



Eligibility and Evaluation Criteria for Concessions

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Maintenance History		
Date	Change Details	Version
April 6, 2006	Version 1	1.0
December 8, 2006	Version 2 Revisions made to the current status of the application process for the various concession types (Section 3).	2.0
May 10, 2007	Version 3 Revisions made to the current status of the application process for the various types of concessions (Section 3).	3.0
October 15, 2007	Version 4 Revisions made to the current status of the application process for the various types of concessions (Section 3). Revisions made to the evaluation criteria for the various types of concessions (Section 4).	

1 Overview of Authorisation Regime

The authorisation process, or the licensing process, provides the means of managing both entry into the telecommunications and broadcasting markets and the behaviour of telecommunications and broadcasting service providers once they have entered the market.

Sections 21 and 36 of the Telecommunications Act 2001 ('the Act') prescribe two types of instruments for authorising telecommunications and broadcasting operators to provide networks and/ or services in Trinidad and Tobago:

1. A *concession* is granted by the Minister to authorise the operation of a *public telecommunications network* (Section 21) and/or the provision of any *public telecommunications service* or *broadcasting service*. An application for a concession must be submitted to, and evaluated by, the Authority before a recommendation is made to the Minister to grant the concession.
2. A *licence* is granted by the Authority to authorise the operation or use of any *radiocommunication service* or any *radiotransmitting equipment*, including that on board any ship, aircraft or other vessel in the territorial waters or airspace of Trinidad and Tobago, (Section 36)¹. Where the operation of a public telecommunications network or the provision of a public telecommunications or broadcasting service requires use of spectrum, the required licence applications will be processed as part of the concession application.

¹ A licence is not required for any radio-communication service on board any ship of war, or military aircraft or satellite registered in Trinidad and Tobago.

Where radio transmitting equipment is used for a private or “closed-user group”² communication service, licences are required for the radio transmitting equipment employed. A concession however is not required.

The requirements under the Act for concessions and licences can be summarised at Table 1:

Table 1

Concessions	Licences
Required for the operation of any public network or provision of any public service.	Required when networks, services or equipment use radiocommunication.
Not required for the operation/ provision of any private/ closed user group network/ service.	Issued with concession where radiocommunication is part of any public network or service.

² Defined in the Act as “a group of persons, who have a common business or other economic interest other than the provision of a telecommunications service”.

2 The Authority's Classification of Concessions

In accordance with the Authority's *Authorisation Framework for the Telecommunications and Broadcasting Sectors of Trinidad and Tobago*, the Authority will evaluate and recommend the award of concessions for the operation of telecommunications networks and/ or the provision of telecommunications and/ or broadcasting services in accordance with the classifications outlined below:

Type 1: Network-Only Concession (network-based)

This concession authorises a concessionaire to own or operate a public telecommunications network, without the provision of public telecommunications or broadcasting services.

Type 2: Network-Service Concession (network-based)

This concession authorises a concessionaire to own or operate a public telecommunications network in addition to providing public telecommunications services³ over that network.

Type 3: Virtual Network-Service Concession (service-based)

This concession authorises a concessionaire to provide public telecommunications services, without an authorization to own and/ or operate a physical public telecommunications network, in a manner that is transparent to the end user. Such a concession will be required in cases where an entity has the capability of providing multiple services (e.g. data, image, voice, video) over a single transmission medium that has been leased or otherwise obtained from an authorised network operator.

³ In order to provide a broadcasting service over a telecommunications network a Type 5 concession is also required.

Type 4: Telecommunications Service Concession (service-based)

This concession authorises a concessionaire to provide a specific public telecommunications service(s) without an authorization to own and/ or operate a telecommunications network.

Type 5: Broadcasting Service Concession (service-based)

This concession authorises a concessionaire to provide a broadcasting service without an authorization to operate a telecommunications network. An entity that leases capacity from a telecommunications network operator and provides subscription-based broadcasting services via that media, requires a Broadcasting Service concession. However an entity that supplies programmes or other broadcast content to a broadcasting service provider does not require a concession.

2.1 Application of Service-Neutrality to Concessions

The Authority will facilitate the Government in ensuring minimal barriers to entry and competition in converged telecommunications markets by adopting, as far as practicable, a service- and technology-neutral approach to authorising telecommunications networks, and public telecommunications and broadcasting services.

In this regard, the concept of service-neutrality will only apply to Type 2 and Type 3 concessions, which authorise the concessionaire to provide any telecommunications service that can be provided on the relevant network.

The concept of service neutrality for Type 2 and Type 3 concessions does not extend to broadcasting services, since an authorisation to provide a broadcasting service will demand separate eligibility criteria, and thereby requires a different concession (Type 5).

Type 4 and Type 5 concessions will only authorise specific services as indicated by the concessionaire in the application.

2.2 Geographic Classifications

In order to encourage a broad range of service providers, the authorisation framework caters for the provision of services at a *national* level, at a *territorial* level and at a *niche* level.

A **national** network/ service provider will have the right to provide its network and/or service to 100% of the geographical area of both Trinidad and Tobago.

A **major territorial** network/ service provider will have the right to provide its network and /or service to 100% of the geographical area of the island of Trinidad.

A **minor territorial** network/ service provider will have the right to provide its network and/ or service to 100% of the geographical area of the island of Tobago.

A **niche** network/ service provider will have the right to provide its services to specific groups of subscribers identified by the Authority in either island of Trinidad or Tobago. These specific groups may include: underserved communities or specific market defined groups. Under-served communities may include rural communities, communities in topographically challenged areas and subscriber populations that have special needs, and shall be designated by the Authority as it deems appropriate. The Authority shall maintain and publish a list of subscriber communities that are categorised as under-served communities.

Table 2 summarises the geographic categories that will be applicable to the different types of network-based and service-based concessions.

Table 2 Geographic Categories of Concessions

Concession Type	Applicable Geographic Categories
Domestic Fixed (Type 1, Type 2)	National Major Territorial Minor Territorial Niche
Domestic Mobile Networks (Type 1, Type 2)	National
Virtual Networks (Type 3)	As applicable to the network over which the service is provided; or as otherwise defined by the concession
Telecommunications Services (Type 4)	As applicable to the network over which the service is provided; or as otherwise defined by the concession.
Broadcasting Services (Type 5)	National Major Territorial Minor Territorial Niche

3 Eligibility Criteria and Status of Application Process for Concessions

The following tables indicate:

- the types of public networks and services that would require the various classes of concessions, and
- whether the Authority is accepting applications for the relevant concession at this time.

Table 3 Network Based Concessions

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
Type 1 – Network Only	Domestic mobile	Public cellular networks Public trunked radio networks	None	Closed
	Domestic fixed (national or major territorial)	Public switched telephone networks Public cable TV networks Public fixed wireless access (FWA) networks Public power line networks Public domestic fibre facilities	None	Open on a first-come, first-served basis for the operation of public fixed wired telecommunications networks.

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/Closed)
				Open for public Broadband Wireless Access (BWA) Networks in accordance with the Spectrum Plan for the Accommodation of Broadband Wireless Access (BWA) Services.
	Domestic fixed (niche or minor territorial)	Public cable TV networks Public fixed wireless access (FWA) networks	None	Open for public Broadband Wireless Access (BWA) Networks in accordance with the Spectrum Plan for the Accommodation of Broadband

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
				Wireless Access (BWA) Services.
	International	Public VSATs Public International fibre facilities	None	Open. Applications are to be processed on a first-come, first-served basis.
Type 2 – Network and Services (Service Neutral)	Domestic mobile	Public cellular networks Public trunked radio networks	Voice Internet Video Conferencing	Closed
	Domestic fixed (national or major territorial)	Public switched telephone Networks Public cable TV networks Public fixed wireless access (FWA) networks Public power line networks Public domestic fibre facilities	Voice Internet Video Conferencing	Open on a first-come, first-served basis for the operation of fixed wired networks and the provision of public telecommunications services.

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/Closed)
				Open for public Broadband Wireless Access (BWA) Networks/ Services in accordance with the Spectrum Plan for the Accommodation of Broadband Wireless Access (BWA) Services.
	Domestic fixed (niche or minor territorial)	Public cable TV networks Public fixed wireless access (FWA) networks	Voice Internet Video Conferencing	Open on a first-come, first-served basis, for concessions to operate public fixed wired networks and to provide public telecommunications services.

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
				Open for public Broadband Wireless Access (BWA) Networks/ Services in accordance with the Spectrum Plan for the Accommodation of Broadband Wireless Access (BWA) Services.

Type	Sub-Types	Examples of Networks Authorised by Concession	Possible Telecommunications Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
	International ⁴	Public VSATs Public International fibre facilities	International Calling Card Services Wholesale Leased International Circuits	Open. Applications are being processed on a first-come, first-served basis.

⁴ There are different forms of business models that exist for international operators, since their network resources may be acquired in a number of ways, including:

- Owning an international facility
- An Indefeasible Right of Use (IRU) or similar agreement with an owner of an international facility;
- Leasing the facilities of an international facility provider to provide international services to end users on its domestic network.

A domestic network-based concessionaire who interconnects to an international network-based concessionaire, in order to hand-off traffic and thereby connect end users to an international network, will only require a concession to operate a domestic network.

Similarly, an international network-based concessionaire who interconnects, or provides access, to a domestic network-based concessionaire for the purpose of delivering incoming calls to the domestic network, or for carrying domestic traffic between domestic networks on behalf of domestic concessionaires, will only require a concession to operate an international network.

Table 4 Service Based Concessions

Type	Sub-Types	Possible Telecommunications/ Broadcasting Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
Type 3 – Virtual Network and Services (Service Neutral)	Virtual Networks (national or major territorial)	Voice Internet Video Conferencing	Closed
	Virtual Networks (niche or minor territorial)	Voice Internet Video Conferencing	Closed
Type 4 – Specific Telecommunications Services	Telecommunications services (national or major territorial)	International Calling Card Services Internet Services Resale of services offered by Type 2 concessionaires	Open. Applications are being processed on a first-come, first-served basis.
	Telecommunications services (niche or minor territorial)	International Call Centre Voice Origination Services Internet Services Resale of services offered by Type 2 concessionaires	Open. Applications are being processed on a first-come, first-served basis.
Type 5 – specific Broadcasting Services	Broadcast Services – free to air TV (national or major territorial)	UHF or VHF free to air TV	The Authority initiated a competitive process for three (3) additional

Type	Sub-Types	Possible Telecommunications/ Broadcasting Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
			national providers and two (2) additional major territorial providers in August 2007.
	Broadcast Services – free to air TV (niche or minor territorial)	UHF or VHF free to air TV	The Authority initiated a competitive process for two (2) additional minor territorial providers in August 2007. The Authority will <i>not</i> be accepting applications for <i>niche</i> providers at this time.
	Broadcast Services – free to air Radio (national or major territorial)	AM or FM free to air Radio	Closed to new providers due to the inavailability of spectrum.
	Broadcast Services – free to air Radio(niche or minor territorial)	AM or FM free to air Radio	Closed to new providers due to limited spectrum availability.
	Broadcast Services – Subscription (national or major	Cable TV over Public Telecom Network Satellite Based Cable TV	Open on a first-come, first-served basis for

Type	Sub-Types	Possible Telecommunications/ Broadcasting Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
	territorial)		<p>services to be provided on a public fixed wired telecommunications network.</p> <p>Open for services to be provided on a public Broadband Wireless Access (BWA) Network, in accordance with the Spectrum Plan for the Accommodation of BWA Services.</p>
	Broadcast Services – Subscription (niche or minor territorial)	Direct to Home (DTH) satellite TV Cable TV ⁵ Interactive Video/ TV	<p>Open on a first-come, first-served basis for services to be provided on a public fixed wired telecommunications network.</p> <p>Open for services to be provided on a public</p>

⁵ Wired and Wireless Cable TV providers who own and operate their networks will also require a Type 1 or Type 2 network-based concession to operate a Domestic Fixed Telecommunications Network.

Type	Sub-Types	Possible Telecommunications/ Broadcasting Service Offerings Authorised by Concession	Current Status of Application Process (Open/ Closed)
			Broadband Wireless Access (BWA) Network, in accordance with the Spectrum Plan for the Accommodation of BWA Services.

4 Evaluation Criteria for Concessions

The Act requires that all applications for concessions be made to the Authority. Applications for concessions are to be submitted in accordance with the Authority's *Application Procedures*. Concessions are granted by the Minister, following evaluation of applications and recommendations by the Authority.

4.1 Evaluation of Applications for Concessions

The criteria for evaluating applications for concessions and the associated spectrum or station licences *may* include, but may not be limited to:

- Company Information;
- Track Record and Experience;
- Financial Stability;
- Viability of Proposal (Business Plan);
 - Financial Plan and Risk Analysis
 - Service and Marketing Plan
 - Technical Plan
 - Manpower Plan

Table 5 below outlines the criteria and associated weightings that apply to the various concession application types. For all first-come first-served processes, applicants must score a minimum total of 70% and a minimum of 50% in criteria 1, 3, 4a, 4b, 4c, and 4d of Table 5 below. Applicants are also required to submit all supporting documents requested (unless not applicable) in order for the application to be eligible for consideration.

Table 5 Evaluation Criteria and Associated Weightings

WEIGHTINGS FOR EVALUATION OF CONCESSIONS							
	Criteria	Type 1	Type 2	Type 3	Type 4	Type 5	Type 2/ 5⁶
1	Company Information	5%	5%	5%	5%	5%	5%
	a) Background						
	b) Registration and Incorporation Details						
	c) Directors' Information						
	d) Company Structure/Consortium Information						
2	Track Record and Experience	10%	10%	10%	5%	10%	10%
	a) Number of years of prior experience						
	b) Sector Experience						
3	Financial Stability	15%	15%	15%	15%	15%	15%
	a) Previously audited Financial Statements for the last 3 yrs						
	b) Financial Support						
	c) References						
4	Viability of Proposal (Business Plan Information)	70%	70%	70%	75%	70%	70%
a)	Financial Plan	25%	25%	25%	25%	25%	25%
	i) Feasibility Analysis and 5 year Projection						
	ii) Risk Assessment						
b)	Service and Marketing Plan	15%	20%	25%	25%	15%	20%
	i) Market Assessment						

⁶ This refers to concessionaires operating a public telecommunications network over which a broadcasting service is provided.

WEIGHTINGS FOR EVALUATION OF CONCESSIONS

	Criteria	Type 1	Type 2	Type 3	Type 4	Type 5	Type 2/ 5 ⁶
ii)	Service Descriptions and Roll-out plans						
iii)	Customer Service Standards						
c)	Technical Proposal	25%	20%	15%	15%	25%	20%
i)	Network/ Systems Design						
ii)	Rollout Plan						
iii)	Quality of Service						
d)	Organisation, Facilities and Management	5%	5%	5%	10%	5%	5%
i)	Organisational Chart						
ii)	Resumes						
iii)	Employment Plan						
iv)	Level of proposed regional employment						
v)	Internal Structure						
vi)	Plans for Acquisition of Facilities						
vii)	Auditing, Legal and Financial Advisors						