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1 significant amendments to the law are necessary.

2 (d) It is the purpose of this Chapter to establish necessary government control over the  
3 import, sale, offer for sale, lease, offer for lease, manufacture, shipment, possession and use of  
4 radiocommunication equipment and radio frequency devices, and to provide for control of the use  
5 of, and for the management of, the radiofrequency spectrum in order to:

- 6 (1) maximize, by ensuring the efficient allocation and use of the spectrum, the  
7 overall public benefit derived from using the radiofrequency spectrum;
- 8 (2) make adequate provision of the spectrum for use by agencies involved in  
9 the security of the Republic of Palau, public safety agencies, agencies  
10 responsible for providing emergency services, other public agencies, United  
11 States Government agencies, and private entities or other community  
12 organizations.
- 13 (3) provide a responsive and flexible approach to meeting the needs of users of  
14 the spectrum;
- 15 (4) encourage the use of efficient radiocommunication technologies so that a  
16 wide range of services of adequate quality can be provided;
- 17 (5) provide an efficient, equitable and transparent system of charging for the  
18 use of the spectrum, taking account of the value of both commercial and  
19 non-commercial use of the spectrum;
- 20 (6) support the ICT policy objectives of the Republic of Palau;
- 21 (7) provide a regulatory environment that maximizes opportunities for the  
22 Palau communications industry in domestic and international markets; and
- 23 (8) promote Palau's interests concerning international agreements, treaties and  
24 conventions relating to radiocommunications or the radiofrequency  
25 spectrum, including Palau's Compact obligations.

26 § 102. Definitions. As used in this Chapter:

- 27 (a) "Aircraft" means any contrivance now know or hereafter invented, used or

1 designed for navigation of or flight in the air, including a balloon.

2                   **(b) “Broadcasting”** means the dissemination of radio communications intended  
3 to be received by the public directly;

4                   **(c) “Broadcasting station”** means a transmitter that is operating for the purposes  
5 of a broadcasting service.

6                   **(d) “Broadcasting service”** means a radiocommunication service in which the  
7 transmissions are intended for direct reception by the general public and may include sound  
8 transmissions, television transmission or other types of transmission.

9                   **(e) “Radio broadcasting station”** means a radio station that is operating for the  
10 purposes of a broadcasting service.

11                   **(f) “Television broadcasting station”** means a television station that is operating  
12 for the purposes of broadcasting pictures, sounds, and signals in a broadcasting service.

13                   **(g) “Calling”** means establishing radio contact with identification which shall be  
14 made by the use of a call sign, a maritime mobile service identity or by other recognized means of  
15 identification which may be one or more of the following: name of station, location of station,  
16 operating agency, official registration mark, flight identification number or signal, characteristic  
17 signal, characteristic of emission or other clearly distinguishing features readily recognized as  
18 identification internationally, followed by a message for purposes of reasonably brief  
19 communication necessary to arrange for use of an alternative channel or followed by minimum  
20 period of communication.

21                   **(h) “Change”**, in relation to information in an application, means any one or more  
22 of the following:

- 23                                   1) the addition of a matter to the information;
- 24                                   2) the alteration of a matter included in the information;
- 25                                   3) the deletion of a matter from the information.

26                   **(i) “Class license”** means a class license issued under Section 211.

27                   **(j) “Constitution and Convention of the International Telecommunication**

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1       **Union**” or the “International Telecommunication Convention” means the Constitution and  
2       Convention of the International Telecommunication Union (ITU) and all amendments as adopted  
3       from time to time by the Plenipotentiary Conference.

4               **(k) “Distress”** means a situation where there exists a threat of loss of life, personal  
5       injury, or significant property loss requiring immediate attention.

6               **(l) “Division”** means the Division of Communications within the Ministry of  
7       Public Infrastructure, Industries & Commerce.

8               **(m) “Foreign aircraft”** means an aircraft that is not registered in Palau or under  
9       Palauan control.

10              **(n) “Foreign space object”** means a space object that is not registered in Palau or  
11       under Palauan control.

12              **(o) “Foreign vessel”** means a vessel that is not registered in Palau or under Palauan  
13       control.

14              **(p) “Frequency band”** means any contiguous range of radio frequencies.

15              **(q) “Harmful Interference”** means interference which endangers the functioning  
16       of a radio navigation service or of other safety services or which seriously degrades, obstructs, or  
17       repeatedly interrupts a radiocommunication service operating in accordance with Chapters 1 and  
18       2 of this Title.

19              **(r) “HF radio”** means a radiocommunication device operating on frequencies  
20       between 3 and 30 megahertz;

21              **(s) “Import”**, unless otherwise intended, means import into Palau.

22              **(t) “In Palauan control”** means in the control or possession of the Republic of  
23       Palau or any of its entities.

24              **(u) “Interference”** means the effect of unwanted energy due to one or a  
25       combination of emissions, radiations, or inductions upon reception in a radiocommunication  
26       system, manifested by any performance degradation, misinterpretation, or loss of information  
27       which could be extracted in the absence of such unwanted energy.

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1                   (v) **“ITU Radio Regulations”** means the radio regulations as adopted by the  
2 International Telecommunication Union (ITU) World Radiocommunication Conference (Geneva,  
3 2004) and all revisions as adopted by the World Radiocommunication Conferences subsequently.

4                   (w) **“License”** means an apparatus license, a class license, a spectrum license, a  
5 radio station license, a broadcasting station license or a cable station license.

6                   (x) **“Licensee”** means a person who holds the license and is authorized by the  
7 license to act under the license.

8                   (y) **“Member of the crew”**, in relation to a vessel, aircraft or space object, includes  
9 the person in charge of the vessel, aircraft or space object.

10                  (z) **“Paging service”** means a radio communication service provided to eligible  
11 users to notify them of the receipt of telephone calls on a specific telephone number.

12                  (aa) **“Palauan aircraft”** means an aircraft that is under Palauan control or is  
13 registered in Palau in accordance with the Palau National Aviation Administration regulations.

14                  (bb) **“Palauan vessel”** means a vessel that is under Palauan control or is registered  
15 in accordance with Title 7 of the Palau National Code.

16                  (cc) **“Part”**, in relation to a spectrum license, means:

17                   (1) a specified portion of the frequencies at which operation of  
18 radiocommunication devices is authorized under the license; or

19                   (2) a specified portion of the area within which operation of  
20 radiocommunication devices is so authorized; or

21                   (3) a specified portion of the frequencies at which operation of  
22 radiocommunication devices is so authorized in a specified portion  
23 of the area within which operation of radiocommunication devices  
24 is so authorized.

25                  (dd) **“Person”** means an individual, partnership, association, joint-stock company,  
26 trust, corporation, or other non-governmental entity, however organized.

27                  (ee) **“Portable telephone service”** means a radio communication service provided

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1 to eligible users and carried on between mobile stations or receivers and land stations, and by  
2 mobile stations communicating among themselves.

3 (ff) **“Qualified operator”** means a person who holds a certificate of proficiency.

4 (gg) **“Radio communication”** means the transmission by radio of signals or sounds  
5 of all kinds between two or more points.

6 (hh) **“Radio station”** means two or more transmitters or receivers or a combination  
7 of transmitters and receivers, including the ancillary equipment, necessary at one location for  
8 carrying on a radio communication service, or a radio astronomy service.

9 (ii) **“Reception”**, in relation to radio emission, includes interception.

10 (jj) **“Repeated”** means the commission or omission of an act more than once, or  
11 if such commission or omission is continuous, for more than one day.

12 (kk) **“Republic”** means the territory of the Republic of Palau, including the fishery  
13 zones defined by 27 PNC 144(a), or, if the context dictates, the government of the Republic of  
14 Palau.

15 (ll) **“Space object”** means an object (whether artificial or natural) that is beyond,  
16 has been beyond or is intended to go beyond the major portion of the Earth’s atmosphere, or any  
17 part of such an object, even if the part is intended to go only some of the way towards leaving the  
18 major portion of the Earth’s atmosphere.

19 (mm) **“Spectrum”** means the range of frequencies within which  
20 radiocommunications are capable of being made.

21 (nn) **“UHF Radio”** means a radiocommunication device operating on frequencies  
22 between 300 and 3000 megahertz.

23 (oo) **“Vessel”** means a vessel or boat of any description, and includes:

24 (1) an air-cushion vehicle; and

25 (2) any floating structure.

26 (pp) **“VHF Radio”** means a radiocommunication device operating on frequencies  
27 between 30 and 300 megahertz.

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1                   **(qq) “Willful”** means the conscious and deliberate commission or omission of an  
2 act, irrespective of intent to violate any provision of this Chapter or any regulation of the Division  
3 authorized by the Chapter.

4                   **(rr) “Radiocommunication”** is a radio emission or reception of radio emission for  
5 the purpose of communicating information between:

- 6                               (1) persons and persons;
- 7                               (2) persons and things; or
- 8                               (3) things and things, including communicating information between a part  
9 of a thing and another part of the same thing or the same part of that thing.  
10                               (for example, in the operation of a radar device).

11                   **(ss) “Radiocommunications device”** is a radiocommunication transmitter, receiver  
12 or being both a radiocommunication receiver and a radiocommunication transmitter, or any other  
13 kind of transmitter, for the purposes of Chapters 1 and 2 of this Title.

14                   **(tt) “Radiocommunications transmitter”** is:

- 15                               (1) a transmitter designed or intended for use for the purpose of  
16 radiocommunication; or
- 17                               (2) anything designed or intended to be ancillary to, or associated with,  
18 such a transmitter for the purposes of that use; or
- 19                               (3) anything (whether artificial or natural) that is designed or intended  
20 for use for the purpose of radiocommunication by means of the reflection  
21 of radio emissions.

22                   **(uu) “Radiocommunications receiver”** is:

- 23                               (1) anything designed or intended for use for the purposes of  
24 radiocommunication by means of the reception of radio emission; or
- 25                               (2) anything designed or intended to be ancillary to, or associated with,  
26 such a thing for the purposes of that use; or
- 27                               (3) anything (whether artificial or natural) that is designed or intended

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1 for use for the purpose of radiocommunication by means of the reflection  
2 of radio emissions.

3 (vv) **“Radio emission”** is any emission of electromagnetic energy of frequencies  
4 less than 420 terahertz without continuous artificial guide, whether or not any person intended the  
5 emission to occur.

6 (ww) **“Transmitter”** is:

- 7 (1) anything designed or intended for radio emission; or  
8 (2) any other thing, irrespective of its use or function or the purpose of its  
9 design, that is capable of radio emission.

10 (xx) **“Device”** is:

- 11 (1) a radiocommunication transmitter;  
12 (2) any other transmitter;  
13 (3) a radiocommunication receiver; or  
14 (4) any other thing any use or function of which is capable of being  
15 interfered with by radio emission.

16 (yy) **“Non-standard device”** is a device that:

- 17 (1) if the device has not been altered or modified in a material respect after  
18 its manufacture or, if it has been imported, after its importation—does not  
19 comply with a standard that was applicable to it when it was manufactured  
20 or imported, as the case may be; or  
21 (2) if the device was so altered or modified—does not comply with a  
22 standard that was applicable to it when it was so altered or modified.  
23 (3) For the purposes of this Act, a non-standard transmitter is a transmitter  
24 that is a non-standard device.

25 **§ 103. Application.**

26 This chapter shall apply to all radiocommunication devices and radio stations, including, but not  
27 limited to, cellular telephone services, paging services and broadcasting radio and television

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1 broadcasting stations, and persons using radiocommunication devices and radio frequencies  
2 required to be licensed under this chapter.

3 **§ 104. Palau National Communications Corporation.**

4 (a) Chapters 1 and 2 of this Title shall apply to the Palau National Communications  
5 Corporation in respect to its use of radio frequencies.

6 (b) Palau National Communications Corporation is exempted from any fees  
7 collectible under Chapters 1 and 2 of this Title until its loan obligations under the Rural  
8 Utilities Services of USDA are fully settled.

9 (c) Nothing in Chapters 1 and 2 of this Title shall be construed to regulate the  
10 aspects of the Palau National Communication Corporation not connected with the use of  
11 radio frequencies.

12 **§ 105. ITU Publications to be kept.**

13 The Division shall keep a current copy of the Constitution and Convention of the International  
14 Telecommunications Union (ITU) and the ITU Radio Regulations at its office for public inspection,  
15 upon request.

16 **§ 106. Operation of Chapter.**

17 (a) No license issued under this Chapter shall create any right beyond the terms,  
18 conditions, and periods of the license.

19 (b) Any license authorizing operation of a radio station or radiocommunication  
20 device issued under any prior law of the Republic shall remain in force only for the  
21 duration of its stated term or for 60 days after the effective date of this Act,  
22 whichever is sooner, without regard to any right or option to renew provided  
23 therein, subject to the conditions imposed by this Chapter.

24 (c) Any radio station or radiocommunication device being operated without a  
25 license after effective date of this Act shall be deemed in violation of this Act.

26 (d) Possession of any radiocommunication devices without a license after 60  
27 days from effective date of this Act shall be deemed in violation of this Act.

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1 (e) Frequency assignments previously issued by the Division shall not be  
2 considered licenses for the purpose of this Act.

3 **§ 107. Interference Prohibited.**

4 No person shall willfully, maliciously or otherwise interfere with or cause interference to any radio  
5 communications of any station licensed or authorized by or under this chapter or operated by the  
6 Republic of Palau.

7 **Subchapter 2**

8 **Duties and Powers of the Division**

9 **§ 108. Enforcement and Investigative Authority.**

10 The Division shall have the authority:

11 (a) to administer, implement and enforce the provisions of Chapter 1 and 2 of this  
12 Title, including the issuance of citations for violations thereof;

13 (b) to enter any premise or property not a dwelling house to investigate an  
14 interference to a licensed or authorized radiocommunication station or activity; and

15 (c) to take any action necessary to resolve causes of interference and to remedy  
16 violation of this Chapter, including, but not limited to, ordering a radio station to  
17 cease radio transmissions, modifying conditions of license, ordering a radio station  
18 to modify faulty equipment or devices, or seizing unauthorized equipment.

19 **§ 109. Promulgation of regulations.**

20 (a) The Minister of Public Infrastructure, Industries & Commerce shall have the  
21 authority to promulgate regulations in order to implement the provisions of Chapters 1 and 2 of this  
22 Title, including such regulations it deems necessary to establish standards of radiocommunication  
23 devices and to make available, so far as possible, to the people of the Republic such  
24 radiocommunication services as are required for the purposes of conducting personal business,  
25 promoting safety of life and property, providing a public service, preventing interference between  
26 radio stations and providing commercial communication services.

27 (b) Nothing in this Chapter shall be construed to limit the authority of the Division

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1 to license and regulate any existing or new radiocommunication devices and radio stations using  
2 such devices under this Chapter.

3 (c) In promulgating rules and regulations and in the taking of any action authorized  
4 by Chapter 1 and 2 of this Title, the Minister of Public Infrastructure, Industries & Commerce shall  
5 follow the Administrative Procedure Act, 6 PNC § 101, *et seq.*, and shall adhere to the Constitution  
6 and Convention of the International Telecommunication Union and the ITU Radio Regulations.

7 (d) In the event of a conflict between Chapter 1 and 2 of this Title or any other law  
8 of the Republic and the Constitution and Convention of the International Telecommunication  
9 Union or the ITU Radio Regulations, the provisions of Chapters 1 and 2 of this Title or such other  
10 law of the Republic shall take precedence to the extent it does not violates Palau's Compact of Free  
11 Association obligations to the United States with respect to International Telecommunication  
12 Union (ITU).

13 **§ 110. Levy and collection of fees.**

14 The Division shall establish, by regulation, a licensing fee schedule based on the amount of radio  
15 frequency spectrum used and a reasonable value of such spectrum. In establishing the licensing  
16 fee schedule, the license fee shall not be less than the reasonably calculated amount to permit the  
17 Division to recover the costs of administering and enforcing the terms of licenses issued under  
18 Chapter 1 and 2 of this Title. The fee schedule may distinguish between commercial and non-  
19 commercial licenses.

20 **§ 111. Monitoring of radio stations and radio communications.**

21 The Division shall monitor radiocommunication activities and radio transmissions of the radio  
22 stations throughout the radio frequency spectrum to ensure compliance with Chapter 1 and 2 of this  
23 Title and the safety of life and property.

24 **§ 112. Designation and regulation of stations likely to interfere with distress signals.**

25 The Division is authorized to designate from time to time radio stations the emissions of which are  
26 likely to interfere with the transmission or reception of distress signals from aircraft or vessels.  
27 Such stations shall keep a licensed radio operator listening on the frequencies designated for

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1 distress signals and related radio communications during the entire period the transmitter of such  
2 a station is in operation.

3 **Subchapter 3**

4 **Table of Frequency Allocations and Band Plans**

5 **§ 113. Table of Frequency Allocations.**

6 (a) The Division shall, by regulation, prepare a Table of Frequency Allocation.

7 (b) A Table of Frequency Allocation shall:

8 (1) allocate so much of the radio frequency spectrum as the Division  
9 thinks is necessary to such radio services and to assign frequency  
10 bands as the Division thinks appropriate for the purpose of  
11 regulating radiocommunications under this Act;

12 (2) be developed using the International Table of Allocations as a  
13 guide;

14 (3) designate bands that may be sold for commercial use;

15 (4) designate bands to be used solely for non-commercial use including  
16 a designated Citizens' Band;

17 (5) designate one or more bands to be used primarily for public safety  
18 services; and

19 (6) specify the general purpose or purposes for which other bands may  
20 be used.

21 (c) As used in this section, used includes:

22 (1) reserved for future use; and

23 (2) reserved for the prevention or control of interference to  
24 radiocommunications.

25 **§ 114. Planning of broadcasting services bands.**

26 The Division may, in accordance with the Table of Frequency Allocations, by regulation designate  
27 a part of the spectrum as being primarily for broadcasting purposes.

1                   **§ 115. Frequency band plans.**

2                   (a) The Division may, by regulation, prepare frequency band plans, each relating  
3                   to one or more frequency bands.

4                   (b) A frequency band plan shall conform to the Table of Frequency Allocation.

5                   (c) A frequency band plan:

6                         (1) shall make provision in relation to the purpose or purposes for  
7                         which the band or bands may be used; and

8                         (2) notwithstanding subsection (c)(1), may provide for:

9                                 (A) one or more purposes for which any part of a band (including  
10                                any particular frequency or frequency channel) may be used; and

11                               (B) parts of the spectrum to be reserved for provision of public or  
12                               community services.

13                   (d) A frequency band plan:

14                         (1) may be of general application or may be limited as provided in the  
15                         plan; and

16                         (2) notwithstanding subsection (d)(1), may apply:

17                                 (i) with respect to a specified area; and

18                                 (ii) with respect to a specified period.

19                   (e) As used in this section, used includes:

20                         (1) reserved for future use; and

21                         (2) reserved for the prevention or control of interference to  
22                         radiocommunications.

23                   **§116. Revocation and amendment of plans.**

24                   The Division may, at any time, revoke or amend the Table of Frequency Allocation or frequency  
25                   band plan.

26                   **§117. Designation of parts of the spectrum for other services.**

27                   The Division may designate by regulation a specified part of the spectrum to be allocated for

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1 services other than previously designated in spectrum or band plans.

2 The designation is to be expressed to apply with respect to one or more specified areas.

3 Before making a recommendation, the Division must give members of the public reasonable  
4 opportunity to make representations to the Division about the recommendation it should make.

5 **§118. Preparation or variation of frequency band plans.**

6 The Division may, before preparing a conversion plan under section 119, prepare a frequency band  
7 plan under section 115, or amend a frequency band plan under section 116, in order to assist it in  
8 preparing the conversion plan.

9 **§119. Conversion plans.**

10 (a) The Division must, by regulation, prepare a conversion plan that sets out the  
11 procedures and timetable for replacing existing apparatus licenses that authorise operation of  
12 radiocommunication devices:

13 (1) at frequencies within that part of the spectrum; and

14 (2) within the area or areas specified in the regulations.

15 (b) The conversion plan may contain such other additional matters as the  
16 Division thinks fit.

17 (c) The conversion plan must not be inconsistent with:

18 (1) the spectrum plan; or

19 (2) a frequency band plan that relates, wholly or partly, to the part of the  
20 spectrum to which the conversion plan relates.

21 (d) This section does not apply if there are no apparatus licenses to which such  
22 a conversion plan would apply.

23 **§120. Variation of plans.**

24 (a) The Division may, at any time, vary a conversion plan.

25 (b) This section applies in relation to a variation of a conversion plan in the same  
26 way that it applies in relation to the preparation of the plan.

27 **§ 121. Spectrum to be auctioned.**

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1 The Division shall, by regulation, set procedures for auctioning certain parts of the spectrum  
2 designated for commercial use. The regulation shall include, but not be limited to, the auction  
3 procedure, minimum auction bid and the unit of spectrum to be auctioned.

4 **§ 122. Designated use of VHF channels.**

5 (a) The Division may designate by regulation specific permitted uses of VHF  
6 frequencies, including the 156-174MHz band, and shall designate certain frequencies to be  
7 reserved for use as calling and local distress frequencies. Any use of the frequencies designated  
8 by the Division as distress frequencies, except for reasonably brief transmissions and responses  
9 for hailing purposes, is prohibited. 156.8MHz and 156.525MHz are reserved solely for  
10 international distress calls; any other use of these frequencies, except for reasonably brief  
11 communications for hailing purposes, is expressly prohibited.

12 (b) Any person that violates section 122(a) shall be guilty of the unauthorized use  
13 of distress frequencies and, upon conviction, shall be imprisoned for up to six months or fined up  
14 to \$1,000, or both, unless such violation contributes to the loss of life in which case the violator  
15 shall be guilty of involuntary manslaughter and shall be subject to penalties as set forth in 17  
16 PNCA § 1704.

17 **Subchapter 4**

18 **Regulation of Radiocommunication Devices**

19 **§123. Unlicensed operation of radiocommunication devices.**

20 No radiocommunication device required to be licensed under Chapters 1 and 2 of this Title may  
21 be operated unless such a device is authorized by:

- 22 (a) an apparatus license;
- 23 (b) a radio station license;
- 24 (c) a broadcasting or cable station license;
- 25 (d) a spectrum license; or
- 26 (e) a class license; or
- 27 (f) a license issued by the US Competent Authority on Telecommunication

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1 under the Compact of Free Association agreement.

2 **§124. Unlawful possession of radiocommunication devices.**

3 (a) No person may have a radiocommunication device, transmitter, receiver or  
4 otherwise, required to be licensed under this chapter in his or her possession for the purpose of  
5 operating the device unless such person is authorized by:

- 6 (1) an apparatus license;
- 7 (2) a radio station license;
- 8 (3) a broadcasting or cable station license;
- 9 (4) a spectrum license;
- 10 (5) a class license; or
- 11 (6) a license issued by the United States Competent Authority on  
12 Telecommunication under the Compact of Free Association.

13 (b) Subsection (a) does not apply if the person has the device in his or her  
14 possession for the purpose of repairing such device.

15 (c) In relation to subsection (b), the defendant bears the evidentiary burden in  
16 relation to the matter.

17 (d) Subsection (a) does not apply to persons using the Citizens' Band for non-  
18 commercial purposes.

19 **§125. Additional provisions respecting possession of radiocommunication devices.**

20 (a) Without limiting section 123, a person is taken, for the purposes of that  
21 section, to have a radiocommunication device in his or her possession for the purpose of operation  
22 if it is in his or her possession, other than for the purpose of supply to another person, and can be  
23 operated merely by doing one or more of the following:

- 24 (1) connecting the device to an electric power supply by means of an  
25 electric plug or other electrical connection;
- 26 (2) connecting a microphone to the device by inserting a microphone  
27 plug into the device;

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- 1 (3) switching on the device;
  - 2 (4) switching on any other equipment relevant to the device's operation;
  - 3 (5) adjusting settings by manipulating the device's external switches,
  - 4 dials or other controls;
  - 5 (6) connecting the device to an antenna.

6 (b) Subsection (a) only applies in the absence of any evidence to the contrary.

7 (c) A reference in sections 123 and 124 to a person having a  
8 radiocommunication device in his or her possession includes a reference to the person having it  
9 under control in any place whatever, whether for the use or benefit of that person or another  
10 person, and although another person has the actual possession or custody of it.

11 **§126. Emergency operation, etc. of radiocommunication devices.**

12 (a) A person does not contravene section 123 and 124 by operating a  
13 radiocommunication device, or having a radiocommunication device in his or her possession, in  
14 the reasonable belief that the operation or possession was necessary for the purpose of:

- 15 (1) securing the safety of a vessel, aircraft or space object that was in  
16 danger;
- 17 (2) dealing with an emergency involving a serious threat to the  
18 environment;
- 19 (3) dealing with an emergency involving risk of death of, or injury to,  
20 persons; or
- 21 (4) dealing with an emergency involving risk of substantial loss of, or  
22 substantial damage to, property.

23 (b) In proceedings for an offense against section 123 and 124, the burden of  
24 proving any of the matters referred to in subsection (a) lies on the defendant.

25 **§ 127. Testing of radiocommunications devices.**

26 (a) If the Division thinks it necessary to verify the condition of the  
27 radiocommunication device, the Division may, by written notice given to the applicant for a

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1 transmitter license or a receiver license, request the applicant to:

- 2 (1) submit to the Division the radiocommunication device specified in  
3 the notice, at a time and place specified in the notice, for testing; or  
4 (2) permit the Division, or a recognized testing authority, to test the  
5 radiocommunication device so specified.

6 (b) A radiocommunication device submitted under paragraph (a)(1) for testing  
7 must be returned to the applicant within a reasonable time.

8 **Subchapter 5**

9 **Regulation of Radio Stations**

10 **§ 128. Licensing of radio stations.**

11 No fixed or mobile radio station may be operated within the Republic without a radio station  
12 license unless such a radio station is authorized by:

- 13 (a) a radio station license;  
14 (b) a broadcasting or cable station license;  
15 (c) a spectrum license; or  
16 (d) a license issued by the United States Competent Authority on Telecommunication  
17 under the Compact of Free Association agreement.

18 **§ 129. Radio stations not required to be licensed.**

19 Section 128 shall not apply to:

- 20 (a) foreign aircraft traveling to or from any airport in Palau, or is in  
21 transit through Palau airspace, that is operating a radio station under  
22 a station license from their appropriate administration and in the  
23 Republic for not more than 30 days;  
24 (b) vessels exercising the right of innocent passage pursuant to 7 PNC  
25 § 203;  
26 (c) vessels operating a radio station under a ship station license from  
27 their appropriate administration and in the Republic for not more

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1 than 30 days;

2 (d) Broadcasting stations regulated under subchapter 6 of this Chapter;

3 and

4 (e) other radio stations as the Division may see fit to exempt.

5 **§ 130. Requirements of radio station technician, frequency management school**  
6 **certification.**

7 (a) The Division may require a radio station to be licensed under this  
8 subchapter to have a licensed or otherwise qualified technician.

9 (b) The Division shall, by regulation, set the criteria under which a technician  
10 referred to in subsection (a) is required.

11 (c) The Division shall employ at least one citizen who has obtained a  
12 certification from a school of frequency management.

13 **Subchapter 6**

14 **Regulation of Broadcasting and Cable Stations**

15 **§ 131. Licensing of broadcasting and cable stations.**

16 (a) No broadcasting radio station may be operated in the Republic without an  
17 appropriate Broadcasting Station License from the Division.

18 (b) No broadcasting television station may be operated in the Republic without  
19 an appropriate Broadcasting Station License from the Division.

20 (c) No cable television station may be operated in the Republic without an  
21 appropriate Cable Station License from the Division.

22 **§ 132. Recordkeeping requirements**

23 (a) All broadcasting radio or broadcasting television transmissions, the substance  
24 of which is not pre-recorded, shall be recorded in full at the time of broadcast on audio or video  
25 tape, as appropriate. The recordings of such broadcasts shall be retained for a period of not less  
26 than 30 calendar days after the date of broadcast by the licensee and made available to the Division  
27 for inspection, upon request. The licensee shall maintain copies of pre-recorded broadcasts for

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1 inspection by the Division for not less than 30 calendar days after the date the broadcast was most  
2 recently aired, unless otherwise authorized or required by the Division. The tapes must be clearly  
3 labeled and the recordings must be clear and decipherable. No person may in any way edit or  
4 otherwise alter any recording.

5 (b) Within 15 days of any broadcast, a person aggrieved by such broadcast may  
6 request that the Division obtain a recording of the broadcast from the station for that person's  
7 review. The Division shall prescribe by regulation criteria for the grant or denial of such requests.  
8 The broadcast radio or television station that aired the broadcast in question shall provide the  
9 requested recording(s) to the Division within 48 hours of such request at no cost to the Division  
10 or to the aggrieved party. Once the Division has requested a recording, such recording shall not  
11 be erased, destroyed or disposed of in any manner without the written authorization of the  
12 Division. The Division may serve a request for the production of tapes upon a broadcasting radio  
13 or television station by personal delivery of such request to the authorized representative of the  
14 relevant broadcasting radio or television station or, if the authorized representative is unavailable,  
15 by the posting of such request on the front door of such station at the most recent station address  
16 on file with the Division. A request shall be deemed made on the date of service by either of the  
17 prescribed methods.

18 (c) Each licensee shall maintain a logbook of all broadcasts. The logbook shall be  
19 updated daily and shall contain the date and time of the broadcast, all the subjects discussed, names  
20 and addresses of guests interviewed and programs broadcast on that radio station. Each day's entry  
21 shall be maintained for a period of at least five years after the entry is made. The logbooks shall  
22 be available for inspection by the Division.

23 **§ 133. Cable television system to be free of leakage.**

24 (a) The cable system of any cable television station licensed under this  
25 subchapter must not cause interference by non-enclosed signals.

26 (b) All connectors and termination ends of a cable television station's cable  
27 system that are located outside of any building or structure must be properly sealed or terminated

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1 to reduce leakage. Any leakage from a cable television station's cable system shall not exceed 20  
2 dBuV/m as measured three meters from the point of leakage.

3 **Subchapter 7**

4 **Regulation of Radio Operators**

5 **§134. Licensing of radio operators.**

6 (a) No person may knowingly make, or cause to be made, any transmission  
7 using a radiocommunication device, radio station or broadcasting station without an appropriate  
8 radio operator's license:

9 (b) This section shall not apply to:

10 (1) Authorized persons operating a radio station on vessels exercising  
11 the right of innocent passage pursuant to 7 PNC § 203;

12 (2) Authorized persons operating a radio station on foreign aircraft that  
13 is traveling to or from any airport in Palau, or is in transit through Palau  
14 airspace;

15 (3) Employees of the Bureau of Public Safety, National Emergency  
16 Management Office, Ministry of Health and Division of Transportation and  
17 Communication while operating a radiocommunication device or radio  
18 station in connection with their duties;

19 (4) Authorized persons operating a radio station under the license of  
20 and in the presence of a licensed operator;

21 (5) Authorized persons operating a ship station under an operator's  
22 license from the appropriate administration;

23 (6) Amateur Radio Operators;

24 (7) Subscribers authorized under a spectrum license; and

25 (8) Authorized persons operating other radio stations as the Division  
26 may exempt through Regulations.

27 **§135. Issuance of license; information for license application.**

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1           (a)     The Division may issue a radio operator license, for a period not to exceed  
2     four years, to any person who qualifies for a radio operator license. The Division shall establish,  
3     by regulation, criteria for setting the term of each license issued under this subchapter.

4           (b)     All license applications shall set forth such facts as the Division may  
5     prescribe by regulation as to the citizenship; qualifications of the applicant to operate a  
6     radiocommunication device, radio station or broadcasting station; and such other information as  
7     the Division may require. The Division may, at any time after the filing of the original application  
8     and during the term of the license, require from an applicant further written statements of fact to  
9     enable it to determine whether the original application should be granted or denied, or the license  
10    revoked. The Division may, if it finds that the public interest, convenience, or necessity will be  
11    served thereby, waive or modify the licensing requirements provided in this Chapter for the  
12    operator, provided that such waiver or modification is set forth, in writing, by the Division, along  
13    with the reason for such waiver or modification.

14          (c)     The applicant or licensee shall report to the Division all changes to  
15    information submitted as part of the license application occurring after submission of the  
16    application and before the expiration date entered on the face of the license.

17          (d)     Radio licenses shall be in a form the Division may prescribe, provided that  
18    such licenses shall state at a minimum:

19                 (1) the name and address of the owner of the license;

20                 (2) the duration of the license;

21                 (3) the type of equipment licensed to be operated;

22                 (4) that the license does not vest in the owner any right to operate a radio  
23                 station or any right in the frequency and frequencies designated in the  
24                 license beyond the term thereof or in any manner other than as authorized  
25                 in the license; and

26                 (5) that neither the license nor the right granted under the license may be  
27                 assigned or transferred to any other person.

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1 (e) The Division shall promulgate regulations as to the minimum qualifications  
2 and examination requirements of radio operators licensed under this subchapter.

3 **Subchapter 8**

4 **Regulation of Amateur Radio Operators**

5 **§136. Licensing of amateur radio operators.**

6 (a) No person may knowingly make, or cause to be made, any transmission on  
7 an amateur radio band without an appropriate amateur radio license.

8 (b) Any person may operate an amateur radio station in the presence of and with  
9 the permission of a licensed amateur radio operator.

10 (c) Where a person operates an amateur radio station under subsection (b), the  
11 licensee shall be held responsible for transmissions as though the licensee made the transmissions.

12 **§137. Issuance of license; information for license application.**

13 (a) The Division may issue an amateur radio license, for a period not to exceed  
14 two years, to any qualified person. The Division shall establish, by regulation, a licensing fee  
15 schedule for amateur radio licenses. The fee schedule may distinguish different classes and choice  
16 of call sign. The Division shall also establish, by regulation, criteria for setting the terms,  
17 privileges and classes of each license issued under this subchapter.

18 (b) All license applications shall set forth such facts as the Division may  
19 prescribe by regulation as to the citizenship; qualifications of the applicant to operate an amateur  
20 radio station; amateur bands and the transmission power desired to be used; and such other  
21 information as the Division may require.

22 (c) The Division may, at any time after the filing of the original application and  
23 during the term of the license, require from an applicant further written statements of fact to enable  
24 it to determine whether the original application should be granted or denied, or the license revoked.

25 (d) The applicant or licensee shall report to the Division all changes to  
26 information submitted as part of the license application occurring after submission of the  
27 application and before the expiration date entered on the face of the license.

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1 (e) Amateur radio licenses shall be in a form the Division may prescribe, provided  
2 that such licenses shall state at a minimum:

- 3 (1) the name and address of the licensee;  
4 (2) the duration of the license;  
5 (3) the class of the operator's license;  
6 (4) that the license does not vest in the owner any right to operate an  
7 amateur radio station or any right in the bands allowed under the class designated in the license  
8 beyond the term thereof or in any manner other than as authorized in the license; and  
9 that neither the license nor the right granted under the license may be assigned or  
10 transferred to any other person.

11 (f) The Division shall issue a call sign to each amateur radio operator. Each  
12 amateur radio operator shall be required to state the call sign each time the operator transmits a  
13 radio communication.

14 (g) The Division shall promulgate regulations identifying the various classes of  
15 amateur radio operator's licenses and the minimum qualifications and examination requirements  
16 for amateur radio operators.

17 **§138. Reciprocal licensing authorized.**

18 (a) The Division may reciprocate amateur radio licenses issued by a foreign  
19 country as determined by regulations and international agreements.

20 (b) No licenses issued under subsection (a) may grant more privileges than  
21 those authorized under the license being reciprocated.

22 (c) Licenses issued under subsection (a) shall have a call sign consisting of the  
23 visitor's call sign prefixed by T88, e.g. T88/G4CWA.

24 **Subchapter 9**

25 **Citations; Suspension, Revocation and Modification of Licenses; Appeal; Enforcement**

26 **§ 139. Citations; Appeal; Cease and Desist Order.**

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1           (a)     The Division shall monitor compliance with Chapter 1 and 2 of this Title  
2           and may issue citations for the violation of any provision thereof. Such citations shall set forth a  
3           description of the violation, the amount of the fine, the procedure for payment of the fine and the  
4           procedure for appealing the fine. A schedule of fines shall be established by the Division by  
5           regulation.

6           (b)     Fines shall be paid to the National Treasury and a receipt of payment shall  
7           be provided to the Division within the time prescribed for payment in the citation. The Division  
8           may establish, by regulation, penalties for and/or interest accruing to the untimely payment of  
9           fines.

10          (c)     Any person that wishes to appeal against a citation issued or fine ordered  
11          by the Division may appeal, in writing to the Minister of Commerce and Trade within 15 days of  
12          the issuance of the citation. The Minister may, at his discretion, hold an informal hearing for the  
13          purpose of fact-finding prior to the issuing a decision. The decision of the Minister shall be a final  
14          decision, subject to judicial review as provided in the Administrative Procedure Act, 6 PNC § 147.

15          (d)     Where any person has (1) failed to operate substantially as set forth in a  
16          license, (2) violated or failed to observe any of the provisions of Chapters 1 and 2 of this Title, or  
17          (3) violated or failed to observe any regulation, or order or citation of the Division, and where no  
18          fine is attributed to such violation by regulation, the Division may order such person to cease and  
19          desist from such action or inaction.

20                 **§140. Suspension of License.**

21                 Subject to the requirements set forth in section 143 of this subchapter, the Division  
22                 may suspend any license issued under Chapters 1 and 2 of this Title for up to two years upon  
23                 reasonable belief that the licensee:

24                         (a)     has violated any provision of Chapters 1 and 2 of this Title or any  
25   regulation adopted by the Division pursuant to Chapters 1 and 2 of  
26   this Title;

27                         (b)     has violated or failed to comply with any term or condition of its

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- 1 license;
- 2 (c) has failed to comply with any order or citation issued by the
- 3 Division;
- 4 (d) has provided the Division with false or fraudulent information in
- 5 any submission to the Division; or
- 6 (e) in the case of a Broadcasting radio license or Broadcasting
- 7 television license, has transmitted obscene words, language or images or
- 8 defamatory remarks.

9 **§ 141. Revocation of License.**

10 Subject to the requirements set forth in section 143 of this subchapter, the Division

11 may revoke any license issued under Chapters 1 and 2 of this Title upon reasonable belief that:

- 12 (a) a material false statement was made in an application for a license;
- 13 (b) the discovery of facts that, if known at the time the application for a
- 14 license was submitted, would have justified the Division's refusal to grant
- 15 the license;
- 16 (c) a licensee's willful or repeated failure to operate substantially as set
- 17 forth in the license;
- 18 (d) a licensee's willful or repeated violation of, or willful or repeated failure
- 19 to observe, any provision of Chapters 1 and 2 of this Title or any regulation,
- 20 order or citation of the Division authorized by Chapters 1 and 2 of this
- 21 Title;
- 22 (e) a licensee's violation or failure to observe any final cease and desist
- 23 order issued by the Division under this section;
- 24 (f) a licensee's failure to report to the Division all changes to information
- 25 submitted as part of the license application occurring after submission of
- 26 the application and before the expiration date entered on the face of the
- 27 license;

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1 (g) a licensee's willful interference with any other radio communication or  
2 signal; or

3 (h) A licensee's willful use of his license for the purpose of committing any  
4 crime, including, but not limited to, distributing or assisting in the  
5 distribution of any controlled substance as defined in 34 PNC Chapter 31.

6 **§142. Modification of License.**

7 Subject to the requirements set forth in section 143 of this subchapter, the Division may modify  
8 the terms and conditions of any license issued under Chapters 1 and 2 of this Title, either for a  
9 limited time or for the duration of the term of the license, upon reasonable belief that such  
10 modification will promote the public interest or will promote compliance with the provisions of  
11 Chapters 1 and 2 of this Title.

12 **§ 143. Hearing; Notice; Appeal; Judicial Review.**

13 (a) Except as otherwise provided in Chapters 1 and 2 of this Title, no suspension,  
14 revocation or modification of any license issued under Chapters 1 and 2 of this Title shall take  
15 effect until 30 calendar days after written notice of the proposed action has been served on the  
16 licensee, except in cases of Willful or Malicious Interference or False or Fraudulent Transmission  
17 as defined in section 146 or 147, respectively. Notice of an order of modification, suspension or  
18 revocation shall state the cause for the action, with reference to the appropriate provisions of the  
19 Palau National Code or regulations promulgated by the Division under Chapters 1 and 2 of this  
20 Title, and shall plainly set forth the procedure and time limit for requesting a hearing upon the  
21 order. A licensee having been served with proper notice of an order of modification, suspension  
22 or revocation may at any time within 15 calendar days after service make a written application to  
23 the Division for a hearing upon the order. An application for a hearing on an order of  
24 modification, suspension or revocation that is submitted to the Division more than 15 calendar  
25 days after service of the notice, but prior to the effective date of the action, shall be accepted if the  
26 applicant can show reasonable cause for the delay. Upon receipt by the Division of an application  
27 for a hearing, the order of modification, suspension or revocation shall be held in abeyance until

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1 the conclusion of the hearing. The hearing shall be conducted according to the Administrative  
2 Procedure Act, 6 PNC, Chapter 1. Within 15 days of the conclusion of the hearing the Division  
3 shall affirm, modify, or revoke the order.

4 (b) An order issued by the Division after a hearing pursuant to subsection (a) may  
5 be appealed to the Minister of Public Infrastructure, Industries & Commerce, in writing, within 15  
6 days after service of the order upon the licensee. The decision of the Minister shall be a final  
7 decision, subject to judicial review as provided in the Administrative Procedure Act, 6 PNC § 147.

8 **§144. Enforcement.**

9 If any person fails to comply with any order or citation issued by the Division, the Division,  
10 through the Attorney General, may apply to the Trial Division of the Supreme Court for  
11 enforcement of such order or citation. If the court determines that the order or citation was  
12 regularly made and duly served, and that the person has failed to comply with the order or citation,  
13 the court shall issue such relief as may be necessary to compel compliance.

14 **§145. Forfeiture of Radiocommunication Device.**

15 Any radiocommunication device, including transmitter, receiver, cable, antennae and accessories,  
16 used in violation of Chapter 1 and 2 of this Title shall be subject to forfeiture to the National  
17 Government.

18 **Subchapter 10**

19 **Miscellaneous**

20 **§146. Safety Distress Signals and Communications.**

21 (a) The transmitting equipment in a radio station installed on any vessel or  
22 aircraft may be adjusted to produce maximum propagation, irrespective of the amount of  
23 interference thus caused, when the station is sending radio communications or signals of distress  
24 and related radio communications.

25 (b) All radio stations, including, without limitation, government-operated radio  
26 stations and stations onboard foreign vessels when within the territorial waters of the Republic,

27 (1) shall give absolute priority to radio communications or signals

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1 relating to vessels in distress;

2 (2) shall cease all transmission on frequencies that will interfere with  
3 the reception of a radio communication or signal of distress; and

4 (3) shall refrain, except when engaged in answering or aiding the vessel  
5 in distress, from transmitting any radio communications or signals until  
6 there is assurance that no interference will be caused with the radio  
7 communications or signals relating thereto, and shall assist the vessel in  
8 distress, so far as possible, by complying with its instructions.

9 (c) All vessels within the territorial waters of the Republic shall maintain  
10 continuous watch on 156.8MHz (VHF Channel 16).

11 **§147. Willful or Malicious Interference.**

12 Any person who willfully or maliciously interferes with or causes interference to any radio  
13 communications of any station licensed or authorized under this Chapter shall, upon conviction,  
14 be imprisoned for not more than one year, fined not more than \$5,000, or both.

15 **§148. False or Fraudulent Transmissions.**

16 Any person who knowingly utters or transmits, or causes to be uttered or transmitted, any false or  
17 fraudulent signal of distress or related communication shall, upon conviction, be imprisoned for  
18 not more than one year, fined not more than \$5,000, or both.

19 **§149. Unauthorized Rebroadcast Prohibited.**

20 No broadcasting station may rebroadcast the program, or any part thereof, of another broadcasting  
21 station without the express permission of the originating station.

22 **§150. Use of Minimum Power.**

23 Except as provided in §146(a), all radio stations, including without limitation those owned and  
24 operated by the Republic, shall use the minimum transmission power necessary to carry out the  
25 desired communication. The Division shall establish by regulation maximum and minimum  
26 transmission requirements.

27 **§151. Censorship.**

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1 Except as provided in §140(e), nothing in Chapters 1 and 2 of this Title may be understood or  
2 construed to give the Division the power of censorship over radio communications or signals  
3 transmitted by any radio station. No regulation or condition may be promulgated or fixed by the  
4 Division that interferes with the right of free speech by radio communication.

5 **§152. Funds Received by the Division.**

6 All funds received by the Division from any source other than an appropriation by the Olbiil Era  
7 Kelulau shall be deposited in the National Treasury.

8 **§153. Emergency Alert System.**

9 The Division shall establish, by regulation, an Emergency Alert System that will serve as a national  
10 warning system to alert the public of significant events. Any person or entity required to be  
11 licensed under Chapters 1 and 2 of this Title shall, at least four times a year as established by  
12 regulation, perform a public test of the Emergency Alert System.

13 **Chapter 2**

14 **Administration of Licenses**

15 **Subchapter 1**

16 **Apparatus License**

17 **§201. Transmitter licenses and receiver licenses.**

18 (a) In issuing an apparatus licenses, the Division may issue:

- 19 (1) transmitter licenses; and  
20 (2) receiver licenses.

21 (b) A transmitter license authorizes the person specified in the license as the  
22 licensee to operate specified radiocommunication transmitters, or radiocommunication transmitters  
23 of a specified kind.

24 (c) A receiver license authorizes the person specified in the license as the  
25 licensee to operate specified radiocommunication receivers, or radiocommunication receivers of  
26 a specified kind.

27 (d) Operation of a radiocommunication device is not authorised by the relevant

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1 apparatus license if it is not in accordance with the conditions of the license.

2 **§202. Types of transmitter licenses and receiver licenses.**

3 (a) The Division may determine, by written instrument, the types of transmitter licenses  
4 and the types of receiver licenses that it may issue.

5 (b) The Division must not issue an apparatus license that is not a transmitter license or  
6 receiver license of a type so determined.

7 **§203. Application and Issuance of License.**

8 (a) The Division may issue an apparatus license, for a period not to exceed four  
9 years, to any person who qualifies for an apparatus license. The Division shall establish, by  
10 regulation, criteria for setting the term and type of each license issued under this subchapter and  
11 may differentiate between a transmitter and receiver license. No license issued under this  
12 subchapter shall permit the licensee to operate more than one radiocommunication device under  
13 the same license at any given time.

14 (b) All license applications shall be submitted in such form as the Division may  
15 prescribe by regulation and shall contain the following information: the citizenship; ownership,  
16 proposed use and location of the radiocommunication device if such a device is in a fixed location;  
17 frequency or frequencies and the transmission power desired; hours of the day or other periods of  
18 time during which the station is to be used; purposes for which the station is to be used; a waiver  
19 of any claim to the use of any particular frequency as against the regulatory power of the Republic  
20 because of the previous use of the frequency, whether by license or otherwise; and such other  
21 information as the Division may require.

22 (c) The Division may, at any time after the filing of the original application and  
23 during the term of the license, require from an applicant or owner of the radio station further  
24 written statements of fact to enable it to determine whether the original application should be  
25 granted or denied, or the license suspended or revoked.

26 (d) The applicant or licensee shall report to the Division all changes to  
27 information submitted as part of the license application occurring after submission of the

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1 application and before the expiration date entered on the face of the license.

2 (e) Radio licenses shall be in a form the Division may prescribe, provided that  
3 such licenses shall state at a minimum:

4 (1) the name and address of the licensee;

5 (2) the duration of the license;

6 (3) the type of apparatus licensed to be operated;

7 (4) the frequency or frequencies on which the radio station may be  
8 operated and the maximum allowable transmitting power that may be used;

9 (5) that the license does not vest in the owner any right to operate the  
10 radio station or any right in the frequency and frequencies designated in the  
11 license beyond the term thereof or in any manner other than as authorized  
12 in the license or in Chapters 1 and 2 of this Title; and

13 (6) that neither the license nor the right granted under the license  
14 may be assigned or transferred to any other person.

15 (f) The Division shall issue a call sign to each radiocommunication device to  
16 be licensed under this subchapter. The call sign is to be stated every time the device is used to  
17 transmit radio communication.

18 **Subchapter 2**

19 **Class License**

20 **§211. Issuance of Class License.**

21 (a) The Division may, by regulation, issue class licenses authorizing any  
22 person:

23 (1) to operate a radiocommunication device of a specified kind;

24 (2) to operate a radiocommunication device for a specified purpose; or

25 (3) to operate a radiocommunication device of a specified kind for a  
26 specified purpose.

27 (b) Operation of a radiocommunication device is not authorized by a class

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1 license if it is not in accordance with the conditions of the license.

2 (c) A class license comes into force:

3 (1) on the day specified for the purpose in the regulations promulgated  
4 under subsection (a); or

5 (2) if no such day is specified in the regulations, on the day on which  
6 the regulations become effective.

7 **§212. Conditions of class licenses.**

8 (a) The Division may include in a class license such conditions as it thinks fit.

9 (b) The conditions may, for example, include all or any of the following:

10 (1) a condition specifying the frequencies at which operation of  
11 radiocommunication devices is authorised under the license;

12 (2) a condition specifying other technical requirements about operation  
13 of radiocommunication devices under the license;

14 (3) a condition specifying the area within which operation of  
15 radiocommunication devices is authorised under the license;

16 (4) a condition specifying the periods during which operation of  
17 radiocommunication devices is authorised under the license;

18 (5) a condition that any radiocommunication device operated under the  
19 license must comply with all the standards applicable to it.

20 (c) The regulation must include all the conditions of the license.

21 **§213. Varying class licenses.**

22 The Division may, by regulation, vary a class license by:

23 (a) including one or more further conditions; or

24 (b) revoking or varying any conditions of the license.

25 **§214. Revoking class licenses.**

26 The Division may, by regulation, revoke a class license.

27 **§215. Compliance with plans.**

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1 The Division must not issue a class license that is inconsistent with the spectrum plan or any  
2 relevant frequency band plan.

### 3 **Subchapter 3**

### 4 **Spectrum License**

#### 5 **§221. Application of this Subchapter.**

6 (a) This subchapter applies to any person intending to use part of the spectrum  
7 to provide radiocommunication service on a commercial or otherwise basis to the whole or part  
8 of the general public.

9 (b) This subchapter applies to an apparatus license issued if the apparatus  
10 license authorizes the operation of a radiocommunication device:

11 (1) at frequencies within a part of the spectrum designation in accordance  
12 with section 122; and

13 (2) within an area to which the designation applies.

14 (c) The holder of such an apparatus license is referred to in this section as the  
15 *licensee*.

#### 16 **§222. Issuance of Spectrum License.**

17 The Division may, by regulation, issue spectrum licenses authorizing:

18 (a) the licensee to operate a radiocommunication service of a specified kind for a  
19 specified purpose;

20 (b) the licensee to operate a radio station necessary to provide the radiocommunication  
21 service referred to in subsection (a); and

22 (c) any subscriber of the radiocommunication service referred to in subsection (a) to  
23 operate a radiocommunication device necessary to utilize the said service.

#### 24 **§223. Offer of spectrum licenses.**

25 (a) The Division must serve a notice inviting the licensee referred to in section  
26 221(b) to make representations about the conversion of an existing apparatus license to a spectrum  
27 license on or before the day specified in the notice.

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1                   (b)     The Division must, as soon as practicable after the day specified in the  
2 notice, give to the licensee a written offer to issue to the licensee a spectrum license to replace the  
3 licensee's apparatus license.

4                   (c)     The Division must, upon approval of an application for a spectrum license,  
5 give to the applicant a written offer to issue to the applicant a spectrum license.

6                   (d)     The offer must:

- 7                             (1)     identify the spectrum license that the Division proposes to issue;  
8                             (2)     specify the amount of spectrum access fee that the licensee must  
9   pay to the National Government for the spectrum license as  
10                                        determined by regulation; and  
11                             (3)     specify the day on which the offer will close.

12                   (e)     The day specified in the offer must be at least one month later than the day  
13 on which the offer is given to the licensee.

14                   **§224. Issuing of spectrum licenses on acceptance of offers.**

15                   (a)     The Division must issue the spectrum license to the licensee if, on or before  
16 the day specified in the offer, the licensee gives the Division a written notice:

- 17                             (1)     accepting the offer; and  
18                             (2)     agreeing to pay the amount of spectrum access fee specified in the  
19   offer.

20                   (b)     The spectrum license has an effective date as specified in the license.

21                   (c)     Immediately before it comes into force, the apparatus license that it is to  
22 replace ceases to be in force.

23                   **§225. Failures to accept offers.**

24                   (a)     If the licensee:

25                             (1)     notifies the Division, on or before the day specified in the offer, that  
26 the licensee does not accept the offer; or

27                             (2)     fails to give the Division notice under section 224(1) before that day,

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1 the Division may allocate the spectrum license in the manner provided for in sections 226 to 229,  
2 and issue the spectrum license accordingly.

3 (b) The spectrum license comes into force on the day specified in the license.

4 (c) Immediately before it comes into force, the apparatus license that it is to  
5 replace ceases to be in force.

6 **§226. Procedures for allocating spectrum licenses.**

7 (a) The Division must determine, by regulation, the procedures to be applied  
8 in allocating spectrum licenses under this section:

9 (1) by auction;

10 (2) by bid; or

11 (3) by allocation for a pre-determined price or a negotiated price.

12 (b) The procedures for allocation by auction may deal with any of the following  
13 matters:

14 (1) the types of auction;

15 (2) advertising of auctions;

16 (3) entry fees for prospective bidders;

17 (4) reserve prices (if any);

18 (5) deposits (if any) payable by successful bidders;

19 (6) methods of payment for licenses.

20 (c) The procedures for allocation by bid may deal with any of the following  
21 matters:

22 (1) the types of bid;

23 (2) advertising of bid;

24 (3) entry fees for prospective bidders;

25 (4) reserve prices (if any);

26 (5) the method for resolving which of 2 or more equal bidders is to be  
27 successful;

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- 1 (6) deposits (if any) payable by successful bidders;
- 2 (7) methods of payment for licenses.
- 3 (d) The procedures for allocation for a pre-determined or negotiated price may
- 4 deal with any of the following matters:
- 5 (1) the way in which prices are to be determined or negotiated;
- 6 (2) advertising of proposed allocations;
- 7 (3) methods of payment for licenses.
- 8 (e) Procedures determined under subsection (a)(1) may:
- 9 (1) impose limits on the aggregate of the parts of the spectrum that, as
- 10 a result of the allocation of spectrum licenses under this subsection, may be
- 11 used by:
- 12 (A) any one person; or
- 13 (B) a specified person; or
- 14 (C) impose limits on the aggregate of the parts of the spectrum
- 15 that, as a result of the allocation of spectrum licenses under this subsection,
- 16 may, in total, be used by the members of a specified group of persons.
- 17 (f) A limit imposed as mentioned in subsection (e)(1) may be expressed to
- 18 apply in relation to any or all of the following:
- 19 (1) a specified part of the spectrum;
- 20 (2) a specified area;
- 21 (3) a specified population reach.

22 For example, procedures might specify an aggregate limit of 15 MHz per person in the band

23 between 1200 MHz and 1300 MHz (inclusive) for a particular area. This subsection does not, by

24 implication, limit subsection (e).

25 (g) Procedures that impose limits as mentioned in subsection (e) may impose

26 limits of zero in relation to specified persons or to the members of specified groups of persons.

27 (h) Subsections (e), (f), and (g) do not, by implication, limit subsection (a).

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1                    **§227. Issue of spectrum licenses.**

2                    (a)      The Division may issue a spectrum license in accordance with the  
3 procedures determined under section 226 but not otherwise.

4                    (b)      The Division must issue the spectrum license to the person to whom it is  
5 allocated if the person:

6                    (1)      pays to the Division the spectrum access fee for issuing the license;

7                    or

8                    (2)      reaches an agreement with the Division for the payment of that  
9 spectrum access fee.

10                   **§228. Duration of spectrum licenses.**

11                   (a)      A spectrum license comes into force on the day on which it is issued or on  
12 such later day as is specified in the license for the purpose.

13                   (b)      Subject to cancellation and suspension, a spectrum license remains in force  
14 for the period specified in the license.

15                   (c)      The license may specify any period up to 8 years.

16                   **§229. Core conditions of spectrum licenses.**

17                   (a)      A spectrum license must include the following core conditions:

18                   (1)      a condition specifying the part or parts of the spectrum in which  
19 operation of radiocommunication devices is authorised under the license;

20                   (2)      a condition specifying the maximum permitted level of radio  
21 emission, in parts of the spectrum outside such a part, that may be caused by operation of  
22 radiocommunication devices under the license;

23                   (3)      a condition specifying the area within which operation of  
24 radiocommunication devices is authorised under the license;

25                   (4)      a condition specifying the maximum permitted level of radio  
26 emission, outside that area, that may be caused by operation of radiocommunication devices under  
27 the license.

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1 (b) The area specified in the condition referred to in paragraph (a)(3) may be  
2 the whole of Palau.

3 (c) A spectrum license may also include a core condition specifying the periods  
4 during which operation of radiocommunication devices is authorised under the license.

5 (d) Without limiting subsection (c), the periods specified may include times  
6 during each day or times during particular days of each week.

7 **§230. Conditions about payment of charges**

8 A spectrum license must include a condition that the licensee meet all obligations (if any) of the  
9 licensee to:

10 (a) secure necessary business licenses;

11 (b) pay the spectrum access fee; and

12 (c) pay the spectrum license fee.

13 **§231. Other conditions of spectrum licenses**

14 The Division may include such other conditions in a spectrum license as it thinks fit.

15 **§232. Varying spectrum licenses**

16 (a) Variation with agreement

17 (1) Subject to subsection (a)(2), the Division may, with the written  
18 agreement of the licensee of a spectrum license, vary the license by:

19 (A) including one or more further conditions; or

20 (B) revoking or varying any conditions of the license.

21 (2) The conditions as varied must still comply with the requirements of  
22 sections 228 to 231.

23 (b) Variation without agreement

24 (1) Subject to subsection (a)(2), the Division may, by written notice  
25 given to the licensee of a spectrum license, vary the license by:

26 (A) including one or more further conditions; or

27 (B) revoking or varying any conditions of the license, other than

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1 core conditions.

2 (c) The conditions as varied must still comply with the requirements of sections  
3 228 to 231.

4 **§233. Suspension and cancellation of spectrum licenses**

5 (a) Application of this Division

6 This section applies to a spectrum license if the Division is satisfied that the licensee, or a person  
7 authorised by the licensee to operate a radiocommunication device under the license, has:

8 (1) contravened a condition of the license, or in any other way  
9 contravened Chapters 1 and 2 of this Title

10 (2) operated a radiocommunication device under the license, or  
11 purportedly under the license,

12 (A) in contravention of any other law of Palau; or

13 (B) in the course of contravening such law.

14 (b) Suspending spectrum licenses

15 (1) The Division may, by written notice given to the licensee, suspend  
16 the spectrum license.

17 (2) The notice must give the reasons for suspending the license and the  
18 duration of the suspension.

19 (3) The Division may, at any time, by written notice given to the  
20 licensee, revoke the suspension of the license.

21 (c) Canceling spectrum licenses

22 (1) The Division may, by written notice given to the licensee, cancel  
23 the spectrum license.

24 (2) The notice must give the reasons for canceling the license.

25 **§234. Re-issuing spectrum licenses**

26 (a) Notice of spectrum licenses that are about to be re-issued

27 The Division must, from time to time, give notice to the public:

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1 (1) regarding any spectrum licenses that are to expire within 2 years  
2 immediately following the notice, and where information regarding the parts of the spectrum to  
3 which the license relate, may be obtained; and

4 (2) invites expressions of interest from persons who wish to have issued  
5 to them spectrum licenses relating to those parts of the spectrum.

6 (b) In re-issuing spectrum licenses, the Division must give preference to any  
7 licensee holding a spectrum license to the part of the spectrum concerned if public interest is of  
8 concern.

9 **§235. Transfer of spectrum licenses not allowed**

10 (a) The licensee of a spectrum license may not assign, or otherwise deal with,  
11 the whole or any part of the license.

12 (b) If the spectrum authorized, or part thereof, is no longer being used by the  
13 licensee, the right to its use shall be returned to the Division.

14 (c) Where a spectrum authorized, or part thereof, is returned under subsection (b),  
15 the Division shall revoke or modify the license as the case may be.

16 **Subchapter 4**

17 **Radio Stations**

18 **§ 241. Issuance of License.**

19 The Division may issue a radio station license, for a period not to exceed four years,  
20 to any person who qualifies for a radio station license. The Division shall establish, by regulation,  
21 criteria for setting the term of each license issued under this subchapter. No license issued under  
22 this subchapter shall permit the licensee to operate more than one radio station under the same  
23 license at any given time.

24 **§ 242. Application of License.**

25 (a) All license applications shall be submitted in such form as the  
26 Division may prescribe by regulation and shall contain the following information: the citizenship;  
27 financial, technical and other qualifications of the applicant to operate a radio station; ownership,

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1 proposed use and location of the radio station and other equipment sites; frequency or frequencies  
2 and the transmission power desired; hours of the day or other periods of time during which the  
3 station is to be used; purposes for which the station is to be used; a waiver of any claim to the use  
4 of any particular frequency as against the regulatory power of the Republic because of the previous  
5 use of the frequency, whether by license or otherwise; and such other information as the Division  
6 may require.

7 (b) The Division may, at any time after the filing of the original  
8 application and during the term of the license, require from an applicant or owner of the radio  
9 station further written statements of fact to enable it to determine whether the original application  
10 should be granted or denied, or the license suspended or revoked. The Division may, if it finds that  
11 the public interest, convenience, or necessity will be served thereby, waive or modify the licensing  
12 requirements provided in this subchapter for the operation of any radio station, provided that such  
13 waiver or modification is set forth, in writing, by the Division, along with the reason for such  
14 waiver or modification, and filed with the Office of the Minister.

15 (c) The applicant or licensee shall report to the Division all changes to  
16 information submitted as part of the license application occurring after submission of the  
17 application and before the expiration date entered on the face of the license.

18 (d) Radio licenses shall be in a form the Division may prescribe,  
19 provided that such licenses shall state at a minimum:

- 20 (1) the name and address of the licensee;
- 21 (2) the duration of the license;
- 22 (3) the type of radiocommunication apparatus licensed to be  
23 operated;
- 24 (4) the frequency or frequencies on which the radio station may  
25 be operated and the maximum allowable transmitting power that  
26 may be used;
- 27 (5) that the license does not vest in the owner any right to

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1 operate the radio station or any right in the frequency and  
2 frequencies designated in the license beyond the term thereof or in  
3 any manner other than as authorized in the license or in Chapters 1  
4 and 2 of this Title; and

5 (6) that neither the license nor the right granted under the  
6 license may be assigned or transferred to any other person.

7 (e) The Division shall issue a call sign to each radio station. Each  
8 station shall be required to state the call sign once every 15 minutes when the station is  
9 transmitting a radio communication.

#### 10 **Subchapter 4**

#### 11 **Broadcasting and Cable Station**

#### 12 **§241. Application and Issuance of License.**

13 (a) The Division may issue a broadcasting radio station license,  
14 broadcasting television station license or Cable Television Station license, for a period not to  
15 exceed eight years, to any person who qualifies for such a station license. The Division shall also  
16 establish, by regulation, criteria for setting the term of each license issued under this subchapter.  
17 No license issued under this subchapter shall permit the licensee to operate more than one  
18 broadcasting radio station, broadcasting television station or Cable Television Station under the  
19 same license at any given time.

20 (b) All license applications shall be submitted in such form as the  
21 Division may prescribe by regulation and shall contain the following information: the citizenship;  
22 financial, technical and other qualifications of the applicant to operate a radio station; ownership,  
23 proposed use and location of the broadcasting radio or television station and primary equipment  
24 sites; frequency or frequencies and the transmission power desired to be used; hours of the day or  
25 other periods of time during which the station is to be used; purposes for which the station is to  
26 be used; a waiver of any claim to the use of any particular frequency as against the regulatory  
27 power of the Republic because of the previous use of the frequency, whether by license or

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1 otherwise; and such other information as the Division may require.

2 (c) The Division may, at any time after the filing of the original  
3 application and during the term of the license, require from an applicant or owner of the  
4 broadcasting or cable station further written statements of fact to enable it to determine whether  
5 the original application should be granted or denied, or the license revoked. The Division may,  
6 if it finds that the public interest, convenience, or necessity will be served thereby, waive or modify  
7 the licensing requirements provided in this subchapter for the operation of any broadcasting radio  
8 station, broadcasting television station or cable television station, provided that such waiver or  
9 modification is set forth, in writing, by the Division along with the reason for such waiver or  
10 modification, and filed with the President of the Republic.

11 (d) The applicant or licensee shall report to the Division all changes to  
12 information submitted as part of the license application occurring after submission of the  
13 application and before the expiration date entered on the face of the license.

14 (e) broadcasting radio station, broadcasting television station or cable  
15 television licenses shall be in a form the Division may prescribe, provided that such licenses shall  
16 state at a minimum:

- 17 (1) the name and address of the licensee;
- 18 (2) the duration of the license;
- 19 (3) the type of radiocommunication apparatus licensed to be  
20 used;
- 21 (4) the frequency or frequencies on which the broadcasting or  
22 cable station may operate and the maximum allowable transmitting  
23 power that may be used;
- 24 (5) that the license does not vest in the owner any right to  
25 operate the radio station or any right in the frequency and  
26 frequencies designated in the license beyond the term thereof or in  
27 any manner other than as authorized in the license;

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(6) that neither the license nor the right granted under the license may be assigned or transferred to any other person.

**§ 242. Procedure for Consideration of Broadcasting Radio, Broadcasting Television or Cable Television Station License or Request for Amendment; Petition for Denial.**

(a) Upon receipt of an application for a broadcasting radio station license, broadcasting television station license or cable television station, or a request for a material amendment to or modification of an existing or cable station license, the Division shall publish notice of the receipt of such application or request in a newspaper of general circulation in the Republic and shall post such notice at the Olbiil Era Kelulau, the Judiciary Building and the Office of the Bureau of Domestic Affairs. The notice shall set forth the name of the applicant and the proposed purpose of the station or details of the proposed amendment and shall also provide information as to where written comments may be sent for consideration by the Division and the deadline for such comments. The deadline for the submission of public comments must be at least 30 days from the date of publication. This section shall not apply to applications submitted by existing broadcasting and cable stations, within three months of the effective date of this Act, pursuant to section 106(c) of this Title.

(b) During the comment period, any person may file with the Division a petition for the denial of an application or request for material amendment submitted under this subchapter. Such petition shall contain the name and address of the petitioner and a concise statement of the reason for the objection. A petitioner must also serve the applicant or requestor with a copy of the petition within a reasonable time after filing the petition with the Division.

(c) Prior to issuing a license or granting a material amendment for which the Division has received a petition for denial, the Division shall conduct a public hearing. The Division shall provide notice of such hearing in accordance with the Administrative Procedure Act, 6 PNC § 101, *et. seq.* No public hearing under this section shall be held prior to the end of the comment period identified in subsection (a), above.

