



# **Malaysian Communications and Multimedia Commission**

## **Applicant Information Package No. 1 of 2002**

Issued pursuant to Regulation 8 of the Communications and Multimedia  
(Spectrum) Regulations 2000

## Applicant Information Package No. 1 of 2002

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## PREFACE

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On 5 February 2002, the Minister of Energy, Communications and Multimedia determined the following frequency bands be reallocated for Spectrum Assignment:

1920MHz to 1965MHz;  
2110MHz to 2155MHz; and  
2010MHz to 2025MHz.

Pursuant to Regulation 6 of the Communications and Multimedia (Spectrum) Regulations 2000, the Malaysian Communications and Multimedia Commission has prepared Marketing Plan No. 1 of 2002 (the "*Marketing Plan*"). Under Regulation 6(2) of the Communications and Multimedia (Spectrum) Regulations 2000, the Marketing Plan is required to be made available to the public for comments. The Marketing Plan was made available for to the public for comments from 7 February 2002 to 22 February 2002 and now forms part of this Applicant Information Package.

The Commission now invites Eligible Persons to submit their application for the IMT2000 spectrum as set out herein. Submissions both in writing and in electronic form should be received in full by the Commission not later than **12 noon, 29 May 2002**.

Submissions in hard copy and electronic copy in CD-ROM shall be addressed to:

*The Malaysian Communications and Multimedia Commission  
Level 11, Menara Dato' Onn  
Putra World Trade Centre  
45 Jalan Tun Ismail  
50480 KUALA LUMPUR*

*Attention : IMT-2000 Task Force*

Commercially sensitive material should be provided under separate cover and clearly marked "**CONFIDENTIAL**", and will not be made publicly available. Unless otherwise marked, the Commission reserves the right to make extracts or entire submissions available to the public.

This Applicant Information Package is issued by the Malaysian Communications and Multimedia Commission (the "*Commission*") pursuant to Regulation 8 of the Communications and Multimedia (Spectrum) Regulations 2000 (the "*Spectrum Regulations*"), and shall be referred to as **Applicant Information Package No. 1 of 2002** (the "*AIP*").

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## **SECTION ONE: METHOD, PROCEDURES AND TIMETABLE**

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### **METHOD**

- 1 The frequency bands identified under the Ministerial Determination on Spectrum Reallocation, Determination No. 1 of 2002, shall be assigned **by way of tender**.

### **PROCEDURES**

#### ***Eligible Person***

- 2 A company incorporated under the Companies Act 1965 shall be considered an Eligible Person.

#### ***Invitation***

- 3 In conjunction with this AIP, the Commission shall issue an Invitation inviting Eligible Persons to submit applications for the Spectrum Assignment. The Invitation will be published in two (2) National Language and two (2) English Language national daily newspapers for three (3) consecutive days. The Invitation will also be made available on the Commission website at ***www.cmc.gov.my***.

### **TIMETABLE FOR THE SPECTRUM ASSIGNMENT**

- 4 Applications for the Spectrum Assignment shall reach the Commission not later than **12 noon, 29 May 2002**.
- 5 The Application Process Time Table will be as follows:

<b>No.</b>	<b>Process</b>	<b>Date</b>
1.	Publication of Invitation	28 February 2002
2.	Applicant Information Package is available for purchase.	28 February 2002



No.	Process	Date
3.	Briefing Session	27 March 2002
4.	Close of Submission of Application.	12 noon, 29 May 2002
5.	Commission to announce result of applications.	On, or before 30 July 2002

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## **SECTION TWO: PRE-CONDITION**

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- 6 Applicants for the Spectrum Assignments shall be companies incorporated under the Companies Act 1965. Applicants are advised to refer to Section Ten herein for examples of joint venture structures.

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## **SECTION THREE: EVALUATION CRITERIA**

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- 7 The Commission will evaluate the applications based on the Applicant's proposed Business Plan. The Business Plan shall, in general, outline the Applicant's proposals for utilizing the spectrum to be assigned throughout the period of Spectrum Assignment. Most importantly, the Business Plan shall demonstrate the Applicant's capability and capacity to fulfill specific requirements set by the Commission. The Business Plan shall be structured to reflect the following:

### **PART ONE: SERVICE ROLLOUT AND COVERAGE**

- 7.1 The Applicant shall provide a rollout plan of the facilities required for service provision. The Applicant will be evaluated based on the following key parameters :
- (a) Coverage – the Applicant shall indicate number of transmitters, number of base station sites and their geographic distribution according to State and time frame for roll out, and whether the location is rural or urban<sup>1</sup>;

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<sup>1</sup> Note: Urban Area is "Gazetted areas with their adjoining built-up areas which had a combined population of 10,000 or more at the time of the 2000 population census" as defined on page xxii of the Population and Housing Census of Malaysia 2000 issued by the Department of Statistics Malaysia.

- (b) Service launch timeline - the Applicant may include a pilot service<sup>2</sup> in the shortest period possible before commencing commercial service, and commercial service to be introduced in the quickest period thereafter in no less than three (3) distinct geographic locations;
- (c) Network plan which exploits the use of existing GSM900 and GSM1800 network facilities to complement the new network facilities.

## **PART TWO: INFRASTRUCTURE SHARING**

7.2 The Applicant shall demonstrate its capacity, capability and its commitment in infrastructure sharing. The key parameters are:

- (a) Sharing or allowing access to the use of airtime and network facilities with other licensees. Details shall include:
  - (i) sharing of physical facilities (i.e. in percentage in relation to number of sites and level of sharing e.g. tower, floor space, antenna at each site); and
  - (ii) network capacity and capabilities (i.e. traffic volume and access conditions to third parties).
- (b) Maximising the use of existing network facilities including existing network capacity and capabilities, existing base station sites, backbones, radio links, etc. to enhance sharing and reduce duplication of network facilities.

7.3 The Applicant shall indicate prices chargeable for 7.2(a) above.

## **PART THREE: ROAMING**

7.4 The Applicant shall demonstrate its commitment and capability to provide domestic roaming. A roaming plan shall be provided to indicate the timelines and the expected roaming capability that would be made available.

7.5 The roaming plan shall include an explanation of technical (including modification and upgrade) and commercial (charging) aspects of roaming;

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<sup>2</sup> Pilot service is defined to be an early soft-launch of the IMT-2000 services in a real environment to selected end-users in a limited area using commercially available systems complying to the standards set out in Ministerial Direction on the Standards on International Mobile Telecommunications 2000 Terrestrial Component (Direction No. 5 of 2001).

how roaming will be handled as well as the enhancements to service coverage, mobility, quality of service, and capacity and capability of the network. The roaming commitment shall cover :

- (a) Roaming between 2G (GSM900 & GSM1800), 2.5G and 3G networks;  
and
- (b) Roaming between 3G networks.

#### **PART FOUR: FINANCIAL CONSIDERATIONS**

7.6 The Applicant shall provide a financial plan that elaborates the Applicant's financial standing and projections. The information required shall be as follows :

- (a) The Applicant's Audited Financial Statements for the past three (3) years<sup>3</sup>, which shall include detailed and summary Profit and Loss Statements, Balance Sheets and Cashflow Statements. The Audited Financial Statements shall be accompanied with financial evaluations elaborating, among others the company's working capital position, debt ratios, profitability, weighted average cost of capital, etc.
- (b) The Applicant's funding proposal for the project, which shall include information on the proposed method of financing for the different requirements of the project, for example, revolving loan, equity financing, vendor financing, etc. The funding proposal shall indicate material terms attached to the financing, such as mark-up rate, coupon rate etc.
- (c) The Applicant's financial projections, which shall include assumptions to the projections for the period of the Spectrum Assignment. The financial projections shall provide information on the viability and profitability of the project, sensitivity analyses etc.
  - (i) Amongst indicators that could be used in the financial projections are Net Present Value, Returns on Investment, payback period, earnings before/after tax, profitability margins

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<sup>3</sup> In the event that the company has a track record of less than three (3) years in the communications and multimedia sector, all of the shareholders in the company shall submit their individual Financial Statements.

and operational efficiency (operational expenditure against revenue).

- (ii) Revenue projections shall be based on wholesale rates, including discount models.

7.7 The evaluation will be based on the following key parameters :

- (a) Good track record such as improved profitability, healthy debt position, strong liquidity;
- (b) Sufficient capital to fund the project roll out; and
- (c) Viability of the project based on wholesale operations.

#### **PART FIVE: INDUSTRY DEVELOPMENT**

7.8 The Applicant shall indicate how it plans to contribute towards development in the communications and multimedia industry, in relation to IMT-2000 technologies, applications and content applications services. The key parameters in evaluating this criteria are as follows:

- (a) Promotion of Research and Development activities;
- (b) Promotion of applications and content services development and commitment to the development of new and innovative business models (for example, wholesale and retail markets);
- (c) Promotion of Small and Medium Industries (SMIs), through strategic partnerships with local SMIs to manufacture or develop equipment, terminals or applications;
- (d) Promotion of human resource development, such as job creation, training programmes, knowledge development etc.;

7.9 The Applicant shall indicate its commitment for the above parameters by specifying the timeframe, desired outcomes and specific targets in fulfilling the parameters.

#### **PART SIX: MANAGEMENT AND TECHNICAL EXPERIENCE**

7.10 The Applicant shall demonstrate that its key management and technical personnel have the necessary experience in the communications and multimedia industry in the last five years particularly in mobile

communications. The key parameters in evaluating this criteria will be based on, but not limited to:

- (a) Business and financial management;
- (b) Technical management;
- (c) Spectrum management; and
- (d) Management of wholesale channels and multi-service applications service providers.

7.11 In fulfilling this requirement, the Applicant shall submit its management and technical teams' curriculum vitae outlining their experience and level of involvement in the above parameters for the last five years.

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## **SECTION FOUR: BASIS OF EVALUATION AND ASSIGNMENT**

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### **EVALUATION**

#### ***Weightage***

8 The Commission shall base its selection of the persons to be awarded the Spectrum Assignment on the business plan submitted and the weightage attributed to each of the Evaluation Criteria is follows:

<b>No.</b>	<b>Basis</b>	<b>Weightage (%)</b>
1.	Service Roll out and Coverage	35.0%
2.	Infrastructure Sharing	20.0%
3.	Roaming	12.5%
4.	Financial Considerations	12.5%
5.	Industry Development	10.0%
6.	Management and Technical Experience	10.0%
	<b>TOTAL</b>	<b>100.0%</b>

### **SELECTION**

9 The Commission, upon evaluation, shall select the three (3) best applicants it considers having satisfied the Evaluation Criteria. The three (3) applicants shall

have scored at least 60% of the total 100% of the Evaluation Criteria weightage points.

- 10 The three (3) best applicants will be announced as successful Applicants for Spectrum Assignment subject to the acceptance of the Detailed Business Plan by the Commission. The decision of the Commission shall be final.
- 11 In the event that the Commission receives only three (3) applications, **OR** less than three (3) applications, **OR** finds less than three (3) Applicants meeting the minimum score of 60%, the Commission reserves the right to issue less than three (3) spectrum assignments or none at all.
- 12 Successful Applicants are subsequently required to submit to the Commission a Detailed Business Plan within six (6) months from the date of announcement of the award of assignment. Applicants are reminded that since the selection of the successful Applicants are based on the initial business plan, there should not be any material deviation from such business plan in the Detailed Business Plan to be submitted. The Commission reserves the right not to issue an assignment if, in its opinion, that the Detailed Business Plan has materially departed from the original Business Plan submitted on the Date of Application.

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## **SECTION FIVE: TENDER DEPOSIT AND ASSIGNMENT FEE**

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- 13 The price component for the assignment of each combination set of the spectrum set out in paragraph 20 herein, shall be RM50,000,000 (Ringgit Malaysia Fifty Million).
- 14 On the date of application, Applicants shall each submit to the Commission an Irrevocable Bank Guarantee, payable on demand for the amount of RM2,000,000 (Ringgit Malaysia Two Million), which shall be valid for one (1) year from the date of application, being the deposit for Spectrum Assignment. This deposit is refundable in the event the application is not successful.
- 15 Immediately prior to the issuance of the Spectrum Assignment, the price component shall be payable as follows:



- (a) RM10,000,000 (Ringgit Malaysia Ten Million), being the first payment of the price component for the assignment of the spectrum; and
- (b) The remaining RM40,000,000 (Ringgit Malaysia Forty Million) shall be paid on equal instalments of RM8,000,000 (Ringgit Malaysia Eight Million) per year for five (5) years. The first payment of the instalment shall commence on the first anniversary of the Spectrum Assignment.
- (c) Alternatively, the assignment holder can pay a lump sum of RM45,000,000 (Ringgit Malaysia Forty Five Million) being lump sum payment for the price component immediately prior to the issuance of assignment of spectrum<sup>4</sup>.

16 In addition to the fees stated above, the assignment holder shall pay an annual fee component to contribute to the maintenance of the spectrum as more particularly set out in the Communications and Multimedia (Spectrum) Regulations 2000 (*"Spectrum Regulations"*). An example of how this fee shall be calculated is as follows:

#### **EXAMPLE**

- a. FDD portion = RM840.00 x 2 x number of transmitters
- b. TDD portion = RM840.00 x 1 x number of transmitters

Note : 1. FDD portion in (a) above is multiplied by 2 since it is a paired spectrum where transmitter and receiver are required  
 2. TDD portion in (b) above is multiplied by 1 as it only utilizes one part of spectrum.

Example: If the network requires 4,000 transmitters for FDD, and another 4,000 for TDD, the maintenance fee would be:

$$[RM840 \times 2 \times 4,000] + [RM840 \times 1 \times 4,000] = [RM6.72 \text{ million}] + [RM3.36 \text{ million}] \\ = RM10.0 \text{ million.}$$

The above calculations are for illustration purposes only. The exact amount shall be determined by the Commission when it issues the actual invoice. The Commission audits the number of transmitters every year.

<sup>4</sup> Lump sum payment will not in any way provide the Applicant any additional points and SHALL NOT form a basis for evaluation of application.



- 17 The Commission shall issue an invoice two (2) months prior to the anniversary of the Spectrum Assignment and payment is due within thirty (30) days thereafter.

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**SECTION SIX: SPECTRUM TO BE ASSIGNED**

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- 18 The spectrum to be assigned shall consist three (3) sets of blocks A, B, and C divided into sub-blocks of equal bandwidth of 5MHz as follows:

Frequency Band	Block	Sub-block
1920MHz – 1965MHz	A	Divided into 9 sub-blocks of 5MHz each
2110MHz – 2155MHz	B	Divided into 9 sub-blocks of 5MHz each
2010MHz – 2025MHz	C	Divided into 3 sub-blocks of 5MHz each

- 19 The above frequency bands shall be allocated on a nationwide basis.
- 20 The above frequency bands shall be assigned in three (3) combination sets of sub-blocks. Each combination set consists of three contiguous paired sub-blocks from Blocks A and B and one sub-block from Block C, as more particularly set out below :

Combination Set	Sub-block
SA 1	2x15MHz paired spectrum in blocks A and B ; 1x5MHz unpaired spectrum in block C
SA 2	2x15MHz paired spectrum in blocks A and B ; 1x5MHz unpaired spectrum in block C
SA 3	2x15MHz paired spectrum in blocks A and B ; 1x5MHz unpaired spectrum in block C

- 21 Applicants may indicate their preference for a particular set. The Commission, however, reserves the right to decide on the final allocation set.

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## **SECTION SEVEN: CONDITIONS OF ASSIGNMENT**

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- 22 The validity period for the Spectrum Assignment shall be **fifteen (15) years** from the date of issuance of Spectrum Assignment.
- 23 An assignment holder is subject to all the relevant provisions in relation to spectrum assignment as provided for in the Communications and Multimedia Act 1998, the Spectrum Regulations, and instruments issued by the Commission from time to time.
- 24 An assignment holder is prohibited from transferring or otherwise dealing with the whole or any part of the Spectrum Assignment.
- 25 The Spectrum Assignment holder's rights in areas which are ten (10) km from the national border are subject to successful coordination with relevant neighbouring countries. For this purpose, the Spectrum Assignment holder shall submit to the Commission the relevant technical details of the apparatus to be installed.

### **PENALTIES AND OTHER CONDITIONS TO SPECTRUM ASSIGNMENT**

- 26 The Detailed Business Plan as required in Section Eight below shall form part of the conditions of this Spectrum Assignment. For avoidance of doubt, the first five (5) year period of the Detailed Business Plan shall form a binding commitment by the Applicant to the Commission upon issuance of this Spectrum Assignment and any deviation therefrom may attract penalties. The remaining period of the Detailed Business Plan shall be done as best to reflect the proposal of the Applicant at the point of submission. The Applicant may be permitted to modify the subsequent ten (10) years of the Detailed Business Plan, in consultation with the Commission.
- 27 There shall be no change in the shareholding of the assignment holder without the prior approval of the Commission for a period of five (5) years from the date of Spectrum Assignment or until the price component of the Spectrum Assignment has been fully paid up, whichever is later.
- 28 Any non-compliance to the commitments made pursuant to the Detailed Business Plan submitted shall be a breach of the condition of assignment and attract the penalties outlined in the Spectrum Regulations. The penalties may include

cancellation of the Spectrum Assignment as well as recovery of any money due to the Commission including the full price component of the Spectrum Assignment.

29 The Applicant is also reminded that in addition to the remedies available to it pursuant to the Spectrum Regulations, the Commission reserves the right to call on the Bank Guarantee set out in paragraph 36 herein for non-compliance of the obligations set out in this Spectrum Assignment.

30 The assignment holder shall submit a half-yearly report to the Commission outlining their activities according to the Detailed Business Plan. The report shall be delivered to the Commission on 30 June and 31 December of each year from the date the spectrum is assigned.

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## **SECTION EIGHT: DETAILED BUSINESS PLAN**

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31 Successful Applicants announced by the Commission shall submit a Detailed Business Plan, which further elaborates the submission of Section Three of this AIP, within six (6) months from the date of announcement of successful application by the Commission. For example, the Detailed Business Plan will provide a list of specific tower sites (owned or shared), calculation of population coverage, coverage maps etc.

32 The Detailed Business Plan shall be for the entire duration of the Spectrum Assignment and shall incorporate the key deliverables and timelines as submitted in the initial tender submission on 29 May 2002.

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## **SECTION NINE: INSTRUCTIONS TO ELIGIBLE PERSONS**

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33 Upon the publication of the Invitation as indicated in Paragraph 3 above, an eligible person may request a hard-copy of the Application Information Package (the "AIP") from the Commission by paying a Document Fee of RM100.00 (Ringgit Malaysia One Hundred). The AIP can also be downloaded free of charge from the Commission's website at [www.cmc.gov.my](http://www.cmc.gov.my).

## **STRUCTURE OF THE APPLICATION**

34 The Application shall incorporate the following:

- (a) Letter of Application (refer to the sample in Section Ten herein);
- (b) Declaration Form (refer to the sample in Section Ten herein);
- (c) Application Form (refer to Section Ten herein);
- (d) Summary of Application, which outlines the merits of the application;
- (e) The Business Plan as set out in Section Three (refer to the Guide Notes in Section Ten herein);
- (f) Supporting Documents as required in the Application Form;
- (g) Supplementary Documents to support Applicant's proposals;
- (h) Fees, Deposits and Guarantees (refer to the Guide and sample bank guarantee in Section Ten herein).

## **FEES, DEPOSITS AND GUARANTEES**

35 Upon application, Applicants shall provide the following:

35.1 Spectrum Assignment Application Fee :

- (a) The Spectrum Assignment Application fee of RM5,000 (Ringgit Malaysia Five Thousand) by way of crossed cheque made payable to Malaysian Communications and Multimedia Commission. This fee is not part of the Price Component Fee for the Spectrum Assignment, and is non-refundable.

35.2 Guarantee for payment of Spectrum Assignment Fee :

- (a) An Irrevocable Bank Guarantee, payable on demand for the amount of RM2,000,000 (Ringgit Malaysia Two Million), which shall be valid for one (1) year from the date of application being deposit for Spectrum Assignment. This deposit is refundable in the event the application is not successful OR in the case of a successful Applicant, upon receipt of the Spectrum Assignment Fee (Price Component) Deposit of RM10,000,000.

36 Prior to the assignment of the spectrum, the Successful Applicants shall provide the following :

- 36.1 RM10,000,000 (Ringgit Malaysia Ten Million) as part payment for the Spectrum Assignment Fee (Price Component) by way of banker's cheque made payable to Malaysian Communications and Multimedia Commission; or
- 36.2 Alternatively, the Successful Applicant can opt to pay the full amount of Spectrum Assignment (Price Component) of RM45,000,000.00 (Ringgit Malaysia Forty Five Million) in one payment prior to the issuance of the Spectrum Assignment.
- 36.3 Notwithstanding the payment option chosen, the Successful Applicants shall also provide an Irrevocable Bank Guarantee to guarantee performance and compliance with the conditions of the Spectrum Assignment and the Detailed Business Plan, payable on demand, for the amount of RM50,000,000 (Ringgit Malaysia Fifty Million), which shall be valid for the duration of the Spectrum Assignment.
- 37 Applicants are reminded that the Commission shall only accept Banker's cheques and guarantees issued by financial institutions licensed pursuant to the Banking and Financial Institutions Act 1989.

#### **SUBMISSION OF THE APPLICATION**

- 38 The Application shall be submitted to the Commission, in hard copy, in the following manner:
- 38.1 The Application shall be provided in sealed envelopes in six (6) sets hard copy, including one original. The original shall be marked "Original" and the five copies shall be marked "Copy". The Application shall also be submitted in electronic form.
- 38.2 The Application shall be deposited in the Tender Deposit Box (Marked "**Application for IMT-2000 Spectrum Assignment**") located at the Commission's office at:
- Level 11, Menara Dato' Onn  
Putra World Trade Centre  
45 Jalan Tun Ismail  
50480 KUALA LUMPUR***
- 39 The electronic copy shall be in CD-ROM submitted together with the hard copy.



- 40 In the event that there is a dispute on the delivery and accuracy of the documents submitted, the Commission shall evaluate the application based on the Original copy submitted.
- 41 The Commission shall endorse and acknowledge the receipt of the Applications.
- 42 Applicants are reminded that once submitted, the Application is considered as final, and the Commission shall not entertain any alteration or modification made to it. However, the Commission may request additional information to be submitted.

#### **DATE AND TIME OF SUBMISSION OF APPLICATION**

- 43 The complete Application shall reach the Commission not later than **12 noon on 29 May 2002.**

#### **BRIEFING ON THE APPLICANT INFORMATION PACKAGE**

- 44 The Commission intends to hold a briefing on the Applicant Information Package on **27 March 2002** to answer questions by interested persons (the 'Briefing Session'). For purposes of assisting in planning the briefing process, persons who are interested to participate in the Spectrum Assignment process are encouraged to submit written questions to the Commission not later than **20 March 2002.**
- 45 The questions will be made available to the public on **27 March 2002** during the Briefing Session. The Commission will not entertain specific requests or queries by individual companies.
- 46 Interested persons are required to register the number of participants who will be attending the Briefing Session via email to [imt2000@cmc.gov.my](mailto:imt2000@cmc.gov.my) or by calling +60 3 4047 7051 **not later than 14 March 2000.**

#### **EVALUATION OF APPLICATION**

- 47 The Commission shall announce the successful Applicants on or before **30 July 2002.**
- 48 In the event the Commission requires additional information from the Applicants, the Commission may request for such information, by writing to the Applicant.

The information requested is to be forwarded to the Commission within the time stipulated by the Commission.

#### **DISCLOSURE**

- 49 Applicants shall indicate, other than the Summary of Application, the parts which Applicants considers private and confidential, and such parts should be marked as “**CONFIDENTIAL**”.

/end



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## **SECTION TEN : ATTACHMENTS**

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## ATTACHMENT ONE : SAMPLE APPLICATION LETTER

### COMPANY LETTERHEAD

Date

Ref. No.

#### **MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION**

Level 11, Menara Dato' Onn  
Putra World Trade Centre  
45 Jalan Tun Ismail  
50480 KUALA LUMPUR

**Attn. : IMT-2000 Task Force**

Dear Sirs

#### **APPLICATION FOR SPECTRUM ASSIGNMENT (IMT-2000)**

We are pleased to submit our Application for IMT-2000 Spectrum Assignment, and hereby append the following documents as part of the requirements for the Application :

- a. Declaration
- b. Duly Completed Application Form
- c. Summary of our Application
- d. Business Plan

In relation to the Application, we also submit herewith the following :

- a. Non-refundable Spectrum Assignment Application Fee of RM5,000 (Ringgit Malaysia Five Thousand) by way of Bankers' cheque made payable to the Malaysian Communications and Multimedia Commission.
- b. An Irrevocable Bank Guarantee, payable on demand for the amount of RM2,000,000 (Ringgit Malaysia Two Million), valid for one year from 29 May 2002, being deposit for the Spectrum Assignment.

Thank you.

Yours faithfully,  
**COMPANY NAME**

Signed, Authorized Signatory  
**NAME**  
**POSITION**

## ATTACHMENT TWO : SAMPLE DECLARATION FORM

### DECLARATION FOR THE SUBMISSION OF APPLICATION

We, ..... and ....., the undersigned, as directors/duly authorized representatives for this Application, confirm and acknowledge we have read and understood the Applicant Information Package, and confirm that the factual information provided in this Application is, to the best of our knowledge, information and belief; true, accurate and has no material omissions.

Signed :

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Authorized Signature  
NAME  
POSITION

---

Authorized Signature  
NAME  
POSITION

**COMPANY SEAL  
DATE**

### **ATTACHMENT THREE : SAMPLE BANK GUARANTEE**

*Note : The Bank Guarantees shall be substantially in the following form :*

#### ***Bank Guarantee for the Deposit***

#### **IRREVOCABLE BANK GUARANTEE**

To : The Malaysian Communications and Multimedia Commission  
Level 11, Menara Dato' Onn  
Putra World Trade Centre  
45 Jalan Tun Ismail  
50480 KUALA LUMPUR

At the request of .....(hereinafter called the “**Applicant**”), we hereby irrevocably guarantee that a sum of **RM2,000,000.00 (Ringgit Malaysia Two Million Only)** being the amount required to be deposited with the Malaysian Communications and Multimedia Commission in accordance with Paragraph 14 of the Applicant Information Package, shall be payable by us on demand by the Malaysian Communications and Multimedia Commission.

We hereby agree that we shall not be discharged or released from this Guarantee by any arrangement between the Applicant and the Malaysian Communications and Multimedia Commission whether with or without our consent or by any alteration in the obligations undertaken by the Applicant or by any forbearance by the Malaysian Communications and Multimedia Commission.

This Guarantee shall be valid for a period of one (1) year with effect from 29 May 2002.

Signed for and on behalf  
of the said **GUARANTOR**

***Performance Guarantee***

**IRREVOCABLE BANK GUARANTEE**

To : The Malaysian Communications and Multimedia Commission  
Level 11, Menara Dato' Onn  
Putra World Trade Centre  
45 Jalan Tun Ismail  
50480 KUALA LUMPUR

In consideration of the Malaysian Communications and Multimedia Commission issuing a Spectrum Assignment to the Applicant, we hereby irrevocably guarantee the sum of **RM50,000,000.00 (Ringgit Malaysia Fifty Million Only)** for the due performance by the Applicant of all the terms and conditions of the Spectrum Assignment, which sum shall be payable by us on demand by the Malaysian Communications and Multimedia Commission.

We agree that we shall not be discharged or released from this Guarantee by any arrangement between the Applicant and the Malaysian Communications and Multimedia Commission whether with or without our consent or by any alteration in the obligations undertaken by the Applicant or by any forbearance, whether as to payment, time, performance or otherwise.

This Guarantee shall be valid for a period of fifteen (15) years from the date of issuance of the Spectrum Assignment to the Applicant.

Signed for and on behalf  
of the said **GUARANTOR**

## ATTACHMENT FOUR : APPLICATION FORM



**SURUHANJAYA KOMUNIKASI DAN MULTIMEDIA MALAYSIA**  
*Malaysian Communications and Multimedia Commission*

### Application Form for Spectrum Assignment No. 1 of 2002

Applicants are required to complete this Form and submit it together with the Documents set out in Section Nine of the Applicant Information Package.

For  
MCMC  
Use

#### AF-A COMPANY PARTICULARS

1.	Registered Name :			
2.	Company Registration No. :			
3.	Date of Incorporation :			
4.	Registered Address  Post Code :			
5.	<b>Contact Persons (Maximum Three Only):</b>			
a.	1. Name : _____ Designation : _____	Tel. : _____	Email : _____	
b.	2. Name : _____ Designation : _____	Tel : _____	Email : _____	
c.	3. Name : _____ Designation : _____	Tel : _____	Email : _____	

**AF-B SHAREHOLDINGS**

1. List down all the shareholders of the Applicant according to the latest submission to the Registrar of Companies pursuant to the Companies Act 1965 (or submission to the Securities Commission if the company is listed on the Malaysian stock exchange).

No.	Name	NRIC /Passport/ Company No	Number of Shares Owned	(%)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
TOTAL				

2. Provide company's organizational chart indicating the relationship of the Applicant to its shareholders or parent, associate, subsidiary and other companies related to the Applicant (in an Attachment). This chart should also display the percentage of shareholding between these companies.



**AF-C BOARD OF DIRECTORS**

Please fill the table below. Additional entry shall be provided in a separate sheet, and be marked as such. Please refer to Section Three, Part Six of the Applicant Information Package for the Curriculum Vitae requirements. Please note that this part only lists the Board of Directors; details should be given as part of the submission set out in the Applicant Information Package.

No.	Name	Position
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

*Note : For purposes of Sections AF-A, AF-B and AF-C, please include all the relevant documents filed with the Registrar of Companies pursuant to the Companies Act 1965. These supporting documents should reflect the most up to date shareholding and directorships of the Applicant as at the date of submission.*

**AF-D LICENSES ISSUED**

*Note : In this part, Applicants are required to submit information on licences and assignments held by the Applicant, or in the case of joint-venture, information on licenses and assignment held by members of the joint-venture.*

1. Licenses issued under the Communications and Multimedia (Licensing) Regulations 2000

	Type of License	Check	Registration Number	Date Issued	Expiry Date
1.	Network Facilities Provider	<input type="checkbox"/>			
	Name of Company License Granted to :				
	a.				
	b.				
	c.				
2.	Network Services Provider	<input type="checkbox"/>			
	Name of Company License Granted to :				
	a.				
	b.				
	c.				
3.	Applications Service Provider	<input type="checkbox"/>			
	Name of Company License Granted to :				
	a.				
	b.				
	c.				
4.	Content Applications Service Provider	<input type="checkbox"/>			
	Name of Company License Granted to :				
	a.				
	b.				
	c.				

**AF-E FOREIGN INVESTMENT COMMITTEE REQUIREMENTS**

Please substantiate your claims below with the necessary documentation.

1. Does the applicant require any approval from the Foreign Investment Committee in pursuance of this submission ?  
Yes ☐ No ☐
2. If YES, please indicate whether any approval was given.  
\_\_\_\_\_
3. If NO, please state the reason for not requiring such approval (for example, the company fulfils all the shareholdings requirements etc.)  
\_\_\_\_\_

**AF-F FEES AND DEPOSITS****1. ASSIGNMENT FEE – Payment Option**

The price component for the assignment of each combination set of the spectrum shall be RM50,000,000 (**Ringgit Malaysia Fifty Million**). Please indicate your preferred method of payment for the price component :

a. **Method A** Instalment ☐

	Upon Assignment	1 <sup>st</sup> Anniversary	2 <sup>nd</sup> Anniversary	3 <sup>rd</sup> Anniversary	4 <sup>th</sup> Anniversary	5 <sup>th</sup> Anniversary
RM '000	10,000	8,000	8,000	8,000	8,000	8,000

b. **Method B** Lump Sum Payment ☐  
RM45,000,000 (Ringgit Malaysia Forty Five Million)

**2. DEPOSIT FOR SPECTRUM ASSIGNMENT**

The Deposit for this Spectrum Assignment shall be RM2,000,000 (Ringgit Malaysia Two Million), by way of an Irrevocable Bank Guarantee.

**AF-G SPECTRUM TO BE ASSIGNED**

Applicant may indicate their preference of spectrum combination sets to be assigned to them. However, the Commission reserves the right to assign whichever combination sets, depending on the demand for a specific spectrum set.

Frequency Band	Block	Sub-block
1920MHz – 1965MHz	A	Divided into 9 sub-blocks of 5MHz each
2110MHz – 2155MHz	B	Divided into 9 sub-blocks of 5MHz each
2010MHz – 2025MHz	C	Divided into 3 sub-blocks of 5MHz each

Please indicate your preference below, from First to Third preference :

Combination Set	Sub-block	Preference
SA1	2x15MHz paired spectrum in Blocks A (1920MHz-1935MHz) and B (2110MHz-2125MHz); 1x5MHz unpaired spectrum in Block C (2010MHz – 2015MHz)	
SA2	2x15MHz paired spectrum in Blocks A (1935MHz – 1950MHz) and B (2125MHz – to 2140MHz); 1x5MHz unpaired spectrum in Block C (2015MHz – 2020MHz)	
SA3	2x15MHz paired spectrum in Blocks A (1950MHz – 1965MHz) and B (2140MHz – 2155MHz); 1x5MHz unpaired spectrum in Block C (2020MHz – 2025MHz)	

**AF-H SUMMARY OF APPLICATION**

Provide a summary of Applicant's business plan and merits to the Application in. Such summary shall only contain the highlights of the submission and shall not be more than ten (10) pages long on A4 size paper. The format of the summary shall follow the title headings set out in **Section Three : Tender Evaluation Criteria** of the Applicant Information Package.

## ATTACHMENT FIVE : CHECKLIST FOR APPLICATION

### Checklist for Application

	Item	Applicant	MCMC
1.	Application Letter	<input type="checkbox"/>	
2.	Application Form	<input type="checkbox"/>	
3.	Declaration Form	<input type="checkbox"/>	
4.	Summary of the Application, which outlines the merits of the application, as well as the summary of information required in Section Three : Tender Evaluation Criteria of the AIP	<input type="checkbox"/>	
5.	Information Required in Evaluation Criteria (Refer to Guide in Section Ten). List all the attachments in a separate sheet to accompany this checklist.		
	Part One : Service Roll-out and Coverage	<input type="checkbox"/>	
	Part Two : Infrastructure Sharing	<input type="checkbox"/>	
	Part Three : Roaming	<input type="checkbox"/>	
	Part Four : Financial Considerations	<input type="checkbox"/>	
	Part Five : Industry Development	<input type="checkbox"/>	
	Part Six : Management and Technical Experience	<input type="checkbox"/>	
6.	Supporting Documents as required in the Application Form		
	- Form 9 and Memorandum and Articles of Association	<input type="checkbox"/>	
	- Form 24 (Shareholdings)	<input type="checkbox"/>	
	- Form 49 (Board of Directors)	<input type="checkbox"/>	
	- Joint venture documents (if any)	<input type="checkbox"/>	
	- Compliance with the Foreign Investment Committee requirements	<input type="checkbox"/>	
7.	Supplementary Documents to support applicant's proposals. List all the attachments in a separate sheet to accompany this checklist.	<input type="checkbox"/>	
8.	Spectrum Assignment Application Fee of RM5,000-00	<input type="checkbox"/>	
9.	Irrevocable Bank Guarantee for RM2,000,000-00	<input type="checkbox"/>	





## **ATTACHMENT SIX : GUIDE FOR APPLICANT INFORMATION PACK.**

### **Guide For the Applicant**

#### **Section Two : Pre-Condition**

1 The Applicant is requested to be guided by the following notes in relation to the Commission :

1.1 Section Two : Precondition of the Applicant Information Pack for companies incorporated under the Companies Act 1965". 1 according to the provisions in the Communications and Multi

#### **Example 1:**

(a) The company is a holder of Network Facility (Individual) license and propose to build and operate network facility to effect the

#### **Example 2:**

(b) One or more of the company's shareholders are holders of Network Facility (Individual) license. In this case, the company's shareholder(s) which is in possession of the license is the company.

#### **Example 3:**

(c) Neither the company nor its shareholder(s) is in possession of a Network Facility (Individual) license. In this case, the company cannot build the network facility on its own and must be a more Network Facilities Provider (Individual) license holder.

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2 The Applicant is advised to be guided by the following notes in re submission to the Commission :

1	Service Roll Out and Coverage	Item	Part	
	Provide roll out plan of the facilities required for service provision.	Coverage plan	7.1 (a)	<p>The App between affordat</p> <p>The abo CMA e geograp</p> <p>The App and the concerr</p> <p>The roll is requi achieve</p>



1	Service Roll Out and Coverage	Item	Part	
		Service launch plan	7.1(b)	<p>The App approach in service timeline</p> <p>The App the pilot</p>
		Network Plan	7.1(c)	The App infrastru links to investm



**Table 1**

**Roll out timelines**

Year	1	2	3	4
Total number of transmitters				
Total numbers of sites				
Total number of urban sites				
Total number of rural sites				
Geographic distribution per state – to specify the number of sites and transmitters for each state				





2	Infrastructure Sharing	Item	Part	
	Provide commitments in infrastructure sharing including strategies for effective infrastructure and site sharing	Sharing or allowing access to use of airtime and network facilities:- <ul style="list-style-type: none"> <li>Physical</li> <li>Network capacity and capabilities</li> </ul>	7.2 (a)	The Ap facilities: a common  In part sharing out, or applica  The ba
		Maximising the use of existing network facilities	7.2(b)	The Ap network sites, duplica
		Prices Chargeable	7.3	The Ap and the which so it sh



**Table 2 (A)**

[A] State : Name of State

Availability of passive physical items for own use or to share/rent or allo

PASSIVE PHYSICAL ITEMS	Tower*		
	Own Use	Share	
List of base station sites			
List of switching centre sites			
List of radio network controller sites			

*Note:*

*\*The Applicant to mark number of other network facility provider it can enter "0", and "1" if available for one and "2" if available for two. To also*



**Table 2 [B]**

State : Name of State

Availability of active cellular network components for own use or to share

ACTIVE CELLULAR NETWORK COMPONENTS	
Radio Base stations (BS)	
Radio Network controller/Base station controller (RNC/BSC)	
Mobile Switch capacity	

*Note: # A, B, C, D, and E are sharing solutions available and will be of. may be identified as "Shared UMTS Terrestrial Radio Access Network can (Y) at the appropriate places.*

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**Table 2 [C]**

**Nationwide**

Availability of transmission links for own use or to share/rent or allow ac

TRANSMISSION LINKS	Total installed capacity in Mbps	C
Access transmission links in the radio access networks (BS-RNC/BSC)		
Core transmission links (MSC-MSC/RNC)		

*Note: Capacity in Mbps is the total end-to-end capacity (total contributi*

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3	Roaming	Item	Part	
	Commitments on domestic roaming. Roaming shall include voice and data communications.	Domestic roaming plan	7.4	The Ap domestic provide The roa to reali quality
		Technical and commercial arrangements	7.5	The Ap and be shall i investr
		Roaming between, a. 2G, 2.5G and 3G b. 3G	7.6	The Ap network 3G inte



4	Financial considerations	Item	Part	
	Financial plan that elaborates its financial standing and projections	Key parameters	7.8	<p>The Ap as impr</p> <p>The Ap suffice propos</p> <p>The Ap based (</p>



4	Financial considerations	Item	Part	
		Audited Financial statements for 1999, 2000, 2001	7.7(a)	<p>The Ap financial shall al three ( shall p periods</p> <p>The F summa statem</p> <p>The Ap financial capital other ir</p>



4	Financial considerations	Item	Part	
		Funding proposals	7.7(b)	<p>The Ap the cor provide require attache</p> <p>The A contrib the con</p>

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4	Financial considerations	Item	Part	
		Financial projections	7.7(c)	<p>The Appropos CMA. projecti the per</p> <p>Among revenue market financial</p> <p>The App viability this are Earning profitak operati</p>



5	Industry Development	Item	Part	
	Contribution towards development in the communications and multimedia industry in relation to IMT2000 technologies, applications and content applications services	Promotion of research and development activities	7.9 (a)	The Ap research areas c
		Promotion of new and innovative business models	7.9(b)	The Ap models
		Promotion of SMIs	7.9( c)	The Ap Wherev amount The Ap promot
		Promotion of human resource development	7.9 (d)	The Ap creation The A knowle
		Timeline and desired outcomes	7.10	In subn clearly

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## Guide

Applicant shall demonstrate its capabilities and capacity to promote growth and development. In the submission, the Applicant shall highlight the R & D it commit to do as well as any experience and track record.

Applicant shall demonstrate its plan on new and innovative business that it will commit to promote.

Applicant shall demonstrate its commitment to local SMI procurements. Wherever possible, the Applicant will provide projected targets in terms of value, number as well as areas of procurement.

Applicant shall also demonstrate its ability, plan and programmes to support the development of SMIs in supplies and applications development.

Applicants shall prove its commitments in providing staff training, job creation, knowledge enhancement and others.

Applicant shall elaborate its proposed budget for training, skills, technology and capabilities to provide training.

In addition to the above, the timelines and desired outcomes for each must be provided.

6	Management and Technical Experience	Item	Part	
	Experience in the communications and multimedia industry in the last five years particularly in mobile communications.	The Applicant's management and technical experience	7.11	The Applicant's experience in mobile
		Management and technical experience of personnel	7.11	The Applicant's experience in mobile a. b.



6	Management and Technical Experience	Item	Part	
	Further information to be considered in the above :	Business and financial management	7.11(a)	The Applicant require demonstration in terms of business  Highlight
		Technical Management	7.11(b)	The Applicant in the local facilities management
		Spectrum Management	7.11(c)	The Applicant's qualifications experience domestic
		Management of wholesale channels and multi-service applications service providers	7.11(d)	The Applicant's experience in the environment the company

/end



## Guide

Applicant shall demonstrate that it has acquired the necessary personnel and toward realizing the project. In this area, the Applicant shall demonstrate the collective qualifications and experience in the last five years in terms of numbers and level of personnel in managing the investment, operations, competition, marketing, interconnect and access, costing and billing.

Identify at least three major successes of the team in the last five years.

Applicant shall demonstrate its experience and its personnel's experience in the last five years in terms of numbers and level in managing the network operations to international standards in network performance, knowledge in managing interconnect architecture between networks and network signalling.

Applicant shall demonstrate its experience and its personnel's experience in managing spectrum, which would include experience in spectrum management tools, optimisation of spectrum use and international and border coordination requirements.

Applicant shall demonstrate its experience, as well as its personnel's experience in managing wholesale business including an MVNO type of arrangement where multi-service applications service providers in their use of a common network platform.

