



EVALUATION CRITERIA FOR LICENCES

The following regulatory requirements must be observed and met when applying for any of the following services in the Telecommunication, Broadcasting or Electricity Sector:

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 Schedules).

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 service on our website www.regulator.gov.ws

3. Application

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

1. Legal (5 points)

➤ For Companies or Sole Traders

- (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 for Revenue ("MfR") or www.revenue.gov.ws

➤ For Non-Commercial Entities

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

➤ General

- (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 (*if applicable*), (applies to applications where there is intention to take over/buy out a company who 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.

2. *Financial (55 points)*

You are required to provide information on the following:

- i. Sources of funds
 - (a) Amount and nature of financing. That is debt, equity, grant, debt + equity or grant + equity. (*refer to **schedule 5** below for thresholds of equity funding*)
- ii. Availability of funds
 - (a) Guarantor of funds;
 - (b) Nature, history, reliability and goodwill of institution providing funds
 - (c) Letter of comfort or letter of intent from individual or institution providing funds
 - (d) Audited financial statements of the guarantor and/or institution providing funds;
 - (e) Going concern of guarantor and/or institution providing funds
- iii. New Business Entity
 - (a) A Business Plan outlining the following
 - Pro forma financial statements and assumptions used
 - Market analysis and marketing plan
 - Projected market share and activity levels
 - Going concern of applicant/new entity
 - (b) Performance Indices as follows
 - Liquidity
 - Debt service ability
 - Profitability
- iv. Experience of Management
 - (a) Bio-data of key management personnel indicating experience in business

3. *Technical (40 points)*

- (i) Engineering experience; Provide Curriculum Vitae (CVs) of of key team members
- (ii) 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 should be presented.
- (iii) Appropriateness of technology; Provide Feasibility Study Report. A technical explanation of the technology use, including technical information for type approval of machines, transmitters, receivers, filters. For electricity generation licence application, a Draft Power Purchase Agreement must be provided
- (iv) 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.
- (v) Development Consent; You are required to submit with your application, a Development Consent from the Planning and Urban Management Agency ('PUMA') of the Ministry of Natural Resources and Environment ('MNRE'). The Development Consent assures safeguarding the environment from any harmful effects that may result from your project. For more information on obtaining a Development Consent, visit www.mnre.gov.ws/puma

The successful applicant must obtain:

- **A minimum overall score of 65% AND**
- **A minimum of 50% of the points allocated to the financial criterion**

Assigned Weights for Scoring

Criteria	Assigned Weight
Legal	5
Financial	55
(i) Sources of Funds	10
(ii) Availability of Funds	15
(iii) Going Concern / New Entrant	
(a) Business Plan	10
(b) Performance Indices	
▪ Liquidity	5
▪ Debt Service ability	5
▪ Profitability	5
(iv) Experience of Management	5
Technical	40
(i) Engineering Experience	5
(ii) Availability and Qualifications of Technical Staff	10
(iii) Appropriateness of Technology	10
(iv) System Design / Strategy	10
(v) Development Consent	5
Total	100
Pass Mark	65

4. Delivery

Your application may be hand delivered to our Office at Mulinu'u 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: unutoa.fonoti@regulator.gov.ws or admin@regulator.gov.ws

5. Review Timeframe

The Office of the Regulator 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 and/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 fees, the applicable licence will be issued in which terms and conditions will be outlined in detail.

Should you have any additional questions or require further clarification on the above, please contact our Office on telephone +685 30282.



Lefaoali'i Unutoa Auelua Fonoti
REGULATOR

Schedule 1 Radio Spectrum Licence

<i>Basic Services</i>	<i>Fixed Services</i>
Amateur licence	HF/VHF/UHF Fixed Link
Aeronautical base station	960MHz to 2.69GHz
Aeronautical mobile	2.69GHz to 8.5GHz
Marine Cost Base Station	8.5GHz to 15.5GHz
Marine Ship Station single radio	>15.5GHz
Marine Ship Station two radios	
Marine Ship Station > two radios	
Broadcast Radio – AM	<i>Miscellaneous Services</i>
Broadcast Radio – FM	Satellite Services
Broadcast TV	Occasional TV Broadcast
Land Mobile Repeater System	Mobile Services (2G/3G/LTE-4G)
Land Mobile single Frequency Systems	Temporary MF/HF Services
Land Mobile or handheld units without base or repeater station	

Schedule 2 Telecommunications Licence

Schedule 3 Broadcasting Licence

Schedule 4 Electricity Licence

Generation Licence
Electricity Network Services Licence

Schedule 5 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 = \$10,000minimum	Less than \$50,000
*Single Source of funding – Equity	Equity = \$25,000minimum	More than \$50,000

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

Effective; 12th March 2019