



National Telecommunications Regulatory Commission (Grenada)

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Re: Comments on the Electronics Communications Bill and the New Licensing Regime

NTRC Grenada welcomes this opportunity to make the following comments on the Electronics Communications Bill and the New Licensing Regime.

1. Section 2 "Interpretation"

- The definition for applicant, application and application fees only applies to Licence or Frequency Authorisation, it is recommended that the definition for applicant, application and application fees should also include domain name and numbering.
- The definition for broadcasting and broadcasting service should also include the internet as a medium for broadcaster's operating over the internet. It is noted that such operator was not included under the current regulatory framework. A facility licence or Class licence should be necessary to regulate broadcasters with build out broadcast facilities within the ECTEL member's states and using the internet as the medium to disseminate.

On the other hand, foreign broadcasters over the internet operating outside our jurisdiction is not recommended because of their build out broadcasting facilities are not on island. It is presumed that foreign operators are guided or regulated by the framework or laws in their country of origin.

- The definition for "**universal service and access**"
 - ✓ It is recommended "police station" in subsection(c) be replaced with public safety agencies to coincide with Section 37 , subsection 9 (h)"the safeguard of public interest and national security interests"

- The definition for "Register" applies to Complaints, licensees and frequency authorization holders excluding country domain name and numbering.

The commission believes that the definition should be extended to country domain name and numbering.

In addition, it is recommended that the commission should also be given the power to maintain a register for Numbers and Country internet domain name.

2. Section 33 **"PUBLIC ACCESS TO RECORDS OF THE COMMISSION"**

The EC bill made mention on a publication of licensees and frequency authorization holders. Should the commission publicize information related to frequencies assignment to Frequency Authorization Holders?

It is noted that ECTEL and the NTRC's are nor responsible for mobile cellular operators radio frequency planning to allocate pool of frequencies (the reuse of frequencies) in different geographical location. In the absence of this, NTRC Grenada believes that some form of guidelines relating to the publication or inspection of record related to assigned frequencies to Frequency Authorization Holder is necessary to facilitate RF spectrum engineering planning.

3. Section 86 **"INTERFERENCE, [INTERCEPTION] OR DESTRUCTION OF NETWORK "**

NTRC Grenada recommends that the term "intercept or interrupt in sub section 1(b) should be clearly defined under section 2 "Interpretation" to avoid ambiguity to readers.

It is also recommended that Section 86 in this communication bill should be compared or revised with the "Interception of Communication Act No. 22 of 2013" that is gazetted in Grenada.

4. The EC bill made mention about a Mobile Virtual Network Service Operator license, the NTRC Grenada recommend that a MVNO regulatory framework should be developed, similar to the regulatory framework developed for interconnection to avoid disputes.

5. Section 49 " Internet Domain Name "

NTRC Grenada recommends that the section 49 "internet domain name" should be replaced with country code top level domains (ccTLD)

Internet domain name refer to a wide range of different generic top-level domain (gTLD), such as .com, .org, .biz, net, etc. in which the commission have no control.

It is also recommended that the section should clearly list the country domain names that should be managed under the act. For example Grenada (.Gd) , St. Vincent (.Vc), St. Lucia (lc) , Dominica (.dm) and St. Kitts (.Kn) .

6. Section 127 "Fees"

It is noted that the EC bill made no mention of fees related to Domain Names. NTRC Grenada recommends that fees associated with domain names should also be included under this section and shall form part of the revenue of the Commission.

Section 127, subsection 3, indicates that fees with respect to spectrum and numbering resources are payable to the ECA and shall be part of the revenue of the ECA. NTRC Grenada is not in support of the numbering resource being part of the revenue of the ECA. It is recommended that Numbering, Domain name, and Application fees should be part of the revenue of the Commission and not the ECA.

7 Section 129 seems to be in contradiction to Section 5 of the Bill

Section 5 reads NON-APPLICATION OF THIS ACT

Subject to this Act, this Act does not apply to broadcasting content

Section 129 STOPPAGE OF ELECTRONIC COMMUNICATIONS

The Commission may stop or cut off the transmission of any private electronic communication which may appear dangerous to the national security of [Name of Contracting State] or contrary to the laws on public order or decency and shall notify the licensee of such electronic communication unless to do so appears dangerous to the national security of [Name of Contracting State]

The manner of determining whether the electronic communication is contrary to public order or decency has to deal with the content of the Electronic Communication therefore section 5 should be modified to ensure that the requirement of Section 129 can be met.

To conclude, NTRC Grenada recommends that the EC bill should be revised and read together with the following laws promulgated and gazetted in Grenada so as to avoid inconsistency.

- ✓ Electronic transaction act No 21 of 2013
- ✓ Interception of Communication Act No. 22 of 2013
- ✓ Electronic Crime Act No 23 of 2013

NTRC Grenada notes that the time granted to provide comments on the EC bill was inadequate. However, we look forward to continue working with ECTEL to ensure that the EC bill provides the effective tools for the regulation of the communications industry.

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