

6 July 2022

Posts and Telecommunications Department
Ministry of Transport and Communications
Government of the Republic of the Union of Myanmar
Office No (2)
Nay Pyi Taw
Myanmar

Attention: Director General

Re: Conditions to Provide Voice Services for 2600MHz Licensees

Dear Director General,

We refer to the meeting held on 20th June 2022 with PTD, Nationwide Telecommunication Licensees (NTL's) and 2600MHz licensees in which PTD discussed proposals in relation to the provision of voice services by 2600MHz licensees.

We wish to put on record, the collective position of the NTL's conveyed at the meeting, that according to the "Framework for 2600MHz Spectrum Auction Rules and Processes" dated 12th of October 2016 (the "Framework"), it is explicitly stated that the 2600MHz frequency band is available only for the provision of broadband data services. For PTD to put the spectrum to alternative use, it would require an amendment to the Framework after consultation with the industry. Therefore, if PTD were to interpret the Framework to extend the permitted use of the 2600 MHz spectrum to the provision of voice services by the 2600 MHz licensees, we respectfully request PTD to set out in writing, the factual and legal basis that would reasonably allow PTD to assume such interpretation of the Framework.

In addition, we wish to remind PTD that throughout the licensing process, PTD explicitly undertook to limit the number of licensed National Telecommunications Operators to only four. Operators agreed to pay their respective license fees on the basis of this commitment by PTD.

Provided that the proposal to the extend the use of the 2600 MHz spectrum to voice services is duly justified, we believe that PTD, as the national telecommunications regulator, should impose upon 2600 MHz licensees, the following mandatory conditions that also apply to NTL's at this time. It would be necessary to do so in order to create an even playing field and to maintain fair competition and quality control in the market:

- 1. Regional Service Restrictions**
- 2. Tariff Framework**
- 3. SIM Registration**
- 4. Governmental Fee**
- 5. License Commitment**

1. Regional Service Restrictions

According to the Framework, the 2600MHz licensees are only allowed to operate up to two regional licenses and are not allowed to operate on a nationwide basis. Accordingly, the 2600MHz licensees do not have the right to roam amongst regions 1, 2 and 3. This restriction should also extend to the provision of voice services by the licensees.

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2. Tariff Framework

According to the Section 40 of the "Competition Rules for the Telecommunications Sector", all licensees must follow the general principles related to Tariffs. If the 2600MHz licensees were to provide voice services, the pricing restrictions set out in the Pricing and Tariff Regulatory Framework must also apply to them in order to maintain fair competition and a sustainable market. It is important to note that failure to do so will only result in discriminatory treatment and anti-competitive conditions for the NTL's.

3. SIM Registration

Pursuant to Section 15 of the Telecommunication Law and Section 26 of the Licensing Rules, the 2600MHz licensees must follow required directives. Such directives must include the SIM Registration Directives, Code of Practice and related rules and regulations. Such compliance is crucial to ensuring fairness in the market as well as consistency regarding consumer expectations.

4. Governmental Fee

According to the Section 15, 55 and 56 of the Telecommunication Law, and the Section 24 of the Licensing Rules, the 2600MHz licensees must pay the stipulated fees including the license fee, regulatory fee and Universal Service Fee (USF). Currently, the 2600MHz licensees are not contributing to the Universal Service Fund. However, they must have an obligation to do so if they were to provide mobile voice and data services.

5. License Commitment

According to the Section 31 of the Telecommunications Law, the 2600MHz licensees should have an obligation to comply with specific license conditions that safeguard the protection of consumers, including Coverage, Quality of Service (QoS) etc.

Thank you in advance for your consideration of our comments and your continued support during these exceptional times. We would welcome the opportunity to discuss this matter further with you should you consider it appropriate to do so.

Sincerely,



Myo Than
General Manager
(Signing on behalf of Managing Director)
Myanma Post & Telecommunications
6 July 2022

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Dr. Nilar Aye
Chief External Relations Officer
(Signing on behalf of CEO)
Telecom International Myanmar Co., Ltd (MyTel)
6 July 2022



Chris Peirce
Chief Legal and Regulatory Officer
(Signing on behalf of CEO)
Ooredoo Myanmar Limited
6 July 2022



Thein Hoke
Chief Corporate Affairs Officer
(Signing on behalf of CEO)
Atom Myanmar Limited
6 July 2022