



COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (LICENSING) REGULATIONS 2000

INDIVIDUAL LICENCE

ORIGINAL

Serial No: 5

Licence No: NSP/I/2000/428

PURSUANT TO SECTIONS 30 AND 126 OF THE
COMMUNICATIONS AND MULTIMEDIA ACT 1998

A licence is granted to

TELBINA TECHNOLOGY SDN. BHD.
(201301029834)

whose registered office is at AK 215, 1st Floor, MJC Batu Kawah New Township, Jalan Batu Kawa, 93250 Kuching, Sarawak

to provide any **network services**

with effect from**14 FEBRUARY 2023**..... until**13 FEBRUARY 2033**..... subject to the following conditions:

INTERPRETATION

- (a) Unless the context otherwise requires, any word or term used in these conditions shall have the same meaning as that contained in the Communications and Multimedia Act 1998 ("the Act"), including any modification or re-enactment of the Act and all delegated legislation including regulations and statutory instruments issued thereunder.
- (b) For the purpose of interpreting these conditions, the title or headings to any condition shall not be taken into consideration.
- (c) Any reference in these conditions to the Act shall include any Regulations made under the Act.
- (d) Words denoting any gender shall include all genders and reference to persons shall include real and legal persons under the law.

A. THE FOLLOWING STANDARD LICENCE CONDITIONS:**1. INCORPORATION OF COMPANY**

- 1.1 The Licensee shall be a company that is incorporated in Malaysia.

2. SHAREHOLDINGS

- 2.1 The Licensee shall notify the Minister of any changes in the substantial shareholdings of the company as defined under the Companies Act 1965 [Act 125], or any amendment or replacement enacted thereafter.
- 2.2 The Licensee shall comply with all relevant laws or rules under any legislation or guidelines issued by the Government or Government agencies pertaining to the restrictions on foreign shareholdings in the Licensee.

3. JOINT VENTURES OR CONSORTIUMS

- 3.1 The Licensee shall notify the Minister of any joint ventures or consortiums, which it enters into with any other licensees after the grant of the licence.

4. SOLE LICENCE

- 4.1 This licence replaces any other licence granted by the Minister and shall be the sole licence held by the Licensee in respect of the network services authorised under this licence.

5. COMPLIANCE WITH THE LAW

- 5.1 The Licensee shall comply with the provisions of the Act.
- 5.2 The Licensee shall comply with the provisions of any subsidiary legislation made, or other instruments, guidelines or regulatory policies issued, under the Act.

6. COMPLIANCE WITH NUMBERING PLAN AND ELECTRONIC ADDRESSING PLAN

- 6.1 The Licensee shall comply with the numbering and electronic addressing plan issued under the Act.

7. COMPLIANCE WITH SPECTRUM PLAN

- 7.1 The Licensee shall comply with the spectrum plan issued under the Act.

8. COMPLIANCE WITH CONSUMER CODES

- 8.1 The Licensee shall comply with any consumer codes registered under the Act which are relevant to the activities of the Licensee.

9. INDEMNITY

- 9.1 The Licensee shall indemnify the Minister and the Malaysian Communications and Multimedia Commission ("the Commission") against any claims or proceedings arising from any breaches or failings on the part of the Licensee.

10. SAFETY MEASURES

- 10.1 The Licensee shall in respect of all apparatus, equipment and installations possessed, operated, maintained or used under the licence, take all proper and adequate safety measures to safeguard life or property, including exposure to any electrical emission or radiation emanating from the apparatus, equipment or installations so used.

11. CHARGING MECHANISM

- 11.1 The Licensee shall take reasonable steps to ensure that the charging mechanism used in connection with any of its network services is accurate and reliable in all material aspects.

12. COMPLIANCE WITH RULES IN RELATION TO SPECIAL RATE REGULATION REGIME

- 12.1 The Licensee shall observe and comply with the special rate regulation regime as may be determined by the Minister under section 200 of the Act.

13. CONFIDENTIALITY OF CUSTOMER INFORMATION

- 13.1 The Licensee shall take all reasonable steps to ensure that its employees, agents, consultants or other third party suppliers who are engaged in the Licensee's business or who have access to the Licensee's customer information do not disclose information about a customer of a Licensee which has been acquired in the course of the Licensee's business without the prior consent of that customer.

B. THE FOLLOWING SPECIAL OR ADDITIONAL LICENCE CONDITIONS:

1. COMMENCEMENT OF DEPLOYMENT / SERVICE(S)

- 1.1 The Licensee shall commence the provision of services which it is licensed to provide within 24 months from the date of this licence.
- 1.2 However, the Minister may, upon an application being made, grant an extension of time to the Licensee if the Minister is satisfied that there has been genuine progress made towards the provision of the services.

2. SUSPENSION OF SERVICES

- 2.1 If the Licensee wishes to suspend any of the services being provided, the Licensee shall give not less than 2 months notice in writing to the Minister and to the Commission informing them of the same.
- 2.2 The Licensee shall recommence the provision of the suspended service or services not later than 4 months from the date of its suspension.
- 2.3 However, the Minister may, upon an application being made, grant an extension of time to the Licensee if the Minister is satisfied that there are good reasons for its continued suspension.

3. LICENSED AREA

- 3.1 The licensed area shall be Malaysia.

4. FEES

- 4.1 The Licensee shall be subject to the applicable annual licence fee which is equivalent to 0.5% of gross turnover less the applicable rebates, provided that the applicable annual licence fee shall not be less than 0.15% of the gross turnover of the preceding financial year of the Licensee or FIFTY THOUSAND RINGGIT, whichever is greater.
- 4.2 The applicable annual licence fee shall be paid to the Commission.

5. ACCOUNTING RECORDS

- 5.1 The Licensee shall prepare and deliver to the Commission separate accounting records as may be required by the Commission from time to time.

6. ALTERATIONS TO LICENSEE'S NETWORK

- 6.1 The Licensee shall from time to time inform the Commission and provide such additional information as the Commission may reasonably require about any proposals for changes to the Licensee's network services and/or means of access to such service provided by the Licensee.
- 6.2 The Licensee shall prepare and publish in consultation with the Commission a statement of its procedures for consulting and giving advance notice to those persons likely to be affected by such changes and shall adhere to those procedures. The procedures shall specify, *inter alia*, a reasonable timeframe within which possible disruptions arising from such alterations shall be resolved.

7. RESTRUCTURING OR RATIONALISATION

- 7.1 The Licensee shall notify the Minister, in writing, of any restructuring or rationalisation of the Licensee's corporate structure.

8. OBLIGATION TO INTERCONNECT

- 8.1 The Licensee shall permit interconnection with the Licensee's network services under terms and conditions which may be determined and / or approved by the Commission.

9. OBLIGATION TO PROVIDE UNIVERSAL SERVICE AND / OR TO CONTRIBUTE TO UNIVERSAL SERVICE FUND

- 9.1 The Licensee shall comply with any determination made by the Commission on universal service provision.

10. ADDITIONAL REQUIREMENTS ON SHAREHOLDING

- 10.1 Foreign shareholding, if any, in the Licensee shall not be more than 49%.
- 10.2 The Licensee shall ensure that the Bumiputera equity in the Licensee is not less than 30% for so long as the Licensee remains a private company or a public company as defined under the Companies Act 1965 [Act 125] or any amendment or replacement enacted thereafter, and is not listed on Bursa Malaysia.

11. COMPLIANCE WITH ROLLOUT PLAN

- 11.1 The Licensee shall comply with the commitments set out in Attachment A of the licence, extracted from the Detailed Business Plan submitted, unless modified with the approval of the Commission.

12. MONITORING MECHANISM

- 12.1 The Licensee shall submit two progress reports annually to the Commission outlining the steps taken to implement the Rollout Plan. These reports shall be submitted to the Commission no later than 31 July of each year for the reporting period January to June, and no later than 31 January of each year for the reporting period July to December respectively.

Dated: _____

[KKMM.BKM(S) 600-3/2/3 (87)]



YB AHMAD FAHMI BIN MOHAMED FADZIL
Minister of Communications and Digital