



REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF TRANSPORT AND COMMUNICATIONS
UNION MINISTER'S OFFICE

Instructions and Registration Form
Application Service License and
Network Facilities Service (Class) License



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Introduction to the Instructions and Registration Form

Under the licensing framework established by the Telecommunications Law and Licensing Rules, a person must obtain an Application Service License (referred to as the AS License) and/or a Network Facilities Service (Class) License (referred to as the NFS(C) License) prior to engaging in the activities permitted under the applicable license.

The Licensing Rules set forth a registration process for the AS License and NFS(C) License. The registration process allows the entity submitting the Registration (“Registering Entity”) to begin offering services upon submission of a complete and accurate Registration Form to the Post and Telecommunications Department (“Department”).

This document provides: (i) the background on and instructions for submitting a Registration Form to the Department, and (ii) the Registration Form. The instructions on the Registration Form provide an overview of the AS and NFS(C) Licenses; guidelines for submitting the Registration Form; an overview of the evaluation process; and a checklist of documents to be submitted with the Registration Form. All relevant portions of the Registration Form must be completed in full and submitted according to the provisions detailed below.



Instructions on the Registration Form for AS and NFS(C) Licenses

Overview of the Application Service License and Network Facilities Service (Class) License

The following provides a brief overview of the AS License and the NFS(C) License. Refer to the Licensing Rules for a full description of the licensing categories and the general license registration procedures.

Application Service License authorizes the Licensee to:

- lease transmission capacity directly from an NFS(I) Licensee and/or an NS Licensee in order to provide public or private telecommunications services on a national basis, to end users and/or to other licensees (as set forth in the rules).
- provide all services authorized by the AS License only.

The AS License does *not* authorize the Licensee to:

- construct, maintain and operate telecommunications network facilities and infrastructure, except for switches, routers and processing equipment necessary to provide the licensed service(s); or
- offer telecommunications services on an international basis; or
- engage in activities requiring telephone numbers or scarce spectrum resources.

The activities authorized by the AS License include, but are not limited to, the provision of the following telecommunications services:

- public payphone services;
- public switched data services;
- audiotext hosting services provided on an opt-in basis;
- directory services;
- Internet service provider services;
- messaging services;
- private line voice and/or data services;¹ and
- Value-added services.

Network Facilities Service (Class) License authorizes the Licensee to:

- Construct, deploy and maintain passive telecommunications network infrastructure and to lease such infrastructure to an NFS(I) Licensee. An NFS(C) Licensee is not restricted from leasing its infrastructure to multiple entities on a shared basis, to a single entity or to third party non-Licensees provided that such leasing is permitted under the laws and rules of the Republic of the Union of Myanmar.
- Construct, deploy and maintain telecommunications networks solely for the self-provision of telecommunications services and not available for sale or hire.

The activities authorized by the NFS(C) License relating to the deployment and maintenance of:

¹ This includes the leasing of capacity to provide wide area network services to third parties on a commercial basis.



- any type of passive network infrastructure for civil engineering elements and other telecommunications equipment to enable end-to-end telecommunications infrastructure solutions for NFS(I) Licensees include, but are not limited to: towers, masts, ducts, trenches, poles, dark fiber and radio equipment installed to send, receive and route communications, provided that the NFS(C) Licensee does not offer telecommunications services other than self-provided telecommunications services described in Section 16 (d) below.
- telecommunications networks and the self-provision of telecommunications services used solely for internal communications are limited to network facilities and telecommunications services that only permits internal/intra-organizational communications and does not provide interconnection with any other network.

Guidelines for Submitting the Registration Form for an Application Service License and/or Network Facilities Service (Class) License

The registering entity must submit a cover letter and one original and three (3) copies of the completed Application Service (AS) License or Network Facilities Service (Class) (NFS(C)) License Registration Form in an envelope marked “**Application Service License Registration**” and/or “**Network Facilities Service (Class) License Registration**” to:²

ATTN: Licensing Department
Posts and Telecommunications Department
Ministry of Transport and Communications of the Republic of the Union of Myanmar
Building No.2, Nay Pyi Taw, Myanmar

- Unless exempted, registering entities must include payment of an Application Fee of:³
 - MMK 2,500,000 or (Myanmar Kyat equivalent with foreign Currency) in the form of a bank draft if registering for *either* an AS License *or* an NFS(C) License.
 - MMK 5,000,000 or (Myanmar Kyat equivalent with foreign Currency) in the form of a bank draft if registering for *both* an AS License *and* an NFS(C) License.
- The registering entity must ensure that the original Registration Form is signed and submitted by an authorized representative of the registering entity.
- A registering entity may request confidential treatment for information that it believes is commercially sensitive or proprietary. Any requests for confidential treatment should be clearly indicated in the cover letter to the Registration Form. It is at the Department’s sole discretion to grant confidential treatment to any or all information for which confidential treatment is requested.

² Note that, in order to engage in activities authorized by the NFS(C) License and AS License, an entity must be issued both Licenses.

³ Pursuant to Section 86 of the Licensing Rules, entities holding a License issued by the Department prior to the enactment of the Licensing Rules are exempted from paying the Registration fee for the License awarded according to the new Licensing Framework.



Overview of the Evaluation Process for AS License and NFS(C) License Registrations

- The Department's evaluation process for AS License and NFS(C) License registrations is intended to ensure that registering entities meet the legal and regulatory requirements to engage in the proposed activities.
- Registering entities are encouraged to provide as much detailed information as possible on the Registration Forms. In the event that the Department requests further information, the registering entity should submit this information promptly. Failure to respond within thirty (30) days to a further request will result in rejection of the Registration.
- Upon award of the license, the registering entity shall (i) pay the initial fee (unless exempted) and (ii) sign the license within sixty (60) days. If the registering entity fails to comply with either of these two requirements, the license will be automatically canceled and the registering entity will need to re-submit the Registration Form and pay another application fee. Registering entities that are exempted from paying the initial registration fee will be required to pay the registration fee with any re-submission of the Registration Form.

Checklist of documents to be attached

- Cover letter on the registering entity's letterhead. Any requests for confidential treatment should be clearly indicated in the cover letter.
- For all registering entities, a complete and accurate Registration Form signed by a Director of the registering entity, including the following Attachments if applicable:
 - Attachment 1: Additional Responses
 - Attachment 2: Company Registration Certificate
 - Attachment 3: Memorandum and Articles of Association
- For registering entities seeking an NFS(C) License to engage in the deployment and leasing of network facilities, include the following Attachments:
 - Attachment 4. Certificate of Paid-Up Capital
- Unless exempted by the Licensing Rules, a registration fee of MMK 2,500,000 in the form of a bank draft if registering for *either* the AS or NFS(C) License. Registration fee of MMK 5,000,000 in the form of a bank draft if registering for *both* the AS and NFS(C) Licenses.



Registration Form for AS and NFS(C) Licenses

- This Registration Form must be fully completed. The Department is under no obligation to review a Registration Form that is incomplete, inaccurate, contains false information or is not submitted in accordance with the Telecommunications Law or the Licensing Rules.
- Provide responses in the tables below. If additional space is required to complete the Registration Form, clearly identify the question numbers on the Registration Form being answered in attached pages labeled "Attachment 1: Additional Responses." If attached pages are not required, state in Attachment 1, "No additional space required."
- Any word or phrase used in the Registration Form has the same meaning as in the Telecommunications Law or the Licensing Rules.

PART 1. TYPE OF REGISTRATION (complete either Line 1 or Line 2, as appropriate)

1. Registering entity is requesting an initial License to provide: a) Initial Application Service License ⁴ b) Initial Network Facilities Service (Class) License ⁵	
2. Applicant is requesting a renewal of a License to provide: a) Application Services b) Network Facilities Services (Class)	

PART 2. PARTICULARS OF REGISTERING ENTITY

3. Entity name ⁶	
4. Registered business address	

⁴ Mark as an initial registration if the registering entity was previously issued an AS License, but such license has been returned, revoked or expired.

⁵ Mark as an initial registration if the registering entity was previously issued an NFS(C) License, but such license has been returned, revoked or expired.

⁶ For purposes of this Registration Form, entity refers to any individual, partnership, corporation, governmental organization or other entity.

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5. Company Registration number	
6. Correspondence address	
7. Date of incorporation/ formation (dd/mm/yyyy)	
8. Place of incorporation/ formation	
9. Contact person for Registration <ul style="list-style-type: none">• Title• Telephone number• Fax number• Email address• Postal Address	
10. Contact person in Myanmar for notices <ul style="list-style-type: none">• Telephone number• Fax number• Email address• Postal Address	

PART 3. DIRECTOR AND OWNERSHIP DETAILS

11. Name of parent company	
12. Identification of three company officers or directors <ul style="list-style-type: none">a) Officer/director name<ul style="list-style-type: none">• Title• Nationality• Telephone number	

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<ul style="list-style-type: none"> • Fax number • Email address • Postal Address <p>b) Officer/director name</p> <ul style="list-style-type: none"> • Title • Nationality • Telephone number • Fax number • Email address • Postal Address <p>c) Officer/director name</p> <ul style="list-style-type: none"> • Title • Nationality • Telephone number • Fax number • Email address • Postal Address 	
<p>13. If a foreign entity holds a 15% (fifteen percent) or greater common ownership interest in the registering entity, identify the following information for each foreign entity (continue in an attachment if necessary). State “Not Applicable” if a foreign entity does not hold 15% (fifteen percent) or greater ownership interest.</p> <p>a) Name</p> <p>b) Nationality</p> <p>c) Amount of equity share</p> <p>d) Company Registration number</p>	
<p>14. If there is a 15% (fifteen percent) or greater common ownership interest between</p>	

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<p>the registering entity and any other entity licensed by the Department, identify the following information for each licensed entity or entities (continue in an attachment if necessary):</p> <ul style="list-style-type: none"> a) Name b) Nationality c) Amount of equity share d) NRC number, FRC number or Company Registration number e) License number(s) issued by the Department 	
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PART 4. EVIDENCE OF LEGAL STANDING

<p>15. Indicate whether the registering entity is:</p> <ul style="list-style-type: none"> a) A corporation or other juristic person b) A governmental organization c) Other (please specify) 	
<p>16. Attach to the Registration Form four copies of the registering entity’s Company Registration Certificate in the Republic of the Union of Myanmar, if applicable. Label “Attachment 2. Company Registration Certificate.”</p>	
<p>17. Attach to the Registration Form four copies of the registering entity’s memorandum and articles of association, if applicable. Label “Attachment 3. Memorandum and Articles of Association.”</p>	

PART 5. CURRENT/PRIOR TELECOMMUNICATIONS ACTIVITIES

<p>18. Does the registering entity currently hold a license issued by the Department (other than any license identified in Part 1)? If yes, indicate:</p> <ul style="list-style-type: none"> a) License type(s) b) License number(s) c) Date of issue of each license d) Date of expiration of each license e) Network facilities deployed and/or 	
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services offered under each license	
<p>19. Has the registering entity previously held (but no longer holds) a license issued by the Department? If yes, indicate:</p> <ul style="list-style-type: none"> a) License type(s) b) License number(s) c) Date of issue of each License d) Date of expiration, surrender or revocation of each License e) Networks and/or services offered under each License f) Reasons for surrender, expiration without renewal or revocation of the License(s) 	
<p>20. Has the registering entity previously applied for, but been denied, any type of license issued by the Department? If yes, explain the licenses for which the registering entity applied and reasons for denial of a license.</p>	
<p>21. Does the registering entity hold any telecommunications licenses in other jurisdictions? If yes, indicate:</p> <ul style="list-style-type: none"> a) The country or countries where the telecommunications license or Licenses are held b) The types of telecommunications license(s) held c) The types of telecommunications networks and/or services offered d) Whether the registering entity has been subject to enforcement proceedings, fines or other penalties. If yes, then describe the circumstances and outcome of such proceedings, fines or other penalties 	
<p>22. For registering entities seeking an NFS(C) License to engage in the deployment and leasing of network facilities, provide a certificate of the registering entity's paid-up capital, which must be a minimum of</p>	



MMK25,000,000 ⁷ or (Myanmar Kyat equivalent with foreign Currency)(Label “ Attachment 4. Certificate of Paid-Up Capital ”)	
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PART 6. PROPOSED TELECOMMUNICATIONS ACTIVITIES

<p>23. Identify all proposed services to be offered under the AS License (if applicable):</p> <ul style="list-style-type: none"> a) Public payphone services b) Public switched data services c) Audiotext hosting services provided on an opt-in basis d) Directory services e) Internet service provider services f) Public access center services g) Messaging services h) Private line voice and/or data services i) Value-added services j) Any other service authorized under the AS License (please explain) 	
<p>24. Identify in detail all proposed networks and/or services to be offered under the NFS(C) License (if applicable):</p> <ul style="list-style-type: none"> a) Activities relating to the construction, deployment and maintenance of any type of passive network infrastructure for civil engineering and non-electronic elements, including: <ul style="list-style-type: none"> i. Towers ii. Masts iii. Ducts iv. Trenches v. Poles vi. Dark fiber vii. Radio equipment installed to send, receive and route communications, 	

⁷ Paid-up capital refers to the amount of the registering entity’s capital that has been funded by shareholders and represents money that is not borrowed.

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<p>provided that the NFS(C) Licensee does not offer Telecommunications Services other than self-provided Telecommunications Services</p> <p>b) Activities relating to the construction, deployment and maintenance of Telecommunications Networks and the self-provision of Telecommunications Services used solely for internal communications</p> <p>c) Other activities authorized under the NFS(C) License (please explain)</p>	
<p>25. Expected commencement date of new activities (dd/mm/yyyy)</p>	
<p>26. Intended geographic area where new networks and/or services are to be provided (identify whether nationwide; in certain states, regions, territories, zones or divisions; or certain cities or towns)</p>	
<p>27. Expected users of the networks and/or services (including other licensees, resellers, end users, etc.)</p>	

PART 7. DECLARATION

I, _____, hereby declare that I am authorized to act on behalf of the registering entity and that to the best of my knowledge and belief, the information provided in this Registration Form is accurate, complete and in good faith. Upon approval of the Registration, the registering entity shall abide by (i) all laws and rules of the Republic of the Union of Myanmar, (ii) notifications, directives, and other orders issued by the Ministry of Transport and Communications and the Posts and Telecommunications Department, and (iii) the terms and conditions of the License.

Name

Signature

Title

Date (DD/MM/YYYY)

Official Seal