



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1 ISLAMABAD
Ph: 051-9225328 Fax: 051-9225338

Enforcement Order under sub-section 3 of Section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 in the matter of M/s Amtech International (Pvt) Limited

File No. 14-566/L&A/PTA/09

Date of Lahore High Court orders: 6th July, 2009
Date of re-hearing (under court order): 4th August, 2009
Venue of Hearing: PTA H/Qs, Islamabad

The Authority Present:

Dr. Mohammed Yaseen:	Chairman
S.Nasrul Karim A. Ghaznavi:	Member (Finance)
Dr. Khawar Siddique Khokhar:	Member (Technical)

The Issue:

“Re-consideration of the request submitted by Amtech Intl (Pvt) Limited vide letter dated 20th July, 2009 for restoration of its license”

Decision afresh by the Authority

Brief Facts:

1. Reasons for reconsidering the issue afresh:

- i. Brief facts, for re-hearing the instant matter, are as under:
- ii. M/s. Amtech Intl (Pvt) Limited (the “company”) was issued two show-cause notices under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 (the “Act”) on 28th April, 2008 and 13th October, 2008 for: (i) not tuning its systems to the new frequency slots authorized to it in 2004 and by using the previous frequency slots causing interference with the bands allocated to other operators in Karachi, and (ii) using unauthorized frequency slots in Lahore in contravention of the provisions of the Act and the terms and conditions of the licence.
- iii. To decide on the aforementioned show-cause notices, the company was heard on 18th July, 2008 and 24th November, 2008, respectively, and directed it to tune its system to new frequency in Karachi by 25th November, 2008 (which was further extended upto 25th February, 2008) and to stop use of illegal frequency in Lahore vide determinations dated 15th

October, 2008 and 13th January, 2009, respectively, which it failed to comply with, hence, under the above determinations its CVAS-Data license No.DIR (L) CVAS-270/2007 dated 18th August, 2008 was terminated vide letter dated 17th March, 2009.

iv. The company, being aggrieved of the aforesaid termination of license, approached the Lahore High Court, Lahore, by invoking its appellate jurisdiction under sub-section (1) of section 7 of the Act through FAO No.96/2009.

v. The aforementioned FAO came up for hearing before the High Court on 6th July, 2009 the court disposed of the aforesaid appeal as the termination was agreed to be reconsidered if approached by the company. The company filed an application dated 20th July, 2009 for reconsideration of termination of its license. The licensee appeared on 4th August, 2009 for hearing in the matter. Hence, the instant decision of the issue afresh through this determination.

2. Brief of the violations:

i. the company was a holder of CVAS-Data license vide No. No.DIR (L) CVAS-270/2007 dated 18th August, 2008 for provision of vehicle tracking services in Pakistan (the "license") was required to comply with the prevailing regulatory laws comprising of the Act, the Pakistan Telecommunication Rules, 2000 (the "Rules"), the regulations made under the Act and the terms and conditions of the licence.

ii. vide sub-section (2) of section 20 of the Act the company was obliged not to establish, maintain or operate any telecommunication system or provide any telecommunication service which was not authorized under the licence, and that any breach of this sub-section shall, for the purposes of the Act, the Rules or the licence be treated as contravention of the conditions of the licence. In addition, vide clause 5 of the terms and conditions of the licence, the company was obliged to comply with the regulatory laws, policies and guidelines for use of frequency spectrum.

iii. Initially the Frequency Allocation Board ("FAB") vide its letter No.FAB/R-6/2000 dated 12th February, 2001 approved the company's proposal for establishment of Vector Track Stolen Car Recovery system at Karachi by allotting two frequency spots in 450-470 MHz band with the following technical parameters on non-interference basis:

System	Location/Coord	Tower Height AGL/AMSL(M)	Frequency

Base Station 'A'	Rooftop Chappal Plaza 16 th Floor, Hasrat mohani Road Karachi 2451-E/6701-N	220/370 feet	Two channels of 25 KHz bandwidth
Remote Site 'B'	Lane No.7, House #20, sector-1, Naval Colony Karachi 2457-E/6656-N	200/250 feet	455.300 MHz (CH-1) 465.300 MHz (CH-2)
Remote Site 'C'	House no.10, Qasba Township Karachi 2459-E/6702-N	180/580 feet	Channel 1 is used as vector transmit frequency, FSK modulated with 4 watts power output from the aerial of the vehicles equipped with the system.
Remote 'D'	Plot No.R-79, sector-Q3, Gulistan-e-Maymar, Karachi 2501-E/6708-N	200/300 feet	Channel 2 is used for sector activation transmitters; FSK modulated with 100 watts through 7 -dBd-gain antenna.
Mobile Stations	Mobile		

- iv. In the year 2004 FAB replanned the aforesaid frequency spots and proposed the following frequency spots to the licensee vide its letter No.FAB/R-6/2000 dated 5th July, 2004:

Sr. No.	Allocated Frequency	Proposed Frequency
1.	455.300 (MHz)	458.650 (MHz)
2.	465.300 (MHz)	468.650 (MHz)

But the company failed to retune its frequencies despite repeated instructions of the FAB and the Authority.

v. vide clause 4.13 of the previous license, the company was obliged to ensure that its services shall not cause any damage to or interference in any other system and network of a service provider licensed by the Authority.

vi. FAB, pursuant to the directions of the Authority conducted its monitoring at Karachi and Lahore and submitted its report vide letter No.NFMMS-88/2008/PTA/4931 dated 23rd July, 2008: The results of the reports were as under:

Karachi:

S#	Freq (MHz)	BW (KHz)	Level (dBuv/m)	Site/Location of M/s. Amtech Tower	Coordinates	Scans
a.	455.3	63	90.7	P.E.C.H.S, 38-F, Block 6 Karachi	67 49.0 E 24 51 54.0	1
b.	455.3	53	48.7	Qasba Town Nusrat Bhutto Colony Karachi	67 2 39.0 E 24 57 29. 0 N	2 & 3
c.	455.3	31	38.5			
d.	455.3	22	29.9	Chapal Plaza I.I Chundigarh Road karachi	67 0 7. 0 E 24 51 0. 0 N	4 & 5
e.	455.3	22	33.3			
f.	455.3	64	109.3	Baldia, Bakra Mandi Hub Road near Navel Colony	66 55 59.0E 24 57 1.0 N	6
g.	455.3	62	90.4	Ahsan Abad, Gulshan-e-Maymar	67 6 44.0 E 25 0 29.0 N	7

Lahore:

S#	Freq (MHz)	BW (KHz)	Level (dBuv/m)	Site/Location of M/s. Amtech Tower	Coordinates	Scans
a.	455.3	30	61.4	Snooks Garments near Darul Hikmat school Industrial Area Nishter Colony Lahore	74 22 20.0 E 31 24 56.0 N	8-9
b.	455.3 25	20	22.1			
c.	455.3	26	50.7	Amtech (Pvt) Ltd Ajerton Road Lahore	74 20 3.0 E 31 33 44 N	10-11
d.	455.3 25	20	27.2			

e.	455.3	32	50	Treet Corporation Ltd Factory 72. B Industrial Area Kot Lakhpat Lahore	74 19 55. 0 E 31 27 28.0 N	12-13
f.	455.3 25	24	31.3			
g.	455.3	30	61.2	Iqbal Colony Mohallah Wandialah near Dial shah Gravyard Shahdara lahore	74 15 52.0 E 31 38 14.0 N	14-15
h.	455.3 25	20	27.6			

vii. the aforesaid reports revealed that the company was failed to retune its system to the new frequencies assigned to it in 2004 in Karachi, hence, causing interference with the services of other operators. Secondly it was also using frequency spots in Lahore without authorization of the FAB, therefore, the company was issued two show cause notices vide dated 28th April, 2008 and 13th October, 2008 on the aforesaid violations. After hearing the company the Authority issued two separate determinations dated 15th October, 2008 and 13th January, 2009 requiring the company vide Paras 3.1 and 2.1 of the aforesaid determinations as follows:

3.1. (a). *the licensee is directed to retune its system to the new frequencies assigned to the licensee vide FAB's letter dated 5th July, 2004 by 25th November, 2008 (which was extended upto 25th February, 2009) and submit compliance report accordingly.*

(b). *In the meantime the licensee is directed to restrict its systems/operations to the assigned limit of frequency of 25 KHz and remove its all towers for which no approval has been granted by the Authority.*

(c). *In case of failure on the part of the licensee in complying with the aforesaid orders within the period mentioned above, the license No.DIR (L) CVAS-270/2007 dated 18th August, 2008 shall stand terminated w.e.f. 26th November, 2008.*

2.1. (a). *the licensee is directed to stop forthwith the illegal and unauthorized use of the said frequency spectrum / spots in Lahore and restrict its systems / operations only to its duly assigned limits of frequency spectrum / spots and remove all its towers for which no approval has been granted by the Authority and submit compliance report to the Authority and FAB by 20th January, 2009;*

(b). *the licensee may, apply and request for allocation of frequency spectrum / spots for Lahore, on the relevant prescribed Forms which will be analyzed and processed for the Authority's consideration as per prevailing procedure(s); and*

(c). *in case of failure on the part of the licensee in complying with the aforesaid orders, the licence No.DIR(L)/CVAS-270/2007 dated 18th August, 2008 shall STAND SUSPENDED w.e.f. **21st January, 2009** till next orders of the Authority.*

viii. as the company failed to comply with aforesaid determinations/orders, hence, its license was terminated vide PTA letter dated 17th March, 2009.

3. Hearing given to the company:

Pursuant to the application for reconsideration dated 20th July, 2009, the company was called for hearing through our letter dated 24th July, 2009. It appeared before us through Ch. Muhammad Nasir Bhaddar (CEO) and Mr. Iftikhar Zia (Manager C.S) who reiterated the same request as mentioned in its letter dated 20th July, 2009 for restoration of license. On inquiry it submitted that the system of the company was switched off in-compliance with the decisions of the Authority. However, it is removing the equipment from 10-15 vehicles per day to avoid interference usually caused by signals/beams generated by the equipment installed in vehicles and which is not under the control of the company. At present only two to three thousand vehicles are remaining, for which efforts are underway to replace/change the equipment.

4. Decision of the Authority:

4.1. Keeping in view the foregoing details, the termination of license is re-considered as the company has fulfilled the requirements of the determinations and, therefore, the license No.DIR (L) CVAS-270/2007 dated 18th August, 2008 is restored with immediate effect alongwith the frequency spots 450.660 MHz/468.650 MHz assigned vide letter No.FAB/R-6/2000 dated 5th July, 2004 with technical parameters specified in letter No.FAB/R-6/2000 dated 12th February, 2001 allocated for Karachi.

(S. Nasrul Karim A. Ghaznavi)
Member (Finance)

(Dr. Khawar Siddique Khokhar)
Member (Technical)

(Dr. Mohammed Yaseen)
Chairman

Signed on 31st August, 2009 and comprises 06 pages.