



**Draft Telecommunications
(Universal Service) Regulations**

Maintenance History		
Date	Change Details	Version
March 23, 2009	First Draft	0.1
June, 2012	Revised Draft based on consultations	0.2
July, 2013	Amendments to final Draft	0.3

Table of Contents

- 1. Introduction 1
 - 1.1 Requirements for Telecommunications (Universal Service) Regulations..... 1
 - 1.2 Review Cycle 2
 - 1.3 Consultation Process 2
- 2. Rationale for modification..... 3
 - 2.1 Summary of proposed amendments 3
- 3. Revised Draft Universal Service Regulations 6

1. Introduction

1.1 Requirements for Telecommunications (Universal Service) Regulations

Section 18(1)(c) of the Telecommunications Act, Chap. 47:31 (“the Act”) provides that the Telecommunications Authority of Trinidad and Tobago (“the Authority”) shall determine universal service obligations throughout Trinidad and Tobago pursuant to section 28, and shall ensure that such obligations are realised.

Section 28 provides *inter alia* that, in accordance with policy established by the Minister, the Authority shall determine the services in respect of which the requirements of universal service shall apply and shall determine the manner in which such services shall be provided and funded to meet the requirements of universal service.

The access and use of telecommunications services are considered essential within most societies, as it provides a gateway for communication and for the flow of information. Through most aspects of society telecommunication services are used, for instance in health care, education, business, public service, and even keeping in contact with others on a daily basis.

Considering the importance of telecommunication services, the concept of universal service was developed. Universal service focuses on facilitating accessible and affordable basic telecommunication services to all citizens of Trinidad and Tobago.

The Authority’s policy considerations in relation to the determination of universal service obligations are set out in the Universal Service Framework for Telecommunications Services in Trinidad and Tobago (“the Framework”), a document which has been subject to two rounds of public consultation. This document seeks to identify the services in respect of which universal service obligations shall apply, set out the Authority’s operational procedures for the Universal Service Fund into which contributors would be bound to contribute a percentage of their revenues and to identify the Universal Service initiatives which would be supported by the Fund.

The purpose of the draft Telecommunications (Universal Service) Regulations 2013 is to provide the necessary legal bases for the operation of the Universal Service Fund and for the imposition of obligations on concessionaires to implement such Universal Service initiatives as may be identified by the Authority.

1.2 Review Cycle

As the Framework is revised, the need may arise to amend the Regulations to support the implementation of any new procedures or initiatives which may be identified. In such a case, the Regulations would be modified in consultation with the public and with interested persons as the Authority deems appropriate and its maintenance history would be revised accordingly.

1.3 Consultation Process

On March 23, 2009, the Regulations were released for consultation in accordance with the Authority's **Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago ("the Procedures")** with a deadline of June 5, 2009. In accordance with the Procedures, the Regulations were subject to one round of consultation in which the Authority received the views and opinions of interested persons.

These comments and recommendations were taken into consideration and the Regulations were amended as the Authority considered appropriate.

Upon further consideration, the Authority has made slight modifications of the regulations such that further details are provided to the relevant sections, particularly in relation to the disbursement of funds. Pursuant to the modifications proposed in this draft, the document will be made available for public comments for a period of four (4) weeks, in line with the Authority's Consultation Procedures.

Following consultation the draft Universal Service Regulations will be submitted to the Minister for approval, and promulgation through negative resolution of Parliament in accordance with section 78 of the Act.

2. Rationale for modification

Below, in section 2.1, an overview of the modifications is summarised clause by clause.

The draft Universal Service Regulations ('Regulations') are attached in Section 3, with the modifications proposed in this Consultation highlighted in bold for ease of reference.

2.1 Summary of proposed amendments

1. **Section 3** of the Regulations are amended to provide clarity to the definitions and to ensure the scope of the definitions are aligned with those referenced in the framework

- The definition of **basic telecommunications services** has been refined to be consistent with the definition used in the framework. In particular, the specific definition of basic Internet services has been removed in both the regulations and the framework so that the Authority will have the required flexibility to revise the definition of same within the basket of basic telecommunications services based on the trends and the progress of the sector.
- The definition of contributor has been amended to omit any explicit reference contributions by **closed user groups** or **private telecommunications groups**. Closed user group operators and private telecommunications operators are not considered providers of public telecommunications services, as opposed to service providers who are granted concessions by the Authority. Instead, the definition of contributors is deferred to Schedule I to facilitate adequate flexibility of the Authority to modify the applicable parties in a ready manner.

2. **Section 4** of the Regulations has been amended to describe the role of the Authority in the **collection and disbursement of funds** from the Universal Service Fund (USF) for the implementation of mandatory Universal Service obligations, contractual Universal Service initiatives and any recurrent subsidies required for the sustainability of the initiatives.

3. **Section 10** of the Regulations has been inserted to address the **governance structure** to be applied for the selection of Universal Service initiatives. This section emphasises the establishment of a Universal Service Committee whose mandate will primarily focus on the selection, execution and general oversight of all Universal Service initiatives implemented.

4. **Section 11** of the Regulations has been inserted to allow the Authority to **outsource specialized services** (for example, project management, quantity surveying resources.) which may be required to support the monitoring officers of the Authority when determining the progress of universal service initiatives. Such monitoring exercises are necessary to measure the implementation and progress of the contractual obligations that are awarded to service providers.
5. **Section 12** has been amended to detail the **mandatory obligations** that are required to be implemented by all service providers. The mandatory obligations prescribed in the framework are reflected in Schedule 3 of the Regulations in addition to the obligations that will be eligible for funding.
6. **Section 13** is inserted to outline the process for the **reimbursement of funds** to the service providers who are implementing mandatory obligations that are eligible for funding. This will entail the submission of detailed documentation by the service providers such that appropriate refunds can be provided through the USF.
7. **Section 14** is inserted to outline the procedures for inviting and evaluating submissions by stakeholders on proposed **contractual universal service projects** to be considered by the Authority.
8. **Section 15 has been amended to allow the Authority to issue Request for Proposals for selected Initiatives whereby only concessionaires will be allowed to respond.**
9. **Section 16** introduces the methodology to be used by the Authority for the **disbursement of funds** from the USF. Disbursement ceilings are placed on fees associated with the contractual projects:
 - Mobilisation fee - 15% of the estimated cost of the project
 - Project management fee - 6% of the estimated cost of the project
10. **Section 17** of the Regulations includes required disbursements from the fund associated with **recurrent costs** of a contractual universal service project. In instances where the project has been assessed as being uneconomically sustainable, the Authority may authorise annual charges to the fund as a subsidy.
11. **Section 19** is inserted to guide service providers on the **requirements** to be submitted before any **invoices are paid from the fund**. Such requirements must be certified by the

Authority's project manager and quantity surveyor to ensure works and materials presented in the invoices are valid.

12. **Section 20** has been amended to document the **list of services** provided by the **Community Access Centres (CACs)** that will be funded by the Authority. These services are limited to the provision of primarily telephone, fax, Internet services or other telecommunications services the Authority considers should be provided by the Access Centre. Funding to the CACs will be limited to 5% of the funds available in the USF.

3. Revised Draft Universal Service Regulations

REPUBLIC OF TRINIDAD AND TOBAGO
THE TELECOMMUNICATIONS ACT, CHAP. 47:31
REGULATIONS

Made by the Minister under section 78 (1) of the Telecommunications Act
(DRAFT) TELECOMMUNICATIONS (UNIVERSAL SERVICE)
REGULATIONS

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Universal **Service**) Regulations [] hereinafter referred to as "**the Regulations**".

2. These Regulations are made pursuant to section 78 (1) (g) of the Act to promote Universal Service in the provision of basic telecommunications services to all citizens in the Republic of Trinidad and Tobago.

Interpretation

3. (1) In these Regulations:

“**the Act**” means the Telecommunications Act, **Chap 47:01**;

“**the Authority**” has the meaning assigned to it in the Act;

“**basic telecommunications service**” means that set of telecommunications services as defined in **Schedule 1**.

“**Board**” means the Board established in s. 5 of the Act;

“**community access centres**” means centres located in such Universal Service areas as may be identified by the Authority which provide members of such areas with a point of access to basic telecommunications services and other information and

communication technology services

“concessionaire” means a person who has been granted a concession under the Act to operate a public telecommunications network and or to provide a public telecommunications service.

“contributor” means a concessionaire or other person as identified in Schedule 2 who shall contribute to the Universal Service Fund in accordance with these Regulations.

“disability” means

(a) total or partial loss of a bodily function;

(b) total or partial loss of a part of the body;

(c) malfunction of a part of the body including a mental or psychological disease or disorder; or

(d) malformation or disfigurement of part of the body or any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.

“population groups within the access gap” means such persons or population groups as may be identified by the Authority from time to time for whom it has been economically challenging to access basic telecommunications services.

“reverse auction” means the competitive bidding process in which the Authority evaluates the bids submitted by concessionaires under Regulation 15(1) based on the criteria identified by the Authority as necessary for the successful implementation of the Universal Service initiative and on the extent to which the cost of implementation requires funding from the Universal Service Fund. The concessionaire who requires the least funding from the Universal Service Fund and who meets the criteria identified by the Authority shall be successful.

“Universal Service Fund” means the Fund established by the Authority under section 53(6) of the Act to which contributions shall be made to subsidise the implementation of a Universal Service initiative in accordance with these Regulations.

“Universal Service initiative” means subject to these

Regulations, an initiative identified by the Authority to provide and or to increase access to basic telecommunications services for the benefit of persons resident in Universal Service areas or of population groups within the access gap, the implementation of which may be identified by the Authority as mandatory under **Part IV of these Regulations** or which may be implemented by a concessionaire in accordance with the terms and conditions of contract with the Authority under **Part V of these Regulations**

“Universal Service area” means a geographical area in which the Authority has determined that it is not economically feasible to provide basic telecommunications services and in which a **Universal Service initiative under Part V** may be implemented.

(2) Terms not otherwise defined in these Regulations shall have the meanings defined in the Act.

(3) A reference to a Regulation or sub-regulation is a reference to the relevant Regulation or sub-regulation of these Regulations.

PART II

UNIVERSAL SERVICE FUND AND IMPLEMENTATION OF UNIVERSAL SERVICE INITIATIVES

Administration of the
Universal Service
Fund

4. (1) The Universal Service Fund shall be administered by the Authority in accordance with the Act and with such rules that may be created by the Authority pursuant to section 59 of the Act.

(2) The Authority shall collect contributions to the Fund pursuant to Regulation 5 herein.

(3) The Authority shall disburse payments from the Fund pursuant to the Mandatory Universal Service initiatives in accordance with the Recurrent Charges set out in Schedule 3, and with the procedure set out in Regulation 13.

(4) The Authority shall disburse payments from the Fund pursuant to the Contractual Universal Service Initiatives in accordance with the procedure set out in Regulation 19

Contributing to the
Universal Service
Fund

5. (1) A contributor shall, in accordance with directions issued by the Authority, contribute annually such percentage of its total gross annual revenue to the Universal Service Fund as set out in **Schedule 2** to these

Regulations and in such manner as may be prescribed by the Authority **from time to time.**

(2) The Authority may review every three (3) years the percentage of total gross annual revenue that a contributor shall contribute to the Universal Service Fund under sub-regulation (1) above.

6. If the total contribution to the Universal Service Fund in any financial year, in the opinion of the Authority, is not sufficient to fully implement the Universal Service initiatives scheduled for implementation in that year, the Authority may reschedule the implementation of such Universal Service initiatives for such period as the Authority sees fit.

Contributions to the Fund exceeding disbursements

7. If the total contribution to the Universal Service Fund in any financial year, in the opinion of the Authority, exceeds the actual cost of implementation of the Universal Service initiatives scheduled for implementation in that year, the Authority may, in its sole discretion, undertake any of the following:

- (a) apply such excess towards the funding of the Universal Service initiatives scheduled for the implementation during the following financial year;
- (b) expand the budget for the implementation of Universal Service initiatives scheduled for implementation during the following financial year;
- (c) implement incentive schemes to provide relief to contributors from the obligation to contribute to the Universal Service Fund or such other programme for the benefit of contributors for such period of time as the Authority may see fit.

Prohibition Against Charging Users the Cost of Contributions

8. A contributor shall not charge or otherwise pass on to users without the approval of the Authority any portion of the cost of any contribution made or due to be made to the Universal Service Fund in accordance with these Regulations.

Submission of Financial Statements

9. (1) A contributor shall submit its audited financial statements to the Authority within six (6) months after the end of each financial year;

(2) Within twenty eight (28) days of receiving audited financial statements from the contributor, the Authority shall issue an invoice to the contributor for the amount that the contributor must pay to the Universal Service Fund;

(3) The contributor shall pay to the Authority the amount for which the invoice was issued under sub-regulation (2) above within twenty-eight (28) days of the date of the invoice.

(4) Notwithstanding (1) above, the first invoice to a contributor shall be issued by the Authority within six months of the coming into effect of these Regulations, which shall be based upon the contributor's latest available audited financial statements.

PART III

OVERSIGHT OF THE UNIVERSAL SERVICE PROGRAMME

**Oversight of
Universal Service**

10 (1) The Authority shall establish a Universal Service Committee with the responsibility for the selection, execution and monitoring of implementation of Universal Service initiatives under Regulation 15.

(2) The Universal Service Committee shall comprise of the Chief Executive Officer and divisional heads of the departments of the Authority which should include at minimum persons with experience and qualifications in the areas of law, accounting, economics and engineering.

(3) The Universal Service Committee shall report to the Board, and shall implement overall policy guidance from the Board on the Universal Service Initiatives, the funds collected and disbursed from the Universal Service Fund.

(4) Notwithstanding the generality of sub-regulation (2), the Committee may, in the execution of its functions:

- a) identify the underserved communities and population groups in Trinidad and Tobago in need of access to affordable basic telecommunications services;**
- b) organise and coordinate stakeholder input group meetings to provide ideas and feedback when there is deliberation on Contractual Universal Service Initiatives to be implemented;**
- c) provide cost estimates for the proposed Universal Service projects;**
- d) provide recommendations to the Board with respect to the selection of Universal Service Initiatives and the priority to be given to Universal Service**

Initiatives to be undertaken annually;

- e) seek approval from the Board for the implementation of Universal Service Fund projects;**
- f) develop objectives, budgets and operational plans for the management of the Universal Service Fund;**
- g) ensure the Universal Service Fund remains financially sound such that monies are available for the implementation of projects;**
- h) ensure collection of the contributions from telecommunications providers in accordance with the percentages stated in the Schedule 2;**
- j) review the adequacy of Universal Service Fund contributions received every three (3) years and submit recommended changes, if any, to the Board for approval and consideration of the Minister;**
- k) recommend the amounts that should be disbursed from the Universal Service Fund within a timely manner and to whom the funds should be disbursed in accordance with the Authority's tendering rules and the Universal Service contracts signed with the service providers;**
- l) ensure that financial accounts, reports and records are prepared and published;**
- m) manage the competitive tendering process for the allocation of projects; and**
- n) monitor and oversee the implementation of all Universal Service Fund projects to ensure that all obligations are fulfilled within the required timeframes.**

(5) In any given year, the costs of the administrative activities undertaken by the Universal Service Committee shall be charged to the Fund. The administrative charge to the Universal Service Fund should not exceed fifteen percent (15%) of the funds collected for that period.

The Committee may procure professional services

No. 74 of 2005

11. (1) The Universal Service Committee may procure, in accordance with the Telecommunications Tender Rules of the Authority, professional services to support the implementation of Contractual Universal Service Initiatives.

(2) The cost of these professional services shall be charged to

the Universal Service Fund.

(3) The charge for professional services for any Universal Service Initiative shall not exceed the maximum delimited in Regulation 16 (2).

PART IV

MANDATORY UNIVERSAL SERVICE INITIATIVES

Implementation of
Universal Service
Initiatives Identified
by the Authority as
Mandatory for all
Concessionaires

12. (1) All Concessionaires shall undertake to implement the Mandatory Universal Service Initiatives identified in Schedule 3, in accordance with guidelines published by the Authority from time to time.

(2) Where the Mandatory Universal Service Initiative is eligible for funding from the Universal Service Fund, the concessionaire who implements such an Initiative shall apply to the Authority in accordance with the procedure outlined in Regulation 13.

(3) A concessionaire shall implement at its own cost those Universal Service initiatives identified as mandatory for all concessionaires but which are not eligible for funding from the Universal Service Fund.

(4) The Minister may, on the advice and recommendation of the Authority, by Order amend Schedule 3.

Refund
From the Fund
pursuant
To Mandatory
Universal Service
Initiatives

13. (1) Where a concessionaire undertakes an Universal Service Initiative identified in Schedule 3 which is associated with a refund charged to the Universal Service Fund, then such Concessionaire shall further submit to the Authority in the Form prescribed the relevant details associated with the Mandatory Universal Service Initiatives for which the refund is sought within three months of the submission of accounts in accordance with Regulation 9. Such details shall include:

- (i) the names of the customers so supported;
- (ii) the Universal Service Initiative for which the refund is sought;
- (iii) associated customer eligibility reference;
- (iv) records of utilisation of each the basic services;
- (v) records of charges for such utilisation;
- (vi) records of billed charges for such utilisation.

(2) The Authority shall indicate its agreement or rejection with the submission under subsection (1) within twenty-eight days of the receipt of the submission and shall refund any agreed sums in accordance with its procedures.

PART V

CONTRACTUAL UNIVERSAL SERVICE INITIATIVES

**Identification of
Contractual
Universal Service
Projects**

14. (1) The Authority shall from time to time issue an Invitation for Submission of Projects, by publication in at least one daily newspaper circulated in Trinidad and Tobago

(2) The Invitation referenced in sub-regulation (1) shall invite concessionaires and relevant Ministries and stakeholder groups to identify proposals for projects to be considered as Contractual Universal Service Initiatives. Such proposals shall be limited to:

- (i) projects targeting providing infrastructure development to areas identified within the access gap by the Authority**
- (ii) projects targeting to resolving structural deficiencies in the national telecommunications grid;**
- (iii) projects which can be implemented by all similarly situated concessionaires in a given market or sub market; and**
- (iv) projects which meet other conditions as specified by the Authority in the Notice**

(3) Interested concessionaires, Ministries and stakeholder groups may submit eligible proposals within the timeframe specified in the Notice.

(4) The Authority may consider the projects submitted in conjunction with projects proposed by the Authority pursuant to its evaluation of network coverage and service capacity.

(5) The Authority shall submit to the Minister its recommendations, in accordance with established criteria.

(6) The Minister may approve, modify or reject the recommendations of the Authority in whole or in part. Where the Minister rejects the recommendation he shall give his reason in writing for so doing.

(7) Upon approval, modification or rejection of the recommendation by the Minister, the Authority shall publish the recommendation and the Minister's reasons for the rejection in respect thereof on its website for public viewing.

(8) If a person who has made a submission pursuant to this section wishes to dispute the decision of the Minister, then such person may within thirty (30) days of the publication of such decision, request in writing a review or reconsideration by the Minister of his decision, stating the grounds or reasons upon which such review or reconsideration is requested.

(9) The Minister shall determine such a review or reconsideration as soon as is practicable after the receipt of the request for the review or reconsideration and shall notify the applicant in writing of his decision

Submission of Bids
for the
Implementation of
Contractual
Universal Service
Initiatives

15. (1) In implementing the Contractual Universal Service Initiatives planned for a given fiscal period, the Authority shall prepare and issue Requests for Proposals in accordance with the Telecommunications Tender Rules for the selected Initiatives to which only concessionaires are eligible to respond.

(2) A concessionaire may submit a bid in accordance with the directions set out in any Request for Proposals that may be issued by the Authority from time to time to be granted funding from the Universal Service Fund to implement a Universal Service initiative that may be identified by the Authority in such Request for Proposals.

(3) Only a concessionaire authorised to provide the service or services that comprise a Universal Service initiative may submit a bid under sub-regulation (1) above to be granted funding to implement the Universal Service initiative.

(4) If more than one bid is submitted under sub-regulation (1) above the Authority shall use the reverse auction method to evaluate the bids submitted by concessionaires.

General Rules
regarding
disbursement of Funds
Associated with
Contractual Universal
Service Initiatives

16 (1) In response to a request from the concessionaire implementing the Contractual Universal Service Initiative, the Authority may disburse mobilisation funds to support project initiation, such mobilisation payments shall be no greater than 15% of the estimated cost of the project.

(2) Professional fees associated with any Contractual Universal Service Initiative shall be no greater than 6% of the total

cost of the initiative.

(3) The executing concessionaire shall submit in a form prescribed by the Authority and on a period not to exceed a bimonthly schedule, status reports, on the progress of Contractual Universal Service Initiatives to the Universal Service Committee. The Authority shall thereafter publish the report within two weeks on its website.

Recurrent charges associated with a Contractual Universal Service Initiative

17 (1) Where the Committee determines, based on the projections of the Authority or on the presentation of relevant facts and trends by the concessionaire, that aspects of the recurrent costs associated with a completed project implemented as a Contractual Universal Service Initiative may require continued subsidisation from the Universal Service Fund, the Committee may authorise an annual charge to the Fund to cover such a subsidy.

(2) Where the Committee undertakes the action outlined in sub-regulation (1) above, the Committee shall ensure that the concessionaire enters into an Agreement with the Authority outlining inter alia:

- a. The terms and conditions by which the recurrent costs are subsidised;
- b. Performance obligations of the concessionaire geared to encouraging increased service utilisation to enhance economic viability of the Initiative;
- c. Reporting obligations of the concessionaire geared to encouraging accurate and timely measurement of the uptake of basic telecommunications services in the area in which the Universal Service Initiative project is implemented;
- d. the criteria through which the Committee may determine that a recurrent operation of the Universal Service Initiative has become sustainable and no longer requires supplemental financing from the Universal Service Fund; and
- e. that the Authority may seek to recover funds provided to the concessionaire for non-compliance with the Universal Service Initiative and which were not utilized for the specified purpose

Obligation to Implement

18. (1) The concessionaire who submits a bid under **Regulation 15(1)**

and who is successful in the reverse auction shall be awarded an offer of the grant of funding from the Universal Service Fund and shall upon acceptance of the offer:

- (a) enter into and be bound by a contract for service with the Authority for the implementation of the Universal Service initiative; and
- (b) have the obligation under these Regulations to implement the Universal Service initiative in accordance with the terms and conditions set out in the contract of service entered into with the Authority under sub-regulation (a) above; and
- (c) be granted from the Universal Service Fund such funding for which the concessionaire had bid on the terms and conditions set out in the contract of service entered into with the Authority under sub-regulation (a) above.

(2) If no concessionaire submits a bid under **Regulation 15(1)** the concessionaire who is authorised to provide the service or services that comprise the Universal Service initiative and who, in the opinion of the Authority, has the highest available network capacity and requires the least infrastructural build out to rollout services in that particular region shall:

- (a) enter into and be bound by a contract for service with the Authority for the implementation of the Universal Service initiative; and
- (b) have the obligation under these Regulations to implement the Universal Service initiative in accordance with the terms and conditions set out in the contract of service entered into with the Authority under sub-regulation (a) above; and
- (c) be granted from the Universal Service Fund such funding as, in accordance with the reasonable estimation of the Authority, is required to implement the Universal Service initiative on the terms and conditions set out in the contract of service entered into with the Authority under sub-regulation (a) above.

(2) Concessionaires requesting disbursement of funds pursuant to a Contractual Universal Service Initiative shall submit invoices to the Committee for certification in keeping with the conditions of contract.

(3) The concessionaire shall submit reports to the Authority containing information to be specified by the Authority to ensure timely certification of invoices.

PART V

MISCELLANEOUS

Funding of
Community Access
Centres

20. (1) The Authority may provide funding, which shall not exceed five percent of the value of the Universal Service Fund in any financial year, towards the provision of relevant services to community access centres undertaken by the state or by state agencies.

(2) Funding as provided for in sub-regulation (1) shall be targeted towards subsidising the cost of the following relevant services only:

- a. telephone connectivity to service a stated usage volume;**
- b. Internet bandwidth as defined by the Authority from time to time;**
- c. Facsimile services; and**
- d. Such other services as the Authority may prescribe**

Publication of
Reports

21. (1) The Authority shall publish on a biennial basis a Universal Service Implementation Report by June of the Authority's financial year which shall contain:

- (a) an outline of the Universal Service initiatives and the proposed budget for the implementation of such Universal Service initiatives for the succeeding two years; and**
- (b) a report on the progress of the current Universal Service initiatives being funded by the Universal Service Fund; and**
- (c) the objectives identified by the Authority for the regulation of Universal Service for the succeeding financial year or any revision of such objectives.**

(2) The Authority shall publish annually a Universal Service Fund

Accounting Report no later than three months after the end of the Authority's financial year which shall contain an account on the collection and disbursement of funds from the Universal Service Fund for the preceding financial year.

Offences

22. (1) A concessionaire who has an obligation to implement a Universal Service initiative under regulation **15** (1) (b) and **15** (2) (b) and who has failed to implement such initiative to the satisfaction of the Authority:

- (a) may be deemed to be in breach of the contract of service entered into with the Authority under regulation **15** (1) (a) or **15** (2) (a) above and the Authority may seek such redress as may be available to it in accordance with the terms of such contract; and
- (b) commits an offence under section 71 of the Act and is liable to such penalties prescribed therein.

(2) A contributor who fails to contribute to the Universal Service Fund in accordance with these Regulations commits an offence under section 65(g) of the Act and is liable to such penalties prescribed therein.

(3) Any person who fails to comply with any of the provisions of these Regulations commits an offence under section 71 of the Act and is liable to such penalties prescribed therein.

23. The Authority shall afford all interested parties and the public opportunities for consultation on any aspect of these Regulations that may be identified or otherwise determined by the Authority from time to time.

SCHEDULE 1

(Regulation 3)

BASIC TELECOMMUNICATIONS SERVICES

1. **Voice Telecommunications Services**
 - Call origination
 - Call Termination
2. **Access to Emergency Services**
3. **Directory Assistance**
4. **Free Itemised Billing**
5. **Internet Service Provision at throughputs [to be defined by the Authority from time to time]**

SCHEDULE 2

(Regulation 5)

CONTRIBUTIONS TO THE UNIVERSAL SERVICE FUND

Percentage of Gross Revenues (%)	Type of Service Provided
0.5	domestic telecommunications services or operation of domestic telecommunications network facilities
1	international telecommunications services or operation of international telecommunications network facilities

SCHEDULE 3

(Regulation 12)

MANDATORY UNIVERSAL SERVICE INITIATIVES

	Universal Service Initiative	Eligibility for USF Funding	Recurrent charges to the Universal Service Fund	Other Notes
1	Specialised provision of basic telecommunications services with approved assistive technology for the differently-abled	Yes	Limit to set up costs and recurrent costs to be defined by the Authority from time to time	Customer eligibility determined in accordance with Ministry with responsibility for Social Development
2	Provision of public access nodes to basic telecommunications services to be made available at: <ul style="list-style-type: none"> a. all Public Schools, b. all Public Libraries, c. all Hospitals, d. all Police Stations, 	No		Payphones and/ or Internet kiosks
3	The provision of Universal Access connectivity at a to the following locations: <ul style="list-style-type: none"> a. all Public Schools, b. all Public Libraries c. All public Hospitals 	No		Universal Access Rate of up to 40% of commercial rates as defined by the Authority for: <ul style="list-style-type: none"> ○ telephone services; ○ Internet bandwidth [as defined by the Authority from time to time] ○ Facsimile services