



Public Utilities
Regulatory Authority
Equity in development

GUIDELINES FOR APPLICATION OF INFORMATION AND COMMUNICATIONS LICENSES

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1. APPLICATION FORMS

Application forms and supporting documentation may be collected from:-

The Gambia Public Utilities Regulatory Authority (PURA)
94, Kairaba Avenue,
P. O. Box 4230Bakau
The Gambia
Tel. (220) 4399601 / 4399606
Fax: (220) 4399905
E mail: pura@pura.gm

or downloaded from PURA's website at www.pura.gm

2. COMPLETION AND SUBMISSION OF APPLICATIONS

- All applications should be submitted with the prescribed fees to PURA. A receipt evidencing delivery of application will be given for each application submitted to PURA.
- Each application must be accompanied by a non-refundable application fee of GMD100,000.00 for category I (GSM Companies, etc..) and GMD 50,000.00 for category II (ISP Companies, etc..). A separate fee is payable in respect of each application. This payment shall be made by cash, certified cheque or bank draft made payable to PURA. Applications for transfer of license must be accompanied by a non-refundable fee of GMD 50,000.00 for category I and GMD 25,000.00 for category II.
- Receipts will be mailed by ordinary post to applicants who submit applications by registered post.
- All applications and supporting material should be submitted in English.
- Applicants must submit **three (3)** copies of each application and the supporting documentation. PURA reserves the right to request additional copies of applications and supporting documentation.
- Additional information may be requested by PURA or submitted by the applicant in respect of any application at any time before making its recommendations to the Minister.
- Applicants should note the disclosure requirements of the PURA Act 2001 and Information and Communications Act 2009 and any Rules and Regulations made pursuant to this Act. PURA strongly recommends that applicants rely on independent legal advice in preparing applications.
- Applicants are required to notify PURA of any change to the information submitted with the application.
- Applicants are required to meet all costs arising from (a) the preparation and submission of applications, (b) providing any additional information requested and (c) the processing of each application including responding to public comments, attending at, and making submissions to PURA concerning these applications. PURA, the Ministry of Information and

Communications Infrastructure and the Government of The Gambia will not accept responsibility or liability for such costs, regardless of whether or not a License is granted.

3. APPLICATION REQUIREMENTS

Any application for the grant of an information and communications License shall be made and shall contain or be accompanied by-

- the prescribed application fee;
- the applicant's proposals in relation to the service.
- network plan, technical specifications of the equipment and installations programme;
- the training programme involving local staff;
- a financial statement setting out the financial resources available to the application to conduct a information and communication service.
- Certificate of good character from the Gambia Police Force for each partner/owner.
- such other information as the Authority may deem necessary in order to decide on the ability of applicant to provide a technically viable and socially acceptable information and communication service
- For applications requiring the assignment of frequencies;
 - a) the applicant shall incorporate its request for specific assignment of the frequencies required in its application to provide the information and communications services or establish the information and communications system by completing the attached spectrum application form.
 - b) if requested by the Authority, the applicant shall apply separately for a frequency authorization and in the application, refer to the information and communications service or system, to which the frequencies relate.

3.1. Category I License Requirements

- Outline of information and communications facilities at the date of application or planned information and communications facilities to be implemented within three years of the application date, including:
 - Overall Network strategy
 - Complete diagram and schematic of proposed network
 - Location of equipment
 - Technical specification
 - Conformance with international standards (e.g., ITU-T)

- Names of equipment suppliers
- Transmission technology
 - Technical Specification
- Outline of planned coverage areas

3.2. Category II License Requirements

- Outline of the information and communications facilities or planned information and communications facilities to be installed to support the operation and provision of the proposed services at the date of application and within two years of the application date, including:
 - Overall technical strategy
 - Description of facilities to provide the services
 - Outline of planned coverage area
 - Transmission technology
 - Location of equipment
 - Technical specification
 - Conformance with international standards (e.g., ITU-T)

4. PROCESSING OF APPLICATIONS

- The Authority shall publish in such manner as may be determined giving such details as appropriate and in accordance with confidentiality requirements within 30 days of submission and interested parties are allowed 14 days for submitting comments to PURA.
- All applications and supporting documentation become the property of PURA upon submission. PURA reserves the right to make public the names of corporate entities which have submitted applications as well as such information about the contents of the applications as it deems appropriate. Members of the public and other interested parties will have the right to inspect all applications and supporting documentation and to submit comments to PURA.
- All supporting material submitted with individual applications which may contain sensitive/confidential information concerning business or commercial or financial affairs should be submitted along with the application in a sealed envelope marked "**Confidential Information**". Where PURA proposes to disclose any such information, it will give the Applicant reasonable notice and an opportunity to make representations to PURA before PURA makes a final decision on disclosure of such information.

- An evaluation of the Application is conducted by PURA to determine eligibility for the issuance of a License. PURA reserves the right to conduct discussions with Applicants if necessary.
- Applicants should be prepared to send a representative(s) to PURAs of PURA to discuss their applications and supporting documentation, if requested by PURA.

5. EVALUATION CRITERIA

When considering an application for the grant of an information and communications License, the Authority shall have regard to-

- capability, experience and expertise of the applicant in as far as carrying out such information and communications service is concerned;
- financial means and business record of the applicant;
- expected technical quality of the proposed service, having regard to the developments in the information and communications technology;
- compliance with the prescribed technical information and communications standards;
- the coverage area of the service and the implementation schedule
- whether the conditions of an information and communications License shall unjustly benefit one holder of an information and communications License above another;
- the allocation of spectrum resources in such a manner as to maximize advantages for users and facilitate the development of competition;
- the conditions for the provision of the service
- efficiency and economy in the provision of information and communications services;
- the conditions for operating the service including those relating to the provision of universal service and the principle of equality of treatment
- the extent to which the applicant is determined and has planned to train local staff in matters concerning information and communications services;
- any other matter as the Authority may consider necessary.

The Authority shall evaluate the application together with any comments, objections and responses and conduct any investigations and require any information it deems necessary to enable it to make decisions which best serves public interest.

6. REASONS FOR DENIAL

The Authority may recommend to the Minister to refuse to grant a License if-

- the applicant fails to provide the required information requested by the Authority;
- the information and communications service or system is contrary to the provision of the IC Act 2009 or any other law, or with any international commitment undertaken or in the process of being undertaken by The Gambia.
- the information and communications service or system poses a danger or nuisance to the public or damage to any property, or obstructs or interferes with any lawfully operated information and communications system or service.

- the applicant is adjudged bankrupt or has entered into a composition scheme or arrangement with his creditors;
- the applicant does not fulfil such other conditions as may be prescribed;
- there are reasonable grounds to believe that the applicant is not a fit and proper person to hold the License applied for based on proof that a particular applicant's authorization or license has been suspended or revoked, even outside the Gambia.
- there is adequate evidence that demonstrates that the applicant is not in a position, because of the financial and other specific circumstances of the applicant to comply with the provisions of the PURA Act 2001, IC Act 2009 or any regulations made under any of them or with the conditions of the license if granted.
- the applicant has failed to comply with previous conditions or previous licenses or determinations of the Authority.
- the applicant is a person of unsound mind.

7. RECOMMENDATIONS OF LICENSES

- PURA shall prepare a report setting out its recommendation for acceptance or rejection of each application. This report is submitted to the Minister for his consideration. Copies of this Report may be made available to each Applicant upon request.

8. ISSUANCE OF LICENSES

- Licenses shall be granted according to open, non discriminatory and transparent procedures and for the purpose all candidates shall be subjected to the same procedures unless there is an objective reason for subjecting them to different treatment.
- Pursuant to the Act, the Minister may upon receipt of a recommendation from PURA, either grant the License, refer the recommendation back to PURA for further consideration; or refuse to grant the License and the Minister shall as soon as practicable give written reasons for the refusal.
- Where the Minister does not make a decision by the end of the three months period, then the application is deemed to have been refused.
- Licenses granted by the Minister based on an evaluation and written statement are issued by PURA.
- All correspondences/applications etc regarding applications should be channel through PURA and not the Ministry of Information and Communication Infrastructure (MOICI).
- PURA shall maintain a register of all applications for Licenses and all Licenses granted pursuant to the Act, in electronic form.

9. DURATION OF AN INFORMATION AND COMMUNICATIONS LICENSE

An information and communications License shall be issued for such period as the Minister may determine.

10. RENEWAL OF AN INFORMATION AND COMMUNICATION LICENSE

- An application for the renewal of a License shall be made;
 - a) in the case of a License that has a term of ten years or more, not later than twelve (12) months before the expiration of the License; and
 - b) in any other case, not later than six (6) months before the expiration of the License being renewed.
- The Minister may upon application by the holder renew a License upon its expiry for such period as he may determine.
- An applicant failing to apply to renew its License or whose application for renewal is rejected by the Authority shall, immediately on the expiration of the term of the License, cease to operate the information and communications system or service for which the License was granted.
- PURA may, when considering an application for the renewal of a License, recommend to the Minister to request such new or additional information as it may deem necessary to make a finding.
- If at the date of expiry of a License the Minister has not yet reached a decision in respect of an application to renew it the License shall continue to be of effect until the application for its renewal is granted or refused by the Minister.

11. LIMIT ON NUMBER OF LICENSES

The Minister may limit the number of licenses for any category of information and communications services and for the establishment or operation of information and communications networks or systems, to the extent required to guarantee the efficient use of the radio frequency spectrum or for the time required to allow sufficient numbers to be allocated.

12. TIME FRAME

- The Authority shall communicate the outcome of the application within five months from the date of submission of an application for a license.