



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

Shetu Bhaban, New Airport Road, Banani, Dhaka-1212

REGULATORY AND LICENSING GUIDELINES FOR INVITATION OF PROPOSALS/OFFERS

FOR

ISSUING LICENSE

FOR

ESTABLISHING, OPERATING AND MAINTAINING

INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

IN

BANGLADESH

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Bangladesh Telecommunication Regulatory Commission

Shetu Bhaban, New Airport Road, Banani, Dhaka - 1212

BTRC/LL/IIG(249)/2007-3452

Date: 16-10-2007

Invitation of offers/proposals for grant of license for International Internet Gateway (IIG) Services

1. The Bangladesh Telecommunication Regulatory Commission (the Commission) invites offers/proposals from eligible Bangladeshi entities (resident citizens, proprietorships, partnerships and companies registered under 'Joint Stock of Companies and Firms' under the Companies Act 1994) for grant of license to establish, maintain and operate such system. Only entities having adequate financial, technical and organizational capability to serve in the field should apply with an updated list of their business record and record of experience.
2. The applicant companies/proprietorships for the license for IIG should be registered with Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries.
3. General terms and conditions for applying which are included in the Regulatory and Licensing Guidelines, can be obtained from the Bangladesh Telecommunication Regulatory Commission (BTRC), Shetu Bhaban, Banani, Dhaka-1212 during working days and hours on payment of Tk. 5,000.00 (Taka five thousand) only – (being non-refundable) in the form of bank draft/pay order in favour of the Bangladesh Telecommunication Regulatory Commission for each copy by making an application to the Commission in its letterhead. Original receipt of the bank draft/pay order should be enclosed with the offer/proposal, by the applicant.
4. All applications duly sealed are to be submitted in the tender box kept in the BTRC, Shetu Bhaban, Banani, Dhaka-1212 addressing the Chairman, Bangladesh Telecommunication Regulatory Commission on or before 12.00 hrs on 25th November 2007. The sealed application will be opened by the representative of BTRC at 12.30 hrs in the office of the BTRC on the same day in the presence of the applicants, who are present. Applications will not be received after the deadline.
5. The Commission will issue 1 (one) License for International Internet Gateway Services in Bangladesh. The Commission shall follow the Licensing procedure for issuance of International Internet Gateway Services License as given in the Regulatory and Licensing Guidelines.
6. Pursuant to ILDTS Policy 2007 BTRC will also be issuing licenses for other services i.e. International Gateway Services (IGW) and Interconnection Exchange Services (ICX). An entity is eligible to apply for multiple licenses. However only one license will be issued to one entity.
7. Regulatory and Licensing Guidelines containing among other things, the Guidelines for invitation of application for issuing of license for International Internet Gateway is also available in the Commission website: www.btrc.gov.bd for information only.
8. There will be a pre-offer/pre-bid meeting on 11th November 2007 at 11:30 hrs in the Commission conference room wherein the prospective applicant may seek any clarification or explanation on the matter. The questions to be clarified in the pre-bid meeting must be submitted before 6th November 2007 in writing with the Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, during office hours on working days.
9. Any offer/proposal submitted which does not comply with any of the Regulatory and Licensing guidelines and aforementioned terms and conditions will not be accepted.
10. The Commission reserves the right to accept or reject any or all offers/proposals, without assigning any reason thereof.
11. Any applicant may communicate for further clarification on the subject in writing with the Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, during office hours on working days till 13th November 2007.

Director
Legal and Licensing Division,
BTRC

BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

REGULATORY AND LICENSING GUIDELINES

Guidelines on International Internet Gateway (IIG) Services

1. INTRODUCTION

- 1.01 The Bangladesh Telecommunication Regulatory Commission ("the Commission") has been granted powers under section 36 the Bangladesh Telecommunication Act 2001, as amended ("the Act") to issue Licenses for the operation and provision of telecommunication services, and to determine the eligibility criteria and other general terms and conditions of Licenses.
- 1.02 Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue Guidelines on Licensing Procedure of International Internet Gateway (IIG) Services as envisaged in the IX part of the International Long Distance Telecommunication Services Policy 2007 (ILDTS Policy 2007).
- 1.03 These Guidelines, along with the terms and conditions of the License, should be read in conjunction with the Act, any subsequent legislation, and prevalent laws or sector policies framed by the Government, and other rules, regulations, decrees, orders, decisions, guidelines, directives and documents of general application issued by the Government or the Commission from time to time. The Act specifically provides, under Section 35 and 55, that the establishment, operation or use of telecommunication system including radio apparatus and provision of telecommunication services in Bangladesh without a License is an offence, punishable with imprisonment or a fine or both.
- 1.04 These Guidelines may be withdrawn, revised, updated or amended from time to time, without any prior notice, to take into consideration various factors including, but not limited to, any threat to public interest, public health, national security and statutory or Court orders.

2. INTERPRETATION & DEFINITION

The interpretation and definition of the terms used in this document is annexed herewith as SCHEDULE-1 to the Generic Form of License appended with this guidelines as APPENDIX-2.

3. OBJECTIVES

- 3.01 These Guidelines are intended to provide an overview of the licensing and regulatory framework for applicants seeking to obtain a License to establish, maintain and operate International Internet Gateway Services in Bangladesh.
- 3.02 These Guidelines have been prepared taking into account the objectives of the Government to facilitate the introduction of International Internet Gateway Services to the Internet Service Providers (ISP) in Bangladesh as envisaged in the IX part of the International Long Distance Telecommunication Services Policy 2007 (ILDTS Policy 2007).

- 3.03 International Internet Gateway Services License to be issued under these Guidelines will authorize an operator to establish, maintain and operate International Internet Gateway Services. No person or business entity shall be allowed to provide International Internet Gateway Services without a valid License issued by the Commission.
- 3.04 For domestic internet data traffic, all ISPs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed.

4. GENERAL REQUIREMENTS

- 4.01 The following are the principal legal statutes governing the telecommunication industry in Bangladesh:
- a. The Bangladesh Telecommunication Act, 2001 (as amended).
 - b. The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters that are not covered by the Bangladesh Telecommunication Act, 2001 (as amended).
 - c. Licensing Procedure Regulations, 2004 (as amended).
- 4.02 IIG will have two main functions. It will work both as an International Internet Gateway (IIG) for exchanging International Internet-based data traffic as well as a National Internet Exchange (NIIG) for exchanging national internet-based data traffic.

Two types of services are to be provided with this exchange:

- a. National peering service
- b. International transit service

These services may be offered from same platform or separate platforms

2.1 INTERNATIONAL INTERNET GATEWAY (IIG):

IIGs will serve as an internet gateway for routing International incoming and outgoing Internet based data traffic. The gateway will be connected with the existing Submarine cable as main link and with the Satellite Earth Station/VSAT as back up until another Submarine cable is available. All ISPs shall be connected to global internet through this IIGs. IIG Licensee will arrange both submarine cable bandwidth, and backup satellite bandwidth and overseas tier-1 service provider. No commercial voice can pass through IIG. Non-business voice data shall have to be kept within a limit specified by the Commission. Any unauthorized traffic (as defined/prescribed by the Commission and LEAs) shall be regulated.

- 4.03 Initially there shall be 2 (Two) IIGs under one operator in addition to existing IIGs of BTTB.
- 4.04 The operator Licensee has to install two IIGs. One IIG will be at Dhaka and another at Chittagong. To commence with, the Licensee has to establish at least one POP at Dhaka and another at Chittagong. The number of POPs in those two cities has to be increased and There should have at least 4 Point of Presence (PoP) at different locations at Dhaka, 2 PoPs in Chittagong., 1 PoP at Bogra, 1 PoP at Sylhet and 1 PoP at Khulna. other major citiesplaces/ cities also have to be covered gradually. Location of the

- POPs has to be approved by the Commission. Locations of PoPs have to be approved by BTRC. Interconnections among the IIGs and POoPs would be the responsibility of the operatorLicensee.
- 4.05 All IIGs will be interconnected at own cost, either through existing backbone or by establishing new backbone networks where such networks are not available.
- 4.06 The Licensee shall make necessary provisions to connect the ISP license holders to provide internet data services to the subscribers.
- 4.07 IIGs should support NGN data services as and when it is applicable.
- 4.08 ISP license holders under each IIG shall be connected to the IIG through optical fibre/wire /wireless / VSAT HUB at their own cost and management.
- 4.09 ISP license holders shall route their traffic maintaining balance flow of traffic through all the IIGs.
- 4.10 An International Internet Gateway Services License issued by the Commission shall be a stand alone license which shall be operated independent of other types of operating licenses.
- 4.11 An interested applicant may apply to the Commission in the prescribed form for grant of International Internet Gateway Service System License.
- 4.12 The Licensee shall make its systems Lawful Interception (LI) Compliant.
- 4.13 The licensee shall provide necessary connections including necessary equipment and software to the Commission for online and off line monitoring.
- 4.14 The licensee shall provide Deep Packet Investigation (DPI) and/ or any other monitoring facilities for online and offline monitoring by the Commission.
- 4.15 The Licensee will provide access to Law Enforcing Agencies (LEA) for LI as envisaged in Section 97 KA of the Act, including necessary equipment and software.
- 4.16 The Licensee may be subject to additional terms and conditions when and where deemed necessary to be in accordance with the public interest and or in accordance with the National Telecommunications Policy 1998 and ILDTS Policy 2007 and/or any other future Government policy.
- 4.17 Any license holder of any type issued by the Commission shall not be eligible for an International Internet Gateway Services License.
- 4.18 An applicant shall be disqualified from obtaining a License, the applicant being a company/firm/corporation/partnership/society or any other organization, if any provision listed in sub clauses (i) to (vii) below is applicable to its owner or to any of its directors or partners, or
- (i) he is an insane person,
 - (ii) he has been sentenced by a court under any law, other than this Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment,

- (iii) he has been sentenced by a court for Committing of any offence under this Act and a period of 5 (five) years has not elapsed since his release from such imprisonment,
- (iv) he has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy,
- (v) he has been identified or declared by the Bangladesh Bank, institution or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution,
- (vi) he has been charged with illegally terminating calls by using VoIP technology.
- (vii) any license of his has been cancelled by the Commission at any time during the last 5 (five) years.

4.19 In addition to the mandatory grounds for disqualification for applying for a License referred to in clauses 4.17 and 4.18, the Commission shall also consider whether the applicant satisfies other criteria including:

- (a) whether the applicant has sufficient management and financial capacity to operate the activities pertaining to International Long Distance Telecommunication Services;
- (b) how far the issuance of the License will serve the public interest and national security.

4.20 IIG Services License will be issued to Bangladeshi entities (resident citizens, proprietorships, partnerships and companies registered under 'Joint Stock of Companies and Firms' under the Companies Act 1994). If the applicant is a company then all directors and shareholders of the applicant must be resident Bangladeshi Citizen.

4.21 No shares can be transferred or new shares issued without written permission of the Commission.

4.22 All financial transactions (foreign & local) in relation to the License must be through Scheduled Bank(s) of Bangladesh. The Licensee shall inform the Commission of the details of the accounts in operation. The Licensee shall have to submit monthly statement of all the accounts to the Commission within 10th day of each calendar month.

4.23 The Licensee will not be eligible for any other License(s) from the Commission. No shareholder and/or his family of the company that is awarded the License in the capacity of an owner, shareholder, director, officer or partner of any other company can hold or will hold any other License from the Commission.

4.24 One entity will be allowed to get ONLY one IIG license.

4.25 The License will be awarded by open auction subject to fulfillment of other conditions.

4.26 The Licensee company will issue Initial Public Offer (IPO) in the Stock Exchange of Bangladesh and nowhere else within 3 (three) years of grant of license. Necessary condition will be set and will be included in the license issued by Commission.

- 4.27 Prior approval of the Commission with necessary conditions is mandatory before launching of any other services.4.30 The Licensee companies will issue Initial Public Offer (IPO) in the Stock Exchange of Bangladesh and nowhere else within 6 (six) years of grant of License. Necessary conditions will be set and will be included in the License issued by Commission.

5. LICENSE PROCEDURE AND BIDDING PROCESS

The License will be awarded through an open competitive bidding/auction process. The Commission, after evaluating the applications submitted, will send out invitation to pre-qualified bidders to participate in the bid/auction. The process to be followed is annexed as APPENDIX – I.

6. DURATION OF LICENSE

The duration of the License, shall initially be for a term of 15 (fifteen) years. Upon expiry of the initial term, the License may be renewed for subsequent terms, each of 5 (five) years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Commission under the Act.

7. FEES AND CHARGES

- 7.01 The Commission shall impose upon the Licensee different fees and charges. Some of the charges or part thereof shall be in proportion to the Licensee's annual audited gross turnover.

- 7.02 Following fees and charges will be applicable to the Licensee:

1.	Application Fee	Tk. 5,000.00 (Taka five thousand) only
2.	License acquisition fee	Tk. 5,00,000.00 (Taka five lac) only
3.	Annual License Fee	Tk. 2,50,000.00 (Taka two lac fifty thousand) only
4.	Gross Revenue Sharing with the Commission	To be fixed through Auction
5.	Security Deposit	Tk. 5,00,000.00 (Taka five lac) only

- 7.03 The Licensee shall pay all the required fees within the stipulated time frame given hereafter. All fees, charges etc. paid by the Licensee are non-refundable and are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

- a. **License acquisition fee:** The Licensee shall pay the Licence Acquisition fee of Tk. 5,00,000.00 (Taka five lac) only which will be payable within 10 (ten) working days of the auction.
- b. **Annual License fee:** The Licensee shall pay an annual Licence fee of Tk. 2,50,000.00 (Taka two lac fifty thousand) only every year on or before the date of issue of the Licence.
- c. **Revenue sharing:** The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing a percentage of the annual audited gross revenue within the first 10 (ten) days at the end of each quarter. The percentage of the revenue to be shared will be fixed through competitive bidding/auction. The total revenue sharing shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment the balance must be paid within 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust any excess amount against quarterly payments in the next year.
- d. The licensee shall pay other fees and charges as may be levied by the Commission from time to time.
- e. If the Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.

7.04 **Radio Equipment and Spectrum Charges:** The rights granted to the Licensee do not include any rights to use any radio frequency until such frequencies are allocated by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be same as enumerated under Clause 7.03.f.

8. SECURITY DEPOSIT

The Licensee shall furnish Performance Bank Guarantee of takaTaka 2 Tk. 5,00,000.00 (Taka five lac) only in favour of Bangladesh Telecommunication Regulatory Commission as "Security Deposit" within 105 (fifteen) working days from the date of issuance of License in a prescribed form (Schedule-3) issued by a scheduled bank.

9. ACCOUNTING SYSTEM

The Licensee shall implement such accounting practices that allow for the identification of the costs and charges on a current cost accounting basis for its systems.

10 APPLICATION FORM

- 10.01 The applicant shall submit Application for IIG Services License to the Commission in the prescribed Form duly filled in, signed and sealed, together with all the necessary documents and information indicated in the Application Information Instructions at SCHEDULE - 4. The prescribed Application Form is appended with these Guidelines at SCHEDULE -5.
- 10.02 The Guidelines prescribing application Form; generic License form and application information instructions will be available in the office of the Commission.

11. MISCELLANEOUS

The Licensee shall comply with the provisions of the Act, the terms and conditions of its License, and any regulations or guidelines issued by the Commission. The Commission has the right in its sole discretion to change, amend, vary or revoke any of the terms and conditions of the License upon the provision of notice to the Licensee informing the Licensee of the reasons for the proposed change. A generic form of IIG Service License is attached for reference as Appendix-2. This is provided for information only as an indication of the format and types of provisions that may be included in the License. The final terms of the License are matters solely for the Commission to determine and shall contain in the License issued by the Commission to the relevant applicant.

12. STATUS

- 12.01 The information contained in this document is intended to assist interested parties in applying for the relevant Licenses. It does not bind the Commission to any particular course of action in relation to the handling of any application, or to the terms of any License to be granted, or to grant any License to any party.
- 12.02 The Commission reserves the right to change its policies and/or to amend this document without prior notice.

APPENDIX-1

BIDDING AND AUCTION PROCESS

1. THE BIDDING PROCEDURE AND AUCTION PROCESS SHALL BE AS FOLLOWS:

- 1.01 The Commission will send out invitations to the pre-qualified Applicants for submitting Bid Security money of Tk. 1,00,000.00 (Taka one lac) only. The payment of the Bid Security money to the Commission is required to be deposited through normal banking channels in the form of Bank Draft/ Pay Order in favour of Bangladesh Telecommunication Regulatory Commission within 7 (seven) working days from receipt of the letter.
- 1.02 The Bid Security money of the successful bidder(s) will be adjusted towards the License Acquisition Fee, while the Bid Security money of the unsuccessful bidders shall be returned within 30 (thirty) working days of the Bidding date without bearing any liability towards interest, indexation, inflation or deflation.
- 1.03 The bidding will be held at a venue to be decided by the Commission. Only three persons including the authorized representative from each pre-qualified Applicant shall be allowed to participate in the Bidding process.

2. BIDDING

Open Out-cry: The following procedure shall be followed in the bidding:

- 2.01 The auction shall be based on an open outcry on the date, at the Venue and at the time announced by the IIG Auction Committee to be formed by the Commission.
- 2.02 The bidders shall bid for the percentage of the revenue to be shared with the Commission. The bid shall start at sharing the revenue at 0.25% (zero point two five percent).
- 2.03 Each subsequent bid increment shall be in multiple of 0.25% (zero point two five percent).
- 2.04 The bidder shall cry-out his bid and write it on the prescribed form duly signed by the Authorized Representative and hand it over to the IIG Auction Committee. Only Authorized Representative shall be allowed to participate in the open out cry.
- 2.05 The Commission shall continue the open outcry auction until there are no further Bids.
- 2.06 After each Bid, the bidding and Bidder's details will be recorded before the next Bid;
- 2.07 When there are no further Bids, the IIG Auction Committee shall announce the Auction Winning Bid and the names of the Bidders in order of their bid amounts, i.e. from higher to lower.
- 2.08 After the announcement of the highest Bidder, no further offers to obtain the license shall be entertained by the Commission.
- 2.09 The winning Bidder shall deposit in the Commission designated bank account, License Acquisition fee after adjustment of the Bid Security money within 10 (ten) working days.
- 2.10 If the winning Bidder fails to make the payment as referred in sub-clause (k) Clause 2.09 above within the stipulated time, the next highest bidder(s) in order of their bid(s) will be offered the License on the same Auction Winning Bid and on the same terms and conditions. If no Bidder is found ready to match the Auction Winning Bid, future date of re-auction for fresh bidding will be declared by the Commission.
- 2.11 The Commission shall forfeit the Bid Security money and all other amounts received from the defaulting bidder.
- 2.12 The license shall only be issued after payment of the License Acquisition Fee.

3. Disqualification: the Commission may, on the recommendation of the IIG Auction committee, disqualify any Bidder and forfeit its money for any of the reasons set out below:

- 3.01 If the successful Bidder abandons the bid or fails to pay the license Acquisition fee within 10 (ten) working days.
- 3.02 Willful misrepresentation of any facts in any part of the initial application.
- 3.03 Illegal conduct in the Bid procedure and auction process or improper attempts to influence the outcome, or delay or disrupt the process.
- 3.04 Any "corrupt practice" meaning the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in relation to licensing process provided in the guidelines.
- 3.05 Any "fraudulent practice" or misrepresentation of the facts in order to influence the results of the licensing process established by the Guideline.
- 3.06 If the bidder fails to justify viability of his bids.

4. INFORMATION PROVIDED BY THE COMMISSION

- 4.01 The information contained in this guideline and any other information provided to Applicants during the Application process, in writing, is intended to assist Bidder in the preparation of their Bids and shall be binding on them in the course of bidding/auction.
- 4.02 The Commission has made and will continue to make reasonable efforts to include accurate and current information in the guideline and in any other documents provided to the Applicants. However, neither the Commission nor any of the agencies, employees, representatives, advisors or consultants shall have any liability whatsoever to any Applicant or any of its shareholders or members or any other person resulting from use of or reliance on any of the information so provided. Applicants are encouraged to undertake their own verification of any information supplied by the Commission prior to use of or reliance on that information.

5. OTHER COMMUNICATIONS

- 5.01 All deliveries, notices or other communications made to applicants in connection with the Application process shall be sent by post, courier, fax or personal delivery to the contact office of the bidder(s)/Applicant(s), as specified by the Applicant to the Commission in his initial application.
- 5.02 All deliveries, notices or other communications made by Applicants to the Commission in connection with the Application process shall be sent by fax or personal delivery to the officers mentioned at the address mentioned in the initial application.
- 5.03 The Bidders are expected to carefully examine all information, instructions, and annexes given in this guideline.

6. CONFIDENTIALITY OF APPLICATIONS

- 6.01 The Commission shall make all reasonable efforts to ensure confidentiality of the information provided by the Applicants. However neither the Commission nor any of its agencies, employees, representatives, advisors or consultants shall be liable in any respect whatsoever to any Applicant or any of its members or representatives for damages or harm resulting from a failure to maintain such confidentiality.
- 6.02 **Costs associated with Bid and bidding:** The Bidders shall bear all their costs associated with the preparation and submission of their Bids and the Commission shall in no case be responsible for these or any other costs, regardless of the conduct or outcome of the application process.

7. RESERVATION OF RIGHTS

- 7.01 The Commission reserves the right, in its sole discretion, to take any action, including amendment in this guideline, which it considers necessary to ensure that the Bid process occur in a fair, open and transparent manner, in accordance with law and discourage collusion and predatory bidding that may block the entry of potential bidders into the bidding/auction process.
- 7.02 The Commission further reserves the right to modify/temporarily stop/ terminate the bid process at any time including the auction period, in its sole discretion. In case of termination of the Bid process Bid Security money would be returned to the Bidder within thirty (30) working days without bearing any liability.

8. MISCELLANEOUS

- 8.01 This guideline and any License issued pursuant to the process announced herein shall be exclusively subject to, and interpreted in accordance with provisions of the Act, the Rules and the Regulations issued there under.
- 8.02 Any dispute, controversy or claim arising out to or in connection with this guideline, or the breach, termination or invalidity thereof, shall be settled by the Commission and its decision shall be final.
- 8.03 The Bid process, the accompanying documents, and all correspondence relating to the process announced in this guideline shall be submitted in English language.
- 8.04 The Commission at all times shall reserve the right to change, alter, modify, amend, supplement or replace any or all of the Bidding procedure before the Bidding Date and such change, alteration, modification, amendment, supplemental or replacement shall be communicated to the Bidders and become an integral part of the Bidding procedure.
- 8.05 Section 95 of the Bangladesh Telecommunication Act 2001 will be applicable in every case.



**INTERNATIONAL INTERNET GATEWAY
SERVICES OPERATOR LICENSE**

ISSUED

BY

**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION
Shetu Bhaban, New Airport Road, Banani, Dhaka 1212

OPERATOR LICENSE

FOR

**INTERNATIONAL INTERNET GATEWAY
SERVICES**

ISSUED

TO

UNDER

THE BANGLADESH TELECOMMUNICATION ACT, 2001

ON

-----, 200---



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

Shetu Bhaban, New Airport Road, Banani, Dhaka 1212, Bangladesh

BTRC/LL/-----

Date:

INTERNATIONAL INTERNET GATEWAY SERVICES OPERATOR LICENSE

(Issued under section 36 of Bangladesh
Telecommunication Act, 2001)

(1) The Bangladesh Telecommunication Regulatory Commission ("the Commission") has been granted powers under section 36 the Bangladesh Telecommunication Act 2001, as amended ("the Act") to issue Licenses for the operation and provision of telecommunication services, and to determine the eligibility criteria and other general terms and conditions of Licenses.

(2) Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue License on International Internet Gateway Services.

Therefore in exercise of the powers under section 36 of the Bangladesh Telecommunication Act, 2001 Bangladesh Telecommunication Regulatory Commission is pleased to grant

LICENSE

To

(Company Name) represented by its Chairman/CEO/MD having its registered office at (Company address) as an operator to establish, operate and maintain International Internet Gateway Services to telecom operators subject to the terms and conditions detailed hereinafter.

1. INTERPRETATION

The interpretation and definition of the terms used in this document is annexed herewith as SCHEDULE -1.

2. COMMENCEMENT

- 2.01. The license shall come into force on this day of.....
- 2.02 Unless otherwise cancelled earlier this License shall be valid for 15 (fifteen) years from the date mentioned in the License subject to the payment of annual license fees.
- 2.03 The Licensee shall abide by the terms and conditions as may be imposed from time to time by the Commission and the relevant provisions of the Bangladesh Telecommunication Act, 2001 (as amended) and the Regulations made there under.
- 2.04 The provisions of any existing enactment, the rules and regulations made there under by the Government and/or the Commission, and the changes and modifications including any new enactments as may be considered expedient and necessary from time to time.

3. RENEWAL

Upon expiry of the initial term, the License may be renewed for subsequent terms, each of 5 (five) years in duration, subject to the approval from the Commission and to such conditions, including the payment of any fees, as may be specified herein and/or by the Commission under the Act. The Licensee shall submit the renewal application 6 (six) months prior to the expiry date.

4. SCOPE OF THE LICENSE

- 4.01 IIGs will serve as an gateway for routing International incoming and outgoing Internet based data traffic. The gateway will be connected with the existing Submarine cable as main link and with the Satellite Earth Station/VSAT as back up until another Submarine cable is available. All ISPs shall be connected to global internet through this IIGs. IIG Licensee will arrange both submarine cable bandwidth, and backup satellite bandwidth and oversees tier-1 service provider. No commercial voice can pass through IIG. Non-business voice data shall have to be kept within a limit specified by the Commission. Any unauthorized traffic (as defined/prescribed by the Commission and LEAs) shall be regulated.
- 4.02 The International Internet Gateway Services License issued by the Commission shall be a stand alone license which shall be operated independent of other types of operating licenses.

5. SYSTEMS AND SERVICES

- 5.01 The Licensee shall establish, operate and maintain the IIG Services System as provided in the License.
- 5.02 The operator Licensee has to install two IIGs. One IIG will be at Dhaka and another at Chittagong. To commence with, the Licensee has to establish at least one POP at Dhaka and another at Chittagong. The number of POPs in those two cities has to be increased and There should have at least 4 Point of

Presence (PoP) at different locations at Dhaka, 2 PoPs in Chittagong., 1 PoP at Bogra, 1 PoP at Sylhet and 1 PoP at Khulna. other major citiesplaces/ cities also have to be covered gradually. Location of the POPs has to be approved by the Commission. Locations of PoPs have to be approved by BTRC. Interconnections among the IIGs and POoPs would be the responsibility of the operatorLicensee.

- 5.03 All IIGs will be interconnected at own cost, either through existing backbone or by establishing new backbone networks where such networks are not available.
- 5.04 The Licensee shall make necessary provisions to connect the ISP license holders to provide internet data services to the subscriber.
- 5.05 IIGs should support NGN data services as and when it is applicable.
- 5.06 IIGs will have backup connectivity through Satellite/VSAT until alternative submarine cable(s) are available.
- 5.07 ISP license holders under each IIG shall be connected to the IIG through optical fibre / wire /wireless / VSAT HUB at their own cost and management.

6. Fees and Charges

- 6.01 The Commission shall impose upon the Licensee different fees and charges. Some of the charges or part thereof shall be in proportion to the Licensee’s annual audited gross turnover.
- 6.02 Following fees and charges will be applicable to the Licensee:

1.	Application Fee	Tk. 5,000.00 (Taka five thousand) only
2.	License acquisition fee	Tk. 5,00,000.00 (Taka five lac) only
3.	Annual License Fee	Tk. 2,50,000.00 (Taka two lac fifty thousand) only
4.	Gross Revenue Sharing with the Commission	To be fixed through Auction
5.	Security Deposit	Tk. 5,00,000.00 (Taka five lac) only

- 6.03 The Licensee shall pay all the required fees within the stipulated time frame given hereafter. All fees, charges etc. paid by the Licensee are non-refundable and are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.

- a. **License acquisition fee:** The Licensee shall pay the Licence Acquisition fee of Tk. 5,00,000.00 (Taka five lac) only which will be payable within 10 (ten) working days of the auction.
 - b. **Annual License fee:** The Licensee shall pay an annual Licence fee of Tk. 2,50,000.00 (Taka two lac fifty thousand) only every year on or before the date of issue of the Licence.
 - c. **Revenue sharing:** The Licensee in addition to the above, shall pay to the Commission on a quarterly basis on account of revenue sharing a percentage of the annual audited gross revenue within the first 10 (ten) days at the end of each quarter. The percentage of the revenue to be shared will be fixed through competitive bidding/auction. The total revenue sharing shall be reconciled on an annual basis based on the Licensee's audited accounts for that year and if there has been any underpayment the balance must be paid within 60 (sixty) days at the end of the financial year (July to June). In the event of any overpayment by the Licensee, the Licensee may adjust any excess amount against quarterly payments in the next year.
 - d. The licensee shall pay other fees and charges as may be levied by the Commission from time to time.
 - e. If the Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the License.
- 6.04 **Radio Equipment and Spectrum Charges:** The rights granted to the Licensee do not include any rights to use any radio frequency until such frequencies are allocated by the Commission. If any frequency is allocated, the Licensee will be obliged to pay all required fees and charges related to such frequencies as fixed by the Commission. If Licensee fails to pay the fees, charges, etc. in time, it shall be liable to pay a late fee of 15% (fifteen percent) per annum at the compound rate on the outstanding amount. If the amount along with late fee is not paid in full within 60 (sixty) days as stipulated, such failure may result in cancellation of the allocated frequency. The payment conditions for frequency usage will be same as enumerated under Clause 7.03.f.

7. RADIO FREQUENCY LICENSE

- 7.01 Interconnection between/among the POPs of IIG and each other will be through Optical Fiber Cable (OFC), Co-axial cable etc. IIG will be connected to submarine cable or Satellite Earth Station through OFC. However, in exceptional circumstances where it will not be possible to realise the above mentioned interconnection through OFC only, the microwave and other radio system can be deployed with prior permission from the Commission. The Commission may provide such permission for Microwave Equipments subject to the availability of frequency as per National Frequency Allocation Plan (NFAP) and in conformity with the frequencies already allocated for the particular area under consideration.

- 7.02 The Licensee shall not import/purchase any radio equipment for their network without taking prior permission from the Commission.
- 7.03 Assigned frequencies and radio equipments are not transferable.
- 7.04 The Commission reserves the right to cancel the assigned frequencies for the reasons of National Security or National Interest.
- 7.05 The Commission reserves the right to inspect the telecommunications and installations and systems without prior notice.

8. FACILITY SHARING

- 8.01 The Licensee shall comply with the directions of the Commission on facility sharing.
- 8.02 Where it deems necessary, the Commission may direct, that the Licensee shall share facilities and or infrastructure with other Licensees and the Licensee shall cooperate and work with other Licensees to submit plan for sharing of facilities/infrastructure to the Commission.
- 8.03 The Licensee, for the purposes of establishing the facilities authorised by this license, may use or share any of the facilities of any operator authorised to provide those facilities, provided that the IIG Operator maintains a commercially separate identity from the other operator.

9. NETWORK ROLLOUT

The licensee shall establish and complete the International Internet Gateway Services within 4 (four) months from grant of license. Failure to do so will result in automatic encashment of Bank Guarantee provided by the licensee and the license will be liable to be cancelled.

10. SECURITY FOR PERFORMANCE

- 10.01 As security for the performance of Licensee's obligation, the Licensee shall deliver to the Commission an unconditional bank guarantee for the amount of Tk. 5,00,000.00 (taka five lac) only with a minimum validity of 1 (one) year.
- 10.02 After establishment of the International Internet Gateway within the stipulated time to the satisfaction of the Commission as per Technical Requirements appended as Schedule-2 herein, 50% (fifty percent) of the Bank Guarantee will be released to the Licensee within 90 (ninety) days from the day of commencement. The remaining amount will be with the Commission until the validity of the license. For convenience of the licensee, such bank guarantee may be replaced with a new one periodically with minimum one year validity.

11. TARIFFS AND PRICING

- 11.01 The Licensee shall not start provision of any service before obtaining the written approval of the Commission for its tariff and shall comply with any conditions imposed by the Commission.
- 11.02 The Licensee shall seek the written approval of the Commission before making any changes to the approved tariff charges.
- 11.03 The Licensee shall have to submit the copy of the agreements entered into between itself and any other operator with detailed breakdown of tariff to the Commission.

12. BILLING

- 12.01 The Licensee shall take all reasonable steps to ensure that its billing systems used in connection with the services are reliable and accurate.
- 12.02 The Licensee shall keep records of any billing information as may be specified by the Commission and shall supply such records at the request of the Commission.

13. TECHNICAL REQUIREMENTS

The technical requirement to be fulfilled by the licensee is appended herewith as schedule-2.

14. DISPUTE RESOLUTION

In the event of any differences or disputes with other licensed telecom operators and failure to resolve the differences or disputes among themselves, the Licensee shall refer the matter to the Commission for resolution of the same. The decision of the Commission in that regard will be final and binding.

15. ACCOUNTS

- 15.01 The Licensee shall maintain separate accounts and other records, in accordance with acceptable accounting practices. The Commission reserves the right to issue accounting guidelines to the Licensee from time to time.
- 15.02 The Licensee shall at all times, maintain full and accurate books of accounts and other records reflecting all financial matters, in accordance with the sound and acceptable accounting practices.
- 15.03 The Licensee shall submit certified copies of its financial records and yearly audited accounts to the Commission. The Commission shall have the access to originals of such records and accounts as and when required.
- 15.04 The Licensee shall provide an auditing facility that can be accessed by the Commission to verify the reported services revenues. The Commission shall have the access to computerized accounting system of the licensee as and when deemed necessary by the Commission.
- 15.05 All financial transactions (foreign and local) in relation to the License must be through Scheduled Bank(s) of Bangladesh. The Licensee shall inform the Commission of the details of the accounts in operation. The Licensee shall have to submit monthly statement of all the accounts to the Commission within 10th day of each calendar month.

16. CHANGES IN MANAGEMENT STRUCTURE

- 16.01 The Licensee shall seek written approval of the Commission before making any change of ownership, shareholding and any such change shall not be valid and effective without the prior written approval of the Commission.
- 16.02 All directors and shareholders of the Licensee must be resident Bangladeshi Citizen. And once granted a License, shares cannot be transferred or new shares issued without prior written permission of the Commission. Shares/ ownership etc. cannot be transferred to anyone who is not a Bangladeshi entity and in case of a company, the shareholders and directors must be resident Bangladeshi, and in case of any such transfer the same shall stand as void.
- 16.03 No shareholder or a member of his family of the company that is awarded the License in the capacity of an owner, shareholder, director, officer or partner of any other company can hold or will hold any other License from the Commission.
- 16.04 Any breach of the above conditions contained in Clause Nos. 16.01, 16.02 and 16.03 shall result in cancellation of the license.

17. INFORMATION, INSPECTION AND REPORTING

- 17.01 The Licensee shall furnish necessary information and other related matter as may be asked by the Commission from time to time.
- 17.02 The Commission or any person authorized by the Commission shall take the copies of records, documents and other information relating to the Licensee's business for the purpose of enabling Commission to perform its functions under the Act and provisions in the License.
- 17.03 The Commission or its authorized representatives shall have the right to enter and inspect the offices, places and premises where the Licensee has installed the Systems. The Licensee shall provide all information as may be required by the Commission.
- 17.04 The Commission or its authorized representatives shall have free access the installation of the licensee and may inspect such installations at any time and the Licensee shall be bound to provide all sorts of cooperation and assistance for inspection, tests and monitoring.
- 17.05 The Commission shall have free access to the installations and equipments of the Licensee for inspection as and when necessary and the Licensee shall always provide all sorts of cooperation and assistance for the same including use of suitable office accommodation for monitoring purpose.

18. AMENDMENTS

- 18.01 The Commission has the right to change, amend, vary or revoke the terms in this License, which has relevance to exercising powers of the Commission provided in the Act.
- 18.02 The Commission may suspend, cancel all or part of this License and/or impose fine for any violation of any condition of this License.
- 18.03 The Commission reserves the right to modify these conditions or incorporate new conditions considered necessary in the interest of national security and/or public interest.

19. SUSPENSION, REVOCATION AND FINES

- 19.01 The Commission may, in any of the events specified in Section 46 of the Act, suspend or cancel all or any part of this License and / or impose fine as mentioned in Section 46(3) of the Act.
- 19.02 The Commission may also impose fine under Section 63(3) and Section 64(3) of the Act for any violation of any condition of this License.
- 19.03 On the disclosure of any of the disqualifications being suppressed by the Licensee, the License shall be cancelled and the Licensee shall be liable to be punished under the relevant provisions of the Act.

20. TRANSFER

This License and any right acquired hereunder shall not be transferred, wholly or partly, and such transfer, if any, shall be void.

21. MISCELLANEOUS

- 21.01 The Licensee shall comply with all terms and conditions of this License, applicable legislation including the Bangladesh Telecommunication Act 2001 (as amended) and any applicable subsidiary legislation and all directions issued by the Commission from time to time. The Schedules annexed herewith shall form part of the license.
- 21.02 The Licensee shall take prior written permission of the Commission to take any loan. The License shall not be assigned or pledged as security.
- 21.03 All correspondences shall be in writing and shall be sent to the Licensee’s registered place of business.
- 21.04 Unless otherwise stated-
 - a. all headings are for convenience only and shall not affect the interpretation of the provisions of this License;
 - b. the words importing the singular or plural shall be deemed to include the plural or singular respectively;
 - c. any reference in this License to a person shall be deemed to include natural and legal persons;
 - d. all references herein to applicable legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time.
- 21.05 This License shall be governed by and construed in accordance with the laws of Bangladesh.
- 21.06 Violation of any of the conditions of the License shall render the License to be cancelled.

Signed on thisday of2007

SCHEDULE- 1

INTERPRETATION, DEFINITION AND ABBREVIATIONS

Unless the context otherwise requires, the different terms and expression used in the policy shall have the following meaning assigned to them. The headings are given for the shake of convenience in the policy and do not carry any special meaning.

01. **"Access Network Service Operators"** means the PSTN, Cellular, Cable Service Provider and ISPs who have a direct access with the subscribers.
02. **"Act"** means the Bangladesh Telecommunication Act, 2001 (Act no. XVIII of 2001) as amended.
03. **"Application form"** means a form prescribed for applying for the license for the operation of IGW services;
04. **"Bangladeshi Entity"** means Bangladeshi resident citizens, proprietorships, partnerships and companies registered under 'Joint Stock of Companies and Firms' under the Companies Act 1994.
05. **"BTTB"** means the Bangladesh Telegraph and Telephone Board established under the Bangladesh Telegraph and Telephone Board Ordinance, 1979 and any of its successors.
06. **"Business Process Outsourcing (BPO)"** refers to the increasing trend of relocating entire business function and processes to either self-owned or third party service providers, typically in low cost location. The most common examples of BPO are Call Centers, Human Resources Management, 'Back Office' Banking, Accounting, Insurance Claim, Tax, Payroll, and other business data process outsourcing.
07. **"Commission"** means the Bangladesh Telecommunication Regulatory Commission established under the Bangladesh Telecommunication Act 2001(as amended);
08. **"Family"** means father, mother, husband or wife, son, daughter, step-son, step-daughter.
09. **"Government"** means the Government of the Peoples' Republic of Bangladesh;
10. **"ILDTS Policy 2007"** means the International Long Distance Telecommunication Services Policy 2007.
11. **"IP Telephony"** allows voice traffic to travel over data networks. The voice traffic can go over the Internet or Privately Owned Data Network.
12. **"Interconnections Exchange (ICX)"** refers to an installation which provides interconnections among the existing/future telecommunication networks and allows monitoring and Lawful Interception (LI) facilities.
13. **"Internet Exchange (IX)"** refers to switching system which connects all the ISPs and equivalent service providers primarily for data traffic flow. It consists of two parts i.e. "International Internet Gateway (IIG)" and "National Internet Exchange (NIX)". "IIG" will provide global internet connectivity. All domestic internet data communication will be routed via NIX to minimize usage of international bandwidth. It allows non-business computer-based voice traffic (messenger etc.).

14. **"International Gateways (IGWs)"** are the facilities through which uninterrupted international voice traffic is sent and received. IGW allows physical monitoring of the traffic flow and controls artificial high prices of traffic.
15. **"International Private Leased Circuit (IPLC)"** means international point to point leased circuit.
16. **"ITU"** means International Telecommunication Union;
17. **"License"** means an authorization issued by the Commission under section 36 of the Act and Regulations issued by the Commission for establishing, operating and maintaining IGW systems and services;
18. **"Multi Router Traffic Grapher (MRTG)"** is a tool to monitor the traffic load on network-links. MRTG generates HTML pages containing GIF images which provide LIVE visual representation of traffic. It allows the user to see traffic load on a network over time in graphical form.
19. **"Next Generation Network (NGN)"** is a packet based network able to provide services including telecommunication services and able to make use of multiple broadband, QoS-enabled transport technologies and in which service related functions are independent from underlying transport related technologies. It offers unrestricted access by users to different service providers. It supports generalized mobility which will allow consistent and ubiquitous provision of services to users.
20. **"NTP"** means the National Telecommunication Policy, 1998 as amended from time to time;
21. **"Operator"** means a person licensed for establishing or operating a telecommunication system or providing telecommunication service or operating a system which is the combination or more than one of those facilities.
22. **"PBG"** means Performance Bank Guarantee from a scheduled Bank;
23. **"Point of Presence (POP)"** means setting up of switching center and transmission center of appropriate capacity to provide on demand service of prescribed quality and grade of service in a non – discriminatory manner.
24. **"Point of Interconnection (POI)"** means the physical location at which two or more networks interconnect through switches, nodes or other facilities and offering access to the operator/service operators.
25. **"Packet Switching"** is a method to move data around on the Internet. In packet switching, the data is broken up into chunks, attached with address and allows many people to use same line at the same time.
26. **"Quality of Service (QoS)"** is evaluated on the basis of measures on the grade of service, calls lost due to wrong processing, bit error rate, response time, acceptable number of faults per unit subscribers served, and mean time to restore (MTTR), faults carried over beyond the MTTR and satisfactory disposal thereof.
27. **"Regulation"** means, regulations made or will be made in the future by the Commission under the Act;

28. **"Session Initiation Protocol (SIP)"** is an application layer protocol that uses text format messages to setup, manage and terminate multimedia communication sessions. SIP enables the audio signals and dialed digits to be converted into packets that can be routed through a data network i.e. internet.
29. **"SS7"** means signalling system number 7 which is an ITU-T common channel signalling protocol.
30. **"Telecommunication"** means transmission and reception of any speech, sound, sign, signal, writing, visual image and any other intellectual expression by the way of using electricity or electro-magnetic or electro chemical or electro-mechanical energy through cable, radio, optical fibre or other electro-magnetic or electro chemical or electro-mechanical or satellite communication system.
31. **"Telecommunication Service"** means any of the following services:-
- 31.1 Transmission or reception, with the help of a telecommunication system, or anything that falls within the purview of the definition of telecommunication.
 - 31.2 Any value added telecommunication service (e.g. fax, voice mail, paging service).
 - 31.3 Internet services.
 - 31.4 IP-TV services.
 - 31.5 Supply of information or directory relating to a telecommunication system for the convenience of using a service mentioned in (31.1), (31.2), (31.3) and (31.4) above;
 - 31.6 A service for installation, or a service relating to the adjustment, alteration, repair, moving or replacement of such apparatus.
32. **"Telecommunication System"** means a combination of the telecommunication apparatus (e.g. switching system, transmission apparatus, terminal apparatus, satellite etc.) whether or not these equipment are visibly connected with one another, or whether or not they are combined in using the transmission or reception of any information or message.
33. **"tElephone NUmber Mapping (ENUM)"** is mapping of "Telephone Numbers" to Uniform Resources Identifiers (URIs) using the Domain Name System (DNS) in the domain e164.arpa. ENUM enables the convergence between the PSTN/PLMN and Internet.
34. **"Tariff"** means rates, charges payable by a subscriber for service provided and related conditions at which telecommunication services may be provided including rates and related conditions at which messages shall be transmitted, deposits, installation fees, rentals, free calls, usages charges and any other related fees or service charge and also the term tariff shall have the same meaning as contained in the telecommunication TARIFF orders issued by the Commission.
35. **"Voice Over Internet Protocol (VoIP)"** is the routing of voice conversations over the Internet or any other IP network. The voice data flows over a general-purpose packet-switched network, instead of the traditional dedicated, circuit-switched voice transmission lines.
36. **"Virtual Private Network (VPN)"** usually refers to a network in which some of the parts are connected using the public internet but the data sent across the internet is encrypted, so the entire network is "Virtually Private".

37. **Abbreviations:**

37.01	ANS	-	Access Network Services.
37.02	ASCII	-	American Standard Code for Instruction Interchange.
37.023	BHCA	-	Busy Hour Call Attempts.
37.043	BNS	-	Backbone Network Service.
37.054	BPO	-	Business Process Outsourcing.
37.06	BTRC	-	Bangladesh Telecommunication Regulatory Commission.
37.07	BTTB	-	Bangladesh Telegraph & Telephone Board.
37.08	CALEA	-	The Communication Assistance for Law Enforcement Act (US).
37.09	CDR	-	Call Detail Record.
37.10	CCS7	-	Common Channel Signalling No. 7
37.11	DDF	-	Digital Distribution Frame.
37.12	ENUM	-	tElephone NUmber Mapping.
37.13	ETSI-ES	-	European Telecommunications Standard Institute- European Standard.
37.14	ICX	-	Interconnection Exchange.
37.15	IEC	-	International Electrotechnical Commission.
37.16	IETF	-	Internet Engineering Task Force
37.17	IGW	-	International Gateways.
37.18	IIG	-	International Internet Gateway.
37.19	ILDTS	-	International Long Distance Telecommunication Services.
37.20	IP	-	Internet Protocol.
37.21	IPLC	-	International Private Leased Circuit.
37.22	IPO	-	Initial Public Offer.
37.23	ISO	-	International Organization for Standardization.
37.24	ISP	-	Internet Service Provider.
37.25	IX	-	Internet Exchange.
37.26	LEA	-	Law Enforcing Agencies.
37.27	LI	-	Lawful Interception.
37.28	MRTG	-	Multi Router Traffic Grapher.
37.29	NGN	-	Next Generation Network.
37.30	NIX	-	National Internet Exchange.
37.31	POP	-	Point of Presence.
37.32	POI	-	Point of Interconnection.
37.33	PLMN	-	Public Land Mobile Network.
37.34	PSTN	-	Public Switched Telephone Network.
37.35	QoS	-	Quality of Service.
37.36	SIP	-	Session Initiation Protocol.
37.37	SLA	-	Service Level Agreement
37.38	STM-x-	-	Synchronous Transfer Mode (Fibre Channel Card)
37.39	VoIP	-	Voice over Internet Protocol.
37.40	VPN	-	Virtual Private Network.
37.41	VSAT	-	Very Small Aperture Terminal.

SCHEDULE-2

TECHNICAL REQUIREMENTS OF INTERNATIONAL INTERNET GATEWAY (IIG) SERVICES

1.0 LOCATION AND NUMBER OF IIGs:

The operator Licensee has to install two IIGs. One IIG will be at Dhaka and another at Chittagong. To commence with, the Licensee has to establish at least one POP at Dhaka and another at Chittagong. The number of POPs in those two cities has to be increased and There should have at least 4 Point of Presence (PoP) at different locations at Dhaka, 2 PoPs in Chittagong., 1 PoP at Bogra, 1 PoP at Sylhet and 1 PoP at Khulna. other major citiesplaces/ cities also have to be covered gradually. Location of the POPs has to be approved by the Commission. Locations of PoPs have to be approved by BTRC. Interconnections among the IIGs and POoPs would be the responsibility of the operatorLicensee.

2.0 FUNCTIONS OF IIGs:

IIG will have two main functions. It will work both as an International Internet Gateway (IIG) for exchanging International Internet-based data traffic as well as a National Internet Exchange (NIIG) for exchanging national internet-based data traffic.

Two types of services are to be provided with this exchange:

- a. National peering service
- b. International transit service

These services may be offered from same platform or separate platforms

2.1 INTERNATIONAL INTERNET GATEWAY (IIG):

IIGs will serve as an Internet exchange for routing International incoming and outgoing Internet based data traffic. The Exchange will be connected with the existing Submarine cable as main link and with the Satellite Earth Station/VSAT as back up until another Submarine cable is available. All ISPs shall be connected to global internet through this IIGs. IIG Licensee will arrange both submarine cable bandwidth, and backup satellite bandwidth and overseas tier-1 service provider.

2.2 NATIONAL INTERNET EXCHANGE:

This internet Exchange will be used to interconnect ISPs inside the country, allowing them to exchange domestic Internet traffic only.

3.0 TECHNICAL REQUIREMENTS FOR THE INTERNATIONAL INTERNET GATEWAY:

3.1 The International Internet Gateway shall consist of carrier-grade data communication equipment. The gateway router should be capable of handling high-speed Internet connection peering with multiple international Tier-1 Service providers.

3.2 Routing: The routing features shall include the following, but not limited to :

- a. Static Routing
- b. BGP version 4 or later
- c. OSPF
- d. RIPv2
- e. IS-IS
- f. MPLS
- g. VRF with Multi-protocol BGP
- h. IGMP
- i. ICMP
- j. RSVP

3.3 CONNECTIVITY:

The Gateway Router shall have Packet over SDH (POS) and Gigabit Ethernet (GE)/Fast Ethernet(FE).

3.3.1 International side:

It shall support different interface speeds such as STM-1, STM-4, STM-16, STM-64, GE and FE . The main connectivity will be through SEA-ME-WE-4 cable. It must have at least 10% of connected bandwidth as backup capacity through Satellite Earth Station/VSAT till alternate Submarine cable is available. In case of more than one Submarine cable connectivity, no single cable should carry more than 60% of the total traffic. However depending on Service Level Agreements (SLAs) with subscribers, the IIG Licensee would arrange sufficient backup bandwidth through Satellite.

3.3.2 National side:

It shall support different interfaces speeds such as STM-1, STM-4, FE, GE and 10G.

3.3.3 The Gateway Router shall support 'wire-speed packet forwarding' for all packet sizes across all interfaces simultaneously.

3.3.4 IIG Licensee shall provide Optical Distribution Frames (ODFs) with FE, GE, POS interfaces to connect ISPs. ODFs with necessary capacity will be installed by the IIG Licensee at its POPs, where all the ISPs will come at their own cost. All domestic VSAT Hubs will also be connected through appropriate interfaces. The IIG Licensee shall arrange to reach the domestic POPs of submarine cable with suitable transmission media with appropriate interface.

3.3.5 For domestic internet data traffic, all ISPs will be connected with National Internet Exchange(s) (NIX), which shall operate on a peering basis. IIG shall also be connected to NIX if so directed by the Commission as and when needed. For this connectivity IIG shall have sufficient port and bandwidth switching capacity.

3.4 Quality of Service:

An essential feature for Gateway Router is to support differentiated Quality of Service (QoS) for IP packets. To allow service providers to offer differentiated IP service plans to their subscribers, the Gateway Router must be able to deliver the following IP QoS :

3.4.1 IIG Licensee shall support simple traffic classifications (DSCP or TOS bits). The Gateway router shall support Low latency-Low Jitter for real time service in addition to Assured Services and Best effort services for non-real time traffic.

3.4.2 Support traffic cControl.

3.4.3 Support traffic policing & shaping.

3.4.4 Congestion control based on Weighted Fair Queuing, Class Based Weighted Fair Queuing and Low Latency Queuing. Congestion avoidance based on Random Early Detection (RED) and Weighted RED (WRED).

3.4.5 Should support DiffServ.

3.4.6 Wire-speed complex traffic classification, hardware-based implementation.

3.4.7 Hardware-based implementation of QoS, not affecting the forwarding performance.

3.4.8 Shall support SLA probes to monitor the packet loss, jitter, latency parameters with Tier-1 peering ISPs and also the downstream service providers and corporate customers. The frequency of collecting probes should be configurable. The SLA parameters will be collected by SNMP MIBs by the central performance management software.

3.5 The systems should be ready for IPv6.

3.6 Systems and Capacity Requirements:

3.6.1 The International Internet Gateway must have initial capacity to connect at least 300 ISPs.

- 3.6.2 All the critical equipment should be fully redundant to avoid any single point of failure.
- 3.6.3 The Switching capacity shall not be less than 80 Gbps full duplex (160 Gbps half duplex).
- 3.6.4 The Gateway Router shall support the minimum forwarding rate of 160 million packets per second.
- 3.6.5 The Gateway Router shall forward the packet on Line-rate on all the interfaces.
- 3.6.6 The Gateway Router shall be equipped with adequate memory and processor capacity to maintain full BGP route with multiple Tier-1 Service providers and to ensure full load real time packet forwarding.
- 3.6.7 The system must be equipped with adequate facilities to detect any voice passing through IIG and prevent any commercial or unauthorized traffic.

3.7 The IIG Licensee shall deploy necessary hardware and software in IIG so that:

- 3.7.1 No commercial voice can pass through IIG.
- 3.7.2 Non-business voice data shall have to be kept within a limit specified by the Commission.
- 3.7.3 Any unwanted traffic (as defined/prescribed by the Commission and LEAs) shall be regulated.
- 3.7.4 Roundtrip delay with any Tier-1 provider should not be more than 250 ms in case of Submarine cable.

3.8 The required international bandwidth of the connected individual ISPs has to be ensured by IIG Licensee.

3.9 Based on demand forecast IIG Licensee will arrange for equipment and transmission capacity expansion on 3 months lead time basis.

4.0 OTHER SERVICES:

IIG Licensee shall provide following services:

- a. Route server
- b. Looking glass
- c. Network Time protocol
- d. Root server Mirror
- e. TLD Server mirror

5.0 MONITORING REQUIREMENTS OTHER REQUIREMENTS:

Following monitoring facilities must be made available:

- 5.1 Traffic status including incoming/outgoing traffic, packet drop and other performance indexes of each link.
- 5.2 Identification of every packet on the basis of application.
- 5.3 Displaying graphically link-wise traffic of any application.
- 5.4 Provide facility to each individual subscriber to monitor his/her bandwidth utilization, packet drop and other performance indexes.
- 5.5 The Commission and LEA will have full access to all monitoring facilities. Required terminals have to be installed with all necessary networks at the Commission premises so that all the traffic status and application-wise visual representation of the traffic of any link can be viewed and stored.
- 5.6 The licensee shall provide Deep Packet Investigation (DPI) and/ or any other monitoring facilities for online and offline monitoring by the Commission.

6. REPORTING:

IIG Licensee has to submit monthly following reports, but not limited to, showing daily,:

- 6.1 Five minute average Incoming and outgoing traffic for each international backbone link.
- 6.2 Maximum Incoming and outgoing traffic (5 minutes interval) for each international backbone link.
- 6.3 Application-wise traffic distribution (in percentage of total utilization) for each international backbone link.
- 6.4 All or any of the above report for any ISP link as requested by the Commission.
- 6.5 Any other report as and when asked by the Commission.

7. LAWFUL INTERCEPTION:

- 7.1 The IIG shall be compliant as per ETSI ES 201 671 v.2.1.1. and CALEA J.25B.
- 7.2 Redundant access points of LI system of IIGs shall be extended to Law Enforcement Agency (LEA) premises including transmission media, other necessary hardware and software for on-line and off-line monitoring, analysis of contents etc.
- 7.3 IIG Licensee shall provide high capacity storage media, as per requirement, to store bulk data at LEA premises.
- 7.4 IIG Licensee shall provide for on-line viewing of content as per ETSI and CALEA standards and storing of data as specified by LEA.
- 7.5 Capacity of storage shall be decided by LEA and the Commission.
- 7.6 The system shall be capable of sorting and sending data contents to LEA on the basis of following criteria (but not limited to);
 - a. Source IP address
 - b. Destination IP address
 - c. E-mail address
 - d. Web address
 - e. Catchy words in e-mail, ftp, chatting
 - f. Type of application

8. OTHERS:

- a. The IIG Licensee will have SLAs with all ISPs.
- b. The IIG Licensee will ensure sufficient backup power to ensure uptime on 24/7 basis.
- c. The IIG Licensee should provide 24/7 Network Operation Center (NOC) support for all subscribers.

SCHEDULE-3

PRO-FORMA OF SECURITY DEPOSIT AS BANK GUARANTEE

[Bank Letterhead]

[Date]

[Name of Bank] (Hereinafter called the Bank)

[Address]

To: The Bangladesh Telecommunication Regulatory Commission
[Address]

Dear Sirs

Subject: Bank Guarantee No.: **dated** **for Tk. 5,00,000.00 (Taka five lac)**
only in favour of "The Bangladesh Telecommunication Regulatory Commission" as
security deposit

This Bank Guarantee (hereinafter called the Guarantee) is issued pursuant to the clause-..... of the license no. ----- dated ----- for operating and maintaining of International Internet Gateway in the country granted to -- ---- (hereinafter called the licensee) by the Bangladesh Telecommunications Regulatory Commission (hereinafter called the Commission) under the Bangladesh Telecommunication Act, 2001.

This Guarantee will serves as security deposit for fulfilment of Licensee's obligations under the terms and conditions of the License.

The Bank hereby irrevocably guarantees and undertakes to pay to the Commission, any or all sums up to the amount of Tk. 5,00,000.00 (Taka five lac) only as described in the regulatory and licensing guidelines for invitation of applications for issuing International Internet Gateway Services license as decided by the Commission in accordance with the following terms and conditions:

- (a) Payment shall be made by the Bank within the same business day of the receipt of any written demand by the Commission;
- (b) The written demand by the Commission is made substantially in the form in the annexed Form and executed by an authorised representative of the Commission;
- (c) Payment is made unconditionally and without reservation including the need for any reference to a third party or the Licensee and without the need for any evidence or proof;
- (d) Payment is to be made in Taka by pay order in favour of:
The Bangladesh Telecommunication Regulatory Commission

This Guarantee is irrevocable and shall remain in force from the date hereof until terminated by written notice from the Commission.

The Bank shall not be discharged or released from its obligations under this Guarantee unless it has paid any or all sums up to the amount as stated in the License and this has been confirmed in writing by the Commission.

This Guarantee shall be governed and construed in accordance with the relevant laws of Bangladesh.

Signed by,

for and on behalf of:

Name of Bank

Witnessed by:

Signature

Name

Address

date

WITHDRAWAL REQUEST FORM

[Letterhead of the Commission]

[Date]

To: [Name of Bank]
[Address]

Dear Sir,

RE: REQUEST FOR PAYMENT OF BANK GUARANTEE AGAINST SECURITY DEPOSIT

This is with reference to the bank guarantee dated [] issued by you on behalf of [Licensee].

We wish to inform you that [Licensee] has failed to meet its obligations under the License.

Kindly let us have payment of the sum of [] in accordance with the terms and conditions of the bank guarantee.

[Name of Authorized Representative of the Commission]
for and on behalf of
Bangladesh Telecommunications Regulatory Commission

SCHEDULE - 4

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM FOR IIG LICENSE

1. This Application Form is the first and foremost instrument for obtaining IIG License.
2. Unless otherwise indicated, all sections in the application form must be completed together with the supporting affidavit in Schedule-6. The completed application form and any supporting documents required should be sent to the address of the Commission in duplicate, together with one soft copy in CD containing the complete application in PDF Format. The application form and all supporting documents must be in English. All copies of original documents e.g. certificates of incorporation, must be certified as true copies by a notary public of Bangladesh.
3. The application must be made only by the applicant's authorized personnel. The Commission reserves the right to reject the application if it is found that the information or documents provided for, in this application are untrue, inaccurate or incomplete.
4. The License shall be granted subject to the payment of License Acquisition fee and any other relevant fees as laid down in the Licensing Guidelines.
5. All other fees and security deposit for the IIG License shall be as set out in the License.
6. The License fees and other fees payable in connection with this application and the IIG License shall be paid by way of Bank Draft/ Pay Order made in favour of the Commission. All payments must be made in Taka on/before the due date for payment.
7. The Commission reserves the right either to accept or reject any application submitted without assigning any reason thereof.
8. Consideration for approval of the application shall be based on information declared in the application form. Where it thinks fit, the Commission may seek clarification or request additional information from any entity arising from the application. Any failure to notify or respond to the Commission may affect the application or any License issued pursuant to it. Any delay in notification or response may also affect the time for a decision on the application.
9. The applicant must provide a Letter of Comfort stating the specific amount from a scheduled Bank attesting that the Bank is willing to finance the applicant up to the cost projected in its business plan if the applicant wins the Auction.
10. The Commission reserves the right to disclose any information submitted by applicants to any competent authority if the Commission deems the same necessary.

11. Checklist of documentation must be provided with all Applications. Full details are in the Application Form. **This is only a checklist for reference:**
- ❑ The applicant will submit 2 (two) copies of its application/offer with all relevant documents of which 01(one) will be original while the remaining 01 (one) will be copy along with one soft copy in CD containing the complete application in PDF Format. Each page of the application including tender documents has to be authenticated/ signed by authorized personnel.
 - ❑ Certified true copies of Memorandum and Articles of Association and Certificate of Incorporation for corporate applicants.
 - ❑ Certified true copies of share certificates demonstrating ownership interest in application (if applicable).
 - ❑ List of Directors with details of their shareholdings, and relation to other Operators and applicants for a License along with bio-data and photo.
 - ❑ List of Shareholders with details of equity ownership.
 - ❑ Proposed financial information including capital expenditure plans, budgets and other financing plans for first two years.
 - ❑ Up to date Income Tax Clearance Certificate (if applicable) and TIN Certificate.
 - ❑ Most recent interim financial results and management accounts for applicant and its key shareholders/investors.
 - ❑ Letter of Comfort from a scheduled bank.
 - ❑ Organization, business and implementation plan as per the following chart in Schedule-7.
 - ❑ Application Fee.
 - ❑ Filling up the Application Form and to submitting the supporting documents as well.

SCHEDULE-5

BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

APPLICATION FORM

[Section 36(5) of the Act 2001]

For IIG License

INFORMATION REQUIREMENT

SI	Information required	Information furnished/compliance
01	Identity of Applicant Name of Person/Company/Firm/Partnership/Consortium/Society as the case may be.	
02	Business Address and Registered Office Address and Telephone number, facsimile number, E-mail and Website details.	
03	Business or Company's structure details For applicants that are corporate entities, include/submit copies of Certified true copies of Memorandum and Articles of Association and Certificate of Incorporation/registration or other equivalent documents. If applicant company is in the name of a consortium which includes one or more corporate members or partnerships, include/submit documents for each corporate member or partnership as applicable along with up to date clearance certificate of Income Tax (if applicable) for each and individual member of the consortium. If applicant company is a partnership, provide copy of partnership deed or equivalent documents. If applicant is a society or other organisation, provide rules of society or equivalent documents. If the applicant is a Company/firm, provide documents of registration from the Registrar of Joint Stock Companies and Firms, as well as from the concerned Chamber of Commerce and Industries or equivalent trade bodies and also submit a clearance certificate of Income Tax paid (if applicable).	
04	Contact Person's Name and Position The person should be an appropriate senior level individual i.e. Chairman, Managing Director, Chief Operating Officer, Chief Executive Officer, Chief Technical Officer, Chief Commercial Officer, who would be an appropriate point of contact for general and/or technical enquiries.	
05	Contact Person's Passport No. and Country of Issue With Photocopy of the first six pages of the passport.	
06	Contact Number of the contact person (Telephone, Fixed & Mobile, Facsimile and E-mail)	
07	Business Proposal as per document annexed as Schedule-7.	

I/we declare that all the information furnished in this application form is true and correct. I/we understand that approval from the Commission for this application is based on information as declared in this application. Should any of the information as declared be incorrect, then any License granted by the Commission may be cancelled.

I/we also declare that I/we have read, understood and undertake to comply, with all the terms and conditions outlined or referred to in the Commission document entitled Regulatory and Licensing Guidelines for invitation of application for granting of IIG license in the country, and those terms and conditions included in the License to be issued to us/me, if this application is approved by the Commission.

Name & Designation & Company Stamp

Date

SCHEDULE-6

AFFIDAVIT

The undersigned, _____, of legal age, and residing at
(Name of Official/Individual applicant)

_____ after having been duly sworn deposed states:
(Address)

1. That he/she is the _____
(Official Capacity)
of _____,
(Name of company/corporation/partnership/society/individual (the Applicant))
duly organized under the laws of _____.
(Name of Country)

OR

That he/she is the applicant for the License referred to below (the Applicant), a citizen of

(Name of Country)the Peoples Republic of Bangladesh.

2. That personally, and as _____ for and on behalf
(Official Capacity)
of the Applicant he/she hereby certifies:
- a) That all statements made in the Applicant's application for a License to establish and maintain International Internet Gateway Services and in the required attachments to that application are true and correct;
 - b) That this certification is made for the expressed purpose of an application by _____ for a IIG License from the _____ (name) Bangladesh Telecommunication Regulatory Commission;
 - c) The Applicant will make available to the Commission or any other of its authorized agencies any information they may find necessary to verify any item in the application or regarding its competence and general reputation;
 - d) That the Applicant has not held any License that the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners (where the Applicant is a company, corporation, partnership or society):
 - (i) is not an insane person;
 - (ii) has not been sentenced by a court under any law, other than the Bangladesh Telecommunications Act 2001 (Act), to imprisonment for a term of 2 (two) years or more, other than sentences where a period of 5 (five) years has elapsed since his/her release from such imprisonment;
 - (iii) has not been sentenced by a court for commission of any offence under the Act other than sentences where a period of 5 (five) years has elapsed since his/her release from imprisonment;

- (iv) has not been declared bankrupt by the court and has not been discharged from the liability of bankruptcy;
 - (v) has not been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a loan defaulter loanee of that bank or institution.
 - (vi) he has been charged with illegally terminating calls by using VoIP technology.
 - (vii) any license of his has been cancelled by the Commission at any time during the last 5 (five) years.
- e) That no shareholder/director or a member of his/her family of the applicant in the capacity of an owner, shareholder, director, officer, partner or consultant of any other company holds any other license from the Commission.

That the undersigned is the Applicant or is duly authorized by the Applicant to make these representations and to sign this affidavit.

 Director/Secretary/Partner/Duly Authorised Representative/Attorney/Individual
 as or on behalf of the Applicant

WITNESSES

1. _____ 2. _____

Subscribed and sworn to before me

this _____ day of _____ 20 ____ at _____.

 Notary Public

SCHEDULE-7

BUSINESS PROPOSAL

No.	Item Description
1	Organization/ Company: Description of the applying organization (Company background including experience of the company or its shareholders, directors, employees and partners in current and previous business ventures.)
2	Stakeholders: Brief Description of Owners, shareholders, directors, partners, associates, shareholding companies (& their owners, directors). The individual level eventual ownership must be established and detail resume of those individuals must be provided.
3	Experience in relevant field: Experience & knowledge of the company or its shareholders, directors, employees, potential employees, partners in relevant field including the experience in Telecommunication business, Telecommunication infrastructure building, Telecommunication equipment integration, Telecommunication system operation & maintenance, Management, Finance, overseas communication, marketing, customer care, risk management etc.
4	<p>Project Management and Implementation Plan</p> <ul style="list-style-type: none"> a. Proposed Organization chart b. Brief responsibility (job description) of key personnel and work groups as per the organization chart c. Project implementation and management plan (detail of all aspects must be covered) d. Project implementation schedule (Gantt chart) e. Contingency and backup plan description for timely project implementation f. Management strategy and future plan
5	<p>Competence level: Provide detail of proposed Key personnel for following fields</p> <ul style="list-style-type: none"> A. Technical, Operations & Management B. Marketing, Sales & customer support C. Finance, legal and administration <p>Profile & Resume of key personnel for these fields should be submitted. Respective profiles should be marked with the field name. Interview of key personnel may be performed. If employees are not hired yet then provide detail of selected potential employees with their consent letter.</p>

No.	Item Description
6	<p>Proposed Technical Solution:</p> <ul style="list-style-type: none"> a. Technical system design criteria and assumptions. b. Detail system description. c. Quality of service obligation fulfillment plan. d. System redundancy detail with expansion options e. Proposed solution implementation references. f. LI Compliance detail
7	<p>Market understanding, strategy & Marketing Plan:</p> <ul style="list-style-type: none"> a. Provide detail of relevant market assessment b. Applicants strategy for marketing c. Detail marketing Plan d. Contingency plan of applicant(operator) for changed market scenario e. Detail customer care plan
8	<p>Financial Analysis and Proposed Financing pattern</p> <ul style="list-style-type: none"> a. Assumptions for detail financial analysis (as per technical, operations and marketing plan b. Detail Financial Analysis with minimum auction percentage (0.25% revenue share with the commission) and Proposed Financing Pattern detail. This should include Total project cost & cost financing pattern, assumptions for financial analysis, together with projected five years working capital, revenue, cost of services, cost of administration & marketing, financial costs, Profit and loss calculation, cash flow statement, IRR calculation, balance sheet and DCSR calculations. <p>Financial Analysis and Proposed Financing pattern</p> <p>Assumptions for detail financial analysis (as per technical, operations and marketing plans)</p> <p>Detail Financial Analysis with minimum auction %</p> <p>Proposed Financing Pattern detail</p>
9	<p>Investment Plan and source of fund detail</p> <ul style="list-style-type: none"> a. As per financial analysis proposed source of funds b. Supporting documentation regarding source of fund mobilization (bank comfort letter, equity source, other financial source detail)
10	<p>Overall Business strategy and its contribution to telecom sector and the country:</p> <p>Describe the business strategy of the organization. How the proposed strategy will contribute to Bangladesh’s Telecom sector and subscribers (specific contribution & benefits to be listed).</p>
11	<p>Risk management plan</p> <ul style="list-style-type: none"> a. Risk identification b. Risk response strategy & Plan
12	<p>Social Commitments: Describe how the applicant proposes to undertake social commitments and participate in nation building.</p>
13	<p>Presentation: Applicant may be asked to provide detail presentation of its proposal and business case to the Commission before the auction.</p>