



MENTERI TENAGA, KOMUNIKASI DAN MULTIMEDIA, MALAYSIA
MINISTER OF ENERGY, COMMUNICATIONS AND MULTIMEDIA, MALAYSIA

COMMUNICATIONS AND MULTIMEDIA ACT 1998

MINISTERIAL GUIDELINES ON CLASS LICENCES FOR NETWORK FACILITIES

MINISTERIAL GUIDELINES NO. 1 of 2002

IN exercise of the powers conferred by regulation 28 of the Communications and Multimedia (Licensing) Regulations 2000 ("Regulations"), the Minister issues the following Guidelines:

Citation and Commencement

1. These Guidelines may be cited as the "Ministerial Guidelines on Class Licences for Network Facilities".
2. These Guidelines shall come into operation on [17th September 2002]

Introduction

3. These Guidelines have been prepared to explain the criteria for registration under a network facilities provider class licence and to clarify the meaning of "niche or limited purpose network facilities" for the purpose of administering the Act and the Regulations.

Criteria for Network Facilities Class Licence

4. In general, a network facility, which has minimal impact on the general public and the communications market, will fall under the meaning of "niche or limited" if it satisfies all the following criteria:

- (1) Specific or limited in coverage

The network facility is specific or limited in use or it is provided for a specified segment of the general public

(2) Degree of reliance by the general public on the network facility

The degree of reliance by the general public on the network facility should be low. In ascertaining the degree of reliance by the general public on the network facility, the following shall be considered:

- (a) The activity or activities for which the network facility is to be used rather than the capabilities of the network facility itself; and
- (b) The substitutability of the network facility by other network facility providers.

Generally facilities which are used for only specified purposes regardless of capability and are substitutable, would fall within a class licence.

(3) Degree or reliance on the network facility by other service providers in providing downstream activities

The term "downstream activities" refers to those activities that are dependent on the availability of the network facility for such activities to be provided.

The degree of reliance by other service providers on a network facility should be low. In ascertaining the degree of reliance by the other service providers the following shall be considered:

- (a) Whether the support provided to downstream activities is critical; or
- (b) Whether it is a bottleneck facility.

Generally where the support is not critical or there are available substitutes, the facilities would be considered as falling within a class licence.

5. A niche or limited network facility shall not be used to support network services, applications services or content applications services which fall within individual license activities.

Illustrations of Niche or Limited Purpose Network Facilities

6. As a further illustration, the following are examples of network facilities that would be niche or limited purpose:

- (1) Radiocommunications transmitters for public mobile radio network service

Public mobile radio network service is a public two-way radiocommunications system that provides a network connection service between the mobile radio access devices. The communications traffic may pass through any of the channel or group of channels selected automatically by the system or access device being served by fixed radio base stations.

- (2) Radiocommunications transmitters for public radio paging network service

Public radio paging network service is a public one-way or two-way radiocommunications system which provides a network service delivering paging messages to mobile radio paging access devices being served by fixed radio paging base stations.

- (3) Radiocommunication transmitters and links for broadband point-to-point and point-to-multipoint wireless Internet network service.

Wireless broadband point-to-point and point-to-multipoint network service is a public radiocommunications system which provides a network connection service between a fixed radiocommunications devices or point communicating with one or many fixed radiocommunications devices or points.

- (4) Radiocommunications transmitters and links for public wireless video communications network.

Public wireless video communications network service is a public radiocommunications system which provides a network service for the carriage and distribution of video between video programme source and receivers.

- (5) Radiocommunications transmitters and links for public wireless data network service.

Wireless data network service is a public radiocommunications system which provides a network service between the mobile radio data access devices in which the data communications traffic between them are being served by fixed radio base stations.

- (6) Network of broadband access switches or multiplexers and fixed links and cables offered for the sole purpose of end users in a building or a single clustered building complex.

Amendments

7. The Minister may from time to time amend these guidelines on the recommendation of the Commission.

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