

F. No. P-11014/16/2008-PP
Government of India
Ministry of Communications & IT
Department of Telecommunications (DoT)
WPC Wing

Dated 11th September, 2008

Clarification/Amendments to the Guidelines for Auction and Allotment of Spectrum for BWA Services issued on August 01, 2008

A number of queries/requests for clarifications and suggestions for amendment were received from various sources on the guidelines for Auction and Allotment of Spectrum for BWA Services issued by DoT on August 01, 2008. Based on the feedbacks and inputs received, following clarifications/amendments are provided:

| Para No. of guidelines | Existing | Substituted by |
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| (a) | (b) | (c) |
| 1. Frequency band Sub para 1.1 | Spectrum in 2.5 GHz band shall be allocated for BWA services through bidding/ auction | Spectrum in 2.5 GHz and 2.3 GHz band shall be allocated for BWA services through bidding/ auction. |
| 2. Eligibility for Bidding for BWA Spectrum | Any person (i) who holds a UAS licence or (ii) who fulfills the eligibility criteria for obtaining a Unified Access Services Licence (UASL) as per Department of Telecommunications guidelines dated 14.12.2005. (iii) who holds ISP license category 'A' or 'B' | Any person (I) who holds a UAS/ CMTS licence; or (ii) who fulfills the eligibility criterion for obtaining a Unified Access Services Licence (UASL) and obtains UASL as per Department of Telecommunications guidelines dated 14.12.2005 before starting telecom operations ; or (iii) who holds ISP license category 'A' or 'B' |
| 3. Amount of Spectrum and reserve Price Sub para 3.1 | Spectrum shall be auctioned in the 2.5 GHz, and 2.3 GHz bands for data services. Each successful bidder can get 20 MHz in 2.3 and 2.5 GHz bands in a telecom service area. The number of blocks shall be two in 2.3 GHz band and two in 2.5 GHz band. The reserve price per MHz in 2.3 GHz and 2.5 GHz bands shall be 25% of the 3G reserve price. | (a) Spectrum shall be auctioned in the 2.5 GHz and 2.3 GHz bands. Each successful bidder can get 20 MHz either in 2.5 or 2.3 GHz bands (TDD mode) in a telecom service area. The number of blocks shall be two in 2.5 GHz band and two in 2.3 GHz band. Spectrum in 700 MHz and 3.3-3.6 GHz bands shall be auctioned as and |

| | Spectrum in 700 MHz and 3.3-3.6 GHz bands shall be auctioned as and when it becomes available. | <p>when it becomes available.</p> <p>(b) The reserve price for 20 MHz (TDD) shall be as under:</p> <table border="1" data-bbox="987 338 1507 579"> <thead> <tr> <th data-bbox="987 338 1208 443">Circle</th> <th data-bbox="1208 338 1507 443">Reserve Price (in Rs. Crores) for 20 MHz</th> </tr> </thead> <tbody> <tr> <td data-bbox="987 443 1208 506">Metro & Category 'A'</td> <td data-bbox="1208 443 1507 506">80</td> </tr> <tr> <td data-bbox="987 506 1208 541">Category 'B'</td> <td data-bbox="1208 506 1507 541">40</td> </tr> <tr> <td data-bbox="987 541 1208 579">Category 'C'</td> <td data-bbox="1208 541 1507 579">15</td> </tr> </tbody> </table> <p>(c) The earnest money (in the form of a Bank Guarantee from a Schedule Bank) shall be 25% of the reserve price.</p> | Circle | Reserve Price (in Rs. Crores) for 20 MHz | Metro & Category 'A' | 80 | Category 'B' | 40 | Category 'C' | 15 |
|--|--|---|--------|--|---------------------------------|-----------|---------------------|-----------|---------------------|-----------|
| Circle | Reserve Price (in Rs. Crores) for 20 MHz | | | | | | | | | |
| Metro & Category 'A' | 80 | | | | | | | | | |
| Category 'B' | 40 | | | | | | | | | |
| Category 'C' | 15 | | | | | | | | | |
| <p>4.</p> <p>Mergers and Acquisitions</p> <p>Sub para 4.1</p> | Mergers and acquisitions shall be as per policy guidelines on the subject issued by DOT vide No. 20-100/2007-AS-I dated 22 nd April 2008 or any subsequent revision thereof. | Mergers and acquisitions shall be as per policy guidelines on the subject issued by DOT vide No. 20-100/2007-AS-I dated 22 nd April 2008 or any subsequent revision thereof. This policy is applicable for merger between two license holders only in a service area. | | | | | | | | |
| <p>6. Grant of Licence</p> <p>Sub para 6.2</p> | The successful bidder shall obtain SACFA clearance and a separate wireless operating licence from Wireless Planning and Coordination (WPC) Wing under Indian Wireless Telegraphy Act 1933 as per prescribed procedure. | The successful bidder shall obtain SACFA clearance and a separate wireless operating licence from Wireless Planning and Coordination (WPC) Wing under as per prescribed procedure. | | | | | | | | |
| <p>6. Grant of Licence</p> <p>Sub para 6.4</p> | If the period of the UAS or ISP license is expiring before the extended spectrum allotment for BWA services, its existing UAS or ISP license shall be extended in the 19 th or 14 th year of its validity as applicable, to a date 15 years from the date of BWA spectrum allotment at a price. This price would be determined by the Government at the time of extension of licence. This automatic extension of the UAS or ISP licence shall be done for the period required to make it co-terminus with the BWA spectrum allocation period by amending licence conditions, if required. | If the period of the UAS or ISP license is expiring before the extended spectrum allotment for BWA services, its existing UAS or ISP license shall be extended in the 19 th or 14 th year of its validity as applicable, to a date 15 years from the date of BWA spectrum allotment in such manner, as the Government deems fit. This price would be determined by the Government at the time of extension of licence. This automatic extension of the UAS or ISP licence shall be done for the period required to make it co-terminus with the BWA spectrum allocation period by amending licence conditions, if required. | | | | | | | | |

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| 7. Roll Out Obligations Sub para 7.1 | The roll out obligations for BWA services in various service areas shall be as follows: | | | The roll out obligations for BWA services in various service areas shall be as follows: | |
| | Category of Circle | At the End of 2 Years From Date of BWA Spectrum Allocation | At the End of 5 Years From the Date of BWA Spectrum Allocation | Category of Circle | At the End of 5 Years From the Date of BWA Spectrum Allocation |
| | Metros A, B and C | ----- 25% rural SDCAs area coverage. | 90% of metro area 50% rural SDCAs area coverage. | Metros A, B and C | 90% of metro area 50% rural SDCAs area coverage. |
| 10. Other issues Sub para 10.2 | The Government of India reserves the right to cancel the bidding process or disqualify any bidder. | | | The Government of India reserves the right to cancel the bidding process or disqualify any bidder without assigning any reason. | |