



REPUBLIC OF PALAU
MINISTRY OF PUBLIC INFRASTRUCTURE, INDUSTRIES AND COMMERCE
BUREAU OF COMMUNICATIONS

Radio Frequency Licensing Rules

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Radio Frequency Licensing Rules

Chapter I. Preliminary

§1. Authority

These rules are promulgated by the Bureau pursuant to the powers granted by §405 of the Act.

§2. Title

These rules shall be cited as the “Radio Frequency Licensing Rules, 2021.”

§3. Objectives

The objectives of these rules are to:

- (a) ensure a simplified, transparent, and non-discriminatory radio frequency spectrum management framework;
- (b) establish an objective and streamlined approach to the licensing of radio frequency spectrum in Palau;
- (c) promote efficient use of the radio frequency spectrum;
- (d) avoid harmful interference among users of radio frequency spectrum;
- (e) promote health and safety by limiting human exposure to radio frequency (non-ionizing radiation) emissions;
- (f) encourage innovation and technology upgrades to facilitate provision of advanced telecommunications services to the people of Palau; and
- (g) ensure spectrum allocation and assignment are in line with international agreements and standards.

§4. Applicability

These rules apply to:

- (a) any person requiring a radio frequency license for the provision of telecommunications services in Palau.
- (b) the holder of the consolidated individual license assigned in accordance with §43.

§5. Definitions

- (a) Any word, phrase or expression used in these rules shall, unless the context requires otherwise or it is expressly defined in these rules, have the same meaning as it has in the Act.
- (b) Headings and titles used in these rules are for reference only and shall not affect the interpretation or construction of these rules.
- (c) References to a word or phrase in the singular encompass references to words or phrases in the plural, and vice versa.
- (d) The terms listed below shall have the following meanings:
 - (1) “Act” means the Palau National Telecommunications Act of 2017 codified in Title 15 of the Palau National Code, as may be amended from time to time;

- (2) “Allocation” means an entry in the Frequency Allocation Plan of a given radio frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services or the radio astronomy service under specified conditions;
- (3) “Bureau” means the Bureau of Communications established under Title 2 of the Palau National Code, or its successors;
- (4) “Customer” or “end user” means a person who contracts for telecommunications services, as or on behalf of a user of telecommunication services;
- (5) “Days” means calendar days;
- (6) “Equipment” means any appliance, apparatus, device, or accessory used or intended to be used for telecommunications purposes;
- (7) “FCC” means the Federal Communications Commission of the United States of America;
- (8) “Frequency Allocation Plan” means a table issued by the Bureau in accordance with international law specifying, among other matters, the allocation of radio frequency spectrum bands in Palau.
- (9) “Harmful interference” means radio interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs, or repeatedly interrupts a radio communication service operating in accordance with the Act and applicable rules and regulations;
- (10) “Individual consolidated license” means a license granted to PNCC in accordance with §705 of the Act;
- (11) “Interference” means the effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy;
- (12) “ITU” means the International Telecommunication Union;
- (13) “License” or “radio frequency license” means a spectrum license or a station license;
- (14) “Licensee” means a person who holds a radio frequency license;
- (15) “Operating license” means either an individual license or a class license granted in accordance with the Telecommunications Licensing Rules, 2021, and its amendments;
- (16) “Palau” means the Republic of Palau;
- (17) “Person” means any natural person or other nongovernmental entity, however organized;
- (18) “PNCC” means the Palau National Communications Corporation;
- (19) “Station license” means a radio frequency license granted in accordance with §13. (2) and Schedule 2 of these rules;
- (20) “Radio apparatus” or “station” means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service;
- (21) “Radio frequency spectrum” means those radio frequencies comprising channels for specific radio transmission technologies usable in Palau;

- (22) “Radio communication” means the transmission of messages by radio signals of all kinds between two or more points;
- (23) “Spectrum license” means a radio frequency license granted in accordance with §13. (1) and Schedule 1 of these rules;
- (24) “Telecommunications” means the conveyance from one device to another of any message by means of any wire, radio, optical, electric, magnetic, electromagnetic, or similar system;
- (25) “Telecommunications network” means a system that uses electricity or electromagnetic energy for providing telecommunications services between network termination points; and
- (26) “Telecommunications service” means a service for the transmission or transport of messages by means of a telecommunications network.

Chapter II. Spectrum management functions of the Bureau

§6. Spectrum management powers

- (a) In accordance with §404(a) of the Act and subject to the exclusions set forth in §102 of the Act, the Bureau shall have sole responsibility in licensing the use and allocating and assigning the radio frequency spectrum for the provision of telecommunications services in Palau.
- (b) The Bureau may conduct periodic reviews to assess radio frequency spectrum needs and the potential availability of additional radio frequency spectrum bands for future use.
- (c) The Bureau may reallocate radio frequency spectrum to foster the introduction of new technologies and services in a manner consistent with the Act and these rules.

§7. General spectrum management principles

The Bureau shall ensure that:

- (a) national spectrum allocations are harmonized, to the greatest extent possible, with both regional and international allocations;
- (b) radio frequency spectrum is managed in an efficient, open, non-discriminatory, competitively neutral, objective, and transparent manner; and
- (c) radio frequency spectrum is made available to promote the introduction of new technologies and services.

§8. Frequency Allocation Plan

- (a) The Bureau shall issue and update from time to time a publicly available Frequency Allocation Plan consistent with §503 of the Act.
- (b) The Frequency Allocation Plan shall provide:
 - (1) the ITU allocations for each spectrum band;
 - (2) the national allocations for each spectrum band;
 - (3) national and international footnotes; and
 - (4) such other matters as deemed relevant by the Bureau.

§9. Aggregation limits for radio frequency spectrum

- (a) The Bureau may set aggregation limits on the amount of radio frequency spectrum that may be assigned or held by a licensee, its parent corporation, or other entities within its corporate group.
- (b) A determination establishing aggregation limits set pursuant to subsection (a) may:
 - (1) apply on a permanent basis until amended by the Bureau from time to time;
 - (2) apply for a specific assignment process;
 - (3) be established as a specific amount of radio frequency spectrum or percentage of available radio spectrum frequency in the bands covered;
 - (4) apply to one or more radio spectrum frequency bands.
- (c) Aggregation limits implemented in accordance with this section shall:
 - (1) promote competition and innovation in a market; and
 - (2) avoid undue concentration of radio frequency spectrum resources by a licensee, its parent corporation, or other entities within its corporate group.

§10. Frequency assignment register

- (a) The Bureau shall establish and maintain a publicly available frequency assignment register showing all existing radio frequency licenses assigned under these rules.
- (b) This frequency assignment register shall be made available on the Bureau’s website and shall contain:
 - (1) the licensee’s name, address, telephone number, fax number (if any), and website (if any);
 - (2) the type of radio frequency license held;
 - (3) spectrum blocks or particular frequencies authorized under the license (as applicable);
 - (4) geographic coverage of the license (as applicable); and
 - (5) license effective and expiration dates.
- (c) In the case of radio frequency licenses granted to natural persons, the Bureau may choose to withhold publication of personal information in the register referred to in this section.

§11. No ownership interests

A radio frequency license does not grant the licensee any ownership rights in the authorized radio spectrum frequencies, and no such rights shall be created or implied by virtue of the licensee’s use of its authorized radio spectrum frequencies.

Chapter III. Types of Radio Frequency Licenses

§12. License required

Subject to the exemptions provided in §14. , no person shall:

- (a) use specific radio frequency spectrum blocks or particular frequencies; or
- (b) install, establish or use any radio apparatus,

within Palau or on board any local vessel, aircraft or vehicle operated in Palau without first being issued a radio frequency license in accordance with the Act and these rules.

§13. Types of radio frequency licenses granted under these rules

- (a) The Bureau may issue two types of radio frequency licenses for the use of the radio frequency spectrum in accordance with the Act:
 - (1) spectrum licenses authorizing licensees to use specific radio frequency spectrum blocks or particular frequencies and which shall be of the types set forth in Schedule 1; and
 - (2) station licenses authorizing licensees to install, establish and use the radio apparatus and use radio frequency spectrum and which shall be of the types set forth in Schedule 2.
- (b) Notwithstanding the generality of subsection (a), radio frequency spectrum will be assigned under an individual consolidated license issued in accordance with §43. (a).

§14. Use of license-exempt spectrum

- (a) A radio apparatus may be installed, established, or used without the need to obtain a license under these rules if the radio apparatus is operating in accordance with Part 15 of the FCC rules (47 CFR 15).
- (b) Notwithstanding the generality of subsection (a), radio apparatus may not operate under this section in the following frequency ranges:
 - (1) 902-915 MHz and 925-928 MHz; and
 - (2) 1920-1930 MHz.
- (c) The Bureau may identify additional license-exempt radio spectrum frequency bands consistent with international recommendations by determination.
- (d) The provisions of §32. apply to the radio apparatus authorized under this section.
- (e) Radio apparatus operating in accordance with this section shall:
 - (1) not cause harmful interference to licensees; and
 - (2) accept interference from licensees, as well as from other license-exempt radio apparatus.
- (f) The Bureau may adopt technical rules from time to time to address power levels, operating characteristics and limitations, out-of-band emission criteria, and other technical conditions applicable to radio apparatus operating in accordance with this section.

Chapter IV. Assignment of Radio Frequency Licenses

§15. Licensing procedures for assignment of radio frequency licenses

- (a) The Bureau shall assign radio frequency licenses using one of the following approaches:
 - (1) first-come, first-served;
 - (2) request for applications published by the Bureau; or
 - (3) competitive tender.
- (b) The Bureau shall assign:
 - (1) station licenses on a first-come, first served basis; and

- (2) spectrum licenses using any of the methods identified in subsection (a) subject to the requirements of the Act and Schedule 1 of these rules.
- (c) Notwithstanding the generality of subsection (b)(1) and the provisions of Schedule 2, the Bureau may decide to publish a request for application for station licenses provided the requirements of §17. (a) are met.

§16. First come, first-served assignments

- (a) Any person (the applicant) may request a radio frequency license on a first-come, first-served basis by submitting the prescribed application form to the Bureau.
- (b) Applications filed in accordance with subsection (a) shall be reviewed under this section provided the radio frequency license requested is not subject to assignment in accordance with §17. .
- (c) Unless additional information is required or the application is denied, the Bureau shall issue the radio frequency license within thirty (30) days upon receiving:
 - (1) an accurate and complete application form demonstrating that the applicant meets all eligibility criteria; and
 - (2) the relevant application fee set forth in the Fee Regulation for the Telecommunications Sector, 2021, and its amendments.
- (d) If the application is not complete, or if the Bureau has reason to believe that the information provided in the application is not accurate, the Bureau shall provide written notice to the applicant:
 - (1) stating any deficiencies in the application;
 - (2) requiring further information to process that application; or
 - (3) denying the application.
- (e) The applicant may amend its application to correct any issues identified by the Bureau in subsection (d) and resubmit it within thirty (30) days and the Bureau shall review the amended application in accordance with subsection (c).
- (f) The process described in subsection (c) shall only apply if the applicant:
 - (1) does not require an operating license to offer the telecommunications network or telecommunications service associated to the radio frequency license; or
 - (2) holds the applicable operating license authorizing the relevant activities required to offer the telecommunications network or telecommunications service associated to the radio frequency license at the time of application.
- (g) If subsection (f)(2) does not apply to the applicant, that applicant shall:
 - (1) simultaneously apply for an individual license and a radio frequency license in accordance with §403(c) of the Act; or
 - (2) simultaneously apply for a radio frequency license and file a notification to provide additional specified telecommunications networks and telecommunications services under §29 of the Telecommunications Licensing Rules, 2021, and its amendments.
- (h) The Bureau shall review the simultaneous application filed pursuant to subsection (g) in accordance with §14 of the Telecommunications Licensing Rules, 2021, and its amendments.

§17. Request for applications published by the Bureau

- (a) The Bureau may publish from time to time a request for applications for radio frequency licenses for such blocks or bands of the radio frequency spectrum as the Bureau determines:
 - (1) have, or may have, significant economic value; and
 - (2) are to be assigned on an exclusive use basis.
- (b) The Bureau may from time to time publish a list of blocks or bands of the radio frequency spectrum that may only be assigned following a request for application.
- (c) The request for applications referred to in subsection (a) shall:
 - (1) be published on the Bureau’s website and, as applicable, in such other manner as the Bureau may deem appropriate;
 - (2) identify the blocks or bands of available radio frequency spectrum for assignment and their expected use;
 - (3) set forth the applicable eligibility requirements to obtain a radio frequency license;
 - (4) establish aggregation limits in accordance with §9. , as applicable;
 - (5) specify, where applicable, the number of radio frequency licenses to be assigned;
 - (6) establish the timeframe to present applications which shall be at least thirty (30) days after publication, and may be extended by the Bureau if circumstances so require;
 - (7) reference the application and annual fees attached to the radio frequency license;
 - (8) provide a draft of the radio frequency license to be assigned; and
 - (9) address such other matters as the Bureau may deem appropriate.
- (d) Where the Bureau determines, following a request for applications published in accordance with subsection (a), that applications received for radio frequency licenses:
 - (1) exceed available radio frequency spectrum for assignment, the Bureau shall within sixty days (60) initiate a competitive tender in accordance with **Error! Reference source not found.** to assign the radio frequency licenses subject to the request for application; or
 - (2) do not exceed available radio frequency spectrum for assignment, the Bureau shall process applications received and assign radio frequency licenses in accordance with §16.

§18. Competitive tenders

- (a) The Bureau shall use competitive tenders in circumstances where applications for radio frequency licenses exceed the available radio frequency spectrum for assignment in a block or band.
- (b) The competitive tender document issued by the Bureau shall establish the process for assignment of the spectrum under this section, including:
 - (1) identification of the blocks or bands of available radio frequency spectrum for assignment and their expected use;
 - (2) eligibility and pre-qualification requirements;
 - (3) application fees;

- (4) selection criteria;
 - (5) obligations and technical conditions that may be imposed on the licensee;
 - (6) timeframes for implementation of the process; and
 - (7) such other matters as the Bureau may deem appropriate.
- (c) The Bureau shall implement fair and transparent selection criteria to assign radio frequency licenses, which may include:
- (1) price offered in the form of spectrum fees for the assignment of the radio frequency license;
 - (2) compliance with obligations set forth in the tender document;
 - (3) schedule for deployment and use of the radio frequency license;
 - (4) a combination of the criteria set forth in subsections (c)(1), (c)(2) and (c)(3); or
 - (5) such other objective criteria established by the Bureau in the tender document.
- (d) Radio frequency license fees paid as a result of a competitive tender process shall be paid into the Universal Access Revolving Fund, after deduction of any costs reasonably incurred by the Bureau in relation to the tender process.

§19. Eligibility criteria for spectrum licenses

- (a) In addition to any specific eligibility criteria established in Schedule 1, the following general eligibility criteria shall be met to obtain a spectrum license:
- (1) the applicant is duly authorized to conduct commercial activity in Palau, including any registration with the Foreign Investment Board, the Bureau of Revenue and Taxation, the Registrar of Corporations, and other agencies, as may be relevant;
 - (2) if the applicant, its parent corporation or other entities within its corporate group, holds or has held a license issued by the Bureau:
 - (A) there are no outstanding fees, fines, or other charges to be paid; and
 - (B) such license has not been revoked by the Bureau within the last three (3) years;
 - (3) the applicant, its parent corporation or other entities within its corporate group, possesses the financial and technical capabilities to carry out the planned telecommunications network and telecommunications service; and
 - (4) the applicant and its planned telecommunications network and telecommunications service are not likely to negatively impact competition in the Palauan telecommunications market.
- (b) The Bureau may adopt additional or different eligibility criteria for spectrum licenses in:
- (1) the request for applications published by the Bureau pursuant to §17. ; or
 - (2) the competitive tender document published by the Bureau pursuant to **Error! Reference source not found.**

§20. Eligibility criteria for station licenses

In addition to any specific eligibility criteria established in Schedule 2, the following general eligibility criteria shall be met to obtain a station license:

- (a) the applicant is:
 - (1) a natural person; or
 - (2) a legal entity duly authorized to conduct commercial activity in Palau, including any registration with the Foreign Investment Board, the Bureau of Revenue and Taxation, the Registrar of Corporations, and other agencies, as may be relevant;
- (b) if the applicant, its parent corporation or other entities within its corporate group, holds or has held a license issued by the Bureau:
 - (1) there are no outstanding fees, fines, or other charges to be paid; and
 - (2) such license has not been terminated by the Bureau within the last three (3) years;
- (c) the applicant, its parent corporation or other entities within its corporate group, possesses the financial and technical capabilities to carry out the planned telecommunications network and telecommunications service.

Chapter V. General Terms and Conditions for Radio Frequency Licenses

§21. Uniform terms and conditions of radio frequency licenses

- (a) Radio frequency licenses shall be standardized and made publicly available on the Bureau's website.
- (b) The terms and conditions of the radio frequency licenses shall be uniform for all similarly situated licensees, unless:
 - (1) differences are objectively justified based on different circumstances between licensees; and
 - (2) the Bureau has adequately assessed such objective justifications in a written notice to the affected licensee.
- (c) Radio frequency licenses shall be technology and service-neutral as much as practicable in accordance with the provisions of these rules.

§22. Spectrum license duration

- (a) Spectrum licenses may be assigned for up to twenty (20) years, subject to the conditions set forth in Schedule 1.
- (b) Station licenses may be assigned for up to ten (10) years, subject to the conditions set forth in Schedule 2.

§23. Radio frequency license expiration

The radio frequency license of a person who does not obtain a renewal in accordance with §24. **Error! Reference source not found.** shall be considered to have expired on the date of expiration identified in such license.

§24. Radio frequency license renewal

- (a) A licensee may request a renewal of its radio frequency license by submitting a written request to the Bureau.
- (b) A renewal request for a spectrum license shall be submitted no more than twenty-four (24) months and no less than twelve (12) months prior to the license expiration date.

- (c) A renewal request for a station license shall be submitted no less than six (6) months prior to the license expiration date, except for temporary licenses for which the request shall be filed fifteen (15) days prior to the license expiration date.
- (d) Upon receiving a renewal request, the Bureau shall review the request and renew the license within sixty (60) days, provided that the licensee has substantially complied with:
 - (1) the Act and all amending legislation;
 - (2) all applicable laws, regulations, rules, and other decisions issued by the Bureau; and
 - (3) the terms, conditions, and obligations under the relevant radio frequency license.
- (e) The Bureau may extend the timeframe for review set forth in subsection (c) up to ninety (90) additional days with written notice to the applicant explaining the reasons for the extension.
- (f) In the case of temporary licenses, the review period provided in subsection (d) shall be ten (10) days.
- (g) The Bureau may at its discretion waive any failure to comply with the timeframes in subsection (b).
- (h) The Bureau shall renew the radio frequency licenses on the same or substantially similar terms and conditions, and for the same duration, as the initial radio frequency license unless the Bureau considers any variations are objectively justified and provides such justification in a written notice to the licensee.
- (i) The Bureau shall collect a renewal fee in accordance with the Fee Regulation for the Telecommunications Sector, 2021, and its subsequent amendments.
- (j) Renewal fees for radio frequency licenses levied in accordance with this section shall be separate from any renewal fees for an operating license associated with such radio frequency licenses.

§25. Refusal to renew a radio frequency license

Where the Bureau refuses to grant a request to renew a radio frequency license, the Bureau shall provide written notice to the licensee. Such notice shall:

- (a) state the reasons for refusal to renew the radio frequency license, which may be based on:
 - (1) serious failure to comply with any of the obligations of a licensee specified in the Act or any applicable laws, regulations, rules, or other decisions issued by the Bureau;
 - (2) serious failure to comply with any term, condition, or obligation contained in the radio frequency license; or
 - (3) conduct that the Bureau determines to be anticompetitive;
 - (4) fostering development or the introduction of new technologies;
 - (5) promoting efficient use of spectrum resources; or
 - (6) conforming to the terms and conditions of the associated operating license, including any modifications thereto; and
- (b) provide the licensee a reasonable opportunity to remedy any defect identified by the Bureau and resubmit the renewal request.

§26. Transfer, assignment, or sub-license of radio frequency license

- (a) Prior to transferring, assigning, or sub-licensing a radio frequency license, a licensee (applicant) must apply in writing to the Bureau and obtain the Bureau’s written approval.
- (b) The Bureau shall review the request for transfer, assignment, or sub-license and provide a written decision to the applicant within ninety (90) days of receiving the application.
- (c) The Bureau may extend the timeframe for review set forth in subsection (b) for up to ninety (90) additional days with written notice to the applicant explaining the reasons for the extension.
- (d) Where the Bureau refuses to grant a request to transfer, assign, or sub-license a license, the Bureau shall provide written notice to the applicant explaining the reasons for refusal.
- (e) The Bureau shall not unreasonably withhold approval of the transfer, assignment, or sub-license.

§27. Radio frequency license variation

- (a) The Bureau may, on its own initiative or upon request by a person, vary the terms and conditions, including specific radio spectrum frequency blocks or frequencies authorized, of a license granted under these rules.
- (b) The Bureau may vary the terms and conditions of a radio frequency license if, following a consultation process under §305 of the Act, it concludes that a variation is necessary to:
 - (1) bring the terms and conditions of the license into conformity with:
 - (A) international obligations of Palau; or
 - (B) any applicable legislation, rules, regulations, including changes in spectrum plans;
 - (2) foster development or the introduction of new technologies;
 - (3) promote efficient use of spectrum resources; or
 - (4) conform to the terms and conditions of the associated operating license, including any modifications thereto.
- (c) Any variation shall be based upon reasonable grounds, aimed at promoting specified policy objectives consistent with the Act, subject to principles of non-discrimination and fairness.

§28. Radio frequency license suspension or revocation

The Bureau may suspend or revoke a radio frequency license in accordance with §406(c) of the Act.

§29. Radio frequency license surrender

- (a) A licensee that intends to surrender a spectrum license shall provide written notice to the Bureau at least sixty (60) days prior to the planned surrender date.
- (b) A licensee that intends to surrender a station license shall provide written notice to the Bureau at least thirty (30) days prior to the planned surrender date.

§30. Effects of expiration, revocation, or surrender of a radio frequency license

- (a) No later than sixty (60) days prior to the expiration, revocation, or surrender of a radio frequency license, the licensee shall wind down activities authorized by the radio frequency license and make

reasonable efforts to transition affected consumers to alternative providers of telecommunications services.

- (b) The Bureau may on its own motion, or upon a written request by a person, extend the timeframe in subsection (a) where the Bureau is satisfied that such extension is necessary to protect customers or is otherwise in the public interest.

§31. Payment of fees

- (a) A radio frequency licensee shall pay the annual license fee and other fees due to the Bureau in the manner established in the Fee Regulation for the Telecommunications Sector, 2021, and its amendments.
- (b) Notwithstanding the Bureau's ability to recover fees owed to it in accordance with §304(c) of the Act, if the licensee willfully or repeatedly fails to pay the annual license fee (or make other payments) due to the Bureau within thirty (30) days of the date on which the payment is due, the Bureau may initiate an action pursuant to §406 of the Act.

§32. Compliance with technical standards

- (a) Licensees shall comply with any technical standards applicable to radio apparatus that the licensee deploys, uses, sells, leases or distributes, as determined by the Bureau.
- (b) In any case in which the Bureau does not require the use of a particular technical standard, the licensee may deploy, use, sell, lease or distribute radio apparatus if that radio apparatus complies with the Telecommunications Equipment Regulation, 2021, and its amendments.

§33. Efficient use of the radio frequency spectrum

- (a) The licensee shall cooperate fully with the Bureau in identifying whether and to what extent the assigned radio frequency spectrum is being used efficiently and whether the licensee has a reasonable need for all or a portion of the assigned frequencies.
- (b) A licensee shall promptly notify the Bureau if it no longer requires the use of any or all of its assigned radio frequency spectrum.
- (c) If the Bureau determines that:
 - (1) radio frequencies are being used inefficiently; or
 - (2) the licensee does not have a need for all its assigned frequencies,the Bureau may initiate an action to reclaim those frequencies and may reassign them to another person.

§34. Prevention of interference

- (a) Licensees shall comply with existing and future international coordination requirements and procedures, as appropriate, including the relevant Radio Regulations issued by the ITU.
- (b) Licensees shall coordinate, when necessary, with other radio frequency licensees in Palau to avoid harmful interference.
- (c) In the event of a disagreement between or among licensees regarding the prevention or causation of harmful interference, the affected licensees shall be responsible for resolving such disputes

expeditiously and, if such efforts are unsuccessful, one or more of the licensees involved may request the Bureau to resolve the dispute, which shall do so within sixty (60) days.

- (d) The Bureau shall work to minimize cross-border harmful interference, where warranted, and licensees shall cooperate with the Bureau to resolve cases of cross-border harmful interference.
- (e) The Bureau may establish synchronization and other requirements as part of the terms and conditions of a radio frequency license to avoid or minimize harmful interference

§35. Rules on harmful interference

The following rules apply to assess harmful interference:

- (a) stations of a primary service are entitled to protection from:
 - (1) harmful interference caused by any other station of a secondary service assigned a radio frequency ; and
 - (2) claims of harmful interference by any station of secondary service.
- (b) station of a secondary service:
 - (1) shall not cause harmful interference to stations of primary service to which frequencies are already assigned or may be assigned at a later date;
 - (2) cannot claim protection from harmful interference from stations of primary service to which frequencies are already assigned or may be assigned at a later date;
 - (3) can claim protection from harmful interference from stations of the same or other secondary service to which frequencies may be assigned at a later date.
- (c) for this section, where in a box of the Frequency Allocation Plan, a band is allocated to one or more radiocommunications services, such services will be:
 - (1) a “primary service” if the service name is printed in capital letters (for example, FIXED);
 - (2) a “secondary service” if the service name is printed in normal characters (for example, Mobile).

§36. Proper functioning of telecommunications networks and telecommunications services

The licensee shall take all necessary measures to maintain, to the greatest extent possible:

- (a) the proper and effective functioning of the telecommunications networks and telecommunications services provided by it at all times, and
- (b) in the event of major outages, or in cases of force majeure, the fullest possible availability of the telecommunications networks and telecommunications services that it provides.

§37. Radio frequency emissions standards

Licensees shall take appropriate measures to limit human (worker and end user) exposure to radio frequency (non-ionizing radiation) emissions from radio apparatus by installing, managing and operating the radio apparatus in its telecommunications network based on the technical standards, limits and procedures described by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), “Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic, and Electromagnetic Fields (up to 300 GHz), published in Health Physics 74 (4): 494-522; 1998 (and any subsequent updates).

§38. Coverage obligations

- (a) The Bureau may establish coverage obligations as part of the terms and conditions of a radio frequency license.
- (b) Coverage obligations established in accordance with subsection (a) may be defined on the basis of one or more of the following:
 - (1) a percentage of population that shall be served;
 - (2) a geographic area, including roads, public buildings, and other strategic facilities defined by the Bureau, in which service must be available; or
 - (3) within a specified timeframe.
- (c) The Bureau shall define the technical standards in relation to signal strength, throughput or other conditions that must be met by the licensee to verify that the coverage obligation imposed has been met.
- (d) Coverage obligations, if any, shall be imposed on a non-discriminatory manner.

Chapter VI. Monitoring and Enforcement

§39. Provision of information

- (a) The Bureau may establish additional notification and provision of information requirements, including regular reporting obligations, provided that such requirements are necessary and desirable for the purpose of the Bureau carrying out its functions or exercising its powers under the Act.
- (b) Pursuant to §448 of the Act, a licensee shall provide information or documents or give evidence to the Bureau upon written notice and within the time and manner specified in the notice.

§40. Permission to inspect

A licensee's premises are subject to entry or inspection in accordance with §446 of the Act.

§41. Notice of contravention

- (a) Notwithstanding the provisions of §416 of the Act, where the Bureau has a legitimate reason to believe that the licensee has committed or is committing an offense in accordance with §450 of the Act, the Bureau may initiate an investigation into any alleged contravention, pursuant to its functions and powers under §302(a)(1) and §302(a)(22) of the Act.
- (b) Prior to taking enforcement action, the Bureau shall provide the licensee with a written notice of the alleged contravention that specifies:
 - (1) the conduct and specific obligations that the Bureau deems to be in contravention;
 - (2) a description of the Bureau's factual and legal conclusions;
 - (3) the actions that the licensee shall take to remedy the alleged contravention; and
 - (4) the timeframe in which the licensee shall comply with the alleged contravention notice.
- (c) The licensee shall be granted a reasonable opportunity to respond to the Bureau's notice issued in accordance with subsection (b), including correcting the alleged contravention.

- (d) If a licensee does not comply with the notice served under subsection (b), the Bureau may refer the alleged contravention to the Attorney General for prosecution in accordance with §454 of the Act.

Chapter VII. Emergency Telecommunications

§42. Telecommunications under emergency conditions

- (a) Emergency conditions for the purpose of this section are deemed to exist when:
 - (1) telecommunications networks and telecommunications services are disrupted as a result of typhoon, flood, earthquake or other natural disaster and, as a result, the National Emergency Management Office (NEMO), or its successors, shall have declared that a state of emergency exists.
 - (2) a vessel or aircraft is in distress;
 - (3) the safety of life or property is in imminent danger.
- (b) The licensee, during emergency conditions as defined in subsection (a), may utilize radio stations for emergency telecommunication service in communicating in a manner other than that authorized in the license or by these rules, provided that:
 - (1) the procedures for operations under emergency conditions shall be carried out as outlined in appropriate regulations or as directed by the Bureau.
 - (2) the emergency telecommunications service may at any time be discontinued on the order of the Bureau.
 - (3) as soon as possible after the beginning of such emergency use, notice shall be sent to the Bureau stating the nature of the emergency and the emergency use being made of the station;
 - (4) such emergency use of the station shall be discontinued as soon as substantially normal telecommunications networks and telecommunications services are again available; and
 - (5) the Bureau is notified immediately when such special use of the station is terminated.

Chapter VIII. Transition Provisions

§43. Transition provisions for licensing radio frequencies to PNCC

- (a) The Bureau shall issue PNCC an individual consolidated license in accordance with §705 of the Act and Chapter IX of the Telecommunications Licensing Rules, 2021, and its amendments.
- (b) The individual consolidated license shall specify the radio frequency spectrum assigned to PNCC at the time that the Act entered into effect, and shall be subject to the provisions of these rules.
- (c) For purposes of subsection (a), §19. (a)(1) shall not apply to PNCCC.
- (d) PNCC shall be subject to annual fees and other fees as determined by the Bureau, but shall not be subject to an application fee for the individual consolidated license in accordance with subsection (a).
- (e) PNCC may be assigned additional rights to use radio frequency spectrum not covered in the individual consolidated license by applying for and obtaining separate radio frequency licenses in accordance with the Act and these rules.

§44. Transition provisions for persons subject to §401(b) and §706(a) of the Act

- (a) Applications filed in accordance with §401(b) and/or §706(a) of the Act shall be reviewed and adjudicated by the Bureau within six (6) months of the effective date of these rules.
- (b) The Bureau shall:
 - (1) review applications filed pursuant to subsection (a);
 - (2) request the applicant to provide any necessary information to complete the review process; and
 - (3) issue or deny the appropriate license for the same radio frequencies that the applicant was authorized to use prior to the effective date of the Act.
- (c) The applicant shall:
 - (1) promptly respond to any information requests from the Bureau;
 - (2) otherwise cooperate with the Bureau on the review of the application; and
 - (3) follow the procedures specified in Chapter IV if the person wishes to obtain additional radio frequency spectrum not authorized prior to the effective date of the Act.
- (d) The Bureau shall not charge an application fee for the review of applications subject to this section.
- (e) For any person subject to §401(b) and §706(a) of the Act who did not apply to the Bureau for the appropriate license as specified thereunder, the person shall follow the procedures set forth in **Error! Reference source not found.**, as relevant, to obtain the appropriate license, unless the Bureau agrees to convert the prior authorization according to the procedures specified in subsection (a).

§45. Moratorium on radio frequency licenses

- (a) Pursuant to §707 of the Act, there shall be a moratorium until January 1, 2025 or as modified by the Bureau, on the:
 - (1) establishment of new telecommunications service companies in Palau; and
 - (2) issuance of any new radio frequency license to any person, company or entity that did not have an established telecommunications business in Palau on the effective date of the Act.
- (b) For avoidance of doubt, the moratorium does not apply to:
 - (1) radio frequency licenses that may be assigned to individuals or entities operating or intending to operate exempt networks or exempt services; and
 - (2) excluded services and networks in accordance with §102 of the Act.

Schedule 1 – Spectrum Licenses

§1. Types of spectrum licenses

The Bureau may assign the following spectrum licenses:

- (a) cellular mobile;
- (b) fixed links;
- (c) land mobile;
- (d) government use;
- (e) special temporary use; and
- (f) other radiocommunication services.

§2. Cellular mobile service license

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications by means of radio apparatus for the purpose of providing cellular mobile services to the public.
- (b) The Bureau shall license persons for public cellular mobile services only according to the Frequency Allocation Plan, taking into consideration the radio spectrum frequencies identified for International Mobile Telecommunications by the ITU.
- (c) The Bureau shall assign cellular mobile service licenses following a request for applications published by the Bureau in accordance with §17. of these rules.
- (d) Conditions and requirements for cellular mobile service licenses:
 - (1) persons applying for a cellular mobile services licenses must obtain an associated operating license;
 - (2) licenses granted under this section include both the right to use approved frequencies and to operate the end user radio apparatus that uses those frequencies;
 - (3) a license granted under this section authorizes the licensee to deploy base stations and end user terminals required to offer the service; no individual authorization of such radio apparatus is required;
 - (4) telecommunications network and end user radio apparatus does not require approval by the Bureau prior to the commencement of operations provided it is compliant with the provision of §32. of these rules;
 - (5) coverage obligations shall be imposed by the Bureau in accordance with §38. of these rules;
 - (6) the Bureau shall assign licenses under this section for use of the radio frequency spectrum blocks or bands in the entire territory of Palau as the preferred approach;
 - (7) notwithstanding subsection (d)(6), licenses under this section may be granted for use of the radio frequency spectrum block or band in one or more individual States of Palau provided that such licenses do not include the State of Koror;
 - (8) radio apparatus used as part of providing the authorized service shall comply with any technical standards or requirements in accordance with §32.

- (9) other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference; and
 - (10) such additional conditions and requirements established by the Bureau in the cellular mobile service license.
- (e) Holders of a cellular mobile service license shall:
- (1) only use the radio frequencies or radio frequency bands approved by the Bureau;
 - (2) register tower locations and antennae structures with the Bureau, but no prior approval for building such towers or antennas is required from the Bureau. It is noted that permits, authorization, or licenses may be required from other local agencies for tower construction; and
 - (3) keep adequate records to allow any instances of harmful interference to be resolved.
- (f) The initial term of cellular mobile service licenses shall be fifteen (15) years, with renewals allowed under §24. of these rules.

§3. Fixed service licenses

- (a) The Bureau may assign fixed service licenses under this section to authorize persons to transmit, receive, or transmit and receive telecommunications by means of fixed radio apparatus for the purpose of providing telecommunications services to itself or for sale to another person.
- (b) The Bureau shall authorize persons to use frequencies for fixed services only according to the Frequency Allocation Plan.
- (c) The Bureau shall assign fixed service licenses on a first-come, first-served basis.
- (d) Applicants may request:
 - (1) use of a channel or channels in bands determined by the Bureau (for example for electronic newsgathering or other applications); and/or
 - (2) specific fixed links on a point-to-point or point-to-multipoint basis, subject to availability and the conditions set forth in subsections (e) and (f).
- (e) Fixed services licenses may allow, but are not limited to, the use of frequencies for:
 - (1) fixed radio apparatus used for point-to-point or point-to-multipoint operation;
 - (2) portable radio apparatus (for example, for electronic newsgathering or other applications where the radio apparatus can be moved but which operates only when in a stationary location).
- (f) Conditions and requirements for fixed service licenses:
 - (1) persons applying for a fixed service licenses for the provision of telecommunications services to another person for a fee must obtain an associated operating license;
 - (2) no associated operating license is required for the use of fixed service licenses to deploy exempt telecommunications networks and communications services in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments;
 - (3) licenses granted under this section include both the right to use authorized frequencies and to operate the radio apparatus that uses those frequencies;

- (4) prior to operation, the applicant must complete an interference study to determine if its operations will interfere with prior-authorized station in the band. That study must be submitted along with the license application;
 - (5) based on the interference study referred to in subsection (f)(4), the licensee may be required by the Bureau to coordinate its operations with prior-authorized licensees to avoid interference;
 - (6) radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. §32. of these rules; and
 - (7) other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference.
- (g) Holders of a fixed service license shall:
- (1) only use the radio frequencies or radio frequency bands approved by the Bureau in the fixed service license;
 - (2) register tower locations and antennae structures with the Bureau, but no prior approval for building such towers or antennas is required from the Bureau. It is noted that permits, authorization, or licenses may be required from other local agencies for tower construction; and
 - (3) keep adequate records to allow any instances of harmful interference to be resolved.
- (h) The initial term of fixed service licenses shall be fifteen (15) years, with renewals allowed under §24. of these rules.

§4. Land mobile service license

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications by means of terrestrial radio apparatus for the purpose of providing two-way telecommunications services for self-provision of service (for example between a licensee's base station and the associated vehicular or hand-held portable units) or for sale to another person.
- (b) The Bureau shall authorize persons to use frequencies for land mobile service only according to Frequency Allocation Plan.
- (c) The Bureau shall assign land mobile service licenses on a first-come, first-served basis.
- (d) Land mobile service licenses may be granted for:
 - (1) single frequency systems (for communications between portable units with no associated base station); and
 - (2) two-frequency systems (for communications from a central base station to and from multiple portable units).
- (e) Conditions and requirements for land mobile service licenses:
 - (1) persons applying for a land mobile service license for the provision of telecommunications services to another person for a fee must obtain an associated operating license;
 - (2) no associated operating license is required for the use of land mobile service licenses to deploy exempt telecommunications networks and telecommunications services in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments. This may include, but is not limited to: dispatch services, voice or data communication with company personnel or

vehicles, machine-to-machine communications, including for the purposes of monitoring and control of equipment;

- (3) licenses granted under this section include both the right to use authorized frequencies and to operate the radio apparatus that uses those frequencies;
 - (4) a license granted under this section authorizes the licensee to deploy an unlimited number of end user terminals; no individual authorization of such terminals is required;
 - (5) radio apparatus and end user terminal do not require approval by the Bureau prior to the commencement of operations;
 - (6) radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. of these rules; and
 - (7) other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference.
- (f) Holders of a land mobile service license shall:
- (1) only use the radio frequencies or radio frequency bands approved by the Bureau for the land mobile service license;
 - (2) register tower locations and antennae structures with the Bureau, but no prior approval for building such towers or antennas is required from the Bureau. Permits, authorization, or licenses may be required from other local agencies for tower construction; and
 - (3) keep adequate records to allow any instances of harmful interference to be resolved.
- (g) The initial term of land mobile service licenses shall be ten (10) years, with renewals allowed under §24. of these rules.

§5. Government use licenses

- (a) Upon request from a government authority or agency of Palauan Government, the Bureau may authorize the use of radio spectrum frequencies to provide government services.
- (b) The use of frequencies under this section is limited to operation by the authorized government authority or agency of telecommunications networks and telecommunications services solely for its internal purposes and the accomplishment of its mission. Provision of such services for remuneration is not allowed.
- (c) Licenses assigned in accordance with this section do not apply to radiocommunications services for the needs of defense of and safety of Palau excluded under §102(a) of the Act.
- (d) A government authority or agency licensed under this section is exempt from obtaining an operating license in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments.
- (e) Licenses granted under this section include both the right to use approved frequencies and to operate the radio apparatus that uses those frequencies.
- (f) In any spectrum band that is shared with a non-government licensee, the government licensee may be required to coordinate its operations with prior-authorized licensees.
- (g) Radio apparatus used under a government use license shall comply with any technical standards in accordance with §32. of these rules.
- (h) All licensees holding a government use license:

- (1) may use only the radio frequencies or radio frequency bands and power levels authorized by the Bureau;
 - (2) must use radio apparatus that complies with any technical standards or requirements identified by the Bureau in accordance with these rules or as indicated in its license;
 - (3) must take steps as necessary to avoid harmful interference with existing licensees; and
 - (4) must keep adequate records to allow any instances of harmful interference to be resolved.
- (i) The initial term of the authorization will be fifteen (15) years with renewals allowed under §24. of these rules.
 - (j) No fees will be charged for authorizations granted under this section.

§6. Special temporary licenses

- (a) The Bureau may permit any person to temporarily use any radio frequency or frequency band for the following purposes:
 - (1) testing of radio apparatus;
 - (2) testing a novel business case or technology;
 - (3) emergency response to natural disasters and other emergency situations;
 - (4) special events; and
 - (5) other exigent circumstances as determined by the Bureau.
- (b) Special temporary licenses may not be granted if the radio frequency or frequency band has been assigned to another radio frequency licensee in the same geographic area or if the Bureau believes that harmful interference will be caused to an existing licensee.
- (c) A special temporary license may be granted for a period not exceeding one hundred fifty (150) days, and may be extended upon request for one additional one hundred fifty (150) day period.
- (d) Notwithstanding the provisions of subsection (c), a special temporary license granted in accordance with subsection (a)(2) may be granted for a period of up to two (2) years.

§7. Other radiocommunication services

- (a) The Bureau may grant such other spectrum licenses for radiocommunication services not addressed elsewhere in these rules as it may deem justified.
- (b) The terms and conditions included in licenses granted under this section shall be in accordance with the Act and these rules.
- (c) The Bureau shall determine the process to decide applications for licenses granted under this section on case-by-case basis in accordance with the Act and these rules.

Schedule 2 – Station Licenses

§1. Types of station licenses

The Bureau may assign the following station licenses:

- (a) aeronautical station license (aircraft);
- (b) amateur license;
- (c) HF-MF fixed and mobile stations;
- (d) ship station license;
- (e) satellite earth station license; and
- (f) other station licenses.

§2. Aeronautical station license

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications by means of radio apparatus for the purpose of providing telecommunications services to and from aircraft.
- (b) The Bureau shall authorize persons to use frequencies for aeronautical services only according to the Frequency Allocation Plan.
- (c) Licenses under this section will be granted on a first-come, first-served basis.
- (d) Licenses granted in accordance to this section shall be issued for stations on board aircraft registered in Palau, but not to aircraft registered in a foreign country.
- (e) A person licensed under this section is exempt from obtaining an operating license in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments.
- (f) Licenses granted under this section include both the right to use approved frequencies and to operate the radio apparatus that uses those frequencies.
- (g) An authorization granted under this section permits the licensee to operate all forms of aeronautical telecommunication onboard a single aircraft, with the exception of telecommunications to and from a satellite.
- (h) Radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. of these rules and the Global Aeronautical Distress and Safety System (GADSS), when applicable.
- (i) Other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference.
- (j) Holders of an aeronautical station license shall:
 - (1) only use the radio frequencies or radio frequency bands approved by the Bureau for the service;
 - (2) register all land-based towers and antenna structures, but no prior approval for such facilities is required. Permits may be required from other government agencies for tower construction;
 - (3) abide by the provisions of the ITU Radio Regulations and any other international rules and regulations applicable to radio apparatus on board an aircraft to which Palau is a party; and

- (4) keep adequate records to allow any instances of harmful interference to be resolved.
- (k) The initial term of the aeronautical station license will be five (5) years with renewals allowed under §24. of these rules.

§3. Amateur license

- (a) The Bureau may authorize persons interested in the operation of radio apparatus for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.
- (b) The Bureau shall authorize persons to use amateur licenses only according to the Frequency Allocation Plan.
- (c) Persons desiring to obtain an amateur spectrum license are required to first demonstrate their operational and technical qualifications by passing the test to obtain a Radio Amateur Certificate, which is to be developed based on Recommendation ITU-R M.1544, “Minimum qualifications of radio amateurs”.
- (d) The Bureau shall accept radio amateur certificates issues by other administrations.
- (e) The following conditions and requirements apply to amateur licenses:
 - (1) the radio apparatus shall in all cases be operated by the authorized licensee only;
 - (2) the radio apparatus and associated towers, antennas shall be erected and used so as not to cause interference to other radiocommunication services;
 - (3) messages transmitted according to an amateur license shall be in plain language and shall relate solely to the licensee’s experiments or personal affairs (not being business affairs), or to the personal affairs of the person with whom the licensee is communicating;
 - (4) national and international communication is permitted only between amateur stations, and is limited to matters of a personal nature, or for the purpose of self-training, intercommunication and radio technology investigation, solely with a personal aim and without monetary remuneration. The passing of brief messages of a personal nature on behalf of other persons is also permitted, provided no fees or other consideration is requested or accepted; and
 - (5) other technical conditions (for example, power limits) may be specified from time to time in order to minimize interference to other services and licensees.
- (f) Holders of an amateur license shall:
 - (1) only use the radio frequencies or radio frequency bands approved by the Bureau;
 - (2) only communicate with other authorized amateur license holders in Palau or appropriately licensed amateur authorization holders in other countries;
 - (3) not make use of encryption devices or equipment in the operation or use of any station, nor can the content of the communication be encoded in such a way as to obscure its meaning;
 - (4) not begin transmitting without listening in on the radio frequency to be used in order to ascertain that no interference is likely to be caused to any other station that may be transmitting;
 - (5) identify himself or herself by the transmission of the callsign assigned to him or her by the Bureau at the beginning and end of each transmission;

- (6) obtain the approval of all relevant authorities before erecting any mast or antenna to be used in connection with the operation of the station;
 - (7) keep a running record of all transmission periods showing the date and time of each period of transmission and the radio frequency and type of emission employed; preserve the record of each entry made for at least twelve (12) months; and make such record available for inspection by the Bureau;
 - (8) not transmit news, advertisements, communications of a business or non-experimental character, or messages for monetary remuneration; and
 - (9) prepare for, and meet, communication needs in support of disaster relief in accordance with ITU Radio Regulations.
- (g) The initial term of the amateur license will be five (5) years with renewals allowed under §24. of these rules.
 - (h) The Radio Amateur Certificate shall be issued in perpetuity; it does not need to be renewed.

§4. HF-MF Fixed and mobile stations

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications by means of terrestrial radio apparatus for the purpose of providing two-way telecommunications services for self-provision of service (between a person's base station and the associated vehicular or hand-held portable units) or for sale to third parties.
- (b) The Bureau shall authorize persons to use frequencies for HF/MF Mobile/Fixed stations only according to the Frequency Allocation Plan.
- (c) Stations authorized under this section shall operate in accordance with the international coordination requirements for the use of HF/MF frequencies.
- (d) The Bureau shall assign the HF/MF Mobile/Fixed station licenses on a first-come, first-served basis.
- (e) HF/MF Mobile/Fixed station licenses may be granted for:
 - (1) fixed two-frequency systems (for communications from a fixed station with a known location to and from other fixed station with a known location); and
 - (2) mobile two-frequency systems (for communications from a central base station to and from one or multiple portable units).
- (f) HF/MF Mobile/Fixed station licenses may allow, but are not limited to, the use of frequencies for:
 - (1) fixed radio apparatus used for point-to-point or point-to-multipoint operation;
 - (2) radio apparatus used in the operation of the base stations for mobile networks; and
 - (3) portable radio apparatus (for applications where the radio apparatus can be moved but which operates only when in a stationary location).
- (g) Conditions and requirements for HF/MF Mobile/Fixed station licenses:
 - (1) persons applying for a HF/MF Mobile/Fixed station license for the provision of telecommunications services to another person must obtain an associated operating license;

- (2) no associated operating license is required for the use of HF/MF Mobile/Fixed station licenses to deploy exempt telecommunications networks and telecommunications services in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments;
 - (3) licenses granted under this section include both the right to use authorized frequencies on a non-exclusive basis and to operate the radio apparatus that uses those frequencies;
 - (4) prior to operation, the applicant may be required by the Bureau to complete an interference study to determine if its operations will interfere with prior-authorized licensees. That study must be submitted along with the license application;
 - (5) based on the interference study referred to in subsection (g)(4), the licensee may be required to coordinate its operations with prior-authorized licensees to avoid interference;
 - (6) licensees shall operate HF/MF Fixed/Mobile stations in accordance with international coordination requirements applicable to the use of HF/MF frequencies;
 - (7) radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. of these rules; and
 - (8) other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference to other services and licensees.
- (h) Holders of a HF/MF Mobile/Fixed station licenses shall:
- (1) only use the radio frequencies or radio frequency bands approved by the Bureau in the HF/MF Mobile/Fixed station licenses;
 - (2) register tower locations and antennae structures with the Bureau, but no prior approval for building such towers or antennas with the Bureau, but no prior approval for building such towers is required from the Bureau. Permits, authorization or licenses may be required from other local agencies for tower construction; and
 - (3) keep adequate records to allow any instances of interference to be resolved.
- (i) The initial term of HF/MF Land Mobile/Fixed station licenses shall be ten (10) years, with renewals allowed under §24. of these rules.

§5. Ship station license

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications by means of radio apparatus for the purpose of providing telecommunications services to and from ships, including ship-to-ship, ship-to-shore and shore-to-ship.
- (b) The Bureau shall authorize persons to use frequencies for ship station licenses only according to the Frequency Allocation Plan.
- (c) Licenses under this section will be granted on a first-come, first-served basis.
- (d) The provisions of this section apply to ships registered in Palau, but not to ships registered in a foreign country.
- (e) A person licensed under this section is exempt from obtaining an operating license in accordance with §11 of the Telecommunications Licensing Rules, 2021, and its amendments.

- (f) Licenses granted under this section include both the right to use approved frequencies and to operate the end user and radio apparatus that uses those frequencies.
- (g) A license granted under this section permits the licensee to operate all forms of maritime communication onboard a single vessel, with the exception of communications to and from a satellite. Satellite communications on board a ship shall be licensed according to §6. of this Schedule.
- (h) Radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. of these rules and the Global Aeronautical Distress and Safety System (GADSS), when applicable.
- (i) Other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference to other services and licensees.
- (j) Holders of a ship station license shall:
 - (1) only use the radio frequencies or radio frequency bands approved by the Bureau;
 - (2) ensure that only persons holding a Certificate of Competency operate radio apparatus authorized under a ship station license;
 - (3) register all land-based towers and antenna structures, but no prior approval for such facilities is required. Permits may be required from other government agencies for tower construction;
 - (4) abide by the provisions of international rules and regulations applicable to radio apparatus on board a ship to which Palau is a party; and
 - (5) keep adequate records to allow any harmful instances of interference to be resolved.
- (k) The initial term of the ship station license will be five (5) years with renewals allowed under §24. of these rules.

§6. Satellite spectrum license

- (a) The Bureau may authorize persons to transmit, receive, or transmit and receive telecommunications using a satellite for the purpose of providing telecommunications services to itself or for sale to another person.
- (b) The Bureau shall authorize persons to use frequencies for satellite services only according to the Frequency Allocation Plan.
- (c) Satellite spectrum licenses shall be granted on a first-come, first-served basis.
- (d) Satellite spectrum licenses that may be granted by the Bureau include, but are not limited to, the following:
 - (1) very small aperture terminals (VSAT);
 - (2) satellite news gathering (SNG);
 - (3) satellite radio apparatus installed on ships and aircraft;
 - (4) earth stations transmitting to satellites;
 - (5) mobile satellite service (for example, portable satellite communication terminals); and
 - (6) satellite broadcasting (one-way) services.

- (e) Licenses granted under this section may include handheld, portable, transportable (vehicle mounted and re-locatable), and fixed radio apparatus.
- (f) Conditions and requirements for satellite spectrum licenses:
 - (1) persons applying for a satellite spectrum licenses for the provision of telecommunicaitons services to another person must obtain an associated operating license;
 - (2) satellite spectrum licenses granted under this section include both the right to use approved frequencies and end user radio apparatus that uses those frequencies;
 - (3) radio apparatus used as part of providing the authorized service shall comply with any technical standards in accordance with §32. of these rules;
 - (4) depending on the type of system, a license granted under this section may authorize the licensee to deploy an unlimited number of end user radio apparatus(blanket license); no individual authorization of such apparatus is required;
 - (5) earth station authorizations may be subject to further regulations to be determined by the Bureau, as needed; and
 - (6) other technical conditions, including, but not limited to, power limits for radio apparatus and end user devices, may be specified by the Bureau from time to time in order to minimize interference to other services and licensees.
- (g) Holders of a satellite spectrum license shall:
 - (1) obtain the prior approval of the Bureau for access to any space segment and comply with the relevant rules, regulations and procedures imposed by the satellite operator for station access, booking and fees;
 - (2) only use the radio frequencies or radio frequency bands approved by the Bureau for its use;
 - (3) comply with the relevant provisions of the treaties of the ITU to which Palau is a party, including any modifications, and all regulations and recommendations annexed thereto or made thereunder as are applicable to Palau and the relevant ITU-R recommendations;
 - (4) comply with applicable resolutions, recommendations or other directives issued by international organizations for the operation of satellite radio apparatus onboard ships or aircraft; and
 - (5) keep adequate records to allow any instances of harmful interference to be resolved.
- (h) Operators of satellites (the international satellitel operator) launched and licensed pursuant to the regulations of another country may:
 - (1) provide services to end users in Palau; and/or
 - (2) may provide capacity to satellite spectrum licensees that offer services to end users in Palau (both businesses and individuals).
- (i) International satellite operators will require:
 - (1) a satellite spectrum license to authorize the use of specific frequencies and radio apparatus; and
 - (2) the associated operating license set forth in the Telecommunications Licensing Rules, 2021and its amendments,exclusively if they intend to offer, directly, or through an affiliate, telecommunications services to end users for a fee.

- (j) Radio apparatus that is only capable of receiving transmissions from a satellite (no transmit capability) does not require a satellite spectrum license.
- (k) Any person, including affiliates, providing telecommunications services through the use of receive-only radio apparatus sold or otherwise distributed to end users must obtain the appropriate associated operating license in accordance with the Telecommunications Licensing Rules, 2021, and its amendments.
- (l) The initial term of the satellite spectrum license will be five (5) years with renewals allowed under §24. of these rules.

§7. Other radiocommunication stations

- (1) The Bureau may grant such other station licenses for radiocommunication services not addressed elsewhere in these rules as it may deemed justified.
- (2) The terms and conditions included in licenses granted under this section shall be in accordance with the Act and these rules.
- (3) The Bureau shall decide applications for licenses granted under this section in accordance with §16. of these rules.

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