

SCHEDULE 4

APPLICATION FOR AN EXEMPTION UNDER SECTION 23(10) OF THE TELECOMMUNICATIONS ACT 2016

Instructions

- * Three (3) copies of the completed application should be submitted in an envelope clearly marked “Telecommunications Exemption Application” addressed to the Director, Telecommunications Agency, Colgrain House, 205 Camp Street, South Cummingsburg, Georgetown.
- * The completed application must be accompanied by the application fee designated by the Telecommunications Agency (the “Agency”) in section 93(3) of the Telecommunications Act 2016 (the “Act”), in the regulations thereto, or in the Telecommunications Code, whichever is applicable.
- * The application must be completed fully, in typed or block letters. You should attach additional pages as may be needed in order to answer all of the questions fully and to otherwise submit a complete application.
- * Terms used in this application form have the same meaning as they have in the Act, the Telecommunications (Licensing and Frequency Authorisation) Regulations 2020 (the “Regulations”) and other regulations issued under the Act. You should review both the Act and the regulations issued under it carefully before filing your application, not only to ensure that you know what the terms used mean, but also to understand the legal regime under which you are applying to operate a telecommunications network or provide a telecommunications service.
- * You must inform the Agency in writing if you wish to request that any information contained in your completed application be treated as confidential and identify all such information clearly and with specificity.
- * Under the Regulations, you have an obligation to inform the Agency promptly of any matter included in your application that changes in any material respect, both while your application is pending and after any exemption has been issued to you. Failure to inform the Agency promptly of any such material change is an offence punishable upon conviction with a fine of not less than one million dollars and not more than two million dollars and imprisonment of six months, with additional fines for continuing failures after conviction.
- * If you intend to use the spectrum and install and operate radiocommunication equipment in the course of operating the telecommunications networks or providing the telecommunications services for which you are submitting this application, you must also apply for and be granted a frequency authorisation. The application form for a frequency authorisation may be obtained from the Agency by a request in writing or from its website.
- * This application must be signed:
 - in the case of an application by an individual or sole proprietor, by the individual or sole proprietorship in whose name the application is made
 - in the case of an application by a partnership, by a partner, accompanied by a resolution by the managing or general partner stating that the individual signing the application is authorised to do so by the partnership
 - in the case of a company or other body corporate, by a director, corporate secretary or other authorised officer, accompanied by a resolution of the company’s Board of Directors or, if the applicant is a body corporate other than a company, a resolution of the body corporate’s governing body stating that the individual signing the application is authorised to do so by the company or other body corporate
- * Please note that, at the end of this application, you must also declare that to the best of the signatories knowledge, the applicant meets the requirements of the exemption for which it is applying.

PART A: PRELIMINARY INFORMATION

1. This application is being submitted for: *(check all that apply)*
- The operation of a telecommunications network
 - The provision of telecommunications services
 - Other *(please identify)*: _____

2. Please identify the order or regulation under which the telecommunications network you propose to operate and/or the telecommunications services that you propose to provide have been authorised for an exemption: _____

PART B: THE APPLICANT AND ITS AFFILIATES

1. **Full Name of Applicant:** _____

2. **Applicant's Address and Other Contact Information**

Physical Address: _____

Postal Address (if any): _____

Designated Contact Person: _____

Contact Person's E-mail Address: _____

Contact Person's Telephone Number(s): _____

Contact Person's Facsimile Number(s): _____

3. **Address in Guyana (if different from the above)**

Physical Address: _____

4. **Applicant's Profile**

4.1 **Business classification:** *(check one)*

- Individual
- Sole proprietorship
- Partnership
- Company
- Other *(describe)* _____

4.2 If the Applicant is an individual or a sole proprietor:

Name: _____

Nationality: _____

Address: _____

Passport/Other ID Number: _____

Name under which Applicant proposes to do business: _____

4.3 If the Applicant is a partnership:

Please submit a copy of the partnership's registration with the relevant governmental authorities.

Type of partnership: _____

Place of formation: _____

Registration number: _____

Name under which partnership proposes to do business (if different from item B(1) above): _____

If the partners listed below are not the ultimate owners of the partnership, name and address of the ultimate owner: _____

<u>Name and Address of Each Partner</u>	<u>Type of Partner</u>	<u>Nationality</u>	<u>Ownership Percentage</u>	<u>Passport/Other ID Number</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.4 If the Applicant is a company:

Please submit copies of the company's Articles of Incorporation and Certificate of Incorporation.

Type of company: _____

Place of incorporation: _____

Date of incorporation: _____

Registration number: _____

Number of authorised shares: _____

Number of issued shares: _____

5. Authorised Agent and Address in Guyana for Service of Process

Name of authorised agent: _____

Address in Guyana: _____

6. Name(s) and Address(es) of the Bank(s) or Other Financial Institution(s) Where the Applicant Maintains Its Account(s)

Name of Bank(s)
or Other Financial Institutions

Address(es)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. History of the Applicant and Its Affiliates

Please answer “yes” or “no” to the following questions and provide complete details for any questions to which you answer “yes”:

- 7.1 Has the Applicant, any of its affiliates, or any of its shareholders or other owners, partners, directors or other governing body members, officers or key managerial staff been declared bankrupt or otherwise insolvent, or have any of them been shareholders or other owners, partners, directors or other governing body members, officers or key managers of any sole proprietorship, partnership, company or other body corporate that has been declared bankrupt or otherwise insolvent?

Yes No

7.2 If the answer to this question is “yes” as to the Applicant, any of its affiliates, or any of the above individuals, please attach a copy of any discharge in bankruptcy as to any of them.

Do the shareholders or other owners, partners, directors or other governing body members, officers, or key managerial staff have any interest or high level position in any business, other than the Applicant, licensed to operate a telecommunications network or provide a telecommunications service?

Yes No

7.3 Has the Applicant operated under or carried on business under any name other than the name in this application?

Yes No

7.4 Has the Applicant or any of its affiliates ever applied for a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation and been refused?

Yes No

7.5 Has the Applicant or any of its affiliates ever been granted a licence, exemption or frequency authorisation under the Act or any other Guyana law or regulation?

Yes No

7.9 If the answer to question 7.7 or 7.8 is “yes,” has any such licence, exemption frequency authorisation, or other permit been refused, modified, suspended or terminated, or has the Applicant or any of its affiliates otherwise been penalised or sanctioned in relation to the operation of any such telecommunications network or provision of any such telecommunications service?

Yes No

Yes No

PART C: APPLICANT'S BUSINESS AND PROPOSED TELECOMMUNICATIONS NETWORK AND/OR TELECOMMUNICATIONS SERVICES

1. Financial Information and Business Plan

1.1 Please provide a high-level business plan for the telecommunications network(s) you propose to operate and/or the telecommunications services you propose to provide. The plan should explain any major assumptions and should cover a period of at least five years. The plan should address all of the questions and requests for information set forth in this Part C and should also include:

- * Sources of funding, debt levels, equity and independent confirmation of the same
- * Pro forma financial statements for at least five years, to include cash flow and income statements
- * Market forecasts
- * An explanation of the funding and cash flow through which the Applicant will operate and maintain the telecommunications networks and/or telecommunications services covered by this application

1.2 Please provide audited financial reports/statements, including a certified income statement and balance sheet, for the last three years for the Applicant.

1.3 Please provide a diagrammatic representation of the Applicant's group structure, including the percentage of shares held by each member of the group. Please indicate which affiliates have applied, or intend to apply, for other licences, exemptions or frequency authorisations to operate telecommunications networks, to provide telecommunications service, or to use the spectrum.

1.4 Does the Applicant or any of its affiliates have any ownership interest of over 5% in any other operator of a telecommunications network or provider of telecommunications services in any country?

Yes No

1.5 Does the Applicant have any other business inside or outside the telecommunications market in any country?

Yes No

- 1.6 If the answer to question 1.5 is “yes,” please provide the details of your arrangements to ensure no cross-subsidisation between your:
- * telecommunications and non-telecommunications activities
 - * wholesale and retail telecommunications activities
 - * telecommunications equipment production or supply and other telecommunications activities
- 1.7 Please provide the resumes of the Applicant’s officers, corporate secretary (if any), and key managerial staff for the telecommunications activities for which you are applying, indicating relevant prior experience, qualifications and other sources of expertise, and explain what technical resources exist, or will be obtained, to carry out the Applicant’s proposed telecommunications activities in Guyana.

2. The Applicant’s Current Telecommunications Activities

Please provide answers to the following questions in relation to the Applicant’s activities in (1) Guyana, (2) elsewhere in Caribbean countries, and (2) elsewhere in the world.

2.1 Telecommunications Networks

- (a) Please provide a summary of the telecommunications infrastructure that the Applicant has in place, including radiocommunication networks infrastructure.
- (b) If the Applicant is using the spectrum and/or radiocommunication networks and/or radiocommunication equipment, please provide details of the frequency authorisations held, including the number of frequency authorisations, the reference number of each frequency authorisation and the name of the governmental authority that issued each frequency authorisation.

2.2 Telecommunications Services

- (a) Please provide details of the telecommunications services being provided by the Applicant and the terms (including prices) on which they are available. Please include details on the number of customers to whom you provide telecommunications services and the telecommunications products that you offer them.
- (b) Please provide details of current contracts with all classes of customers, as well as a sample of all such contracts.

3. The Applicant's Proposed Telecommunications Activities

3.1 Telecommunications Networks

- (a) Please provide a summary of the infrastructure that the Applicant is planning to put in place within the next five years, including radiocommunication networks infrastructure.
- (b) If the Applicant is planning to use the spectrum and/or radiocommunication network and/or radiocommunication equipment, please indicate whether an application has been submitted for a frequency authorisation and provide details (copies may be enclosed if preferred).
- (c) The estimated date upon which you propose to commence operation of the proposed telecommunications network.
- (d) Please submit copies of all of the following that apply to your application:
 - (i) any engineering studies for construction and equipping, and the operating specifications, of the telecommunications network;
 - (ii) relevant permits, for example, leases or other proof of actual or anticipated legal occupancy of the land or premises on which the telecommunications networks currently exist or would be constructed;
 - (iii) site-maps indicating the actual or anticipated location of the telecommunications networks;
 - (iv) technical details of the interconnection equipment;
 - (v) if you are required to obtain an environmental permit issued by the Environmental Protection Agency for the operation of your telecommunications network, a copy of the environmental permit or, if the application for such permit is still pending with the Environmental Protection Agency, a copy of such application and an explanation of its status;
 - (vi) any other technical or operational information that is important in explaining the telecommunications network that you wish to operate.

3.2 Telecommunications Services

- (a) Please provide a description of each proposed telecommunications service, including details on the following:
 - (i) the technical aspects of the telecommunications services (including telecommunications equipment);
 - (ii) how access to each telecommunications service is to be provided (e.g. indirect access, direct access, leased lines, etc.);
 - (iii) targeted customer base, including number of customers targeted and projected;
 - (iv) a justification for, and calculation of, the rate at which you propose to sell the telecommunications services; and
 - (v) the estimated date upon which you propose to commence providing the proposed telecommunications services.
- (b) Please provide details of any proposed supply relationships in respect of the proposed telecommunications network and/or telecommunications services.

PART D: DECLARATION

On behalf, and with the authorisation, of the Applicant, I declare that the information provided in this application, including all attached and supplementary materials, is true and accurate in all material respects, and that to the best of my knowledge, the Applicant meets the requirements of the exemption identified in Item A(2) above. I acknowledge and agree that submitting an application to the Agency does not mean that an exemption will be granted, and that consideration of this application is a matter for the exercise of the Agency's and Minister's discretion acting in accordance with the Telecommunications Act 2016. If the exemption is granted, I am fully aware of the obligations and conditions associated with the exemption. I understand that in processing this application, the Agency may undertake such investigations as it considers appropriate to verify the information submitted and/or to assess the background or suitability of any person involved or to be involved in any permission or authorisation hereby applied for, and I hereby expressly consent for myself and on behalf of the Applicant and all such persons, to the carrying out by the Agency of such investigations. I confirm that I am duly authorised by the Applicant and such other persons to make this declaration.

Name of Applicant: _____

By: _____

Full name of signatory: _____

Position: _____

Date: _____

See the Instructions at the beginning of this application for how Applicants who are partnerships, companies or other bodies corporate must document the above signatory's authorisation to execute and submit this application.