# ICT 2017 -2 - Consultation Proposed Section 23(2) ("Regulatory Notice")



Launch Date: 19 September 2017

Closing Date for comments: 19 October 2017



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## A. Introduction

- 1. The Utility Regulation and Competition Office (the 'Office') is the independent regulator for the electricity, information and communications technology ('ICT'), water, wastewater and fuels sectors in the Cayman Islands. The Office also regulates the use of electromagnetic spectrum and manages the .ky Internet domain.
- 2. Different decisions by the Office will affect persons and organisations throughout the country in different ways. It is therefore important that the Office makes regulatory decisions with the appropriate input from persons with sufficient interest or who are likely to be affected by the outcome of such decisions. Consultation is an essential aspect of regulatory accountability and transparency and provides the formal mechanism for these persons to express their views in this manner. The requirement for the Office to consult is mandated in its enabling legislation.
- 3. The increased demand for, and advancements in communication and related technologies, coupled with national objectives, requires that related regulatory frameworks remain current. To this end, timely, efficient and responsive updates to licensing framework are required to facilitate the continued development and deployment of appropriate, established and innovative communication technologies in the form of Services and Networks.
- 4. The purpose of this consultation paper is to seek the views of operators, the general public, and other interested parties, regarding the draft amendments to the ICT licensing framework established by section 23(2) of the *Information and Communication Technology* (ICT) *Law 2017* and published in the Gazette<sup>1</sup> Notice (Annex 1).

## B. Legal Framework

5. Section 6(4) of the *Utility Regulation and Competition Office Law 2016* ('**URC Law**') requires the Office, among other things, act in a timely, reasonable, proportionate, impartial and consistent manner, to operate transparently to the full extent practicable, and to engage in reasoned decision-making based on the administrative record. Section 7 (1) of the

<sup>&</sup>lt;sup>1</sup> Section 23(2) Regulatory Notice, published by Extraordinary Gazette No. 40/2011 on 18<sup>th</sup> May 2011



URC Law requires the Office, before issuing an administrative determination which in the reasonable opinion of the Office is of public significance, "... to allow persons with sufficient interest or who are likely to be affected a reasonable opportunity to comment on the draft administrative determination."

6. The Office, in execution of part of its responsibilities under section 23 of the *Information and Communication Technology Law 2017,* shall by notice published in the Gazette, specify the ICT services and ICT networks that are required to be licensed. It is the position of the Office that it retains the right to amend the Notice when appropriate but not so frequent so as to render the licensing framework arbitrary, but in any event only after consultation.

## C. Section 23(2) Regulatory Gazette Notice Draft Ammendments

7. In considering necessary updates/amendments to the Notice, the Office updated the following areas, which it considers to either be a major change in the activities carried out by the Office or having significant impact on sectoral providers or the public. These do not reflect minor formatting, grammatical or other minor amendments.

**Paragraph 1-** Updated to reflect the name of the Office and governing legislation.

**Paragraph 3(b)(ii)-** Addition of spectrum bands available for non-commercial use without licence.

**Paragraph 5(c)-** Removed as no longer relevant.

**Paragraph 6(b)(ii)-** Further clarify the objectives in regulating television programming.

**Paragraph 6(b)(iii)-** Further clarify the objectives in regulating video on demand services.

**Paragraph 6(c)-** To allow for occasional limited range and power broadcasts.

**Paragraph 6(d)-** To allow tourist accommodations and not for profit Wi-Fi hotspots to operate.

Paragraph 7- Noting the inclusion of a new Table of licences "Table 9".



Table 1 Type C- Amendment to the explanatory notes.

Table 1 Type F- Amendment to the type name and explanatory notes

**Table 1 Type G-** New Licence Type for operation of InternetPeering/Exchange Point infrastructure.

**Table 4 Type S-** Amendment to explanatory notes to reflect additional spectrum bands available for non-commercial use without licence.

**Table 6 Type 7** – Removal of requirement to acquire licence in conjunction with Table 6 Type 6 licence.

 Table 6 Type 11- Inclusion of explanatory notes.

 Table 6 Type 13- Rewording of directories licence Type and explanatory notes.

 Table 6 Type 15- Reclassification.

 Table 6 Type 15- New Internet Service resale licence type.

**Table 6 Type 16-** New Licence Type for provision of InternetPeering/Exchange Point service.

**Table 9-** New Occasional and Experimental Service and Network Licence

 Table and Types.

**Definitions-** "Certified Bodies" – Reworded.

Definitions- Inclusion of definition for "ISM"

8. All changes are detailed and reflected in the draft Notice at - **Annex 2**.

### D. Consultation Questions

9. Based on the above, the Office invites all interested parties to submit their comments, with supporting evidence, on the following question:

Question 1: Provide your views on the proposed changes set out in the draft Notice.



### E. This Consultation Process

- 10. This consultation is conducted in accordance with the Consultation Procedure Guidelines determined by the Office and found on the Offices website here: http://ofreg.ky/Themes/ThemeDefault/images/OF\_2017\_1\_Determination and\_Consultation\_Procedure\_Guidelines.pdf
- 11. The Office considers that because the draft Notice is published as part of this consultation, this consultation will be conducted as a single-phase consultation over a period of thirty (30) days. Where, upon review of the responses to the consultation, it becomes clear that a second phase of consultation is required, a further notice will be issued accordingly. As noted above, section 7(1) of the URC Law states that prior to issuing an administrative determination of public significance, the Office shall *"issue the proposed determination in the form of a draft administrative determination."* The Office considers the draft Notice to be a *"draft administrative determination"* for the purposes of section 7(1).
- 12. All submissions on this consultation should be made in writing, and must be received by the Office by **5 p.m. on 19 October 2017** at the latest.
- 13. The Office will post any comments received within the stated deadline on its website by **5 p.m. on 26 October 2017.**
- 14. Submissions may be filed as follows:

By e-mail to: consultations@ofreg.ky

Or by post to: Utility Regulation and Competition Office P.O. Box 2502 Grand Cayman KY1- 1104 CAYMAN ISLANDS

Or by courier to: Utility Regulation and Competition Office 3<sup>rd</sup> Floor, Alissta Towers 85 North Sound Rd. Grand Cayman CAYMAN ISLANDS

# ICT 2017 -2 - Consultation Proposed Section 23(2) ("Regulatory Notice") ANNEX 1





# GAZETTE

Extraordinary No. 40/2011

Wednesday, 18<sup>th</sup> May 2011

### GOVERNMENT

### **Regulatory Notice**

#### THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY

#### TYPES OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) NETWORKS AND SERVICES WHICH REQUIRE TO BE LICENSED BY THE AUTHORITY

13<sup>th</sup> May 2011

#### Licensing provisions

1. This Notice is issued by the Information and Communications Technology Authority ("the Authority") in accordance with section 23(2) of the Information and Communications Technology Authority Law, (2010 Revision) ("the Law") that requires the Authority to publish in the Gazette a notice specifying which types of Information and Communications Technology (ICT) Networks and Services are required to be licensed. 2. This Notice comes into force immediately and supersedes all previously published versions.

#### Types of ICT Networks and ICT Services which are required to be licensed

3. The Authority has determined that all ICT Networks are required to be licensed by the Authority with the exception of :

a. Fixed (Wireline) Communication Systems used solely for a Person's own use.

- b. Free Space (Wireless) Communication Systems which are:
  - (i) used solely for a Person's own use;
  - (ii) operated within the 902 to 928 MHz or 2.4 GHz spectrum bands;
  - (iii) fully qualify as certified equipment; and

(iv) are utilized in accordance with the operating parameters and specifications for which they have been specified.

4. For clarity, the types of ICT Networks that require a Licence include, but are not limited to :

a. public switched telephone networks, whether fixed, wireless or cellular, using either packet or circuit based switching or routing techniques;

b. Communication Systems used for Interconnection;

c. cable networks, cables and cable landing points, whether undersea or on land, which originate on, or terminate on, or traverse the territory of the Cayman Islands;

d. Communication Systems incorporating orbiting or geo-stationary satellites, including Very Small Aperture Transmission (VSAT) satellites, which are used for the transmission of Messages; e. dark fibre or other unlit fibre; and

f. all Free Space Communication Systems other than those defined at paragraph 3b above.

5. The Authority has also determined that all ICT Services that use an ICT Network to provide services to the public, whether or not for a fee or for commercial profit, are required to be licensed, except for-

(a) computer back-up and disaster recovery services located in Grand Cayman;

(b) Information Security Services specified in Note (b) of Table 6 in this Notice; and

(c) the provision of ICT Infrastructure and dark fibre (ICT Service Types 11 and 11a of Table 6 in this Notice) by DataLink Limited to the Cayman Islands Government in support of the Government's CCTV project, until such time as the Authority makes a determination on DataLink Limited's current ICT Licence application.

6. For clarity, the types of ICT Services that require a licence include, but are not limited to :

a. Telephony -

i. All forms of wholesale telephony or any other form of supply of Communication System capacity, whether as interconnection services or as airtime, by one ICT Licensee to one or more other ICT Licensees or by an ICT Licensee to Subscribers;

ii. All forms of retail telephony involving the transmission to and from Subscribers of signals over Communication Systems, including the domestic and international transmission of voice, data, facsimile, moving image or still image messages, regardless of the method of transmission;

iii. All forms of providing (including selling, leasing, renting, gifting etc.) dark or unlit fibre to any Person;

b. Television services -

i. All forms of terrestrial television programming broadcast from a station in the Cayman Islands;

ii. All forms of television programming distributed by cable, satellite, or other ICT Network (including the Internet) from a distribution point located in the Cayman Islands;

c. Video on demand services -

The streaming of video material in the Cayman Islands in response to a request from a subscriber, or for subsequent resale to a subscriber, except where the video stream is delivered over the public Internet, or the video material is television programming.

d. Sound broadcasting services -

All forms of sound broadcasting transmitted from a station in the Cayman Islands;

e. Internet services -

i. Internet Service Providers, regardless of the scope or type of services provided;

ii. Application Service Providers;

f. Other services -

i. Computer back-up and disaster recovery services, located in Cayman Brac or Little Cayman, which use any form of Communication System except if used solely for a Person's own use; and ii. The supply of directory listings in any medium, format or sequence information whereby the identity of Subscribers may be made public.

#### Licence applications

7. The Authority will currently consider applications for ICT Network and ICT Service Licences of the types listed in the following Tables 1 to 8:

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#### **Table 1: Major Public ICT Networks**

Туре	Description	Comments or explanatory notes	
А	Fixed wireline	A wireline network providing access to ICT Service(s) to	
		residential and/or business Subscribers.	
В	Fixed wireless	A wireless network (other than Mobile) providing access to	
		ICT Service(s) to residential and/or business Subscribers.	
С	Mobile (cellular)	Mobile networks normally operating in the 800, 900,1800	
		,1900 or 1800 to 2200 MHz frequency bands.	
D1	Fibre optic cable - Domestic	Whether "lit" or "unlit".	
D2	Fibre optic cable - International	Whether "lit" or "unlit".	
E1	Satellite (incl VSAT) - Domestic		
E2	Satellite (incl VSAT) -		
	International		
F	Broadcast network	As used for "over-the-air" radio and TV broadcasters	

(Licensees of these networks are subject to a royalty fee based upon a percentage of annual gross revenue.)

#### **Table 2: Radio Stations**

(Licensees of these networks are subject to a fixed licence fee, usually annually.)

Туре	Description	Comments or explanatory notes		
J	Amateur radio station	Radio transmitting and receiving equipment which;		
		(a) is used solely for a Person's own use;		
		(b) operates on radio frequencies to be specified by the Authority		
		following consultation; and		
		(c) is limited in output power to a level to be specified by the		
		Authority following consultation.		
Κ	Aircraft radio station	For aircraft registered in the Cayman Islands.		
L1	Ship radio station	For vessels of less than 300 gross tons with no MMSI number.		
L2	Ship radio station	For vessels of less than 300 gross tons requiring an MMSI number.		
L3	Ship radio station	For vessels of more than 300 gross tons but less than 1600 gross tons.		
L4	Ship radio station	For vessels of greater than 1,600 gross tons.		
L5	Ship radio station	Coastal vessel		
М	Spacecraft radio station	For spacecraft registered in the Cayman Islands.		

#### Table 3: Transmitters

(Licensees of these networks are subject to a fixed license fee per transmitter, usually annually.)

Туре	Description	Comments or explanatory notes	
Ν	Ground to air radio	Radio transmitting equipment used to communicate from the	
		ground to aircraft on the ground and in the air using aviation	
		frequencies.	
0	Marine (Coastal) radio	Base station operating on designated maritime frequencies in the	
		coastal waters of the Cayman Islands.	
Р	Land (Mobile) two-way radio	Base station and mobile radio transmitters (including hand-held)	
		operating on designated frequencies in the Cayman Islands.	
Q	Wireless Utilities Metering	Base station and wireless metering equipment at the end-users'	
		premises.	

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Tumo	Description Comments or explanatory notes		
Туре			
S	All transmitters/ transponders	Each transmission frequency or channel is required to be	
	other than those licensed under	licensed. This requirement extends to most uses of spectrum	
	Tables 2 or 3, or those otherwise	whether that use is in connection with a public or private	
	exempted by the Authority.	network. For the avoidance of doubt, Licensees of Table 1 are	
		required to obtain the appropriate Type S licences. Only	
		Licensees of Tables 2 or 3 are exempt from the requirement to	
		obtain a Type S licence.	
		In addition, certain types of low power radio equipment may be	
		exempted from any licensing requirement, or may be covered	
		by a Class Licence, if operated in the 902 to 928 MHz or 2.4	
		GHz spectrum bands (see para 3 above). The Authority is	
		currently considering whether Class Licences should be issued	
		for additional spectrum bands. The results of these	
		considerations will be published in a further Notice in the	
		Gazette.	

 Table 4: Spectrum

 (Fixed spectrum license fees are to be paid annually.)

#### Table 5: Miscellaneous

(Licensees are subject to a fixed license fee, usually a	annually.)
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Туре	Description	Comments or explanatory notes	
U	Radio dealer	A licensed dealer in radio transmitters is exempted from obtaining in advance an import licence for each radio that they import for subsequent resale.	
V	Radio Operator		
W	Radio Importation		

#### **Table 6: ICT Services**

(Licensees of these services are subject to a royalty fee based upon a percentage of annual gross revenue.)

Туре	Description	Comments or explanatory notes	
1	Fixed Telephony	Whether utilising fixed wireline or fixed wireless networks.	
		Refer also to paragraph 7a of this Notice for a description of	
		Telephony.	
2	Fall-back International Voice and	An applicant for a Type 2 Licence must already hold, or must	
	Data Communications	apply simultaneously for, a Type E2 (International Satellite)	
		Network Licence. For further information, see Note (a).	
3	Mobile Telephony		
4	Resale of Telephony	Also includes those services sometimes referred to as calling	
		card services.	
5	Internet Telephony	Voice over the Public Internet (not the use of Voice over	
		Internet Protocol, which falls under Type 1).	
6	Public Service Television	Refer to paragraph 7b of this Notice.	
	Broadcasting		
7	Subscription Television	Sometimes referred to as "cable broadcasting" or "wireless	
	Broadcasting	cable broadcasting". Applicants should note that a Type 7	

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Туре	Description	Comments or explanatory notes
		Licence will not be issued without a Type 6 Licence. In other words, applicants wishing to provide Subscription Television Broadcasting service must also apply to provide Public Service Television Broadcasting service.
8	Sound Broadcasting	Refer to paragraph 7d of this Notice.
9	Internet Service Provider	
10	Information Security Services	Licensing by the Authority is optional at the discretion of the applicant. See Note (b) below.
11	The provision, by lease or otherwise, of ICT infrastructure other than dark fibre to a Licensee.	
11a	The provision, by lease or otherwise, of dark fibre to a Licensee.	
12	Retail sale of ICT equipment	A Type 12 Licence is available only to Types 1, 3 or 5 Licensees. All others must obtain an appropriate licence from the Cayman Islands Trade and Business Licensing Board. For consistency with the procedures adopted by the Cayman Islands Trade and Business Licensing Board, a separate Type 12 Licence is required for each retail outlet.
13	The publication of directories derived from ICT subscriber records	Refer to paragraph 7f ii of this Notice.
14	Application Service Provider	
15	Video on Demand	Whether viewable real-time or near real-time.

#### Notes

(a) This licence permits a Licensee to offer international voice and data communications to the Licensee's business clients solely for use in emergency situations. An emergency is defined as instances where the client's normal communications service provider(s) is unable to provide its services for a period of such duration that there is a material impact upon the transaction of the client's normal business (e.g. as the result of damage following a hurricane) and the Authority has acknowledged in writing the existence of such conditions.

(b) Information Security Services may be licensed by the Authority on application from Persons who wish to be so licensed, but such licensing is not mandatory. Where a Person wishing to provide Information Security Services makes application to the Authority for an ICT Service Licence, the Authority will process that application in the same manner and to the same standards as it would process applications for any other type of ICT Service Licence, and the Authority may decline to award such Licence.

## Table 7: Service Licences issued by the Governor in Cabinet under Section 23(3) of the Law, for the development of the Sister Islands

Type Description		Notes		
100	The provision of off-site ICT		Applicable only to Licensees op	perating within and from Cayman
	disaster recovery and		Brac or Little Cayman, and as fu	orther defined in their Licences.
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associated services.	
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# Table 8: Class Licence issued by the Information and Communications Technology Authority under Section 23(2) of the Law, for Fall-back International Voice and Data Communications

Туре	Description	Notes
200	permits a Class Licensee to put in place an international satellite Network and associated Services, for the Licensee's exclusive use in emergency situations, so as to provide itself with fall-back	An emergency is defined as instances where the Class Licensee's normal communications service provider(s) is unable to provide its services for a period of such duration that there is a material impact upon the transaction of the client's normal business (e.g. as the result of damage following a hurricane) and the Authority has acknowledged in writing the existence of such conditions. Testing restrictions are noted in the actual licence.
	international voice and data communications.	The rights and obligations normally associated with Licences for Public ICT Networks (Table 2) or Services (Table 6), such as infrastructure sharing and wholesale rates, are not applicable to Type 200 Class Licenses, unless otherwise determined by the Authority. DAVID A ARCHBOLD

DAVID A ARCHBOLD Managing Director Information & Communications Technology Authority

#### APPENDIX TO NOTICE

#### Definitions

1. The following terms have the same definition as those provided in the Law: Authority

ICT ICT Network ICT Service Interconnection Internet Access Licence Licensee Message Person Subscriber

#### 2. In this Notice:

"Certification Bodies" means certification bodies so designated by the European Commission and/or certification bodies accredited by the National Institute of Standards and Technology in accordance with the rules of the United States Federal Communications Commission.

"Certified Equipment" means either apparatus or an assembly of various apparatus designed for interoperability as a system, which has been approved by certification bodies either individually or as a system.

"Communication System" means facilities, equipment or components which are used for the emission, transmission or reception of Messages by any wire, cable, radio, wireless, microwave, laser, satellite, optical (including all free space optical techniques) or other electromagnetic system, or by any similar technical system, provided the facilities, equipment or components are located in the Cayman Islands, or operated from ships, aircraft or spacecraft registered or operating in the Cayman Islands. For the purposes of this Notice, the term "Communication System" includes a whole Communication System, equipment or facilities forming part of a Communication System.

"Free Space Radiation" means the transmission of a Message without the use of a conductor, and includes transmission through the use of: any part of the electromagnetic spectrum; radiation or other free space optic techniques; radio; microwave; wireless techniques; infra-red techniques; laser; or satellite.

"Free Space Communication System" means a Communication System that uses Free Space Radiation.

"Fixed Communication System" means any Communication System that does not use Free Space Radiation. "Information Security Services" has the meaning given in the Electronic Transactions Law, 2000.

"Infrastructure" has the meaning prescribed by the Governor in Cabinet under the provisions of section 48 of the Law.

"Internet Service Provider" means a Person who provides Internet Access to Subscribers.

"Notice" means this notice issued under Section 23(2) of the ICTA Law.

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[Extraordinary] No. [X]/2017

[X], [XX]<sup>th</sup> [X] 2017

## GOVERNMENT

### **Regulatory Notice**

#### THE UTILITY REGULATION AND COMPETITION OFFICE

#### TYPES OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) NETWORKS AND SERVICES WHICH REQUIRE TO BE LICENSED BY THE OFFICE

<sup>[X]th</sup> [X] 2017

#### Licensing Provisions

1. This Notice is issued by the Utility Regulation and Competition Office ("the Office") in accordance with section 23(2) of the Information and Communications Technology Law, (2017 Revision) ("the Law") that requires the Office to publish in the Gazette a notice specifying which types of Information and Communications Technology (ICT) Networks and Services are required to be licensed.

2. This Notice comes into force immediately and supersedes all previously published versions.

#### Types of ICT Networks and ICT Services which are required to be licensed

3. The Office has determined that all ICT Networks are required to be licensed by the Office with the exception of:

- a. Fixed (Wireline) Communication Systems used solely for a Person's own non-commercial use.
- b. Free Space (Wireless) Communication Systems which are:
  - (i) used solely for a Person's own use; and,
  - (ii) operated within the ISM spectrum bands set out in Annex 2 of this Notice;
  - (iii) fully qualify as Certified Equipment; and

(iv) are utilized in accordance with the operating parameters and specifications for which they have been specified.

- 4. For clarity, the types of ICT Networks that require a Licence include, but are not limited to:
  - a. public switched telephone networks, whether fixed, wireless or cellular, using either packet or

circuit based switching or routing techniques;

b. Communication Systems used for Interconnection;

c. cable networks, cables and cable landing points, whether undersea or on land, which originate on, or terminate on, or traverse the territory of the Cayman Islands;

d. Communication Systems incorporating orbiting or geo-stationary satellites, including Very Small Aperture Transmission (VSAT) satellites, which are used for the transmission of Messages;

e. dark fibre or other unlit fibre; and

f. all Free Space Communication Systems other than those defined at paragraph 3b above.

5. The Office has also determined that all ICT Services that use an ICT Network to provide services to the public, whether or not for a fee or for commercial profit, are required to be licensed, except for-

(a) computer back-up and disaster recovery services located in Grand Cayman;

- (b) Information Security Services specified in Note (b) of Table 6 in this Notice.
- 6. For clarity, the types of ICT Services that require a licence include, but are not limited to:

a. Telephony -

i. All forms of wholesale telephony or any other form of supply of Communication System capacity, whether as interconnection services or as airtime, by one ICT Licensee to one or more other ICT Licensees or by an ICT Licensee to Subscribers;

ii. All forms of retail telephony involving the transmission to and from Subscribers of signals over Communication Systems, including the domestic and international transmission of voice, data, facsimile, moving image or still image messages, regardless of the method of transmission;

iii. All forms of providing (including selling, leasing, renting, gifting etc.) dark or unlit fibre to any Person;

b. Television services -

i. All forms of terrestrial television programming broadcast from a station in the Cayman Islands; ii. All forms of television programming distributed by cable, satellite, or other ICT Network (including the Internet) by any person within the Cayman Islands to any person within the Cayman Islands.;

iii. Video on demand services - The provision or facilitation by way of subscription of streaming video material in the Cayman Islands in response to a request from a subscriber, or for subsequent resale to a subscriber, except where the video stream is delivered over the public Internet, or the video material is television programming. This includes video material that is television programming. Provision or facilitation in this part applies to persons within the Islands seeking to benefit from such subscription.

c. Sound broadcasting services -

All forms of sound broadcasting transmitted from a station in the Cayman Islands.

This includes occasional limited range broadcasts according to the policies and procedures as set out by the Office, and may be set out in any open or class licences issued by the Office.

#### d. Internet services -

- i. Internet Service Providers, regardless of the scope or type of services provided with the exception of:
  - a) Persons holding valid Accommodation License issued under the Tourism Law or equivalent, who are considered to be in good standing by the issuing body, who do not provide Services outside of the premises covered by the Accommodation Licence and who maintain minimum security standards as defined by the Office from time to time; and

- b) Internet cafes or WiFi hotspots providing access to the internet to persons, where there is no fee associated with obtaining such access, and who maintain minimum security standards as defined by the Office from time to time.
- e. Other services -

i. Computer back-up and disaster recovery services, located in Cayman Brac or Little Cayman, which use any form of Communication System except if used solely for a Person's own use; and
ii. The supply of directory listings in any medium, format or sequence of information utilising a licensees Subscriber Data whereby the identity of Subscribers may be made public.
iii. Internet Peering Services

#### Licence applications

7. The Office will currently consider applications for ICT Network and ICT Service Licences of the types listed in the following Tables 1 to 9:

#### Table 1: Major Public ICT Networks

(Licensees of these networks are subject to a royalty fee based upon a percentage of annual gross revenue.)

Туре	Description	Comments or explanatory notes
А	Fixed wireline	A wireline network providing access to ICT Service(s) to
		residential and/or business Subscribers.
В	Fixed wireless	A wireless network (other than Mobile) providing access to
		ICT Service(s) to residential and/or business Subscribers.
С	Mobile (cellular)	Mobile networks operating according to international
		standards known as 2G, 3G, 4G, LTE, 5G, or any other bands
		designated as such by the Office.
D1	Fibre optic cable - Domestic	Whether "lit" or "unlit".
D2	Fibre optic cable - International	Whether "lit" or "unlit".
E1	Satellite (incl VSAT) - Domestic	
E2	Satellite (incl VSAT) -	
	International	
F	Broadcasts	As used for "over-the-air" radio and TV broadcasters.
		This includes occasional limited range broadcasts according to
		the related policies and procedures as set out by the Office and
		may be set out in any open or class licences issued by the Office
G	Internet Exchange Point (IXP)	Any infrastructure operated by a Type 16 Service licensee which facilitates or allows Internet Service Providers to exchange traffic between networks, by means of mutual peering
		agreements. See Note (c) below

Туре	Description	Comments or explanatory notes
J	Amateur radio station	Radio transmitting and receiving equipment which;
		(a) is used solely for a Person's own use;
		(b) operates on radio frequencies to be specified by the Office
		following consultation; and
		(c) is limited in output power to a level to be specified by the Office
		following consultation.
Κ	Aircraft radio station	For aircraft registered in the Cayman Islands.
L1	Ship radio station	For vessels of less than 300 gross tons with no MMSI number.
L2	Ship radio station	For vessels of less than 300 gross tons requiring an MMSI number.
L3	Ship radio station	For vessels of more than 300 gross tons but less than 1600 gross tons.
L4	Ship radio station	For vessels of greater than 1,600 gross tons.
L5	Ship radio station	Coastal vessel
М	Spacecraft radio station	For spacecraft registered in the Cayman Islands.

 Table 2: Radio Stations

 (Licensees of these networks are subject to a fixed licence fee, usually annually.)

#### Table 3: Transmitters

(Licensees of these networks are subject to a fixed license fee per transmitter, usually annually.)

Туре	Description	Comments or explanatory notes
N	Ground to air radio	Radio transmitting equipment used to communicate from the ground to aircraft on the ground and in the air using aviation frequencies.
0	Marine (Coastal) radio	Base station operating on designated maritime frequencies in the coastal waters of the Cayman Islands.
Р	Land (Mobile) two-way radio	Base station and mobile radio transmitters (including hand-held) operating on designated frequencies in the Cayman Islands.
Q	Wireless Utilities Metering	Base station and wireless metering equipment at the end-users' premises.

# Table 4: Spectrum (Fixed spectrum license fees are to be paid annually.)

Туре	Description	Comments or explanatory notes
S	All transmitters/ transponders other than those licensed under Tables 2 or 3, or those otherwise exempted by the Office.	Each transmission frequency or channel is required to be licensed. This requirement extends to most uses of spectrum whether that use is in connection with a public or private network. For the avoidance of doubt, Licensees of Table 1 are required to obtain the appropriate Type S Licences. Only Licensees of Tables 2 or 3 are exempt from the requirement to obtain a Type S Licence. In addition, certain types of low power radio equipment may be exempted from any licensing requirement, or may be covered by a class licence, if operated in the ISM bands set out in Annex 2.

#### Table 5: Miscellaneous

(Licensees are subject to a fixed license fee, usually annually.)

Туре	Description	Comments or explanatory notes
U	Radio dealer	A licensed dealer in radio transmitters is exempted from obtaining in advance an import licence for each radio that they import for subsequent resale.
V	Radio Operator	
W	Radio Importation	

#### Table 6: ICT Services

(Licensees of these services are subject to a royalty fee based upon a percentage of annual gross revenue.)

Туре	Description	Comments or explanatory notes
1	Fixed Telephony	Whether utilising fixed wireline or fixed wireless networks.
		Refer also to paragraph 6a of this Notice for a description of
		Telephony.
2	Fall-back International Voice and Data Communications	An applicant for a Type 2 Licence must already hold, or must apply simultaneously for, a Type E2 (International Satellite) Network Licence. For further information, see Note (a).
3	Mobile Telephony	

4	Resale of Telephony	Also includes those services sometimes referred to as calling card services.
5	Internet Telephony	Voice over the Public Internet (not the use of Voice over Internet Protocol, which falls under Type 1).
6	Public Service Television Broadcasting	
7	Subscription Television Broadcasting	Sometimes referred to as "cable broadcasting" or "wireless cable broadcasting". Historically, a Type 7 License was not issued without a Type 6 Licence. This is no longer a requirement.
8	Sound Broadcasting	Refer to paragraph 6c of this Notice.
9	Internet Service Provider	
10	Information Security Services	Licensing by the Office is optional at the discretion of the applicant. See Note (b) below.
11	The provision, by lease or otherwise, of ICT infrastructure other than dark fibre to a Licensee.	Includes buried infrastructure such as ducts, overhead infrastructure such as poles, and other structures such as towers, buildings, and similar.
11a	The provision, by lease or otherwise, of dark fibre to a Licensee.	
12	Retail sale of ICT equipment	A Type 12 Licence is available only to Types 1, 3 or 5 Licensees. All others must obtain an appropriate licence from the Cayman Islands Trade and Business Licensing Board. For consistency with the procedures adopted by that Board.
13	Subscriber Record Directory Service	The publication of directories derived directly from ICT subscriber records
14	Application Service Provider	Refer to paragraph 6e ii of this Notice.

15	Resale of Internet Service	Subject to the exemptions listed in paragraphs 6 d (i)(a) and(b). To be considered compliant Reseller must implement minimum security standards to be defined from time to time by the Office.
16	Internet Peering Service Provider	See Note (c) below.

#### Notes

(a) This licence permits a Licensee to offer international voice and data communications to the Licensee's business clients solely for use in emergency situations. An emergency is defined as instances where the client's normal communications service provider(s) is unable to provide its services for a period of such duration that there is a material impact upon the transaction of the client's normal business (e.g. as the result of damage following a hurricane) and the Office has acknowledged in writing the existence of such conditions.

(b) Information Security Services may be licensed by the Office on application from Persons who wish to be so licensed, but such licensing is not mandatory. Where a Person wishing to provide Information Security Services makes application to the Office for an ICT Service Licence, the Office will process that application in the same manner and to the same standards as it would process applications for any other type of ICT Service Licence, and the Office may decline to award such Licence.

(c) This Licence will not be issued to or held by a person holding, or affiliated with a person holding, a Type 5 or Type 9 Service Licence.

# Table 7: Service Licences issued by the Governor in Cabinet under Section 23(3) of the Law, for the development of the Sister Islands

Туре	Description	Notes
100		Applicable only to Licensees operating within and from Cayman Brac or Little Cayman, and as further defined in their Licences.

 Table 8: Class Licence issued by the Information and Communications Technology Office under Section 23(2) of the Law, for Fall-back International Voice and Data Communications

Type	Description	Notes
¥ 1	•	

200	permits a Class Licensee to put in place an international satellite Network and associated Services, for the Licensee's exclusive use in emergency situations, so as to provide itself with fall-back international voice and data communications.	An emergency is defined as instances where the Class Licensee's normal communications service provider(s) is unable to provide its services for a period of such duration that there is a material impact upon the transaction of the client's normal business (e.g. as the result of damage following a hurricane) and the Office has acknowledged in writing the existence of such conditions. Testing restrictions are noted in the actual licence. The rights and obligations normally associated with Licences for Public ICT Networks (Table 2) or Services (Table 6), such as infrastructure sharing and wholesale rates, are not applicable to Type 200 Class Licenses, unless otherwise determined by the Office.
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### Table 9: Occasional or Experimental ICT Services or Networks

Туре	Description	Notes
A1	Occasional or Experimental Network	Deployment of any licensable ICT infrastructure for temporary public use associated with research and development or educational purposes.
A2	Occasional or Experimental Service	Provision of any licensable ICT Service for temporary public use associated with research and development or educational purposes.

J. PAUL. MORGAN Chief Executive Officer Utility Regulation and Competition Office

#### ANNEX 1 TO NOTICE

#### Definitions

- The following terms have the same definition as those provided in the Law: Office
  - ICT ICT Network ICT Service Interconnection Internet Access Licence Licensee Message Person Subscriber
- 2. In this Notice:

"Certification Bodies" means certification bodies so designated by the European Commission and/or certification bodies accredited by the National Institute of Standards and Technology in accordance with the rules of the United States Federal Communications Commission.

"Certified Equipment" means either apparatus or an assembly of various apparatus designed for interoperability either individually as a system, which has been approved by Certification Bodies recognised by the International Telecommunications Union, and the Office.

"Communication System" means facilities, equipment or components which are used for the emission, transmission or reception of Messages by any wire, cable, radio, wireless, microwave, laser, satellite, optical (including all free space optical techniques) or other electromagnetic system, or by any similar technical system, provided the facilities, equipment or components are located in the Cayman Islands, or operated from ships, aircraft or spacecraft registered or operating in the Cayman Islands. For the purposes of this Notice, the term "Communication System" includes a whole Communication System, equipment or facilities forming part of a Communication System.

"Free Space Radiation" means the transmission of a Message without the use of a conductor, and includes transmission through the use of: any part of the electromagnetic spectrum; radiation or other free space optic techniques; radio; microwave; wireless techniques; infra-red techniques; laser; or satellite.

"Free Space Communication System" means a Communication System that uses Free Space Radiation.

"Fixed Communication System" means any Communication System that does not use Free Space Radiation.

"ISM" Industrial, Scientific and Medical Radio Bands.

"Information Security Services" has the meaning given in the Electronic Transactions Law (2003 Revision).

"Infrastructure" has the meanings and usages associated with it as set out under the Information Communications

Technology Law (2017 Revision) and the Utility Regulation and Competition Law, 2016.

"Internet Service Provider" means a Person who provides Internet Access to Subscribers.

"Notice" means this notice issued under Section 23(2) of the Information and Communications

Technology Law (2017 Revision).

#### **ANNEX 2 TO NOTICE**

The following bands:	
6 765 - 6 795 kHz	(centre frequency 6 780 kHz),
13 553 - 13 567 kHz	(centre frequency 13 560 kHz),
26 957 - 27 283 kHz	(centre frequency 27 120 kHz),
40.66 - 40.70 MHz	(centre frequency 40.68 MHz),
2 400 - 2 500 MHz	(centre frequency 2 450 MHz),
433.05 - 434.79 MHz	(centre frequency 433.92 MHz
5 725 - 5 875 MHz	(centre frequency 5 800 MHz),
902 - 928 MHz	(centre frequency 915 MHz),
61 - 61.5 GHz	(centre frequency 61.25 GHz),
24 - 24.25 GHz	(centre frequency 24.125 GHz)
122 - 123 GHz	(centre frequency 122.5 GHz),
244 - 246 GHz	(centre frequency 245 GHz)