



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1 ISLAMABAD
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**Enforcement order under sub-section 3 of section 23 of the Pakistan
Telecommunication (Re-organization) Act, 1996 in the matter of M/s. Cyber
Internet Services (Pvt.) Ltd**

**File No. Cyber Inter-24/LL&M/PTA/
Wireless Lice/LL&Mobile/WLL License/26/2006**

Date of Issuance of Show Cause Notice: 16th April, 2007
Date of Hearing: 23rd May, 2007
Venue of Hearing: PTA HQs, Islamabad

The Authority present:

S. Nasrul Karim Ghaznavi: Member (Finance)
Dr. Muhammad Yaseen: Member (Technical)

The Issue:

“Starting of commercial services without obtaining
Commencement Certificate”

DECISION OF THE AUTHORITY

BRIEF FACTS:

M/s. Cyber Internet Services (Pvt.) limited (the “licensee”) is a private limited Company incorporated under the Companies Ordinance, 1984 and is engaged in the business of providing telecom services pursuant to the non-exclusive license No. WLL-11-2004 dated 30th November, 2004 issued by the Pakistan Telecommunication Authority (the “Authority”) to establish, maintain and operate Telecommunication system and provide telecom services in ITR, LTR and KTR regions, on the terms & conditions contained in the licenses.

2. While enforcing the license conditions relating to roll out plan to be completed by extended period of 29th May, 2007, the licensee was required vide

Authority's letters dated 2nd march, 2007 and 19th March, 2007 to provide information about its WLL network roll out plan. Pursuant to these instructions the licensee submitted vide its letter dated 23rd March, 2007. During scrutiny of these papers it revealed that the licensee has already started commercial operations under its license without obtaining Commencement Certificate from the Authority which amounts to violation of clause 22 of Part 6 of Schedule 2 of Pakistan Telecommunication Rules, 2000, regulation 12 of Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2004 and condition 6.11 of the license. Hence, a Show Cause Notice (the "Notice") dated 16th April, 2007 under section 23 of the Act was issued to it.

3. The licensee submitted its reply to the Notice vide its letter dated 2nd May, 2007 and also attended the hearing on 23rd May, 2007 through Mr. Sana Ullah Bhutta and stated that it is the oldest licensee of the Authority for data services and is a law abiding operator having good relations with all government authorities including PTA and took the stance that this act of omission was due to unintentional oversight on the part of the licensee and assured that it will take all necessary steps required to ensure complete rectification of the contravention in an urgent manner. In support of its stance it informed that for installation of BTS at Islamabad, Lahore and Karachi, it had duly informed the Authority and the Authority had responded vide its letter dated 9th April, 2007. The licensee further informed that it has not yet launched voice communication services rather it has started data services under the license, which are at very initial stage. The licensee informed the Authority that in compliance with all relevant regulations and the license conditions, it has already applied to the Authority vide its letter dated 27th April, 2007 for issuance of Commencement Certificate. However, prior disposing of the Notice by the Authority, an opportunity of personal hearing was given to the licensee on 23rd May, 2007 which was duly communicated to the licensee vide Authority's letter dated 11th May, 2007.

4. ORDER

4.1. Keeping in view the above mentioned facts and circumstances mentioned during the hearing, the Authority hereby dispose of the Notice in the following terms:

- (a). As the licensee has already confessed that the contravention committed by it by commencing services without obtaining Commencement Certificate from the Authority was not intentional, apologized for the same and has requested to the Authority vide its letter dated 27th April, 2007 for issuance of required Commencement Certificate, therefore, the Authority by taking a lenient view in the matter, direct the licensee to be careful in future else strict action will be taken against it.

- (b). Wireless Division of the Authority is advised to process the request of the licensee dated 27th April, 2007 for Commencement of Certificate in accordance with the prevalent procedure.

(S. Nasrul Karim Ghaznavi)
Member (Finance)

(Dr. Muhammad Yaseen)
Member (Technical)

Signed on 31st May, 2007 and comprises 03 pages.