

**(I.e. Tariff Rules, Numbering Rules, Technical Rules, and Spectrum Rules).**

[Sections 64(1); 70(3); 78(1) & 89(1)]

## **1.0. INTRODUCTION**

On the 1<sup>st</sup> March 2017, the *Communication Act 2015* ('**Act**') came into force. The objective of the Act is to regulate the communication services in the Kingdom of Tonga. '

**[C]communication services'**

is defined under the Act to mean

*'a service for carrying communications by means of guided or unguided electromagnetic energy (including a broadcasting service)'*.

However, in order to effectively regulate the communication services provided in the Kingdom, the Regulator (i.e. Ministry of MEIDECC), is required under the Act, to make a number of Rules. Since, the coming into force of the Act, the Regulator has been developing a number of Rules and to date, the Regulator has developed the following Communication Rules ( '

**Rules**

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1. Tariff Rules (s.64(1))

2. Numbering Rules (s.70(3))

3. Technical Rules (s.78(1))

4. Spectrum Rules (s.89(1))

## **2.0. COMMUNICATIONS RULES**

For ease of reference, a summary of each Rule is provided under each heading as provided below –

### **2.1. Tariff Rules**

The Tariff Rules specifies:

(a) tariffs and variation of tariffs for certain communications services or classes of communications services;

(b) publication or disclosure of tariffs for certain communications services or classes of communications services;

(c) penalties for contravention;

(d) the process for filing tariffs (including the form in which they shall be filed and any accompanying information required by the Regulator); and

- (e) other matter as may be required by the Regulator.

The Tariff Rules itself can be accessed on the Department of Communications' website: [mic.gov.vt](http://mic.gov.vt)

(which for the time being, serves amongst other functions, the Regulator's website). The Tariff Rules can also be accessed on the Government's website or portal

[www.gov.tz](http://www.gov.tz)

## **2.2. Numbering Rules**

The Numbering Rules aims at regulating the control, planning, administration, management and assignment of numbers of communications services. The Numbering Rules specifies:

- (a) the process for submitting an application for an assignment of numbers;
- (b) the criteria for who is eligible to submit an application;
- (c) the process for the assignment of numbers by the Regulator;
- (d) applicable fees;
- (e) the rules about the use of numbers or particular number ranges;
- (f) the rules identifying shared numbers and regulating how they can be used;

(g) the circumstances in which numbers can be surrendered, cancelled or withdrawn and the processes by which this can occur; and

(h) other matters relating to numbering that the Regulator considered necessary or convenient for or in connection with the performance of its functions under the Act.

The Numbering Rules itself can be accessed on the Department of Communications' website:

mic.gov.to

and the Government's website or portal:

[www.gov.to](http://www.gov.to)

### **2.3. Technical Rules**

The Technical Rules specifies –

(a) the types of customer equipment that shall be approved before it is connected to a communications network in Tonga;

(b) the criteria for the approval of customer equipment;

(c) the process for certifying conformity with those criteria;

(d) how the Regulator may recognise and apply rules, conditions and approval processes of other countries; and

(e) any special arrangements for the certification of customer equipment already in use.

The Technical Rules itself can be accessed on the Department of Communications' website: [mca.gov.to](http://mca.gov.to)

and the Government's website or portal:

[www.gov.to](http://www.gov.to)

## **2.4. Spectrum Rules**

The Spectrum Rules aims at regulating the control, planning, administration, management and licensing of the radio frequency spectrum in the Kingdom. The Spectrum Rules specifies –

- (a) the categories of radio spectrum licences that may be issued in relation to spectrum blocks or particular frequencies;
- (b) the circumstances in which a radiocommunications device is exempt from a radio spectrum licence;
- (c) the process for submitting an application for a radio spectrum licence;
- (d) the criteria for who is eligible to submit an application;
- (e) application fees to be paid to the Regulator;
- (f) the rules about the use of radio frequency spectrum or particular parts of radio frequency spectrum, including any interference requirements;

- (g) the licence conditions and technical standards that apply to particular radio spectrum licences or particular devices;
  
- (h) the licence fees that are payable for radio spectrum licences;
  
- (i) the circumstances in which radio spectrum licences can be surrendered, suspended, revoked or amended; and
  
- (j) the processes for determining any disputes about radio frequency spectrum interference.

The Spectrum Rules itself can be accessed on the Department of Communications' website: [mca.gov.to](http://mca.gov.to)

and the Government's website or portal:

[www.gov.to](http://www.gov.to)

### **3.0. CONSULTATION**

Nevertheless, before the Regulator could formally adopt these Rules, the Regulator is mandatory required under s. 64(3)(Tariff Rules), s.70(6)(Numbering Rules), s.78(3)(Technical Rules), s.89(4)(Spectrum Rules) of the Act to carry out consultation with interested persons as it considers appropriate.

On that basis, the Regulator, hereby invites views from any interested persons (i.e. relevant stakeholders) on the abovementioned Rules.

Should you have views on any of the Rules, please, feel free to incorporate your views on the Rules (using the Microsoft word document provided which is) accessible from the abovementioned websites/portal and submit back to Calvy Aonima (on behalf of the Regulator) on email: [caonima@mic.gov.to](mailto:caonima@mic.gov.to) . You can also submit by hardcopy to the address provided below –

**Paula Ma'u**

**Chief Executive Officer**

**Ministry of Meteorology, Energy, Information, Disaster Management, Environment,  
Climate Change and Communications**

**Government of the Kingdom of Tonga**

**P.O. Box 1380**

**O.G. Sanft Building,**

**Nuku'alofa, Tonga**

This consultation phase will commence on the 29<sup>th</sup> August 2018 and will continue for a period not exceeding one (1) month (i.e. as it closes on

25

<sup>th</sup>

September 2018

) ('  
**consultation period**  
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We, look forward to receiving your views (if any). And we would also want to thank you in anticipation of your views, comments and feedbacks (if provided).

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