



Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000, Bangladesh.

No: 14.32.0000.007.51.061.17.33

10-01-2018

Subject: Responses to the queries in relation to Regulatory and Licensing Guidelines for 4G/LTE Cellular Mobile Phone Services and Guidelines for Assignment of Spectrum from 2100/1800/900 MHz Bands.

- Ref: (1) Letter of Banglalink Digital Communication Limited, Grameenphone Limited and Robi Axiata Limited bearing No: MSA/Joint letter/4G Guideline, dated: 08-01-2018.
(2) Answer to the Queries of BTRC bearing No: 14.32.0000.007.51.061.17.14, dated: 03-01-2018.

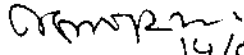
With reference to the subject and letters mentioned above, it is to inform all the concerned entities that the Commission has perused the letter and considered the issues raised therein. Upon perusal, the Commission has prepared its responses which are as follows:

Sl	Issue	Clarification
1	Proposals for amendment of clauses	Events like submission of queries and pre-bid meeting are organized to clarify the queries of interested entities. The guidelines have already been approved by Government and published in the website of the Commission. So, there is no scope for amendment of the guidelines at this stage rather than giving any clarification.
2	VAT Issues	VAT related issues are beyond the jurisdiction of BTRC rather it is within the jurisdiction of NBR. For 2G Services, there are 5 (five) court cases in Appellate Division where honorable Supreme Court has given stay order on BTRC not to register as a VAT collector. There is also stay order on VAT rebate. The Commission will take necessary steps after the final verdict/judgement of the honorable Supreme Court. Moreover, the Commission has already sent a letter to NBR on 24-12-2017 to clarify the issues regarding VAT collection and rebate for 4G/LTE Cellular Mobile Phone Services License and related spectrum.
3	Fiber Layout	Fiber layout is beyond the scope of these guidelines. Scope for laying out fiber is clearly defined in NTTN guideline and Infrastructure Sharing Guideline issued by the Commission. The laying out of fiber for Cellular Mobile Phone Operators are also stated in the said Guidelines. Moreover, if any difficulties arised regarding fiber lay-out of last mile in future, the Commission will consider the issues on case to case basis.
4	Definition of 4G	The definition of ITU regarding 4G is used in the guideline. It is beyond the scope of the Commission to change the definition. But the average speed of the 4G/LTE services will be mentioned in QoS regulation/guideline/directive which will be formulated in consultation with all stakeholders.

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5	Technology Neutrality	<p>(i) Base price of spectrum auction has been decided taken into consideration of international best practices and the previous spectrum prices of the country. Moreover, new assignment of spectrum also includes technology neutrality.</p> <p>(ii) Conversion fees of existing spectrum is beyond the scope of these Guidelines. The Government/Commission will issue a separate directive/instruction regarding conversion fees, mode of payment etc. of technology neutrality for existing 1800 & 900 MHz spectrum bands obtained by mobile operators. By this time, Posts & Telecommunications Division and BTRC has prepared a proposal in consultation with related stakeholders and sent it to the Ministry of Finance for approval. Ministry of Finance has already approved the proposal. After obtaining the approval of the Government, the Commission will issue the directive/instruction regarding conversion fees, mode of payment etc. of technology neutrality for existing 1800 & 900 MHz spectrum bands obtained by mobile operators.</p>
6	Methodology of calculating the contribution factor.	The active subscriber for calculating contribution factor means the subscriber who will use and/or subscribe for 4G/LTE services.
7	Corporate Social Responsibility	CSR is an internal matter of the operators. In general, the Government/Commission is not interested to intervene in CSR issues. However, The Government/Commission may consult with the concerned operators and may advise the licensee regarding CSR for greater national interest only.
8	Microwave link length	Calculation of Microwave link length will remain same as mentioned in 3G Guideline.
9	Revenue sharing of international incoming calls	The Government/Commission has already amended revenue sharing of international incoming calls temporally in consultation with all stakeholders. After getting final approval from the Government, the Commission will amend the concerned provisions accordingly.
10	Roll out obligation/ Bank guarantee encashment	The Government/Commission has already amended this provision in consultation with all stakeholders. The PBG is related to roll out obligation of 4G/LTE services. So, the Commission will encash the bank guarantee only when the licensee fails the fulfill the roll out obligation of 4G/LTE services.
11	Company formation	The Government/Commission has already amended the provision in consultation with all stakeholders.
12	Call records	The Government/Commission has already amended the provision in consultation with all stakeholders.
13	LI Compliance	The Government/Commission has already amended the provision in consultation with all stakeholders.

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14	Mandating unscen regulation	The Government/Commission will formulate the guidelines/regulations as per Bangladesh Telecommunication Regulation Act, 2001 and in consultation with all stakeholders.
15	Conversion rate	The provision of the guidelines shall prevail.
16	Cash refund	There is no word ('cash') appended in the clause. So, the provision of the guideline shall prevail.
17	Data speed of 4G for assuring quality of service	The Commission will re-fix the average data speed in consultation with the licensee and concerned stakeholders from time to time. Moreover, the Commission will issue Quality of Services regulation/guideline/directive in consultation with all stakeholders. The data speed and other parameters of QoS regulation/guideline/directive will be binding to 4G/LTE operators in future.
18	LI Compliance-storage media	The Government/Commission has already amended the provision in consultation with all stakeholders.
19	LI Compliance-online CDR	The Government/Commission has already amended the provision in consultation with all stakeholders.

The above responses/clarifications shall be treated as part of the Regulatory and Licensing Guidelines for 4G/LTE Cellular Mobile Phone Services, 2017 (No: 14.32.0000.007.51.081.17.1592, dated: 04-12-2017) and Guidelines for Assignment of Spectrum from 2100 MHz, 1800 MHz and 900 MHz band (No: 14.32.0000.007.51.061.15.1593, dated: 04-12-2017) in addition to the given answer/clarification of BTRC bearing No: 14.32.0000.007.51.061.17.14, dated: 03-01-2018.


 14/01/18
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