



REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
UNION MINISTER'S OFFICE

Instructions and Application Form
Network Facilities Service (Individual) License and
Network Service License



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Introduction to the Instructions and Registration Form

Under the licensing framework established by the Telecommunications Law and Licensing Rules, a person must obtain a Network Facilities Service (Individual) License (referred to as the NFS(I) License) or a Network Service License (referred to as the NS License) prior to engaging in the activities permitted under the applicable License.

Under the Licensing Rules, the Application process to obtain an NFS(I) License and NS License is more stringent than the Registration process for the Application Service and Network Facilities Service (Class) Licenses. This is due to the fact that NFS(I) and NS Licenses authorize Licensees to engage in activities that generally require more significant investments and expertise, as well as permit access to scarce resources and provide international telecommunications services.

This document provides the background and instructions on submitting an Application Form, followed by the Application Form to be submitted to the Posts and Telecommunications Department ("Department"). The Instructions on the Application Form provide an overview of the NFS(I) and NS Licenses; guidelines for submitting the Application Form; an overview of the criteria by which Applications will be evaluated; and a checklist of documents to be submitted with the Application. All relevant portions of the Application Form must be completed in full and submitted according to the provisions detailed below.

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Instructions on the Application Form for NFS(I) and NS Licenses

Overview of the Telecommunications Service Licenses

The following provides a brief overview of the Network Facilities Service (Individual), Network Service, Application Service and Network Facilities Service (Class) Licenses. Please refer to the Licensing Rules for a full description of the licensing categories and the license application procedures.

Network Facilities Service (Individual) License authorizes the Licensee to:

- construct, maintain and operate network facilities;
- lease all or part of the Licensee's network facilities and capacity to an NS Licensee or Application Service (AS) Licensee; and
- provide any type of public or private telecommunications services, whether on an international or national level, to the public and/or to another licensee holding a valid NS License or AS License.

The activities authorized by the NFS(I) License include, but are not limited to, the construction, maintenance and operation of and the provision of telecommunications services over:

- terrestrial fixed line transmission facilities;
- terrestrial radio transmission facilities;
- mobile base station facilities;
- submarine cable facilities;
- international gateway services facilities;
- satellite earth station facilities;
- other satellite facilities located in the Republic of the Union of Myanmar providing capabilities for the transmission of telecommunications services; and
- any Telecommunications Services authorized by the NS, AS and NFS(C) Licenses.

Network Service License authorizes the Licensee to:

- lease transmission capacity directly from an NFS(I) Licensee and/or another licensee (as set forth in the rules) in order to provide public or private telecommunications services, whether on an international or national basis, to end users and/or another licensee (as set forth in the rules).
- provide all services that are authorized by an NS License and an AS License.

The NS License does *not* authorize an NS Licensee to:

- construct, maintain and operate a telecommunications network facility, except for switches, routers and processing equipment necessary to provide the Licensed service(s); or
- engage in activities requiring scarce spectrum resources assigned by the Ministry of Communications and Information Technology.

The activities authorized by the NS License include, but are not limited to, the provision of the following telecommunications services:



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- resale of wireline connectivity services;
- resale of terrestrial wireless connectivity services;¹
- international and domestic network transport and switching services;
- resale of international gateway services; and
- any Telecommunications Services authorized by the AS License.

Application Service License authorizes the Licensee to:

- lease transmission capacity directly from an NFS(I) Licensee and/or an NS Licensee in order to provide public or private telecommunications services on a national basis, to end users and/or to other licensees (as set forth in the rules).
- provide all services authorized by the AS License only.

The AS License does *not* authorize the Licensee to:

- construct, maintain and operate telecommunications network facilities and infrastructure, except for switches, routers and processing equipment necessary to provide the licensed service(s); or
- offer telecommunications services on an international basis; or
- engage in activities requiring telephone numbers or scarce spectrum resources.

The activities authorized by the AS License include, but are not limited to, the provision of the following telecommunications services:

- public payphone services;
- public switched data services;
- audiotext hosting services provided on an opt-in basis;
- directory services;
- Internet service provider services;
- public access center services
- messaging services;
- private line voice and/or data services;² and
- value-added services.

Network Facilities Service (Class) License authorizes the Licensee to:

- construct, deploy and maintain passive telecommunications network infrastructure and to lease such infrastructure to an NFS(I) Licensee. An NFS(C) Licensee is not restricted from leasing its infrastructure to multiple entities on a shared basis, to a single entity or to third party non-Licensees provided that such leasing is permitted under the laws and rules of the Republic of the Union of Myanmar.

¹ The Department may defer any authorizations of this activity until 2016.

² This includes the leasing of capacity to provide wide area network services to third parties on a commercial basis.



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- construct, deploy and maintain telecommunications networks solely for the self-provision of telecommunications services and not available for sale or hire.

The activities authorized by the NFS(C) License relating to the deployment and maintenance of:

- any type of passive network infrastructure for civil engineering elements and other telecommunications equipment to enable end-to-end telecommunications infrastructure solutions for NFS(I) Licensees include, but are not limited to: towers, masts, ducts, trenches, poles, dark fiber and radio equipment installed to send, receive and route communications, provided that the NFS(C) Licensee does not offer telecommunications services other than self-provided telecommunications services.
- telecommunications networks and the self-provision of telecommunications services used solely for internal communications are limited to network facilities and telecommunications services that only permits internal/intra-organizational communications and does not provide interconnection with any other network.

Guidelines for Submitting the Application Form for a Network Facilities Service (Individual) License or Network Service License

The Applicant must submit to the Department a cover letter, plus one original and three (3) copies of the completed Network Facilities Service (Individual) (NFS(I)) License and/or Network Service License Application Form below in an envelope marked “**Network Facilities Service (Individual) License Application**” or “**Network Service License Application**” to:³

ATTN: Licensing Department
Posts and Telecommunications Department
Ministry of Communications and Information Technology of the Republic of the Union of Myanmar
Building No.2
Nay Pyi Taw, Myanmar

Unless exempted according to the Licensing Rules:

- An NFS(I) Applicant must include with the Application an Application Fee of MMK 10,000,000 in the form of a certified check or bank draft.
- An NS Applicant must include with the Application an Application Fee of MMK 5,000,000 in the form of a certified check or bank draft.⁴

The Applicant must provide proof that it is a company with a current registration in the Republic of the Union of Myanmar under the Myanmar Companies Act³ and must ensure that the original Application Form is signed by an authorized representative of the Applicant.

An Applicant may request confidential treatment for information in its Application Form that it believes is commercially sensitive or proprietary. Any requests for confidential treatment should be clearly indicated in the cover letter to the Application Form. It is at the Department’s sole discretion to grant confidential treatment to any or all information for which confidential treatment is requested.

³ Note that under the hierarchical licensing framework, an Applicant will apply for either an NFS(I) License or NS License.

⁴ Pursuant to Section 86 of the Licensing Rules, entities holding a License issued by the Department prior to the enactment of the Licensing Rules are exempted from paying the Application fee for the replacement License issued under the new Licensing Framework.



Overview of the Evaluation Process for NFS(I) License and NS License Applications

Pursuant to Section 10(i) of the Licensing Rules, the Department will issue NFS(I) Licenses and NS Licenses on a non-exclusive basis. Therefore, the Department's evaluation process for NFS(I) License and NS License Applications is intended to ensure that an Applicant satisfies the criteria set forth below and can demonstrate that it possesses adequate financial and technical capabilities to engage in the proposed Licensed activities. The Department will not reject an Application unless there are objectively justifiable reasons for doing so. Refer to the Licensing Rules for further details on the Application process and timing of decisions.

An Applicant is encouraged to provide as much detailed information as possible on the Application. In the event that the Department requests further information to process an Application, the Applicant should submit this information promptly. An Applicant's failure to respond within thirty (30) days to a written request for more information from the Department may result in rejection of the Application, unless the Applicant submits written reasons for the delay and the Department determines it is for good cause.

Within sixty (60) days of receiving an Application form for an NFS(I) License or NS License deemed to be complete and accurate, the Department and Ministry shall review the application and notify the Applicant of their decision. If the review of a complete and accurate Application is expected to exceed sixty (60) days, the Department shall provide written notice to the Applicant explaining the reason(s) for the delay.

If the Department has requested additional information from the Applicant, the Department shall have sixty (60) days from receiving the additional information to complete its review of the Application. If the review of a complete and accurate Application is expected to exceed sixty (60) days, the Department shall provide written notice to the Applicant explaining the reason(s) for the delay.

Upon receipt of a License, the Applicant shall (i) pay the initial fee (unless exempted) and (ii) sign the License and submit it to the Department within sixty (60) days. If the Applicant fails to comply with either of these two requirements, the Department may cancel the License unless the Applicant submits written reasons for the delay in signing the License and the Department determines it is for good cause. If the Department cancels a License due to the Applicant's failure to sign the License as required, the Applicant will need to re-submit the Application and pay another Application Fee. Applicants that are exempted from paying the initial Application Fee will be required to pay the Application Fee with any re-submission of the Application.

Checklist of Documents to be Attached to the Application

- Cover letter on the Applicant's letterhead. Any requests for confidential treatment should be clearly indicated in the cover letter.
- Complete and accurate Application Form signed by a Director of the Applicant, including the following Attachments for all Applicants:
 - Attachment 1: Additional Responses
 - Attachment 2. Company Registration Certificate
 - Attachment 3. Memorandum and Articles of Association
 - Attachment 4. Technical Plan
 - Attachment 6. Certificate of Paid-Up Capital



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- The following Attachments must be submitted by Applicants for the NFS(I) License only:
 - Attachment 5. Business Plan
 - Attachment 7. Financing Plan
 - Attachment 8. Audited Accounts
- Unless exempted by the Licensing Rules, an Application Fee of MMK 10,000,000 in the form of a certified check or bank draft for NFS(I) License Applicants and MMK 5,000,000 in the form of a certified check or bank draft for NS License Applicants.

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Application Form for NFS(I) and NS Licenses

- This Application Form must be fully completed. The Department is under no obligation to review an Application Form that is incomplete, inaccurate, contains false information or is not submitted in accordance with the Telecommunications Law or the Licensing Rules.
- Provide responses in the tables below. If additional space is required to complete the Application Form, clearly identify the question numbers on the Application Form being answered in attached pages labeled “**Attachment 1: Additional Responses.**” If attached pages are not required, state in Attachment 1, “No additional space required.”
- Any word or phrase used in the Application Form has the same meaning as in the Telecommunications Law or the Licensing Rules.

PART 1. TYPE OF APPLICATION (complete either section 1 or 2, as appropriate)

<p>1. Applicant is requesting an initial License to provide:</p> <p>a) Network Facilities Services (Individual)⁵</p> <p>b) Network Services⁶</p> <p>(Pick only one)</p>	
<p>2. Applicant is requesting a renewal of a License to provide:</p> <p>a) Network Facilities Services (Individual)</p> <p>b) Network Services</p> <p>(Pick only one)</p>	

PART 2. PARTICULARS OF APPLICANT

<p>3. Entity name⁷</p>	
<p>4. Registered business address</p>	

⁵ Mark as an initial registration if the registering entity was previously issued an NFS(I) License, but such License has been surrendered, terminated/revoked or expired.

⁶ Mark as an initial registration if the registering entity was previously issued an NS License, but such License has been surrendered, terminated/revoked or expired.

⁷ For purposes of this Application Form, entity refers to any company, corporation, governmental body or other legal entity.



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5. Company Registration number	
6. Correspondence address	
7. Date of incorporation/ formation (dd/mm/yyyy)	
8. Place of incorporation/ formation	
9. Contact person for Application Title Postal Address Telephone number Fax number Email address	
10. Contact person in Myanmar to receive official notices Postal address Telephone number Fax number Email address	

PART 3. DIRECTOR AND OWNERSHIP DETAILS

11. Name of parent company (if any)	
12. Identification of each company officer/director (continue as attachment if necessary) a) Officer/director name Title Nationality	



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<p>Telephone number Fax number Email address Postal Address</p> <p>b) Officer/director name Title Nationality Telephone number Fax number Email address Postal Address</p> <p>c) Officer/director name Title Nationality Telephone number Fax number Email address Postal Address</p>	
<p>13. Identification of each shareholder holding a 15% (fifteen percent) or greater ownership interest (provide the following for each significant shareholder, continuing in an attachment if necessary).⁸</p> <p>a) Name b) Address c) Nationality/place of organization d) Passport number, NRC number, FRC number or Company Registration number</p>	

⁸ Ownership interest may be direct or indirect interest in voting stock, membership interest or general partnership interest in the Applicant.



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e) Percent ownership	
<p>14. If a foreign entity holds a 15% (fifteen percent) or greater common ownership interest in the Applicant, identify the following information for each foreign entity (continue in an attachment if necessary). State “Not Applicable” if a foreign entity does not hold 15% (fifteen percent) or greater ownership interest.</p> <ul style="list-style-type: none">a) Nameb) Nationalityc) Amount of equity shared) Company Registration number	
<p>15. If there is a 15% (fifteen percent) or greater common ownership interest between the Applicant and any other entity Licensed by the Department, identify the following information for each Licensed entity or entities (continue in an attachment if necessary).⁹ State “Not Applicable” if another Licensee does not hold 15% (fifteen percent) or greater ownership interest.</p> <ul style="list-style-type: none">a) Nameb) Nationalityc) Amount of equity shared) Company Registration numbere) License number(s) issued by the Department	

⁹ This applies to any type of License issued by the Department.



PART 4. EVIDENCE OF LEGAL STANDING

<p>16. Indicate whether the Applicant is:</p> <ul style="list-style-type: none">a) A corporation or other legal entityb) A governmental organizationc) Other (please specify)	
<p>17. Attach to the Application Form four (4) copies of the Applicant's Company Registration Certificate in the Republic of the Union of Myanmar, if applicable. Label "Attachment 2. Company Registration Certificate."</p>	
<p>18. Attach to the Application Form four (4) copies of the Applicant's memorandum and articles of association, if applicable. Label "Attachment 3. Memorandum and Articles of Association."</p>	

PART 5. CURRENT/PRIOR TELECOMMUNICATIONS ACTIVITIES

<p>19. Does the Applicant currently hold a License issued by the Department (other than any License identified in Part 1)? If yes, indicate:</p> <ul style="list-style-type: none">a) License type(s)b) License number(s)c) Date of issue of each Licensed) Date of expiration of each Licensee) Network(s) operated and/or services offered under each License	
<p>20. Has the Applicant previously held (but no longer holds) a License issued by the Department? If yes, indicate:</p> <ul style="list-style-type: none">a) License type(s)b) License number(s)c) Date of issue of each Licensed) Date of expiration, surrender or revocation of each Licensee) Network(s) operated and/or services offered under each Licensef) Reason for surrender (expiration without renewal or revocation of the License(s))	
<p>21. Has the Applicant previously applied for, but</p>	



<p>been denied, any type of License issued by the Department? If yes, explain the Licenses for which the Applicant applied and reasons for denial of a License</p>	
<p>22. Does the Applicant hold any telecommunications Licenses in other countries or jurisdictions? If yes, indicate:</p> <ul style="list-style-type: none">a) The country or countries where the telecommunications License or Licenses are heldb) The types of telecommunications License(s) heldc) The types of telecommunications networks and/or services offeredd) Whether the Applicant has been subject to enforcement proceedings (including License suspension/termination), fines or other penalties. If yes, then describe the circumstances and outcome of such proceedings, fines or other penalties	

PART 6. PROPOSED TELECOMMUNICATIONS ACTIVITIES

<p>23. Identify all proposed services to be offered under the NFS(I) License (state N/A if not applicable).¹⁰</p> <ul style="list-style-type: none">a) Terrestrial fixed line transmission facilitiesb) Terrestrial radio transmission facilitiesc) Mobile base station facilitiesd) Submarine cable facilitiese) International Gateway Service facilitiesf) Satellite earth station facilitiesg) Any other service authorized under the NFS(I) License (please explain)	
<p>24. Identify all proposed services to be offered under the NS License (state N/A if not</p>	

¹⁰ Due to the hierarchical framework, if applying for an NFS(I) License, then all activities authorized under the NS License may be provided by the Applicant once an NFS(I) License is awarded. An NFS(I) License Applicant is not required to identify the activities it proposes to offer under the NS License.



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<p>applicable):</p> <ul style="list-style-type: none">a) Resale of wireline connectivity servicesb) Resale of terrestrial wireless connectivity servicesc) International and domestic network transport and switching servicesd) Resale of International Gateway Servicese) Other activities authorized under the NS License (please explain)	
<p>25. Identify all proposed services to be offered under the Application Service License (state N/A if not applicable):</p> <ul style="list-style-type: none">a) Public payphone servicesb) Public switched data servicesc) Audiotext hosting services provided on an opt-in basisd) Directory servicese) Internet service provider servicesf) Public access center servicesg) Messaging servicesh) Private line voice and/or data servicesi) Value-added servicesj) Other activities authorized under the AS License (please explain)	
<p>26. Identify all proposed services to be offered under the NFS(C) License (state N/A if not applicable) (Note: an NS License does not authorize the Licensee to offer NFS(C) services; thus, an Applicant for an NS License must apply separately for an NFS(C) License):</p> <ul style="list-style-type: none">a) Construction, deployment and maintenance of any type of passive network infrastructure:<ul style="list-style-type: none">i. towersii. mastsiii. ducts	



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<p>iv. trenches</p> <p>v. poles</p> <p>vi. dark fiber</p> <p>vii. radio equipment installed to send, receive and route communications</p> <p>b) Construction, deployment and maintenance of Telecommunications Networks and the self-provision of Telecommunications Services used solely for internal communications</p> <p>c) Other activities authorized under the NFS(C) License (please explain)</p>	
<p>27. Expected commencement date of proposed activities</p>	
<p>28. Intended geographic area where networks and/or services are to be provided over the next five (5) years, including timeframes for meeting rollout plans</p>	
<p>29. Expected users of the networks and/or services (including Other Licensees, resellers, end users, etc.)</p>	
<p>30. Provide as an attachment a detailed description of any proposed network infrastructure, including a diagram of the network infrastructure and technologies to be owned, operated or leased with the locations and technical details of all domestic and international components (Label "Attachment 4. Technical Plan")</p>	
<p>31. Has the Applicant also applied for or does the Applicant plan to apply for scarce resources from the Department in connection with this Application? If yes, indicate the scarce resources:</p> <p>a) Radio frequency spectrum, pursuant to the Spectrum Rules (specify the frequency ranges the Applicant is seeking)</p> <p>b) Number resources, pursuant to the Numbering Rules</p>	



c) Other scarce resources (please explain)	
<p>32. An Applicant for an NFS(I) License must describe its business strategy, including the following details. (Label “Attachment 5. Business Plan”):</p> <ul style="list-style-type: none">a) Explanation of how the Applicant’s proposed operations would help achieve the objectives of the Telecommunications Law, as set out in Chapter 2 of the Law;b) Business strategies that the Applicant proposes to use to compete effectively in Myanmar’s telecommunications market;c) Details of any preliminary agreements with other Licensees and vendors relating to interconnection, infrastructure sharing or other activities relevant to providing the proposed activities; andd) Any other relevant information	

PART 7. FINANCIAL INFORMATION

<p>33. Certificate of the Applicant’s paid-up capital.¹¹ An Applicant for an NFS(I) License must demonstrate a minimum paid-up capital of MMK 100,000,000. An Applicant for an NS License must demonstrate a minimum paid-up capital of MMK 50,000,000. (Label “Attachment 6. Certificate of Paid-Up Capital”)</p>	
<p>34. An Applicant for an NSF(I) License must detail its planned capital expenditure for the next five (5) years of operations. Attach a proposed financing plan that includes the following. (Label “Attachment 7. Financing Plan”):</p> <ul style="list-style-type: none">a) Proposed sources of funding and amounts from each source, including loans, lines of credit, etc.b) Timeframes for receiving funds	

¹¹ Paid-up capital refers to the amount of the Applicant’s capital that has been funded by shareholders and represents money that is not borrowed.



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<p>c) Repayment terms for loans d) Available loan and credit facilities e) Letters of intent, guarantor letters and other documents demonstrating access to financing f) Other funding sources</p>	
<p>35. An Applicant for an NFS(I) License must provide four (4) copies of detailed audited accounts, including profit and loss accounts, balance sheets, cash flow statements and auditors' reports, for the last three (3) years. If three (3) years of statements are not available, provide the audited accounts for any entity holding 15% (fifteen percent) or more interest in the Applicant. (Label "Attachment 8. Audited Accounts").</p>	

PART 8. DECLARATION

I, _____, hereby declare that I am authorized to act on behalf of the Applicant, and that to the best of my knowledge and belief, the information and details provided in this Application are accurate, complete and submitted in good faith. Upon approval of the Application, the Applicant shall abide by: (i) all laws and rules of the Republic of the Union of Myanmar; (ii) to notifications, directives and orders issued from time to time by the Ministry of Communications and Information Technology and the Posts and Telecommunications Department; and (iii) the terms and conditions of the License.

Name

Signature

Title

Date (DD/MM/YYYY)

Official Seal