



**DOCUMENTATION OF THE
REGULATORY AND LICENCING
GUIDELINES FOR PSTN
GENERIC FORM OF PSTN LICENCE
APPLICATION INFORMATION
AND
PRESCRIBED LICENCE
APPLICATION FORM**

**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

2004



**BANGLADESH
TELECOMMUNICATION
REGULATORY COMMISSION**
HOUSE NO.10, ROAD NO.135, GULSHAN-1, DHAKA-1212

REGULATORY AND LICENSING GUIDELINES

FOR

PSTN OPERATOR LICENCE

2004

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REGULATORY COMMISSION**

House No.10, Road No.135, Gulshan-1, Dhaka-1212.

**REGULATORY AND LICENSING GUIDELINES
FOR THE OPERATOR OF
PUBLIC SWITCHED TELEPHONE NETWORK**

1. Introduction

1.1 These Regulatory and Licensing Guidelines for Public Switched Telephone Network ("PSTN") service are issued by the Bangladesh Telecommunication Regulatory Commission, pursuant to its powers under Section-36 of the Bangladesh Telecommunication Act 2001 and apply to all parties applying for and holding a PSTN Licence.

1.2 These Guidelines, along with the terms and conditions of the Licence, should be read in conjunction with the Act, any subsequent legislation, other prevalent laws or sector policies framed by the Government, rules, regulations, decrees, orders, decisions, guidelines, directives and other documents of general application issued by the Government or the Commission from time to time. The Act specifically provides, under Section 35 and 55, that the establishment, operation or use of telecommunication system including radio apparatus and provision of telecommunication service in Bangladesh without a licence is an offence, punishable with imprisonment and a fine.

1.3 These Guidelines, may be withdrawn, revised, updated or amended from time to time to take into consideration various factors including, but not limited to, imminent threat to public health, national security and statutory or court orders. The Commission reserves the right to vary, change or amend these Guidelines from time to time without any prior notice.

2. Interpretations

In these Guidelines, unless there is anything repugnant in the subject or the context,

- (a) *Act* means the Bangladesh Telecommunication Act 2001;
- (b) *Application Form* means a form prescribed for use while applying for the licence for the operation of PSTN service;
- (c) *Commission* means the Bangladesh Telecommunication Regulatory Commission;
- (d) *FDC* means Fully Distributed Costs, the approach for allocating telecommunications costs to different telecommunication services, which is usually based on an allocation of historical accounting of costs to various broad service categories and after assigning direct costs to each category, the Joint and Direct costs are allocated to applicable service categories based on formulas that reflect relative usage or other factors;
- (e) *Government* means the Government of the Peoples' Republic of Bangladesh;
- (f) *ICT* means Information and Communication Technology;
- (g) *ILD* means International Long Distance;
- (h) *Interconnection* means the visible or invisible or logical linking of more than one telecommunication network in order to enable the users of one network to communicate among themselves or to communicate with the users of another network or to avail themselves of the service of the other network;
- (i) *ITU* means International Telecommunication Union;
- (j) *Licence* means an authorisation issued by the Commission under the Act for establishing or operating a PSTN service or operating and maintaining such system or service;
- (k) *LRIC* means Long Run Incremental Cost that arise in the long run with a specific increment in volume of production and is generally calculated by estimating costs using current technology and best available performance standards.
- (l) *Network* means a combination of a set of nodes and links that establish telephone connection between two or more points;
- (m) *Number Portability* means the ability for subscribers to retain their current telephone numbers when they change operators or geographical locations, irrespective of the identity of the person providing such a service,

- provided that such retention of a telephone number is in accordance with the National Numbering Plan;
- (n) *NLD* means National Long Distance;
 - (o) *Operator* means an entity licensed for establishing or operating a PSTN system or providing telecommunication service;
 - (p) *PBG* means Performance Bank Guarantee;
 - (q) *POI* means the physical location or the point at which two networks interconnect;
 - (r) *PSTN* means Public Switched Telephone Network having fixed, dedicated and point-to-point subscribers connection;
 - (s) *QoS* means the quality of service observable through the measures on the grade of service, calls lost due to wrong processing, bit-error rate, response time, acceptable number of faults per subscriber, mean time to restore faults beyond prescribed limit and satisfactory disposal thereof;
 - (t) *Regulation* means regulations made by the Commission under the Act;
 - (u) *Service* means transmission or reception, with the help of PSTN system, of any messages including value added services like facsimile, voice mail, internet access etc between two points;
 - (v) *SS7* means Signalling System Number 7 which is an ITU-T common channel signalling protocol providing enhanced control functions such as look-ahead routing for high-speed digital communications services between intelligent network nodes;
 - (w) *Telecommunication* means transmission and reception of any speech, sound, sign, signal, writing, visual image or any other intellectual expression by way of using electricity or electro-magnetic or electro-chemical or electro-mechanical energy through cable, pipe, radio, optical fibre or other electro-magnetic or electro-chemical or electro-mechanical or satellite communication systems;
 - (x) *TELRIC* means Total Element Long Run Incremental Cost i.e. the incremental cost resulting from adding or subtracting a specific network element in the long run, plus an allocated portion of part of the joint and common costs;
 - (y) *USF* means Universal Service Fund generated typically through collection of revenues from licensed operators and disburse them in a fairly targeted manner to achieve specific universality objectives;
 - (z) *USO* means Universal Service Obligation that refers to the obligation imposed on an operator to meet the policy objective of connecting all or most households to public telecommunications networks;

3. Objectives

3.1 These Guidelines are intended to provide an overview of the licensing and regulatory framework for applicants seeking to obtain a licence to provide and operate PSTN services in Bangladesh. In addition to this, applicants are required to comply with the other provisions that govern the telecommunication industry like the Act, subsequent legislation, other prevalent laws, sector policies framed by the Government, rules, regulations, decrees, orders, decisions, guidelines, directives and other documents of general application to telecommunication services issued by the Government or the Commission from time to time.

3.2 These Guidelines have been prepared taking into account the objectives of the Government to encourage *inter alia* the provision of new PSTN services, enhancement of infrastructure investment, expansion and provision of PSTN services to the consumers with the help of private sector participation in the urban as well as in rural and underserved areas, increased sector efficiency through competition, maintenance of affordable telecommunication tariffs and charges, stimulation of innovation and introduction of advanced and enhanced services, increased customer participation and future ICT growth and generation of new licensing revenues for the Government.

3.3 These Guidelines accordingly seek to encourage *inter alia* the expansion of new networks and services, the rapid network roll-out and realization of service coverage objectives, the enhancement of infrastructure investment, the meeting of USO and Quality of Service parameters, increase competition amongst operators, the creation of a level playing field, prevention of anti-competitive behaviour, and the improvement of consumer access to a wider range of telecommunications services.

3.4 These Guidelines also address the fair allocation of scarce resources like radio frequency spectrum, E164 numbers and public right-of-way that are required in the operation of a PSTN service. In general, the allocation of these scarce resources shall be made available in a balanced approach to address competition interests. The possibility of spectrum being allocated via spectrum auctions and/or tied to the introduction of new innovative services may be explored. The Commission shall address the removal of barriers to access for rights-of way, E164 numbers or spectrum, which may prevent the timely rollout of Services.

3.5 These Guidelines set out the licensing conditions on price regulation, interconnection between networks, abuse of dominant position, the safeguards against anti-competitive practices and to provide fair-trading conditions, fair billing practices, consumer complaint mechanisms, dispute resolution, limitations of liability for service defaults and the mandatory requirement to provide services to consumers such as directory services, operator assistance and emergency services.

3.6 The framework puts emphasis on the clarity of rights and obligations in the licensing terms. It impresses upon the necessity of ensuring the licensing process to be as

transparent as possible. The rationale is to ensure regulatory certainty on key issues such as interconnection, price regulation and competitive safeguards as it is a critical element of success in a licensing regime for promotion of new market entry.

3.7 A PSTN licence issued under these Guidelines will authorise an operator to install, maintain and provide PSTN services and operate PSTN system and facilities for the public in general. No person or company shall be allowed to provide PSTN services without a valid licence issued by the Commission. The issuance of a licence shall be accompanied by the mention of its validity period, the requirements for its renewal and the conditions applicable thereto. In the event of issuance of a new licence or renewal of an existing licence, the licensee shall pay the fees determined by the Commission. The services to be provided by the licensee shall be specifically and comprehensively mentioned in the licence.

3.8 The broad objectives of these Guidelines are (i) to ensure reasonably priced, reliable and modern PSTN services, (ii) to encourage the orderly development of new services, (iii) to ensure acceptable quality of service and efficiency of systems, (iv) to progressively effect reliance on competition and market based environment. Furthermore, it is the vision of the Commission to maximise the expansion of telecommunications networks and services in Bangladesh. This is also consistent with the program of the Government of Bangladesh to aid the development of ICT and to increase the level of teledensity in the country.

4. Description of PSTN Services and Systems

4.1 PSTN services cover the collection, transport, transmission and delivery of two-way switched voice and data message communications (*traffic*) between two fixed points from and to a designated PSTN service area within Bangladesh and outside of Bangladesh through the network of the Bangladesh Telegraph and Telephone Board or that of any other provider of international gateway services as may be authorised by the Commission from time to time. It also covers the provision of transit services for traffic originating from other service providers.

4.2 For the purposes of this framework document, PSTN services at a minimum comprise of the following:

- (a) Local Calls
- (b) National Long Distance Dialling. A Licensee may provide NLD services to subscribers in its licensing area, subject to obtaining any necessary interconnections from other licensed operators.
- (c) International Long Distance Dialling. A Licensee may provide ILD services to subscribers in its licensing area through the international transmission facilities of the Bangladesh Telegraph and Telephone Board or other duly licensed operators.
- (d) Line and Terminal provision.
- (e) Transit Services for Traffic Originating from other Service Providers.

4.3 In addition, there are a range of voice, data and other services that may be provided over a PSTN network on a retail or wholesale basis including a variety of value added and supplementary services. The applicant must specify these in the application form.

4.4 The PSTN services or services that may be provided over or with a PSTN system may be subject to additional regulations from time to time. ILD services are subject to additional requirements as mentioned above, namely the requirement to use the international transmission facilities of the Bangladesh Telegraph and Telephone Board or other duly licensed operators. The use of a PSTN system by another person, apart from the operator, also requires a permit from the Commission and the use of radio frequency spectrum requires a separate licence from the Commission.

4.5 The number prefix for each of its PSTN exchanges and signalling point codes where SS7 signalling will be used, shall be allocated by the Commission to the Licensee for use in connection with its Services. The operators shall follow the national numbering plan with the allocated number prefix and get allocation of signalling point codes where necessary, for each of the PSTN exchanges. The Licensee shall apply for allocation of number prefix and signalling point codes separately.

4.6 The PSTN Systems to be established shall cover technical and operational configuration, interconnection with other operators, support facilities, customer equipment and applicable network plan.

4.7 The details of the systems and services are provided in the proforma in Schedule 3.1 and 3.2 respectively. These proforma are to be filled up and submitted along with the application for PSTN licence.

5 General Requirements

5.1 The following are the principal legal statutes governing the telecommunication industry in Bangladesh:

- (a) The Bangladesh Telecommunication Act, 2001
- (b) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters that are not covered by the Bangladesh Telecommunication Act, 2001.
- (c) Licencing Procedure Regulations, 2004.

5.2 A comprehensive licensing system shall be developed to ensure its orderly, efficient and effective application. The licenses will be issued to respondents who are qualified according to the set criteria. The Commission will follow an open licensing procedure, which apart from the need to satisfy certain minimum criteria, there is no limit on the number of licences, market being the deciding factor for a new entrant and thus no need for a bidding or open tender process. The only exception to this rule would

be where the a location of spectrum, which is a valuable and limited resource, needs to be controlled and international gateways, which essentially be limited in number for regulatory and technical reasons.

5.3 All persons operating and providing telecommunications systems and services are required to be licensed in accordance with the Act. The Commission, in general, will not pre-determine the number of PSTN licences to be issued. However, there may be constraints of frequency spectrum or other physical resources that may limit the number of licences for certain types of networks or services.

5.4 Licensees may be subject to additional terms and conditions where deemed necessary to be in accordance with the public interest or in accordance with the National Telecommunications Policy 1998.

5.5 PSTN licences may be issued on a National or Zonal basis. Applicants for Zonal licences may seek a licence for more than one Zone. The Zones are set out in Appendix-1. In the case of Zonal licences, PSTN services may only be provided within that Zone.

5.6 As provided under section 36(3) of the Act any person, who includes an individual having natural personality, a partnership, company, corporation, co-operative society and statutory body, may apply for a licence unless:

- (a) in the case of an individual:
 - (i) he is an insane person;
 - (ii) he has been sentenced by a court under any law, other than the Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iii) he has been sentenced by a court for commission of any offence under this Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iv) he has been declared bankrupt by the court and has not been discharged from the liability of bankruptcy;
 - (v) he has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution; or
 - (vi) his licence has been cancelled by the Commission at any time during the last 5 (five) years;
- (b) in the case of the applicant being a company or corporation or partnership or society or other organization:
 - (i) any provision of sub-paragraphs (i) to (v) of paragraph (a) above is applicable to its owner or to any of its directors or partners; or
 - (ii) sub-paragraph (vi) of paragraph (a) is applicable to it.

5.7 In addition to the mandatory grounds for disqualification from applying for a licence referred to in Section-5.6, the Commission shall also consider whether the applicant satisfies other criteria including:

- (a) whether the applicant has sufficient financial capacity to operate the activities for which the application has been submitted and whether the applicant is likely to acquire the space for necessary installations and whether efficient manpower will be available;
- (b) how far the issuance of the licence will be consistent with the broad objectives of the Commission;
- (c) whether the issuance of the licence, the activities authorized by the licence and its terms and conditions will be discriminatory compared to those of existing licence holders and whether the competition scenario will be affected; and
- (d) how far the issuance of the licence will serve the public interest.

5.8 The Commission, on receipt of any application, shall examine and evaluate its acceptability in relation to the set criteria, prevailing market situation and any other considerations that it may find necessary. The evaluation may also be performed by any outside agencies, if considered necessary by the Commission. The process of evaluation shall be in the manner and procedure laid down in the Licencing Procedure Regulations 2004.

5.9 In line with the Telecommunications Policy, local companies as well as foreign investors, forming joint ventures with local companies, may participate in the development of telecommunication sector in Bangladesh. The Commission shall consider applications from intending operators registered in Bangladesh in accordance with the provisions of the Companies Act 1994 or Partnership Act 1932. The equity shareholding of each partner of the applicant must be maintained for at least a period of 4 (four) years from the date of grant of the licence. The applicants for Zonal as well as National PSTN licence, must have personnel in the top-management that fulfil the qualifications and experience as shown in Schedule-5.1 of Appendix-5 as long as the licence remains valid.

6. Duration of Licence

6.1 The duration of the licences, National or Zonal, shall initially be for a period of 20 (twenty) years renewable thereafter on a 5 (five) yearly basis, at the discretion of the Commission.

7. Fees and Charges

7.1 The Commission shall impose upon the licensees different fees and charges based on the licensing area applied for, for managing the authorization process as well as

for granting of right of operation of the systems and services. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover. In addition, usage fees shall also be levied for the radio frequencies to ensure the optimal use of such resources.

7.2 *Application Fee* : The application fee to be charged from the intending operators for any type of PSTN licences shall be as shown below. The application fee is payable at the time of submission of the application and shall be non-refundable and retained by the Commission in the event of the application being either rejected or accepted.

- (a) for National : Taka 3.0 million
- (b) for Central Zone : Taka 1.2 million
- (c) for any other Zone : Taka 0.6 million.

7.3 *Entry Fee* : The Licensee shall pay, within 30 (thirty) days of being notified by the Commission of its approval of the application, as a non-refundable entry fee. The amounts for different types of licences are shown below and the grant of the licence shall be conditional on the payment of the entry fee.

- (a) for National : Taka 120 million
- (b) for Central Zone : Taka 50 million
- (c) for any other Zone : Taka 20 million.

7.4 *Annual Licence Fee* : The Licensee shall for the second and subsequent years of operation pay Annual Licence Fees comprising of the following:

- (a) *Fixed Component* : The licensees shall pay, in advance on each anniversary of the date of the Licence,
 - (i) for National : Taka 20 million
 - (ii) for Central Zone : Taka 10 million
 - (iii) for any other Zone : Taka 3 million.
- (b) *Variable Component* : a sum equivalent to 2% of the Licensee's annual audited gross turnover, which shall be paid on a quarterly basis within the first 10 (ten) days at the end of each quarter at a rate of 2% of the gross turnover of previous quarter. The total variable component shall be reconciled on an annual basis based on the audited accounts of the Licensee for that year and if there has been any underpayment, the balance must be paid within 90 (ninety) days of the Licensee's financial year end. In the event of any overpayment, the Licensee may set off any excess amount against quarterly payments in the next year.

7.5 *Radio Equipment and Spectrum Charges* : A separate licence is required for the use of a radio equipment in the network. There shall be charges for the usage of radio equipment and related spectrum. The details of the current fee structure are given in Appendix-2. The rates are changeable by the Commission without any notice and shall be binding on the licensees. The rights granted to the Licensee do not include any rights to use radio equipment in the network and related spectrum. For use allocation of frequencies separate applications have to be submitted to the Commission within 30 days of issue of the license. After receipt of the application, fresh assignments will be made by the Commission to the Licensee on case by case basis. (If any frequency is not applied for, the same will be treated as with drawn and may be assigned for any other operation/service providers as per need.)

7.6 *Conversion of Licence from Zonal to National* : In the event of any operator applying for conversion of its Zonal licence to the National one, the applicant shall have to pay the balance of all the fees to be paid for the National licence in addition to all the fees already paid by it for the Zonal licence.

8. Performance Bank Guarantee

8.1 A Performance Bank Guarantee (PBG) in a prescribed form shall be submitted within 30 days of being notified by the Commission of its approval of the licence application. The PBG shall be for the sum of

- (a) for National : Taka 300 million
- (b) for Central Zone : Taka 120 million
- (c) for any other Zone : Taka 50 million.

8.2 On any breach of the licence condition and failure to fulfil roll-out obligations, the PBG may be cashed by the Commission without giving any notice. This is without prejudice to any other action that may be taken under the terms and conditions of the licence.

8.3 All fees, charges etc. are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

8.4 In the event of conversion from Zonal to National licence, the PBG shall also be enhanced by an amount equal to the balance of PBG to be ensured for the National licence in excess of the PBG already ensured by it for the Zonal licence.

9. Quality of Service

9.1 The Licensee shall comply with all QoS standards (as specified in Schedule-3.5 of Appendix-3) imposed by the Commission.

9.2 The Licensee shall maintain records that demonstrate the manner and extent to which the QoS standards have been complied with and shall furnish a certified copy of such records to the Commission upon request. The Commission may publish such QoS statistics on a regular basis.

9.3 The Licensee shall ensure that traffic passes through its Network at all times in accordance with the minimum QoS standards imposed by the Commission.

9.4 If the Licensee does not meet the QoS standards, the Commission may impose the penalties set out in the Licence, as may be amended from time to time.

9.5 The Licensee may be excused on a day to day basis from compliance with the QoS standards to the extent that it is unable to comply due to forces beyond its reasonable control such as fire, flooding and industrial disputes or other circumstances of force majeure, provided that it promptly notifies the Commission and/or where applicable the other licensee, of the facts and circumstances giving rise to such inability to comply and takes any commercially reasonable action necessary to correct any faults or avoid any such circumstances so as to re-establish compliance with the QoS standards as soon as possible.

→ 1 m = 10 lac
1 crore = 10 m

10. Accounting System

10.1 The Licensee shall implement such accounting practices that allow for the identification of the costs and charges on a current cost accounting basis for its Local Access Network, Core Network, Retail and Equipment Supply businesses. The purpose shall be to facilitate the future calculation of interconnection and call termination charges that are reasonable and transparently derived from costs based on such methodology (e.g. FDC, LRIC, TELRIC etc) as the Commission may subsequently determine. In addition, this will enable the Commission to detect and monitor other regulatory concerns such as bundling, predatory pricing, cross subsidies and other anti-competitive behaviour.

10.2 Revenues and costs should be allocated to business segments on the basis of causation i.e. revenues and costs should be allocated to those services or products that cause the cost or revenue to arise.

10.3 The *Local Access Network* business shall cover the provision of connections to the core telephony network including those components of the Systems of the Licensee that are dedicated to a particular customer, for example the local loops and line cards and ports located at concentrators and/or exchanges. The accounts for the local access network business include the costs and capital employed associated with providing and maintaining these local connections. Costs of providing lines to end user customers will initially be recorded under the accounts for the local access network business, but will be transferred to the retail business once line rental revenue is recorded so as to match these revenues with their associated costs. The line rental revenues from end users will be recorded under the retail business. Line rental revenues from unbundled local loops supplied to other operators will be recorded under the local access network business.

10.4 The *Core Network* business shall include the provision of interconnection services, transit services and carrier services of the network operator, including the switching and conveyance of calls to allow customers to communicate with customers of the same or other operators, or to access services provided by another operator. The core network includes all network components that are not part of the local access network. The accounts for the core network business include the costs and capital employed associated with providing and maintaining these network components. The revenues of the core network business will be mainly from the sale of interconnection services to the retail business and to other operators, but can also include the wholesale provision of transmission circuits, and the provision of engineering services to other operators.

10.5 The *Retail* business shall include the activities mainly related to the commercial provision of fixed telephony services and leased lines to end users such as the provision of local calls, national long distance calls, international calls, calls to mobiles, directory enquiries, public payphones, private circuits and other retail business. The accounts for the retail business include the costs, revenue and capital employed associated with the provision of these services to customers. The costs include transfer charges related to the use of network resources or services provided by the local access network business and core network business, and marketing and billing costs.

10.6 The *Apparatus Supply* business shall include the supply of telephone equipment, fax machines, cabling etc.

11. Customer Service and Complaints

11.1 The Licensee shall prepare a customer charter of rights that sets out the minimum standards of service to the customers/subscribers of the licensee and gives guidance to the employees of the Licensee in their dealings with customers and subscribers. This

charter shall be prominently displayed at all the premises of the licensee, and a copy shall be provided to customers upon request.

11.2 The Licensee shall prepare and submit to the Commission a form that will be used for customers to raise complaints in the event that minimum standards of service are not met. At a minimum, the form shall provide for the following matters:

- (a) Particulars of the customer (including name, address and contact details);
- (b) Date, time and place of the complaint;
- (c) Name of the staff against whom the complaint is made (if applicable);
- (d) Nature of the complaint;
- (e) Means to resolve complaint;
- (f) How and when resolved, if resolved.

11.3 The Licensee shall submit to the Commission a list of the procedures and the estimated time proposing how a complaint from a customer will be first received, responded to and finally resolved.

11.4 The Licensee shall indicate on the complaint form that in the event the customer is dissatisfied with action taken by the Licensee in response to the complaint, the customer may bring the matter to the attention of the Commission.

11.5 The Licensee shall comply with all directions issued by the Commission with regard to its complaints procedure.

12. Universal Service Obligations

12.01 Each Licensee shall install at least 5% of its capacity in rural and sparsely populated areas in order to provide services to people in those areas. For the purposes of this condition, rural and sparsely populated areas shall be all areas outside Upazilla Headquarters and/or urban areas, as published by the Bangladesh Bureau of Statistics. The Licensee shall in addition comply with any of the USO including USF that may be imposed by the Commission.

13. Application Form

13.1 The applicant shall submit Application for PSTN operator's licence to the Commission in prescribed Form duly filled in signed and sealed together with all the

necessary documents and information as indicated in the Application Information at appendix 4. The prescribed Application Form is appended with these Guidelines at appendix 5.

13.2 The Guidelines, prescribed application Form, generic licence form and application information will be available in the office of the Commission.

14. Miscellaneous

14.1 Each Licensee shall comply with the provisions of the Act, the terms and conditions of its licence, and any regulations or guidelines issued by the Commission. The Commission has the right in its sole discretion to change, amend, vary or revoke any of the terms and conditions of the licence upon the provision of notice to the licensee informing the licensee of the reasons for the proposed change. A generic form of a PSTN licence is attached for reference as Appendix-3. This is provided for information only as an indication of the format and types of provisions that may be included in the licence. The final terms of the licence are a matter solely for the Commission to determine and shall be contained in the licence issued by the Commission to the relevant applicant.

14.2 Any enquiry concerning these Guidelines should be made in writing and addressed to the Chairman of the Commission.

15. Status

15.1 This document has been made to provide an accurate and authoritative account of the licensing Guidelines, the licences to be granted to successful applicants will be the complete authoritative text.

15.2 The information contained in this document is intended to assist interested parties in applying for the relevant licences. It does not bind the Commission to any particular course of action in relation to the handling of any application, or to the terms of any licence to be granted, or to grant any licence to any party.

15.3 The Commission reserves the right to change its policies and/or to amend this document without prior notice.

APPENDIX - 1

LICENSING AREAS

The key criteria for the definition of licensing zones comprise of mainly two considerations. The prime consideration is to ensure that the estimated demand of PSTN services in a licensing area is economically sufficient to sustain at least two new operators. Moreover, the boundary of a licensing zone is made to coincide more or less with one or more of the existing Bangladesh Telegraph and Telephone Board (BTTB) operational regions so that operational interaction and processes can be minimized and simplified.

The above approaches were adopted to form the following licensing zones, in addition to the National licensing area :

- 5.5.1 Central Zone
- 5.5.2 South-East Zone
- 5.5.3 North-East Zone
- 5.5.4 South-West Zone
- 5.5.5 North-West Zone

Central Zone	South-East Zone	North-East Zone	South-West Zone	North-West Zone
Dhaka City, Zinzira & Savar Narayanganj District H/Q Gazipur District H/Q & Tongi	Brahmanbaria Comilla Chandpur Lakshmipur Noakhali Feni Chittagong Cox's Bazar Khagrachari Rangamati Bandarban	Sunamganj Sylhet Habiganj Moulvi Bazar Sherpur Jamalpur Netrokona Mymensingh Kishoreganj Tangail Munshiganj Manikganj Narayanganj excl. District H/Q Gazipur excl. District H/Q & Tangi Dhaka excl. Dhaka City, Zinzira & Savar <i>Narsingdi</i>	Kushtia Chuadanga Meherpur Jhenaidah Magura Jessore Narail Khulna Satkhira Bagerhat Barisal Bhola Jhalakathi Pirojpur Barguna Patuakhali Rajbari Faridpur Gopalganj Madaripur Shariatpur	Dinajpur Panchagarh Thakurgaon Nilphamari Lalmonirhat Kurigram Rangpur Gaibandha Bogra Jaipurhat Rajshahi Natore Naogaon Nawabganj Pabna Sirajganj

These licensing areas are also depicted in the map of the country in the next page in different shades.



APPENDIX - 2

RADIO FREQUENCY CHARGES

TABLE - 1

for omni directional and point to multi-point system

<i>Sl</i>	<i>Symbol</i>	<i>Frequency Range (Lower Limit Exclusive, Upper Limit Inclusive)</i>	<i>Charge per 1 KHz of Necessary Bandwidth of Emission per Year per Site in Taka</i>
1	VHF	30-300 MHz	100.00
2	UHF1	300-1000 MHz	50.00
3	UHF2	1000-3000 MHz	30.00
4	SHF	3-16 GHz	20.00
5	SHF2 & EHF1	16-65 GHz	10.00
6	EHF2	65-300 GHz	1.00

TABLE - 2

for UHF, M/W, EHF point to point links per year basis

<i>Sl</i>	<i>Frequency Range (Lower Limit Exclusive, Upper Limit Inclusive)</i>	<i>Charges in Taka for Channel BW Capacity per KHz per Hop</i>
1	UHF 300 MHz ~1 GHz	3.00
2	M/W 1 GHz ~16 GHz	2.00
3	M/W 16 GHz ~65 GHz	1.00
	M/W 65 GHz ~100 GHz	0.50
	Above 100 GHz	0.10

TABLE - 3

Charges per set per year of Tx / Rx for all ranges

(a) VHF

<i>Sl</i>	<i>Output Power from the Final Stage of the Transmitter</i>	<i>Rate in Taka (proposed to be implemented)</i>
1	Less than 100 mW	100.00
2	100 mW ~ 500 mW	200.00
3	500 mW ~ 1 watt	500.00
4	1 watt ~ 3 watt	800.00
5	3 watt ~ 5 watt	1200.00
6	5 watt ~ 10 watt	2500.00
7	10 watt ~ 15 watt	3500.00
8	15 watt ~ 20 watt	5000.00
9	20 watt ~ 25 watt	7500.00
10	25 watt ~ 30 watt	10000.00
11	30 watt ~ 50 watt	20000.00
12	50 watt ~ 75 watt	40000.00
13	75 watt ~ 100 watt	75000.00
14	Above 100 watt each additional watt or part thereof	2000.00

(b) UHF Band 1

<i>Sl</i>	<i>Output Power from the final stage of the Transmitter</i>	<i>Rate in Taka</i>
1	Less than 100 mW	500.00
2	100 mW ~ 500 mW	1000.00
3	500 mW ~ 1 watt	1500.00
4	1 watt ~ 3 watt	2000.00
5	3 watt~5 watt	2500.00
6	5 watt~10 watt	3000.00
7	10 watt~15 watt	4000.00

continued

<i>Sl</i>	<i>Output Power from the final stage of the Transmitter</i>	<i>Rate in Taka</i>
8	15 watt~20 watt	5000.00
9	20 watt~25 watt	10000.00
10	25 watt~50 watt	20000.00
11	Above 50 watt each additional watt or part thereof	2000.00

(c) UHF Band 2

<i>Sl</i>	<i>Output Power from the final stage of the Transmitter</i>	<i>Rate in Taka</i>
1	Less than 100 mW	1000.00
2	100 mW~500 mW	2000.00
3	500 mW~1 watt	3000.00
4	1 watt~3 watt	4000.00
5	3 watt~5 watt	5000.00
6	5 watt~10 watt	7500.00
7	10 watt~20 watt	10000.00
8	20 watt~50 watt	20000.00
9	Above 50 watt each additional watt or part thereof	2000.00

(d) SHF 1, SHF 2 & EHF

<i>Sl</i>	<i>Output Power from the final stage of the Transmitter</i>	<i>Rate in Taka</i>
1	Less than 100 mW	500.00
2	100 mW~500mW	1000.00
3	500 mW~1 watt	1500.00
4	1 watt~3 watt	2000.00
		<i>continued</i>

<i>Sl</i>	<i>Output Power from the Final Stage of the Transmitter</i>	<i>Rate in Taka</i>
4	1 watt-5 watt	3000.00
6	5 watt-10 watt	5000.00
7	10 watt-20 watt	10000.00
8	20 watt-50 watt	20000.00
9	Above 50 watt each additional watt or part thereof	2000.00

- Note 01: *Power of a Radio Transmitter is referred to in accordance with class of emission specified in radio regulation annexed to the International telecommunication Union Convention.*
- Note 02: *In case of standby or supplementary transmitter, a quarter of the radio transmitter output power charge specified above shall be levied.*
- Note 03: *Transmitter power level indicated is exclusive of lower limit and inclusive of upper limit.*

TABLE - 4
Miscellaneous Charges

<i>Sl</i>	<i>Description</i>	<i>Rate in Taka</i>
1	Radio Communication Equipment for the control of models (TX power more than one watt) once and for all charge per unit	1,000.00
2	Issue of a new licence in case of original licence damaged or lost (Radio Communication services)	550.00
3	Licence Fees as per Category. Land (MF / HF / VHF / UHF / MW), Fixed or Mobile	100/-

APPENDIX - 3

GENERIC FORM OF PSTN LICENCE

**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

HOUSE No.10 , ROAD No.135 , GULSHAN 1 , DHAKA-1212

OPERATOR LICENCE

for

PUBLIC SWITCHED TELEPHONE NETWORK

ISSUED TO

.....
**UNDER THE
BANGLADESH TELECOMMUNICATION ACT, 2001**

ON
.....

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**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

HOUSE No.10 , ROAD No.135 , GULSHAN-1 , DHAKA-1212

OPERATOR LICENCE

for

PUBLIC SWITCHED TELEPHONE NETWORK

NO :

DATED :

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In exercise of the powers
Under Section 36 of the Bangladesh Telecommunication Act 2001,
(Act No : XVIII of 2001)

The Bangladesh Telecommunication Regulatory Commission
is pleased to grant the licence in favour of

.....

as an operator of
Public Switched Telephone Network
in Bangladesh

whereby it is authorized

to establish, construct, maintain and operate the associated Systems as specified
in Schedule-3.1 and to provide services as specified Schedule-3.2
on non-exclusive basis

under the terms and conditions given in the following pages
including the schedules annexed hereto.

INTERPRETATION

Unless the context otherwise requires, the following expressions shall have the
meaning assigned to them in this document :

- (1) *Act* means the Bangladesh Telecommunications Act 2001.
- (2) *Access Lines in Service* means a voice grade channel provided over the Licensee's local network connecting that network to telecommunications equipment on a customer's premises, or to a public payphone.

- (3) *Applicable System* means all the necessary engineering systems and equipment to provide Internet service as per technical, operational and qualitative requirements.
- (4) *Commission* means Bangladesh Telecommunication Regulatory Commission established under Section 6 of the Act.
- (5) *Interconnection* means the visible or invisible or logical linking or more than one telecommunication network in order to enable the users of one network to communicate among themselves or to communicate with the users of another network or to avail themselves of the service of the other network;
- (6) *Licence* means an authorization granted or having effect as if granted by the Commission under Section 36 of the Act and the Regulations issued by the Commission.
- (7) *Licensee* means a company registered in Bangladesh under the Company's Act 1994 that has been permitted and awarded a licence for providing the Service.
- (8) *Message* means any communication transmitted or received by means of PSTN systems and networks.
- (9) *PBG* means Performance Bank Guarantee from a scheduled bank.
- (10) *QoS* means the quality of service observable through the measures on the grade of service, calls lost due to wrong processing, bit-error rate, response time, acceptable number of faults per subscriber, mean time
- (11) *Regulation* means the regulations made from time to time by the Commission under the Act.
- (12) *Services* means the services set out under Schedule-3.2 which the Licensee is granted a Licence to provide.
- (13) *Subscriber* means any person or legal entity that avails the service from the Licensee.
- (14) *Systems* means the telecommunications systems set out in Schedule-3.1 which the Licensee is granted a Licence to establish, construct, operate and maintain.
- (15) *Tariff* means charges payable by a subscriber for the service provided by the Licensee.

2. COMMENCEMENT

The Licence shall come into force on this day of and shall be valid for a period of 20 (Twenty) years unless terminated earlier, subject to the terms and conditions contained in the Licence, the provisions of any existing enactment, the rules and regulations made there under by the Government and/or the Commission, and the changes and modifications including any new enactments as may be considered expedient and necessary from time to time.

RENEWAL

Upon expiry of the initial term, the Licence may be renewed for subsequent terms, each of 5 years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Commission under the Act.

SCOPE OF THE LICENCE

4.01 The service area of this Licence extends to the [entire country / Zone] as described in Schedule-3.1. The Licensee may install its applicable system anywhere in the service area for the purpose of providing the Service. However, it is the responsibility of subscribers to procure end-user terminal(s). The leased line subscribers shall be located within the service area.

4.02 The provisions of the Act shall regulate the Licence. The Wireless Telegraphy Act 1933 and the Telegraph Act 1885 as modified from time to time shall also be applicable on matters not covered in the Act. In addition, the Regulations gazetted, the Guidelines set forth, Directives issued and the Executive Orders notified from time to time by the Commission in respect of the service shall also be applicable and binding on the Licensee.

4.03 The Licensee shall provide the service within the licensed area to any individual including customers located in rural areas without any discrimination, and also to any particular location directed by the Commission in writing.

5. SYSTEMS AND SERVICES

5.01 The Licensee shall establish, construct, operate and maintain the Systems as described in Schedule-3.1 for the delivery and transmission of the Services as described in Schedule-3.2. The Licensee may connect its Systems to the systems of any other operator licensed by the Commission. Except with the express authorisation of the Commission, the Licensee undertakes not to operate any network or system or provide any service other than that described in Schedule-3.1 and Schedule-3.2.

5.02 Any proposed changes to the Systems and Services which affect the subscribers of other licensees shall be submitted in such format as in Schedule-3.3 or as may be prescribed by to the Commission in writing, together with any related technical information for consideration and approval of the Commission. The Licensee shall not proceed with such changes to the Systems if the Commission does not issue any approval of the proposed changes.

5.03 The Licensee must comply with the requirements and approval of tariff as per conditions in para-12 before introduction of any new service or changes in the existing service.

6. RADIO FREQUENCY LICENCE

6.01 The rights granted to the Licensee do not include any rights to use radio equipment in the network and related spectrum. For use of separate spectrum, applications have to be submitted to the Commission for allocations of frequencies

within 30 days of issue of this license. After receipt of the application, assignments will be made by the Commission to the Licensee on case by case basis.

7. FEES AND CHARGES

7.01 The Licensee shall pay all the required fees within the stipulated time frames. All the fees paid by the Licensee are non-refundable.

7.02 The Licensee, after the payment of the Entry Fee as per the type of licensing area, shall for the second and subsequent years of operation pay annual Licence fees comprising of the.

(a) *Fixed Component* : a sum of Taka million for license payable by the Licensee in advance on each anniversary of the date of the Licence; and

(b) *Variable Component* : a sum equivalent to 2% of the annual audited gross turnover of the Licensee, which shall be paid on a quarterly basis within the first 10 days at the end of each quarter at a rate of 2% of the gross turnover of previous quarter. The total variable component shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment the balance must be paid within 90 days of the financial year-end of the Licensee. In the event of any overpayment by the Licensee, the Licensee may set off any excess amount against quarterly payments in the next year.

7.03 Interest at a rate of 12.5% per annum from the date of default to the date of payment, shall be payable by the Licensee for any late payment of fees.

8. COVERAGE, ROLL-OUT AND UNIVERSAL SERVICE OBLIGATIONS

8.01 The Licensee shall use all reasonable endeavours to abide by its proposals on network rollout and coverage and any other plans and commitments submitted to the Commission in its application for this Licence.

8.02 Within 30 days of the notice of approval of the Licence issued by the Commission, the Licensee shall furnish the Commission with a performance bank guarantee in a prescribed form which complies substantially with the proforma bank guarantee annexed hereto as Schedule-3.4 and issued by a scheduled bank designated by the Commission for the performance of its obligations under this Licence.

8.03 The PBG shall be for the sum of Taka 300 million for National licence / Taka 120 million for Central Zone / Taka 50 million for South-East / South-West / North-East/ North-West Zone.

8.04 Within 30 days of each anniversary of the Effective Date, the Licensee shall provide the Commission with a report certified by an authorised representative of the Licensee indicating the actual number of Access Lines in Service at that date and the Access Lines in Service target for that year, and the actual number of Access Lines in Service in rural and sparsely populated areas in accordance with its roll-out plan.

8.05 If the Commission determines that the Licensee has complied with its obligations under this Licence and that the rollout targets have been met, the Licensee may request that the performance bond to be reduced in accordance with the terms of the performance bank guarantee.

8.06 Upon any breach of a Licence condition and/or failure to fulfill roll-out obligations, the PBG may be cashed by the Commission without giving any notice. This shall be without prejudice to any other action that may be taken under the terms and conditions of the Licence.

8.07 The Commission shall specify in detail the terms and conditions of the performance bank guarantee for the Licensee based on the commitments made by the Licensee in its application and any additional terms and conditions deemed necessary by the Commission.

8.08 The Licensee, notwithstanding (a) any change in the value of the PBG over time and (b) any forfeiture of the PBG or part thereof, shall continue to fulfill and perform all obligations under the Licence.

8.09 Within 2 weeks of the grant of the Licence, Licensees who intend to collect money deposits and/or use prepaid cards for the collection of payments from their customers (other than credit cards) shall furnish the Commission with a performance bank guarantee for the sum of Taka 1 million in a prescribed form and issued by a scheduled Bank operating in Bangladesh.

8.10 The Licensee shall install at least 5% of its capacity in rural and sparsely populated areas in order to provide Services to people in those areas. For the purposes of this condition, rural and sparsely populated areas shall be all areas outside an Upazilla headquarters or urban area as published by the Bangladesh Bureau of Statistics. The Licensee shall in addition comply with any of the USO including USF that may be imposed by the Commission.

8.11 The Licensee shall provide and maintain Public Pay Phones and Community Telephone services if so directed by the Commission from time to time in the Licenced area.

9. QUALITY OF SERVICE OBLIGATIONS

9.01 The Licensee shall ensure that voice traffic passes through its network with minimal interference and/or loss and without unauthorized access.

9.02 The Licensee shall achieve the QoS standards set out in the annexed Schedule-3.5 and maintain records of the same. The Commission may inspect these records and the Licensee shall furnish certified copies of such reports to the Commission upon demand or at scheduled intervals.

9.03 The Commission may vary, change, amend, modify or revise the QoS standards from time to time without prior notice and the Licensee shall comply with the new QoS standards imposed within the time period stipulated by the Commission. The Licensee shall submit to the Commission monthly reports on its compliance with each of the QoS standards within the first five working days of each calendar month, in such form as may be stipulated by the Commission.

9.04 If the Licensee does not meet the QoS standards, the Commission may impose the penalties set out in Schedule-3.6 on the Licensee, as may be amended from time to time.

9.05 The Licensee shall be excused on a day to day basis from compliance with the QoS standards to the extent that it is unable to comply due to faults attributable to another licensee or due to forces beyond its reasonable control such as fire, flooding and industrial disputes, provided that it promptly notifies the Commission and/or where applicable the other licensee, of the facts and circumstances giving rise to such inability to comply and takes any commercially reasonable action necessary to correct any fault or avoid any such circumstance so as to re-establish compliance with the QoS standards as soon as possible.

10. INTERCONNECTION

10.01 The Licensee shall have a duty to interconnect, directly or indirectly, with all other licensees. In order to carry the overseas traffic through the international gateways and NLD traffic through the long distance network outside its licensed zone, the Licensee shall pass the same through its own long distance network or leased line from other licensed or authorised operators providing NLD services on mutual agreement. The Licensee shall connect any equipment or systems approved by the Commission to the Systems of other Licensees and at the appropriate connection points and provide any equipment or telecommunications systems for this purpose and provide access to the Systems by any other Licensee upon payment of reasonable access charge. The Licensee shall apply to the Commission for approval of equipment or systems that have not yet been approved by the Commission within 1 (one) month of receipt of the request for interconnection. The Licensee shall comply with the directives of the Commission with regard to interconnection facilities of the Licensee and the Commission shall have the right to settle any dispute between the Licensee and any other operator and/or to determine the terms of any Interconnection Agreement already entered/to be entered into between the Licensee and any other operator, if the Licensee fails to negotiate the terms of the Interconnection Agreement with another operator.

10.02 The Licensee shall also have the right to request interconnection with the networks and services of other licensees in accordance with the procedures set by the Commission. The terms and conditions of such an agreement may be negotiated independently between the parties provided that they comply with the Act, Regulations and Directives and the conditions prescribed in this Licence and in the event that the parties cannot agree to terms, the matter shall be determined by Commission, whose decision shall be final and binding on the parties.

10.03 The Licensee shall,

- (a) file all concluded interconnection agreements with the Commission for public access;
- (b) comply with all technical standards set by the Commission covering interconnection; and
- (c) comply with all other access and interconnection obligations as stipulated by Commission or as issued by Commission from time to time.

10.04 The Licensee shall not impose any technical or other conditions, which may hinder access or interconnection apart from, that stipulated by the Commission nor shall the Licensee inhibit access or interconnection through other ways or means.

11. NETWORK ACCESS AND FACILITY SHARING

11.01 Unless expressly exempted, the Licensee shall apply to the Commission for a permit under Section-40 of the Act for sharing or leasing of any of its installations or systems or any apparatus or facility by which PSTN services can be provided for any use of a third party, not licensed for the same, whether on a commercial basis or in lieu of fees, price or other considerations.

11.02 The Licensee shall comply with the directions of the Commission on network access and facility sharing.

11.03 Where it deems necessary, the Commission may direct that the Licensee shall share facilities and/or infrastructure with other licensees and the Licensee shall cooperate and work with other licensees to submit plan for sharing of facilities/infrastructure to the Commission.

11.04 No permit from the Commission will be required for sharing of space (land and / or building), tower, mast, pole, duct, tunnels and manholes, power supply or any other ancillary facilities. This will be a matter for the mutual agreement between operators or service providers. However, the Commission reserves the right to alter, modify, include, and exclude any item from this list of exemptions.

12. PRICING AND TARIFFS

12.01 The Licensee shall, before providing any Service, submit to the Commission in writing

- (a) a tariff chart / schedule containing the maximum and minimum charges that it proposes to charge for the Service, and its justification for the charges; and
- (b) the description of the Service, the terms and conditions and all other relevant information which it proposes to publish to its customers. The information to be published must be in a form that is readily available, current and easy to understand

12.02 The Licensee shall not start providing any Service before obtaining the approval of the Commission for its tariff and shall comply with conditions as may be imposed by the Commission.

12.03 The Licensee shall obtain the written approval of the Commission before making any changes to the approved tariff charges.

13. BILLING AND METERING

13.01 The Licensee shall provide a clear and concise statement of charges to its subscribers on a timely and regular basis. This statement shall reflect the prices, terms and conditions for any applicable price or service plans which the subscriber has

subscribed to and the due date of payment before late charges are incurred. The Licensee shall not bill its subscribers for any charges, which it has not disclosed to the subscribers in its published tariff and/or terms and conditions, or for PSTN services that have not been sought for by the subscribers.

13.02 The Licensee shall take all reasonable steps to ensure that its billing systems and metering equipment used in connection with the Service are reliable and accurate and capable of providing subscribers with itemized billing if so requested at a reasonable charge for this service.

13.03 The Licensee shall keep records of any metering equipment used in such form as may be specified by the Commission and shall supply such records as and when called for by the Commission.

14. NUMBERING AND SIGNALING POINT CODE

14.01 The Licensee shall comply with any national numbering plan / grid or the directions of the Commission with regard to the same and abide by all guidelines on usage, allocation and assignment of numbers issued by the Commission. The Licensee shall provide justification for the use of numbers if called for by the Commission, in any application and shall seek to ensure efficient allocation and usage of the numbers amongst its subscribers.

14.02 The Licensee shall get the allocation of signaling point codes for its PSTN exchanges where SS7 signaling will be used.

14.03 The Licensee shall comply at its own cost, with all requirements, guidelines and directives issued by the Commission on number portability.

14.04 Any telephone number assigned to the Licensee by the Commission are the property of the Commission and the Licensee, and its subscribers shall not have proprietary rights in the telephone numbers. The Commission reserves the right to amend or reallocate any telephone number upon written notice to the Licensee at the cost, if any, of the Licensee.

14.05 The Licensee shall consult the Commission on any arrangements for the allocation and reallocation of numbers and codes within its own numbering plan, and prepare and furnish to the Commission its proposals for developing, adding to or replacing the numbering plan relating to the Service.

14.06 The Licensee shall ensure that its Systems and any customer equipment supplied to its subscribers will permit (currently or via an upgrade) the portability of numbers assigned to any customer of the Licensee, or any other Licensee, so that as and when the Commission mandates number portability, any number so assigned may be used by that customer should it cease to be a customer of any such entity and become a customer of the Licensee or any other Licensee, as the case may be.

15. NETWORK DESIGN, INTEROPERABILITY AND PUBLIC WORKS

15.01 The Licensee shall design and maintain its telecommunication network(s) in accordance with any directions issued by the Commission and shall comply with interoperability and other technical standards prescribed by the Commission.

15.02 The Licensee shall not connect to the Systems, any equipment or system that does not comply with the national standards for telecommunication apparatus set by the Commission.

15.03 The Licensee shall inform the Commission of the network routing used and the system followed for the transmission and reception of messages, signals and other information into and out of its System.

15.04 The Licensee shall prior to any installation or maintenance work on the Systems obtain all necessary permissions from the relevant authorities or governmental departments for works on land owned or controlled by any Government or local authority or statutory body, and from the relevant owner or occupier for works on any private land.

15.05 The Licensee shall undertake and complete all installation and maintenance work diligently and without delay whilst at all times observing the need for public safety in compliance with local laws and regulations. The Licensee shall at a minimum, fence up the site, install warning lighting at night and reinstate any affected areas to their original condition once the Licensee's work is completed.

15.06 If third party owned or licensed property is affected as a result of the installation and/or maintenance work, the Licensee shall seek the applicable third party's consent prior to displacing or interfering with telecommunication lines, gas or water pipes, drains or sewers, or tubes, casing, duct, wires or cables or other third party property or equipment.

15.07 The Licensee shall be solely liable for any losses, damage, claims, costs or expenses caused, arising from or in connection with any installation and/or maintenance work in public areas.

16. SUBSCRIBER CONFIDENTIALITY

16.01 The Licensee shall maintain confidentiality in respect of all information provided by the subscriber save in the case of the following situations:

- (a) where the disclosure of the information is necessary for the purposes of detecting, preventing or investigating crime in which case disclosure should only be made to persons authorised by the Commission;
- (b) where disclosure is deemed necessary by the Commission or other national security and law enforcement agencies; and
- (c) where disclosure is ordered by a court of competent jurisdiction or so provided by law.

16.02 Further, the Licensee may only use any information provided by a subscriber for the following purposes:

- (a) internal planning, provisioning and billing for Services;
- (b) facilitating interconnection and inter-operability between Licensees;
- (c) other purposes approved by the Commission; and
- (d) providing assistance to national security and law enforcement agencies as specified by law.

17. DIRECTORY INFORMATION, OPERATOR ASSISTANCE AND EMERGENCY CALL SERVICES

17.01 The Licensee shall provide 24 hour operator assistance services to its subscribers. The Licensee shall exchange relevant subscriber data with other licensees without charge and maintain an integrated customer/subscriber information database for the purposes of providing directory information and inquiry services to its subscribers or to any person who so requests at a fair and reasonable charge.

17.02 The Licensee shall provide directories for its subscribers or to any person who so requests at a fair and reasonable charge and on a regular basis.

17.03 The Licensee shall ensure that any person through customer premises equipment connected to the Systems and through public payphones owned or operated by the Licensee, may on a 24 hour daily basis and without charge, contact emergency services including (a) the Police Services, (b) Fire Fighting Services, (c) Ambulance or Emergency Hospital Services and (d) Any other national agencies as directed by the Commission.

18. NATIONAL EMERGENCIES

18.01 Licensee shall facilitate and cooperate with all relevant government bodies, departments and official agencies for the provision of the Services in the event of national emergencies or where issues of national security arise.

18.02 In the event of any war or war situation, internal national disorder (including strikes), urgent state affairs or situations demanding national security, the Government may use equipment and the Systems used by the Licensee for its PSTN network.

18.03 In case of national emergency, declared by the President, the Government may suspend any particular activity of or a particular service provided by the Licensee. For public interest reasons, the Government may take over the possession of the PSTN installations along with its employees to operate the Systems.

19. COMPLAINTS, DISPUTE RESOLUTION AND CONSUMER PROTECTION

19.01 The Licensee shall prepare a customer charter of rights that sets out the minimum standards of service to the customers/subscribers of the Licensee and gives guidance to the employees of the Licensee in their dealings with customers and subscribers. This charter shall be prominently displayed at all of the premises of the Licensee, and a copy shall be provided to customers upon request.

19.02 The Licensee shall publish information about the Services it provides in a form, which is easily available to consumers. This shall cover *inter alia* a description of the Services, the pricing plans, terms and conditions, procedures for billing, bill enquiries and complaints, the provision of fault repair services and all other relevant information relating to the provision of the Services and other telecommunications equipment.

19.03 The Licensee shall inform subscribers all of its obligations under this Licence and in particular apprise its subscribers the obligations of the Licensee of confidentiality and specific use of information in accordance with para-16 of this Licence.

19.04 The Licensee shall operate a consumer friendly system, which will allow subscribers to lodge complaints to the Licensee in the event of a breach of any of the terms of this Licence.

19.05 The Licensee shall submit to the Commission and make publicly available at the end of the Licensee's financial year or upon demand by the Commission, a report indicating the number of complaints received from subscribers, the nature of such complaints and the steps taken by the Licensee to address these complaints. The Licensee shall prepare the report in a format prescribed or approved by the Commission.

19.06 In the event of any differences or disputes with other operators and failure to resolve the differences or disputes among themselves, the Licensee may refer the matter to the Commission for resolution of the same. The Commission may decide as it considers appropriate to resolve the dispute and the same shall be binding on the concerned parties.

20. ANTI-COMPETITIVE CONDUCT, UNFAIR COMPETITION AND DISCRIMINATION

20.01 *Anti-Competitive Conduct* : The Licensee shall not engage in anti-competitive conduct which in the view of the Commission inhibits or impedes fair competition including exploiting a position of dominance such as to unreasonably restrict competition. Acts of anti-competitive conduct include, but are not limited to, the following:

- (a) engaging in predatory price cutting which may be implied where:
 - (i) a Service is priced at less than marginal costs for 3 consecutive months;
 - (ii) such costs are likely to price competition out of the market or deter competitors from entering the market;
 - (iii) the Licensee is able to recoup the full amount of the loss incurred during the period of price cutting.
- (b) engaging in cross subsidizing where the revenues for a service is used to unfairly cross subsidize the price of other services or equipment;
- (c) engaging in unfair pricing such as to reduce or eliminate competition including fixing prices for services or equipment at a level which cannot be re-sold with a margin of profit to subscribers;
- (d) entering into exclusive arrangements which deny competitors access to services or equipment.

20.02 *Unfair Competition* : The Licensee, on his own or through a third party, shall not engage in any practice which unfairly restricts or is likely to restrict existing competition in the national telecommunications industry or which deters or restricts or is likely to

deter or restrict new licensees into the national telecommunications industry including but not limited to, engaging in the following practices:

- (a) asserting false or misleading claims on the availability, price or quality of its Services or Systems or the services or systems of any other Licensee competitor;
- (b) degrading the availability or quality of a Licensee or competitor's services or systems or unfairly raising their business, operational or technical costs;
- (c) unlawfully interfering with the suppliers or subscribers of the Licensee or its competitors; or
- (d) providing false or misleading information to other Licensees, competitors or to any third party.

20.03 *Discrimination* : The Licensee shall not discriminate or create any inconvenience to any person, group or class of persons, nor shall he give any unfair or unreasonable preference to himself or any other person in, amongst other things, the performance, price, terms and conditions of the Services provided.

21. ACCOUNTS

21.01 The Licensee shall at all times, maintain full and accurate books of accounts and other records reflecting all financial matters, in accordance with sound and accepted accounting practices. Commission reserves the right to issue accounting guidelines to Licensee from time to time and the Licensee shall comply in all respects with such guidelines.

21.02 The Licensee shall comply with all directions issued by the Commission regarding accounting separation and the proper allocation of costs.

21.03 The Licensee shall submit certified copies of its financial records and year audited accounts to the Commission on request. The Commission shall have the right to originals of such records and accounts.

22. CHANGES IN MANAGEMENT STRUCTURE

22.01 The Licensee shall provide the Commission with information on its shareholding and management arrangements including particulars of its Chairman, Board of Directors and Chief Executive Officer.

22.02 For a period of 4 consecutive years from the time the Licensee is granted a Licence, the Commission's prior approval in writing must be sought for any change in ownership, shareholding and management including any proposed changes to the composition of directors. Upon expiry of the 4-year period referred to above, any proposed change in ownership, shareholding and management must be notified to the Commission at least (six) weeks prior to the implementation of such a change.

23. INFORMATION AND INSPECTION

23.01 The Commission or its authorised representatives shall have the right to enter and inspect the offices, places and premises where the Licensee has installed the Systems. The Licensee shall provide all information as may be required by the Commission and provide demonstrations of the Services and the Systems if so deemed necessary.

23.02 The Commission or any person authorised by the Commission shall take copies of records, documents and other information relating to the Licensee's business for the purpose of enabling Commission to perform its functions under the Act and provisions in the Licence. The Licensee shall promptly deliver any information or documents to the Commission upon request.

23.03 The Commission may appoint or engage its representatives to conduct surveys or to generate reports or studies for various matters including Quality of Service, and the Licensee shall provide all parties so authorised by the Commission with reasonable assistance as well as access to any information or documents.

24. REPORTS

24.01 The Licensee shall furnish to the Commission on quarterly basis the information on the type and capacity of its installations, the number of active subscribers, the number and type of end-user connectivity, pending demand, QoS reports, traffic data of each installation as well as the type and capacity of the transmission links owned and taken on lease. In addition, the Licensee shall also be required to furnish any information on Systems and Services any time if asked for by the Commission.

24.02 The Licensee shall publish Annual Report of the company within 6 (six) months of the end of each financial year. The Commission may, from time to time, issue guidelines for the purpose as regards its contents, which will be obligatory on the Licensee to follow. In addition, the Licensee shall submit to the Commission 3 (three) copies of the audited financial of the company that will contain its balance sheet, profit and loss account, cash flow statements, plant capacity of local and trunk exchanges, number of subscribers connected or waiting for connection etc.

25. AMENDMENTS

25.01 The Commission has the right in its sole discretion to change, amend, vary or revoke any of the terms in this Licence upon notice to the Licensee, informing the reasons for the proposed change. The Licensee may submit a reply within 15 days of the date of issue of the notice. If no reply is received within 15 days, the amendments shall take effect on the 16th day after the date of issue of the notice. If a reply is received, the Commission shall consider the reply and notify the Licensee within 30 days of the reply of its decision to either (a) rescind the amendments or (b) modify the amendments or proceed with the proposed amendments, in which case the amendments shall take effect on the 15th day after the date of the Commission's second notice. The Licensee shall comply with all new terms and conditions imposed by the Commission.

26. SUSPENSION, REVOCATION AND FINES

26.01 The Commission may, in any of the events specified in Section-46 of the Act, suspend or cancel all or any part of this Licence and / or impose fine as mentioned in Section-46(3) of the Act.

26.02 The Commission may also impose fine under Section-63(3) and Section-64(3) of the Act for any violation of any condition of this Licence.

26.03 In the event of such suspension, cancellation or revocation of the Licence, the Commission may engage any agency or administration at an agreed fee to operate and maintain the system and Services in order to continue with and fulfill the obligations of the Licensee towards its subscribers. The Licensee shall not have any claim for any compensation and any right on the revenue for the same.

27. TRANSFER OR ASSIGNMENT

27.01 This Licence and any right acquired hereunder shall not be transferred, wholly or partly, and such transfer, if any, shall be void.

27.02 The Licensee shall not subcontract out any part of the Services or the System without first informing the Commission in writing. The Licensee may appoint agents or independent contractors or sub-contractors to carry out works or provide any services which enable the Licensee to discharge its duties and obligations under this Licence provided always that the Licensee shall be liable for any act, omission, default, neglect or otherwise of the agents and independent contractors or sub-contractors in carrying out any such works or providing any such services.

28. FRANCHISING

28.01 The Licensee shall provide the Commission with all relevant information on proposed franchisees including the proposed franchising area, systems and services to be franchised, the background, financial standing and experience of the franchisee, at least 6 weeks prior to their appointment or engagement. The Commission may review such information, issue directions and/or disallow the appointment of the franchisee by the Licensee.

28.02 The Commission may at any time request for more information on the proposed franchisee or direct the Licensee to provide documentary evidence on various matters including the financial standing of the franchisee.

28.03 The Licensee shall ensure that its franchisees comply fully with all the conditions of this Licence and all applicable laws

28.04 The Licensee shall remain at all times fully accountable and liable for any act, omission, default, neglect or otherwise of its franchisees.

29. MISCELLANEOUS

29.01 The Licensee shall comply with all terms and conditions of this Licence, applicable legislation including the Bangladesh Telecommunication Act 2001 and any applicable subsidiary legislation and all directions issued by the Commission from time to time.

29.02 The Licensee shall observe the requirements of any applicable international conventions on telecommunications to the extent that such a convention imposes obligations on Bangladesh unless expressly exempted by the Commission.

29.03 The Commission and / or any other Government departments shall not be liable for any loss, damage, claim, charge, expense which may be incurred as a result of or in connection to the activities of the Licensee, its employees, agents or authorised representatives.

29.04 All correspondence shall be in writing and shall be sent to the Licensee's registered place of business.

29.05 All directions issued by the Commission shall remain private and confidential. The Licensee shall not disclose the same without the prior approval of the Commission.

29.06 Notwithstanding para-29.28.055, the Commission reserves the right at its discretion to make the terms and conditions of this Licence publicly available in any medium and format whether on the Commission's or any other official government website, in any manner they deem fit.

29.07 If any condition or term herein is deemed to be invalid, unenforceable or illegal for some reason, that condition or term shall be severable and the remainder of the Licence shall remain in full force and effect.

29.08 Unless otherwise stated,

- (a) *all headings are for convenience only and shall not affect the interpretation of the provisions of this Licence;*
- (b) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
- (c) any reference in this Licence to a person shall be deemed to include natural and legal persons;
- (d) all references herein to applicable legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time.

29.09 This Licence shall be governed by and construed in accordance with the laws of Bangladesh.

signed on this day of 2004

.....
for and on behalf of the
Bangladesh Telecommunication Regulatory Commission

SCHEDULE 3.1

DESCRIPTION OF THE PSTN SYSTEMS TO BE ESTABLISHED

BY THE LICENSEE

1. The Licensee is permitted to establish the PSTN Systems in the Licensing Area(s) as mentioned below :

National

Central Zone

South-East Zone

North-East Zone

South-West Zone

North-West Zone

2. The Systems to be established shall be [as stated in the Licensee's application for the Licence dated [] and its supporting documents dated []² as set out below :

- (a) Description of technical and operational systems configuration
- (b) Description of how the Systems will be connected with other operators as applicable
- (c) Schematic diagrams, which illustrate the proposed System platform that interconnects with other operators, signaling point codes (if applicable) and call routing arrangements
- (d) Customer telecommunication equipment
- (e) Description of the technical and operational support facilities for the operation of the Systems
- (f) Applicable Network Plans

² amend if some parts are not applicable.

SCHEDULE - 3.2

DESCRIPTION OF THE TELECOMMUNICATION SERVICES TO BE PROVIDED BY THE LICENSEE

1. The Services provided shall be as stated in the Licensee's application for the Licence dated [] and its supporting documents dated [].³ The Services include the provision of:
 - (a) Local Calls
 - (b) National Long Distance Dialling
 - (c) International Long Distance Dialling
 - (d) Line and Terminal Rental
 - (e) Transit Services for Traffic Originating from Other Service Providers
 - (f) [Describe other services applied for including all value added and supplementary services, if any]
2. The terms and conditions applicable to specific Services are set out below :
 - (a) **National Long Distance Dialling** : The Licensee may provide National Long Distance Dialling services to subscribers in its licensing area(s), subject to obtaining any necessary interconnections from other licensed operators.
 - (b) **International Long-distance Dialling** :
 - (i) The Licensee may provide International Long Distance Dialling services to subscribers in its licensing area(s), through the international transmission facilities of the Bangladesh Telegraph and Telephone Board or other duly licensed operators.
 - (ii) The Licensee shall not operate International Long Distance Dialling services between Bangladesh and any foreign destination unless the legislation and/or policies at that destination permits or does not prohibit the operation of such service. The Commission may require the Licensee to provide documentary proof that such service is permitted or approved.
 - (iii) The Licensee shall provide some form of international call barring facilities to any subscriber who requests it, to prevent any unauthorised or fraudulent activation of International Long-distance Dialling services.
 - (c) [List other terms that are specific to types of Services licensed]
3. [The Services]⁴ may be provided on a retail basis to end user subscribers and/or on a wholesale basis to other licensed operators. The Licensee shall ensure that their subscribers do not use the Services to resell or offer any form of PSTN or other telecommunication services over the System, unless the Commission has duly licensed them. The Licensee will be required to terminate its agreement with subscribers if the subscribers are found to infringe any of the conditions in this Licence, the Act or any Licensing/Regulatory condition, direction or requirement imposed by the Commission.

³ amend if some Services are not applicable.

⁴ consider whether all Services should be offered on a wholesale basis.

SCHEDULE - 3.3

PRO-FORMA PERFORMANCE BANK GUARANTEE

[Bank Letterhead]

[Date]

[Name of Bank] (hereinafter called the **Bank**)

[Address]

To: The Bangladesh Telecommunication Regulatory Commission
[Address]

Dear Sirs

PERFORMANCE BANK GUARANTEE

This Performance Bank Guarantee (hereinafter called the **Guarantee**) is issued pursuant to the condition [] of the Licence for the Provision of Public Switched Telecommunication Networks and Services granted to [*Licensee*] (hereinafter called the **Licensee**) on [*date*] (the **Licence**) by the Bangladesh Telecommunications Regulatory Commission (hereinafter called the **Commission**) under the Bangladesh Telecommunication Act, 2001.

This Guarantee serves to secure the performance of the Licensee's obligations under the terms and conditions of the Licence.

The Bank hereby irrevocably guarantees and undertakes to pay to the Commission, any or all sums up to the amount stipulated in Form-1 and Form-2 annexed hereto and in accordance with the following terms and conditions:

- (a) payment shall be made by the Bank within 3 working days of the receipt of any written demand by the Commission;
- (b) the written demand by the Commission is made substantially in the form in the annexed Form-3 and executed by an authorised representative of the Commission;
- (c) payment is made unconditionally and without reservation including the need for any reference to a third party or the Licensee and without the need for any evidence or proof;
- (d) payment is to be made in Taka by crossed cheque in favour of:
The Bangladesh Telecommunication Regulatory Commission
- (e) in the event that the Bank fails to make payment as stipulated above, the Bank shall pay interest at a rate of 1% above the monthly prime lending rate of the Sonali Bank in Bangladesh on any unpaid sum to the Commission until the date of payment.

This Guarantee is irrevocable and shall remain in force from the date hereof until terminated by written notice from the Commission.

The Bank shall not be discharged or released from its obligations under this Guarantee unless it has paid any or all sums up to the amount stipulated in Form-1 and Form-2 or the Licensee has achieved all its targets under terms and conditions of the Licence and this has been confirmed in writing by the Commission.

This Guarantee shall be governed and construed in accordance with the relevant laws of Bangladesh.

Signed by

for and on behalf of:

Name of Bank

Witnessed by:

Signature

Name

Address

FORM - 1

The annual Access Lines in Service targets set by the Commission based on the plans submitted by the Licensee under the terms and conditions of the Licence are set out below :

A Year	B Access Lines in Service	C % of Total Rollout Target	D Access Lines in Service in Rural and Sparsely Populated Areas ⁶
1 ⁷	-	-	
2	[20,000]	[40%]	[1,000]
3	[10,000]	[20%]	[500]
4	[10,000]	[20%]	[500]
5	[10,000]	[20%]	[500]
Total	[50,000 minimum]	100%	[2,500]

Provided the Licensee has discharged all its obligations under the Licence and has met the targets set by the Commission, as determined solely by the Commission, the value of the Guarantee shall be reduced in the following manner:

E Year	F % reduction in Guarantee ⁸	G Guarantee Value (Taka)
1	[0%]	[]
2	[40%]	[]
3	[20%]	[]
4	[20%]	[]
5	[20%] or such sum remaining.	

Any reduction in the value of the Guarantee shall not have effect unless the Licensee has submitted a request for reduction in the form annexed and the Commission has confirmed in writing the reduction.

If the targets are not met, the Commission may call on this Guarantee for the amount indicated in column G above.

⁶ this should be at least 5% of annual target

⁷ there is no target for first year

⁸ this is equivalent to % of total rollout target for that year in column C above

FORM - 2

FORM FOR REDUCTION OF GUARANTEED AMOUNT

[Letterhead of Licensee]

[Date]

To: The Bangladesh Telecommunication Regulatory Commission
[Address]

Dear Sirs,

RE: REQUEST FOR REDUCTION IN PERFORMANCE BANK GUARANTEE

This is with reference to the performance bank guarantee dated [date] (hereinafter called the **Guarantee**) issued by [Bank] on behalf of [Licensee].

We confirm that we have discharged all of our obligations under the Licence and have achieved the following target set by the Commission based on our plans submitted under terms and conditions of the Licence and as repeated hereunder:

Year	Actual Access Lines in Service	Actual Access Lines in Service in Rural and Sparsely Populated Areas	Access Lines in Service Target to be Achieved by the Licensee	% Reduction in Guarantee	Guarantee Value (Taka)
[]	[]	[]	[]	[]	[]

We wish to request that the Guarantee be reduced accordingly.

[Name of authorised representative of Licensee]

for and on behalf of

[Licensee]

FORM - 3

[Letterhead of the Commission]

{Date}

To: [Name of Bank]
[Address]

Dear Sir,

**RE: REQUEST FOR PAYMENT AGAINST PERFORMANCE BANK
GUARANTEE**

This is with reference to the performance bank guarantee dated [] issued
you on behalf of [Licensee].

We wish to inform you that [Licensee] has failed to meet its obligations under
licence.

Kindly let us have payment of the sum of [] in accordance with
terms and conditions of the performance bank guarantee.

[Name of Authorized Representative of the Commission]
for and on behalf of
Bangladesh Telecommunications Regulatory Commission

SCHEDULE - 3.4

**PROPOSED CHANGES TO THE SYSTEMS AND ADDITIONS/REDUCTIONS
TO THE SERVICES**

[Letterhead of Licensee]

[Date]

[Name of Licensee] (the **Licensee**)

[Address]

To: **The Bangladesh Telecommunications Regulatory Commission (the Commission)**

[Address]

Dear Sirs

**APPLICATION FOR PROPOSED CHANGES TO THE SYSTEMS AND
ADDITIONS/REDUCTIONS TO THE SERVICES OFFERED BY THE
LICENSEE FOR PUBLIC SWITCHED TELECOMMUNICATIONS
NETWORKS ("PSTN")**

We refer to Schedule-3.1 (the **Systems**) / Schedule-3.2 (the **Services**) of the Licence for PSTN issued by the Commission to [Name of Licensee] on [date].

We would like to seek the Commission's approval for [a change to the Systems][an addition to/a reduction in the Services] indicated in the Licence, details of which are as follows:

[Adding a System / Service:

For additional Systems/Services, please state the following:

- (a) type of proposed new System/Service(s);
- (b) nature and details of proposed new System/Service(s);
to include (if applicable):
 - means through which users gain access to the Licensor's Systems;
 - market served;
 - Systems/Services configuration;
 - telecommunication partners (if any);
 - technical support;
 - numbering requirements (if applicable)
- (c) reasons for the introduction;
- (d) proposed commencement date of the new System/Service(s);
- (e) whether the proposed System/Service will affect the equipment of other Licensees and if so, an explanation of the extent so affected;
- (f) whether the Licensee will be collecting monetary deposits and/or use pre-paid cards for the proposed Service(s);
- (g) supporting information/documents/schematics/drawings as annexures;
- (h) any other relevant information.]

[Removal of a System/Termination of a Service:

For a removal of a System or the termination of one or more Services, please state the following:

- (a) type of System/Service(s) proposed to be removed/terminated;
- (b) reasons for the removal/termination;
- (c) the number of subscribers likely affected by the removal/termination;
- (c) other licensees likely affected by the removal/termination;
- (d) manner in which subscribers/other licensees will be affected;
- (e) amount of notice to be given to subscribers/other licensees;⁹
- (f) proposed methods of dissemination of information to customers/ other licensees.
- (g) proposed System/Service(s) cessation date;
- (h) whether there are monetary deposits and/or use pre-paid cards involved in the Service(s);
- (i) proposed customer care and plan of migration of affected subscribers/other licensees to other System/Service(s) or operators;
- (j) supporting information/documents/schematics/drawings as annexures;
- (k) any and all other relevant information.]

Signed by

Duly authorised for and on behalf of

[Position held in Licensee]

[Name of Licensee]

⁹ The Commission expects that reasonable advance notice will be given to all affected subscribers/other licensees.

SCHEDULE - 3.5

QUALITY OF SERVICE STANDARDS

<i>Performance Indicator</i>	<i>After the 1st year of operation</i>	<i>After the 2nd year of operation</i>
Service blocking probability (wireline)	1%	1%
Service blocking probability (wireless)	2%	2%
Call Completion Ratio	95% or more	99% or more
Faults per 100 lines per month	10	5
Faults cleared by the next working day	60%	75%
Faults cleared by third working day	80%	90%
Service Provisioning Interval - the number of days required to provide service from the date of the customer's request	Urban - 90% or more completed within 10 working days. Rural - 90% or more completed within 20 working days.	Urban - 90% or more completed within 5 working days Rural - 90% or more completed within 10 working days.
Installation Appointment - the total number of installation appointments booked and the number met	Urban - 80% or more Rural - 70% or more	Urban - 90% or more Rural - 80% or more
Percentage of outstanding requests for telephone services not met because of facility shortages	Urban - 10% or less Rural - 20% or less	Urban - 5% or less Rural - 10% or less
Percentage of calls to a business office answered in 20 seconds or less	Urban - 60% or more Rural - 50% or more	Urban - 80% or more Rural - 70% or more
Installation appointments with other service providers met	80% or more.	90% or more.
On-time activation of service switched to other service providers (with both parties agree)	80% or more.	90% or more.
Percentage of out of-service trouble reports and those cleared within 24 hours;	60% or more	80% or more
Repair appointments met	Urban - 80% or more Rural - 70% or more	Urban - 90% or more Rural - 80% or more
Initial customer trouble reports indicating improper functioning of service	10% or less.	5% or less.
Percentage of calls to a repair bureau answered in 20 seconds or less	Urban - 60% or more Rural - 50% or more	Urban - 80% or more Rural - 70% or more
Percentage of attempted calls during the busy hour experiencing dial tone delay of one seconds or less (wireline network only)	95% or more.	98.5% or more.
The percentage of customer complaints that have not been satisfied within 10 working days	Urban - 10% or less Rural - 20% or less	Urban - 5% or less Rural - 10% or less

SCHEDULE - 3.6

TABLE OF PENALTIES FOR NON-COMPLIANCE WITH QOS

Target	Penalty
Failure to achieve required Blockage Probability (Wireline)	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.
Failure to achieve required Blockage Probability (Wireless)	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.
Failure to achieve required Call Completion Ratio	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.
Failure to achieve required maximum Faults per Line	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.
Failure to achieve required fault clearance by next working day	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.
Failure to achieve required fault clearance by third working day	Maximum taka 0.3 million each month after the first anniversary of the Effective Date of Licence not for maintaining the applicable target in Schedule - 3.5.

APPENDIX - 4

APPLICATION INFORMATION

on

OPERATOR LICENCE

for

PUBLIC SWITCHED TELEPHONE NETWORK

1. This form is for the application for a PSTN licence (*Licence*) for the purposes of establishing a PSTN system and providing the following services as a minimum over such system:

- (a) Local Calls
- (b) National Long Distance Dialing
- (c) International Long Distance Dialing
- (d) Line and Terminal provision
- (e) Transit Services for Traffic originating from other Operators

2. Applicants are required to indicate all other proposed voice, data or other services over the proposed PSTN system whether at a retail or wholesale level consistent with the goals and objectives of the Commission as further detailed in the document entitled **Licensing and Regulatory Guidelines** (*Guidelines*). Applicants are reminded of the need to observe prevailing laws and regulations as to the types of services that may be provided over their proposed PSTN systems and the manner of their provision. An outline of these requirements is included in the Guidelines.

3. Unless otherwise indicated, all sections in the application form **must** be completed together with the supporting affidavit in Schedule-4.2. The completed application form and any supporting documents required should be sent to the address of the Commission in triplicate, together with one set of (3½" IBM PC and compatibles) floppy disks containing the application. Applicants should use at a minimum MS Word 97 and MS Excel 97 for their text and spreadsheets. The application form and all supporting documents must be in English. In the event that any documents are in another language, then an English translation, certified as to its accuracy by a duly qualified translator, must be provided together with a copy of the document in the original language. All copies of original documents e.g. certificates of incorporation, must be certified as true copies by a notary public in Bangladesh.

4. The application must be made only by the applicant's authorized personnel. The Commission reserves the right to reject the application if it is found that the information or documents provided for in this application are untrue, inaccurate or incomplete.

5. Each applicant is required to pay a non-refundable application fee to assist in covering Commission's costs of processing the application at the point the application is submitted. The application fee shall be :

- (a) *Taka 3.0 million for National*
- (b) *Taka 1.2 million for Central Zone*
- (c) *Taka 0.6 million for each Zone other than Central Zone.*

6. The applicant shall pay within 30 days of being notified by the Commission of its approval of the application, as a non-refundable entry fee of :

- (a) *Taka 120 million for National licence*
- (b) *Taka 50 million for Central Zone*
- (c) *Taka 20 million for each Zone other than Central Zone.*

7. The grant of the Licence shall be conditional on the payment of the entry fee and any other relevant fees specified by the Commission.

8. All other fees and any performance guarantee for the PSTN Licence shall be as set out in the Licence. Further details on current fees and any guarantees are available in the Guidelines. A separate application for radio spectrum will be required where any part of the proposed PSTN system or services will be using radio spectrum. Applicants will not be allowed to use cellular radio frequency as this is subject to a separate licensing regime. A copy of the radio spectrum application form is available from the Commission on request. Fees and charges prescribed by the Commission shall be payable.

9. The number prefix for each of its PSTN exchanges and signalling point codes where SS7 signalling will be used, shall be allocated by the Commission to the licensee for use in connection with its services. The operators shall follow the national numbering plan with the allocated number prefix and signalling point codes for each of the PSTN exchanges. The licensee shall apply for allocation of number prefix and signalling point codes separately.

10. The application processing fee, licence fees and other fees payable in connection with this application and the PSTN Licence shall be paid by way of a cheque crossed *A/C Payee Only* and made in favour of the *Bangladesh Telecommunication Regulatory Commission*. All payments must be made in Taka at the due date for payment.

11. Applicants who intend to collect money deposits and/or use prepaid cards for collection of payments from their customers (other than credit cards) shall submit their Licence applications with either a letter of intent from a bank stating that the bank is able to issue a Banker's Guarantee of Taka 1 million to the Commission within 14 days from the date of the Licence or such other documents as may be acceptable to the Commission. Thereafter, the Commission shall issue the PSTN Licence to allow the applicant to provide prepaid services in accordance with the terms and conditions set out therein, or as may be amended by the Commission from time to time.

12. For the purposes of this paragraph 11, the bank shall be on a list to be publicised by the Commission. The list of banks may be amended from time to time in the discretion of the Commission.

13. Approval of the application will be at the sole discretion of the Commission, which reserves the right either to accept or reject any application submitted. The Commission shall decide on the application and expects to inform the applicant of its decision within approximately 8-10 weeks from submission of the application, but in any event, within 180 days from submission of the application, provided that the applicant has furnished all of the necessary information in its application. The Commission shall notify the applicant within 21 days of making its decision. In the case of an unsuccessful application, the Commission shall inform the applicant the reasons as to why its application was unsuccessful.

14. Consideration for approval of the application shall be based on information declared in the application form. The applicant is required to immediately notify the Commission in writing of the proposed addition of any new services or networks not declared in the application, as well as any changes to the information registered with the Commission. The applicant may submit changes to its proposed services declared in the application within a period of 2 weeks from the original date of submission of the application. Where it thinks fit, the Commission may seek clarification or request additional information from any party arising from the application. Any failure to notify or respond to the Commission may affect the application or any licence issued pursuant to it. Any delay in notification or response may also affect the time for a decision on the application.

15. The Commission reserves the right to disclose the identities of parties who have submitted applications including the composition of the investors or associates. A list of PSTN licensees may also be published. Such publication may include posting on a designated website by the Commission. The Commission reserves the right to disclose any information submitted by applicants where the Commission deems necessary for purposes of clarifying the licences awarded. All other information will be treated in confidence.

16. *Checklist of Documentation with Application:* Applicants are reminded that the following items must be provided with all Applications. Full details are in the Application Form. This is only a checklist for reference:

- Certified true copies of constitutional documents for corporate applicants, partnerships or other organizations or in respect of unincorporated consortia the equivalent documents for the members of the consortia. Alternatively, identification documents for individual applicants.
- Certified true copies of share certificates demonstrating ownership interest in applicant and in shareholders of applicant.
- Current and proposed financial information including capital expenditure plans, budgets and other financing plans for first 5 years.
- Bankers' confirmation re: financing or equivalent documents in support of financing plans.
- Audited financial information for the last 5 financial years for all applicants and the same information in respect of their key shareholders or investors. For individuals, the tax returns for the last 5 tax years and audited personal asset statement.
- Most recent interim financial results and management accounts for applicant and its key shareholders/investors.
- Organization, business and implementation plan for 5 years.
- Track Record - Details of all relevant expertise of applicant and/or investors, partners, associates or consortium members
- Management and Key Executives - Details of personnel (with curricula vitae)
- Technical Plans - Details of proposed network infrastructure, configuration, interconnection, security, technologies and roll-out plans for 5 years, service standards and numbering requirements.
- Strategy and Marketing - Details of proposed services, customer support systems and procedures and market strategy
- Application Fee
- Completed radio frequency spectrum application form, if relevant, and all supporting materials and fees required under that application form

APPENDIX – 5

**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

HOUSE NO.10, ROAD NO.135, GULSHAN-1, DHAKA-1212.

GENERAL APPLICATION

[Section 36(5) of the Act]

for

Operator Licence of

PUBLIC SWITCHED TELEPHONE NETWORK

<p>I. Section I - Information Requirements</p> <p>Identity of Applicant - Name of Individual, Company / Partnership / Consortium / Other Organisation, as applicable</p>	
<p>Business Address and Registered Office Address (<i>if different from business address</i>)</p> <p>Main Telephone number and facsimile number</p> <p>Website details</p>	
<p>Business or Companies Registration No. (as applicable)</p> <p>(For applicants that are corporations, include copies of constitutional documents and certificate of incorporation / registration or other equivalent documents.</p> <p>If application is in the name of a consortium which includes one or more corporate members or partnerships, please include documents for each corporate member or partnership as applicable</p> <p>If applicant is a partnership, provide copy of partnership deed or equivalent</p>	

<p>If applicant is other organisation, provide rules of such organisation or equivalent documents</p> <p>If applicant is an individual, provide copy of (passport/ national identification documentation)</p>	
<p>2. Contact Person's Name/ Designation</p> <p>(The person should be an appropriate senior level individual of the applicant, preferably based in Bangladesh, who would be an appropriate point of contact for general and/or technical enquiries.)</p>	
<p>3. Contact Person's Passport No. and Country of Issue</p>	
<p>4. Contact Person's Contact Numbers</p> <p>(Telephone, Facsimile and E-mail)</p>	
<p>5. Applicant's Principal Business Activities and Principal Activities in Bangladesh.</p> <p>(If applicant is an unincorporated consortium, provide equivalent information in respect of each consortium member.</p> <p>If applicant is a partnership, society or other organisation with no current business operations, provide equivalent information in respect of partners, members or other investors or associates supporting the application.)</p>	
<p>6. Applicant's Corporate Structure, if incorporated</p> <p>(Include full details of parent company, other shareholders and ultimate ownership (with copies of share certificates in each case to evidence ownership interest in applicant and in shareholders of applicant in the case of ultimate ownership). Also, where applicable, subsidiaries and other interests of the group in Bangladesh and abroad. Details of board of directors, key personnel and management structure)</p>	

<p>7. Applicant's Structure, if not incorporated</p> <p>If a partnership, provide full details of partners and ultimate owners of partners, if applicable. Provide details of management structure.</p> <p>If an unincorporated consortium, provide full details of consortium members (including shareholders and ultimate ownership). Provide details of directors, key personnel and management structure of consortium members.)</p>	
<p>8. Financial Information</p> <p>Applicant must demonstrate that the applicant is in a sound financial position to provide sufficient working capital for construction and deployment of the PSTN project that the applicant is proposing including both the applicant's network and services over the period of the project.</p> <p><i>(Historical, Current & Proposed)</i></p>	
<p>9. Audited Financial Statements and other Historical Information</p> <p>Include audited financial statements for the applicant for last 5 years and for all shareholders or consortium members, as applicable, in each case with over 10% of the equity in the applicant (<i>Key Stakeholders</i>). Audited financial statements should include balance sheets, profit and loss accounts, cashflow statements and auditors' reports. If a Key Stakeholder is an individual, provide copies of tax returns for last five years and a current personal asset statement audited by one of the internationally recognised auditing firms.</p>	
<p>Provide equivalent audited historical financial information in the case of a partnership, society or other organisation.</p> <p>If the applicant is an individual, provide copies of tax returns for last five years and a current personal asset statement audited by one of the internationally recognised auditing firms.</p>	

<p>Include latest interim results and/or management accounts for applicant and its Key Stakeholders (unless an individual) and details of current paid-up capital from all investors.</p>	
<p>10. Project Cost</p> <p>Include information on the following aspects of network roll-out: pre-operating expenses, detailed capital costs, allowances for escalation during the construction period, contingency allowances, interest during the construction period and initial working capital.</p>	
<p>11. Financial Plan:</p> <p>Identify amount and sources of all equity, long term loans and working capital required to finance the project cost.</p> <p>Include documentary evidence to substantiate applicant's financial ability to support the planned capital expenditure and operations e.g. bankers' confirmation of deposits/and or available credit facilities, letters of intent, guarantor documents.</p>	
<p>12. Pro-Forma Financial Projections</p> <p>These should be provided for at least the first 5 years from the date of issue of the licence, together with a clear identification of all assumptions including major pricing and cost assumptions. Include budgeted profit and loss statements, balance sheets and cashflow statements. All projected financial statements are to be prepared consistent with past audited statements of the applicant, if applicable)</p>	

<p>13. Organisational Structure</p> <p>Provide a written narrative outlining the applicant's proposed organization, management and support, both inside and outside Bangladesh to carry out the project, its business plan and proposed approach to implementing the project. The proposed organisation plan, management, business and implementation plan must address the first 5 years after the date of issue of the licence and should include the following three project phases:</p> <ul style="list-style-type: none"> i) Pre-construction/Financing Phase; ii) Construction/Start-up / Commissioning Phase; iii) Operation and Maintenance Phase.) 	
<p>14. Relevant Project Development Expertise</p> <p>(Indicate successful project development experience in at least one similar telecommunications project to the one the applicant is applying for, or an infrastructure project of similar size, which has been developed by the applicant In addition or in the alternative, indicate such project development expertise of investors or other relevant partners or associates and how this will be used or leveraged for the benefit of the applicant.)</p>	
<p>15. Relevant Project Ownership Experience</p> <p>(Demonstrate any ownership interest in any similar project in a developed or developing country and any ownership interest of similar telecom projects and provide details of any such telecommunications facilities. In addition or in the alternative, indicate such project ownership experience of investors or relevant partners or associates.)</p>	

<p>16. Telecommunications Operating Experience</p> <p>(The applicant (including its associates, partners, share-holders or investors) must have at least three years for Zonal and five years for National licenses, of reliable management and operating experience of at least one telecommunications facility or company.)</p>	
<p>17. Personnel Qualification and Project Implementation Plan</p> <p>(In the event of applicant having no previous experience as telecommunication operator, indicate current capability to manage and administer the financing, design, engineering, construction and operation of the project based upon qualified personnel who will be made available to the project to fill key positions including those specified in the attached Schedule -- 4.1. Please include curricula vitae in respect of such personnel.)</p>	
<p>Section 2 - system and service details</p>	
<p>18. PSTN LICENSING AREA APPLIED FOR .</p>	<p> <input type="checkbox"/> National <input type="checkbox"/> Central Zone <input type="checkbox"/> South-East Zone <input type="checkbox"/> North-East Zone <input type="checkbox"/> South-West Zone <input type="checkbox"/> North-West Zone </p> <p><i>Further details of the zones are shown in Appendix - 1 to the document entitled "Licensing and Regulatory Guidelines for the provision of Public Switched Telephone Network (PSTN) Services in Bangladesh" available from the Commission.</i></p>

<p>19. PSTN Services Applied for</p> <p>(PSTN services cover the collection, transport, transmission and delivery of two-way switched voice and data message communications (<i>traffic</i>) between two fixed points from and to a designated PSTN serving area within Bangladesh and outside of Bangladesh through the network of the Bangladesh Telegraph and Telephone Board. It also covers the provision of transit services for traffic originating from other service providers.</p> <p>(At a minimum, the PSTN services to be provided by the applicant must include:</p> <ul style="list-style-type: none"> (a) Local Calls (b) National Long Distance Dialing (NLD) (c) International Long Distance Dialing (ILD) (d) Line and Terminal (e) Transit Services for Traffic Originating from other Operators <p>In addition to the minimum voice services above, indicate all other proposed voice, data or other services using the PSTN network at either the retail or wholesale level including all value added and supplementary services.)</p>	
<p>20. Collection of Monetary Deposits and/or Use of Pre-paid Cards for Collection of Payments from their Customers (<i>other than credit cards</i>)</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No*</p> <p>Note: * If "No", there is no need to submit the Banker's Guarantee of Taka 10(Ten) million upon notification by the Commission. However, should the licensee subsequently decide to collect monetary deposits and/or to use pre-paid cards for collection of payments from its customers, the licensee must notify the Commission and submit the Banker's Guarantee accordingly.</p>

<p>21. Description of Proposed Services and Market Served</p> <p>(Bearing in mind applicable regulatory restrictions on certain services, describe the nature of the services and the service schemes to be offered (<i>trade-name if any</i>) for each service indicated above, expected in-service date and implementation programme if the service is to be introduced in phases.)</p>	
<p>22. Competition Strategy</p> <p>(Describe how and with what services the applicant proposes to compete in the Bangladesh market and how the applicant's operations will contribute to the development of telecommunications in the country consistent with the Bangladesh Telecommunications Act, the National Telecommunications Policy and the published Goals and Vision of the Commission.</p> <p>Advise how the applicant will leverage off the expertise and support of its investors and partners or associates in implementing its strategy.</p> <p>Describe the strategy and marketing plans for both the residential and business segments of the market.)</p>	
<p>23. System Configuration and Operation</p> <p>(Describe the technical and operational systems configuration for the proposed services and how the systems will be connected with other networks/systems, and/or other operators' networks/systems overseas. Include network management capabilities, routing and transmission plans, signalling plan and diversity plan.</p>	

Describe also the operation of the proposed services, e.g., the dialling procedures or call set-up arrangements. Provide a schematic diagram showing network/system configuration and other associated customer telecommunication equipment used to provide the proposed services. It should include the parties connected with and the transmission media for connection, e.g., switched or leased circuits.

Provide details of proposed network facilities such as exchanges, land lines, cable ducts, any frequency spectrum to be used and associated infrastructure.

Indicate planned geographical coverage on launch and network roll-out plans and commitments for network expansion and improvements to infrastructure. Include supporting timetable and details of strategy to support roll-out for at least the first 5 years from the date of issue of the licence. Show the plans and strategy for both the residential and commercial segments of the market.

As a minimum, applicants for a regional licence will be expected to commit to roll-out 125,000 lines for Central Zone and 50,000 lines per zone other than Central Zone over the first five years from the date of issue of the licence. Applicants for a Nationwide licence will be expected to commit to roll-out at least 200,000 lines over the first five years from the date of issue of the licence.

Provide information on proposed network performance including minimum standards, network security and protection.

Provide information on proposed customer support systems and procedures.

<p>Indicate and explain the choice of the relevant network technologies to be used for switching, transmission and local access to deliver proposed services.)</p>	
<p>24. Telecommunication Partners (Indicate any other telecommunication operators both in Bangladesh and overseas with whom applicant already has, or intends to have, a commercial relationship, e.g., operator(s) who will provide the applicant with leased and/or other arrangements to carry the applicant's traffic. Also indicate the applicant's principal contractors)</p>	
<p>25. Other Technical Support (Include other technical and operational support facilities for the operation and maintenance of the networks/systems and the services)</p>	
<p>26. Numbering Requirement (Indicate request for any access code. Allocation of the access code(s) will be subject to availability and consideration for other usage)</p>	
<p>27. Particulars of disqualifications as envisaged under Section 36(3) of the Bangladesh Telecommunication Act, 2001</p>	
<p>State whether the applicant is bank defaulter. If not, please enclose a certificate from the Bangladesh Bank to that effect. Mention as to whether the applicant was adjudged insolvent. If so, furnish the particulars and documents showing discharge thereof.</p>	

Whether the applicant was refused licence earlier. If so, please give particulars thereof.	
Whether the licence of the applicant was cancelled anytime during the preceding 5 (five) years. If so, please give the particulars thereof.)	
Whether the applicant was convicted and imprisoned. If so please give the particulars thereof with the date of serving the sentence.	

We/I declare that all the information furnished in this application form are true and correct. I/we understand that approval from the Commission for this application is based on information as declared in this application. Should any of the information declared be incorrect, any licence granted by the Commission may be cancelled.

We/I also declare that we/I have read, understood and undertake to comply, with all of the terms and conditions outlined or referred to in the Commission document entitled *Licensing and Regulatory Guidelines for Public Switched Telephone Network Service* and those terms and conditions included in the licence to be issued to us/me if this application is approved by the Commission.

Name/Company Stamp

Date

SCHEDULE - 5.1

EXPERIENCE OF KEY PERSONNEL

1. Current capability to manage and administer the financing, design, engineering, construction and operation of the project based upon qualified personnel who will be made available to the project to fill the positions listed below:

<i>Position</i>	<i>Zonal Licence</i>		<i>National Licence</i>	
	<i>Total Experience, Minimum</i>	<i>as Manager of Similar Work, Minimum</i>	<i>Total Experience, Minimum</i>	<i>as Manager of Similar Work, Minimum</i>
Project Manager	15 years	3 years	20 years	5 years
Operations Manager	10 years	3 on telecommunications	15 years	5 years on telecommunications
Engineering Manager	10 years	3 on telecommunications	15 years	5 years on telecommunications
Finance Manager	8 years	3 years	12 years	4 years

2. In lieu of the above, the applicant may associate with or engage a reputable legal, financial advisor, project management, construction and engineering firm with an acceptable background to provide the required technical capability for the first four years of the project. Names and details of such associates should be provided for the purposes of Schedule - 4.1.

SCHEDULE - 5.2

AFFIDAVIT

I _____, son of _____
(Name of Official/Individual applicant)

do hereby solemnly affirm _____ and residing at _____
(Address)

do hereby solemnly affirm

That the applicant for the licence referred to below (the Applicant), is a citizen of _____ and is personally known to me.
(Name of Country)

2. That I personally, and as _____ for and on behalf _____ of the Applicant hereby certify and affirm-
(Official Capacity)

- a) That all statements made in the Applicant's application for a licence to establish a Public Switched Telephone Network (PSTN) and provide PSTN services and in the required attachments to that application are true and correct;
- b) That this certification is made for the expressed purpose of an application by _____ for a PSTN licence from the Bangladesh Telecommunication Regulatory Commission;
(name)
- c) The Applicant will make available to the Commission or any other of its authorized agencies any information they may find necessary to verify any item in the application or regarding its competence and general reputation;
- d) That the Applicant has not had any licence cancelled by the Commission at any time during the last 5 (five) years AND that the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners (where the Applicant is a company, corporation, partnership or society):

- (i) is not an insane person;
 - (ii) has not been sentenced by a court under any law, other than the Bangladesh Telecommunications Act 2001 (Act), to imprisonment for a term of 2 (two) years or more, other than sentences where a period of 5 (five) years has elapsed since his/her release from such imprisonment;
 - (iii) has not been sentenced by a court for commission of any offence under the Act other than sentences where a period of 5 (five) years has elapsed since his/her release from imprisonment;
 - (iv) has not been declared bankrupt by the court and has not been discharged from the liability of bankruptcy; or
 - has not been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution.
- e) That the undersigned is the Applicant or is duly authorized by the Applicant to make these representations and to sign this affidavit.

Director/Secretary/Partner/Duly Authorized Representative/Attorney/Individual
as or on behalf of the Applicant

WITNESSES

1. _____

2. _____

subscribed and sworn to before me

this _____ day of _____ at _____

Notary Public