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இலங்கை சனாதிபதி
President of Sri Lanka

LICENCE TO OPERATE A TELECOMMUNICATIONS SYSTEM
UNDER SECTION 17(2) OF THE SRI LANKA TELECOMMUNICATIONS ACT
NO. 25 OF 1991 AS AMENDED BY ACT NO. 27 OF 1996

1. I, Maithripala Sirisena, President of the Democratic Socialist Republic of Sri Lanka in the exercise of the powers conferred on me under Section 17(2) of the Sri Lanka Telecommunications Act No. 25 of 1991, as amended by the Act No. 27 of 1996 (hereinafter referred to as "the Act") hereby grant to **Dialog Broadband Networks (Private) Limited** a company duly incorporated in the Democratic Socialist Republic of Sri Lanka under the Companies Act No. 07 of 2007 bearing Company No. **PV 261** (hereinafter referred to as "the Operator"), a Licence to operate the telecommunication systems specified in Schedule 1 (hereinafter referred to as the "Licenced System") and authorize the Operator to do all or any of the acts specified in Schedule 2 subject to the Conditions set out in Schedule 3 and for revocation as provided in Schedule 4.
2. This Licence shall come into force on 10 November 2015 and shall be of 10 years duration unless previously revoked in accordance with Schedule 4.
3. The Commission may recommend modifications to the Licence conditions from time to time where necessary. Any modification shall be made in accordance with Section 18 of the Telecommunications Act No. 25 of 1991 as amended.
4. The provisions of the Act and all Rules and Regulations made thereunder shall apply to the Operator for all purposes.


Maithripala Sirisena

September 27 , 2016



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SCHEDULE 1

THE LICENSED SYSTEM

1. The Licensed System consists of Telecommunication Systems, which established by the Licensee for the purpose of providing domestic and international fixed telecommunication services in Sri Lanka using, Wireless Local Loop Technology operating in 450MHz frequency band and any other band allocated to the licensee.
2. The Licensed System shall not include;
 - a. any Telecommunication System for which a Licence is not required under the Act.
 - b. any Telecommunication System which is Licensed to another Operator.
 - c. any terminal apparatus.

SCHEDULE 2

AUTHORISATION TO CONNECT OTHER TELECOMMUNICATION SYSTEMS & APPARATUS TO THE LIENSED SYSTEM AND TO PROVIDE TELECOMMUNICATION SERVICES BY MEANS OF THE LICENSED SYSTEM.

1. Nothing contained in this License shall exempt the Operator from obtaining any other license for the purpose of carrying on any function for which a person is required to obtain a license under the provisions of the Act or any other enactment.
2. Subject to that limitation and without prejudice to the Act and paragraph 1, this license authorises the connection to the:
 - a. any other connectable system, which Commission has notified the Licensee, run under a License;
 - b. any telecommunication system outside Sri Lanka except a telecommunication system which Commission has notified the licensee should not or as the case may be should cease to be connected to the licensed system;
 - c. telecommunication apparatus which is of a type approved by the Commission under the Act.
3. Subject to paragraph 1, this Licence authorises the provision, as specified services below, by means of the Licensed System:
 - (i) Voice Telephony Service
 - (ii) Voice Mail Service
 - (iii) Data Communication Service
 - (iv) Public Payphone Service
 - (v) Leased Line Service
 - (vi) Wireless Fidelity (Wi-Fi) Service
 - (vii) Facsimile Service
4. The Operator is authorized by this Licence to construct, operate and maintain a telecommunications system to provide fixed communications service in the frequency bands as specified by the Commission. The Operator is also permitted to construct, operate, maintain and use a transmission network for the purposes of providing aforesaid service subject to availability of scarce or limited resources.
5. The License does not authorise to provide Mobile Telecommunications Services.
6. The Licensee shall be permitted to connect to PABX and other multi-line/bulk usage nodes using leased lines.

SCHEDULE 3

LICENCE CONDITIONS

PART I: BASIC OBLIGATIONS

1. General

- 1.1 The Operator shall comply with the provisions in the Act and Rules & Regulations made thereunder.
- 1.2 The Operator shall strictly and without any undue delay comply with any directions, which the Commission may from time to time issue in exercise of its powers, functions or duties under the Act, or in this Licence.
- 1.3 The Operator shall maintain and operate the Licensed Systems as described in Schedule I for the provision of the Services as authorised in Schedule II. The Operator shall not operate or provide any system or service, which has not been authorised in the Schedules I and II respectively.

2. Installation, Networking and Operation of the Licensed System

- 2.1 The Operator shall be responsible for installation, networking and operation of all the equipment to provide the services as described in Schedule 2. The Operator shall supply all necessary literature, drawings, and installation materials regarding the equipment installed for commissioning of the services. The Operator shall supply all the tools, test instruments and other accessories to the testing party of the commission for conducting the tests.
- 2.2 The Operator shall maintain the Licensed System in proper working order, in accordance with such standards conforming to international norms and standards as may be specified by the Commission from time to time, and improve and expand the Licensed System in accordance with the development plan approved by the Commission. The Operator shall not utilise used equipment in the Licensed System without the prior written authorisation of the Commission.
- 2.3 Within 12 months from the renewal of this Licence, the Operator shall, after consulting with the Commission on the development goals of the Government, draw up a Development Plan in accordance with the planning objectives specified by the Commission. The Development Plan may include extension of the network defined in Schedule I to cover any part of Sri Lanka provided that the plant and the assets essential for such extension, investment values thereof, and the configuration of the extended network showing the switching nodes and the information relating to the interconnecting trunks are indicated separately. The Development Plan shall cover such period as may be agreed between the Commission and the Operator and shall be reviewed and renewed at such intervals as may be agreed between the Commission and the Operator.

For the duration of the Development Plan, the Operator shall be obliged to implement it according to its terms except to the extent that the Commission agrees to any modifications in it.

- 2.4 When the Development Plan is submitted to the Commission for approval, it may approve it or make such revisions to it as it considers necessary. In taking such a decision on the Development Plan, the Commission shall take into account the financial and technical resources that can reasonably be expected to be available to the Operator during the period of the Plan.

In the case of minor deviations, the Operator may amend the Development Plan, provided such amendments together with supporting reasons are communicated to the Commission under recorded delivery at least eight weeks prior to implementation of such amendments.

3. Connection of Apparatus not Comprised in the Licensed System

- 3.1 No apparatus shall be permitted to be kept connected to the Licensed System if that apparatus:
- a) in the opinion of the Operator, no longer conforms to the required technical standards and the Commission has not expressed a contrary opinion.
 - b) in the opinion of the Operator is liable to cause the death of, or personal injury to any person engaged in the running of the Licenced System, or materially to impair the quality of any Telecommunication Service provided by means of any Licensed System or damage to the property of the Operator, and the Commission has not expressed a contrary opinion.

4. Payment of Fees

- 4.1 The Operator shall make during the validity of the Licence, on or before 31st January of each year following the issue of the Licence, the following payment:
- a. a licence fee as may be determined by the Commission.
 - b. a cess imposed under Section 22G of the Act.
- 4.2 If the operator fails to make the payments by the 31st of January as specified in paragraph 4.1 it shall be required to pay an additional charge as may be determined by the Commission.

PART II: TECHNICAL OBLIGATIONS

5. Use of Telecommunication Equipment in the System

5.1 Prior to the operation of the Licensed System, the Operator shall be required to obtain the Commission approval for the telecommunication infrastructure of the Licensed System and the type of technology to be employed for provision of authorised services. Subsequent changes to the telecommunication infrastructure of the Licensed System and/or introduction of new technologies to the network shall be notified to the Commission in advance for approval.

6. System Architecture

6.1 The Operator shall maintain an up-to-date record of the configuration of the Licensed System used for the provision of telecommunications services. This record shall include the following details and shall be supplemented by schematic diagrams where the Commission considers appropriate:

- a. The description, nature, specification and configuration of building blocks, including embedded software and information programmed into the switch or remote computer equipment and switches in or connected with the system, the interconnection between the building blocks and all incoming and outgoing telecommunication circuits connected to the licensed System;
- b. The information identifying the circuits such as telephone number and circuit identification number of the provider of the circuit and the Operator and the type, quantity and the special features and functions available on or in connection with these circuits.

6.2 The Licensed system shall include an Equipment Identification Register (EIR) that is used to verify and identify the individual user terminals at the subscriber premises. Type approved subscriber terminals shall only be allowed to register in the EIR and to function on the license system. If operator fails to comply with type approval requirements, the operator shall be liable to pay a penalty fee that shall be rupees 100,000 for each and every registration. Licensed Operator shall be obliged to implement an EIR upon issuance by the Commission of regulations/guidelines.

6.3 The operator shall not be permitted to incorporate Visitor Location Register (VLR) to the licensed system under any circumstances. The ability of subscriber to make or receive calls shall be confined to the coverage area of antenna sector of the base station that he/she belongs.

6.4 The Customer Premise Equipment (CPE) shall comprise subscriber terminal equipment, battery backup at least having capacity of 24 hours, standard telephone and associated accessories.

- 6.5 In the case of subscribers registered with the licensee prior to the date of renewal of this license, the Operator shall be responsible for maintenance and repair of the CPE. The terms and conditions applicable to all existing subscribers prior to the renewal of this licence can not be changed without the approval of TRCSL.
- 6.6 The conditions 6.7 to 6.11 shall apply to all new subscribers after the renewal of this license.
- 6.7 The licensee shall in consideration of a connection fee approved by the TRCSL, provide the subscriber with a Customer Premise Equipment. The title of ownership to the CPE shall pass to the subscriber at the point of payment of the connection fee.
- 6.8 The licensee shall provide a warranty on the CPE valid for 1 year from the date of subscription at no cost to the subscriber.
- 6.9 During the first year of subscription, In the event of the malfunctioning of the CPE and upon the subscriber handing over the CPE to a service centre of the licensee, the licensee shall carry out all activities pertaining to the restoration of the functionality of the CPE and/or provide a replacement CPE to the subscriber at no cost to the subscriber.
- 6.10 During subsequent years, following the expiry of the first year of subscription, the licensee shall make available to the subscriber the option of an extended warranty at an annual charge to be approved by the TRCSL. The warranty so procured by the subscriber shall entitle the subscriber to the same terms of CPE maintenance as during the first year of subscription.
- 6.11 From the first occasion on which the subscriber opting not to subscribe for an extended warranty, the licensee shall be relieved of its obligation to provide maintenance and/or warranty support for the CPE forthwith. However the operator shall repair the CPE and charge a reasonable fee.
- 6.12 The operator shall notify lost or stolen CPE details and defaulters' information to all other licensed Operators who provide similar services with a copy to the Commission. The operator shall post black listed information on Customer Premises Equipment provided by other operators to the EIR and shall ensure reported equipment that appears on the black list is not logged onto the network to make and receive the calls.
- 6.13 The Licensee is authorized to provide connection to end-user devices approved by the Commission for connection to a Telecommunications Network.

7. Changes to System

- 7.1 The Licensee shall give notice in writing to the Commission and shall notify all parties affected of any changes it intends to implement in the specification or performance of the Systems, which would require changes to any equipment connected to the System. The period of notice, in consultation with the Commission, shall be appropriate to the likely impacts on the parties affected.

7.2 The Operator shall obtain the prior approval of the Commission before implementing such changes, where the Commission considers proposed changes to the licensed System referred to in paragraph 7.1 would cause another licensed Operator of the Commission has to make major changes in its own network in order to maintain the interoperability with the System of the Operator.

8. Technical Standards

8.1 The Operator shall comply with any technical standard prescribed by the Commission for the purposes of ensuring technical compatibility, avoiding technical harm to network or preventing safety hazards to personnel in the connection of telecommunication apparatus to the licensed System.

8.2 The Commission shall have right to direct the Operator to demonstrate that the service complies with the technical standards prescribed by the Commission and the Operator shall comply with such directions.

8.3 The Operator shall comply with the electromagnetic compatibility standards as may be specified by the Commission from time to time.

9. Use of Frequencies and Operation of Radio Communication Stations

9.1 The Operator shall utilize the assigned frequencies entirely for the provision of the licensed undertaking. The Operator further covenants that it shall, in the use of the frequency spectrum, conform to the general allocation of frequencies in the ITU Radio Regulations.

9.2 The Operator shall operate only on the radio frequencies and frequency bands, which the Commission assigned to the Operator. If the Commission is in the opinion that the Operator is not making efficient use of assigned frequency, the Operator shall be given a notice of withdrawal of any frequency assigned to the Operator. The Commission shall give not less than three months' notice in writing to the Operator for such withdrawal of a frequency.

9.3 The Operator shall use its best endeavours to ensure that the location, assigned frequencies, emissions, output power, polarisation, antenna characteristics and other technical parameters of each telecommunications installations for radio communication shall at all times conforms to the technical standards as specified by the Commission. The Operator shall not change the location of the telecommunications installations for radio communication or its technical parameters without the prior written approval of the Commission

9.4 The Operator shall take all necessary steps to ensure that the use of the telecommunications installation for radio communications is safe and does not cause interference to other existing radio communication networks operating in the same band or in other bands.

- 9.5 The Operator shall also take appropriate measures to ensure that its radio Communication equipment is adequately protected from interference that may be caused by networks operating in the same band or in other bands.
- 9.6 The Operator shall ensure that non-ionising radiation emissions from its telecommunications installations for radio communication are within the limits specified by the Commission and that it complies with the standard on human exposure to radio frequency radiation adopted and published by the Commission from time to time.

10. Numbering

- 10.1 The Operator shall conform to the National Numbering Plan prescribed by the Commission in the operation of the Services and directions issued by the Commission in respect of the usage, allocation and assignment of numbers. The Operator shall take all necessary steps to ensure that the numbers allocated are efficiently utilised.
- 10.2 The Commission reserves the right to withdraw and/or reallocate numbers allocated to the Operator at any time, upon written notice. Numbers assigned to the Operator is the property of the Commission and the Operator shall have no proprietary right to the numbers assigned. The Operator shall consult the Commission prior to the reallocation of numbers and codes within the National Numbering Plan.
- 10.3 The Operator shall maintain a record of the status of all numbers allocated to it by the Commission and shall, on request, make that information available to the Commission. The Operator shall ensure that the allocation of individual numbers or number ranges by the Operator to its customers is carried out in an objective, transparent, non-discriminatory and timely manner.
- 10.4 The Operator shall make any changes in any equipment, facilities or processes required in order to continue to comply with the National Numbering Plan or any directions issued by the Commission from time to time. The Commission may change the numbers allocated to the Operator at any time. The Operator shall comply with any direction of the Commission in relation to the implementation of number changes and informing users of such changes. The Operator shall bear all the cost incurred due to compliance.
- 10.5 The Commission may withdraw any numbers or numbering ranges allocated to the Operator if, in the opinion of the Commission:
- a. the numbers are unused and unlikely to be put into use in the foreseeable future;
 - b. withdrawal is necessary as part of a change to the National Numbering Plan.
- 10.6 The Operator shall not charge its customers for allocations of numbers except where authorised and in accordance with any direction from the Commission. The Operator shall reserve and use the access codes, designated by the Commission, as being for use as emergency access codes, exclusively for calls to the emergency services.

11 Grade of Service

- 11.1 The Operator shall ensure that the traffic capacity provided in its system where it accesses a Telecommunications network infrastructure shall be dimensioned to guarantee a satisfactory grade of service. The Commission shall determine the grade of service threshold that shall be met or exceeded by the Operator and may periodically revise such grade of service thresholds.
- 11.2 The Operator shall install equipment and devices that meet ITU-T standards for measuring the grade of services. The Commission shall order the Operator to install or upgrade the equipment and devices to the required standards within 30 days from the date of such instruction if the Commission has reason to believe that measuring equipment devices or methods are not installed or do not meet the required standards.
- 11.3 The Operator shall permit the authorised representative of the Commission to inspect, during business hours and in case on non-business hours with 24 hours prior notice and accompanied by a qualified employee of the Operator, the Operator's equipment and devices for measuring grade of service, to inspect the Operator's files, records and other data relating to the measurement of grade of service and to request the Operator to submit such reports, statistics and other data and to conduct such measurements as the Commission deems necessary in order to determine compliance with the Act, Rules & Regulations made thereunder.

PART III: INTERNATIONAL SERVICE OBLIGATIONS

12 Provision of International Service

- 12.1 The Operator shall take all reasonable steps to provide by means of the Licenced System to any person to whom it provides Telecommunication Services by means of such Systems and who so requests, International telecommunication Services to the extent as the Commission may consider practicable in the circumstances. The Operator shall also endeavour to provide sufficient international telecommunication facilities to meet the requirements of and demand for international telecommunication services.
- 12.2 Operator shall require building, operating & maintaining international Telecommunications infrastructure, which include back-haul facilities, international gateway facilities, Earth Station facilities and satellite transponder capacity, depending on the selected means of provision.
- 12.3 The Operator shall provide International telecommunication Services to all the countries, which ITU has assigned or may assign country code, via the cheapest and most direct route. If there is no direct route existing between the Sri Lanka and overseas destination concerned, the operator shall use the most direct transit route for both incoming & outgoing telecommunication traffic with the consent of the Commission, the relevant transit and destination administrations.
- 12.4 The Operator shall obtain the approval of the Commission to provide International Simple Resale (ISR) service on a route by route basis for the provision of the service. The Operator shall not operate the ISR service between Sri Lanka and any foreign destination unless the legislation and/ or policies at that destination permits or does not prohibit the operation of such service. The Operator shall provide documentary proof from the relevant authorities in the foreign country that ISR between Sri Lanka and the foreign country is permitted.

13. International Service Circuit Routing

- 13.1 The operator shall provide the detailed information on the technical configuration and circuit routing of the licensed system used for routing of messages between the licensed system and the Authorised overseas Systems for the provision of International Service route-by-route basis. The detailed information referred to in above shall include details on any transit nodes, switches involved in the routing of calls and routing information programmed in to the switch or any remote computer equipment for each overseas destination.
- 13.2 Operator shall not alter the:
- (a) Calling Line Identity (CLI) of the original calling party and the original calling party and the original calling party CLI shall be passed on in the conveyance of a call accordingly;
 - (b) Change the access code, in the handling of outgoing traffic dialled by calling party.

14. International Traffic & Transit Service

- 14.1 The operator shall endeavour to use Sri Lanka as a transit point for routing of International Telecommunication Traffic between overseas Operators.
- 14.2 The Operator shall require to furnish statistics of the volume of inbound and outbound traffic routed through the Licensed System in each month on a quarterly basis in such a way that:
- (a) Monthly total billable minutes of outbound traffic from end customers via public switched telephone networks for each route;
 - (b) Monthly total billable minutes of outbound traffic from end-customers via leased lines for each international route;
 - (c) Monthly total conversation minutes of inbound traffic delivered to end-customers via public switched telephone networks for each incoming international route.
 - (d) Monthly total conversation minutes of inbound traffic delivered to end-customer via leased lines for each incoming international route.

15. International Settlement Regime

- 15.1 The Operator shall furnish all accounting rates and accounting arrangements to the Commission under recorded delivery of the particulars of such routes and the accounting rates at least six weeks prior to the commissioning of international services. The Operator may with a view to fulfilling the requirements specified in this paragraph, negotiate with operators running Authorised Overseas Systems.
- 15.2 Any subsequent changes to agreements shall be notified to the Commission. Such notification, which shall include the new rate, the rate division applicable, the currency, the effective date and the distant carrier, is to be made no later than 2 weeks before the date of such change to the accounting rate. Where changes to the accounting rate are made retrospectively, Operator is required to notify the change no later than 2 weeks after the date that the change to the accounting rate is agreed.
- 15.3 Any changes of a temporary nature to the accounting rate shall be notified to the Commission with the exception that the notification must be made 48 hours before the temporary change to the accounting rate, such temporary changes being limited to a maximum duration of six weeks per route per year in each direction.

15.4 The Commission shall have power to make a determination on the question of whether an accounting rate, method of settlement or division of the accounting rates has or is likely to have an effect to the detriment of other licenced operators and users of international conveyance services in Sri Lanka on international routes. Where such a determination is made, the Commission may direct the Operator to take such steps necessary to remedy the situation or to cease to convey any messages to the far end country.

16. Restriction on Exclusive Arrangement for International Services

16.1 The Operator shall not enter in to any agreement or arrangement with any Operator of international telecommunications services in another country, on terms or conditions:

(a) which unfairly preclude or restrict, to the detriment of the national interest and ;

(b) that has the effect of substantially and effectively distorting competition in the provision of international telecommunication services between that country and Sri Lanka.

PART IV: INTER OPERATOR OBLIGATIONS

17. Interconnection Arrangements

17.1 The Operator shall have access, and shall provide access, to the connectable systems operated by other Licensed Operators. The Operator shall establish and maintain sufficient points of interconnections with adequate capacity subject to the provision of the Act. The Operator shall use all reasonable endeavours to ensure that Interconnection is done promptly, efficiently and at charges, which are costs based so as to compensate the costs of Operator for provision of interconnection. The terms and conditions of the interconnection and access shall be commercially negotiated between the Operator and other Licensed Operators. The operator shall keep the Commission informed the nature and the quality of the traffic carried over interconnection which is subject to the provision of the Act and this License. In the event that the parties cannot reach an agreement, the Commission shall determine the matter.

17.2 The Operator shall enter into an agreement with other licensed Operators to connect and keep connected their respective systems and to establish and to maintain such one or more points of connection. The Operator shall file with the Commission all interconnection agreements entered with other Operators not later than thirty days from the date of execution of the agreement.

17.3 In connecting the service to other telecommunication network, which operates under a Licence granted under the Act, the Operator shall comply with any technical specification prescribed by the Commission for the purposes of ensuring technical compatibility, avoiding technical harm to network.

17.4 The Operator shall not carry out any refilling of traffic through interconnections unless the prior approval of the Commission in writing is obtained.

17.5 The Operator shall comply with the Interconnection Rules/Guidelines as may be specified by the Commission from time to time.

18. Access Charges

18.1 The Operator may in accordance with the rules made by the Commission may impose upon a person running a Connectable system who provides Telecommunication services to others a charge (hereinafter referred to as Access charge) for the provision of such Telecommunication services by means of a connection to the Licensed System provided that all the conditions set out in the paragraph 18.2 are fulfilled.

18.2 The said conditions are that:

(a) the Access Charge , or the method adopted for determining it , is the same all such persons;

(b) the Operator has furnished to the Commission under acknowledgement particulars of the Access Charge or the unit costs, method adopted for determining it and either

(i) the Commission has approved that Charge or that method: or

(ii) it has failed to give written notice of its disapproval within a period of 4 weeks.

18.3 The Commission as much as practicable, secure that all persons to whom these services are provided by means of the Connectable system, are required to pay charges at least equal to the Access Charges which would have been so payable.

19. Control of Obstruction

19.1 The Operator shall take reasonable measures to install, maintain and operate the service and the network in such a manner as not to cause any physical obstruction to the installation, maintenance, operation, repair, or replacement of the systems of any licensed Operator.

20. Telecommunications Infrastructure Sharing

20.1 Where the Commission considers it is necessary for the Operator to share its telecommunications infrastructure with other telecommunication Operators in the national and/or public interest, the Commission may issue directions requiring the Operator to co-ordinate and co-operate with other licensed Operators for sharing of telecommunications infrastructure. The Operator shall comply with such directions. Prior to issuing any direction under this paragraph, the Commission shall give a reasonable opportunity for the Operator to make representations on the telecommunications infrastructure to be shared.

- 20.2 The telecommunications infrastructure refers to in paragraph 20.1 shall include:
- a. towers, masts, poles and antennae sites where radio communications facilities have been installed.
 - b. reasonable space within the operators exchange buildings or other sites for the purposes of housing the equipment of another licensed Operator of the Commission to establish interconnection with Operator.

PART V: UNIVERSAL SERVICE OBLIGATIONS

21. Basic Telephone Services

- 21.1 The Operator shall be obliged to provide the payphone Service over the Licensed System to any location of a Pradeshiya Saba area as directed by the Commission.
- 21.2 The Operator shall supply the Basic Telephone service to any person, on its usual terms and conditions, within a reasonable period of a request for Basic Service at the charge as may be authorised by the Commission from time to time.
- 21.3 The Operator shall be required to install and to connect to an item of Customer Premises Equipment capable of making use of the Basic Telephone Service and responsible for maintenance and repair of that item of Customer Premises Equipment supplied by the Operator.

22. Public Payphone Service

- 22.1 The Operator shall, in compliance with the any direction of the Commission from time to time, provide and maintain public Payphone Service.
- 22.2 The Operator shall ensure that the access to emergency calling services without the use of any coin or card is available at all Public Payphones.
- 22.3 The Operator shall not withdraw from service any Public Payphone that it has provided other than revenues from that Public Payphone in any period of twelve consecutive months that have fallen below the maintenance cost of that Public Payphone. Where Operator intends to withdraw public payphones, it shall display a visible notice regarding such withdrawal, at the Public Payphones to be withdrawn at least one month ahead of the date of withdrawal. The Operator shall keep informed the commission such withdrawal prior to do so.

23. Information to be displayed at Payphone Locations

- 23.1 The Licensee shall display and take all reasonable steps to keep displayed prominently in on all Public Payphones at which a notice specifying in relation to those services. The information shall be given in all official language.

- a) the tariff information must be presented in an easy to read manner and displayed in the prominent positions it payphone locations and tariff information must be accurate & up-to-date all times;
- b) the minimum charge for payable of a call and permissible method of payment;
- c) the types of payment method that are acceptable to the payphone, e.g. coins prepaid cards, credit cards etc. For public Payphones that accept coins, it is further necessary to identify the face value of the coins that are acceptable.
- d) the statement that emergency calls can be made without charge;
- e) indication as to whether the payphone can be used to make local calls only, or both local and international calls;
- f) the location of the public payphone sufficient to enable it to be located as swiftly as practicable by Emergency Organisation; and
- g) contact information in the event of service complaints.

24. Public Emergency Call Service

- 24.1 The Operator shall provide a Public Emergency Call Service, by means of the Licensed System, to any member of the public at any time and free of charge to communicate with the Emergency Organisations such as police service, the fire and ambulance services and any other national emergency services which may from time to time designate, for the purpose of notifying them of an emergency. The Operator shall ensure that such emergency calls have priority access over all other routine calls in the Network.
- 24.2 The Operator shall, in consultation with the Emergency Organisations and Government Ministries & Departments, make arrangements for the provisions or, as the case may be, rapid restoration of telecommunication that may be required in Emergency occurring in Sri Lanka.
- 24.3 The Commission shall instruct the Operator, in an emergency, to cooperate with the relevant Government entity that is responsible for managing that emergency. The Operator shall submit to the Commission its procedural and operational plans that the Operator would adopt in the event of any emergency within three months from the grant of this licence.

25. Special Provisions for the Disadvantaged

- 25.1 The Operator shall consult the Commission from time to time, and endeavour to implement measures to make available or to continue to make available Telecommunication Services and Maintenance Services capable of satisfying the reasonable demands of:
 - a) the disabled (especially persons with a hearing impairment);
 - b) persons of pensionable age.

25.2 The Operator shall, if requested so to do by the Commission, participate in the work of any advisory body for matters affecting the persons referred to in sub-paragraphs (a) and (b) of paragraph 25.1.

26. Directory Information Services

26.1 The Operator shall publish a Directory containing all commercial information, names, address and number of the customers. The Operator shall provide or make available, free of charge, printed directories to the each customer, the form and contents of which shall be mutually determined by the Operator and the Commission. Directory information services shall be available to the users free of charge.

26.2 The Operator shall maintain a complete, accurate and up to date database of its customers' for the sole purpose of facilitating provision of directory information services. If any customer does not wish to be listed in the directory, the Operator is free to delete his name from the directory after taking concurrence of the subscriber in writing.

PART VI : COMMERCIAL OBLIGATIONS

27. Prices for Services

27.1 The Operator shall lodge a notice of tariffs with the Commission, which sets out in relation to each kind of service that the Operator proposes to offer:

- a) a description of the service;
- b) details of the nature and amounts of charges payable for the service, and
- c) the method adopted for determining the charges.
- d) terms & conditions

27.2 The Operator shall include in the notice reasons for new tariff or change in the existing tariff plans.

27.3 The notice shall be precise and detailed enough to be used to work out the nature and amounts of charges payable for the supply of the particular service.

27.4 The notice of tariffs lodged with the Commission shall state the period (i.e. the term) for which it is to be in force. The term shall not begin until approval for the tariffs is given by the Commission or at a time when a previous tariff of the Operator on the same service is still in force.

27.5 The Operator shall not impose or offer as the case may be any charges, terms and conditions for the provision of any specified service until the Commission has approved such charges terms and conditions.

27.6 The Operator shall provide the specified service at the charges, terms and conditions so approved by the Commission and shall not depart from without prior written approval by the Commission of the proposed charges, terms and conditions.

27.7 The Operator shall publish in a manner and at the times in paragraph 27.8 the charges, terms and conditions on which it offers to provide the specified telecommunications service in accordance with an obligation imposed by or under this Licence.

27.8 Publication shall be effected by condition 36.3

27.9 Where the Operator publishes a notice of amendment to a charge in the form of an extract from the Operator's price list the new price shall be clearly identifiable and the operative date specified.

27.10 The operator shall comply with any direction or determination issued by the Commission relating to prices for services

28. Separate Accounts for Certain Activities

28.1 The Operator shall establish from the beginning accounting and reporting arrangements sufficient to enable the Operator's finances in relation to the various licensed services and activities not requiring a Licence to be assessed and reported on separately from the other activities of the Operator. The Operator shall comply with any directions made by the Commission from time to time in relation to the preparation and delivery of accounting statements.

28.2 The Operator shall:

- a) maintain accounting records in such a form that the activities of the systems business and the Apparatus Supply Business are separately identifiable or separately attributable in the books of the Operator, being records sufficient to show and explain the transactions of each of those businesses;
- b) prepare in respect of each financial year of the Operator, or of such lesser periods as the Commission may specify but not more frequently than quarterly, accounting statements setting out, and in the case of yearly statements fairly presenting the costs (including capital costs), revenue and financial position of each of those businesses, service and region wise including a reasonable assessment of the assets employed in and liabilities attributable to each of them and showing separately, in the case of yearly accounting statements, the amount of any material item of revenue, cost, asset or liability which has been either:
 - (i) charged from or to any other business of the Operator together with a description of the basis of the value on which the charge was made; or
 - (ii) determined by apportionment or attribution from an activity common to the Business and any other business of the Operator and, if not otherwise disclosed, the basis of the apportionment or attribution;

- c) procure in respect of each of the accounting statements prepared in respect of a financial year of the Operator a report by the Auditor stating whether in his opinion that statement is adequate for the purposes of this Condition; and
- d) deliver to the Commission a copy of each of the accounting statements and of the reports relating thereto required under sub-paragraph (b) not later than six months after the end of the period to which they relate.

For the purposes of this paragraph the cost of any business does not include profits of that business.

28.3 Accounting statements prepared under paragraph 28.2(b) in respect of each financial year shall be prepared in the formats and in accordance with the accounting principles and rules which apply to the annual accounts of the Operator and shall state the accounting policies used.

29. Anti- Competitive Practices

29.1 The Operator shall not enter into any agreement, arrangement or understanding that shall in any way prevent or restrict competition in relation to the operation of licensed system, provision of authorised services and acquisition of any telecommunication installations, services or apparatus. In particular, the Operator shall not enter into linked Sales or Exclusive Dealing Arrangements.

29.2 The Operator shall ensure that there are no cross-subsidies between such parts of the Operator's business as the Commission may determine in consultation with the Operator.

29.3 The Operator shall establish such accounting and reporting arrangements so as to enable the Operator's finances in relation to different parts of its business to be assessed and reported on separately.

29.4 Where the Commission determines that the Operator has engaged in Anti-Competitive Practices, the Operator shall take such steps as the Commission may direct for the purpose of remedying the situation.

30. Prohibitions of Linked Sales

30.1 The Operator shall not make it a condition of:

- a. providing any telecommunication service;
- b. supplying any mobile terminal equipment;

that any person should acquire from the Operator or from any other person specified or described by the Operator;

- i. any telecommunication service other than the telecommunication service requested except where that service cannot be provided without the provision of that other telecommunication service; or
 - ii. any telecommunication equipment not incorporated in the Systems supplied save where the telecommunication service requested cannot otherwise be provided or the telecommunication equipment cannot otherwise be used.
- 30.2 Except where the Commission has agreed otherwise, the Operator shall not do any of the things described in sub-paragraphs (a) and (b) of paragraph 30.1 together with the other thing in a manner or for charges or on terms or conditions more favourable than would be available for doing one thing without that other thing.
- 30.3 Notwithstanding paragraphs 30.1 and 30.2 the Operator may where it supplies as part of the same transaction or interconnected series of transactions two or more items of telecommunications equipment, offer quantity discounts or more favourable terms and conditions in respect of quantity in relation to such equipment which it so supplies whether those items or equipment are of the same or different descriptions.

31. Prohibition on Undue Preference and Undue Discrimination

- 31.1 The Operator shall not (whether in respect of the charges or other terms or conditions applied or otherwise) show undue preference to, or exercise undue discrimination against, particular persons or persons of any class or description. In particular, the Operator shall not give any undue preference to, or receive an unfair advantage from, a business carried on by it or an associated or affiliated company, if the Commission is of the opinion that the competitors of the Operator could be placed at a substantially disadvantage position or the competition would be prevented or significantly restricted.
- 31.2 The Operator shall be deemed to have shown such undue preference or to have exercised such discrimination if it unfairly favours to a material extent a business carried on by it or by its lawful telecommunications associates in relation to any of the matters mentioned in paragraph 31.1 so as to place at a significant competitive disadvantage persons competing with that business.
- 31.3 Any question relating to whether any act done or course of conduct pursued by the Operator amounts to such undue preference or such undue discrimination shall be determined by the Commission, but nothing done in any manner by the Operator shall be regarded as undue preference or undue discrimination if and to the extent that the Operator is required to do that thing in that manner by or under any provision of this License, or where the Operator gives any discount to its large customers provided that such concessions are extended without discrimination to all customers falling within this category.

32. Ownership of the Licensed System

- 32.1 The Operator shall at all times own and operate the Licensed System and shall not sell, lease or transfer to any person, the whole or part of the Licensed System without the written approval of the Commission.
- 32.2 Where the Operator seeks to transfer its Licensed System to another person, it shall comply with all terms and conditions of its Licence as at the date of transfer; and shall have paid all outstanding fees to the Commission. The operator shall obtain the approval of the Commission before any substantial shareholding of the operator affecting the management or controlling interest of the operator is transferred to another party.
- 32.3 A person to whom a Licensed System is to be transferred shall apply to the Commission for a Licence to carry on the relevant telecommunications undertaking on the prescribed application form and shall satisfy the conditions set down by the Commission before any transfer of licence may be considered.

33. Pre-Notification of Joint Ventures

- 33.1 Where the Operator or its associates enters into an agreement –
- (a) with any person or persons for the establishment, control or acquisition of a body corporate for the purpose of :
 - i. the running of a telecommunication System which requires a Licence, under the Act; or
 - ii. providing telecommunication Services in Sri Lanka which necessarily involve the running of a Licensed System; or
 - iii. the production of terminal equipment for supply in Sri Lanka where that production would lead to a monopoly situation which would not otherwise exist in relation to the supply of terminal equipment of any description in Sri Lanka;
 - (b) for the establishment of a partnership; for any of the purposes or in any of the circumstances referred to in paragraph (a);
 - (c) in the nature of a joint venture for any of the purposes or in any of the circumstances referred to in paragraph (a).
- 33.2 The Operator shall notify the Commission with particulars of the agreement, arrangement or understanding entered into for the purposes specified in condition 33.1 for the approval of the Commission 30 days prior to taking into effect of such agreement, arrangement or understanding.

33.3 The Commission may refuse or approve such agreement, arrangement or understandings subject to such terms and conditions.

For the purpose of this Condition, "Monopoly Situation" shall be taken to exist in relation to the supply of services of any description in the following cases, that is to say, if

- (a.) the supply of Telecommunication services of that description in Sri Lanka is, to the extent of the prescribed percentage, supplied by one and the same person, or supplied to one and the same person, or
- (b.) the supply of Telecommunication services of that description in Sri Lanka is, to the extent of the prescribed percentage, supplied by members of one and the same group of interconnected bodies corporate, or supplied to members of one and the same group of interconnected bodies cooperate, or
- (c.) the supply of Telecommunication services of that description in Sri Lanka is, to the extent of the prescribed percentage, supplied by members of one and the same group consisting of two or more persons, or supplied for members of one and the same group consisting of two or more persons. The "two or more persons" referred to in this paragraph of this section, in relation to services of any description, are any two or more persons (not being a group of interconnected bodies corporate) who, whether voluntarily or not and whether by agreement or not, so conduct their respective affairs as in any way to prevent, restrict or distort competition in connection with the supply of services of that description, whether or not they themselves are affected by the competition, and whether the competition is between persons interested as persons by whom, or persons to whom, services are supplied, or
- (d.) one or more agreements are in operation the result or collective result of which is that services of that description are not supplied in Sri Lanka.
- (e.) Commission shall reserve the right to declare the prescribed percentage of a "Monopoly situation".

33.4 If such agreement, arrangement or understanding is or is likely to substantially effect the competition in the telecommunications market, the Commission may by notice in writing direct the operator to take such action specified in the notice as the Commission considers necessary to prevent the agreement, arrangement or understanding from having the effect of substantially lessening competition in the telecommunications market.

33.5 The Commission may before a notice is issued under clause 33.4 call for representations from interested parties and the operator in relation to such agreement, arrangement or understanding.

33.6 The operator shall comply with any direction or rules issued by the Commission for the maintenance of effective competition in the telecommunications market.

34. Associates

- 34.1 Where any Associate of the Operator does anything which the Operator is prohibited from doing under the Licence or fails to do anything which the Operator is required to do under the Licence, the Operator shall take such reasonable steps to ensure that the Associate takes such remedial steps to rectify the consequences of the prohibition or omission as the case may be, as directed by the Commission.

For the purposes of this Condition a person is an Associate of the Operator;

- i. if he is a subsidiary of, or is another body corporate in which the Operator has a substantial interest; or
- ii. it is a holding company of or controls the Operator.

PART VII : CUSTOMER SERVICE OBLIGATIONS

35. Privacy & Confidentiality

- 35.1 The Operator shall take all reasonable steps to safeguard the privacy & confidentiality of any telecommunication messages conveyed by means of the licensed system.
- 35.2 The Operator shall not use information provided by its customers or obtained in the course of provision of service to its customers other than for and in relation to the provision by the Operator of the service under this licence.
- 35.3 The Operator shall not disclose information of a customer without consent of the customer except under the following circumstances:
- a. where disclosure is deemed necessary by the Commission for the violation of the provisions of the Act or the relevant security agencies or law enforcement or for prevention/ detection of crime or prosecution of offenders;
 - b. where sharing of information with other licensed Operators is necessary to detect, prevent or investigate into fraud under the directions of the Commission.

36. Publication of Charges, Terms and Conditions to be Applied to Customers

- 36.1 The Operator shall, except in so far as the Commission may otherwise determine in writing, publish in the directory and in the manner and at the times specified in paragraph 36.3 in respect of each of the following a notice specifying the charges and other terms and conditions approved by the Commission on which the Operator offers to:
- a. provide each description of Telecommunication Service by means of the Licensed System, in accordance with obligation imposed by or under this Licence;

- b. maintain, adjust or repair any apparatus comprised in the Licensed System in accordance with obligation imposed by or under this Licence;
- c. connect to the Licensed System any apparatus or any other system which, in either case, is not or is not to be, comprised in the Licensed System in accordance with obligation imposed by or under this Licence;
- d. grant permission either to connect systems or apparatus referred to in subparagraph (c) to, or to provide services by means of, the Licensed System in accordance with obligation imposed by or under this Licence;
- e. bring into service any apparatus or system which, in either case, is or is to be connected to but not comprised or to be comprised in the Licensed System, where only the Operator is permitted to provide such service.

36.2 The charges and the other terms and conditions in respect of any service which is materially different from any service already provided by the Operator by means of the Licensed System may not be published as required under paragraph 36.1 until 90 days prior to the expected date of provision of such service.

36.3 Publication of the notice shall be effected by;

- a. sending a copy thereof to the Commission under acknowledgement not more than 60 days after the date on which this Licence enters into force and thereafter not less than 60 days before any approved amendment of charge, term or condition, or the method of determining the same is to become effective.
- b. placing as soon as practicable thereafter a copy thereof in a publicly accessible part of such offices of the Operator in such manner and in such place that it is readily available for inspection free of charge by members of the general public during such hours as the Commission may specify; and
- c. sending a copy thereof or such part or parts thereof as are appropriate to any person who may request such a copy.

37. Metering and Billing Arrangements

37.1 The Operator shall install and use metering and billing systems that are reliable and accurately record the extent of the Service provided to its Customers and any other Operator. The Operator shall, in relation to metering and billing systems used for the provision of the service, keep such records and make them available for inspection.

37.2 The Operator shall conduct tests, upon the request of the Commission, on metering equipment to assess its accuracy, reliability and conformity to the technical standards as specified by the Commission. The Operator shall submit the test result to the Commission within the period as the Commission may determine.

- 37.3 The Operator shall take appropriate measures to issue bills with periodicity as determined by the Commission in consultation with the Operator, to the users of the service, indicating the charges provided to the subscribers.
- 37.4 The Operator shall provide, to each of its subscribers, a basic level of itemised billing at no extra charge to the Subscriber. The Operator shall ensure that each itemised bill shows a sufficient level of details, such as type of service and the units for which charges are made, the starting time of the each connection, the number called and the duration and number of units for each call, to allow verification and control of the charges incurred in using its licensed System.
- 37.5 The Operator shall set out in any account or invoice sent to any such operator or customer the true extent of the service actually provided to that Operator or Customer in the period to which the account or invoice relates.
- 37.6 The Operator shall upon the written request of the Commission and within 14 (fourteen) days of such request, conduct tests on the metering equipment to assess its accuracy, reliability, and conformity to the technical standards, if any, specified by the Commission. The Operator shall submit the test results to the Commission within 14 days after the date of the test or such other longer period as the Commission may determine;
- a. Permit the Commission to inspect its metering and billing system at any time and to cooperate in facilitating any such inspection; and
 - b. Alter, adapt, modify or improve such system in accordance with any reasonable requirement which the Commission may specify in writing from time to time

38. Customer Protection

- 38.1 The Operator shall comply with any directions issued by the Commission for the purposes of protecting the interests of its customers or users from time to time.
- 38.2 The Operator shall, in consultation with the Commission, prepare and publish within three months of the date on which this licence enters into force, a code of practice for the customer complaints handling, resolution of customer disputes. The Commission may from time to time issue directions to the Operator specifying any modifications or additions that it considers should be made to the code or as to the publication, republication, implementation or further modification of the code. The Operator shall participate in good faith in any dispute resolution procedure established by the Commission for the resolution of such disputes.
- 38.3 The Operator must keep and maintain all information on the complaints made to the Operator by the Operator's Customers and shall provide such information to the Commission at least once each year.

- 38.4 The Operator shall establish and maintain efficient information and assistance to assist the Customers in resolving questions relating to the installation and all other relevant issues relating to the services. In the provision of such services the Operator shall not discriminate between the Customers.
- 38.5 The Operator shall maintain adequate trained personnel to receive and respond promptly to complaints from Customers. The Operator shall take all commercially reasonable action to promptly remedy and avoid the recurrence of the cause of all Customer complaints, which relate to billing, quality, availability or delivery of its service. The Operator shall be solely responsible for the treatment of the subscribers' complaints, attending to claims and damages arising out of this operation.
- 38.6 The Operator shall in the manner and at the times specified by the Commission, publish the standard terms and conditions under which it provides each category of authorised services to its customers. The Operator shall ensure that a statement of all applicable terms and conditions of each category of authorised services is promptly made available for inspection at the request of any member of the public.
- 38.7 The operator shall maintain specific customer data for such periods as per the direction issued by the Commission.

39. Bodies Recognized to be representing the Interests of Consumers

- 39.1 The operator shall give due consideration to any matter which relates to:
- (a) telecommunication services provided by means of or relation to the Licensed System;
 - (b) telecommunication apparatus supplied by the operator; or
 - (c) the connection to the Licensed system of;
 - (i) any telecommunication system run by any person other than the operator; or
 - (ii) any telecommunication apparatus and which is the subject of a representation made to the operator by either:
 - (a) a body recognised by the Authority as representing the interests of consumers and other users of such telecommunication services or Apparatus; or
 - (b) an advisory body established by the authority under section 5(t) of the Act.
- 39.2 The operator shall, if requested by the authority or if it sees fit, furnish to the authority particulars of any matter considered by the operator under this condition or a digest of activities undertaken in any period in pursuance of this condition.

PART VIII: OTHER OBLIGATIONS

40. Construction of Telecommunications Plants

- 40.1 The Operator shall obtain approvals from the Commission in respect of each of its Radio station sites used to provide the Service and/or used for radio Transmission Links in advance of site construction. The Operator shall take appropriate steps with respect to the installation, operation and maintenance of the network and all network specific equipment for the purposes of environmental protection including the deployment of masts and base stations.
- 40.2 Without prejudice to the provisions of the Act, in the course of constructing, operating, altering, removing, replacing, or maintaining the installations outside the premises for the purposes of this licence, or any part of it, the Operator shall:
- (a) exercise all reasonable care, and cause as little inconvenience as possible to the public and as little damage to property as possible; and
 - (b) make good any damage caused to any person having a lawful interest in the land or being lawfully thereon and reinstate the land within a reasonable time in good and workmanlike manner. When it is not practicable to make good any damage or to reinstate the land to the condition in which it existed prior to the damage, the Operator shall pay, promptly and fully, compensation for any damage caused to any person having an interest or right in the land affected.

41. Right to Inspect & Test

- 41.1 The Operator shall allow the authorised representatives of the Commission to enter and inspect without prior notice the sites, places and premises where the Operator has installed telecommunication equipment, or used for the provision of the service, to verify that the Operator is in compliance with the licence conditions. The authorised representatives of the Commission shall have the right to inspect without prior notice the sites, premises and installations of the operator wherever situated. The right of inspection shall extend to access to inspect leased lines, junctions, terminating interfaces, processing hardware/ software, memories of live, magnetic and optical varieties, wired options, distribution frames, and to enter into dialogue with input/output devices or terminals.
- 41.2 The Operator shall provide the necessary infrastructure including but not limited to equipment, manuals, diagrams required by the authorised representative of the Commission to inspect, test, read or measure any telecommunication installations, telecommunications equipment or apparatus.
- 41.3 The Commission or its authorised representatives shall have the right to request the operator to demonstrate and explain any operations carried out by the operator at the time of inspection and at any time thereafter when required to do so.

41.4 The Operator shall permit the authorised representatives of the Commission to inspect without prior notice records, documents and statements of accounts relating to the Operator's business for the due implementation of provisions in the Act and the License. The Commission or authorised representative after inspection has the right to call for certified copies of any records or document and the operator on such request shall provide certified copies as requested.

42. Requirement to Furnish Network Plans and other Information to the Commission

42.1 The Operator shall provide the Commission with transmission plans, switching plans and overall network plans including signalling plans, traffic information, technical configuration, circuit routing and other relevant technical data which the Commission may by notice or direction require for the exercise of its functions.

42.2 The Operator shall furnish to the Commission, in such manner and at such times as the Commission may request, such information related to the business, including financial statements, estimates, statement of accounts, returns and other records or information as the Commission may reasonably require for the purpose of exercising its functions.

43. Quality of Service Standards

43.1 The Operator shall comply with Quality of Services (QoS) standard conforming to international norms and standards as specified by the Commission from time to time for the provision of voice telephony services. The Operator shall provide relevant data, carry out surveys and tests or provide the requisite facilities to enable the Commission to carry out such surveys and tests or to monitor the services provided for the purpose of ascertaining the quality of service rendered by the Operator to its customers or to any other Licensed System. The Operator shall make available such data and the results of any such surveys or tests as and when required by the Commission.

44. International Commitments

44.1 The Operator shall at all times comply with the provisions of the constitution and Convention of the International Telecommunication Union (ITU) and the regulations and recommendations annexed to it, and without limiting the generality of the foregoing, the recommendations made by the Radio communication Sector and Standardisation Sector established under the Convention and any other international convention, agreement, arrangement, or treaty to which Sri Lanka is or shall become a party.

44.2 The Commission shall notify the Operator from time to time of any such convention, agreement, arrangement, or treaty, which Government entered.

45. Safety

- 45.1 The Operator shall take proper and adequate safety measures for the safeguarding of life and property in connection with all installations, equipment and apparatus operated or used, including safeguards against exposure to any electrical or radiation hazard emanating from the installations, equipment or apparatus used under this Licence.

46. Prohibition of Obscene, Unauthorized Messages

- 46.1 The operator shall not undertake to carry objectionable, obscene unauthorized or any other content, messages or communications through the Licensed System.
- 46.2 The Operator is obliged to provide all the tracing facilities of the nuisance or malicious data, messages or communications transported through his equipment and network, to authorised officers of the Commission, when such information is required for investigations of crimes or in the interest of national security. Any damages from default on the part of Operator in this respect shall be the sole responsibility of the Operator.

47. Force Majeure

- 47.1 The Operator shall not be liable for any failure of, breach of, or delay in performance of any obligations under the License due to causes beyond its reasonable control, including, but not limited to: acts of God, fire, explosion, cable cut, storm or other similar natural catastrophes; any law, order, regulation, direction, action, Act or Omission of the Authority or of the government, including but not limited to state, provincial, departmental and local governments having jurisdiction over the Operator and its activities, or of any department, agency, commission, court, bureau, corporation or other instrumentality of any one or more of said governments, or of any civil or military authority; insurrections, riots or wars, civil unrest, vandalism; or strikes, lock outs, work stoppages or other labour difficulties. In the event of an occurrence of force majeure, the Operator shall notify the Commission in writing as soon as possible and shall use its best endeavors to remedy such event of force majeure as quickly as possible. However, this will not reduce the obligations of Operator specifically in the case of emergency.

PART IX: DEFINITIONS AND INTERPRETATIONS

Accounting Separation	The preparation of separate accounts for different business and parts of businesses run by the same company or group of companies, so that the costs and revenues associated with each business and part of a business (and transfer between them) can be separately identified and properly allocated.
Anti-Competitive Practice	Any practice whereby the Operator, in the course of business, pursues a course of conduct which of itself or when taken together with a course of conduct pursued by persons associated with him, has or is intended to have or is likely to have the effect of, restricting, distorting or preventing competition in connection with the production supply or acquisition of goods in Sri Lanka or the supply or securing of services in Sri Lanka.
Auditor	The Operator's auditor for the time being appointed in accordance with the requirements of the Companies Act.
Commission	The Telecommunications Regulatory Commission of Sri Lanka established under the Act.
Connectable System	A telecommunication system which is authorised to be run under a Licence which authorises connection of that system to the applicable System.
Connection Service	A telecommunication service consisting in the conveyance of any message which has been or is to be, conveyed by means of the Licensed System.
Cross Subsidy	The financing of losses made in one market by pricing below incremental costs from profits made in another.
Customer/Subscriber	means any Person who has indicated willingness to the Operator to receive Services from the Operator on the Operator's terms and conditions, or has entered into a contract with the Operator for the provision of such Services irrespective of the payment terms thereof.
Data	A representation of facts, concepts, or instructions in a formalised manner suitable for communication, interpretation or processing by a machine such as Telex machines, Fax machines, Computers, etc. which do not include two-way speech

Electromagnetic compatibility The condition which prevails when telecommunications equipment is performing its individually its designed functions in a common electromagnetic environment without causing or suffering unacceptable degradation due to unintentional electromagnetic interference to or from other equipment in the same environment.

Exclusive Dealing Arrangement

Any arrangement whereby the Operator makes the acquisition from any person in Sri Lanka, or outside Sri Lanka by the Operator or any of its wholly owned subsidiaries, or the installation or servicing by any person in Sri Lanka or outside Sri Lanka for itself or any such subsidiary of any Telecommunication Apparatus of any description conditional upon agreement :

- a) to supply to the Operator, or to supply or not to supply to any other person, apparatus of a different description;
- b) to provide to the Operator or to provide or not to provide to any other person any Telecommunication Service of a different description; or
- c) to transfer to the Operator or to any other person any interest in industrial or intellectual property with a view to restricting unreasonably the freedom of the supplier of the apparatus or the provider of the service in question to exploit his industrial or intellectual property in order to confer on the Operator or some other person an unfair competitive advantage.

Financial Statements

Documents that collectively make up, inter alia, the regulatory accounts reflecting accounting separation and interconnection standard services. The statements are audited to check that they fairly represent the financial results for the Businesses which are divided for regulatory purposes (inter alia to help disclose unfair cross subsidies between and within business and that interconnection charges can be shown to be fairly derived from costs and applied without discrimination).

Fixed Service

A telecommunications service in which the end-user terminal is located at a fixed point.

Interconnection

The physical and logical connection of two Operators' networks thereby allowing customers of one system to connect with customers of the other, or to access services provided from the other system

International Gateway

A communication server which enables Licensed System to interconnect with other compatible system in overseas.

International Simple Resale (ISR)

International outgoing calls provided by an Operator to customers using the international facilities owned by other operators. The Operator collects traffic from the PSTN, transfers it to a line leased from a facilities Operator, and then hands it over to a PSTN in an overseas country who will deliver the call to its destination.

International Telecommunication Service

The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries

ITU (International Telecommunication Union)

A United Nation Organisation that co-ordinates use of the spectrum and creation of technical standards for communication equipment.

Interoperability

Interoperability means the technical features of a group of interconnected systems (systems includes equipment owned and operated by the customer which is attached to the public telecommunication network), which ensure end-to-end provision of a given service in a consistent and predictable way.

Licensed Operator

Any person who, at the relevant time, has the benefit of a License granted under Section 17 of the Act.

Link

A connection maintained or to be maintained between two nodes for the purpose of transmission of messages.

Linked Sale

A sale where the Operator agrees to :

- a. provide any Telecommunication Service by means of or in relation to the Licensed System.
- b. supply any Telecommunication Apparatus for connection to the Licensed System;
- c. connect any other system or apparatus to the Licensed System on the condition that the person who has requested such Telecommunication Service, Telecommunication Apparatus or connection service shall acquire from the Operator or from any other person specified or described by the Operator:
 - (i) any Telecommunication Service other than the Telecommunication Service requested, save where that service cannot be provided without the provision of that other service; or

- (ii) any Telecommunication Apparatus not incorporated in the Licensed System, save where the Telecommunications Service requested cannot otherwise be provided or the Telecommunication Apparatus requested cannot otherwise be used.

National Numbering Plan	A plan describing the method adopted or to be adopted for allocating and reallocating of numbers to particular telecommunication service(s) or user(s), which is specified by the Commission
Network	A collection of nodes and links which are connected to together by means of transmission paths and which can include a variety of functional units such as switching centres, repeaters etc.
Network Coverage	Availability to get a signal from the Licensed System of not less than -102 dBm and to the Licensed System of not less than - 111 dBm.
Node	Means an exchange used for switching of messages or a branching node of a transmission bearer used for transmission of such messages to the destination.
Non-Ionizing radiation	It is a type of energy, in the lower range of the electromagnetic spectrum, which does not have the ability to remove ions from molecules.
Price Discrimination	Supplying the same product/service to different customers at different prices in relation to differences in costs. Conventional price discrimination is possible where the supplier is able to segment the market, either on the basis of (known) different demand characteristics, or by a self-selecting set of volume related tariffs.
Re-filing	The re-routing as outgoing traffic of any incoming traffic not destined for Licensed System.
Software	The messages transmitted or processed through a communication medium. This term also refers to the instructions (programs) written for programmable computers.
Telecommunications Service	Any service including the transmission and/or routing of signs, signals, texts, images, sounds or data or a combination of these functions, using telecommunication process.

Telecommunications Network

The Transmission equipment and, switching equipment and other resources which permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other Electro-magnetic means.

Wireless Fidelity (Wi-Fi)

Wi-Fi are local area networks that use electromagnetic waves to transmit and receive data over short distances, instead of using wire line networks, mobile devices access the network by connecting, via radio, to a wire line access point that passes traffic back and forth over the network

SCHEDULE 4

REVOCATION

The Minister may at any time revoke this Licence by 30 days notice in writing given to the Operator at its registered office in any of the following circumstances:

- (a) if the Operator agrees in writing with the Minister that this Licence should be revoked;
- (b) if any amount payable under Condition 4 is unpaid and remains unpaid for a period of 14 days after the Commission notifies the Operator that the payment is overdue, which notification shall not be given earlier than the sixteenth day after the day on which the payment became due;
- (c) if the Operator fails to comply with an order of the Commission under the Act and that order is not subject to appeal proceedings and such failure is not rectified within 3 months after the Commission has given notice in writing of such failure to the Operator;
- (d) if the operator fails to comply with any rule or regulation for the time being in force under the Act.
- (e) if it is found that the issue of the Licence had been based on inaccurate or incorrect information provided by the Operator.
