

**GRANTED BY THE MINISTER  
UNDER SECTION 6 (2) and (4) OF THE  
TELECOMMUNICATIONS ACT No. 8 of 2000**

**TO**

**ViaSat Inc.**

**FOR THE PROVISION OF**

**AERONAUTICAL AND MARITIME MOBILE SATELLITE SERVICES**

**IN**

**THE STATE OF THE COMMONWEALTH OF DOMINICA**

*Telecommunications (Exemption) Order*

**COMMONWEALTH OF DOMINICA**

In exercise of the power conferred under sections 6 (2) and (4) of the Telecommunications Act, No. 8 of 2000, the Minister responsible for telecommunications, on the recommendation of the Eastern Caribbean Telecommunications Authority, makes this Order:

**Citation**

1. This Order may be cited as the ViaSat Inc. Telecommunications (Aeronautical and Maritime Mobile Satellite) (Exemption) Order, 2017.

**Commencement**

2. This Order shall come into operation on the day it is published in the Official Gazette.

**Interpretation**

3. (1) In this Order,

“Act” means the Telecommunications Act, No. 8 of 2000;

‘aeronautical mobile satellite service’ means a mobile satellite service in which mobile earth stations are located on board an aircraft, aeroplane, emergency position-indicating radio beacon station or a survival craft station;

‘aircraft’ means a power driven machine that derives its lift in flight chiefly from the aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

‘apparatus’ means all stations located on board an airplane, aeroplane or ship that is used for the purpose of providing satellite services;

“Commission” means the National Telecommunications Regulatory Commission established by section 8 of the Telecommunications Act 8 of 2000 as amended.

“earth station” means a station located either on the earth’s surface or within the major portion of the earth’s atmosphere and intended for communication with one or more space stations or with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;

'maritime mobile satellite service' means a mobile satellite service in which mobile earth stations are located on board ships, survival craft stations and emergency position-indicating radio beacon stations;

"mobile earth station" means an earth station in the mobile satellite service intended to be used while in motion or during halts at unspecified points;

'ship' means every description of a vessel used in navigation engaged in a voyage within the territorial waters of the Commonwealth of Dominica;

"survival craft station" means a mobile station in the maritime mobile service or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life craft or other survival equipment.

### Exemption

4. By virtue of the powers conferred by section 6 (2) of the Telecommunications Act No. 8 of 2000, as amended, and acting upon a recommendation from ECTEL, The Minister hereby exempts ViaSat Inc. of 6155 El Camino Real Carlsbad, CA 92009 USA from the requirement of obtaining an Individual Licence, Class Licence or Frequency Authorisation, as an aeronautical and maritime mobile service satellite provider, under the Telecommunications Act No. 8 of 2000 of the Commonwealth of Dominica as amended.

### Conditions

5. Notwithstanding section 4, Viasat Inc. shall comply with the following conditions as contained in section 4 of the Telecommunications (Exemption) Order SRO. 33 of 2016:
  - i. An aeronautical or maritime mobile satellite service provider shall—
    - (a) register with the Commission before providing any service;
    - (b) submits the following information and documents to the Commission:
      - (i) the name, email address, telephone number, fax number and location of the business place;
      - (ii) the type of telecommunications service, the service provider wishes to offer;
      - (iii) the area where the telecommunications service will be provided;
      - (iv) the type of customers that the service provider intends to serve;
      - (v) the type of equipment to be utilized in the provision of a telecommunications service;
      - (vi) a certified copy of a valid licence authorising the person to provide an aeronautical or maritime mobile satellite service;
      - (vii) a certified copy of the Certificate of Incorporation of the service provider; and
      - (viii) a certified copy of the Certificate of Good Standing for the service provider;
    - (c) has and maintains a contact number which is readily available;
    - (d) provides access for inspection and testing of apparatus used for providing the service on the request of the Commission or a duly authorised officer of the Commission;
    - (e) complies with any direction given by the Commission for avoiding interference with other telecommunications apparatus or any licensed telecommunications network;

- (f) does not use the apparatus in a manner that would cause harmful interference with other telecommunications apparatus or any licensed telecommunications network;
- (g) does not violate any existing policy, code or international standard governing the use of aeronautical or maritime mobile satellite services;
- (h) provides evidence that the installation and operation of the apparatus used for the provision of the aeronautical or maritime mobile satellite service has been certified by the State in which the aircraft, aeroplane or ship is registered;
- (i) unless specifically authorised by the Eastern Caribbean Civil Aviation Authority or any other authority responsible for civil aviation, does not provide an aeronautical or maritime mobile satellite service when an aircraft or aeroplane is –
- (i) below 7000ft altitude;
  - (ii) taking off or during take-off;
  - (iii) in its initial climb out;
  - (iv) in final approach position;
  - (v) landing or taxiing;
- (j) ensures that transmissions from apparatus are automatically terminated on the loss or significant degradation of the downlink signal from the relevant geostationary satellite.

#### **Extent of the exemption**

6. (1) This Order exempts persons who provide aeronautical mobile satellite services and/ or maritime mobile satellite services from the requirement to obtain an Individual Licence, Class Licence and/or Frequency Authorization and the obligation to pay frequency fees or licence fees.
- (2) This Order does not exempt persons who provide aeronautical mobile satellite services and/or maritime mobile satellite services from any other provisions in the Act.

#### **Transition**

7. Where a person is providing aeronautical mobile satellite services and/or mobile satellite services prior to the coming into force of this Order applies in the prescribed manner for an exemption within six months after the coming into force of this Order, the Minister must issue the exemption upon application.

Made this 24<sup>th</sup> day of May, 2017

  
**KELVER DARROUX**  
*Minister for Telecommunications*