



No. J-14025/212/2015-CDMA

Government of India
Ministry of Communication & Information Technology
Department of Telecommunication
Wireless Planning and Coordination Wing
Sanchar Bhawan, New Delhi

Dated: 05th November, 2015

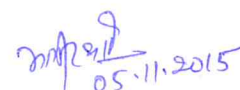
Guidelines for Liberalisation of Administratively allotted Spectrum in 800 MHz and 1800 MHz frequency bands.

In accordance with the Clause 42.10 of UL amendment dated 05.11.2015, Clause 43.11 of UASL amendment dated 05.11.2015 and Clause 46.7 of CMTS amendment dated 05.11.2015 as well as the various provisions for liberalisation of spectrum in 800 MHz and 1800MHz frequency bands contained in Notice Inviting Applications (NIAs), relating to auction of spectrum held since 2012 onwards, the competent authority hereby, lays down the following terms, conditions and charging criterion in this regard:

1. Existing CMTS/UAS/UL with access service authorization licensees may liberalise their entire administratively allotted spectrum holding in 800MHz and 1800MHz band in a Service Area for the balance validity period of right to use spectrum.
2. Administratively allotted spectrum in 800 MHz and 1800 MHz bands refers to the spectrum allotted prior to auction of right to use spectrum in November 2012.
3. Liberalisation of spectrum in 800MHz and 1800MHz frequency bands will be considered only after a written request for liberalising the entire spectrum, pertaining to a frequency band and LSA, accompanied by a non-refundable processing fee amounting to Rs 50, 000/- per service area in the form of a DD/ Pay Order drawn in favour of PAO (HQ), DoT, New Delhi is received by WPC Wing, DoT from a Telecom Service Provider.
4. After the in-principle approval of the competent authority that the liberalisation of administratively allotted spectrum of the TSP is permitted subject to receipt of necessary payment in this regard, a Demand note to the concerned TSP indicating the total amount payable and due date of payment and terms of payment will be issued by Department.
5. The spectrum will be required to be liberalised for the balance validity period of right to use the same after payment of auction determined price prorated for the balance validity period.
6. The entry fee paid will be pro-rated for the balance validity period of the right to use spectrum and will be deducted from the total amount to be paid by the TSP for liberalising the spectrum.
7. In case more than one set of auction determined prices are available, the latest auction determined prices for the respective frequency band as available at the time of calculation of charges/ amount payable for liberalisation of spectrum, would be applied.
8. If the auction determined price is more than one year old then the prevailing market rates would be determined by indexing the last auction price at the rate of SBI PLR.

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9. The *date for calculation* of the total amount due for liberalisation will be the thirtieth day from the date of issue of Demand note and the same will be taken as the *Effective Date* of liberalisation.
10. Payment of One Time Spectrum Charges (OTSC) by the TSPs will continue to be governed by this Ministry's Order P-11014/19/2008-PP (Pt.I) dated 28th December 2012 & dated 15th March 2013. In case the spectrum gets liberalised, the OTSC will be charged up to the *date for calculation* of charges for liberalising the spectrum and the same has to be paid by the licensee. However, if such demand is pending due to judicial intervention barring any coercive action, a bank guarantee equal to this amount shall be submitted pending final outcome of judicial process.
11. Payment will be required to be made within (30) thirty days from the date of issue of Demand note, failing which the Demand note will be deemed to have expired and the TSP will be required to make a fresh request for liberalisation of his administratively held spectrum, if he so desires.
12. A revised frequency allotment will be issued by WPC Wing, DoT after receipt of necessary payment.
13. After getting the spectrum liberalised, the TSPs may combine the same with the spectrum acquired by them in the same band through auctions/ trading.
14. SUC will be required to be paid for the liberalised spectrum as prescribed by the Government from time to time.
15. Notwithstanding above, the liberalized spectrum will be governed by all the relevant conditions laid down in respective NIAs issued from time to time and the relevant service license i.e. CMTS/ UAS/ UL and their amendments.
16. The above guidelines shall not be applicable for liberalisation of a frequency band in a service area where auction determined price is not available for that band.


05.11.2015

(Bhagirath)

Deputy Wireless Advisor
to the Govt. of India

Copy to:

1. All concerned
2. Wireless Finance Division, DoT
3. Director, Wireless Monitoring Organisation.
4. DDG (AS-I), DoT
5. Director, IT, DoT for uploading on DoT website
6. Sr. DWA (ASMS) for uploading on WPC Wing website