

EVALUATION CRITERIA FOR LICENCE

The following regulatory requirements must be observed and met when applying for any Licence in the Telecommunication, Broadcasting or Electricity Sector including Radio Spectrum.

1. Letter

All Licence applications must be addressed to the Regulator and in writing.

Application letter must be presented on **letterhead** of the principal applicant and **signed** by the principal applicant or authorised representative of the principal applicant. Letter must indicate what type of Licence required and identify service or nature of business (*Refer to Schedule 2-5*).

2. Application fee

A non-refundable application fee must be paid upon submission of application. The application will not be processed until application fee is paid. **Refer to Fees Regulations** of relevant Licence on our website www.regulator.gov.ws

3. Application

Applications will be evaluated based on three (3) criterias, and you are required to submit the following with the application letter:

3.1 Legal (5 points)

3.1.1 For Companies or Sole Trader Entity

- (i) Certified copy of *Certificate of Incorporation and Registration* in the Companies Register in Samoa (**for companies only**). More information on company registration in Samoa can be sourced from the Ministry of Commerce, Industry and Labour (“MCIL”) or from www.mcil.gov.ws.
- (ii) Certified copy of valid *Business Licence* – Business Licence must have the same business name or trade name as per application letter and must reflect relevant business activity. More information on Business Licence requirements in Samoa can be sourced from the Ministry of Customs and Revenue (“MCR”) or www.revenue.gov.ws

3.1.2 For Non-Commercial Entity

- (i) Certified *Copy of Certificate of Registration*
- (ii) Certified *Copy of the Constitution*

3.1.3 Entity Structure

- (i) Statement regarding entity structure, and management/ownership (inclusive of Certificate of Shareholders with corresponding shares);
- (ii) Brief statement regarding transfer of control as per the relevant provisions in the Acts (**applies to applications where there is intention to take over/buy out a company that is a dominant service provider (or an affiliate of a dominant service provider) in Samoa**).

Applications that do not satisfy the initial legal criteria will not be evaluated further.

3.2 Financial (55 points)

3.2.1 Source of fund

- (i) Amount and nature of financing that is either *debt, equity or grant* or a combination of 2 or more of the particulars in italic, in the immediate above. The Thresholds are available in the Schedule. *(Refer to schedule 6)*

3.2.2 Availability of funds

- (i) Guarantor of funds;
(ii) Nature, history, reliability and goodwill of institution providing funds;
(iii) Letter of comfort or letter of intent from individual or institution providing funds;
(iv) Audited financial statements of the guarantor and/or institution providing funds; and
(v) Going concern of guarantor and/or institution providing funds.

3.2.3 Going Concern/New Entrant

- (i) Business Plan outlining the following
(a) Pro forma financial statements and assumptions used;
(b) Market analysis and marketing plan;
(c) Projected market share and activity levels; and
(d) Going concern of applicant/new entity.
- (ii) Performance Indices as follows:
(a) Liquidity;
(b) Debt service ability; and
(c) Profitability
- (iii) Experience of Management
(a) Bio-data of key management personnel indicating experience in business.

3.3 Technical (40 points)

3.3.1 Availability and qualifications of technical staff; Capability statement of lead applicant and partners (e.g. Spectrum; RF engineer, Electricity; Mechanical/Electrical). Proof on Engineers Qualifications and Experience (Curriculum Vitae) should be presented;

3.3.2 Appropriateness of technology; Provide Feasibility Study Report:

- (i) A technical explanation of the technology use, including technical information for type approval of machines, transmitters, receivers, filters;
(ii) Draft Power Purchase Agreement must be provided (For Electricity Generation Licence application).

3.3.3 System design/strategy; tentative project layout map/plan. – Technical Plan including all Technical Specifications, Path profile, Network Technical Information and Coverage Proposal. Propose spectrum needed;

3.3.4 Development Consent; a Development Consent from the Planning and Urban Management Agency (“PUMA”) of the Ministry of Works Transport and Infrastructure (‘MWTI’) must accompany application. For more information on obtaining a Development Consent, visit www.mwti.gov.ws/puma

3.4 General

The Office of the Regulator (“OOTR”) reserves the right to request additional information to assist with the review and evaluation of a Licence application.

4. Assignment Weights for Scoring

Assigned Weight of Scoring are available in the Schedule. *(Refer to Schedule 1)*, and the following provides the minimum required score to obtain a Licence:

An applicant must obtain::

- A minimum overall score of 65;
- A minimum score of 35 of the points allocated to the financial criterion; and
- A minimum score of 25 of the points allocated to the technical criterion.

5. Review Timeframe

OOTR generally requires 21 days from the date of receipt of your application, to review and make a decision depending on completeness of the information submitted. Additional days may be required for the review process, should the Regulator require additional information for clarification or completeness of your application.

6. Decision

Upon approval, the Regulator will issue letter of approval in principle attaching an invoice. Upon receiving payment of required Licence fees, the applicable Licence will be issued in which terms and conditions will be outlined in detail.

If the application is unsuccessful the Regulator will inform the applicant by way of a written letter.

7. Delivery

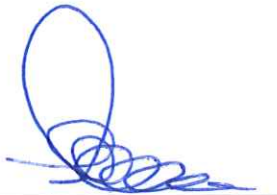
Your application may be hand delivered to our Office at Level 1 MKR Building, Savalalo or mailed to the following postal address:

Office of the Regulator
Private Bag
Apia Samoa

To facilitate review of your application, we recommend that you also send an electronic copy to any of the following email addresses: Regulator@regulator.gov.ws or admin@regulator.gov.ws

Questions or request for clarification may be made to our Office on telephone +685 30282 or the abovementioned email addresses.

EFFECTIVE: 1st August 2022



Lematua Gisa Fuatai Purcell
REGULATOR

Schedule 1 Assigned Weights for Scoring

Criteria	Assigned Weight
3.1 Legal	5
3.2 Financial	55
3.2.1 Sources of Funds	10
3.2.2 Availability of Funds	15
3.2.3 Going Concern / New Entrant	
(i) Business Plan	10
(ii) Performance Indices	
(a) Liquidity	5
(b) Debt Service ability	5
(c) Profitability	5
(iii) Experience of Management	5
3.3 Technical	40
3.3.1 Availability and Qualifications of Technical Staff	20
3.3.2 Appropriateness of Technology	10
3.3.3 System Design / Strategy	10
Total	100
Pass Mark	65

Schedule 2 Broadcasting Licence

2.1 Individual Licence

Schedule 3 Electricity Licence

3.1 Generation Licence
3.2 Electricity Network Services Licence

Schedule 4 Telecommunications Licence

4.1 Individual Licence

Schedule 5 Radio Spectrum Licence

<i>Basic Services</i>
Amateur licence
Aeronautical base station
Aeronautical mobile
Marine Cost Base Station
Marine Ship Station single radio
Marine Ship Station two radios
Marine Ship Station > two radios
Broadcast Radio - AM
Broadcast Radio - FM
Broadcast TV
Land Mobile Repeater System
Land Mobile Simplex Frequency Systems
Land Mobile Duplex Frequency Systems
Portable Handheld units without base or repeater station
<i>Fixed Link Services</i>
<i>Miscellaneous Services</i>

Schedule 6 Equity Thresholds

Source of Funding	Equity threshold	Forecasted Revenue
Combined source of funding – Debt + Equity	Equity = \$100,000minimum	Less than \$100,000
Combined source of funding – Debt + Equity	Equity = \$150,000minimum	More than \$100,000
Combined source of funding – Grant + Equity	Equity = \$100,000minimum	Less than \$100,000
Combined source of funding – Grant + Equity	Equity = \$150,000minimum	More than \$100,000
Single Source of funding – Equity	Equity = \$150,000minimum	Less than \$100,000
Single Source of funding – Equity	Equity = \$200,000minimum	More than \$100,000
*Single Source of funding – Equity	Equity = \$5,000minimum	Less than \$5,000
*Single Source of funding – Equity	Equity = \$25,000minimum	More than \$50,000

**applicable only to Land Mobile basic services for Radio Spectrum License.*