

License Framework

Masukan Untuk Pokja Mastel
Roadmap/RUU Telekomunikasi
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Introduction

- Dalam Blueprint Telekomunikasi yang diusulkan Mastel kepada Regulator pada tahun 2005 yang lalu sudah diusulkan license framework.
- Sebaiknya berangkat dari usulan ini Pokja roadmap menyusun kembali license framework yang sesuai dengan kondisi sekarang.
- License framework yang diimplementasikan di beberapa negara (India, Singapore, Malaysia dll) bisa dijadikan benchmark termasuk framework unified license regime yang sudah direkomendasikan TRAI (Telecom Regulatory Authority of India) kepada pemerintah India
- Beberapa summary dapat dilihat pada slide berikutnya

Blue Print Mastel

- Mengingat bahwa di masa yang akan datang jenis layanan dan liputannya akan berlipat ganda variasinya, “entry” kedalam jasa-jasa telematika dilakukan melalui 4 (empat) tingkatan perizinan yang memungkinkan penyederhaan proses perizinan yaitu dengan adanya 4 (empat) jenis atau kategori izin sektor telematika:
 - Tanpa izin/lisensisasi sama sekali (relevan untuk jasa penciptaan isi dan pengintegrasian isi) – TL
 - Lisensi Klas (Class License) – LK
 - Lisensi Individual – tanpa pembatasan dalam berkompetisi – LI
 - Lisensi Individual – dengan kebijakan kompetisi khusus, dan pemantauan intensif – LIX
- Untuk jasa-jasa pada kategori/jenis LK (*Class License*) hanya diperlukan registrasi penyelenggaraan saja.
- Sedangkan untuk yang memerlukan pemantauan dan pengendalian, baik secara umum ataupun secara khusus, tetap harus mendapatkan lisensi individual (*Individual License*), dapat berbentuk LI atau LIX.

Blue Print Mastel

- Cepat atau lambat akan ada perpindahan kategori izin kearah semakin terbuka dan lunak persyaratannya, misalnya jasa yang semula termasuk LK dapat menjadi TL, atau yang tadinya LIX menjadi LI, bahkan menjadi LK, dan seterusnya.
- Ini berarti juga pergeseran dari jumlah pelaku yang dibatasi menjadi jumlah pelaku yang semakin kurang dibatasi atau sama sekali tidak dibatasi oleh peraturan perizinan, dan hanya dibatasi oleh perilaku pasar.
- Namun demikian, tetap akan ada situasi dimana jumlah pelaku dalam satu kategori dibatasi, misalnya karena terbatasnya tersedianya frekuensi, maka hal ini tentunya merupakan faktor penentu yang secara wajar menghalangi perolehan kesempatan beroperasi serta membatasi jumlah pelakunya.

Blue Print Mastel

- Beberapa contoh jasa-jasa yang hendaknya masuk dalam berbagai kategori izin diatas adalah:
 - Tanpa Lisensi - TL: Fasilitas PABX (masuk segmen NFP), Jasa Jaringan berbentuk *Local Area Network - LAN* (segmen NSP), Layanan e-transaksi (ASP), MMS content Provider (segmen content packaging);
 - Class License - KL: Jasa Jaringan berupa Wireless Local Area Network - WLAN (segmen NSP), Jasa *Multimedia Messaging Service - MMS* (segmen ASP);
 - Lisensi Individual – LI: Semua bentuk fisik “fasilitas” yang merupakan bagian dari jaringan, Stasiun Bumi, Menara-menara (dalam segmen NFP), Layanan Lokal, Layanan Sistem Telepon Bergerak Seluler - STBS, Layanan sebagai *Internet Service Provider - ISP*, Jasa Internet Teleponi untuk Keperluan Publik - ITKP (segmen ASP), Direct To Home – DTH, Video On Demand - VOD (segmen CASP);
 - Lisensi Individual dengan kebijakan/ aturan persaingan khusus – LIX : Jaringan Stasiun / Sistem Satelit (segmen NFP), Jaringan SLJJ, Jaringan STBS (NSP).

Telco Regulation Handbook

Menurut Telco Regulation Handbook secara umum license framework dalam industri telekomunikasi dibagi menjadi 3 kategori:

Type of Licensing Requirement	Main Features	Examples
Individual Licences (Operator Specific Licences)	<ul style="list-style-type: none"> • usually a customized and detailed licence document • frequently granted through some form of competitive selection process • useful where: (i) a scarce resource or right is to be licensed (e.g. spectrum) and/or (ii) the regulator has a significant interest in ensuring that the service is provided in particular manner (e.g. where the operator has significant market power) 	<ul style="list-style-type: none"> • basic PSTN services in a monopoly market • mobile and fixed wireless services • any service requiring spectrum
General Authorizations (Class Licences)	<ul style="list-style-type: none"> • useful where individual licences are not justified, but where there are significant regulatory objectives which can be achieved by establishing general conditions • normally contain provisions relating to consumer protection and other essential requirements • generally issued without competitive selection process; all qualified entities are authorized to provide service or operate facilities 	<ul style="list-style-type: none"> • data transmission services • resale services • private networks
Services which may be provided without a licence (fully liberalized services)	<ul style="list-style-type: none"> • no licensing process or qualification requirements • useful where an activity is technically caught within the definition of activities subject to regulation (e.g. offering a telecommunications service to the public) but where there is no justification for imposing licence requirements • general requirements (e.g. registration with the regulator) can be imposed through a general regulation or order 	<ul style="list-style-type: none"> • Internet service providers (ISPs) • Value-added services

Unified Licensing Regime

TRAI Recommendation

- License framework diklasifikasikan berdasarkan Teknologi dan telecommunication services sbb:
 - Acces Provider
 - Cellular Mobile Service Providers
 - Fixed Service Providers
 - Cable Service Providers
 - Internet Telephony
 - Radio Paging Service Providers
 - Public Mobile Radio Trunking Service Providers
 - National Long Distance Operator
 - International Long Distance Services
 - Other Service Providers
 - Global Mobile Personal Communication Services
 - VSAT Service Providers
 - Pada January 2005 Telecom Regulatory Authority of India memberikan rekomendasi Unified Licensing Regime, ada 4 kategori license.
 - Unified License
 - Class License
 - Licensing through Authorisation
 - Standalone Broadcasting and Cable TV licence.
- Namun sampai sekarang belum diimplementasikan

India

Licensing Framework

Category	Types of service	Registration Charge (Entry Fee)	License Fee	Bank Guarantees	Service Area	Roll-out obligations
Unified License	All telecom services including Basic, Cellular, Unified Access Service, NLD, ILD, GMPCS, Cable TV, DTH, TV and Broadcasting Services, Internet Telephony, etc. and all services covered under class license, 'Licensing through Authorisation' and standalone Broadcasting & Cable licences.	Registration charge# shall be Rs. 107 crores <u>plus</u> a function of BSO's (entered in/after 2001) entry fee depending on the Service area(s)/Circle(s) where the Unified Licensee wishes to offer access services. Rs. 107 crores is the discounted value of NLD +ILD entry fee. The total registration charge shall be gradually reduced from the recommended level to Rs. 30 lakhs after 5 yrs.	6% of Adjusted Gross revenue (AGR) i.e. Contribution to USF (5%) + Administrative cost (1%). As the sector revenues grows, the Government may consider reviewing the level of USO levy and Administrative fee	Performance Bank Guarantee (PBG) for Unified License will be as per UASL. For NLD/ILD operators and UALs who do not migrate to Unified Licensing Regime, the existing PBG shall continue.	National level or circle level (same as in UAS regime).	For access services: UASL rollout obligations For National long distance services, the licensee <u>shall</u> make an arrangement to pick up/handover long distance traffic of his subscribers in all service areas. Inter-service area traffic could be handed over/picked up at the choice of Unified Licensee/NLDO either at a central location or LDCA. The traffic could also be handed over/picked up at SDCA level with the mutual consent of interconnecting service providers. For ILD services existing roll-out obligations would continue.

India

Licensing Framework

Category	Types of service	Registration Charge (Entry Fee)	License Fee	Bank Guarantees	Service Area	Roll-out obligations
Class License	Services covered under 'Licensing through Authorisation', VSAT Services and Niche operators*	Nil	6% of Adjusted Gross revenue (AGR) i.e. Contribution to USF (5%) + Administrative cost (1%). As the sector revenues grows, the Government may consider reviewing the level of USO levy and Administrative fee.	Nil	National level or circle level (same as in UAS regime). For niche operators service area would be at SDCA level.	Class License
Licensing through Authorisation	IP-I, IP-II, Radio Paging, PMRTS Services and Internet services (along with existing restricted internet telephony)	Nil	Nil	Nil	National level or circle level (same as in UAS regime).	Nil
Standalone Broadcasting and Cable Licenses	As at Present					

Singapore

Licensing Framework

- Licensing framework is formulated on a hierarchical basis with Facilities-Based Operators (FBO) being at the higher hierarchical level. Thus, licensees who are licensed as FBO would be able to offer the services that Services-Based Operators (SBO) can offer, but not vice versa.

Singapore

FBO License Framework

- **FBO License Framework**

- The range of telecommunication services to be provided over the FBO licensees' facilities can include backbone/wholesale bandwidth capacity and interconnection/access services to other licensed telecommunication operators, or other domestic and international services such as the following:
 - Public Switched Telephone Services
 - Public Switched Message Services
 - Public Switched Integrated Services Digital Network (ISDN) Services
 - Leased Circuit Services
 - Public Switched Data Services
 - Public Radiocommunication Services²
 - Public Cellular Mobile Telephone Service (PCMTS)
 - Public Radio Paging Services (PRPS)
 - Public Trunked Radio Services (PTRS)
 - Public Mobile Data Services (PMDS)
 - Public Mobile Broadband Multimedia Services
 - Public Fixed-Wireless Broadband Multimedia Services
 - Terrestrial Telecommunication Network for Broadcasting Purposes
 - Satellite Uplink/Downlink for Broadcasting Purposes

Singapore

FBO License Framework

- IDA will consider favourably applications by an FBO to be designated as a Public Telecommunication Licensees (PTL) if the FBO commits to substantial infrastructure investment and rollout to offer services to a significant proportion of the population within a reasonable period of time.
- Licensees are required to comply with the Code of Practice for Competition in the Provision of Telecommunication Services (Telecom Competition Code), which aims to ensure the development of a fair and competitive telecommunication environment in Singapore. Other codes of practice and regulatory guidelines include the Code of Practice for Information Communication Facilities in Buildings (COPIF) and the Accounting Separation Guidelines.

Singapore

FBO License Framework

FBO Licence Fees and Licence Duration

Licence	Licence Fee
<ul style="list-style-type: none"> • FBO designated as PTL 	Initial Fee: None Annual Fee: 1% AGTO, subject to a minimum of S\$250,000 per year Licence Duration: 20 years, renewable for a further period as IDA thinks fit
<ul style="list-style-type: none"> • Terrestrial telecommunication networks for telecommunication purposes 	Initial Fee: None Annual Fee: 1% AGTO, subject to minimum of S\$100,000 per year Licence Duration: 15 years, renewable for a further period as IDA thinks fit
<ul style="list-style-type: none"> • Public cellular mobile telephone services • Public mobile broadband multimedia services • Public fixed-wireless broadband multimedia services 	Due to limited frequency spectrum, the licence fees and licence duration will be specified together with the approach to award the respective spectrum rights and licences, via a comparative selection exercise and/or an auction exercise.
<ul style="list-style-type: none"> • Public radio paging services • Public mobile data services • Public trunked radio services 	Initial Fee: None Annual Fee: 1% AGTO, subject to minimum of S\$1,200 per year Licence Duration: 10 years, renewable for a further period as IDA thinks fit
<ul style="list-style-type: none"> • Terrestrial telecommunication network for broadcasting purposes only • Satellite Uplink/Downlink for broadcasting purposes 	Initial Fee: None Annual Fee: S\$5,000 Licence Duration: 10 years, renewable on a 5-yearly basis

Singapore

SBO License Framework

- SBO License Framework
 - Operators intending to lease telecommunication network elements (such as transmission capacity and switching services) from any Facilities-Based Operator (FBO) licensed by the IDA so as to provide their own telecommunication services, or to resell the telecommunication services of FBOs, to third parties; may apply to IDA for a Services-Based Operator (SBO) Licence. Operators who have deployed telecommunication network, systems and facilities within their own property boundaries, but wish to offer telecommunication services to third parties resident within their property boundaries, should also apply for an SBO licence.
 - The SBO licences issued by IDA fall under two categories: the **SBO (Individual) Licence** category, where individual licensing is required for the stipulated types of operations and services; and the **SBO (Class) Licence**¹ category, where interested parties will only be required to register with IDA before providing the stipulated types of services. Parties providing SBO operations and services will thus either be individually or classed licensed by IDA, depending on the scope of the operations and nature of the services. In general, operators who lease international transmission capacity for the provision of their services will be licensed individually. Interested parties should also note that separate licences or authorisation may be required from other relevant government agencies for the provision of certain types of SBO services and operations².

Singapore

SBO License Framework

- The range of operations and services that requires individual licensing under the SBO (Individual) Licence category includes, but is not limited to, the following:
 - International Simple Resale (ISR)³
 - Resale of Leased Circuit Services
 - Public Internet Access Services
 - Internet Exchange Services
 - Virtual Private Network Services
 - Managed Data Network Services
 - Store-and-Forward (S&F) Value-Added Network Services
 - Mobile Virtual Network Operation
 - Bandwidth Capacity Exchange Operation
 - Backhaul Bandwidth Capacity Services
 - Live Audiotex Services
 - Prepaid Services for other telecommunication services such as:
 - Call-back / Call Re-origination Services
 - Internet Based Voice and Data Services
 - Store-and-Retrieve (S&R) Value-Added Network Services
 - International Calling Card (ICC) Services
 - Resale of Public Switched Telecommunication Services
 - Global Mobile Personal Communications by Satellite (GMPCS) Services
 - IP Telephony Services

Singapore

SBO License Framework

- The range of operations and services that falls under the SBO (Class) Licence category includes, but is not limited to, the following:
 - Call-back/Call Re-origination Services
 - Internet Based Voice and Data Services
 - Resale of Public Switched Telecommunication Services
 - Store-and-Retrieve (S&R) Value-Added Network Services
 - International Calling Card (ICC) Services
 - Audiotex Services
 - Public Chain Payphone Services

Malaysia

Licensing Framework

- Under the Communications and Multimedia Act 1998, there are four categories of licensable activities :
 - Network Facilities Providers - who are the owners of facilities such as satellite earth stations, broadband fibre optic cables, telecommunications lines and exchanges, radiocommunications transmission equipment, mobile communications base stations, and broadcasting transmission towers and equipment. They are the fundamental building block of the convergence model upon which network, applications and content services are provided.
 - Network Services Providers - who provide the basic connectivity and bandwidth to support a variety of applications. Network services enable connectivity or transport between different networks. A network service provider is typically also the owner of the network facilities. However, a connectivity service may be provided by a person using network facilities owned by another.
 - Applications Service Providers - who provide particular functions such as voice services, data services, content-based services, electronic commerce and other transmission services. Applications services are essentially the functions or capabilities, which are delivered to end-users.
 - Content Applications Service Providers - who are special subset of applications service providers including traditional broadcast services and newer services such as online publishing and information services.
- Within the four categories listed, there are two types of licenses provided for – INDIVIDUAL LICENSE and CLASS LICENSE
 - Individual licenses are granted for activities where a high degree of regulatory control is required.
 - Class Licenses are annually renewable and are entered into Registers maintained by the Malaysian Communications and Multimedia Commission.

Malaysia

Licensable Activities

Licensing Category	Individual Licence	Class Licence	Exempt/Unlicensed
Network Facility Provider	<ul style="list-style-type: none"> Earth Stations Fixed links and cables Public payphone facilities Radiocommunications transmitters and links Satellite hubs Satellite control station Space station Submarine cable landing centre Switching centre Towers, poles, ducts and pits used in conjunction with other network facilities 	<ul style="list-style-type: none"> Niche or limited purpose network facilities 	<ul style="list-style-type: none"> Broadcasting and production studios Incidental network facilities Private network facilities
Network Service Provider	<ul style="list-style-type: none"> Bandwidth services Broadcasting distribution services Cellular mobile services Access applications service Space service 	<ul style="list-style-type: none"> Niche customer access Niche connection service 	<ul style="list-style-type: none"> Incidental network services LAN services Private network services Router Internetworking
Applications Service Provider	<ul style="list-style-type: none"> PSTN Public cellular services IP telephony Public payphone service Public switched data service 	<ul style="list-style-type: none"> Audiotext hosting services provided on an opt-in basis Directory services Internet access services Messaging services 	<ul style="list-style-type: none"> Electronic transaction service Interactive transaction service Networked advertising boards and Cineplex Web hosting or client server
Content Applications Service Provider	<ul style="list-style-type: none"> Satellite broadcasting subscription Broadcasting Terrestrial free to air TV Terrestrial radio broadcasting 	<ul style="list-style-type: none"> Not issued 	<ul style="list-style-type: none"> Internet content applications services