



Class Licensing Regime

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1 Introduction

1.1 Background

Section 36 of the Telecommunications Act of Trinidad and Tobago (‘the Act’) requires that the Telecommunications Authority of Trinidad and Tobago (‘the Authority’) grants a *licence* to authorise the operation or use of any *radiocommunication service* or any *radiotransmitting equipment*, including that on board any ship, aircraft or other vessel in the territorial waters or airspace of Trinidad and Tobago¹.

Where the operation of a public telecommunications network or the provision of a public telecommunications or broadcasting service requires use of spectrum, the required licence applications are required by section 36(2) of the Act to be processed as part of the concession application. Where radio transmitting equipment is used for a private or “closed-user group”² communication service, licences are required for the radio transmitting equipment employed.

The Spectrum Management Policy and the Authorisation Framework for the Telecommunications and Broadcasting Sectors of Trinidad and Tobago (‘Authorisation Framework’) define three types of licences that may be granted by the Authority:

- Spectrum Licence
- Station Licence
- Class Licence

In the Authorisation Framework, the Authority recognised the need to develop a class licensing regime for the use of low power, low interference potential and mass-market consumer devices which operate within specific technical and operational parameters.

¹ A licence is not required for any radio-communication service on board any ship of war, or military aircraft or satellite registered in Trinidad and Tobago.

² Defined in the Act as “a group of persons, who have a common business or other economic interest other than the provision of a telecommunications service”.

The Class Licence will authorise users of such devices to operate in designated spectrum band(s) on a shared basis, subject to the following:

- Specific terms and conditions; and
- Specific technical operating parameters.

The class licensing process is intended to be a simplified authorisation process such that minimal administrative and financial burdens are imposed on the Authority and users of devices deemed to be class licensed.

For example, the Spectrum Plan for the Accommodation of Broadband Wireless Access (BWA) Services has designated the following bands for use by class licensed BWA radiocommunications equipment for the provision of *public or private* BWA services:

- 2.4 GHz: 2.400 – 2.485 GHz;
- 5GHz: 5.150 – 5.250 GHz;
- 5 GHz: 5.470 – 5.725 GHz; and
- 5 GHz: 5.725 – 5.850 GHz.

As a result, a user of this BWA radiocommunications equipment shall adhere to the technical operating parameters as defined in this Spectrum Plan, and terms and conditions as articulated in the class licence, which will be published.

1.2 Purpose

The primary purpose of this document is to set out the guidelines in respect of the authorisation of, and the technical operating parameters applicable to, class licensed devices.

2 Definitions

Harmful Interference : Interference which endangers the functioning of telecommunications so as to impede, degrade, obstruct or interrupt a telecommunications service.

End-user Device : Any device intended for use by one individual at a time which enables that individual to access a telecommunications or radiocommunications service. Examples include cell phones, cordless phones, laptops and pagers.

Base Station : A station in a land mobile service not intended to be used while in motion.

Fixed Station : One or more transmitters or receivers of a service involving the transmission, emission and/or reception of radio waves for telecommunication purposes between specified fixed points.

Class of Emission : The set of characteristics of an emission, designated by standard symbols, *e.g.* , type of modulation of the main carrier, modulating signal, type of information to be transmitted, and also, if appropriate, any additional signal characteristics.

3 Class Licensing Regime

The following outlines the Authority's guidelines in respect of authorising the use of radio-communication devices eligible for class licensing.

3.1 Authority to Class License Devices

- 3.1.1 The Authority, in its capacity, may class licence radiocommunications devices that are deemed as low power, low interference potential devices or mass-market consumer devices.
- 3.1.2 Before any device can be eligible for class licensing, it must first be certified for use in Trinidad and Tobago by the Authority.
- 3.1.3 For the purposes of this regime, a class licence for any device deemed to be class licensed will comprise the following:
- General Terms and Conditions which will be prescribed in the '*Class Licence*' and;
 - The relevant specific technical operating parameters, which will be prescribed in the '*Schedule of Devices eligible for use under a Class Licence*'.
- 3.1.4 Any person who uses, operates, installs or maintains a device listed in the '*Schedule of Devices eligible for use under a Class Licence*', shall be deemed to have been granted a class licence and to have accepted all the terms and conditions of the '*Class Licence*'.

3.2 Identification and Publication of Devices Eligible for Use Under a Class Licence

- 3.2.1 The Authority shall identify those devices in respect of which class licensing shall apply and shall publish a '*Schedule of Devices eligible for use under a Class Licence*' at <http://www.tatt.org.tt>.
- 3.2.2 The '*Schedule of Devices eligible for use under a Class Licence*' shall contain the required technical operating parameters for all devices listed.
- 3.2.3 The '*Schedule of Devices eligible for use under a Class Licence*', will prescribe at minimum, the following technical operating parameters for each device to be class licensed:
- Frequency Range of Operation;
 - Transmitter Maximum RF Power;
 - Antenna Gain;
 - ITU Designated Class of Emission.
- 3.2.4 A class licence may apply to the following radiocommunication devices where appropriate:
- End-user devices or customer premise equipment (Category 1 Devices);
 - Base Stations (Category 2 Devices); and
 - Fixed Stations (Category 3 Devices).
- 3.2.5 In determining what devices should be eligible for class licensing, the Authority shall give consideration to the following:
- Maximum effective radiated power (ERP)/ effective isotropic radiated power (EIRP);
 - Frequency range of operation of the device;
 - Potential for the device to cause harmful interference to all other station and spectrum licensees;

- The extent to which the device is available in the market or ‘off-the shelf’; and
- International best practices in respect of the licensing of the respective device.

3.2.6 The Authority may determine the need to amend the ‘*Schedule of Devices eligible for use under a Class Licence*’ from time to time as it deems fit giving consideration to requests made for amendments, the demand for the list to be amended and the criteria specified in 3.2.5 above.

3.2.7 The Authority will issue a ‘*Notification of Amendment to the Schedule of Devices eligible for use under a Class Licence*’ in at least one (1) daily newspaper and on its website (<http://www.tatt.org.tt>) whenever there is a proposed amendment to the ‘*Schedule of Devices eligible for use under a Class Licence*’.

3.2.8 Any amendment to the ‘*Schedule of Devices eligible for use under a Class Licence*’ will take effect no less than thirty (30) days after the ‘*Notification of Amendment to the Schedule of Devices eligible for use under a Class Licence*’ is published. During this period, any party may object to the proposed amendment giving adequate justification.

3.2.9 The Authority may give effect to the amended ‘*Schedule of Devices eligible for use under a Class Licence*’ as it deems fit giving due consideration to any objections received during the thirty (30) day period after the publication of the ‘*Notification of Amendment to the Schedule of Devices eligible for use under a Class Licence*’.

3.3 Publication of Class License

- 3.3.1 The Authority shall publish a ‘*Class Licence*’ for devices identified in the ‘*Schedule of Devices eligible for use under a Class Licence*’ in the gazette and on its website (<http://www.tatt.org.tt>).
- 3.3.2 The ‘*Class Licence*’ shall contain the general terms and conditions applicable to all the devices listed in the ‘*Schedule of Devices eligible for use under a Class Licence*’.

3.4 Registration of Public Indoor and Outdoor Base Station Devices for a Class Licence

- 3.4.1 The following devices, which are eligible for use under a class licence, are not required to be registered with the Authority:
- Category 1 devices;
 - Category 2 devices that are for private indoor use only.
- 3.4.2 The following devices, which are eligible for use under a class licence, will only be deemed as class licensed if registered with the Authority:
- Category 2 devices that are for public indoor or outdoor use;
 - Category 3 devices.
- 3.4.3 The Authority shall publish a class licence registration form. Registration forms can be submitted to the Authority via fax, email or mail to:

The Telecommunications Authority of Trinidad and Tobago
76 Boundary Road
San Juan
Trinidad

Fax: 674-1055

Email: classlicence@tatt.org.tt

Or

The Authority's Service Facility - Management Services Unit
Tobago House of Assembly
Calder Hall
Tobago

- 3.4.4 Users of devices requiring registration with the Authority as specified in 3.4.2 must register the respective device, using the Authority's class licence registration form, prior to the operation or use of that device.
- 3.4.5 All devices requiring registration that are already in operation must be registered with the Authority within twelve (12) months of coming into force of this framework.
- 3.4.6 The registration fee for a class licence shall be in accordance with the Telecommunications (Fees) Regulations and shall apply to each device requiring registration.
- 3.4.7 The Authority shall publish a '*Register of Category 2 and Category 3 Class Licensed Devices*' on its website.

3.5 Minimum General Terms and Conditions of the Class Licence

- 3.5.1 The user of a class licensed radiocommunications device shall adhere to the terms and conditions of the '*Class Licence*' and the technical operating

parameters specified for that device in the '*Schedule of Devices eligible for use under a Class Licence*'.

- 3.5.2 Users of a class licensed radiocommunications device shall operate in the Authority's designated spectrum band(s) on a shared basis, i.e. a user will not have the right to use the spectrum on an exclusive basis.
- 3.5.3 The annual licence fees for a class licence shall be in accordance with the Telecommunications (Fees) Regulations.
- 3.5.4 Class licences shall not be eligible for renewal or extensions. The class licence for a device is only valid for the period in which the device is identified in the '*Schedule of Devices eligible for use under a Class Licence*'.
- 3.5.5 Failure to adhere to the terms and conditions of the '*Class Licence*' for devices requiring registration with the Authority may result in enforcement action by the Authority in accordance with the provisions of the Telecommunications Act.
- 3.5.6 Users of class licensed radiocommunications devices shall not claim protection from harmful interference and shall operate in a manner that will not cause harmful RF interference to any telecommunications network or telecommunications or radiocommunications service.
- 3.5.7 In addition to complying with the terms and conditions of the '*Class Licence*' and the technical operating parameters of the '*Schedule of Devices eligible for use under a Class Licence*', users of class licensed devices (particularly those providing public telecommunications services) shall take the necessary precautions to mitigate interference from radiocommunication services that are spectrum or station licensed.