

38. The Regulatory Authority may modify an existing Class Licence.

39. Prior to modifying an existing Class Licence, the Regulatory Authority will conduct a Public Consultation, pursuant to the procedures specified in the Regulatory Authority's Administrative Rules.

40. The Regulatory Authority will issue a consultation document that specifies:

- (a) the proposed modification to be made to the Class Licence;
- (b) the justification for the proposed modification;
- (c) the basis on which the Regulatory Authority has tentatively concluded that the changes to the Class Licence will continue to meet the requirements of Section 16(2)(d) of the ECA; and
- (d) the basis on which the Regulatory Authority has tentatively concluded that any proposed new conditions are consistent with the requirements of Section 50 of the RAA.

41. At the same time that the Regulatory Authority posts the consultation document on the Official Website, it will serve notice on each member of the class listed on the Authorizations Register in the manner specified in the Regulatory Authority's Administrative Rules.

42. Following the Public Consultation, the Regulatory Authority will issue a General Determination specifying the modifications to be made and the date on which they will become effective.

(iv) Elimination of a Class Licence

43. The Regulatory Authority may eliminate an existing Class Licence.

44. Prior to eliminating an existing Class Licence, the Regulatory Authority will conduct a Public Consultation pursuant to the procedures specified in the Regulatory Authority's Administrative Rules.

45. The Regulatory Authority will issue a consultation document that specifies:

- (a) the justification for the proposed elimination of the Class Licence;
- (b) the basis on which the service can be provided after the elimination of the Class Licence; i.e., pursuant to an exemption or an Individual Licence; and
- (c) the basis on which the Regulatory Authority has tentatively concluded that that the grant of an exemption or an Individual Licence is consistent with Section 16(2) of the ECA.

46. At the same time that the Regulatory Authority posts the consultation document on the Official Website, it will serve notice on each member of the class listed on the Authorizations Register in the manner specified in the Regulatory Authority's Administrative Rules.

47. Following the Public Consultation, the Regulatory Authority will issue a General Determination stating the date on which the Class Licence will be eliminated.

(v) Creation of a new Class Licence

48. The Regulatory Authority may create a new Class Licence.

49. Prior to creating a new Class Licence, the Regulatory Authority will issue a consultation document that specifies:

- (a) the characteristics of the proposed Class Licensees;
- (b) the proposed conditions applicable to all Class Licensees;
- (c) the basis on which the Regulatory Authority has tentatively concluded that the class meets the requirements of Section 16(2)(d) of the ECA; and
- (d) whether the Regulatory Authority proposes to require class members to notify or register before they are authorized to provide service.

50. Following the Public Consultation, the Regulatory Authority will issue a General Determination that specifies:

- (a) the characteristics of the class;
- (b) the conditions applicable to all Class Licensees;
- (c) any notification or registration requirement with which Class Licensees must comply; and
- (d) the date on which the new Class Licence will become effective.

IV. EFFECTIVE DATE; COMPLIANCE

51. This General Determination will become effective on the date on which it is published in the Gazette.

52. Persons that provide Electronic Communications pursuant to the Exemption must be in compliance with the Conditions of the Exemption no later than 90 days after the effective date of this General Determination. Persons that provide Electronic Communications pursuant to the Class Licence must register with the Regulatory Authority no later than 90 days after the effective date of this General Determination. Persons that provide Electronic Communications pursuant to the Exemption or Class Licence that are currently operating facilities outside of their premises or campus not authorized by a COL must discontinue the use of such facilities within 120 days of the effective date of this General Determination or, if such a Person has applied for a new or normalized COL, within 120 days of the date on which the Regulatory Authority determines that the Person does not qualify for a new or normalized COL.

Attachment A

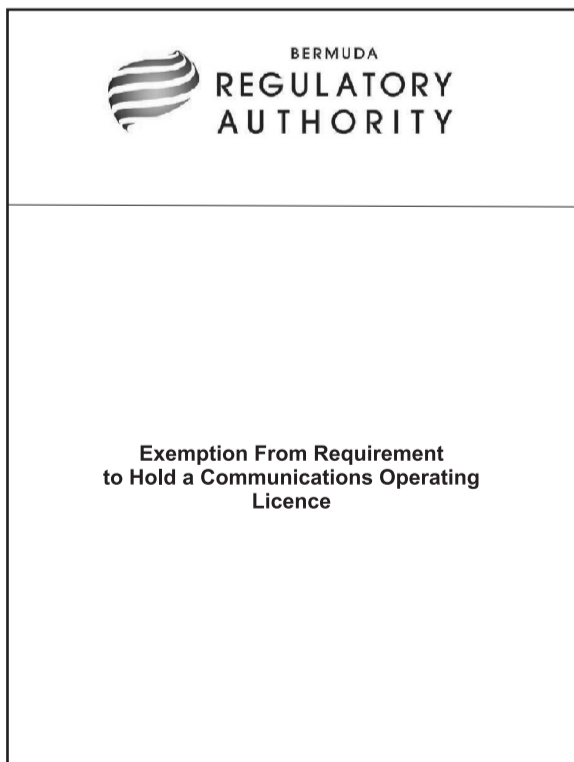


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1 DEFINITIONS

In this Exemption, unless the context otherwise requires:

“Affiliate” means any entity that owns, or is owned by, another entity, as

than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

Attachment B

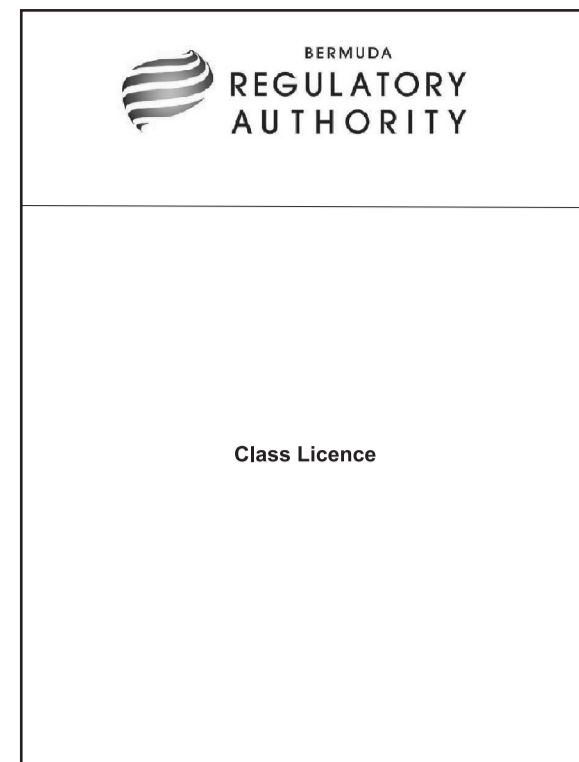


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1 DEFINITIONS

In this Class Licence, unless the context otherwise requires:

“Authority” means the Regulatory Authority;

“Authorizations Register” means the register of Persons granted this Class Licence and maintained by the Authority;

“Campus” means a contiguous parcel of land, not separated by public or private land, on which one or more structures may be located;

“Class Licensee” means a Person who is entered on the Authorizations Register by the Authority;

“Commencement Date” means the date on which the Class Licensee is entered on the Authorizations Register by the Authority;

“Condition” means a condition, including a Special Condition set forth in the Annexes, of this Class Licence;

“ECA” means the Electronic Communications Act 2011;

“Equipment” includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable;

“Hotel” means any place, land-based or not, including all grounds and premises appurtenant thereto, which provides sleeping accommodation for six or more guests and a charge is made for such accommodation;

“Licensed Service” means a service described in the Annexes to this Class Licence;

“Person” means a natural person or a company or association or body of persons, whether corporate or unincorporated, being a body which is empowered by law to sue or be sued in its own name or in the name of an officer or other person;

“RAA” means the Regulatory Authority Act 2011; and

“Special Condition” means a Condition applicable to a specific Licensed Service set forth in the Annexes to this Class Licence.

2 INTERPRETATION

For the purpose of interpreting this Class Licence:

(a) unless the context otherwise requires, words or expressions shall have the meaning assigned to them in the Class Licence, the ECA, the RAA, and the Interpretation Act 1951;

(b) where there is any conflict between the provisions of this Class Licence and the ECA and RAA, the provisions of the ECA and RAA, as the case may be, shall prevail;

(c) terms defined herein and in the ECA and RAA have been capitalised;

(d) references to Conditions and Annexes are to Conditions, Special Conditions and Annexes to the Class Licence, as modified from time to time in accordance with this Class Licence and the ECA;

(e) a document referred to in this Class Licence shall be incorporated into and form part of the Class Licence and a reference to a document is to a document as modified from time to time;

(f) headings and titles used in this Class Licence are for reference only and shall not affect its interpretation or construction;

(g) references to any law or statutory instrument include any modification, re-enactment or legislative provisions substituted for the same;

(h) expressions cognate with those used in this Class Licence shall be construed accordingly;

(i) use of the word “include” or “including” is to be construed as being without limitation; and

(j) words importing the singular shall include the plural and vice versa, and words importing the whole shall be treated as including a reference to any part unless explicitly limited.

3 GRANT AND DURATION OF THE CLASS LICENCE

3.1 The Class Licensee is granted this Class Licence as of the Commencement

2 INTERPRETATION

For purposes of interpreting this Exemption:

(a) unless the context otherwise requires, words or expressions shall have the meaning assigned to them in this Exemption, the ECA, the RAA, and the Interpretation Act 1951;

(b) where there is any conflict between the provisions of this Exemption and the ECA or RAA, the provisions of the ECA and RAA, as the case may be, shall prevail;

(c) terms defined herein and in the ECA and RAA have been capitalised;

(d) headings and titles used in this Exemption are for reference only and shall not affect its interpretation or construction;

(e) references to any law or statutory instrument include any modification, re-enactment or legislative provisions substituted for the same;

(f) a document referred to in this Exemption shall be incorporated into and form part of the Exemption and a reference to a document is to a document as modified from time to time;

(g) expressions cognate with those used in this Licence shall be construed accordingly;

(h) use of the word “include” or “including” is to be construed as being without limitation; and

(i) words importing the singular shall include the plural and vice versa, and words importing the whole shall include a reference to any part unless explicitly limited.

3 EXEMPTION

3.1 Persons are exempt from the requirement of Section 12 of the ECA to hold a communications operating licence to the extent that they meet the criteria set forth in Conditions 4, 5 and 6.

3.2 Nothing in this Exemption shall be deemed to:

(a) relieve any Person of any legal requirement to obtain any licences or permits that are necessary to establish, construct or operate an Electronic Communications Network or provide an Electronic Communications Service, including obtaining any licences or permits required by the ECA for the use of Radio Spectrum, Radio Station or Radio Apparatus;

(b) grant any Person any authorization to self-provision Electronic Communications other than within such Person's premises or Campus; or

(c) waive, modify or otherwise limit, either directly or indirectly, any Ex Ante Remedies imposed on an ICOL holder that meets the criteria set forth in, and is exempt from the requirement to hold a communications operating licence pursuant to, Conditions 4, 5 and 6.

3.3 Persons exempt from the requirement to hold a communications operating licence pursuant to this Exemption shall comply with such notification, registration or certification requirements as may be established by the Regulatory Authority.

3.4 For purposes of this Exemption, a Person's principal line of business will be deemed to include the provision of Electronic Communications if such Person holds an Individual COL or is providing Electronic Communications, the provision of which requires an Individual COL.

4 PRIVATE NETWORKS

A Person who establishes, constructs or operates a Private Network, provided that such Private Network:

(a) does not carry third-party communications;

(b) is not operated for a profit from the provision of Electronic Communications Services; and

(c) is comprised of Electronic Communications obtained on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

5 VALUE-ADDED SERVICES

A Person who provides Value-Added Services, provided that such Person:

(a) does not separately sell or charge for the Electronic Communications component of its Value-Added Services; and

(b) obtains the Electronic Communications component of its Value-Added Services on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other than within its own premises or Campus to the extent authorized by the terms of its Individual COL.

6 WI-FI SERVICES

A Person who provides Wi-Fi Services, provided that such Person:

(a) does not charge for the use of the Wi-Fi Service;

(b) does not bundle the Wi-Fi Service with another Electronic Communications Service for which a charge is imposed; and

(c) obtains the Electronic Communications component of its Wi-Fi Service on a Retail basis from Licensees with an Individual COL, including an ICOL. Notwithstanding the foregoing, (i) a Person whose principal line of business does not include the provision of Electronic Communications and a Person with an Individual COL may self-provision Electronic Communications within such Person's premises or Campus, and (ii) a Person with an Individual COL may self-provision network facilities other