

Introduction to the Instructions and Registration Form

Under the licensing framework established by the Telecommunications Law and Licensing Rules, a person must obtain 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 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 NFS(C) License; 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 NFS(C) License

Overview of the Network Facilities Service (Class) License

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

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: _____

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 Network Facilities Service (Class) License

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

ATTN: Director General

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:
 - MMK 2,500,000 or (Myanmar Kyat equivalent with foreign Currency) in the form of a bank draft if registering for 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.
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Overview of the Evaluation Process for NFS(C) License Registrations

- The Department's evaluation process for 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 Response
 - Attachment 2: Company Registration Certificate & Company Extract
 - 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 the NFS(C) License.

