



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/ICX(384)/2011-700

Date: 20-10-2011

REGULATORY AND LICENSING GUIDELINES FOR INVITATION OF OFFERS/PROPOSALS

FOR

ISSUING LICENSE

FOR

INTERCONNECTION EXCHANGE (ICX) SERVICES

ESTABLISHING, OPERATING AND MAINTAINING

IN

BANGLADESH



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission



Bangladesh Telecommunication Regulatory Commission

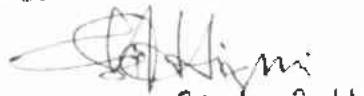
IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/ICX(384)/2011-703

Date: 20-10-2011

Invitation of offers/proposals for granting license for Interconnection Exchange (ICX) Services

1. The Bangladesh Telecommunication Regulatory Commission (the Commission) invites offers/proposals from eligible Bangladeshi (resident citizens, Non-Resident Bangladeshi (NRB), proprietorship/partnership firms under the Partnership Act, 1932 and companies registered with the 'Registrar of Joint Stock Companies and Firms' under the Companies Act, 1994 in Bangladesh) entities (company/firm) for issuing license for establishing, operating and maintaining Interconnection Exchange (ICX) Services. Only entities having adequate financial, technical and organizational capability to serve in this field, in national level, will apply with an updated list of their business record and record of experiences.
2. The applicant companies/partnership firms shall have to be registered with Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries (if applicable).
3. The prescribed application form along with general terms and conditions are included in the "Regulatory and Licensing Guidelines for Invitation of Offers/proposals for Issuing License for issuing license for establishing, operating and maintaining Interconnection Exchange (ICX) Services in Bangladesh" (No. BTRC/LL/ICX(384)/2011-700, Date: 20-10-2011) which is available in the BTRC website: www.btrc.gov.bd
4. All applications duly sealed are to be submitted in the box kept in the Commission, IEB Bhaban, Ramna, Dhaka-1000 addressing the Chairman, Bangladesh Telecommunication Regulatory Commission at or before 12.00 hrs on 22nd November, 2011. The sealed application will be opened by the representative of BTRC at 12.00 hrs in the office of the Commission on the same day in the presence of the applicants or their representatives who will be present. No application will be received after the deadline.
5. In order to ensure diversity, uninterrupted and efficient telecom gateway services the number of licenses shall be decided by the Government. Licenses will be awarded by the Commission as per the evaluation of submitted offers/proposals subject to approval of the Government.
6. The Commission shall follow the Licensing Procedure Regulations, 2004 to issue the Interconnection Exchange (ICX) Services License as laid down in the Regulatory and Licensing Guidelines.
7. Any offers/proposals submitted which does not comply with the terms and conditions of the above regulatory and licensing guidelines, will not be accepted.
8. The Commission reserves the right to accept or reject any or all offers/proposals without assigning any reason therefor.
9. Any applicant may communicate in writing for further clarification on the subject with the Deputy Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, during office hours on working days till 9th November, 2011, which may be addressed in the BTRC website accordingly.


20-10-2011
Deputy Director
Legal and Licensing Division
BTRC

2.02 These Guidelines have been prepared after taking into account the objectives of the Government to facilitate Interconnection Exchange (ICX) Services in Bangladesh as envisaged in the ILDTS Policy, 2010.

2.03 Interconnection Exchange (ICX) Services License to be issued under these Guidelines will authorize the operators to establish, maintain and operate Interconnection Exchange (ICX) Services.

2.04 To facilitate telecommunication services to the public efficiently by routing calls and interconnecting Telecommunication networks in Bangladesh.

3. INTERPRETATION AND DEFINITION

The interpretation and definition of the terms used in this document is annexed herewith as SCHEDULE-I to the Generic Form of License appended with these guidelines as APPENDIX-4.

4. GENERAL REQUIREMENTS

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

- (a) The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (b) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters which are not covered by the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (c) The Bangladesh Telecommunication Regulatory Commission (Licensing Procedure) Regulations, 2004 (as amended).
- (d) The Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations, 2004 (as amended).
- (e) Any Act of Parliament or Ordinance and the Regulation(s) made or to be made by the Commission.

4.02 Applicant(s) shall be disqualified from obtaining a license for any of the provisions listed in sub clauses (a) to (h) below applies to its owner(s) or to any of its directors or partners or to the applicants himself if:

- (a) He is an insane person;
- (b) He has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not been elapsed since his release from such imprisonment;
- (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not been elapsed since his release from such imprisonment;
- (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
- (e) 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;
- (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;
- (g) He is not eligible under clause 10 hereto; or



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

REGULATORY AND LICENSING GUIDELINES ON Interconnection Exchange (ICX) Services

1. INTRODUCTION

- 1.01 Bangladesh Telecommunication Regulatory Commission (hereinafter called the Commission) has been empowered by and under the section 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) (hereinafter the "Act") with the prior approval of the Government to issue Licenses for the operation and provision of telecommunication services and to determine the eligibility criteria and other general terms and conditions of Licenses.
- 1.02 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, other prevalent laws or sector policies framed by the Government, rules, regulations, orders, decisions, guidelines, directives and other documents of general application issued by the Government or the Commission from time to time.
- 1.03 Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Guidelines on Licensing Procedure of Interconnection Exchange (ICX) Services are being issued as envisaged in the International Long Distance Telecommunication Services Policy, 2010 (ILDTS Policy, 2010).
- 1.04 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, and prevalent laws or sector policies framed by the Government, and other rules, regulations, orders, decisions, guidelines, directives and documents of general application issued by the Government or the Commission from time to time. The Act specifically provides, under the Sections 35 and 55, that the establishment, operation or use of telecommunication system including radio apparatus and provision of telecommunication services in Bangladesh without a License is an offence punishable with imprisonment or a fine or both.
- 1.05 To take into consideration various factors including but not limited to, any threat to public interest, public health and national security and statutory or Court orders, these Guidelines may be withdrawn, revised, updated or amended by the appropriate authority from time to time..

2. OBJECTIVES

- 2.01 These Guidelines are intended to provide an overview of the licensing and regulatory framework to applicants seeking to obtain License to establish, maintain and operate Interconnection Exchange (ICX) Services in Bangladesh.

- (h) Any proceeding is going on against the applicant(s) or its owner(s) or any of its directors or partners for illegal call termination or for violation of the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/ Instructions/Orders/ Circulars/ Decisions of the Commission and/or the Government etc.

4.03 In addition to the mandatory grounds for disqualification for applying for a License referred to in clauses 4.02, the Commission shall also consider whether the applicant satisfies other criteria including but not limited to:

- (a) whether the applicant has sufficient management and financial capacity to operate the activities pertaining to International Long Distance Telecommunication Services; and
- (b) how far the issuance of the License will serve the public interest and not hamper the national security.

4.04 No share can be transferred to or new share can be issued for nor any merger / amalgamation shall be take place without the prior written permission of the Government or the Commission, as the case may be.

4.05 The License will be awarded by evaluation process subject to fulfillment of other conditions of these Guidelines/ and guidelines to be formulated by the Commission from time to time.

4.06 To maintain balance flow of traffic each of the ICX Licensees must route 90 (Ninety) percent of outgoing international traffic equally distributed through each of the IGW Licensees.

4.07 To maintain balance flow of traffic each of the ANS Licensees must route 90 (Ninety) percent of its outgoing international traffic equally distributed through each of the ICX Licensees.

4.08 ICXs should support number portability, International Mobile Equipment Identification (IMEI) number service (EIR), ENUM and other Next Generation Network (NGN) services as and when required.

4.09 The Licensees will provide access to Law Enforcing Agencies (LEA)/ National Monitoring Centre (NMC) for LI as envisaged in Section 97 KA of the Act, including necessary equipment and software and shall also set the same instruments up at NMC/LEA premises.

4.10 The Licensees may be subject to additional terms and conditions when and where deemed necessary to be in accordance with the public interest and or in accordance with the National Telecommunications Policy 1998 and ILDTS Policy. 2010 and/or any other future Government policies.

4.11 The Licensee company will issue Initial Public Offer (IPO) in the Stock Exchange of Bangladesh and nowhere else within 3 (three) years from the date of awarding the Licenses subject to fulfilling of the requirements of the Laws and Regulations of Security and Exchange Commission (SEC) in this regard.

5. NUMBER OF LICENSES

In order to ensure diversity, uninterrupted and efficient telecom gateway services the number of licenses shall be decided by the Government after examining the evaluation report. Licenses will be awarded by the Commission as per the evaluation of submitted offers/proposals subject to approval of the Government.

6. DURATION OF LICENSE

The duration of the License shall be of 15 (fifteen) years terms. Upon expiry of the initial term, the License may be renewed for subsequent terms, each of 5 (five) years in duration, subject to the approval of the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Government under the Act.

7. LOCATION OF INSTALLATION

ICXs will be primarily at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalganj, Rangpur, Mymensingh, Comilla and Bogra. Each ICX operator will establish ICX at Dhaka and will have at least 3 (Three) PoPs in other three places mentioned above. The places outside Dhaka will be decided by the Commission. Other major places / cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission. Interconnections among the ICXs and POPs would be the responsibility of the Licensee. Distribution/allocation of ICX site to the operators will be done by the Commission.

8. SCOPE OF THE LICENSE

8.01 The Licensee shall establish, construct, operate and maintain its applicable systems for the purpose of providing the services as described in the Clause no. 9.

8.02 The Licensee shall comply with the provisions of the Act (as amended), the Wireless Telegraphy Act, 1933 and the Telegraph Act, 1885 as modified from time to time and any Rules/Regulations/Bye-laws/Directives/Guidelines/Instructions/Orders/Circulars/ Decisions etc. issued from time to time by the Commission or the Government or any other Act that may come into force in future.

9. SYSTEMS AND SERVICES

9.01 The Licensee shall establish, operate and maintain the Interconnection Exchange Services as per the License.

9.02 Inter-operator Telecommunication services as mentioned in Clause-9.05 shall be routed through Interconnection Exchanges (ICXs).

9.03 International Telecommunication services except data communications (terminating to and originating from Bangladesh) shall be routed through licensed Interconnection Exchanges (ICXs) and International Gateways (IGWs).

9.04 ICXs will have physical connections with IGWs. ICXs will develop and maintain interconnection facilities to connect the IGWs to ICXs and ICXs to ANS operators via their POPs as per relevant guidelines regarding interconnection issued by the commission from time to time.

9.05 The ICX operators shall provide the following services

- (a) Routing/ switching inter operator domestic voice calls.
- (b) Routing/ switching international calls between ANS and IGW operators.
- (c) SMS, VMS or any other value added services as and when required by the Commission.
- (d) ENUM, IMEI and Number Portability services as and when required by BTRC.
- (e) Special code number, emergency number and call centre number routing.
- (f) Any new services as may be determined by the commission from time to time.

9.06 Prior approval of the Commission with necessary conditions is mandatory before launching of any other services.

9.07 If the licensee has different types of licenses, the licensee shall have to have separate physical infrastructure and location for each type of services. The licensee shall not be allowed to use same switching system for different types of services under separate license. BTCL, holding separate licenses, shall separate the infrastructure under different licenses and notify the Commission.

9.08 In the case of clause 9.07, the licensee shall have to maintain separate accounting system and submit separate information, fees, charges, revenue share etc. to the Commission as directed by the Commission from time to time.

9.09 ICXs will be primarily at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalgonj, Rangpur, Mymensingh, Comilla and Bogra. Each ICX operator will establish ICX at Dhaka and will have at least 3 (Three) PoPs in other three places mentioned above. The places outside Dhaka will be decided by the Commission. Other major places / cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission. Interconnections among the ICXs and POPs would be the responsibility of the Licensee. Distribution/allocation of ICX site to the operators will be done by the Commission.

9.10 The License will be awarded by evaluation process subject to fulfillment of other conditions of these Guidelines/ and guidelines to be formulated by the Commission from time to time.

9.11 ICXs should support number portability, ENUM and other Next Generation Network (NGN) services as and when required.

9.12 The Licensees will provide access to Law Enforcing Agencies (LEA)/ National Monitoring Centre (NMC) for LI as envisaged in Section 97 KA of the Act, including necessary equipment and software and shall also set the same instruments up at NMC/LEA premises.

10. ELIGIBILITY

10.01 ICX operator license will be issued only to Bangladeshi entities (resident citizens, Non-resident Bangladeshi (NRB), proprietorships, partnerships-under the partnership Act, 1932 and companies registered under 'Joint Stock Companies and Firms' under the Companies Act, 1994). Foreign entities (citizens, companies or subsidiaries or holding companies) shall not be eligible to be Owners/ Directors/ Shareholders/ Investors/ Partners of these licensee entities.

10.02 One business entity will be allowed to get one licenses of ICX category.

10.03 The existing ICX licensees or its shareholders shall not have eligible to apply another ICX license.

10.04 A person / company / firm shall not be eligible to apply for ICX license, if there are any outstanding dues owed by him / it or any of its directors / partners to the Commission.

11. SCOPE FOR EXISTING ICX LICENSEES

The conditions of ICX licenses and guidelines shall be applicable to and binding on all existing ICX licensees too. The Commission will issue a separate directive to the existing licensees in this regard.

12. RIGHT OF THE GOVERNMENT

The Government reserves the right to review the matters relating to fees, charges, revenue sharing and sharing of international incoming and outgoing call rate of the licenses as per provisions of the Act.

13. TECHNICAL REQUIREMENTS

The technical requirements need to be fulfilled by the licensee are appended herewith as Schedule- 2 of APPENDIX- 4.

14. NETWORK ROLLOUT

The licensee shall establish and complete the Interconnection Exchange Services within 6 (six) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be

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encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

15. INITIAL PUBLIC OFFERING

Each Licensee shall float Initial Public Offer (IPO) as per the policy/guidelines/directions/rules of the Security Exchange Commission of Bangladesh and in accordance with other prevailing laws of Bangladesh within 3 (three) years from the date of awarding the Licenses subject to fulfilling the requirements of the Laws and Regulations of Security and Exchange Commission (SEC) in this regard. No permission will be required from the Commission for transfer of shares in Secondary Market after floating IPOs.

16. FEES AND CHARGES

16.01 The Commission shall impose upon the Licensee different fees and charges. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover.

16.02 Following fees and charges will be applicable to the applicant/Licensee:

1.	Application Fee (non refundable)	Tk. 50,000 (fifty thousand) only
2.	License Acquisition Fee	Taka Tk. 5,00,00,000.00 (five crore) only
3.	Annual License Fee (payable every year)	Taka Tk. 2,50,00,000.00 (two crore fifty lac) only
4.	Audited Gross Revenue Sharing with the Commission	65.75% (sixty five point seven five percent)
5.	International incoming and outgoing call rate sharing and domestic Interconnection Revenue	<p>i) For International Incoming Calls: (a) After deducting VAT (if applicable), 15% (fifteen percent) of prevailing call termination rates to be paid to ICX by IGW.</p> <p>ii) For International Outgoing Call Rate the revenue distribution/sharing is based on the balance amount only. (a) "Z" Balance amount (in BDT) = (Number of pulse x X) -(Number of pulse x Y) Where, "X" = Call rate (in BDT) per pulse and "Y" specific settlement rate (equivalent BDT) payable to overseas carriers per pulse.</p> <p>The pulses shall be equal for both "X" and "Y" rates and to be determined by the commission while approving rates.</p> <p>(b) ANS operators shall be paying 15% (fifteen percent) of Z to the ICX licensee.</p> <p>iii) For Routing/ Switching Domestic Inter Operator Call Services: ANS operators shall pay to ICX 10% (ten percent) of prevailing domestic interconnection charge</p>
6.	Offer Security Money	Tk. 100,00,000 (one crore) only
7.	Performance Bank Guarantee	Tk. 5,00,00,000 (five crore) only

16.03 The Licensee shall pay all the required fees and charges without any kind of deduction within the stipulated time frame mentioned hereinafter. All fees, charges etc. required to be paid by the Licensee are non-refundable and payable to Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

- (a) **License Application Fee:** The Applicant shall submit the non-refundable Application Fee of Taka 50,000 (fifty thousand) only in the form of pay order/Bank draft in favour of Bangladesh Telecommunication Regulatory Commission from a schedule bank with the application/offer which is non-refundable.
- (b) **License Acquisition Fee:** The Licensee shall pay at Taka 5,00,00,000 (five crore) only one time as the Licence Acquisition fee of within 30 (thirty) days from the date of notification of awarding license.
- (c) **Annual License Fee:** The Licensee shall pay an annual License fee of Taka 2,50,00,000 (two crore and fifty lac) only every year on or before the date of issuance of the License.
- (d) **Revenue sharing with the Commission:**
 - (i) The Licensee, in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 10 (ten) days at the end of each quarter.
 - (a) 65.75% (sixty five point seven five percent) of annual audited gross revenue {clause-16.02(4)}.
 - (ii) The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.
- (e) The Licensee shall pay other fees and charges as may be levied by the Commission from time to time.
- (f) If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.

17. OFFER SECURITY MONEY

17.01 The Applicant(s) shall submit Taka 1 (one) crore as offer security money in the form of bank draft or pay order in favor of Bangladesh Telecommunication Regulatory Commission while submitting the offer/proposal. This offer security money will be refunded to the unsuccessful applicants within 30 (thirty) days of the declaration of successful offerer without bearing any liability towards interest, indexation, inflation or deflation.

17.02 The offer security money of the successful applicant(s) shall be adjusted with the License acquisition fee.

17.03 Each successful selected Applicant shall deposit the license acquisition fee to the Commission in the form of bank draft or pay order within 30 (thirty) days after notification of awarding license. The license will be issued upon receiving the license acquisition fee. If the offerer fails to pay the license acquisition fee within the stipulated period, the offerer shall lose the right of acquisition of ICX license and offer security money shall automatically be forfeited.

18. PERFORMANCE BANK GUARANTEE

18.01 The Licensee shall furnish Performance Bank Guarantee of Taka 5 (five) crore) only in favour of Bangladesh Telecommunication Regulatory Commission within 30 (thirty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.

18.02 After establishment of the Interconnection Exchange Services within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take appropriate action with the approval of the Government..

19. BALANCED FLOW OF TRAFFIC

19.01 To maintain balanced flow of traffic the Licensee must equally distribute 90% (ninety percent) of outgoing international traffic among the IGW Licensees.

19.02 To maintain balanced flow of traffic each of the IGW must equally distribute 90% (ninety percent) of its international incoming traffic among the ICX Licensees.

19.03 To maintain balanced flow of traffic each ANS must equally distribute 90% (ninety percent) of its international outgoing traffic among the ICX Licensees.

19.04 To maintain balanced flow of traffic each ANS must route equal share of the 95% of its domestic inter operator regional traffic to the ICXs located at the respective region.

20. RADIO EQUIPMENT AND SPECTRUM CHARGES

The rights granted to the Licensee do not include any right to use any radio frequency until such frequencies are allocated/assigned by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be determined by the Commission from time to time which will be binding to the Licensee.

21. RADIO FREQUENCY ASSIGNMENT

21.01 ICXs will have physical interconnections with IGWs. ICXs will develop and maintain interconnection facilities to connect the IGWs to ICXs and ICXs to ANS operators via their POPs through Optical Fiber Cable (OFC), Co-axial cable etc. However, in exceptional circumstances, where it will not be possible to realise the above mentioned interconnection through OFC only, the microwave and other radio system can be deployed with prior permission of the Commission. The Commission may provide such permission for Microwave Equipment subject to the availability of frequency as per National Frequency Allocation Plan (NFAP) and in conformity with the frequencies already allocated for the particular area under consideration.

21.02 The Licensee shall not import/purchase any radio equipment for their network without taking prior permission of the Commission.

21.03 Assigned frequencies and radio equipment are not transferable for any reason whatsoever.

21.04 The Commission reserves the right to cancel the assigned frequencies for the need of National Security or National Interest.

21.05 The Commission reserves the right to inspect the telecommunications installation/equipment and systems of the licensee at any time without any prior notice.

22. ACCOUNTING SYSTEM

22.01 The Commission reserves the right to issue accounting guidelines to the Licensee(s) from time to time.

22.02 The Licensee(s) shall comply with all directions issued by the Commission with regard to accounting separation and the proper allocation of costs.

22.03 The Licensee(s) shall submit certified copies of its financial records with respect to the yearly audited financial statement of the company that will contain its balance sheet, profit and loss account and cash flow statements etc. The Commission shall have the right to access to originals of such records and accounts.

22.04 The Licensee(s) shall provide an auditing facility that can be accessed by the Commission to verify the reported services revenues. The Commission shall have the access to Call Detail Records (CDR) and also to computerized accounting system of the licensee(s) as and when deemed necessary.

22.05 All financial transactions (in local and foreign currency) in relation to the License shall be made through Scheduled Bank(s) mentioned in the Bangladesh Bank Order, 1972. The Licensee(s) shall inform the Commission of the details of the accounts in operation. The Licensee(s) shall have to submit monthly statement of all the accounts to the Commission within 10th day of the following Gregorian calendar month.

22.06 The Commission or any person authorized by the Commission shall have the right to take copies of records, documents and other information relating to the licensees' business for the purpose of enabling Commission to perform its functions under the Act and provisions in the license.

23. LICENSE AWARDING PROCEDURE

23.01 The License(s) will be awarded through an evaluation process. The evaluation of the offers/proposals shall be carried out in conformity with the provisions of APPENDIX-1 having total 100 marks.

23.02 The successful offerers will be listed in a descending order according to their total score obtained in evaluation.

23.03 The License will be awarded through an evaluation process. The Commission will form an ICX License Evaluation Committee to evaluate the applications for ICX license. The committee will evaluate the applications/offers on the basis of the documents/information submitted by the applicant(s). After evaluation of the applications submitted, the Commission will select the applicant subject to approval of the Government.

23.04 The Commission reserves the right and authority either to accept or to reject any application at any time without assigning any reason whatsoever.

24. APPLICATION

24.01 The applicant shall submit Application/offer/proposal for ICX Services License to the Commission in the prescribed Form duly filled in, signed and sealed, together/along with all other necessary attested documents and information indicated in the prescribed format of Letter of Transmittal as appended with these Guidelines at APPENDIX-2.

24.02 The Guidelines and prescribed format of Letter of Transmittal will be available in the office of the Commission. These guidelines will also be available in the website for information.

25. SUBMISSION OF APPLICATION

25.01 The applicant shall complete the Letter of Transmittal (APPENDIX-2) with supporting document and submit an Affidavit as per attached format (APPENDIX-3). He/it also submit the information and supporting documents in line with evaluation criteria (APPENDIX-1).

25.02 The application shall be made only by the applicants authorized personnel. The Commission reserves the right and authority to reject the application if it is found that the information or documents provided for in the application is untrue, inaccurate or incomplete. Each page of the application including offer documents has to be authenticated / signed by the authorized personnel.

25.03 The applicant(s) shall submit 2 (two) copies of its application with all relevant documents of which 01 (one) will be original.

25.04 The complete application has to be submitted to the Commission in CD (non scanned PDF Format) form too.

26. INFORMATION PROVIDED BY THE COMMISSION

26.01 The information contained in these guidelines and any other information provided to the applicants in writing during the Application process is intended to assist use applicants in the preparation of their applications and shall be binding on them in the course of evaluation process.

26.02 The Commission has made and will continue to make reasonable efforts to include accurate and current information in the guidelines and in any other documents provided to the Applicants. However, neither the Commission nor any of the agencies, employees, representatives, advisors or consultants shall have any liability whatsoever to any Applicant or to any of its shareholders or members or any other person resulting from the use of any of the information so provided. Applicants are encouraged to undertake their own verification of any information supplied by the Commission prior to the use of or reliance on such information.

27. OTHER COMMUNICATIONS

27.01 All deliveries, notices or other communications made to the applicants in connection with the Application process shall be sent by post/ courier/ email/ fax or personal delivery to the contact office of the offerer(s)/Applicant(s), as specified by the Applicant to the Commission in his application.

27.02 All deliveries, notices or other communications made by the applicants to the Commission in connection with the Application process shall be delivered to the Deputy Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, IEB Bhaban, Ramna, Dhaka-1000.

27.03 The applicants/offerers are expected to carefully examine all information, instructions, Appendices and Schedule given in this guideline.

28. CONFIDENTIALITY OF APPLICATIONS

28.01 The Commission shall make all reasonable efforts to ensure confidentiality of the information provided by the Applicants. However, neither the Commission nor any of its agencies, employees, representatives, advisors or consultants shall be liable in any respect whatsoever to any Applicant or any of its members or representatives for damages or harm resulting from a failure to maintain such confidentiality.

28.02 Costs associated with Evaluation: The applicants shall bear all their costs associated with the preparation and submission of their applications and the Commission shall, in no case, be responsible for these or any other costs, regardless of the conduct or outcome of the application process.

29. RESERVATION OF RIGHTS

29.01 The Government reserves the right, in its sole discretion, to take any action, including amendment in these guidelines, which it considers necessary to ensure that the evaluation process takes place in a fair, open and transparent manner, in accordance with law and discourages collusion and predatory evaluation that may block the entry of potential offerers into the evaluation process.

29.02 The Government further reserves the right in its sole discretion to modify/temporarily stop/ terminate the evaluation process at any time. In case of termination of the evaluation process, the offerer will apply to the Commission for returning the offer security money and will return the Security Deposit to the applicant within 30 (thirty) days of such application without bearing any liability.

30. REPORTS

30.01 The Licensee shall also be required to furnish any information on Systems, Services and Finance at any time if asked for by the Commission.

30.02 The Licensee shall publish Annual Report of the company within 3 (three) 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 5 (five) copies of the audited financial statement of the company that will contain its balance sheet, profit and loss account, cash flow statements, number of clients connected or waiting for connection etc.

31. CANCELLATION, SUSPENSION OF LICENSE AND FINES

The Commission may cancel, suspend the License and impose fine and the Licensee shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001 (as amended) on the following grounds including but not limited to –

- (i) that any information furnished in the Application form for obtaining the License is found incorrect/ false;
- (ii) that the Applicant has obtained the License hiding the information as mentioned below:
 - (a) He is an insane person;
 - (b) He has been sentenced by a court under any law, other than this 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;
 - (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
 - (e) 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;

- (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;
- (g) If prosecution is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act.
- (iii) that required fees and charges are not paid by the Licensee as per the terms and conditions of the ICX License;
- (iv) that the Licensee provides and/or facilitates illegal traffic violating the terms and conditions of the ICX License;
- (v) that any share is transferred or issued without prior written permission of the Commission;
- (vi) that any of the condition of the ICX License is violated;
- (vii) that the licensee has disclosed or is involved with the disclosure of any information to anybody/ performing any illegal activities that may hamper National Security, Integrity, Sovereignty, Stability, and Harmony;
- (viii) that the Licensee is liquidated, bankrupt or insolvent that an application for declaration of bankruptcy or similar declaration or order is filed by the Licensee itself or a third party against the Licensee;
- (ix) that case the Licensee has ceased to carry on business mentioned in this license;
- (x) that the licensee hides any information for any financial earnings to furnish revenue sharing to the Commission, or any relevant information to its subscribers and/or the Commission; or furnishes any false or wrong information to the Commission; or conduct any fraudulent activities; or
- (xi) that the Licensee violates or purports to violate any sections/terms and/or conditions under the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/Instructions/Orders/ Circulars/ Decisions of the Commission and/or the Government etc.

32. IMPACT OF SUSPENSION AND CANCELLATION OF LICENSE

- 32.01 In the event of such suspension of the License under section 46 of the Act, the Commission may engage any agency or administrator by examining the financial position, profit and loss of the licensee. The rate and fees of agency/administrator on such tenure shall be decided by the Commission to operate and maintain the systems 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 or any right on the revenue for the same.
- 32.02 Cancellation or suspension of License for any reasons whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the License. Cancellation shall not relieve the Licensee from any obligations accrued and due under any law or this License.

33. STATUS

- 33.01 The information contained in this document is intended to assist interested parties in applying for the relevant Licenses. 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 License to be granted, or to grant any License to any party.
- 33.02 These guidelines shall form an integral part of the license and vice-versa.

34. MISCELLANEOUS

- 34.01 The Licensee shall be ready for annual technical and financial audit. The audit team authorized by the Commission shall have the right for auditing technical and financial position of any Licensee for any year. The Licensee shall comply and shall furnish all relevant information and documents as sought by the audit team.
- 34.02 The Licensee shall have obligation to contribute in social obligation fund as decided by the Commission under to the Act.
- 34.03 The licensee shall have to monitor all traffics passing through its system network and to provide the relevant information to the Commission from time to time.
- 34.04 The licensee shall be accountable to furnish information of all traffics to the Commission as directed from time to time.
- 34.05 This guideline and any License issued in pursuant to the process announced herein shall be exclusively subjected to, and interpreted in accordance with the provisions of the Act, the Rules and the Regulations issued thereunder.
- 34.06 Any dispute, controversy or claim arising out of or in connection with this guideline, or the breach, termination or invalidity thereof, shall be settled by the Commission and its decision shall be final and binding to the licensee.
- 34.07 The Evaluation process, the accompanying documents, and all correspondence relating to the process announced in this guideline shall be submitted in English language.
- 34.08 The Government at all time shall reserve the right to change, alter, modify, amend, supplement or replace any or all of the evaluation procedure before the Evaluation Date and such change, alteration, modification, amendment, supplement or replacement shall be communicated to the Applicants and become an integral part of the evaluation procedure.
- 34.09 A generic form of ICX Services License is attached for reference as APPENDIX-4.
- 34.10 All sections of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) shall be applicable in every case.

APPENDIX-1

[Clause 23 of the Guidelines]

LICENSE AWARDING PROCEDURE (EVALUATION PROCESS)

The License will be awarded through an evaluation process. The Commission will form an ICX License Evaluation Committee (hereinafter called the "Committee") to evaluate the applications for ICX license. The committee will evaluate the applications/offers on the basis of the documents/information submitted by the applicant(s). After evaluation of the applications, submitted, the Commission will select the applicant subject to approval of the Government. The evaluation/selection criteria are as follows:

1. EVALUATION CRITERIA

No.	Item Description	Total Marks
1.	Experience Description of the applying organization. Experience/ knowledge of the company or its shareholders, directors, employees, partners in the field of Telecommunication, Management, Finance, Marketing, Industries, Business, etc.	18
2.	Project Management and Implementation Plan <ul style="list-style-type: none">a. System Network Block diagram with descriptionb. Implementation and management plan (detail of all aspects should be covered)c. Implementation schedule (Gantt chart)d. Contingency and backup plan description for timely project implementatione. Location and Number of the ICX and future plan for first 3 yearsf. Management strategy and future plan for the duration of the license	15
3.	Organogram and Management of the Entity <ul style="list-style-type: none">a. Organization chartb. Brief responsibility (job description) of personnel and work groups as per the organization chartc. Provide details of key Personnel for following fields<ul style="list-style-type: none">i. Management & Administrationii. Technical & Operationsiii. Financialiv. Marketing, Sales & Customer Care	12
4.	Technical & Network Solution <ul style="list-style-type: none">a. System network diagram with descriptionb. Technical system configuration including technical specification of major equipment.c. Connectivity with IGW operators and ANS operators.d. Quality of Service obligation fulfillment plan.e. Detail system redundancy.f. Monitoring & LI Compliance detail.g. Connectivity with BTRC and NMC/LEA.h. System arrangement to identify, block and eliminate illegal traffic.	20
5.	Market Strategy <ul style="list-style-type: none">a. Detail of market assessment	6

	b. Strategy for marketing c. Contingency plan of applicant(operator) for changed market scenario	
6.	Financial	21
	a. Details of financial analysis as per technical, operations and marketing plan. This shall include total project cost and cost financing pattern, assumptions for financial analysis, together with projected five years working capital, estimated total annual gross revenue, cost of services, cost of administration and marketing, Profit and Loss calculation, IRR calculation. b. Total proposed investment for the project, ratio of own financing and other sources. c. Supporting documentation regarding source of fund mobilization (bank comfort letter, equity source, other financial source detail)	
7.	Risk Management Plan	4
	a. Risk identification b. Risk response strategy & Plan	
8.	Corporate Social Responsibility	4
	a. Description the business strategy of the organization. How the proposed strategy will contribute to Bangladesh's Telecom sector and subscribers. b. Description how the applicant proposes to undertake social commitments and participate in nation building.	
Total Marks		100

Notes:

- i. Criteria / Items should be described separately and clearly mentioning the item number with heading of the Criteria / Items.
- ii. Applicants will be marked/assessed in accordance with the criteria set out in each item. The best proposal / offer in each item shall obtain the highest mark and others will be marked accordingly.

2. SELECTION OF SUCCESSFULL OFFERERS

- (a) In order to ensure diversity, uninterrupted telecom gateway services the number of licenses shall be decided by the Government. Licenses will be awarded as per the evaluation of submitted offers/proposals.
- (b) The Commission will notify to the highest scorers to receive the ICX licenses by depositing the License Acquisition fee to the Commission within 30 (thirty) days after the date of the notification of awarding license.
- (c) This license acquisition fee will be inclusive of offer security money. If any of the selected applicant(s) fails to pay the license acquisition fee within the stipulated period as mentioned above, he/it shall lose the right of acquisition of ICX license and his/its offer security money will be forfeited.
- (d) In this case, ICX Licensee will be offered to the next highest scorer. The Commission will offer ICX License to the next successful offers which will be listed in descending order according to the total score obtained in the evaluation process until successful offerer willing to acquire the ICX license is found.

- (e) If no successful offerer is found ready to get the ICX license, in this case the decision of the Commission is final.
- (f) The Commission shall forfeit the offer security money and all other amounts received from the defaulting offerer(s).
- (g) The license shall only be issued after payment of the License Acquisition Fee.

3. DISQUALIFICATION OF APPLICANTS DURING EVALUATION PROCESS

The Commission may, on the recommendation of the ICX License Evaluation Committee, disqualify any applicant and forfeit its money for any of the reasons set out below:

- 3.01 If a successful Offerer abandons the offer or fails to pay the license Acquisition fee within 30 (thirty) days after the date of notification of awarding license.
- 3.02 If wilful misrepresentation of any facts in any part of the application is detected.
- 3.03 If the offerer attempts to make illegal conduct in the evaluation procedure or improper attempts to influence the outcome, or delay or disrupt the process.
- 3.04 If the offerer tries to adopt any “corrupt practice” meaning the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in relation to licensing process provided in the guidelines.
- 3.05 If the offerer tries to avail any “fraudulent practice” or misrepresentation of the facts in order to influence the results of the licensing process established by the Guideline.
- 3.06 If the applicant is disqualified for any of the reasons set forth in this guideline.

APPENDIX – 2
[Clause 24 of the Guidelines]

LETTER OF TRANSMITTAL

Interconnection Exchange (ICX) Services License

A. Applicant Identity:

SL.	Item
1.	Name of the Applicant
2.	Registered Office Address
3.	Telephone & Mobile
4.	Fax
5.	E-mail
6.	Website
7.	Name & designation of Authorized Signatory and Contact Person with telephone number

B. Organization/Shareholders:

SL.	Item	Attached	Not Attached	Remarks
1.	Organization / Company: Description of the organization / company background including Certificate of Incorporation, Memorandum and Articles of Association, experience of the company or of its shareholders, directors, employees and partners in current and previous business ventures.			
2.	Stakeholders: List of shareholders with details of equity ownership. Description of Owners, shareholders, directors, partners, associates, shareholding companies (and their owners, directors). The individual			

level eventual ownership shall be established and detailed resume of those individuals should be provided.			
--	--	--	--

C. Business Activities:

SL.	Item	Attached	Not Attached	Remarks
1.	Details of Directors and Shareholders with equity ownership with relation to other licensees and applicants for license along with bio-data and photo			
2.	Most recent interim financial results and management accounts for applicant and its shareholders/investors. Audited report of the last 3 (three) years (if applicable)			

D. Following documents also need to be duly certified and attached with the Application Form:

SL.	Item	Attached	Not Attached	Remarks
1.	Application in a Letter Head Pad			
2.	Relevant Fees in the Form of Pay Order/Bank Draft (application fee and offer security money)			
3.	Up to date VAT and Tax given to the Government Fund in the last 3 (three) years along with Income Tax Clearance Certificate (if applicable) and TIN Certificate.			
4.	Certified copies of certificate demonstrating ownership interest in application (if applicable)			
5.	Certified copy of Certificate of Incorporation, MoA and AoA or Agreement of Partnership (if applicable)			

6.	Authorization to the Authorized Signatory (Resolution of The Board of Directors/Power of Attorney duly Notarized)			
7.	Bank Solvency Certificate in which bank shall certify the total deposited money of the applicant. Commitment of bank for giving loan for the proposed project (Letter of comfort from a scheduled bank).			
8.	Trade License			
9.	Copy of existing License(s) issued by the Commission in favour of the applicant (if applicable).			
10.	Original copy of Notarized Affidavit (in Tk. 150/- non-judicial stamp).			
11.	The applicant(s) shall submit 2 (two) copies of its application/offer with all relevant documents of which 01 (one) will be original in an envelope/box containing all necessary documents.			
12.	The complete application offer has to be submitted to the Commission in CD (non scanned PDF Format) form too.			
13.	If the applicant applied for IGW and IIG licenses, he shall have to submit the information about those application.			
14.	Documents relating to Evaluation criteria.			

E. Declaration:

1. Has any application for any license of the applicant/any share holder/partner been rejected before?

[] Yes [] No

If yes, please provide date of application and reasons for rejection:

2. Do the Applicant/any Share Holder/Partner hold any other Operator Licenses from the Commission? [] Yes [] No

If yes, please give details

3. Has any other License of the Applicant/any Share Holder/Partner been rejected before?

[] Yes [] No

If yes, please provide date of application and reasons for rejection:

4. Were the Applicants/its owner(s)/ any of its director(s)/ partner(s) involved in any illegal call termination? [] Yes [] No

If yes, please provide the following details:

i. Period of Involvement in illegal activities: _____

ii. Case No (If Applicable): _____

iii. Administrative fine paid to the Commission (If Applicable):

a. Amount (BDT): _____

b. Cheque No./ Bank Draft No.: _____

iv. Undertaking given to the Commission: [] Yes [] No

5. I/We hereby certify that I/We have carefully read the guidelines/terms and conditions for the License and I/We undertake to comply with the terms and conditions therein.

6. I/We also hereby certify that I/We have carefully read the section 36 of Bangladesh Telecommunication Regulation Act, 2001 (as amended) and I/We are not disqualified from obtaining the License.

7. I/We understand that if at any time any information furnished for obtaining the License is found incorrect then the License if granted on the basis of such application shall be deemed to be cancelled and shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001(as amended).

Date:
Place:

Signature
Name of the Applicant/Authorized
Signatory with Seal

Note:

Application without the submission of complete documents and information will not be accepted.
Payment should be made by a Pay order / Demand Draft in favor of Bangladesh
Telecommunication Regulatory Commission (BTRC).
Application fee is not refundable.
Application will not be accepted if provided information do not fulfill the relevant terms and
conditions of the Commission issued at various time.



(Tareq Hasan Siddiqui)
(Tareq Hasan Siddiqui)
Deputy Director
Legal and
Regulatory Affairs and Licensing
Bangladesh Telecommunication
Regulatory Commission

APPENDIX-3
[Clause 25 of the Guidelines]

AFFIDAVIT

The undersigned, _____, of legal age, and residing at
(Name of Official/Individual applicant)

after having been duly sworn deposed states:

(Address)

1. That he/she is the _____
(Official Capacity)

of _____
(Name of company/corporation/partnership/society/individual (the Applicant))
duly organized under the laws of _____
(Name of Country)

OR

That he/she is the applicant for the License referred to below (the Applicant), a citizen of
(Name of Country) the Peoples Republic of Bangladesh.

2. That personally, and as _____ for
(Official Capacity)
and on behalf of the Applicant he/she hereby certifies:

- a) That all statements made in the Applicant's application for a License to establish and maintain Interconnection Exchange 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 ICX License from the _____
(name)
Bangladesh Telecommunication Regulatory Commission;
- c) That 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 or its shareholder(s) has not held any ICX License;
- e) 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):



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

- (i) is not an insane person;
- (ii) has not been sentenced by a court under any law, other than the Bangladesh Telecommunication Regulation 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 been 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;
- (v) has not been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a loan defaulter/loanee of that bank or institution.
- (vi) is eligible under clause 10 of the guidelines hereto; or
- (vii) no proceeding is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act/Any Regulations/ Rules/Guidelines/Bye-laws/Directives/ Instructions/Orders/ Circulars/ Decisions of the Commission and/or the Government etc.
- (viii) any license of his has not been cancelled by the Commission at any time during the last 5 (five) years.
- (ix) he/it does not have any outstanding dues to the Commission.

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 Authorised Representative/Attorney/Individual
as or on behalf of the Applicant**

WITNESSES

1. _____ 2. _____

Subscribed and sworn to before me

this _____ day of _____ 20 _____ at _____

Notary Public



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

OPERATOR LICENSE

FOR

INTERCONNECTION EXCHANGE (ICX) SERVICES

ISSUED

TO

UNDER

THE BANGLADESH TELECOMMUNICATION REGULATION ACT, 2001 (AS AMENDED)

ON

.....DAY OF 20.....



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB BHABAN, RAMNA, DHAKA-1000

OPERATOR LICENSE

FOR

INTERCONNECTION EXCHANGE (ICX) SERVICES

LICENSE NO.:

DATE : _____

**In Exercise of the Power
under section 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended)
(Act No. XVIII of 2001)**

(ACT NO. XVII OF 2001)
BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION
is pleased to grant the license in favour of

represented by its Chairman/CEO/MD/MP having registered office at

as an Operator of
ICX
Interconnection Exchange Services
in Bangladesh
whereby it is authorized
to establish, maintain and operate the associated systems and
to provide services as specified in this license
ON NON-EXCLUSIVE BASIS
under the terms and conditions given in the following pages
including the schedules annexed hereto.

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(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB BHABAN, RAMNA, DHAKA-1000

INTERCONNECTION EXCHANGE SERVICES OPERATOR LICENSE

Issued under section 36 of Bangladesh Telecommunication Regulation Act, 2001 (as amended)

The Bangladesh Telecommunication Regulatory Commission (hereinafter referred to as the "Commission") has been empowered by the Government under section 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) (hereinafter referred to as the "Act") to issue Licenses for the operation and provision of telecommunication services.

Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Government has decided to issue a License on Interconnection Exchange Services.

Therefore, in exercise of the power under sections 36 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) Bangladesh Telecommunication Regulatory Commission is pleased to issue

LICENSE

To

.....represented by its Chairman/CEO/MD having its registered office at

.....as an operator to establish, operate and maintain Interconnection Exchange Services, subject to the terms and conditions mentioned hereinafter.

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(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

1. INTERPRETATIONS AND DEFINITIONS OF THE LICENSE

The interpretations and definitions of the terms used in this License are in SCHEDULE-I annexed herewith.

2. COMMENCEMENT AND DURATION OF THE LICENSE

- 2.01 The license shall come into force on thisday of , 20.....(two thousand.....).
- 2.02 Unless otherwise cancelled earlier, this License shall be valid for 15 (fifteen) years (initial term) from the date mentioned in Clause 2.01 subject to the payment of annual license fees and compliance with the term and conditions of this License.

3. RENEWAL OF THE LICENSE

Upon expiry of the initial term of 15 (fifteen) years, this License may be renewed by the Commission for subsequent terms, each of 5 (five) years in duration, subject to the satisfaction of the Commission and upon fulfillment of necessary conditions, including the payment of any fees, as may be specified herein and/or by the Government under the Act. The Licensee shall submit the renewal application 6 (six) months prior to the expiry date of each term.

4. SCOPE OF THE LICENSE

- 4.01 The Licensee shall establish, construct, operate and maintain its applicable systems for the purpose of providing the services as described in the Clause no. 5.
- 4.02 The Licensee shall comply with the provisions of the Act (as amended), the Wireless Telegraphy Act, 1933 and the Telegraph Act, 1885 as modified from time to time and any Rules/Regulations/Bye-laws/Directives/Guidelines/Instructions/Orders/Circulars/ Decisions etc. issued from time to time by the Commission or the Government or any other Act that may come into force in future.

5. SYSTEMS AND SERVICES

- 5.01 The Licensee shall establish, operate and maintain the Interconnection Exchange Services as per the License.
- 5.02 Inter-operator Telecommunication services as mentioned in Clause-5.05 shall be routed through licensed Interconnection Exchanges (ICXs).
- 5.03 International Telecommunication services except data communications (terminating to and originating from Bangladesh) shall be routed through licensed Interconnection Exchanges (ICXs) and International Gateways (IGWs).
- 5.04 ICXs will have physical connections with IGWs. ICXs will develop and maintain interconnection facilities to connect the IGWs to ICXs and ICXs to ANS operators via their POPs as per relevant guidelines regarding interconnection issued by the Commission from time to time.
- 5.05 The ICX operators shall provide the following services:
 - (a) Routing/ switching inter operator domestic voice calls.
 - (b) Routing/ switching international calls between ANS and IGW operators.
 - (c) SMS, VMS or any other value added services as and when required by the Commission.

- (d) ENUM, [IMEI] and Number Portability services as and when required by Commission.
- (e) Special code number, emergency number and call centre number routing.
- (f) Any new services as may be determined by the Commission from time to time.

5.06 To maintain balance flow of traffic each of the ICX Licensees must route 90% (Ninety percent) of outgoing international traffic equally distributed through each of the IGW Licensees.

5.07 To maintain balance flow of traffic each of the ANS Licensees must route 90% (Ninety percent) of its outgoing international traffic equally distributed through each of the ICX Licensees.

5.08 Prior approval of the Commission with necessary conditions is mandatory before launching of any other services.

5.09 If the licensee has different types of licenses, the licensee shall have to have separate physical infrastructure and location for each type of services. The licensee shall not be allowed to use same switching system for different types of services under separate license. BTCL, holding separate licenses, shall separate the infrastructure under different licenses and notify the Commission.

5.10 In the case of clause 5.09, the licensee shall have to maintain separate accounting system and submit separate information, fees, charges, revenue share etc. to the Commission as directed by the Commission from time to time.

5.11 ICXs will be primarily at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalganj, Rangpur, Mymensingh, Comilla and Bogra. Each ICX operator will establish ICX at Dhaka and will have at least 3 (Three) PoPs in other three places mentioned above. The places outside Dhaka will be decided by the Commission. Other major places / cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission. Interconnections among the ICXs and POPs would be the responsibility of the Licensee. Distribution/allocation of ICX site to the operators will be done by the Commission.

5.12 ICXs should support number portability, ENUM and other Next Generation Network (NGN) services as and when required.

5.13 The Licensees will provide access to Law Enforcing Agencies (LEA)/ National Monitoring Centre (NMC) for LI as envisaged in Section 97 KA of the Act, including necessary equipment and software and shall also set the same instruments up at NMC/LEA premises.

6. RIGHT OF THE GOVERNMENT

The Government reserves the right to review the matters relating to fees, charges, revenue sharing, International incoming and outgoing call rate sharing of the licenses as per provisions of the act.

7. INITIAL PUBLIC OFFERING

Each Licensee shall float Initial Public Offer (IPO) as per the policy/guidelines/directions/rules of the Security Exchange Commission of Bangladesh and in accordance with other prevailing laws of Bangladesh within 3(three) years from the date of awarding the Licenses subject to fulfilling the requirements of the Laws and Regulations of Security and Exchange Commission (SEC) in this regard. No permission will be required from the Commission for transfer of shares in Secondary Market after floating IPOs.

8. FEES AND CHARGES

The licensee shall pay the following fees and charges to the commission without any deduction. The Commission shall impose upon the Licensee different fees and charges without any deduction. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover.

8.01 Following fees and charges will be applicable to the Licensee:

1.	Annual License Fee	Taka 2,50,00,000 (two crore and fifty lac) only
2.	Audited Gross Revenue Sharing with the Commission	65.75% (sixty five point seven five percent)
3.	International incoming and outgoing call rate sharing and domestic Interconnection Revenue	<p>i) For International Incoming Calls:</p> <p>(a) After deducting VAT (if applicable), 15% (fifteen percent) of prevailing call termination rates to be paid to ICX by IGW.</p> <p>ii) For International Outgoing Call Rate the revenue distribution/sharing is based on the balance amount only.</p> <p>(a) "Z" Balance amount (in BDT) = (Number of pulse x X) -(Number of pulse x Y)</p> <p>Where,</p> <p>"X" = Call rate (in BDT) per pulse and "Y" specific settlement rate (equivalent BDT) payable to overseas carriers per pulse.</p> <p>The pulses shall be equal for both "X" and "Y" rates and to be determined by the Commission while approving rates.</p> <p>(b) ANS operators shall be paying 15% (fifteen percent) of Z to the ICX licensee.</p> <p>iii) For Routing/ Switching Domestic Inter Operator Call Services: ANS operators shall pay to ICX 10% (ten percent) of prevailing domestic interconnection charge.</p>
4.	Performance Bank Guarantee	Tk. 5,00,00,000 (five crore) only

8.02 The Licensee shall pay all the required fees within the stipulated time frame mentioned hereinafter. All fees, charges etc. required to be paid by the Licensee are non-refundable and payable to Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

(a) **Annual License Fee:** The Licensee shall pay an annual License fee of Taka 2,50,00,000 (Taka two crore and fifty lac) only every year before.....

(b) Revenue sharing with the Commission:

- (i) The Licensee in addition to the above, shall pay to the Commission 65.75% (sixty five point seven five percent) of annual audited gross revenue within the first 10 (ten) days at the end of each quarter.
- (ii) The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.
- (c) The Licensee shall pay other fees and charges as may be levied by the Commission from time to time.
- (d) If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.

9. PERFORMANCE BANK GUARANTEE

- 9.01 The Licensee shall furnish Performance Bank Guarantee of taka 5 (five) crore only in favour of Bangladesh Telecommunication Regulatory Commission within 30 (thirty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.
- 9.02 After establishment of the Interconnection Exchange Service within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, the Performance Bank Guarantee shall be released in favour of the Licensee. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

10. BALANCED FLOW OF TRAFFIC

- 10.01 To maintain balanced flow of traffic the Licensee must equally distribute 90% (ninety percent) of outgoing international traffic among the IGW Licensees.
- 10.02 To maintain balanced flow of traffic each of the IGW must equally distribute 90% (ninety percent) of its international incoming traffic among the ICX Licensees.
- 10.03 To maintain balanced flow of traffic each ANS must equally distribute 90% (ninety percent) of its international outgoing traffic among the ICX Licensees.
- 10.04 To maintain balanced flow of traffic each ANS must route equal share of the 95% of its domestic inter operator regional traffic to the ICXs located at the respective region.

11. RADIO EQUIPMENT AND SPECTRUM CHARGES

The rights granted to the Licensee do not include any right to use any radio frequency until such frequencies are allocated/assigned by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If the Licensee fails to pay the fees, charges, etc. in time, it shall be

liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be determined by the Commission from time to time which will be binding to the Licensee.

12. RADIO FREQUENCY ASSIGNMENT

- 12.01 ICXs will have physical interconnections with IGWs. ICXs will develop and maintain interconnection facilities to connect the IGWs to ICXs and ICXs to ANS operators via their POPs through Optical Fiber Cable (OFC), Co-axial cable etc. However, in exceptional circumstances, where it will not be possible to realise the above mentioned interconnection through OFC only, the microwave and other radio system can be deployed with prior permission of the Commission. The Commission may provide such permission for Microwave Equipment subject to the availability of frequency as per National Frequency Allocation Plan (NFAP) and in conformity with the frequencies already allocated for the particular area under consideration.
- 12.02 The Licensee shall not import/purchase any radio equipment for their network without taking prior permission of the Commission.
- 12.03 Assigned frequencies and radio equipment are not transferable for any reason whatsoever.
- 12.04 The Commission reserves the right to cancel the assigned frequencies for the need of National Security or National Interest.
- 12.05 The Commission reserves the right to inspect the telecommunications installation/equipment and systems of the licensee at any time without any prior notice.

13. FACILITY SHARING

The Licensees shall cooperate with other licensed operators and share infrastructure-related facilities. For such cooperation, the Commission's knowledge and approval will be mandatory for the intended licensees. Alternatively, the Commission may direct a Licensee to share its facilities with others on ground of common interest. Such direction shall have to be complied with by the licensee.

14. NETWORK ROLLOUT

The licensee shall establish and complete the Interconnection Exchange Services within 6 (six) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

15. TARIFFS AND PRICING

- 15.01 The Licensee shall not commence with any of the services before obtaining written approval for its tariff from the Commission as per the Act and shall strictly comply with all directives of the Commission as and when imposed upon them.
- 15.02 The Licensee shall seek the written approval of the Commission before making any changes to the approved tariffs.
- 15.03 The Licensee shall have to submit the copy of the agreements entered into between itself and the IGWs and/or ANSs along with detailed breakdown of tariff to the Commission.

16. BILLING

16.01 The Licensee shall take all reasonable steps to ensure that its billing systems used in connection with the service are reliable and accurate and capable of generating billing information in different formats including itemized billing.

16.02 The Licensee shall keep records of any billing in such form as may be specified by the Commission and shall supply such records at the request of the Commission.

17. TECHNICAL REQUIREMENTS

The technical requirements need to be fulfilled by the licensee is appended herewith as schedule-2.

18. DISPUTE RESOLUTION

In the event of any differences or disputes with other licensed telecom operators and failure to resolve the differences or disputes among themselves, the Licensee shall refer the matter to the Commission for resolution of the same. The decision of the Commission in that regard will be final and binding.

19. ACCOUNTING SYSTEM

19.01 The Commission reserves the right to issue accounting guidelines to the Licensee(s) from time to time.

19.02 The Licensee(s) shall comply with all directions issued by the Commission with regard to accounting separation and the proper allocation of costs.

19.03 The Licensee(s) shall submit certified copies of its financial records with respect to the yearly audited financial statement of the company that will contain its balance sheet, profit and loss account and cash flow statements etc. The Commission shall have the right to access to originals of such records and accounts.

19.04 The Licensee(s) shall provide an auditing facility that can be accessed by the Commission to verify the reported services revenues. The Commission shall have the access to Call Detail Records (CDR) and also computerized accounting system of the licensee(s) as and when deemed necessary by the Commission.

19.05 All financial transactions (in local and foreign currency) in relation to the License shall be made through Scheduled Bank(s) mentioned in the Bangladesh Bank Order, 1972. The Licensee(s) shall inform the Commission of the details of the accounts in operation. The Licensee(s) shall have to submit monthly statement of all the accounts to the Commission within 10 (ten) day of the following Gregorian calendar month.

19.06 The Commission or any person authorized by the Commission shall have the right to take copies of records, documents and other information relating to the licensees' business for the purpose of enabling Commission to perform its functions under the Act and provisions in the license.

20. CHANGES IN MANAGEMENT STRUCTURE

20.01 The Licensee shall seek written approval of the Commission before making any change in its ownership or shareholding. Any change in the ownership or shareholding shall not be valid or effective without the prior written approval of the Commission.

20.02 All directors and shareholders of the Licensee shall be resident Bangladeshi Citizen. The Licensee shall neither transfer any share nor issue new shares without prior written permission of the Commission. Shares shall not be transferred to anyone who is not a resident Bangladeshi citizen and/or to any company which is not registered in Bangladesh and shareholders of which are not resident Bangladeshi Citizen.

21. INFORMATION, INSPECTION AND REPORTING

21.01 The Licensee shall furnish necessary information and other related matter as may be sought by the Commission from time to time.

21.02 The Commission or any person authorized by the Commission shall have unfettered right and authority to take the 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 License.

21.03 The Commission or its authorized representatives shall have unfettered right and authority to enter and inspect the offices, places and premises of the Licensee. The Licensee shall provide all information as may be required by the Commission.

21.04 The Commission or its authorized representatives shall have free access to the installations and equipments of the licensee and shall have each and every right and authority to inspect such installations at any time and the Licensee shall always provide all sorts of cooperation and assistance including but not limited to use of suitable office accommodation for the purpose of inspection, tests and monitoring.

22. REPORTS

22.01 The Licensee shall also be required to furnish any information on Systems, Services and Finance at any time if asked for by the Commission.

22.02 The Licensee shall publish Annual Report of the company within 3 (three) 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 5 (five) copies of the audited financial statement of the company that will contain its balance sheet, profit and loss account, cash flow statements, number of clients connected or waiting for connection etc.

23. AMENDMENTS

The Commission with the approval of the Government has the right and authority to change, amend, vary or revoke any of the terms and conditions of this License and also to incorporate new terms and conditions necessary for the interest of national security, or public interest, or any other reason, in consonance with the provisions of the Act, Rules and Regulations.

24. TRANSFER, ASSIGNMENT AND PLEDGE AS SECURITY

24.01 The Licensee shall take prior written permission of the Commission to take any loan. The License shall not be assigned or pledged as security.

24.02 This License and any right accrued hereunder shall not be transferred, wholly or partly.

25. CANCELLATION, SUSPENSION OF LICENSE AND FINES

The Commission may cancel, suspend the License and impose fine and the Licensee shall be liable for action as per Bangladesh Telecommunication Regulation Act, 2001 (as amended) on the following grounds including but not limited to –

- (i) that any information furnished in the Application form for obtaining the License is found incorrect/ false;
- (ii) that the Applicant has obtained the License hiding the information as mentioned below:
 - (a) He is an insane person;
 - (b) He has been sentenced by a court under any law, other than this 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;
 - (c) He has been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (d) He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
 - (e) 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;
 - (f) Any of his Licenses has been cancelled by the Commission at any time during the last 5 (five) years;
 - (g) If prosecution is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act.
- (iii) that required fees and charges are not paid by the Licensee as per the terms and conditions of the ICX License;
- (iv) that the Licensee provides and/or facilitates illegal traffic violating the terms and conditions of the ICX License;
- (v) that any share is transferred or issued without prior written permission of the Commission;
- (vi) that any of the condition of the ICX License is violated;
- (vii) that the licensee has disclosed or is involved with the disclosure of any information to anybody/ performing any illegal activities that may hamper National Security, Integrity, Sovereignty, Stability and Harmony;
- (viii) that the Licensee is liquidated, bankrupt or insolvent that an application for declaration of bankruptcy or similar declaration or order is filed by the Licensee itself or a third party against the Licensee;
- (ix) that case the Licensee has ceased to carry on business mentioned in this license;
- (x) that the licensee hides any information for any financial earnings to furnish revenue sharing to the Commission, or any relevant information to its subscribers and/or the Commission; or furnishes any false or wrong information to the Commission; or conduct any fraudulent activities; or
- (xi) that the Licensee violates or purports to violate any sections/terms and/or conditions under the Act/Any Regulations/Rules/Guidelines/Bye-laws/Directives/Instructions/ Orders/ Circulars/ Decisions of the Commission and/or the Government etc.

26. IMPACT OF SUSPENSION AND CANCELLATION OF LICENSE

26.01 In the event of such suspension of the License under section 46 of the Act, the Commission may engage any agency or administrator by examining the financial position, profit and loss of the licensee. The rate and fees of agency/administrator on such tenure shall be decided by the Commission to operate and maintain the systems 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 or any right on the revenue for the same.

26.02 Cancellation or suspension of License for any reasons whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the License. Cancellation shall not relieve the Licensee from any obligations accrued and due under any law or this License.

27. MISCELLANEOUS

27.01 The Licensee shall be ready for annual technical and financial audit. The audit team authorized by the Commission shall have the right for auditing technical and financial position of any Licensee for any year. The Licensee shall comply and shall furnish all relevant information and documents as sought by the audit team.

27.02 The Licensee shall have obligation to contribute in social obligation fund as decided by the Commission as per the Act.

27.03 The licensee shall have to monitor all traffics passing through its system network and to provide the relevant information to the Commission from time to time.

27.04 The licensee shall have accountable to furnish information of all traffics to the Commission as desired from time to time.

27.05 The Licensee shall comply with all terms and conditions of this License, applicable legislation including the Bangladesh Telecommunication Regulation Act, 2001(as amended) and any applicable subsidiary legislation and all directions issued by the Commission from time to time.

27.06 The Licensee shall also comply with 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.

27.07 The Government reserves exclusive right and authority to explain or interpret any provision of this License, if any confusion arises regarding the actual sense or import of any provision of this License. The explanation of the Government shall be final and binding on the Licensee.

27.08 Violation of any of the conditions of the License shall render the License to be cancelled.

27.09 The Schedules, Appendices annexed herewith and the related guidelines shall form integral part of the license.

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

27.11 Unless otherwise stated –

(a) all headings are for convenience only and shall not affect the interpretation of the provisions of this License;

- (b) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
- (c) any expression in masculine gender shall denote both genders;
- (d) any reference in this License to a person shall be deemed to include natural and legal persons;
- (e) all references to legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time;
- (f) the term 'or' shall include 'and' but not vice versa;
- (g) any reference in this License to "writing" or "written" includes a reference to official facsimile transmission, official e-mail, or comparable means of communication;
- (h) references to Clauses, Sub-Clauses, Annexure and Schedule are to Clauses, Sub-Clauses, Annexure and Schedule to this License, respectively.

27.12 One of the provisions of this License shall be deemed to have been waived by any act of or acquiescence on the part of the Commission, but only by an instrument in writing signed / issued by the Commission. No waiver of any provision of this License shall be construed as a waiver of any other provision or of the same provision on another occasion.

27.13 The provisions of the Regulatory and Licensing Guidelines for Interconnection Exchange (ICX) Services being No. BTRC/LL/ICX(384)/2011-700, dated: 20-10-2011 shall be an integral part of this License.

27.14 This License shall be governed by and construed in accordance with the laws of Bangladesh.

27.15 This License is issued with the approval of the appropriate authority.

Signed on this day of, 20....
for and on behalf of the
Bangladesh Telecommunication Regulatory Commission

Deputy Director
Legal and Licensing Division
BTRC



(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

SCHEDULE- 1

INTERPRETATIONS, DEFINITIONS AND ABBREVIATIONS

Unless the context otherwise requires, the different terms and expression used in the policy shall have the following meaning assigned to them. The headings are given for the shake of convenience in the policy and do not carry any special meaning.

1. **“Access Network Service Operators”** means the PSTN, Cellular mobile phone operator, Broadband Wireless Access operator, Cable Service Provider, IPTSPs, ISPs etc. who have a direct access to the subscribers.
2. **“Act”** means the Bangladesh Telecommunication Regulation Act, 2001 (Act No. XVIII of 2001) as amended (as amended).
3. **“Bangladeshi Entity”** means Bangladeshi resident citizens, proprietorships, partnerships and companies registered under ‘Joint Stock of Companies and Firms’ under the Companies Act 1994.
4. **“Commission”** means the Bangladesh Telecommunication Regulatory Commission established under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
5. **“Family”** means the husband or a wife, the dependent father, mother, brother or sister, son or daughter.
6. **“Government”** means the Government of the Peoples’ Republic of Bangladesh.
7. **“ILDTS Policy”** means the International Long Distance Telecommunication Services Policy, 2010 (or to be formulated by the Government from time to time).
8. **“Interconnection”** means the visible or invisible or physical 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;
9. **“Interconnection Exchange (ICX)”** refers to switching systems which provides interconnections among the existing/future telecommunication network of the operators and allows monitoring, Lawful Interception (LI) facilities and Roaming Number Portability.
10. **“International Gateways (IGWs)”** refers to switching systems through which international voice traffic is sent and received.
11. **“International Internet Gateway (IIG)”** refers to switching systems through international data traffic is sent and received. It allows computer-based voice traffic flow.
12. **“ITU”** means International Telecommunication Union.
13. **“License”** means an authorization issued by the Commission under Sections 36 of the Act, and Regulations issued by the Commission for establishing, operating and maintaining ICX systems and services.
14. **“Licensee”** means any person/entity have been licensed (ICX) under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).

15. "**Next Generation Network (NGN)**" is a packet based network able to provide services including telecommunication services and able to make use of multiple broadband, QoS-enabled transport technologies and in which service related functions are independent from underlying transport related technologies. It offers unrestricted access by users to different service providers. It supports generalized mobility which will allow consistent and ubiquitous provision of services to users.
16. "**Number Portability**" is the term used to describe capability of individuals, business and organizations to retain their existing telephone number(s) and the same quality of service when switched to another local service provider.
17. "**Operator**" means a person licensed for establishing or operating a telecommunication system or providing telecommunication service or operating a system which is the combination or more than one of those facilities.
18. "**PBG**" means Performance Bank Guarantee from a scheduled Bank mentioned in Bangladesh Bank Order 1972 (P.O. No. 127 of 1972).
19. "**Point of Presence (POP)**" means setting up of switching center and transmission center of appropriate capacity to provide on demand service of prescribed quality and grade of service in a non-discriminatory manner.
20. "**Point of Interconnection (POI)**" means the physical location at which two or more networks interconnect through switches, nodes or other facilities and offering access to the operator/service operators.
21. "**Packet Switching**" is a method to move data around on the Internet. In packet switching, the data is broken up into chunks, attached with address and allows many people to use same line at the same time.
22. "**Quality of Service (QoS)**" means the quality as may be determined objectively by measurements or computation of the specified technical parameters and also through assessments of subjective perceptions of the quality of service offered through established procedures of survey. The measured QoS is the main indicator of the performance of a telecommunication network and of the degree to which the network conforms to the stipulated norms. The subscribers' perception of the Quality of Service (QoS) is subjective and determined by a number of performance evaluation factors.
23. "**Quarter**" means a period of three months of the Gregorian calendar year.
24. "**Regulation**" means, regulations made or will be made in the future by the Commission under the Act.
25. "**SS7**" means signalling system number 7 which is an ITU-T common channel signalling protocol.
26. "**Telecommunication**" means transmission and reception of any speech, sound, sign, signal, writing, visual image and any other intellectual expression by the way of using electricity or electro-magnetic or electro chemical or electro-mechanical energy through cable, radio, optical fiber or other electro-magnetic or electro chemical or electro-mechanical or satellite communication system.
27. "**Telecommunication Service**" means telecommunications services defined under section 2(15) of Bangladesh Telecommunication Regulation Act, 2001 (as amended).
28. "**Telecommunication System**" means Telecommunications System defined under section 2(13) of Bangladesh Telecommunication Regulation Act, 2001 (as amended).

29. “**Telephone NUmber Mapping (ENUM)**” is mapping of “Telephone Numbers” to Uniform Resources Identifiers (URIs) using the Domain Name System (DNS) in the domain e164.arpa. ENUM enables the convergence between the PSTN/PLMN and Internet.

30. “**Tariff**” means rates, charges payable by a subscriber/party for services provided and related conditions at which telecommunication services may be provided including rates and related conditions at which messages shall be transmitted, deposits, installation fees, rentals, free calls, usages charges and any other related fees or service charge.

31. “**Voice over Internet Protocol (VoIP)**” is the routing of voice conversations over the Internet or any other IP network. The voice data flows over a general-purpose packet-switched network, instead of the traditional dedicated, circuit-switched voice transmission lines.

32. **Abbreviations:**

(i)	ANS	-	Access Network Services.
(ii)	BTRC	-	Bangladesh Telecommunication Regulatory Commission.
(iii)	CALEA	-	The Communication Assistance for Law Enforcement Act (US).
(iv)	ETSI	-	European Telecommunications Standard Institute-
(v)	ES	-	European Standard.
(vi)	ICX	-	Interconnection Exchange.
(vii)	IGW	-	International Gateways.
(viii)	IIG	-	International Internet Gateway.
(ix)	ILDC	-	International Long Distance Cable
(x)	IP	-	Internet Protocol.
(xi)	IPO	-	Initial Public Offer.
(xii)	IPTSP	-	Internet Protocol Telephony Service Provider
(xiii)	ISP	-	Internet Service Provider.
(xiv)	LI	-	Lawful Interception.
(xv)	LEA	-	Law Enforcement Agency.
(xvi)	NFAP	-	National Frequency Allocation Plan.
(xvii)	NGN	-	Next Generation Network.
(xviii)	NMC	-	National Monitoring Centre
(xix)	OFC	-	Optical Fiber Cable.
(xx)	POP	-	Point of Presence.
(xxi)	PSTN	-	Public Switched Telephone Network.
(xxii)	QoS	-	Quality of Service.
(xxiii)	SC	-	Submarine Cable
(xxiv)	SLA	-	Service Level Agreement
(xxv)	STM-x	-	Synchronous Transfer Mode (Fibre Channel Card)
(xxvi)	VoIP	-	Voice over Internet Protocol.
(xxvii)	BHCA	-	Busy Hour Call Attempts.
(xxviii)	CC	-	Call Content.
(xxix)	TDM	-	Time Division Multiplexing.
(xxx)	ODF	-	Optical Distribution Frame.
(xxxi)	DDF	-	Digital Distribution Frame.

SCHEDULE-2

TECHNICAL REQUIREMENTS

Technical Requirements of Interconnection Exchange (ICX) Services

1. Types of Switch:

The ICXs may have Circuit switching and/or packet switching technologies. The packet switching technology must have NGN functionalities.

2. Type of Services:

The ICX operators shall provide the following services:

- (a) Routing/ switching inter operator domestic voice calls.
- (b) Routing/ switching international calls between ANS and IGW operators.
- (c) SMS, VMS or any other value added services as and when required by the Commission.
- (d) ENUM, IMEI and Number Portability services as and when required by BTRC
- (e) Special code number, emergency number and call centre number routing.
- (f) Any new services as may be determined by the commission from time to time.

3. Location and Capacity of Switch:

- 3.01 ICXs will be primarily at Dhaka, Chittagong, Khulna, Sylhet, Barisal, Rajshahi, Gopalganj, Rangpur, Mymensingh, Comilla and Bogra. Each ICX operator will establish ICX at Dhaka and will have at least 3 (Three) PoPs in three places mentioned above. The places outside Dhaka will be decided by the Commission. Other major places / cities also have to be covered gradually by establishing POPs. Location of the POPs has to be approved by the Commission. Interconnections among the ICXs and POPs would be the responsibility of the Licensee. Distribution/allocation of ICX site to the operators will be done by the Commission.
- 3.02 Initially, each ICX operator shall have to equip minimum 1,200 equivalent E1s in its exchanges. Based upon traffic forecasting, the ICX operator shall distribute these E1 among its different exchanges.
- 3.03 Each ICX will serve as a POP for traffic in the neighbouring areas.
- 3.04 Each ICX shall be capable of handling calls and/or other traffic from the connected Networks without any congestion.
- 3.05 Based on traffic forecasts of IGW and ANS operators, ICX operators will arrange capacity expansion on at least 2 (two) months lead time basis.

4. Interface Requirements:

- 4.01 The interconnection between ICXs and other ANS and IGWs shall be TDM-based. The interface shall be E-x and STM-X.
- 4.02 The Commission may allow the ICX licensee to interconnect between ICXs and other ANS and IGWs through IP technology that shall be binding to the ICX licensees.
- 4.03 ICX operators may use IP, TDM or ATM within its own networks.

5. Signalling/Protocol/ Numbering Plan and Traffic delivery:

- 5.01 The CCS7 Signalling shall be used based on ITU-T White Book or latest version ISUP recommendations with backward compatibility.
- 5.02 Inter operator signalling shall be CCS7 ISUP and other related protocols of CCS7 if necessary. For new services the commission shall issue separate directives if necessary.
- 5.03 NGN Equipment shall support IPv6 when it is required.
- 5.04 ICX operator is solely responsible for interoperability and solve any mismatch (both Hardware and Software) with existing operators.
- 5.05 ICXs shall not require any numbering plan for ICX identification in the network. National Signalling Point Code (NSPC) and/or any other technology dependent identification will be allocated/ vetted by the commission.
- 5.06 All international outgoing and incoming calls shall be delivered through ICXs.
- 5.07 All domestic inter operator telecommunication traffic shall be delivered at nearest ICX POP.

6. Connectivity:

- 6.01 The ICX Licensee shall have connectivity with all of the IGW Licensees or/and other service providers permitted by BTRC at national side. Any suitable interconnection media may be used in STM-x/E-x level. The ANS operators shall be connected with all ICX licensees or as directed by the Commission from time to time.
- 6.02 The ICXs will have physical connections with IGWs. The connectivity and related expenses will be borne by the Licensee. ICXs will develop and maintain interconnection facilities to connect the IGWs to ICXs and ICXs to ANS operators via their POPs as per relevant guidelines regarding interconnection issued by the commission from time to time.
- 6.03 ICX operators will arrange to connect with the IGWs. This interconnection network will be established, developed and maintained by ICX operators. ICX operators shall arrange transmission media and necessary terminal equipment (if needed) up to ODF/DDF of IGWs including tie cables if necessary.
- 6.04 ICX operators may share/lease/rent necessary infrastructural resources of other operators as and when required to provide their services on mutual terms and conditions.
- 6.05 All ICXs under one operator would be suitably interconnected at its own arrangements.
- 6.06 ICXs at the same area shall have interconnection among themselves with their own cost. ICXs at different areas may be interconnected at their own arrangement. These interconnections may be through existing backbone or by establishing new backbone networks where such networks are not available.
- 6.07 All physical interconnection interfaces shall be E-x, STM-x as required by individual IGW and ANS operators. The commission may direct for other types of interfaces if necessary.
- 6.08 ICX operators shall make necessary provisions for the ANS operators to connect at their POPs. ANS operators under each POP shall be connected to the ICXs through optical fibre/wire/wireless at their own cost and arrangement.
- 6.09 ICXs will serve as the Point of Presence (POP) for the neighbouring areas.

- 6.10 The licensees shall provide necessary connections including necessary equipment and software to the Commission for online and off line monitoring
- 6.11 ICXs will route/switch domestic inter operators telecommunication services. All ANS operators must interconnect through ICXs.
- 6.12 ICXs should support number portability, ENUM and other Next Generation Network (NGN) services as and when required and Commission will monitor.
- 6.13 International Telecommunication services except data communications (terminating to and originating from Bangladesh) shall be routed through licensed Interconnection Exchanges (ICXs) and International Gateways (IGWs).
- 6.14 All ICX operators shall make necessary provisions for the ANS operators to connect at their POPs. ICX operators shall arrange necessary DDF, Mux and other facilities.
- 6.15 The ICX System must have all the arrangement to identify, block and eliminate illegal traffic through it.
- 6.16 The Licensees shall make its systems Lawful Interception (LI) Compliant.

7. **Speech Coding:**

- 7.01 The coding of voice channels shall be according to A-law as per ITU-T G.711.
- 7.02 The ICXs shall have standard ITU-T recommended coding techniques for the conversion of TDM voice to packet within its network as per Quality of Service Standards defined in this document.

8. **Fax Transmission:**

In case of traffic crossing the IP links, the ICXs shall support Fax tones detection and transmission as per ITU-T Recommendation T.38 (Procedures for real-time Group 3 facsimile communication over IP networks).

9. **Time Synchronization and Clock Accuracy:**

- 9.01 ICXs shall be synchronized with national reference clock from existing IGW or other national reference clock source.
- 9.02 ICXs shall have NTP server to keep time synchronization with NTP server of other networks. ICX operator has to install NTP server.

10. **Call Detail Record:**

- 10.01 The ICXs shall perform the charging of the voice traffic (for all types of calls) passing through each of the circuit in any or all circuit groups. The system shall generate Call Detail Records (CDR). ICX operators shall also provide complete and comprehensive software and hardware facilities for generation of different types of management related reports. The format of the reports would be intimated to ICX operators from time to time by BTRC/LEA/NMC.
- 10.02 The CDR should contain at least (but not limited to) following fields. The ICX operators has to take prior approval regarding the fields.
 - (a) Calling party number.
 - (b) Called party number.
 - (c) Call starting time and end time of a call.
 - (d) Call duration of a call.

- (e) Incoming & Outgoing Route identification number.
- (f) Other related information as required by BTRC/LEA/NMC.

- 10.03 The initiation of charge shall start upon receipt of answer signal from the called subscriber and the charging shall stop when either party releases the call.
- 10.04 CDR back up and call content storage as per LI (Lawful Interception) compliance requirement are to be maintained.
- 10.05 Activation of the CDR records shall be by default for any circuit or circuit group. Without CDR no call should be allowed.
- 10.06 The ICX operators shall submit monthly reports showing daily call summary as per BTRC approved format. The minimum, but not limited to, requirement of data shall be as follows:

- i. **Report for ICXs:**

- (a) Both incoming & outgoing total paid minutes and total number of calls for each route.
- (b) Destination wise (international) total paid minutes and total number of calls for outgoing calls to each IGW.
- (c) Destination wise (ANS) total paid minutes and total number of calls for incoming international calls from each IGW.
- (d) Any other call summary as required by BTRC.

- ii. **Report for ANS operators:**

- (a) Destination wise total number of calls and total duration for international calls.
- (b) Destination wise (ANS) total number of calls and total duration for national calls.
- (c) Total number of incoming and outgoing calls and total duration for each ANS operator for both national and international calls.
- (d) Any other call summary as required by BTRC.

11. CDR Data Protection:

There shall have enough protection against erasure or corruption of CDR in case of system shutdown, power failure, electro-magnetic interference, electrical & lightning surges, fault conditions, illegal access and wrong commands or card insertion. The records shall also be protected against any change-over or reset due to fault in hard disks or by any manual or by software means.

12. Log Recording Facility:

The ICXs must have log file facilities to record all types of MML commands, system messages, fault and alarm messages, maintenance records etc. Records of all executed commands shall also be kept in log files and these files shall be stored in system hard disk. The logs must not be editable. The system shall also provide the facility to dump this logs to maintenance terminals, on request and/ or automatically, and to secondary memory devices for storage. Log files shall be stored to meet LI compliance and audit trailing.

13. Rejection of Incoming Calls:

The system shall have the capability to reject termination and/or block processing of incoming calls via any route by following but not limited to:

- (a) Identifying the incoming/outgoing route number
- (b) Identifying the Number of the Calling party
- (c) Identifying the called party number

14. Tones and Announcements:

The ICXs shall have the following provisions:

- (a) Provide embedded tones and announcement functions
- (b) Register announcements to be played.
- (c) Broadcast the supported announcements.
- (d) IVR facilities

15. Performance Monitoring of ICXs:

The ICXs shall have facilities to continually observe traffic load on any or all of the individual trunk circuit groups. The results of such observations will be recorded and printed after pre-set period. At least the following counters will be provided. The required counters will be activated and deactivated by MML commands. Traffic measurement time interval shall be quarter hourly, half hourly, hourly and daily basis.

- (a) Route wise number of total Incoming calls completed
- (b) Route wise Number of total Outgoing calls completed
- (c) Number of total Incoming calls failed.
- (d) Number of total Outgoing calls failed
- (e) Total Erlangs carried for both incoming & outgoing routes
- (f) Average call holding time for incoming & outgoing routes
- (g) Signalling link capacity and carried loads link wise

16. Programming for Traffic Observation:

The system shall allow field programming of the format for different traffic data observations. The selection & activation, de-selection & deactivation, printout time, circuit groups, counters and other parameters shall be executed by MML commands. At least (but not limited to) the following basis of programming features shall be allowed:

- (a) Hourly basis
- (b) Daily basis
- (c) Any day of the week basis
- (d) Weekly basis
- (e) Circuit group basis
- (f) Number of circuit groups basis
- (g) All circuit group's basis
- (h) Any combination of the above basis

17. Real Time Sample Observation of Calls in circuit group(s):

- 17.01 The system shall allow real-time observation of calls for any or many circuit group. Concurrent observation facility for at least 3(three) circuit groups shall be available.
- 17.02 The observation shall be activated (including provisions for pre-selection of events and related time-periods for observation) by MML command and shall be continued until deactivated by MML command again or the period has ended.
- 17.03 The observation shall include at least (but not limited to) the following events for all the calls made through that circuit group(s).
 - (a) Start Time of observation
 - (b) End Time of observation
 - (c) Identity of the circuit group
 - (d) Total number of Call attempts through the circuit group

- (e) Signalling used, for each call
- (f) Calling party number, for each call
- (g) Digits dialled by the calling party, for each call
- (h) Routing code used, for each call
- (i) Access or translation code used, for each call
- (j) Duration of conversation, for each call
- (k) Total Number of successful calls
- (l) Total Duration of all calls, in minutes
- (m) Total traffic, in erlangs

18. Routine Traffic Data:

The system shall have the facility to provide hourly and daily output of routine traffic data. The format shall contain any or many of the counters detailed above. The required particular counters shall be activated, on site and on demand, by MML commands.

19. Saving of Traffic Data Output:

- 19.01 The system shall allow saving of any or many sets of traffic observation data output to system's primary memory.
- 19.02 The system shall allow subsequent shifting of those data to secondary memory devices.
- 19.03 Enough buffer shall be provided in the primary memory device to store data output for dumps equivalent to 48(forty eight) complete dump sets for all available traffic counters in the exchange.
- 19.04 Whenever, any portion of the records in the primary memory is shifted to secondary memory, that portion shall automatically be deleted from the primary memory.
- 19.05 The system shall generate a "minor alarm" and "major alarm" whenever the content of the buffer has exceeded 75% and 85% respectively.
- 19.06 If records in the primary memory are not shifted to secondary memory and the buffer becomes full, the system shall generate an alarm message and start over-writing on "first-in first-out" basis.

20. Printing of Traffic Data Output:

- 20.01 The system shall allow the output of different traffic data in tabular form and that tabular form shall be convertible to excel format for off-line analysis.
- 20.02 Above traffic data output shall be stored in any secondary memory devices in terms of files.
- 20.03 Above traffic data output shall be printable in tabular form in O&M console and connected printer of the console or network printer.
- 20.04 The execution of the job shall be done by MML command(s)

21. Traffic Sharing Control:

In case of use of alternate/multiple routes, traffic sharing shall be in percentage. Setting of traffic volume in percentage in a route shall be under MML commands.

22. Quality of Service Standards:

- 22.01 The ICX operators shall be responsible for ensuring that voice passes through its network shall have minimum loss. The guideline for minimum QoS is Mean Opinion Score ≥ 4.34 or R-scale ≥ 90 based on ITU-T Recommendation G.107. Testing reports shall be made available to BTRC periodically, as fixed by BTRC, showing that minimum QoS level is being met.

22.02 The ICX operators 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 BTRC on monthly basis. BTRC may publish such QoS statistics on a regular basis.

22.03 The ICX operators shall comply with all QoS standards imposed by BTRC. BTRC reserves the right to modify the QoS objectives from time to time for strict compliance.

23. Performance Monitoring by BTRC:

23.01 The ICX operators shall extend one of its O & M (Operation and Maintenance) Control Console at BTRC premise for viewing real-time traffic and call data and saving traffic data, log files and CDR dumps. The ICX operators shall arrange the connectivity of sufficient speed/bandwidth to facilitate smooth monitoring. The terminal shall be with original software and hardware to properly communicate with the ICX's O&M software. The ICX operators shall extend maintenance support of the supplied system.

23.02 The terminal shall be equipped with sufficient primary storage and external storage to maintain traffic data, log files and CDR dump for 6 months.

23.03 The ICX operators shall provide remote access to the log files from the terminal at BTRC for inspection and storage.

23.04 The ICX operators shall arrange to continually save CDRs of all calls in the Hard Disk of the terminal at BTRC in pre-fixed regular intervals of 15 minutes.

23.05 The ICX operators shall also provide customized software for processing and/or de-coding (if required) of the CDR Dump displaying and printing outputs (*for any, many or all circuits/ circuit groups*) in tabular formats, as fixed by BTRC.

23.06 The ICX operators shall provide signalling monitoring device for all connected signalling links including signal analyzing feature with filtering capacity. The monitoring device shall have enough capacity to store signalling information.

23.07 The signalling monitoring device shall have report generation facility as per following items but not limited to:-

Signalling Link wise information.

1. Total no. of IAM message.
2. Total no. of ACM message.
3. Total no. of ANS message.
4. Total no. of REL message.
5. Total Erlang carried.
6. Other available signalling parameters.

23.08 The Licensee shall provide necessary connections including necessary equipment and software to the Commission for online and offline monitoring and analyzing of Call Detail Record (CDR), Call Accounting, Signalling, QoS and or any other system as may be required by the Commission. User licenses for the software will be at least 5 (five) in number.

24. Network Security:

For Next Generation Network, the ICX operators shall follow code of practice for information security as specified in ISO/IEC 17799 (later renamed as was renumbered ISO/IEC 27002)

25. Lawful Interception:

25.01 The ICXs shall be compliant as per ETSI ES 201 671 v.2.1.1. and CALEA J.25B.

- 25.02 Redundant access points of LI system of ICXs shall be extended to Law Enforcement Agency (LEA) premises including transmission media, other necessary hardware and software for on-line and off-line monitoring, analysis of CDR etc. of every exchange.
- 25.03 ICX operators shall provide high capacity storage media, as per requirement, to store bulk CDR of ICX at LEA premises.
- 25.04 ICX Operators shall provide for on-line listening of Call Content (CC) as per ETSI and CALEA standards and storing of CC as specified by LEA.
- 25.05 Duration of CDR and CC storage shall be decided by LEA and BTRC.

26. Service Level Agreement (SLA):

ICX operators shall maintain SLA with other operators considering technical and commercial aspects.

27. Other Requirements:

- (a) ICXs shall ensure 99.999% service availability.
- (b) ICX operators shall provide 24/7 support to interconnecting exchanges and be manned by qualified personnel.

SCHEDULE-3

PRO-FORMA OF PERFORMANCE BANK GUARANTEE
[Bank Letterhead]

[Date]

[Name of Bank] (Hereinafter called the Bank)
[Address]

To: The Bangladesh Telecommunication Regulatory Commission
[Address]

Subject: Bank Guarantee No.: dated: for Tk. 5,00,00,000 (Taka five crore)
only in favour of "The Bangladesh Telecommunication Regulatory Commission".

Dear Sir,

This Bank Guarantee (hereinafter called the Guarantee) is issued pursuant to the clause.....of the license no. ----- dated:----- for establishing, operating and maintaining of Interconnection Exchange in the country granted to ----- (hereinafter called the licensee) by the Bangladesh Telecommunication Regulatory Commission (hereinafter called the Commission) under the Bangladesh Telecommunication Regulation Act, 2001 (as amended).

This Guarantee will serve as security deposit for fulfilment of Licensee's performance obligations under the terms and conditions of the License. The withdrawal request from and form for reduction of guaranteed amount are annexed herewith as form-1 and form-2 respectively.

In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.

The Bank hereby irrevocably guarantees and undertakes to pay to the Commission, any or all sums up to the amount of Tk. 5,00,00,000 (Taka five crore) only as described in the regulatory and licensing guidelines for invitation of applications for issuing Interconnection Exchange Services license as decided by the Commission in accordance with the following terms and conditions:

- (a) Payment shall be made by the Bank on the same business day 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-1 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 pay order in favour of the Bangladesh Telecommunication Regulatory Commission.

This Guarantee is irrevocable and shall remain in force for 2 (two) year from the date hereof.

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 as stated in the License 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

WITNESS

1.

Signature

Name

Address

date

2.

Signature

Name

Address

date

FORM-1
WITHDRAWAL REQUEST FORM
[Letterhead of the Commission]

[Date]

To: [Name of Bank]
[Address]

SUBJECT: REQUEST FOR PAYMENT OF BANK GUARANTEE AGAINST SECURITY DEPOSIT

Dear Sir,

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

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

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

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

FORM – 2

FORM FOR REDUCTION OF GUARANTEED AMOUNT

[Letterhead of Licensee]

[Date]

To: The Bangladesh Telecommunication Regulatory Commission
[Address].

SUBJECT: REQUEST FOR REDUCTION IN PERFORMANCE BANK GUARANTEE

Dear Sir,

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 License and have achieved the target set by the Commission based under terms and conditions of the License.

We wish to request that the Guarantee be reduced accordingly.

[Name of authorized representative of Licensee]

for and on behalf of

[Licensee]



(Farez Hasan Siddiqui)
Deputy Director
Legal and Licensing
Bangladesh Telecommunication
Regulatory Commission

Bangladesh Telecommunication Regulatory Commission
IEB Bhaban, Ramna, Dhaka-1000.

No. BTRC/LL/ICX(384)/2011- 678

Date: 31-05-2012

Subject: Amendment/Change in the “Regulatory and Licensing Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh.”

The Amendments/Changes in the “Regulatory and Licensing Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh” bearing No. BTRC/LL/ICX(384)/2011-700, Dated: 20-10-2011 are as follows:

Clause No.	Provisions in Regulatory and Licensing Guidelines at present	Provisions in Regulatory and Licensing Guidelines as amended
18.01 and 9.01 of Appendix-4	The Licensee shall furnish Performance Bank Guarantee of Taka 5 (five) crore only in favour of Bangladesh Telecommunication Regulatory Commission within 30 (thirty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.	The Licensee shall furnish Performance Bank Guarantee of Taka 5 (five) crore only in favour of Bangladesh Telecommunication Regulatory Commission within 60 (sixty) days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank with a minimum validity of 18 (eighteen) months.


31/05/2012
(Shazeda Parvin)
Senior Assistant Director
Legal and Licensing Division
BTRC



Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000, Bangladesh.

No. BTRC/LL/ICX(384)/2011-323

Date: 07-04-2013

Subject: Amendment/Change in the 'ICX Guideline and the ICX License'.

The Amendments/Changes in the 'Regulatory and Licensing Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh' bearing No. BTRC/LL/ICX(384)/2011-700, Dated: 20-10-2011 and 'Operator License for Interconnection Exchange (ICX) Services' are as follows:

Clause No.	Provisions at present	Provisions as amended
14 of Guideline and 14 of Appendix-4	The licensee shall establish and complete the Interconnection Exchange Services within 6 (six) months from the date on which the license shall come into force. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.	The licensee shall establish and complete the Interconnection Exchange Services within 6 (six) months from the date on which the license shall come into force unless the government decides otherwise. In case of failure of commencement within the stipulated time, 10% of the Performance Bank Guarantee will be encashed for each month or its fraction thereof. When the full performance bank guarantee will be encashed by the Commission for failure of commencement, the Commission shall take necessary action to cancel the License.
16.03(d)(i) of Guideline	The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 10 (ten) days at the end of each quarter. (a) 65.75% (sixty five point seven percent) of annual audited gross revenue{clause-16.02(4)}	The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 25 (twenty five) days at the end of each quarter. (a) 65.75% (sixty five point seven percent) of annual audited gross revenue{clause-16.02(4)}
8.03(b)(i) of Appendix-4	The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 10 (ten) days at the end of each quarter. (a) 65.75% (sixty five point seven percent) of annual audited gross revenue{clause-8.02(2)}	The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 25 (twenty five) days at the end of each quarter. (a) 65.75% (sixty five point seven percent) of annual audited gross revenue{clause-8.02(2)}
16.03(c) of Guideline and 8.03(a) of Appendix-4	Annual License Fee: The Licensee shall pay an annual License fee of Taka 2,50,00,000 (Two crore and fifty lac) only every year on or before the date of issuance of the License	Annual License Fee: The Licensee shall pay an annual License fee of Taka 2,50,00,000 (Two crore and fifty lac) only within 60 (sixty) days of the date of issuance of the License every year.


07/04/2013

(Shazeda Parvin)
Senior Assistant Director
Legal and Licensing Division
Tel: 7162277 Ext: 540
Email: shazeda@btrc.gov.bd



Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000, Bangladesh.

No. BTRC/LL/ICX(384)Part-1/2011-1166

Date: 11-12-2013

Subject: Amendment/Changes in the “ICX Guideline and the ICX License”.

The Government has taken the decision to Amendment/Change “Regulatory and Licensing Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh” bearing No. BTRC/LL/ICX(384)/2011-700, Dated: 20-10-2011 and “Operator License for Interconnection Exchange”. The said amendment/changes are as follows:

Clause No.	Provision at present	Provision as amended
16.02 (3) of Guideline and 8.01 (1) of License	Annual License Fee: Taka 2,50,00,000 (two crore and fifty lac) only.	Annual License Fee: Taka 1,25,00,000 (one crore and twenty five lac) only.
16.03 (c) of Guideline and 8.02 (a) of License	Annual License Fee: The Licensee shall pay an annual license fee of Taka 2,50,00,000 (two crore and fifty lac) only within 60 (sixty) days of the date of issuance of the License every year.	Annual License Fee: The Licensee shall pay an annual License fee of Taka 1,25,00,000 (one crore and twenty five lac) only within 60 (sixty) days of the date of issuance of the License every year.

Please, note that the above mentioned amendment/change will be applicable for the annual license fee of 2014 and subsequent years. So, you are requested to comply with the amended provisions mentioned above. It is to mention here that, this amendment will not be applicable for the terms prior to 2014.


11/12/2013
(Tareq Hasan Siddiqui)
Deputy Director
Legal and Licensing Division
Phone: 9511127
E-mail: tareq@btrc.gov.bd



Replaced by same issue No. and Date

Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna Dhaka-1000, Bangladesh.

No. 14.32.0000.007.52.100.15.119

Date: 24-01-2018

Sub: Amendment/Changes in the "ICX Guideline and the ICX License".

With reference to the subject mentioned above, I am directed to inform you that the Government has taken the decision to Amendment/Change "Regulatory and Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh" bearing No. 14.32.0000.007.52.100.15.1605, Date: 20-10-2011 and "Operator License for Interconnection Exchange (ICX)". The said Amendment/Change is as follows:

Clause No.	Provisions as present	Provisions as amended
Clause 16.02(4) of Guidelines and Clause 8.01(2) of License	65.75% (sixty five point seven five percent)	50% (fifty percent)
Clause 16.03(d)(i) of Guidelines and Clause 8.02(b)(i) of License	<p>The Licensee, in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 10 (ten) days at the end of each quarter.</p> <p>(a) 65.75% (sixty five point seven five percent) of annual audited gross revenue {clause-16.02(4)}.</p>	<p>The Licensee, in addition to the above, shall pay to the Commission on a Bi-monthly basis on account of revenue sharing within the first 50 (fifty) days at the end of each Bi-monthly cycle.</p> <p>(a) 50% (fifty percent) of annual audited gross revenue {clause-16.02(4)}.</p>
Clause 16.03(d)(ii) of Guidelines and Clause 8.02(b)(ii) of License	<p>The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.</p>	<p>The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against Bi-monthly payments with the approval of the Commission in the next year.</p>
Clause 16.03(f) of Guidelines and Clause 8.02(d) of License	<p>If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.</p>	<p>If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 30 (thirty) days as stipulated, such failure may result in cancellation of the License.</p>

Please, note that the above mentioned amendment/change of ICX License/Guidelines will be applicable for the Revenue Sharing with the Commission. The aforesaid amendment/change will be effective from the date 04-01-2018 and subsequent years. So, you are requested to comply with the amended provisions mentioned above.

(M.A. Taleb Hossain)
Director (Licensing)
Legal and Licensing Division
Phone: 9611111 Ext. 510
E-mail: taleb.hossain@btrc.gov.bd



Replaced by same issue No. and Date

Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna Dhaka-1000, Bangladesh.

No. 14.32.0000.007.52.100.15.118

Date: 24-01-2018

Sub: Notice Regarding Amendment/Changes in the "ICX Guideline and the ICX License".

With reference to the subject mentioned above, I am directed to inform you that the Government has taken the decision to Amendment/Change "Regulatory and Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operating and Maintaining Interconnection Exchange (ICX) Services in Bangladesh" bearing No. BTRC/LI/ICX (384)/2011-700, date: 20-10-2011 and "Operator License for Interconnection Exchange (ICX)". The said Amendment/Change is as follows:

Clause No.	Provisions as present	Provisions as amended
Clause 16.02(4) of Guidelines and Clause 8.01(2) of License	65.75% (sixty five point seven five percent)	50% (fifty percent)
Clause 16.03(d)(i) of Guidelines and Clause 8.02(b)(i) of License	<p>The Licensee, in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing within the first 10 (ten) days at the end of each quarter.</p> <p>(a) 65.75% (sixty five point seven five percent) of annual audited gross revenue {clause-16.02(4)}.</p>	<p>The Licensee, in addition to the above, shall pay to the Commission on a Bi-monthly basis on account of revenue sharing within the first 50 (fifty) days at the end of each Bi-monthly cycle.</p> <p>(a) 50% (fifty percent) of annual audited gross revenue {clause-16.02(4)}.</p>
Clause 16.03(d)(ii) of Guidelines and Clause 8.02(b)(ii) of License	<p>The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against quarterly payments with the approval of the Commission in the next year.</p>	<p>The total revenue sharing 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 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust the excess amount against Bi-monthly payments with the approval of the Commission in the next year.</p>
Clause 16.03(f) of Guidelines and Clause 8.02(d) of License	<p>If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.</p>	<p>If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 30 (thirty) days as stipulated, such failure may result in cancellation of the License.</p>



Please, note that the above mentioned amendment/change of ICX License/Guidelines will be applicable for the Revenue Sharing with the Commission. The aforesaid amendment/change will be effective from the date 04-01-2018 and subsequent years. So, you are requested to comply with the amended provisions mentioned above.


04.04.18
(Md. Raisul Islam)
Senior Assistant Director
Legal and Licensing Division
Phone: 9611111 Ext. 543
E-mail: raisul.islam@btrc.gov.bd

To

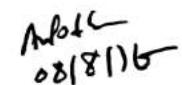
All ICX Operators.

All IGW Operators.

All ANS Operators.

Copy to (for kind information and necessary action):

1. Director General, Engineering & Operation Division, BTRC.
2. Director (Accounts, Finance and Revenue), BTRC.

 04.04.18  08/11/18



Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000, Bangladesh.

No. 14.32.0000.702.42.001.19.546

Date: 21-10-2020

Amendment/changes in “ICX Guideline and the ICX License”.

With reference to subject mentioned above, I am directed to inform you that the Government has taken the decision to Amendment/Change “Regulatory and Guidelines for Invitation of Offers/Proposals for Issuing License for Establishing, Operation and Maintaining Interconnection Exchange services in Bangladesh” bearing number No. BTRC/LL/ICX(384)/2011-700, date: 20-10-2011 and “Operator License for Interconnection Exchange (ICX)”. The said Amendment/Change of Interconnection Exchange (ICX) Guidelines are as follows:

SL No.	Existing clause	Provision as amended
1.	<p>10. BALANCED FLOW OF TRAFFIC Page number: 34</p> <p>10.01 To maintain balanced flow of traffic the Licensee must equally distribute 90% (nine percent) of outgoing international traffic among the IGW Licensees.</p> <p>10.02 To maintain balanced flow of traffic each of the IGW must equally distribute 90% (nine percent) of its international incoming traffic among the ICX Licensees.</p>	<p>10. BALANCED FLOW OF TRAFFIC (Following clause need to be replaced)</p> <p>10.01 To maintain balanced flow of traffic, the Licensee must distribute all international traffic equally. Commission shall determine the process of traffic balancing between the operators.</p>
2	<p>6. CONNECTIVITY Page number: 44-45</p>	<p>6. CONNECTIVITY (Following new Clause need to be added)</p> <p>6.17. The Commission may determine the Common Point / Interconnection Point to facilitate network connectivity between the operators.</p>

The aforesaid amendment/change will be effective from the date 13-09-2020 and subsequent years. So, you are requested to comply with the amended provisions mentioned above.


21/10/2020
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