authority which provides members of such areas with a point of access to basic telecommunication services;~~

“concessionaire” means a person who has been granted a concession under the Act to -

- (a) operate a public telecommunications network; or
- (b) provide a public telecommunications service,

either together or separately and is a contributor under these Regulations;

“Contractual Universal Service” means the provision on contract by retailers of universal service;

“contributor” means a concessionaire or other person as identified in Schedule 2 who contributes to the Universal Service Fund in accordance with these regulations;

“disability” means –

- (a) total or partial loss of a bodily function;
- (b) total or partial loss of a part of the body;
- (c) malfunction of a part of the body including mental or psychological disease or disorder; or
- (d) malformation or disfigurement of part of the body or any restriction or lack, resulting from an impairment of ability to perform an activity in the manner or within the range considered normal for a human being;

“Mandatory Universal Service” means the requirement in law to provide universal service;

“population groups within the access gap” means such persons or population groups, as may be identified by the Authority from time to time, for whom it is economically challenging to access

basic telecommunications services;

“reverse auction” means the competitive bidding process in which the Authority evaluates bids submitted by concessionaires based on the criteria identified by the Authority as necessary for the successful implementation of a Universal Service initiative and on the extent to which the cost of implementation requires funding from the Universal Service Fund. The concessionaire who requires the least funding from the Universal Service Fund and who meets the criteria identified by the Authority shall be successful;

“Universal Access” means the ability of the entire population to access affordable basic telecommunications services either on an individual or shared basis, as far as reasonably practicable”.

“Universal Service Committee” means the committee established pursuant to regulation 14 of these Regulations;

“Universal Service Fund” means the account opened pursuant to section 53(6) of the Act;

“Universal Service initiative” means an initiative identified by the Authority to provide and to increase access and affordability to basic telecommunications services for the benefit of-

(a) persons resident in Universal Service areas;

(b) population groups within the access gap, the implementation of which may be identified by the Authority as mandatory under Part IV or which may be implemented by a concessionaire in accordance with the terms and conditions of a contract with the Authority under Part V of these Regulations; and

“Universal Service area” means a geographical area in which the Authority has determined that it is not economically feasible to provide basic telecommunications services and in which a Universal Service initiative under Part V may be implemented.

## PART II

### UNIVERSAL SERVICE FUND AND IMPLEMENTATION OF UNIVERSAL SERVICE INITIATIVES

- Authority to administer the Universal Service Fund
- Schedule 3
3. (1) The Universal Service Fund shall be administered by the Authority.
- (2) The Authority shall collect contributions to the Universal Service Fund pursuant to regulation 5.
- (3) The Authority shall disburse payments from the Universal Service Fund pursuant to –
- (a) the Mandatory Universal Service initiatives in accordance with the recurrent charges set out in Schedule 3 and with the procedures set out in regulation 17; or
  - (b) the Contractual Universal Service initiatives in accordance with the procedure set out in regulation 20.
- Contents of the Universal Service Fund
4. The Universal Service Fund shall consist of contributions which shall be utilized for the implementation of Universal Service initiatives in accordance with these Regulations.
- Contributions to the Universal Service Fund
5. (1) A contributor shall, in accordance with directions issued by the Authority, contribute annually such percentage of its gross annual revenue to the Universal Service Fund as set out in Schedule 2 and in such manner as may be prescribed by the Authority.
- (2) The Authority may review every three years the percentage of total gross annual revenue that a contributor shall

contribute to the Universal Service Fund under subregulation (1).

Amount in fund insufficient for implementation

6. Where the total contribution to the Universal Service Fund in any financial year, is in the opinion of the Authority, not sufficient to fully implement the Universal Service initiatives scheduled for implementation in that year, the Authority may reschedule the implementation of such Universal Service initiatives for a later period as it sees fit.

Contributions to the Universal Service Fund exceeding disbursements

7. Where the total contribution to the Universal Service Fund in any financial year exceeds the annual cost of implementation of the Universal Service initiatives scheduled for implementation in that year, the Authority may undertake any of the following:

- (a) apply the excess towards the funding of the Universal Service initiatives scheduled for implementation during the following financial year;
- (b) expand the budget for the implementation of the Universal Service initiatives scheduled for implementation during the following financial year;
- or
- (c) implement incentive schemes to provide relief to contributors from the obligation to contribute to the Universal Service Fund or such other programme for the benefit of contributors for such period of time as the Authority may see fit, such relief to be in proportion to the basis of contribution made by the contributor.

Prohibition against charging users the cost of contribution

8. A contributor shall not charge or otherwise pass on to users, without the approval of the Authority, any portion of the cost of any contribution made or due to be made to the Universal Service Fund in accordance with these Regulations.

Submission of financial statements

9. A contributor shall submit its audited financial statements to the Authority within six months after the end of the contributor's financial year.

Issuance of invoices

10. Notwithstanding regulation 9, the Authority shall, upon the commencement of the Authority's financial year subsequent to the coming into effect of these Regulations, issue the first invoice to the

contributor based upon the contributor's latest available audited financial statements.

Calculation  
after issuance  
of first invoice

11. (1) The Authority shall, after the issue of a first invoice, issue subsequent invoices at the commencement of each financial year of the Authority based upon the contributor's latest available audited financial statements.

(2) Any difference between the sum invoiced and that which, based upon submission of audited financial statements pursuant to regulation 10 should have been invoiced for the relevant period, shall be recovered or refunded, as may be required, in the next invoice issued to the contributor.

Payment of  
contribution

12. The contributor shall pay to the Authority the amount specified in the invoice issued pursuant to this regulation within twenty-eight days of the date of the invoice.

Submission of  
unaudited  
financial  
statements

13. (1) Where a contributor is not required by law to produce annual audited financial statements and make a written application to the Authority for a waiver of the obligation to submit same to the Authority prior to the end of the contributors accounting period, the Authority may, by written notice to the contributor, permit such contributor to submit financial statements which have not been audited in relation to the requirement of regulation 9 in respect of a particular accounting period.

(2) Unaudited financial statements submitted under [sub-section subregulation \(1\)](#) shall be certified by the Chief Financial Officer of the contributor who shall be recognised by the Institute of Chartered Accountants of Trinidad and Tobago.

### PART III

#### OVERSIGHT OF THE UNIVERSAL SERVICE PROGRAMME

Oversight of  
Universal

14. (1) The Authority shall establish a Universal Service Committee with the responsibility for the selection, execution and

monitoring of implementation of Universal Services initiatives under regulations 16 and 18.

(2) The Universal Service Committee shall comprise the Chief Executive Officer and divisional heads of the Authority.

(3) The persons under [subsection subregulation \(2\)](#) shall be persons with experience and qualifications in the areas of law, accounting, economics and engineering.

(4) At the meeting of the [Universal Service](#) Committee, one more than half the members of the Committee shall constitute a quorum.

(5) Decisions of the [Universal Service](#) Committee shall be by a majority of votes of the members of the Committee who are present and voting.

(6) The Universal Service Committee shall report to the Board and shall implement overall policy guidance from the Board on the Universal Service initiatives, and the funds to be collected and disbursed from the Universal Service Fund.

(7) Notwithstanding the generality of subregulation (1), the [Universal Service Committee may, in the execution of its functions-](#)

- (a) identify the underserved communities and population groups in Trinidad and Tobago in need of access to affordable basic telecommunications services;
- (b) organise and coordinate stakeholder group meetings to provide ideas and feedback when there is deliberation on ~~Contractual~~ Universal Service initiatives to be implemented;
- (c) provide cost estimates for proposed Universal Service projects;
- (d) make recommendations to the Board with respect to the selection of Universal Service initiatives and the priority to be given to Universal Service initiatives to be undertaken annually;

- (e) make recommendations to the Minister for the implementation of Universal Service Fund projects, pursuant to section 28 of the Act;
- (f) develop objectives, budgets and operational plans for the management of the Universal Service Fund in accordance with guidelines developed by the Authority;
- (g) ensure the Universal Service Fund remains financially sound such that monies are available for the implementation of projects;
- (h) ensure collection of the contributions from concessionaires in accordance with the percentages stated in Schedule 2;
- (i) review the adequacy of the Universal Service Fund contributions received every three years and submit recommended changes, if any, to the Board for approval and consideration of the Minister;
- (j) recommend the amounts that should be disbursed from the Universal Service Fund within a timely manner and to whom the funds should be disbursed in accordance with the Authority's tendering rules and the Universal Service contracts signed with the concessionaires;
- (k) ensure that financial accounts, reports and records are prepared and published;
- (l) manage the competitive tendering process for the allocation of projects; and
- (m) monitor and oversee the implementation of all Universal Service Fund projects to ensure that all obligations are fulfilled within the required time frames.

(8) In any given year, the costs of the administrative activities undertaken by the Universal Service Committee, shall be a charge on the Universal Service Fund.

(9) The Administrative charge on the Universal Service Fund shall not exceed fifteen per cent of the funds collected for that period.



Committee  
may procure  
professional  
services

15. (1) The Universal Service Committee may procure, in accordance with the Telecommunications Tender Rules of the Authority, professional services to support the implementation of Contractual Universal Service initiatives.

(2) The cost of professional services under subregulation (1) shall be a charge on the Universal Service Fund.

(3) The charge for professional services under this section for any Universal Service initiative shall not exceed the maximum set out in regulation 20.

## PART IV

### MANDATORY UNIVERSAL SERVICE INITIATIVES

Implementation  
of Universal  
Service  
initiatives  
identified by  
the Authority  
as mandatory  
for all  
concessionaires

16. (1) All concessionaires shall implement the Mandatory Universal Service initiatives identified in Schedule 3, in accordance with guidelines published by the Authority from time to time.

(2) Where the Mandatory Universal Service initiative is eligible for a refund from the Universal Service Fund, the concessionaire which implements such Mandatory Universal Service initiative shall apply to the Authority in accordance with the procedure outlined in regulation 17.

(3) A concessionaire shall implement at its own cost those Universal Service initiatives identified as mandatory for all concessionaires but which are not eligible for a refund from the Universal Service Fund.

(4) The Minister may, on the advice and recommendation of the Authority, by Order, amend Schedule 3.

Refund from  
the [Universal  
Service Fund](#)  
pursuant to  
mandatory  
Universal  
Service  
Initiatives

17. (1) Where a concessionaire undertakes a Mandatory Universal Service initiative identified in Schedule 3 which is associated with a refund charged to the Universal Service Fund, then such concessionaire shall further submit to the Authority in the form approved by the Authority, the relevant details associated with the Mandatory Universal Service initiative for which the refund is sought within three months of the submission of accounts in accordance with regulation 9.

- (2) The details under subregulation (1) shall include-
- (a) the names of the customers so supported;
  - (b) the Universal Service initiative for which the refund is sought;
  - (c) associated customer eligibility reference;
  - (d) records of utilisation of each basic service;
  - (e) records of charges for such utilisation; and
  - (f) records of billed charges for such utilisation.

(3) The Authority shall indicate its agreement with or rejection of the submission under subregulation (1), within twenty-eight days of the receipt of the submission and shall refund any agreed sums in accordance with its procedures.

## PART V

### CONTRACTUAL UNIVERSAL SERVICE INITIATIVES

Identification of  
Contractual  
Universal  
Service projects

18. (1) The Authority shall, from time to time, issue an invitation for submission of Universal Service projects, by publication in the *Gazette* and at least two daily newspapers in daily circulation in Trinidad and Tobago.

(2) An invitation under subregulation (1) shall invite concessionaires and relevant Ministries and stakeholder groups to identify proposals for projects to be considered as Contractual Universal Service Initiatives.

(3) Proposals under this regulation shall be limited to projects which -

- (a) targets the provision of infrastructure development areas identified within the access gap by the Authority;
- (b) targets the resolution of structural deficiencies in the national telecommunications grid;
- (c) can be implemented by all similarly situated concessionaires in a given market or sub-market; and
- (d) meet other conditions as specified by the

Authority in the notice.

(4) Interested concessionaires, Ministries and stakeholder groups may submit proposals within the time frame specified in the Notice.

(5) The Authority may consider the proposals submitted under subregulation (4) in conjunction with projects proposed by the Authority pursuant to its evaluation of network coverage and service capacity.

(6) The Authority shall submit to the Minister its recommendations, in accordance with section 28 of the Act:

(7) Upon approval, modification or rejection of its recommendation by the Minister, the Authority shall publish the recommendation and, where applicable, the Minister's reasons for modification or rejection in respect thereof on its website for public viewing.

(8) Where a person who has made a submission pursuant to this regulation wishes to dispute the decision of the Minister, he may, within thirty days of the publication of such decision, request in writing, a review or reconsideration by the Minister of his decision, stating the grounds or reasons upon which such review or reconsideration is requested.

(9) The Minister shall determine such a review or reconsideration as soon as practicable but in any event no later than sixty days after the receipt of the request for the review or reconsideration and shall notify the applicant in writing, of his decision.

Submission of  
bids for the  
implementation  
of Contractual  
Universal  
Service  
initiatives

19. (1) In implementing the Contractual Universal Service initiatives planned for a given fiscal period, the Authority shall prepare and issue Requests for Proposals in accordance with the Telecommunications Tender Rules for the selected Universal Service initiatives identified by the Authority to be granted funding from the Universal Service Fund for that fiscal period.

(2) A concessionaire may submit a bid in accordance with the directions set out in any Request for Proposals that may be issued by the Authority from time to time pursuant to subregulation (1).

(3) Only a concessionaire authorised to provide the service or services that comprise a Universal Service Initiative may submit a bid under subregulation (1) to be granted funding to implement the Universal Service Initiative.

(4) Where more than one bid is submitted under subregulation (1), the Authority shall use the reverse auction method to evaluate the bids submitted by concessionaires.

General Rules regarding disbursement of funds associated with Contractual Universal Service initiatives

20.(1) In response to a request from the concessionaire implementing a Contractual Universal Service initiative, the Authority may disburse mobilisation funds to support project initiation.

(2) Mobilisation payments under subregulation (1) shall be no greater than fifteen per cent of the estimated cost of the project.

(3) Professional fees associated with any Contractual Universal Service initiative shall be no greater than six per cent of the total cost of the initiative.

(4) The executing concessionaire shall submit in a form approved by the Authority and for a period not to be exceeded a bimonthly schedule, status reports, on the progress of Contractual Universal Service initiatives to the Universal Service Committee.

(5) Where the Authority receives a report under subregulation 4, it shall publish the report within two weeks of its receipt on its website.

Recurrent charges associated with a Contractual Universal Service initiative

21. (1) Where the Universal Service Committee determines, based on the projections of the Authority or on the presentation of relevant facts and trends by the concessionaire, that aspects of the recurrent costs associated with a completed project implemented as a Contractual Universal Service initiative may require continued subsidisation from the Universal Service Fund, the Universal Service Committee may authorise an annual charge to the Universal Service Fund to cover such a subsidy.

(2) Where the Universal Service Committee undertakes the action outlined in subregulation (1), it shall ensure that the concessionaire enters into an agreement with the Authority outlining, *inter alia*-

- (a) the terms and conditions by which the recurrent costs are subsidised;
- (b) performance obligations of the concessionaire to encourage increased service utilisation to enhance economic viability of the initiative;
- (c) reporting obligations of the concessionaire to encourage accurate and timely measurement of the uptake of basic telecommunications services in the area in which the Universal Service initiative project is implemented;
- (d) the criteria through which the Universal Service Committee may determine that a recurrent operation of the Universal Service Initiative has become sustainable and no longer requires supplemental financing from the Universal Service Fund; and
- (e) that the Authority may seek to recover funds provided to the concessionaire where there is non-compliance with the Universal Service initiative and where funds received under the regulation were not utilised for the specified purpose.

Obligation to implement contractual Universal Service initiative

22. (1) The concessionaire who submits a bid under regulation 19 and is successful shall be awarded an offer or the grant of funding from the Universal Service Fund and shall, upon acceptance of the offer-

- (a) enter into and be bound by a contract of service with the Authority for the implementation of the Universal Service initiative;
- (b) have the obligation under these Regulations to implement the Universal Service initiative in accordance with the terms and conditions set out in the contract of service entered into with the Authority under paragraph (a); and
- (c) be granted from the Universal Service Fund

such funding for which the concessionaire had bid on the terms and conditions set out in the contract of service entered into with the Authority under paragraph (a).

(2) Where no concessionaire submits a bid under regulation 19, the concessionaire who is authorised to provide the service or services that comprise the Contractual Universal Service initiative and who, in the opinion of the Authority, has the highest available network capacity and requires the least infrastructural build out to rollout services for that particular Contractual Universal Service initiative-

- (a) may enter into and be bound by a contract of service with the Authority for the implementation of the Universal Service initiatives;
- (b) shall have the obligation under these Regulations to implement the Contractual Universal Service initiatives in accordance with the terms of conditions set out in the contract of service entered into with the Authority under paragraph (a).

Disbursement of Funds pursuant to a Contractual Universal Service initiative

23. (1) The Authority shall only authorize payments out of the Universal Service Fund where invoices are submitted by the concessionaire.

(2) Invoices shall be in the form approved by the Authority.

(3) Concessionaires requesting disbursement of funds pursuant to a Contractual Universal Service initiative shall submit invoices to the [Universal Service](#) Committee for certification in keeping with the conditions of the contract.

(4) A concessionaire under this regulation shall submit reports to the Authority containing information to be specified by the Authority to ensure timely certification of invoices.

## PART VI MISCELLANEOUS

Funding

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24. (1) The Authority may provide an amount not exceeding five

~~community access centre for Universal Service initiatives established by the State or State agencies~~

per cent of the value of the contributions to the Universal Service Fund in any financial year towards the provision of services for Universal Service initiatives as approved by the Authority ~~to community access centres~~ which are established by the State or State agencies.

(2) Approved services for which funding may be provided pursuant to subregulation (1) shall be targeted towards subsidising the cost of the following services only:

- (a) telephone connectivity to service a stated usage volume;
- (b) internet bandwidth as defined by the Authority from time to time;
- (c) facsimile services; and
- (d) such other services as the Authority may approve.

Publication of Reports

25. (1) The Authority shall publish on a biennial basis a Universal Service Implementation Report by June of the financial year of the Authority which shall contain-

- (a) an outline of the Mandatory Universal Service initiatives and Contractual Universal Service initiatives and the proposed budget for the implementation of such Universal Service Initiatives for the succeeding two years;
- (b) a report on the progress of the current Universal Service Initiatives being funded by the Universal Service Fund; and
- (c) the objectives identified by the Authority for the regulation of Universal Service for the succeeding financial year or any revision of such objectives.

(2) The Authority shall publish annually a Universal Service Fund Accounting Report no later than three months after the end of the financial year of the Authority which shall contain an account on the collection and disbursement of funds from the Universal Service Fund for the preceding financial year.

Offences

26. (1) A concessionaire who has an obligation to implement a Contractual Universal Service initiative under regulation 22 and who

has failed to implement such initiative to the satisfaction of the Authority-

- (a) may be deemed to be in breach of the contract or service entered into with the Authority under regulation 22 and the Authority may seek such redress as may be available to it in accordance with the terms of the contract; and
- (b) commits an offence under section 71 of the Act and is liable to such penalties prescribed therein.

(2) A contributor who fails to contribute to the Universal Service Fund in accordance with these Regulations commits an offence under section 65(g) of the Act and is liable to such penalties prescribed therein.

(3) A person who fails to comply with any of the provisions of these Regulations commits an offence under section 71 of the Act and is liable to such penalties prescribed therein.

## **Schedule 1**

*(Regulations 2 and 5)*

### **Basic Telecommunication Services**

1. Voice Telecommunications Services
  - call origination
  - call termination
2. Access to Emergency Services



3. Directory Assistance
4. Free Itemised Billing
5. Internet Service Provision at throughputs (to be defined by the Authority from time to time).

## Schedule 2

*(Regulations 2 and 5)*

### Contributions to the Universal Service Fund

Percentage of Gross Revenues	Types of Service Provided
%	
0.5	Domestic telecommunications services or operation of domestic telecommunications network facilities.
1	International telecommunications services or operation of international telecommunications network facilities.



## Schedule 3

(Regulation 3(3), 16 and 17)

### Mandatory Universal Service Initiatives

Universal Service Initiative	Eligibility for Universal Service Funding	<u>Recurrent</u> Charges to Universal Service Fund	Other Notes
1. Specialised provision of approved assistive technology for persons with disabilities to support use of basic telecommunications services.	Yes	Limit to set up costs, capital and recurrent costs to be defined by the Authority from time to time.	Customers eligibility determined in accordance with the Ministry with responsibility for social development and/or any other agencies as determined by the Authority.
2. Provision of public access <u>nodes nodes and other related equipment</u> to basic telecommunications services to be made available at all- (a) public schools; (b) public libraries; (c) hospitals/ <u>health centres; and</u> (d) police stations; <u>and</u> (e) <u>waiting areas at public transport hubs.</u>	<u>No/Yes</u>	<u>To be determined by the Authority on a case by case basis, in consultation with the relevant stakeholders.</u>	<u>Nodes such as pay Pay phones, and/or internet kiosks and/or access points.</u>
3. The provisions of Universal <u>Access connectivity</u> to the following locations: (a) all public schools; (b) all public libraries; (c) all public hospitals/ <u>health centres.</u>	No		Universal Access <u>rate</u> of us to 40% of commercial rates as defined by the Authority for- (a) telephone services; (b) internet bandwidth (as defined by the Authority from time to

time);  
(c) facsimile  
services.

Dated this                    day of                    , 2016.

M. CUFFIE  
*Minister of Public Administration and Communications.*