

Decisions on Recommendations following the First Consultative Round on the *Equipment Standardisation and Certification Framework for the Telecommunications and Broadcasting Sectors*

The following summarises the comments and recommendations received from stakeholders in the first round of consultation on the *Equipment Standardisation and Certification Framework for the Telecommunications and Broadcasting Sectors* (the Framework) and the decisions made by the Telecommunications Authority of Trinidad and Tobago (the Authority), to be incorporated in the revised consultative document, where applicable.

The Authority wishes to express its appreciation to the following stakeholders for taking part in the consultation:

- i. Digicel (Trinidad & Tobago) Limited
- ii. Telecommunications Services of Trinidad and Tobago Limited (TSTT)

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1	3.1 Public Safety: Therefore, to control and curb the influx of unauthorised devices and to ensure national security and safety, the Authority, through this Framework, shall seek to develop strategic partnerships with other agencies such as the Customs and Excise Division, Trinidad and	Digicel (Trinidad and Tobago) Limited	Digicel commends the Authority on this initiative as collaboration is required to effectively manage the influx of devices. Would operators and the public have visibility of the memoranda of agreement with these agencies to see how these partnerships are benefitting the telecommunications and broadcasting sectors?	Digicel recommends that the Authority consider forming a working group of key stakeholders, which should include operators in the telecommunications and broadcasting industries as well as agencies such as Customs and Excise Division, agree on terms of reference and meet regularly, for example, every six months.	The Authority thanks Digicel for the commendation. While the recommendation is well received, the purpose of the memoranda of agreement is to coordinate internal procedures between government agencies. Notwithstanding the above, the Authority would be pleased to convene a semi-annual meeting to discuss challenges, opportunities and other matters relating to equipment standardisation and certification, if specific issues are identified that require working

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	Tobago Civil Aviation Authority (TTCAA) and the Trinidad and Tobago Bureau of Standards. These partnerships shall be governed by memoranda of agreement, to operate in the best interest of the national population with respect to public safety.		Due to the dynamic nature of technology, Digicel believes that a more practical approach would be for the Authority to form a working group (which should include not only the agencies mentioned by the Authority, but also other key stakeholders such as operators, who would have the necessary technical expertise in the respective areas), agree on terms of reference and meet regularly, for example, every six months. Digicel would like to be included in this working group to assist the Authority with its goal of ensuring that public safety is maintained.		group review, under agreed terms of reference.
2	3.3 Volume of Equipment Certification Applications	Digicel (Trinidad and Tobago) Limited	Digicel notes the Authority's statement that in order to address the growing number of applications, it will introduce fees for processing, to cover administrative costs.	We ask that the Authority provide detailed justification for the imposition of this processing fee, publish evidence of the increased volumes of these applications to which it refers and provide the public with	The Authority intends to recover its costs, in accordance with sections 52(1)(b) and 52(2)(b) of the Telecommunications Act, Chap. 47:31 (the Act). As indicated in sections 2 and 3.3 of the Framework, there has been an increase in the number of applications for equipment certification. The

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			<p>Digicel disagrees with the imposition of such a fee.</p> <p>The Authority has not published any evidence of this increased volume of applications referred to here nor has the Authority provided the public with information on the resources that are allocated to processing these applications.</p> <p>The Authority has also not provided a figure for this administrative fee that is being considered.</p> <p>We note from the financial statements set out in the Authority's Annual Reports that the Authority has historically enjoyed significant surpluses.</p> <p>It is, therefore, unclear to us as to why such a fee is being imposed.</p>	<p>information on the resources that are allocated to processing these applications.</p>	<p>volume processed has now been included in Section 3.3 of the Framework.</p> <p>The Authority uses human and information technology (IT) resources for document management and registry for each application from manufacturers for equipment certification. Its technical officers and engineers review and research each application and prepare the equipment certificate, and administrative resources generate, issue and record.</p> <p>Unlike other jurisdictions where auctions result in revenues to Government, fees in Trinidad and Tobago come to the regulator, and these are expected due to the economic value of spectrum. Therefore, it is expected that the funds from licensing fees should be remitted to the Government. These surpluses are expected as licence fees are not determined by the Authority's budget.</p>

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			Further, the imposition of any such fee should be done as an amendment to the Authority's Telecommunications (Fees) Regulations and not via this document.		The Telecommunications (Fees) Regulations, 2006 was duly consulted on in 2014 which contains the proposed fee for equipment certification and received no objection.
3	3.5 Modules	Digicel (Trinidad and Tobago) Limited	<p>Digicel notes that Authority statement that it may prescribe a fee for granting these authorisations.</p> <p>The imposition of such a fee is highly unreasonable as no proper justification has been provided for same.</p> <p>As previously stated, the Authority's financial statements as set out in its Annual Reports show that the Authority has historically enjoyed significant surpluses.</p> <p>It is, therefore, unclear to us as to why such a fee is being imposed.</p>	<p>Digicel asks that the Authority provide detailed justification for the imposition of this proposed fee.</p> <p>The imposition of any such fee should be done as an amendment to the Authority's Telecommunications (Fees) Regulations and not via this document.</p>	<p>The Authority uses its human resources and incurs costs in reviewing the technical specifications and certifications for equipment, and in preparing and issuing the certificates. The Authority intends to recover its costs, in accordance with sections 52(1)(b) and 52(2)(b) of the Telecommunications Act, Chap. 47:31 (the Act).</p> <p>Unlike other jurisdictions where auctions result in revenues to Government, spectrum fees in Trinidad and Tobago are paid to the regulator, and these are expected due to the economic value of spectrum. Therefore, it is expected that these revenues from licensing fees should be remitted to the Government. These surpluses are expected as licence fees are not determined by the Authority's budget.</p>

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					<p>The Framework presents the rationale for the introduction of charges for certification and registration. The costs shall be recovered under appropriate instruments pursuant to the Act and its attendant fees regulations.</p>
4	3.6 Time Limits	Digicel (Trinidad and Tobago) Limited	<p>The imposition of a validity period on equipment certificates imposes an unnecessary administrative burden on persons applying for equipment certification.</p> <p>It is noted that under section 4.4, the Authority states that separate applications should be made for each equipment model supplied and under section 5.5, the Authority states that equipment modified subsequent to it being certified requires an application by the person modifying. In light of these sections, it is unclear to us as to the Authority's justification for imposing a time limit on equipment certificates.</p>	<p>We ask that the Authority provide detailed justification from a technical perspective for the imposition of this validity period.</p>	<p>Time limits for the validity of certificates are required, to accommodate any changes in manufacturers' technical specifications, instances of which the Authority has observed. Other jurisdictions, for example, Brazil and USA, also have time restrictions on equipment certificates.</p> <p>Renewal of the equipment certificate allows the Authority to re-certify the operating parameters of the equipment being distributed.</p>

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5	4.5 Cost of Equipment Certification	Digicel (Trinidad and Tobago) Limited	<p>The imposition of such a fee is highly unreasonable as no proper justification has been provided for same.</p> <p>As previously stated, the Authority's financial statements as set out in its Annual Reports show that the Authority has been enjoying significant surpluses. It is, therefore, unclear to us as to why such a fee is being imposed.</p>	<p>Digicel asks that the Authority provide detailed justification for the imposition of this fee.</p> <p>The imposition of any such fee should be done as an amendment to the Authority's Telecommunications (Fees) Regulations and not via this document.</p>	<p>The Authority uses significant human resources and incurs considerable costs in reviewing technical specifications and certifications and preparing and issuing equipment certificates. The Authority's costs shall be recovered in accordance with sections 52(1)(b) and 52(2)(b) of the Act, and appropriate instruments pursuant to the Act.</p>
6	<p>4.8 Registration of Certain Equipment: All Type 2 and 3 devices, as well as those Type 1 devices (Class Licensing Regime, 2008) that have been identified for registration, such as push-to-talk (PTT) and UAVs of certain specifications, shall be registered using the (R-CL) registration form in Appendix IV.</p>	Digicel (Trinidad and Tobago) Limited	<p>Digicel believes this section is quite confusing to the public as well as contradictory with the <u>Class Licensing Regime, 2008</u> document. A device listed as "Class License Type 1" is further sub-divided into two categories where one is not required to be registered. Reference is made to the current 2008 document below:</p>	<p>The Authority is asked to review Type 1 devices and clarify exactly which devices fall into Type 1 devices for registration. Digicel recommends that another category of devices be included in the Class Licensing Regime to ensure clarity as to which devices in Type 1 are to be registered.</p>	<p>The consultation and publication of this Framework will inform revision of the Class Licensing Regime, which was developed in 2008. The current Schedule B - Schedule of Devices Eligible for Use under a Class Licence can be found on the Authority's website (https://tatt.org.tt), and provides a list of all the devices that require registration, where there is a column which indicates whether a device requires registration. This has been included in Section 4.6 of the Framework.</p>

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			<p>Section 3.4. of the <u>Class Licensing Regime, 2008</u> reads: <i>“Registration of Public Indoor and Outdoor Base Station Devices for a Class Licence states:</i></p> <p><i>3.4.1 The following devices, which are eligible for use under a class licence, are not required to be registered with the Authority:</i></p> <p><i>>Category 1 devices;</i> <i>>Category 2 devices that are for private indoor use only.”</i> [Emphasis added]</p> <p>Clarification is required as to exactly which devices fall into Type 1 devices for registration.</p>		
7	4.8 Registration of Certain Equipment: Where a commercial distributor applies for certification of equipment that requires	Digicel (Trinidad and Tobago) Limited	This requirement can be extremely onerous and costly on distributors. We note that the Authority has not provided any reasonable justification for the maintenance of such a register	Digicel asks that the Authority provide detailed justification as to why distributors would be required to maintain such a register as well as any	Maintaining a register would be required due to concerns of safety around the use of devices identified by the relevant agencies. This has been further explained in sections 3.1 and 4.6 of the Framework.

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	<p>registration under a class licence or station licence, the Authority may mandate that the distributor maintain a register of each person or entity to whom or to which such equipment is sold, as part of granting equipment certification.</p>		<p>nor a timeline for how long each record is to be kept.</p>	<p>associated timelines for the keeping of such records.</p>	<p>The Authority presently approves equipment to be used in Trinidad and Tobago and can define its requirements for granting such approval, under Section 48(1) of the Act. The Authority proposes that registration would become a requirement for approval of certain devices as identified by the relevant safety agencies.</p> <p>Each record must be kept until its submission to the Authority, as identified in Section 4.8 of the Framework.</p>
8	<p>6.3 Regularisation of Equipment: Equipment certification is required when telecommunications and broadcasting equipment will be imported into Trinidad and Tobago and may be required for previously commercially distributed products, prior to the effective date of the revised Framework. As future</p>	<p>Digicel (Trinidad and Tobago) Limited</p>	<p>With respect to the listing of previously commercially distributed devices, who will be responsible for making the application for re-certification of the particular device?</p>	<p>The Authority is asked to clarify exactly who will be required to apply for the re-certification of previously certified commercially distributed devices as there may now be several distributors of a particular device.</p>	<p>As future standards are developed and adopted, certification by the Authority will be required. All manufacturers, their respective agents or any commercial distributor will be required to apply for the re-certification of previously commercially distributed devices, as indicated in section 6.3 of the Framework. Where there may be several distributors of a particular device, the manufacturer or its certifying representative for the region can be responsible for obtaining the certification, or any of the major distributors can apply for certification on the manufacturer's behalf.</p>

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	standards are developed and adopted, certification by the Authority will be required, in accordance with the procedures described in this document.				
9	General	Telecommunications Services of Trinidad and Tobago	Telecommunications Services of Trinidad and Tobago Limited (“TSTT”) appreciates that the Telecommunications Authority of Trinidad and Tobago (“TATT”) has given stakeholders the opportunity to comment on these matters. It should be noted that TSTT’s comments on this document do not preclude TSTT from making further comments in the future.		The Authority thanks TSTT for its commendations.
10	1.6 Other Relevant Documents	Telecommunications Services of Trinidad and Tobago	TSTT notes TATT’s reference to two documents relevant to this consultation as “in effect”. Upon review of said documents, TSTT noted that the documents	TSTT recommends that TATT removes all references to documents which have not been completed, pursuant to the industry’s accepted process for	As the reference to documents “in effect” indeed refers to the final published version and not any version under consultation, this reference in the example provided refers

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			<p>are in various stages of completion and are not final documents.</p> <p>As an example, in the case of the <i>Authorisation Framework for the Telecommunications and Broadcasting Sectors of Trinidad and Tobago</i>, the maintenance history of the document reflects the following:</p> <ul style="list-style-type: none"> • Nov 21, 2005 – Final Authorisation Framework • May 29, 2014 – First round consultation of revisions <p>As TSTT is aware, consultations which are ongoing, if conducted in a transparent, non-discriminatory and objective manner, should reasonably have final positions that are unknown to all parties until the final</p>	<p>consultation. TSTT further recommends that TATT only references the final published versions of documents, and provide the date of said documents, as in the case of documents 4 and 5, so that there is clarity regarding what TATT considered relevant, in preparing this consultation.</p>	<p>to the Authorisation Framework dated 21st Nov 2005.</p>

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			<p>version of the consultation document has been produced. As a result, TSTT expects that the only reference documents utilised in this, and any other consultation, will be final published versions of the documents only. By basing the development of this consultation on documents that are incomplete, TATT runs the risk of appearing to have unilaterally pre-determined the outcome of ongoing consultations, and may thus be considered to be acting unfairly, and in a non-transparent manner.</p>		
11	2 Global Perspective on Equipment Standardisation and Certification	Telecommunications Services of Trinidad and Tobago	<p>TSTT notes TATT’s statement that “<i>Based on the high volume of equipment certification applications received by TATT in recent times, the implementation of a certification fee is a reasonable next step.</i>” TSTT recognises that while the Telecommunications Act Chap.</p>	<p>Should TATT determine that the implementation of certification fees is necessary, TATT is required to ensure that the Telecommunications (Fees) Regulations are appropriately amended, to accommodate such fees, subject to the completion</p>	<p>The Authority can recover its costs, in accordance with sections 52(1)(b) and 52(2)(b) of the Telecommunications Act, Chap. 47:31 (the Act). The amendments to the Telecommunications (Fees) Regulations, 2006 were duly consulted on in 2014, which also referenced equipment certification fees.</p>

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			47:31 (“the Act”) allows TATT the opportunity to charge fees for any service it provides, TSTT looks forward to TATT ensuring that any such action is done pursuant to the necessary public consultation and the subsequent required amended to the Telecommunications (Fees) Regulations, to ensure transparency and enforceability.	of the required public consultation.	The Authority may utilise instruments under the Act and fees stipulated under the current regulations to recover its costs for providing these services.
12	4.4 Procedure to Apply for Equipment Certification 5.1 Test Results 6.1 Inspections	Telecommunications Services of Trinidad and Tobago	TSTT suggests that ILAC (International Laboratory Accreditation Cooperation) be included as a recognised laboratory.	TSTT recommends that a laboratory that has been accredited by a body that is a member of the ILAC Mutual Recognition Arrangement be included in TATT’s list.	The Authority currently accepts type approval from other jurisdictions like the Federal Communications Commission (FCC). The Authority also accepts test results from other labs authorised by the FCC to certify devices on their behalf. They are called “accredited FCC labs”. The Authority would recognise laboratories accredited by a member of the ILAC Mutual Recognition Agreement and this has been included in Section 4.4 of the Framework.
13	4.8 Registration of Certain Equipment	Telecommunications Services of Trinidad and Tobago	TSTT notes TATT’s statement that “ <i>where a commercial distributor applies for certification of equipment that</i>	TATT to clarify the legal authority for the maintenance of the proposed register. In that	The Authority presently approves equipment to be used in Trinidad and Tobago and can define its requirements for granting such approval, under Section 48 of the Act. The

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			<p><i>requires registration under a class licence or station licence, the Authority may mandate that the distributor maintain a register of each person or entity to whom or to which such equipment is sold, as part of granting equipment certification.”</i></p> <p>TSTT notes that with this proposal TATT is seeking to direct persons who are NOT regulated under the Act to establish a register that is NOT provided for in the Act. TSTT asks TATT to provide the legal precedent that suggests that it has authority under the Act to direct the behaviour of parties who are not concessionaires or licensees. The overview of the Act does not provide clarity of the power on which TATT depends to mandate distributors to do as suggested. Further,</p>	<p>regard, the following questions must also be answered:</p> <ol style="list-style-type: none"> 1. What information would be on the register? 2. What is done with the information in the register? 3. How long will a person’s name be maintained on the register? 4. How does a person get their name removed from the register? <p>If these questions cannot be answered the recommendation should be voided.</p> <p>However, if TATT resolves this legal concern, then TSTT would suggest that TATT also mandates the distributors to inform each person or entity to whom or to which such equipment is sold of the rules that govern the use of the equipment and the repercussions for its misuse.</p>	<p>Authority proposes that registration would become a requirement for approval of certain devices as identified by the relevant safety agencies.</p> <p>In response to TSTT’s questions:</p> <ol style="list-style-type: none"> 1. the username and contact information, the device make and model, and the purpose of use are recorded. 2. the information is passed to and kept by the Authority. 3. The distributor can dispose of the record once submitted to the Authority. 4. a record of the last person in possession of the equipment is required for the relevant safety authorities. If the person can demonstrate the equipment has been disposed, that would be captured on the Authority’s register. <p>This has been included in Section 4.6 of the framework. The Authority agrees that the distributors who must maintain a register should inform each person or entity to whom or to which such equipment is sold of the rules where applicable that govern the use of</p>

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			<p>there is no sanction prescribed in law that provides enforcement authority for TATT to act as it proposes.</p> <p>Indeed, questions arise about the privacy of citizens being breached when a register is maintained by a party that is not broadly regulated. Questions arise such as:</p> <ol style="list-style-type: none"> 1. What is the legal authority for the register that is NOT maintained by TATT? 2. What information would be on the register? 3. What is done with the information in the register? 4. How long will a person's name be 		<p>the equipment and the repercussions for its misuse.</p>

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			<p>maintained on the register?</p> <p>5. How does a person get their name removed from the register?</p> <p>When TATT resolves this legal concern, then TSTT would suggest that TATT also mandates the distributors to inform each person or entity to whom or to which such equipment is sold of the rules that govern the use of the equipment and the repercussions for its misuse.</p>		
14	6.1 Inspections	Telecommunications Services of Trinidad and Tobago	According to the consultation document, “ <i>The Authority may perform inspections on telecommunications equipment at any time</i> ”. TATT is however reminded that, as it relates to the inspection of equipment housed at the operator’s premises or any	According to the consultation document, “ <i>The Authority may perform inspections on telecommunications equipment at any time</i> ”. TATT is however reminded that, as it relates to the inspection of equipment housed at the operator’s premises or any	<p>The Authority confirms its inspections will be done in accordance with section 51 of the Act, which addresses the power of search and entry of TATT-appointed inspectors.</p> <p>Section 6.1 of the Framework has been amended to reference the relevant provision of the Act.</p>

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			<p>other location, TATT can only conduct said inspections within the confines of the legislative framework and in particular the Act. Specifically, Section 51 of the Act which addresses the power of Search and Entry of TATT-appointed inspectors, provides that:</p> <p><i>“... an inspector shall not exercise the powers vested in him under that section except upon warrant of a magistrate issued to him for the purpose and, in the execution of the warrant, the inspector shall be accompanied by a police officer.”</i></p> <p>Thus, based on the Act, any inspections requiring entry/access to the premises of a third party, simply cannot be done at “any time”, it must be done subject to the issuance of a</p>	<p>other location, TATT can only conduct said inspections within the confines of the legislative framework and in particular the Act. Specifically, Section 51 of the Act which addresses the power of Search and Entry of TATT-appointed inspectors, provides that:</p> <p><i>“... an inspector shall not exercise the powers vested in him under that section except upon warrant of a magistrate issued to him for the purpose and, in the execution of the warrant, the inspector shall be accompanied by a police officer.”</i></p> <p>Thus, based on the Act, any inspections requiring entry/access to the premises of a third party, simply cannot be done at “any time”, it must be done subject to the issuance of a</p>	

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			warrant by a Magistrate and the inspector must be accompanied by a police officer.	warrant by a Magistrate and the inspector must be accompanied by a police officer.	
15	Appendix III Sample Equipment Certification Application Form	Telecommunications Services of Trinidad and Tobago	TSTT suggests that EU ETSI and 3GPP standards, such as CE and SRRC are added to instruction 4 (a).	TSTT recommends that instruction 4 (a) be amended to state “Evidence of Type Approval certification for the said equipment (e.g., FCC, IC, CE, SRRC, etc.)”	<p>The FCC and Industry Canada (IC) are not the only “evidence of type” approvals that are accepted. Instruction 4 (a) suggestions are merely examples and does not limit which bodies the Authority will consider.</p> <p>The Authority considers many other bodies that perform type-approval including the European Union (EU), the European Telecommunications Standards Institute (ETSI) and the China State Radio Regulatory Commission (SRRC).</p>
16	6.3 Regularisation of Equipment	Telecommunications Services of Trinidad and Tobago	TSTT notes TATT’s statement that “ <i>Equipment certification is required when telecommunications and broadcasting equipment will be imported into Trinidad and Tobago and may be required for previously commercially distributed products, prior to the effective date of the revised Framework.</i> ” However,	TSTT suggests that TATT rewords this section to state “Equipment certification is required when telecommunications and broadcasting equipment will be imported into Trinidad and Tobago after the effective date of the revised Framework.”	The Authority notes TSTT’s recommendation. However, the intention is to consider devices that may already be available in Trinidad and Tobago, where certification is deemed necessary.

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			equipment certification should be required <u>after</u> the effective date of the revised Framework. Any changes made should not be retroactive since this would be an additional cost and there would be an unknown timeline to get the equipment certified if it does not currently meet the requirements.		