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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PAKISTAN TELECOMMUNICATION AUTHORITY

NOTIFICATION

Islamabad, the 24th September, 2008

S. R. O. 1015 (I)/2008.—In exercise of the Powers conferred by clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996, the Pakistan Telecommunication Authority has approved amendments in the Pakistan Telecommunication Authority (Functions and Powers) Regulations, 2006:

Short Title and Commencement.—(1) These regulations shall be called the Pakistan Telecommunication Authority (Functions and Powers) (Amendment) Regulations, 2008.

(2) They shall come into force at once.

At page 1249 regulation 7 shall be deleted.

At page 1250 sub-regulation (5) of regulation 10 shall be re-worded as follows:

(3809)

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“An officer duly authorized by the Authority may initiate legal action under section 23 of the Act if licensee failed to maintain quality of service as set out in the license, Regulations and/ or KPIs and/or failed to comply any of the provision of these regulations or failed to submit compliance report as per sub-regulation (3) above.”

At page 1251 sub-regulation (3) of regulation 13 shall be re-worded as follows:

“The applications for a license shall be filed within dates specified by the Authority.”

At page 1251 sub-regulation (6) of regulation 13 shall be re-worded as follows:

“The Authority shall give its decision on applications as specified by the Authority from time to time.”

At page 1254 sub-regulation (5) of regulation 20 shall be deleted.

At page 1255 regulation 21 shall be substituted as follows:

“Transfer/assignment/sub-license/change in control of license:—

(1) A license granted under the Act shall not be assigned, sub-licensed to, or held on trust for any person, without the prior written consent of the Authority.

(2) Subject to sub-regulation (3), the licensee may not, without the prior written permission of the Authority, through any sale or pledge of, or mortgage or charge over, any of its licensed telecommunication system, through contract or otherwise, render itself incapable of performing any of its obligations under its license provided that the Authority’s permission shall not be required where the licensee creates a charge over any of its assets to secure repayment of a loan or any other financing facility obtained in the normal course of business.

(3) If, pursuant to sub-regulation (2), the licensee is required to obtain the permission of the Authority, then it shall furnish to the Authority all such documents and information as the Authority may consider necessary to enable the Authority to make a determination as to whether permission should be granted or not. On receipt of requisite documents and information, the Authority may grant permission to the licensee for the proposed sale or pledge of, or mortgage or charge over, any specified part of the licensee’s licensed telecommunication system either unconditionally or subject to such conditions as the Authority may deem appropriate to protect the interests of the consumers using the licensee’s telecommunication services.

(4) A permission given by the Authority under sub-regulation (3) shall include the requirement that the licensee shall take all necessary action to ensure the continuous and uninterrupted use of that part of the licensee's licensed telecommunication system being sold, pledged, mortgaged or charged.

(5) If a substantial ownership interest in, or control of, a licensee is proposed to be changed, the licensee shall give the Authority notice of such fact in writing. That written notice shall include all relevant details of the proposed change. If the Authority is of opinion, that the proposed change shall adversely affect the ability of the licensee to provide its licensed telecommunication services, it may impose such additional conditions in the license as shall be reasonable and directly relevant to the proposed change.

Explanation.—For the purpose of sub-regulation (5):—

- (i) "control" means the ability to direct the exercise, whether directly or indirectly and whether through one or more entities, of more than fifty per-cent of the voting rights exercisable at any general meeting of the shareholders of the licensee; and
- (ii) "substantial ownership interest" means more than ten per cent of the issued share capital of the licensee.

(6) The Authority may prescribe its procedures/SOPs for regulating the transfer of license and control of management."

At page 1255 sub-regulation (1) of regulation 23 shall be substituted as follows:

"Apart from any other fee, which the Authority may impose with respect to any activity relating to the licenses issued by it, the Authority may levy and charge the following fees:"

At page 1256 clause (d), (e), (f) of sub-regulation (1) of regulation 23 shall be deleted.

At page 1256 the proviso, Explanation I & II shall be deleted.

At page 1257 sub-regulation (2) of regulation 23 shall be re-worded as follows:

"The Authority may charge the initial license fee in full at the time of issuing of license or in parts as prescribed in the license".

At page 1257 sub-regulation (4) & (5) of regulation 23 shall be deleted.

At page 1257 sub-regulation (6) of regulation 23 shall be re-worded as follows:

"All fees, as the Authority may lay down, shall be paid to the Authority by depositing directly in PTA's bank account of the scheduled bank informed by PTA, under intimation to the Authority, or shall be paid in any other manner as prescribed by the Authority from time to time."

At page 1257 sub-regulation (7) of regulation 23 shall be re-worded as follows:

"The licensee shall pay such fees as mentioned in the license or otherwise determined by the Authority, as the case may be, within due dates. In case of late payment of any fee, the licensee shall pay an additional fee at the rate of 2% per month on the outstanding amount for each month or part thereof."

At page 1260 sub-regulation (1) of regulation 29 shall be re-worded as follows:

"The hearing convened pursuant to the hearing notice referred to in Regulation 28 above may be proceeded in the following manner:"

At page 1260 clause (c), (e), (f) in sub-regulation (1) of regulation 29 shall be deleted.

At page 1261 sub-regulation (2) of regulation 31 shall be substituted as follows;

"Each Complaint of claim lodged under this regulation shall be accompanied by any other relevant documents the complainant/claimant may like to attach in support of the complaint or claim with solemn affirmation that"

At 1263 sub-regulation (6) of regulation 32 shall be deleted.

At page 1269 sub-regulation (7) of regulation 32 shall be deleted.

At page 1269 the proviso after sub-regulation (2) of regulation 33 shall be re-worded as follows:

“Provided that in cases of urgent nature, the reply may be called for promptly through telephone, fax, e-mail or any other prompt means of communication.”

At page 1264 regulation 35 shall be deleted.

At page 1264 regulation 36 shall be deleted.

At page 1265 sub-regulation (3) of regulation 38 shall be deleted.

At page 1265 sub-regulation (4) of regulation 38 shall be deleted.

At page 1265 sub-regulation (5) of regulation 38 shall be deleted.

At page 1265 sub-regulation (8) of regulation 38 shall be deleted.

At page 1266 regulation 39 shall be deleted.

At page 1266 in sub-regulation (1) of regulation 40 after the word ‘against’ the following words shall be inserted **“evidence of depositing”**.

At page 1266 after sub-regulation (1) of regulation 40 the following new sub-regulation shall be inserted:

“(1A) The Appellant shall be informed of any deficiency in the appeal who shall remove the deficiency within the given period in writing and in case of Appellant’s failure to remove the deficiency the appeal shall be treated as having not been filed.”

At page 1266 regulation 41 shall be deleted.

At page 1267 regulation 42 shall be deleted.

At page 1267 clause (b) of sub-regulation (1) of regulation 43 shall be deleted.

At page 1267 clause (d) of sub-regulation (1) of regulation 43 shall be deleted.

At page 1267 clause (e) of sub-regulation (1) of regulation 43 shall be deleted.

At page 1268 clause (d) of sub-regulation (1) of regulation 44 shall be deleted.

At page 1268 after sub-regulation (1) of regulation 44 the following new sub-regulations shall be inserted:

“44-A. Quorum for hearing:—Presence of majority of Members of the Authority shall constitute quorum for the purposes of hearing.

44-B. Adjournment of hearing:—The Authority may for its own reasons or on the written request received at least one working days prior to the date fixed by either party to the hearing under Chapter III of these regulations adjourn the hearing to another reasonable date by giving reasons.

44.-C. Ex-parte proceedings:—The Authority may proceed ex-parte against any licensee who is party to any of the hearings under Chapter III, in the case of that party's failure to appear before the Authority on the date fixed for hearing.”

At page 1268 regulation 45 shall be deleted.

At page 1268 sub-regulation (1) of regulation 47 shall be substituted as follows:

“Without prejudice to any other requirements under the License or the Act or any applicable Rules or Regulations under which the Licensee may be required to provide any information to the Authority, the Licensee shall submit to the Authority or officer of the Authority, any information, data, statistics, etc. in the manner, format and/or at the times, the Authority or officer of the Authority, as the case may be, require either service wise or geographic wise, i.e., country wise, province wise, district wise or city wise, quality of service, Consumer base, performance, roll-out and operations in the prescribed format in the licensed territory or part of such licensed territory which the Authority or officer of the Authority may reasonably require for the purposes of carrying out its functions.”

At page 1269 sub-regulation (2) of regulation 47 shall be deleted.

At page 1269 sub-regulation (3) of regulation 47 shall be deleted.

At page 1269 regulation 50 shall be deleted.

ERUM LATIF,
Assistant Director (Law & Regulations).