

Regulatory Authority - Class Operating Licenses

There are five types of entities who must **apply** to the Regulatory Authority for an electronic communications Class Operating License. They are:-

Closed User Groups

A closed user group is a group of persons who share a common business, economic or social interest or affinity other than the need to communicate with one another. A closed user group network is, in one sense, a collective private network dedicated to the exclusive use of members of the group. A closed user group network may be operated by one member of the group, or collectively by some or all members of the group, on behalf of the entire group. In order to qualify as a closed user group, however, they may only do so on a cost-sharing basis. The network operator may not derive any profit by virtue of its role as network operator for the closed user group, other than the reduced communications costs resulting from a shared network.

Example: A construction firm that uses radios to communicate with their staff members.

Electronic Communications Services Provided by Hotels, Hospitals, Prisons, Schools and Similarly Situated Persons

Institutions such as hotels, hospitals, prisons and schools, respectively, provide their guests, patients, prisoners and students with electronic communications services, including domestic and international voice, data, audio visual and Internet services for a fee.

Example: Hotel that charges a fee for use of WIFI within the hotel's property.

Pay Telephone Services

Pay telephone services are services provided from stationary telephones (more than one) in public (*e.g.*, public thoroughfares) and private (*e.g.*, retail establishments or restaurants) locations, through which users can make domestic and international voice, data or teletext calls. Payment can be made either with currency or with credit or calling cards.

Example: Business with more than one pay telephone available.

Operator Services

(a) Calling Card Services

Calling card services enable users to place domestic and international calls through any telephone, either with the assistance of a live operator or on an automated basis.

(b) Teleconferencing Services

Teleconferencing or conference call services, include the provision of on-demand and pre-scheduled multi-party voice, data and video domestic and international conference calls. Such conference call services can be provided on either a subscription or one-off basis, in the latter case using calling cards or commercial credit cards.

Example: IT business that provides teleconferences on conference call services to its clients.

Cyber Cafes

Cyber cafes or Internet cafes that provide access to the Internet and/or voice telephony to the public for which a fee is paid.

There are four types of entities that we encourage registration with the Regulatory Authority but who are exempted from requiring a Class Operating License. They are:-

Private Networks

A Person who establishes, constructs or operates a Private Network, provided that such Private Network:

- a) does not carry third-party communications;
- b) is not operated for a profit from the provision of Electronic Communications Services; and
- c) is comprised of Electronic Communications obtained on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

Example: Condominium that has a single data service and then shares that service with the individual unit owners.

Value Added Services

A Person who provides Value-Added Services, provided that such Person:

- a) does not separately sell or charge for the Electronic Communications component of its Value-Added Services; and
- b) obtains the Electronic Communications component of its Value-Added Services on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

Example: IT firm that provides a monthly service to provide many IT services (including electronic communication services) to a client at a set fee.

Wi-Fi Services

A Person who provides Wi-Fi Services, provided that such Person:

- (a) does not charge for the use of the Wi-Fi Service;
- (b) does not bundle the Wi-Fi Service with another Electronic Communications Service for which a charge is imposed; and
- (c) obtains the Electronic Communications component of its Wi-Fi Service on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

Example: Guest house or restaurant that provides WIFI to its customers without charge.

Passive Infrastructure

A Person who provides Passive Infrastructure, provided that such:

- (a) Person's principal line of business does not include the provision of Electronic Communications; and
- (b) Passive Infrastructure is provided to Persons who (i) are not engaged in the provision of Electronic Communications or (ii) if so engaged, are Licensees with an Individual COL, including an ICOL. Passive Infrastructure may also be provided to Class Licensees or persons exempt from the requirement to hold a COL pursuant to Conditions 4, 5 and 6, but only within their respective premises or campus.

Example: Power company or municipality



BERMUDA
REGULATORY
AUTHORITY

Class Operating License Application/Registration Form

Name of Entity: _____ Date: _____

Physical Address: _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____ Email: _____

1. Please indicate which type of entity you are **applying** for:-

- Closed User Groups ***
- Electronic Communications Services Provided by Hotels, Hospitals, Prisons, Schools and Similarly Situated Persons**
- Pay Telephone Services**
- Operator Services**
- Cyber Café**

*If Closed User Group please identify all members of the Closed User Group, including their Affiliates

_____ and describe the common interest of the members of the Closed User Group

_____ and identify the members of the Closed User Group that are involved in the operation of the network.

2. OR Please indicate which type of entity you are **registering** for:

- Private Network**
- Value Added Services**
- Wi-Fi Services**
- Passive Infrastructure**

Please confirm that you have read and meet the eligibility requirements for the type of Class Operating Licenses or Exception you have selected AND you have read and agree to comply with all the conditions of the Class License or Exception you have selected.

(Please see Regulatory Authority document <http://rab.bm/images/PDF/857.pdf> or look on the Determinations page on the Regulatory Authority website for “29th APRIL 2013 General Determination on Communication Operating Licenses: Exceptions and Class Licenses.”)

Signed

Date

Please fax this form to (441) 474 – 6048 or email to info@rab.bm