



COMMUNICATIONS AND MULTIMEDIA ACT 1998

**VARIATION TO COMMISSION DETERMINATION ON UNIVERSAL SERVICE
PROVISION (DETERMINATION NO. 6 of 2002)**

VARIATION No. 1 of 2003

Pursuant to the Ministerial Direction on Universal Service Provision No.1 of 2001 and in exercise of the powers conferred by sections 55, 56 and 202(1) of the Act, the Commission determines as follows :

Citation and Commencement

1. This Determination may be cited as the **Variation to Commission Determination on Universal Service Provision (Determination No. 6 of 2002), Variation No. 1 of 2003** ("Determination") and shall come into force on the date of its registration.

Variation of paragraph 1

2. The Commission Determination on Universal Service Provision, Determination No. 6 of 2002 ("the principal Determination"), is varied by substituting for paragraph 1 the following paragraph—

"1. This Determination may be cited as the **Commission Determination on Universal Service Provision, Determination No. 6 of 2002** ("Determination") and shall come into force on 1 November 2003."

Variation of paragraph 2

3. The principal Determination is varied in paragraph 2—

(a) by substituting for the definition of "designated services" the following definition :

"designated service" means any of the services listed in column (1) of the Table in the Schedule;

(b) by substituting for the definition of "minimum revenue threshold" the following definition :

"minimum revenue threshold" up to 31 December 2003 means five hundred thousand ringgit. With effect from 1 January 2004, "minimum revenue threshold" shall mean two million ringgit;

(c) by substituting for the definition of "licensee" the following definition :

"licensee" means any person who —

- (a) holds an individual licence; or
- (b) undertakes activities which are subject to a class licence,

but does not include any person who holds only a content applications service provider licence;’;

- (d) by substituting for the definition of “underserved area” the following definition :

“underserved area” means :

- (a) an area where the penetration rate for PSTN subscribers in Malaysia is twenty per cent below the national penetration rate; or
- (b) any locality where, in the opinion of the Commission, applications services are not sufficiently available to the community at large;’;

Variation of paragraph 21

- 4. The principal Determination is varied by substituting for paragraph 21 the following paragraph :

“21. All licensees shall contribute to the USP Fund except for those whose total net revenue for the previous calendar year derived from designated services is less than the minimum revenue threshold”;

Variation of paragraph 22

- 5. The principal Determination is varied by substituting for paragraph 22 the following paragraph :

“22. (1) Up to 31 December 2003, the weightage factor for the designated services shall be as specified in column (2) of the Table in the Schedule; and

(2) With effect from 1 January 2004, the weightage factor for the designated services shall be as specified in column (3) of Table in the Schedule.”

Variation of paragraph 24

- 6. The principal Determination is varied by substituting for paragraph 24 the following paragraph :

“24. All licensees shall submit to the Commission not later than 30 April of each calendar year a certified true copy of their audited accounts for the financial year ending in the previous calendar year and a certified true copy of their respective return of net revenue derived from designated services and non-designated services of the previous calendar year in a form specified by the Commission.”;

Insertion of Schedule

7. The principal Determination is varied by the insertion of the following Schedule :

“

SCHEDULE

TABLE

(Paragraph 2 & 22)

<i>Designated services</i> (1)	<i>Weightage factor</i>	
	(2) <i>Up to 31 December 2003</i>	(3) <i>From 1 January 2004</i>
Regulated under the Communications and Multimedia (Rates) Rules 2002		
Local call	0	0
National call	1	0
Rental on exchange lines (residential and business)	0	0
Operator assisted calls	1	0
Directory assistance service	0	0
Connection service	0	0
Reconnection service	0	0
Internet access communications charge	0	0
Internet access charge	0	0
Audiotext hosting service	1	0

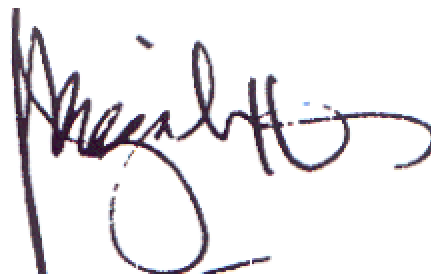
Not regulated under the Communications and Multimedia (Rates) Rules 2002		
International call	1	1
Call termination service provided to foreign network facilities provider, foreign network services provider or foreign applications service provider	1	1
Freephone service	1	1
ISDN	1	1
Cellular mobile service	0.5	1
International roaming service	0.5	1
IP telephony	1	1
Leased lines	1	1
Such other activities subject to an individual or class licence	0	1

”

Other provisions of Principal Determination intact

8. Save for the variations expressly provided in this Determination, all other provisions as contained in the principal Determination shall remain unchanged and continue to be in full force and effect.

Made : 30 October 2003



TAN SRI NURAIZAH ABDUL HAMID
Chairman
Malaysian Communications and Multimedia Commission