NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
46TH CONSTITUTIONAL REGULAR SESSION, 2025

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

TELECOMMUNICATIONS (REFORM) ACT 2025

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
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TELECOMMUNICATIONS (REFORM) ACT 2025

AN ACT to regulate and reform the telecommunications sector in the Republic so as to provide for a regulated open market that promotes competition and innovation to further digital development goals in the Republic.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Telecommunications (Reform) Act 2025.

PART I. General Provisions

§102. Objectives of the Act.

This Chapter has the following objectives:

(1) Promote an open competitive market for authorized telecommunications networks and services to benefit the long-term interests of consumers in the Republic subject to the limitations set forth in this Chapter;

(2) allow for efficient and economic use of the radio frequency spectrum;

(3) Provide for consumer service standards; and

(4) Provide for effective oversight of the authorization of telecommunication service providers through the establishment of the role and functions of the Telecommunication Regulator set out under this Chapter.

§103. Definitions.

(1) As used in this Chapter, the following terms have the meanings given them:

(a) "Allocation" as referred to numbering resources means the process of opening a numbering resource in the national numbering plan for the purpose of its use;

(b) "Authorized provider" means a person that holds a general authorization for the provision of telecommunications networks or telecommunications services or is otherwise authorized to provide telecommunications networks or telecommunications services in accordance with this Chapter;

(c) "Consumer" means any person who uses or requests a telecommunications network or telecommunications service, including any person to whom an authorized provider supplies a telecommunications network or telecommunications service;

(d) "Government" means the Government of the Republic of the Marshall Islands;

(e) "Interconnection" means a specific type of access implemented between public telecommunications network operators by means of the physical and logical linking of public telecommunications networks used by the same or a different authorized provider to allow the consumers of one authorized provider to communicate with consumers of the same or another authorized provider or to access the communications services of another licensee";

(f) "Licensee" means the holder of a radio frequency or station license granted or continued in force by the Government in accordance with the Radio-communications Act 1993, as amended, and this Chapter;

(g) "Minister" means the Minister of Transport, Communications and Information Technologies, or its successor;

(h) "Ministry" means the Ministry for Transport, Communications and Information Technologies, or its successor;

(i) "Number dependent services" means public telecommunication services that require numbering resources;

(j) "Person" includes an individual, partnership, trust, corporation or other legal entity;

(k) "Public telecommunications network or Public telecommunications service" means a telecommunications network or telecommunications service offered or made available to the general public for a fee;

(l) "Radio frequency communication" includes the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding and delivery of communications) incidental to such transmissions;

(m) "Regulator" means the Telecommunications Regulator;

(n) "Satellite /NGSO service provider or any other similar service provider" means a company that delivers communication services, such as internet, television, or date, through satellites orbiting the Earth;

(o) "Telecommunications" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems;

(p) "Telecommunications networks" means a system that uses electricity or electromagnetic energy for providing telecommunications services between network termination points;

(q) "Telecommunication services" means a service for the transmission or transport of information by means of a telecommunications networks;

§104. Exclusions.

This Chapter does not apply to, or in relation to:

(a) Telecommunications networks and services operated for the needs of the defense and public safety within the Republic and related equipment used solely for these purposes;

(b) Broadcast radio and television services using radio frequency spectrum to transmit signals intended for receipt by the public, regardless of the technical means of transmission and whether in encoded or unencoded form; and

(c) Telecommunications services provided to and for the benefit of a foreign government pursuant to international agreements with the Government.

I'ART II Responsibility for the Telecommunications Sector

Division 1 - Minister of Transport, Communications and Information Technologies

§105. General Duties of the Minister.

The Minister is responsible for general oversight authority over the telecommunications sector within the Republic. The Minister shall encourage, foster, and assist in the development of telecommunications in the Republic through an open and competitive market and encourage the adoption of digital technologies and services to promote national economic and social development.

§106. Powers and Duties of the Minister.

The Minister has the following powers and duties pursuant to this Chapter:

(a) formulating, implementing and monitoring general policies for the telecommunications sector in the Republic;

(b) representing the Republic at proceedings of international organizations on matters relating to telecommunications;

(c) making such rules and regulations as are contemplated by, or necessary for giving full effect to this Chapter;

(d) suspending or terminating radio frequency or station licenses or numbering allocations as provided in this Chapter;

(e) planning the use of radio frequency spectrum bands;

(f) making decisions, determinations and orders contemplated by, or necessary for giving full effect to the functions granted to the Minister under this Chapter;

(g) selecting and appointing the Regulator and overseeing the Regulator's performance and making such other appointments as provided for in this Chapter.

(h) coordinating with other governmental bodies as necessary to give full effect to this Chapter.

§107. Delegation.

The Minister shall delegate in writing any of the functions vested under this Chapter, with the exception of rulemaking functions, to any other officer of his or her staff, who shall exercise or perform the powers or duties delegated to him or her subject to the general or special directions of the Minister. No delegation of functions under this Section shall relieve the Minister of responsibility for the administration of such functions.

Division 2 - Telecommunications Regulator

§108. Regulator.

The Telecommunications is hereby established as an office within the Ministry.

§109. Powers and Duties.

For the purposes of this Chapter, the Regulator has the following powers and duties:

(a) receiving, processing and adjudicating notifications and registrations for the provision of telecommunications networks and telecommunications services;

(b) assigning and renewing radio frequency and station licenses;

(c) planning, managing and allocating numbering resources;

(d) establishing, maintaining and updating public registries which shall include all authorized providers, licensees and numbering resources allocated;

(e) collecting market and performance information from authorized providers;

(f) publishing market data (with confidential information redacted) and providing annual reports to the Minister;

(g) making decisions, determinations and orders contemplated by, or necessary for giving full effect to the functions granted to the Regulator under this Chapter;

(h) giving directions to authorized providers in relation to matters under this Chapter;

(i) resolving disputes as provided in this Chapter;

(j) issuing invoices and collecting payment of fees;

(k) managing and administering the Communications Regulation Fund;

(l) monitoring compliance and enforcing requirements set forth in this Chapter, the regulations promulgated, and authorizations and licenses issued under this Chapter;

(m) undertaking such functions and duties provided for in regulation under this Chapter.

§110. RESERVED.

§111. Staff of the Office of the Telecommunications Regulator.

The Regulator may employ technical, professional, clerical, ancillary and such other staff members as may be necessary to carry out the functions of the Regulator.

§112. Budget of the Telecommunications Regulator.

(1) The Registrar's budget will be funded by:

(a) monies included in the Annual Appropriations Bill defined in Article VIII, Section 6 and 8 of the Constitution of the Republic;

(b) grants, loans, and other funds that may be appropriated and authorized to the Regulator; and

(c) fees collected in accordance with PART VIII of this Chapter,

(2) The Regulator shall devise and submit to the Minister for approval under the prescribed process a budget for each fiscal year, setting out projected revenues and estimated expenditures for the financial year.

§113. Functions, Duties and Powers to be circumscribed.

The Minister and the Regulator when performing a function or duty or exercising a power under this Act, shall do so in a manner that is non-discriminatory, competitively and technology neutral, economically efficient, objective and transparent.

PART III. Authorizations for Telecommunications Networks and Services

§114. Authorization is Required.

(1) No person may own or operate a telecommunications network or provide a telecommunications service in the Republic or between the Republic and any place outside of the Republic without first obtaining an authorization.

(2) Subsection (1) of this Section does not apply to:

(a) services excluded under section 104 of this Chapter;

(b) a telecommunications network or telecommunications service that is license exempt under §124 of this Chapter; or

(c) a person that is otherwise authorized under §125 of this Chapter.

(3) Other than as provided for under §125 of this Chapter, the authorization for telecommunications networks and telecommunications services does not authorize the use of radio frequency spectrum, which is licensed separately pursuant to PART IV of this Chapter.

§115. Notification Process.

(1) A person seeking an initial or modified authorization shall submit to the Telecommunication Regulator a written notification using the prescribed form provided in Schedule 2, including any supporting documents that may be required.

(2) Upon receiving a completed notification form for an initial or modified authorization, the Telecommunication Regulator shall review the notification form and provide a written response to the notifying person within ninety (90) days:

(a) approving the initial or modified notification and including the notifying person in the public register if an initial authorization or amending the public register if a modified authorization; or

(b) requesting additional information from the notifying person specifying the information that shall be provided and the timeframe for providing such information. Additional information requirements shall be made on a non-discriminatory basis and shall be necessary to process the notification. Such requests shall not be intended to, or have the effect of, protecting previously authorized providers; or

(c) rejecting the initial or modified notification for failure to meet the established criteria, providing written reasons for the rejection and stating how the notification form may be amended to cure deficiencies identified. The notifying person may resubmit the initial or modified notification form without prejudice.

(3) An authorized provider that obtains approval for a modified authorization to offer additional telecommunications networks and telecommunications services not specified in its existing authorization (initial authorization) is automatically subject to and shall comply with all obligations, terms, and conditions that apply to the provision of those additional telecommunications networks and telecommunications services, as set forth in Schedule 3 of this Chapter.

§116. Eligibility Criteria for Authorization.

To obtain an authorization for telecommunications networks and telecommunications services, the notifying person shall meet the following criteria:

(a) submit a complete and accurate notification form in writing, including any supporting documents that may be required;

(b) pay any relevant notification fee to the Regulator, as applicable;

(c) be duly registered or otherwise authorized to conduct business in the Republic pursuant to applicable laws;

(d) demonstrate financial and technical capacity to deploy the notified telecommunications networks or telecommunications services, as applicable;

(e) any other eligibility requirements that the Minister may establish by order to meet national security objectives or that may be required in accordance with international obligations of the Republic; and

(f) if the notifying person, its parent company, or other persons within its corporate group, holds or has held an authorization or other license issued under this Chapter:

(i) there are no outstanding fees, fines, or other charges to be paid; and

(ii) such authorization or license has not been revoked by the Minister within the last two (2) years.

§117. Restrictions on the Number of Authorizations.

Authorizations for telecommunications networks and telecommunications services shall be issued on a non-exclusive basis and there is no limit to the number of authorizations that the Telecommunication Regulator may issue.

§118. Public Register.

The Telecommunication Regulator shall establish and maintain a publicly available register of all authorizations and persons who have submitted approved notifications to the Telecommunication Regulator in accordance with this Chapter.

§119. Scope of Authorization.

An authorization permits the authorized provider to provide the telecommunications networks and telecommunications services as selected and described in the notification form and as approved by the Regulator.

To provide additional telecommunications networks or telecommunications services, the authorized provider shall follow the process specified in §115 of this Chapter.

§120. Uniform Terms and Conditions of Authorizations.

(1) The authorization terms and conditions are provided in Schedule 3 of this Chapter and will be the same for all similarly situated authorized providers, unless:

(a) differences are objectively justified based on different circumstances between authorized providers; and

(b) the Telecommunication Regulator has adequately assessed such objective justifications in a written notice to the affected authorized provider.

(2) The Minister may amend Schedule 3 of this Chapter from time to time on his or her own initiative or upon request by any person provided that:

(a) any variation or modification is reasonable, aimed at promoting specified objectives consistent with this Chapter, and subject to the principle of non-discrimination; and

(b) the decisions are made pursuant to the Marshall_Islands Administrative Procedure Act 1979.

§121. Duration of Authorization.

Authorizations for telecommunications networks and telecommunications services shall be valid indefinitely, unless surrendered, terminated, or revoked.

§122. Transfer or Assignment of an Authorization.

(1) Prior to transferring or assigning to, or otherwise conferring on, another person the ownership or control of an authorization, both parties shall apply in writing to the Regulator to obtain written approval.

(2) The person to whom the authorization shall be transferred, assigned or otherwise conferred to shall satisfy the eligibility criteria set out in §116 of this Chapter.

§123. Surrender, Suspension or Revocation of an Authorization.

(1) An authorized provider may voluntarily surrender an authorization with at least ninety (90) days' notice to the Telecommunication Regulator in accordance with applicable regulations adopted under this Chapter.

(2) The Minister may suspend or revoke an authorization in accordance with applicable regulations adopted under this Chapter.

§124. Exempt Telecommunications Networks and Services.

(1) Telecommunications networks are exempt from requiring an authorization if they are:

(a) not used to provide telecommunications services for which a charge is imposed;

(b) wholly within one discrete piece of real property, including a ship or aircraft, or a number of such properties that together comprise a campus;

(c) used only for a person's private or internal requirements (including the requirements of an organization's staff or an affiliate); or

(d) otherwise exempted by law.

(2) Telecommunications services are exempt from requiring an authorization if they are

(a) provided over an exempt telecommunication network;

services offered over the public internet that are not number dependent;

(b) the provision of satellite capacity by foreign satellite providers to an authorized provider within the Republic; or

(c) otherwise exempted by law.

(3) The Minster may make regulations that identify additional telecommunications networks and telecommunications services that are license exempt.

§125. Authorizations, Licenses and Number Resource Allocations Granted under this Chapter

(1) Subject to satisfying the requirements of the Foreign Investment Business License Act 1990, and subject to subsections (6) of this Section, the National Telecommunications Authority, Satellite/NGSO service provider, or any other similar service provider are hereby deemed:

(a) to hold an authorization for the provision of services specified in Schedule 1 and the Telecommunication Regulator ~~must~~ shall duly inscribe the National Telecommunications Authority, Satellite/NGSO service provider, or any other similar service provider in the public register as authorized providers;

(b) to hold such radio frequency and such station licenses required for each authorized provider to provide the services specified in Schedule 1, which for Satellite/NGSO service provider, or any other similar service provider shall be the radio frequency and station licenses specified in Schedule 1 and for the National Telecommunications Authority shall be the required radio frequency and station licenses that the National Telecommunications Authority notifies to the Ministry in writing before the effective date of this Chapter, and the Telecommunication Regulator shall duly inscribe the National Telecommunications Authority, Satellite/NGSO service provider, or any other similar service provider other as a licensee in the spectrum register for such radio frequency and station licenses for a period of 15 years.

(2) The granting of such radio frequency and such station licenses herein does not limit the powers of the Telecommunication Regulator to vary, nor the Minister to suspend or revoke, such radio frequency and such station licenses in accordance with this Chapter and its regulations.

(3) The National Telecommunications Authority is hereby deemed to have been allocated the numbering resources in use by the National Telecommunications Authority on the effective date of this Chapter and the Telecommunication Regulator shall duly inscribe such numbering resources in the numbering register. The allocation made

herein does not limit the powers of the Telecommunication Regulator to reclaim numbering resources in accordance with this Chapter and its regulations.

(4) The National Telecommunications Authority, Satellite/NGSO service provider, or any other similar service provider may:

(a) submit notifications for the provision of additional telecommunications networks and telecommunications services not specified in Schedule 1;

(b) apply for additional radio frequency and station licenses in accordance with PART IV of this Chapter; and

(c) submit notifications for the use of additional numbering resources in accordance with PART V of this Chapter.

(5) The National Telecommunications Authority and any Satellite/NGSO service provider or any other similar serve provider currently providing services in the Republic are exempted from the Foreign Investment Business License Act 1980.

PART IV. RADIO FREQUENCY RESOURCES

§126. License is Required.

(1) No person may use radio frequencies in a manner that is inconsistent with an allocation and assignment of radio frequencies made by a license issued in accordance with the Radio-communications Act 1993~~, as amended~~. The functions and powers to issues radio frequency licenses are hereby conferred to the Regulator. This requirement does not apply to the use of license-exempt spectrum as determined in accordance with applicable regulations.

(2) If there is an inconsistency or conflict between the provisions of this Chapter and the Radio-communications Act 1993, or its regulation, the provisions of this Chapter prevail.

§127. No Ownership Interest.

A radio frequency license or station 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.

§128. Radio Spectrum Planning and Allocation.

The Minister may issue spectrum plans setting out the purpose and use for bands in the radio frequency spectrum. Unless the Minister determines otherwise, the Republic shall follow the allocations inscribed for Region 3 in the International Table of Frequency Allocations adopted by the International Telecommunication Union, as updated from time to time.

§129. Radio Frequency License Duration and Renewal.

A radio frequency license or station license may be assigned for up to fifteen (15) years as determined by the Regulator and shall remain in effect until the expiration of the term specified therein or it is revoked by the Minister. The radio frequency license may be renewed by the Regulator upon request provided that the licensee is in good standing and has complied with all applicable terms and conditions of its license.

§130. Radio Frequency License Variation.

The ~~Telecommunication~~ Regulator may, on its own motion or upon request by a person, vary the terms and conditions of a radio frequency or station license, including the specific radio frequency blocks or frequencies authorized in accordance with applicable regulations. Any variation shall be based upon reasonable, fair and non-discriminatory grounds, aimed at promoting specified policy objectives consistent with this Chapter.

§131. Radio Frequency License Suspension and Revocation.

The Minister may revoke or suspend a radio frequency or station license:

(a) with the consent of the licensee

(b) if the licensee is in material breach of the terms and conditions of the radio frequency or station license;

(c) if the licensee has made false or misleading statements to the Regulator in its license application or in material information submitted to the Regulator;

(d) if the authorization holder is insolvent, in receivership, bankrupt, or being wound up.

§132. Assignment and Transfer of Radio Frequency Licenses.

A radio frequency or station license is personal to the licensee and shall not be assigned, transferred, sub-licensed, or otherwise have its ownership or control obligated to another without the Regulator's written approval.

§133. Frequency Assignment Register.

(1) The Regulator shall establish and maintain a publicly available frequency assignment register showing all existing radio frequency and station licenses assigned under the Radio-communications Act 1993, as amended and this Chapter. This frequency assignment register shall contain:

(a) the licensee's name, physical address, telephone number, electronic mail address, and website (if any);

(b) the type of radio frequency or station license held;

(c) spectrum blocks or particular frequencies authorized under the license (as applicable);

(d) geographic coverage of the license (as applicable); and

(e) license effective and expiration dates.

(2) In the case of radio frequency and station licenses granted to natural persons, the Regulator may choose to withhold publication of personal identifiable information in the register referred to in this section.

§134. Resolution of Interference Disputes.

Licensees shall coordinate, when necessary, with other radio frequency licensees in the Republic to avoid harmful interference. 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. If such efforts are unsuccessful, one or more of the licensees involved may request the Regulator to resolve the dispute, which shall do so within ninety (90) days.

PART V. Numbering Resources

§135. Power of the Telecommunication Regulator to Manage Numbering Resources.

(1) The Regulator is responsible for administering the numbering resources, as allocated to the Republic for use in the provision of public telecommunication services.

(2) The Regulator shall publish the national numbering plan to ensure that adequate numbering resources and numbering ranges are allocated for all providers of number dependent services and to promote the efficient use of numbering resources in the Republic.

§136. Allocation of Numbering Resources and Numbering Records

Authorized providers of number dependent services may be allocated numbering resources upon notification in accordance with the relevant regulations issued by the Minister. The Regulator shall maintain and update a registry of numbering resources allocated to authorized providers in accordance with this Section.

PART VI. Interconnection

§137. Right and Obligation to Interconnect.

Authorized providers of public telecommunications networks or services have a right and, when requested by other authorized providers of such networks or services, an obligation to negotiate in good faith with each other an interconnection agreement to ensure provision and interoperability of services in the Republic, where such interconnection is technically feasible. The Minister may make regulations describing the process to negotiate interconnection agreements, the conditions under which the Regulator may intervene to resolve interconnection disputes, and the powers the Regulator may have, including the power to determine the interconnections terms for an interconnection agreement.

§138. Pricing Terms.

(1) Authorized providers may agree reasonable pricing terms of interconnection services by commercial negotiation. For purpose of

this section, negotiated prices for interconnection services are reasonable if such prices:

(a) are not excessive relative to the cost of providing such services or to the regulated prices for the same or similar services observed in comparable countries; or

(b) do not have the effect or the likely effect of lessening competition in the Republic.

(2) The Regulator shall set pricing terms for interconnection if the authorized providers are unable to agree on commercially negotiated and reasonable prices. In such case, either authorized provider may request intervention by the Regulator who may set prices for interconnection services in reference to cost-based prices set for the same or comparable services by regulators in comparable countries or may use a bill and keep approach in which interconnection traffic is exchanged between two authorized telecommunications networks at no charge.

§139. Non-discrimination obligation.

Authorized providers subject to this Part may not offer different terms and conditions to different authorized providers for equivalent services or impose obligations that are not related to the interconnection services provided.

§140. Treatment of Information.

An authorized provider which acquires information from another authorized provider for the purpose of interconnection before, during or after the process of negotiating an interconnection agreement shall only use that information for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored.

PART VII Competition Framework

§141. Market open to competition.

To promote the long-term interests of consumers in the Republic and the objectives set forth in section 102 of this Chapter, telecommunications

services markets are hereby opened to competition, subject to the limitations set out in this Chapter.

§142. Prohibition of Anticompetitive Conduct.

Authorized providers are prohibited from engaging in conduct, including actions and omissions, which has the effect, or which is likely to have the effect of lessening competition in a telecommunications market in the Republic. For purpose of this Section, prohibited conduct includes those prohibited activities established in §303 of the Unfair Business Practices Act 1970, as amended.

§143. Prohibition of Anticompetitive Agreements.

Authorized providers are prohibited from entering into an agreement with other authorized providers or other persons insofar as such agreement has the object or effect of significantly preventing, restricting or distorting competition in any relevant telecommunications market. For purpose of this Section, prohibited agreements are those established in section 303 and section 304 of the Unfair Business Practices Act 1970, as amended. Any agreement or decision which is prohibited by this Section is void.

Part VIII Regulatory Fees

§144. Establishment of Fees by Regulation.

(1) The Minister is authorized, subject to subsection (2), to establish by regulation all necessary, reasonable and proper fees to give effect to PART III (authorization of telecommunications networks and services), PART IV (radio frequency resources), PART V (numbering resources) of this Chapter. The monies collected from these fees will be deposited into the Communications Regulation Fund established in accordance with §311 of the Radio-communications Act 1993.

(2) Any fee established under subsection (1) must:

(a) be limited to the Minister's reasonable assessment of the operational costs (including any necessary equipment) of administering PART III (authorization of telecommunications networks and services), PART IV (radio frequency resources), PART V (numbering resources) of this Chapter during the

period to which the fee relates, being costs that are not otherwise funded in the manner described under §112 (1) (a) and (b); and

(b) only be used for the purposes set out in subsection (2) (a) and if the amounts collected under the fee exceed the actual operational costs during the period to which the fee relates, the surplus amount shall either be rebated to the authorized provider or off set against the authorized provider's fee for any future period;

(c) otherwise be in accordance with the requirements of §113.

Part IX Consumer Protection

§145. Treatment of Consumers.

(1) An authorized provider shall treat all similarly situated consumers in a fair, objective, non-discriminatory, and reasonable manner.

(2) Subject to subsection (1) of this Section an authorized provider shall provide prior written notice to a consumer stating the grounds for its decision if it intends to:

(a) refuse to provide a public telecommunications network or telecommunications service to that consumer; or

(b) discontinue or interrupt the provision of a public telecommunications network or telecommunications service to a consumer, pursuant to an agreement with that consumer.

§146. Consumer Contracts, Terms, and Billing.

(1) Subject to the Consumer Protection Act and any relevant consumer protection regulations that may be adopted from time to time, an authorized provider providing telecommunications networks and telecommunications services to consumers must:

(a) use standardized contracts with consumers that are clear and easy to understand;

(b) provide consumers detailed and accurate billing that reflects the true amount of any telecommunications network or telecommunications service provided to the consumer, independent of the modality of the service;

(c) make available to consumers a fair and transparent complaints and dispute resolution process, providing consumer remedies where warranted;

(d) publish terms and conditions of service, including prices and service plans; and

(e) publish comparable, adequate, and up-to-date quality of service information as directed by the Regulator.

(2) Schedule 3 of this Chapter provides additional minimum standards that are applicable to consumer contracts and billing requirements, which may be amended by regulation from time to time.

Part X Monitoring and Enforcement

§147. Provision of Information and Permission to Inspect.

(1) The Minister or Regulator may establish notification and provision of information requirements, including regular or occurrence-based reporting obligations, provided that such requirements are necessary or desirable for the Minister or Regulator to exercise their powers and duties under this Chapter.

(2) An authorized provider shall provide information or documents or give evidence to the Minister or Regulator upon written notice and within the time and manner specified in the notice.

(3) An authorized provider's premises are subject to entry or inspection by the Minister, Regulator, or other designated agent, at any reasonable time, for purposes of verifying compliance with this Chapter, authorizations, licenses, or other rules, regulations, determinations or orders made under this Chapter.

§148. Monitoring and Investigations.

(1) The Regulator may monitor telecommunications networks and telecommunications services, including but not limited to markets, service quality, network deployment, and compliance with the obligations set forth in this Chapter and any relevant authorizations, licenses, rules, regulations, or orders issued hereunder.

(2) The Regulator shall have the authority to monitor compliance with this Chapter and shall refer to law enforcement for investigations into

non-compliance. Where an investigation reveals potential criminal violations under this Chapter or any other law, the matter shall be refer to the Attorney-General for prosecution.

(3) The Attorney General, and the law enforcement shall initiate an investigation under this Chapter on their own motion or at the request of another person.

(4) Pursuant to subsections (2) and (3) of this Section, the Regulator shall revert to the Attorney General to initiate an investigation if it reasonably appears that:

(a) a person has engaged in, is engaging in, or is about to engage in any act or practice that violates this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issued hereunder; or

(b) an investigation is in the public interest to ascertain whether a person has engaged in, is engaging in, or is about to engage in any act or practice that violates this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issued hereunder.

(5) In the course of an investigation, the Attorney General shall:

(a) require the presentation of any records and documents from any person; or

(b) issue subpoenas to any person.

(6) Any information, testimony, or evidence gathered pursuant to this Section shall not be made public or disclosed by the Regulator or Attorney General beyond the extent necessary for law enforcement purposes in the public interest.

§149. Notice of Alleged Contravention.

(1) Upon investigation, the Regulator or Attorney General shall provide written notice to the person alleged to have violated this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issues hereunder.

(2) The written notice in subsection (1) of this Section shall specify, at a minimum:

(a) the conduct and specific obligations that the person is alleged to have contravened;

(b) a description of the factual and legal conclusions;

(c) the actions that the person shall take to remedy the alleged contravention; and

(d) the timeframe in which the person shall comply with the notice.

(3) The person shall be granted a reasonable opportunity to respond to the notice, including to correct the alleged contravention.

(4) Failure to comply with or respond to the notice would be considered a contravention.

§150. Contraventions and Offenses.

(1) Violations of this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issued hereunder will be considered a contravention subject to civil liability or, in cases involving criminal activity, subject to criminal liability.

(2) Criminal liability shall apply to any person who willfully and knowingly commits an unlawful act related to this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issued hereunder, including but not limited to fraud, theft, destruction of property, or other unlawful act specified under the Criminal Code Act 2011.

§151. Enforcement and Sanctions.

(1) After conducting an investigation of alleged contraventions involving civil liability, the Regulator shall refer to the Attorney General to file a petition with the High Court for remedies and sanctions, including but not limited to a declaration of contravention, an injunction and recovery of civil penalties.

(a) any remedies or sanctions imposed shall_be reasonable and proportionate to the contravention(s).

(b) financial penalties shall be imposed up to $10,000 per violation.

(2) After conducting an investigation of alleged contraventions involving criminal liability, the Attorney General shall seek to prosecute such alleged criminal activity.

(a) Upon conviction, liable for up to $10,000 or imprisonment for a minimum of 2 years, or both.

(3) For investigations, the Regulator shall refer any alleged criminal violations to the Attorney General and the law enforcement for investigation and prosecution.

§152. Private Right of Action.

(1) Notwithstanding §147 through §151 of this Chapter, for any person or class of persons who purchases, leases, uses, or is affected by the telecommunications networks or telecommunications services offered by an authorized provider and such telecommunications networks and telecommunications services have caused harm or injury to the person or class of persons, such person or class of persons shall petition the High Court involving alleged consumer protection or anti-competitive violations of this Chapter or any relevant authorizations, licenses, rules, regulations, or orders issued hereunder.

(2) In any action brought by a person or class of persons, the High Court shall issue remedies and sanctions, including but not limited to:

(a) an injunction;

(b) award to the person or class of persons the recovery of actual damages; and

(c) any reasonable attorney fees and costs.

Part XI Miscellaneous

§154. Application to Marshall Islands National Telecommunications Authority Act 1990

If there is an inconsistency between this Chapter and the Marshal Islands National Telecommunications Act 1990 and all existing amendments thereto, the provisions of this Chapter shall apply.

§155. Transitory Exercise of Powers and Duties of the Regulator.

The Minister will exercise the powers and duties conferred to the Regulator under this Chapter until such time as the Regulator is appointed and the Regulator becomes operational.

§156. Making of Regulations.

The Minister shall issue regulations to give effect to this Chapter pursuant to the Marshall Islands Administrative Procedure Act 1979 and such regulations will have the force and effect of law and be applicable to all persons seeking to provide or providing telecommunications networks and telecommunications services within the Republic.

§157. Effective Date.

This Chapter takes effect 90 days after the date of its certification, in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 45ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 7th day of April 2025; and

2. That I am satisfied that Nitijela Bill No: 45ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 21st day of April 2025.

Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Attest:

Morean S. Watak
Clerk
Nitijela of the Marshall Islands

SCHEDULE

SCHEDULE 1. PROVISION OF SERVICES BY NATIONAL TELECOMMUNICATION AUTHORITY AND SATELLITE/NGSO SERVICE PROVIDER, OR ANY OTHER SIMILAR SERVICE PROVIDER AUTHORIZED UNDER SECTION 125

1. The following services by National Telecommunications Authority and Satellite/NGSO service provider, or any other similar service provider are authorized under §125.

A. Services by National Telecommunications Authority

Types of Specified Communication Network:

- Terrestrial cable transmission facilities
- Terrestrial radio communications transmission facilities
- Submarine cable & cable landing station facilities
- International gateway services facilities/Apparatus
- Satellite earth station facilities/apparatus

Types of Authorized Communication Services

- Wireline connectivity and data transmission services
- Wireless connectivity and data transmission services
- Fixed and/or mobile public voice services
- Public internet access services

B. Services by Starlink

Section 1.01

Types of Specified Communication Networks:

- International gateway services facilities
- Satellite earth station facilities/apparatus, including earth stations in motion

Types of Authorized Communication Services:

- Public internet access services

- Backhaul services

2. The following radio frequency and station licenses for shared spectrum use are issued to Satellite/NGSO service provider, or any other similar service provider pursuant to §125 (1) (b)

Required Radio Frequency and Station Licenses

a. User Terminals:

Ku Downlink: 10.7-12.7 GHz

Ku Uplink: 14.0 - 14.5 GHz

b. Gateways/Community Gateways:

Ka Downlink: 17.8 - 21.2 GHz

Ka Uplink: 27.5 - 31.0 GHz

Eband Downlink: 71 - 76 GHz

Eband Uplink: 81 - 86 GHz

SCHEDULE 2. TELECOMMUNICATIONS NETWORK AND TELECOMMUNICATIONS SERVICE NOTIFICATION FORM

1. Purpose of the notification

(a) Initial notification	
(b) Notification to offer additional telecommunications networks and/or services	
(c) Notification to transfer or assign an authorization	
(d) Notification to surrender an authorization	
(e) Change of contact details	

2. Notified person's particulars

(a) Name of the authorized person or person to be authorized	
(b) Legal status and form	
(c) Registered address	
(d) Business registration number (if applicable)*	
(e) Website	

* A certified copy of the business registration certificate must be submitted with the notification form.

3. Contact persons (to be contacted for all notices, approvals, and other communications)

(a) Main contact person name, address, telephone number, email address	
(b) Alternate contact person name, address, telephone number, email address	

4. Planned activities

(a) Does the person operate or	

plan to operate a telecommunications network subject to notification? If no, go to (c) regarding telecommunications services.	
Telecommunications networks	
(b) Which network and/or transmission systems does the person operate or plan to operate?	€ Terrestrial radiofrequency communications transmission facilities for fixed and mobile services € International gateway services facilities € Satellite earth station facilities and apparatus € Other facilities located in the Republic providing capabilities for the transmission of telecommunications services (please specify)
Telecommunications services	
(c) Does the person operate or plan to operate a telecommunications service subject to notification?	
(d) Which telecommunications service does the person operate or plan to operate?	€ Internet access service € Voice communications services using numbering resources (number dependent) € Messaging services using numbering resources (number dependent) € Data transmission services € Transmission services for machine-to-machine (M2M) communications € Resale of terrestrial fixed line connectivity and data transmission services € Resale of terrestrial wireless connectivity and data transmission services € Resale of satellite connectivity and data transmission services € Other (please specify)
(e) Types of networks and transmission systems to be used for the telecommunications service(s).	€ Terrestrial fixed line transmission facilities € Terrestrial radiofrequency communications transmission facilities for fixed and mobile services € Submarine cable and landing station facilities € International gateway services facilities € Satellite earth station facilities and apparatus € Other facilities located in the Republic providing capabilities for the transmission of

	telecommunications services (please specify)
Details of the telecommunications networks and/or services	
(f) Description of the telecommunications networks and/or services offered or to be offered.	
(g) For each telecommunications network and/or service, identify whether the activity will be on a wholesale only basis to other notified persons and/or will be provided to end users.	
(h) Estimated start date(s) for the planned activities	

This form, along with a certified copy of the business registration certificate (if applicable) must be submitted to the Telecommunications ~~Telecommunication~~ Regulator via:

- Email to: [insert email address]
- Mail to:[Insert mailing address]

I hereby declare that the information given in this form is complete and correct to the best of my knowledge.

_____

Name

_____

Signature

_____

Date

Schedule 3. General conditions of Telecommunications Networks and Telecommunications Service.

Part 1. General Terms and Conditions

1. Notification of Changes

Notwithstanding other notification requirements established in the Telecommunications (Reform) Act, 2024, the authorized provider must notify the Telecommunication Regulator of any changes to the information provided in the notification form within thirty (30) days of the authorized provider becoming aware of such change.

2. Accounts and Records

Authorized providers must maintain accounts and records in accordance with generally accepted accounting principles consistently applied.

3. Reporting Obligations

(a) Authorized providers must maintain and submit to the Telecommunication Regulator on an annual basis a subscriber and traffic data report specifying, at a minimum, the following information for the prior calendar year (as applicable):

(i) pricing of each retail telecommunications network or service offered;

(ii) pricing of each wholesale telecommunications network or service offered;

(iii) number of subscribers for each telecommunications network or service offered;

(iv) aggregated traffic data for each retail and wholesale telecommunications network or service offered; and

(v) any other aggregated subscriber or traffic data that the Telecommunications Regulator shall reasonably request from time to time.

(b) The first year the subscriber and traffic data report established in subsection (a) must be submitted shall be by April 30 of the year following the year this Chapter takes effect in accordance with §155, and thereafter submitted by April 30 of each following year, covering the prior calendar year.

4. Prohibition of Anti-Competitive Conduct

Pursuant to the competition framework and any relevant competition law, regulations, or orders, authorized providers are prohibited from engaging in conduct that has the purpose or effect, or is likely to have the effect, of

substantially lessening competition in a telecommunications market in the Republic.

5. Proper Functioning of Telecommunications Networks and Services

(a) An authorized provider must take all necessary measures to maintain, to the greatest extent possible:

(i) the proper and effective functioning of the telecommunications networks and telecommunications services that the authorized provider provides at all times; and

(ii) in the event of major outages, or in cases of force majeure, the fullest possible availability of the telecommunications networks and telecommunications services that the authorized provider provides, including to promptly restore service.

(b) Prior to any planned interruption of service, the authorized provider must give reasonable advanced notice to the Telecommunication Regulator and to any consumers and other authorized providers who shall be materially affected by the interruption.

6. Consumer Contracts, Terms, and Billing

(a) Consumer contracts and billing requirements must include the following information, at a minimum:

(i) the telecommunications network or service provider's name, telephone number, registered address, and email address;

(ii) a description of the services provided, including any minimum quality of service levels (if applicable);

(iii) the price(s) of the telecommunications network(s) or service(s) including the subscription price, any usage, activation, or other additional charges, and any taxes or fees;

(iv) the available methods of payment;

(v) the contract duration (if applicable); and

(vi) processes for handling complaints and dispute resolution.

(b) The obligations specified in subsection (a) of this Section does not apply in cases where the authorized provider enters into negotiated contracts for telecommunications networks or telecommunications services with:

(i) governmental consumers; or

(ii) a business consumer in which the authorized provider and business consumer mutually agree to negotiate the contract, billing, complaints and dispute resolution, or other relevant terms and conditions of service.

7. Quality of Service

(1) An authorized provider must specify in a consumer contract the minimum quality-of-service levels to be delivered to the consumer and must make all reasonable efforts to meet such quality of service levels and ensure that the telecommunications networks and services specified in the consumer contract are:

(i) reliable;

(ii) provided with due care and skill; and

(iii) rendered in accordance with the standards reasonably expected of a competent provider of the telecommunications networks and telecommunications services specified in the consumer contract.

(2) The Minister shall promulgate rules establishing minimum quality of service standards for telecommunications services and networks in the Republic.

8. Protection of Consumer Information and Communications

(1) An authorized provider must ensure that consumer information is accurate and must protect the confidentiality of consumer information, including to not collect, use, maintain, or disclose consumer information, except:

(i) as required by law, regulation, or order;

(ii) with the consumer's consent;

(iii) to initiate, render, bill, and collect for the relevant telecommunications networks and services;

(iv) to protect the rights or property of the authorized provider;

(v) to protect users of the authorized provider's telecommunications networks and services and other authorized provider from fraudulent or abusive conduct;

(vi) to provide call location and other information necessary to enable emergency call services.

(2) For purposes of this Section, consumer information refers to information that:

(i) relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications network or services

subscribed to by a consumer of an authorized provider, and that is made available to the authorized provider by the consumer solely by virtue of the provider-consumer relationship; and

(ii) is contained in the bills that the authorized provider provides to a consumer; but

(iii) does not include subscriber list information that identifies a consumer's name, telephone number, address, or other information that shall be accepted for publication in a printed or electronic directory.

(3) An authorized provider must protect the confidentiality of consumer communications and take all reasonable measures to ensure such confidentiality, except:

(i) as required by law, regulation, or order;

(ii) subject to a valid lawful interception request; or

(iii) with the consumer's consent.

Part 2. Specific Terms and Conditions

1. Interconnection Requirements

An authorized provider shall be subject to the relevant interconnection requirements as set forth under PART VI of this Chapter.

2. Directories and Provision of Directory Assistance

(a) The Minister shall require an authorized provider or class of authorized providers to establish and provide consumers with directory assistance services.

(b) An authorized provider that offers fixed voice telecommunications service to the public and has been allocated numbering resource identified in the numbering plan shall:

(i) maintain a complete and accurate database of its consumers' subscriber list information, including information regarding consumers who have asked to be excluded from directories; and

(ii) make that data available on reasonable terms and conditions to any other authorized provider that has been allocated numbers identified in the Numbering Plan, at the other authorized provider's request, in case such other authorized provider seeks to provide directory assistance services.

3. Interception Capabilities

An authorized provide must ensure that its telecommunications networks and services are capable of lawful interception for national security and law enforcement purposes and must, pursuant to a lawful warrant or court order, facilitate such interception as required by national security or law enforcement.

4. Exposure to Electromagnetic Fields

An authorized provider must comply with measures regarding the limitation of exposure of the public to electromagnetic fields caused by telecommunications networks and other relevant health and safety requirements as determined b