

THE HASHEMITE KINGDOM OF JORDAN
TELECOMMUNICATIONS REGULATORY COMMISSION



Transition Instructions for Current Class Licensees

TRC Board Decision No.(11-2/2005) Date(11/1/2005)

Transition Instructions for Current Class Licensees

Whereas the Telecommunications Regulatory Commission has developed an integrated licensing and regulatory regime for public telecommunications networks and services as specifically detailed in the TRC's December 2, 2004 "Program of Licensing within the Fixed Telecommunications Sub-sector and the evolution to an Integrated Licensing and Regulatory Regime;"

And whereas Article 6(a) of Law number 13 of 1995, as amended ("Telecommunications Law") requires the TRC to "regulate telecommunications and information technology services in the Kingdom in accordance with the established general policy so as to ensure the provision of high quality telecommunications and information technology services to users at just, reasonable and affordable prices; and, by so doing, to make possible the optimal performance of the telecommunications and information technology sectors;"

And whereas Article 6(o) of the Telecommunications Law requires the TRC to "assess the need for the adjustment of the level of regulation of any telecommunication service, or specific type or group thereof, with regard to competition or any other factor that may require such adjustment or forbearance, and to recommend the same to the Board for approval;"

And whereas Article 39 of the Telecommunications Law allows the Board of the TRC to amend one or more conditions of existing licenses, pursuant to the procedures set out therein.

The TRC hereby adopts the following Instructions:

Article 1 Definitions

The following words and phrases shall have the meanings assigned thereto hereunder, unless the context indicates otherwise. Any words and phrases not defined hereunder shall have the meanings ascribed thereto in the Telecommunications Law and the Regulations issued pursuant thereto:

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| Additional Services | : Means the provision of additional telecommunications services that were not authorized under the Licensee's existing license(s); |
| Affiliated Current Class Licensees | : Means holders of any of the Current Class Licenses who are also holders of any of the Current Non-Class Licenses or are the subsidiaries or Affiliates of such holders of Current Non-Class Licenses; |
| Board | : Means the Board of Commissioners of the TRC; |
| Current Class Licenses | : Means the following Current Class Licenses: <ul style="list-style-type: none">• Data Communication Service Class License; |

- GMPCS Class License;
- Prepaid Telecom Cards Service Class License;

Current Class Licensees	: Means holders of Current Class Licenses;
Current Non-Class Licenses	: Means the following Current Licenses: <ul style="list-style-type: none"> • License to provide Public Switched (Voice) Services and Other Fixed Telecommunications Services; • Public Mobile Telephone Service License; • Trunked Radio Dispatch Service License; • Public Mobile Telecommunications License;
Current Non-Class Licensees	: Means holders of Non-Class Licenses;
Current Paging Licensee	: Means the holder of a Current Radio Paging License;
Integrated Regime	: Means an integrated licensing and regulatory regime that is intended to be fully implemented in 2006 for public telecommunications networks and services, as specifically detailed in the TRC’s December 2, 2004 “Program of Licensing within the Fixed Telecommunications Sub-sector and the evolution to an Integrated Licensing and Regulatory Regime;”
Law	: Means the Telecommunications Law no. 13 of 1995 and its amendments;
Licensee	: Means a person who holds a License issued in accordance with the Law.
New Form of Class License	: Means the form of Class License that is set out in the TRC’s December 2, 2004 “Program of Licensing within the Fixed Telecommunications Sub-sector and the evolution to an Integrated Licensing and Regulatory Regime;”
Non-Affiliated Current Class Licensees	: Means holders of any of the Current Class Licenses that are not i) holders Current Non-Class Licenses or ii) subsidiaries or Affiliates of such holders of Current Non-Class Licenses;
Person	: Means any individual, company, corporation, partnership, joint venture, consortium, government or governmental entity;
Regulations	: Mean any instructions, rules, decisions, directions,

guidelines or other determination issued by the TRC;
TRC : Means the Telecommunications Regulatory Commission.

Article 2 Transition for Current Class Licensees

2.1 Transition Procedures

The basic principle for effecting the transition for the Current Class Licensees and the Current Paging Licensee is by the implementation of the "amendment" provisions of Article 39 of the Telecommunications Law. Accordingly, for Current Class Licensees and the Current Paging Licensee that raise no objection to the amendment procedure outlined herein the TRC shall amend their current licenses to transition to the New Form of Class License. Otherwise the TRC shall follow the appropriate amendment procedures set forth in the Telecommunications Law to transition such licenses to the New Form of Class License. In compliance with Article 39(b) of the Telecommunications Law, any further amendment of the licensing conditions shall be applicable to any transitioned Current Class Licensee and the transitioned Current Paging Licensee.

2.1.1 Transition for Non-Affiliated Current Class Licensees

Non-Affiliated Current Class Licensees shall be amended for transition, pursuant to the terms and procedures set-out herein, to the New Form of Class License.

2.1.2 Transition of the Current Paging Licensee

The TRC has determined that the Current Paging Licensee shall be exempted from Individual License requirements for the purpose of the provision of existing services and it shall accordingly transition to the New Form of Class License pursuant to the terms and procedures set-out herein.

2.1.3 Transition for Affiliated Current Class Licensees

2.1.3.1 Affiliated Current Class Licensees would not normally be required to be transitioned to the New Form of Class License, as the activities that may be carried out under the New Form of Class License may be also carried out under the terms of Individual Licenses that will be applicable to the Current Non-Class Licensees following transition to the Integrated Regime. However, until the transition for the Current Non-Class Licensees to the Integrated Regime, Affiliated Current Class Licensees may be transitioned to the New Form of Class License in accordance with the procedures outlined herein, provided that the Affiliated Current Class Licensee specifically complies with the obligation set out in Schedule G of the New Form of Class License.

2.1.3.2 Affiliated Current Class Licensees shall provide any Additional Services under the New Form of Class License only through a subsidiary or affiliate entity that is separate from the entity that undertakes the activities governed by the Current Non-Class

License. Activities undertaken under the new Form of Class License by the Affiliated Class Licensee must (i) be conducted by the subsidiary or affiliate entity, and (ii) kept separate from activities that continue to be conducted under the Current Non-Class License.

2.2 Written Notification of Transition

The TRC shall provide all Current Class Licensees and the Current Paging Licensee with written notification of the transition by amendment of the license to the New Form of Class License, along with the reasons and the period set for implementation of the transition. Current Class Licensees and the Current Paging Licensee shall state in writing any objection to the terms of the notification within fifteen (15) days of such notification and otherwise shall be deemed to have assented to such amendments.

2.3 Hearing

Following such notification, the TRC shall invite licensees submitting their written objections pursuant to Section 2.2 to discuss such objections with the TRC. After studying all objections, the TRC shall decide whether to: (i) approve the license amendment and enforce transition to the New Form of Class License; (ii) postpone its enforcement; or (iii) accept an objection posed by the licensees.

2.4 Transition to the New Form of Class License

2.4.1 Current Class Licensees having no objection to the transition to the New Form of Class License shall have their Licenses transitioned to the New Form of Class License pursuant to a decision of the TRC..

2.4.2 Current Class Licensees having objections to the terms and conditions of the New Form of Class License and participating in a hearing as specified in Section 2.3 that results in a decision that the license amendment is approved or gives rise to amended terms, and those not responding to the TRC's notification issued pursuant to Section 2.2, shall be transitioned to the New Form of Class License, including any further amendments approved by the Board following such hearing. Any other transitioned Class Licenses shall be amended to ensure consistency with all such further amendments approved by the Board, in accordance with Article 39(b) of the Law at a time to be determined by the TRC

2.5 No Use of Scarce Resources

Class Licensees will not be permitted to use scarce resources unless such resources have been exempted from the Individual License requirement by the TRC and the use of such resources complies with the TRC's Regulations.

2.6 Provision of Additional Services under the New Form of Class License

For purposes of transitioning Current Class Licensees and the Current Paging Licensee to the New Form of Class License, the TRC shall deem that the Current Class Licensees and the Current Paging Licensee will be providing the same service and shall be employing the same technologies as under the Current Class License and Current Paging License. To the extent that a Current Class Licensee or the Current Paging Licensee seeks to offer Additional Services under the New Form of Class License or extend or change technologies employed, it shall be required to provide written notification to the TRC of the Additional Services that it will be offering including a description of each service, together with details of additional or changed technologies to be utilized at least thirty (30) days prior to initiating the new service(s). The TRC will not require separate or additional approval for such Additional Services, provided initiation of such services is in compliance with TRC regulations.

2.7 Holders of Multiple Class Licenses

Following transition of one of its licenses by a Person that holds multiple Current Class Licenses to the New Form of Class License pursuant to paragraph 2.4, all activities previously conducted by such Persons under the multiple Current Class Licenses shall be conducted under a single New Form of Class License. The term of the New Class License will be in accordance with Article 4 of these Instructions.

Article 3 Payment of Fees

In order to transition to the New Form of Class License, the Current Class Licensees and Current Paging Licensee shall not be required to pay an initial Class License fee. However, all Current Class Licensees that are transitioned to the New Form of Class License shall be required to pay any recurring fee charges required under such license, and Current Class Licensees will also be required to pay any other financial obligation set forth in their Current Class Licenses or in any instruction or other decisions issued by the TRC.

Article 4 Term of New Form of Class Licenses

The license term applicable to Licensees transitioning to the New Form of Class License will be equal to the remaining term of the Current Class Licenses. The term of a New Form of Class License for a current holder of multiple Current Class Licenses will be equal to the remaining term of the Current Class License with the later expiration date.