

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 13 of 2018

**GOGO LLC TELECOMMUNICATIONS (AERONAUTICAL MOBILE
SATELLITE SERVICE) (EXEMPTION) ORDER, 2018.**

In exercise of the powers conferred under section 3 (3) of the Telecommunications Act, Chapter. 16.05 of the Laws of St Christopher and Nevis, the Minister responsible for Telecommunications, on the recommendation of the Eastern Caribbean Telecommunications Authority, makes this Order.

[Published 7th June 2018, Official Gazette No. 31 of 2018.]

1. CITATION.

This Order may be cited as the Gogo LLC Telecommunications (Aeronautical Mobile Satellite Service) (Exemption) Order, 2018.

2. COMMENCEMENT.

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

3. INTERPRETATION.

(1) In this Order,

“Act” means the Telecommunications Act, Chapter 16.05 of St. Christopher and Nevis;

“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 any machine that is capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth’s surface of air expelled from the machine, and includes a rocket or such machine to travel into outer space;

“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 15 of the Telecommunications Act, Chapter 16.05 of the Laws of St Christopher and Nevis 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 St Christopher and Nevis;

“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.

4. EXEMPTION.

By virtue of the powers conferred by section 3 (3) of the Telecommunications Act, Chapter 16.05 of the Laws of St. Christopher and Nevis, as amended, and acting upon a recommendation from ECTEL, The Minister hereby exempts Gogo LLC of 111 North Canal Street, Chicago, IL 60606, 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, Chapter 16.05 of the Laws St. Christopher and Nevis, as amended.

5. CONDITIONS.

Notwithstanding section 3 above, Gogo LLC shall comply with the following conditions as contained in section 4 of the Telecommunications (Exemption) Order Statutory Rules and Orders No. 24 of 2015:

- (1) An aeronautical or maritime mobile satellite service provider shall submit a written request to the Minister, and copied to the Commission that states the following:
 - (a) the name, email address, telephone number, fax number and location of the business place;
 - (b) the type of telecommunications service the service provider wishes to offer;
 - (c) the area where the telecommunications service will be provided;
 - (d) the type of customers that the service provider intends to serve; and
 - (e) the type of equipment to be utilised in the provision of a telecommunications service.
- (2) A request made under subsection (1) must have the following documents attached:
 - (a) a certified copy of a valid licence authorising the person to provide an aeronautical or maritime mobile satellite service;
 - (b) a certified copy of the Certificate of Incorporation of the service provider; and
 - (c) a certified copy of Good Standing for the service provider.
- (3) An aeronautical or maritime mobile satellite service provider must
 - (a) register with the Commission before providing any service;
 - (b) have and maintain a contact number which is readily available;

- (c) provide access for inspection and testing of apparatus used for the provision of that service on the request of the Commission or a duly authorised officer of the Commission;
- (d) comply with any direction given by the Commission for avoiding interference with other telecommunications apparatus or any licensed telecommunications network;
- (e) not use the apparatus in a manner that would cause harmful interference with other telecommunications apparatus or any licensed telecommunications network;
- (f) not violate any existing policy, code or international standard governing the use of aeronautical or maritime mobile satellite services;
- (g) provide 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.

(4) Unless specifically authorised by the Eastern Caribbean Civil Aviation Authority or any other authority responsible for civil aviation, an aeronautical or a maritime mobile satellite service provider shall not provide an aeronautical or maritime mobile satellite service when an aircraft or aeroplane is

- (a) below 7000 ft. altitude;
- (b) taking off or during take-off;
- (c) in its initial climb out;
- (d) in final approach position;
- (e) landing or taxiing.

(5) An aeronautical or maritime mobile satellite service provider must ensure that transmissions from apparatus shall automatically be terminated on the loss or significant degradation of the downlink signal from the relevant geostationary satellite.

6. EXTENT OF THE EXEMPTION.

(1) This Order exempts persons who provide aeronautical mobile satellite services or maritime mobile satellite services from the requirement to obtain an Individual Licence, Class Licence or Frequency Authorisation and the obligation to pay frequency fees or licence fees.

(2) This Order does not exempt persons who provide of aeronautical mobile satellite services or maritime mobile satellite services from any other provisions in the Act.

Made this 23rd day of May, 2018.

VINCENT BYRON JR
Minister responsible for Telecommunications