



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

A public consultation document issued by the
Telecommunications Regulatory Authority of the
Kingdom of Bahrain

Individual Global Mobile Personal Communications by Satellite (“GMPCS”)
Telecommunications License

28 September 2011

Reference Number: LAU/0911/122

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority (“The Authority”)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the

Authority’s email address at consult@tra.org.bh

The deadline for responses is **4pm on 30 October 2011**

Purpose: To seek stakeholders’ views on the proposed Individual Global Mobile Personal Communications by Satellite (“GMPCS”) Telecommunications License.

Instructions for submitting a response

The Telecommunications Regulatory Authority (“the Authority”) invites comments on this consultation document from all interested parties. Comments should be submitted no later than **30 October 2011 by 4pm.**

Responses to this document should be sent to:

The General Director
Telecommunications Regulatory Authority
P.O. BOX 10353, Manama, Kingdom of Bahrain

Alternatively, responses may be sent to the Authority for the attention of the General Director by email to consult@tra.org.bh

Responses should include:

- the name of the responding entity;
- the name of the principal contact person;
- full contact details (physical address, telephone number, fax number and email address); and
- a Microsoft Word version of the Response.

In the interest of transparency, the Authority will make all submissions received available to the public, subject to the confidentiality of the information received. The Authority will evaluate requests for confidentiality in line with relevant legal provisions and the Authority’s published guidance on the treatment of confidential and non-confidential information.¹

Respondents are required to clearly mark any information included in their submission which considered confidential. Where such confidential information is included respondents are required to provide both a confidential and non-confidential version of their submission. If a submission is marked confidential in its entirety, reasons for this should be provided. The Authority may publish or refrain from publishing any document or submission at its sole discretion.

Once the Authority has received and considered responses to this consultative document, the Authority will issue final versions of the Individual Global Mobile Personal Communications by Satellite (“GMPCS”) Telecommunications License.

¹ http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf

Proposed measure

1. The purpose of this Consultation is to publish the attached Individual Global Mobile Personal Communications by Satellite (“GMPCS”) Telecommunications License.

Introduction and Background

2. This Consultation is issued pursuant to the Authority’s Consultation Process Regulation issued by the Authority on 10 August 2003.²
3. GMPCS is a personal communications system providing transnational, regional or global coverage from a constellation of satellites accessible with small and easily transportable terminals. Whether the GMPCS satellite systems are geostationary or non-geostationary, fixed or mobile, broadband or narrowband, global or regional, they are capable of providing telecommunications services directly to end users. GMPCS services include two-way voice, fax, messaging, data and even broadband multimedia.
4. GMPCS supplements conventional terrestrial public mobile networks in remote parts of the world where conventional mobile networks are not accessible, or where networks have been damaged as a result of natural disasters or man-made catastrophes. Such services are therefore of interest to explorers, mariners, news reporters and the media, as well as those engaged in disaster relief activities. The Authority believes that users in the Kingdom of Bahrain should be able to obtain the benefits of utilizing GMPCS services if operators providing such services in Bahrain are granted a GMPCS License by the Authority.
5. The main purpose of the Individual GMPCS License is to license activities that constitute a provision of Telecommunications services made available to end users in the Kingdom of Bahrain.

Under Article 24 (a) of the Telecommunications Law as promulgated by Legislative Decree Number 48 of 2002 (“the Telecommunications Law”),

“No Person shall operate a Public Telecommunications Network, any Telecommunications Network using a Telecommunications Frequency or provide a Telecommunications service in the Kingdom except after obtaining a Licence for that purpose in accordance with the provisions of this Law.”

6. Article 25 of the Telecommunications Law states that,

“A Licence for the operation of a Telecommunications Network or for the provision of Telecommunications services may be granted for a finite period of time by the Authority by way of either an Individual Licence or Class Licence in accordance with the provisions of Article 29 and 32 of this Law.”

² Arabic and English versions of the Consultation Process Regulation can be found at <http://www.tra.org.bh/en/LegalRegulations.asp>. Note that only the Arabic version of Consultation Process Regulation may be relied upon for legal purposes. The English translation is published for information purposes only.

7. The above Articles of the Telecommunications Law are clear; Telecommunications services cannot be provided within the Kingdom of Bahrain without a License from the Authority.
8. Article 26 of the Telecommunications Law related to requirements related to the granting Individual and Class Licenses states:

“(a) In order for a Licence to be granted, the following is required:

 - 1) that the Licence applicant be a juristic entity incorporated in the Kingdom, or a branch of a foreign company licensed to operate in the Kingdom in accordance with the Commercial Companies Law.*
 - 2) that substantially all the infrastructure and personnel associated with the provisions of Telecommunications services are located in the Kingdom.*

(b) The Authority alone shall have the right to waive the conditions provided for in subparagraph (2) of paragraph (a) of this Article in either of the following two cases:

 - 1) there exists substantial demand for a Telecommunications service that cannot be provided on an efficient basis other than by means of infrastructure and personnel located outside the Kingdom, provided that such a service will be to the direct benefit of Subscribers and Users, as determined by the Authority on the basis of the obligations provided for in the License or otherwise.*
 - 2) if Licensees breach the obligations provided for in Article 65(a) of this Law.”*
 9. The nature of GMPCS and the Telecommunications service, being provided through satellite, are such that many GMPCS providers would not be physically present in Bahrain and may operate through local agents that provide handsets to end users. The Authority’s position on this is that Telecommunications services which are directly provided, and are marketed to and targeting end users in Bahrain shall be licensed.
 10. Figure 1 below further clarifies the way the GMPCS system operates:

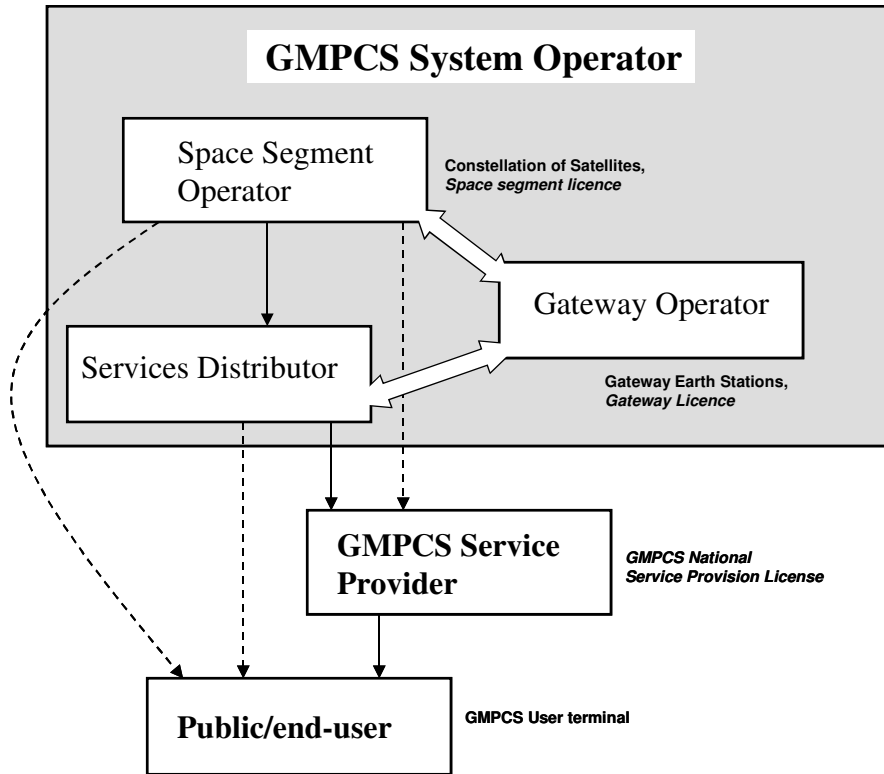


Figure 1: GMPCS system³

11. Article 26 (a) (1) of the Telecommunications Law requires GMPCS providers to be juristic entities incorporated in the Kingdom of Bahrain or by registering a foreign branch office within the Kingdom of Bahrain. In relation to the requirements of Article 26 (a) (2) of the Telecommunications Law, taking into account the nature of the GMPCS Telecommunications service and the benefits it brings (for example, connectivity where mobile networks are not accessible), the Authority may waive the requirements of Article 26 (a) (2) of the Telecommunications Law as there appears to be a substantial demand for GMPCS Telecommunications services which directly benefit end users. These GMPCS Telecommunications services are not currently provided other than by infrastructure and personnel located outside the Kingdom of Bahrain.
12. The Authority has prepared a draft Individual GMPCS License for consultation with stakeholders and interested parties. The Authority proposes to make available an Individual GMPCS License subject to consideration and amendment pursuant to comments received from interested parties.

³ International Telecommunications Union, Memorandum of Understanding GMPCS, http://www.itu.int/gmpcs/doc.asp?sel_obj=GMPCS-MoU_Arrangements (7-8 June 2003)

Consultation

13. The Authority seeks comments of stakeholders in the telecommunications industry, business community and public generally on the proposed Individual GMPCS License. The Authority asks the following questions:
 - (a) Do you agree with the scope of the Individual GMPCS License? If not, what would you like to change or add? Please provide the specific proposed text you consider should be added and detailed reasons for your proposals, including where relevant references to the specific provisions of the Telecommunications Law or Licenses that you are relying upon;
14. Standard provisions of an Individual License have been used in drafting the Individual GMPCS License and as such, some provisions may not be required for a number of technical and practical reasons. For example, as GMPCS providers will have their own country codes and numbering plan assigned by the International Telecommunications Union (“ITU”), the Authority has removed this from the License. Number Portability will also not apply to GMPCS providers. For specific provisions highlighted below, the Authority asks the following questions:
 - (a) Please see Section 7 ‘Provision of Directory Information Services’ and Section 8 ‘Provision of Operator Assistance Services’. Do you consider these services as described in the proposed Individual GMPCS License as necessary services, taking into account the nature of the GMPCS Telecommunications service provided?
 - (b) Please see Section 12 ‘Provision of Services for Resale’. Do you consider this Section, as defined in the proposed Individual GMPCS License, as necessary for the provision of the GMPCS Telecommunications services in the Kingdom of Bahrain?
 - (d) What other provisions do you think should be included in or excluded from the proposed Individual GMPCS License?
15. Respondents are invited to make any other comments regarding the proposed Individual GMPCS License. All other comments should be supported by a detailed explanation, including, where relevant, references to the specific provisions of the Telecommunications Law or Licenses that the Respondent is relying upon.
16. All comments should contain a brief statement explaining the interest of the party submitting the comments.
17. The Authority may, but is not obliged, to make comments public.
18. Upon receipt of the comments from stakeholders, the Authority will consider such comments in considering and determining whether to issue the Individual GMPCS License.