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**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION**

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/SC(270)/2008-177

Date: 31-03-2011

**REGULATORY AND LICENSING GUIDELINES
FOR INVITATION OF OFFERS/PROPOSALS**

FOR

ISSUING LICENSE

TO

**BUILD, OPERATE AND MAINTAIN
SUBMARINE CABLE SYSTEMS AND SERVICES**

IN

BANGLADESH

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Bangladesh Telecommunication Regulatory Commission

IEB Bhaban, Ramna, Dhaka-1000

No. BTRC/LL/SC(270)/2008-179

Date:31-03-2011

Invitation to offers/proposals for granting License for Submarine Cable Systems and Services

1. The Bangladesh Telecommunication Regulatory Commission (the Commission) invites offers/proposals from eligible Bangladeshi entities (resident citizens, Non-Resident Bangladeshi (NRB), proprietorships, partnerships under the Partnership Act, 1932 and companies registered with the 'Registrar of Joint Stock Companies and Firms' under the Companies Act, 1994) or joint venture with foreign entity for granting License to establish, maintain and operate Submarine Cable Systems and Services. Only entities having adequate financial, technical and organizational capability to serve in the field will apply with an updated list of their business record and record of experiences.
2. The applicant companies/partnership firms shall have to be registered with Registrar of Joint Stock Companies and Firms, as well as with the concerned chamber of commerce and industries (if applicable).
3. The prescribed application form along with general terms and conditions are included in the "Regulatory and Licensing Guidelines for Invitation of offers/proposals for Issuing License to Build, Operate and Maintain Submarine Cable Systems and Services in Bangladesh" (No. BTRC/LL/SC(270)/2008-177, Date:31-03-2011) which is available in the BTRC website: www.btrc.gov.bd.
4. All applications duly sealed are to be submitted in the box kept in the Commission, IEB Bhaban, Ramna, Dhaka-1000 addressing the Chairman, Bangladesh Telecommunication Regulatory Commission at or before 12.00 hrs on 16th May, 2011. The sealed application will be opened by the representative of BTRC at 12.30 hrs in the office of the Commission on the same day in the presence of the applicants or their representatives who will be present. No application will be received after the deadline.
5. The Commission will issue maximum 2 (two) Licenses for Submarine Cable Systems and Services in Bangladesh under the International Long Distance Telecommunication Policy, 2010 and as per the terms and conditions of the guidelines made for the purpose. The Government reserves the right to reduce the number of Submarine Cable Systems and Services License.
6. The Commission shall follow the Licensing Procedure Regulations, 2004 to issue the Submarine Cable Systems and Services License as laid down in the Regulatory and Licensing Guidelines.
7. Any offers/proposals submitted which does not comply with the terms and conditions of the above regulatory and licensing guidelines, will not be accepted.
8. The Commission reserves the right to accept or reject any or all offers/proposals without assigning any reason therefor.
9. Any applicant may communicate in writing for further clarification on the subject with the Deputy Director, Legal and Licensing Division, Bangladesh Telecommunication Regulatory Commission, during office hours on working days till 17th April, 2011, which may be addressed in the BTRC website accordingly.

Deputy Director
Legal and Licensing Division,
BTRC

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

IEB Bhaban, Ramna, Dhaka-1000

REGULATORY AND LICENSING GUIDELINES

FOR ISSUING LICENSE TO

BUILD, OPERATE AND MAINTAIN

SUBMARINE CABLE (SC) SYSTEMS AND SERVICES IN BANGLADESH

1. INTRODUCTION

- 1.1 Bangladesh Telecommunication Regulatory Commission (hereinafter the Commission) has been empowered by and under the Section 36 of the Bangladesh Telecommunication Regulatory Act, 2001 (as amended) (hereinafter the "Act") with the prior approval of the Government 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.
- 1.2 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 to build, operate and maintain SC Systems and Services in Bangladesh as envisaged in the Licensing (Procedure) Regulations, 2004 (as amended).
- 1.3 These Guidelines, along with the terms and conditions of the Licenses, 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.
- 1.4 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 health, national security and statute or Court orders.

2. OBJECTIVES

- 2.1 These Guidelines have been prepared taking into account the objective of the Government to ensure installation of additional SC Systems and Services to facilitate growth of Information and Communication Technology (ICT) and telecom sector through uninterrupted telecommunication services in Bangladesh.
- 2.2 These Guidelines are intended to provide an overview of the licensing and regulatory framework for Applicant(s) seeking to obtain License to build, operate and maintain SC Systems and Services in Bangladesh.



- 2.3 License to be issued under these Guidelines will authorize an operator to build, operate and maintain high capacity optical fiber SC Systems and Services to connect Bangladesh internationally and build, operate, maintain or arrange Optical Fiber Cable (OFC) backhaul upto Dhaka.

3. DEFINITIONS, INTERPRETATIONS AND ABBREVIATIONS

The definitions and interpretations of the relevant terms, alongwith pertinent abbreviations, are annexed herewith as SCHEDULE-1 of APPENDIX-4.

4. GENERAL REQUIREMENTS

- 4.1 The following are the principal legal statutes governing the telecommunication industry in Bangladesh:
- (a) The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
 - (b) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters which are not covered by the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
 - (c) The Bangladesh Telecommunication Regulatory Commission (Licensing Procedure) Regulations, 2004 (as amended).
 - (d) The Bangladesh Telecommunication Regulatory Commission (Interconnection Regulations, 2004).
 - (e) Any Act of Parliament or Ordinance and the Regulation(s) made or to be made by the Commission.
 - (f) All Agreements/Memorandums of Understanding executed by the applicant, related to the licensing conditions provided in the instant guidelines, shall be exclusively governed as to all matters, including validity, construction and performance, by and under the laws of Bangladesh.
- 4.2 Applicant(s) shall be disqualified from obtaining a License if any provision listed in sub clauses below applies to its owner(s) or to any of its director(s) or partner(s) or to the applicant(s) himself:
- 4.2.1 He is an insane person;
 - 4.2.2 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;
 - 4.2.3 He has been sentenced by a court for committing of any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - 4.2.4 He has been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
 - 4.2.5 He has been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a defaulter loanee of that bank or institution;
 - 4.2.6 His License has been cancelled by the commission at any time during the last 5 (five) years;