

Royal Government of Cambodia
Royal Government
No. 01 រ.រ

REGULATION

About

Measurement to stop the blocking of interconnection network between operators

According to carryout the open wide policy of The Royal Government at the end of this year, telecom field had played an important role for developing the national economic, especial many private companies has comes to do the investment in Kingdom of Cambodia.

At the same time of growing investment of telecom and increasing of consumers of mobile, telecom market in Kingdom of Cambodia has step in to the strenuously competition between operators.

Recently, The Royal Government has found that the interconnection between operators or calling across network meet much difficulty that cause more consequence to the consumers.

In the pass time MPTC had tries their best in many ways to intervене for solving the problem in continuously but not yet get the very good result.

As the above mention to be response for providing telecom service with best quality both in and across network and to be avoiding the dissatisfactions from the consumers, The Royal Government had decided the **REGULATION** as below:

- 1- All operators, enterprise and private companies must be response for the providing service with best quality to your own consumers.
- 2- All operators must be stop in urgent of the competition to dispute consumers by blocking interconnection to each other.
- 3- Setting the service cost of all telecom operators should be depending on the **Actual Base Cost** that had accepted by MPTC.
- 4- Interconnection network to each other should be carryout strictly following the meaning of Announcement of MPTC No. 206 bt dated 05 Oct 2009.
- 5- The competition should be execute follow the condition in the meaning of the regulation from mixed ministries No. 1277 SHV .BT dated 29 Sept 2009.
- 6- The Interconnection between operator should be across the Switching Center of TC.

TC, is the controlling Center the a crossing current telecom service to provide to the MPTC as regular time about the information of traffic situation which has blocking.

Additional on the meaning of regulator from Mixed ministries of MEF and MPTC No. 1277 SHV.BT dated 29 Sept 2009 with the announcement No. 206 bt dated 05 Oct 2009, The Royal Government will take measure strictly to any operators that not obey to this **REGULATION** that still doing the blocking to each other or executing the disloyalty competition activities that cause telecom market in Cambodia stay in disorder as below:

- 1- Pay for the damage cost to the partner in the agreement and the affecting on the Government Revenue.
- 2- Disconnect all network from Switching Center.
- 3- To stop temporary on business license or confiscate license forever.

The council of Minister, MEF, MOI, MPTC, Ministries, other institute at Provinces or cities and concern authorities and all operators must be carrying out this **REGULATION** to get effectiveness from this signature date.

Phnom Penh, Oct 21st, 2009

Prime Minister

Samdach Akak Moha Sena Pak Dei Te Jor Hun Sen

Copy to:

- Ministry of Royal Palace
- Secretariat of Senate
- Secretariat of Parliament
- Secretariat of The Royal Government
- Cabinet of Samdach Akak Moha Sena Pak Dei Te Jor Hun Sen – Prime Minister
- Cabinet of Senior Prime Minister
- Ministries, Institute
- File

Kingdom of Cambodia
Nation Religion King

The Royal Government
MEF
MPTC

No. 232 សហវ.បទ

Declaration of Inter Ministerial

About

Setting price floor (Minimum Tariff) of mobile & fixed phone and Interconnection

Vice Prime Minister, Minister of MEF and MPTC

Minister of MPTC

- Seen the constitution of Royal Kingdom of Cambodia
- Seen the Royal Decree No. NS/RKT/0908/1055 dated 25 Sept 2009 about appointing the Royal Government of Cambodia
- Seen the Royal Decree No.02/NS/94 dated 20 July 1994 which announce to use the law about arrangement and general execution of Council of Minister
- Seen the Royal Decree No. NS/RKM/0196/18 dated 24 Jan 1996 which announce to use law about the creation of MEF
- Seen the Royal Decree No. NS/RKM/0297/03 dated 24 Feb 1997 which is announce to use law about fiscal tax
- Seen the Royal Decree No. NS/RKM/0303/010 dated 31 March 2003 which is announced to use law on changing of fiscal tax law.
- Seen the announcement No. 007 SH. SJN dated 13 March 2006 of MEF about carryout on the specific tax on telephone service.
- Seen the Royal Decree No. NS/RKM/0196/20 dated 24 Jan 1996 which is announce to use the law of creation of MPTC
- Seen the sub decree No. 04 ONKR.BK dated 20 Jan 2000 about arrangement and execution of MEF.
- Seen sub decree No. 06 ONKR.BK dated 11 Feb 2003 about creation Department of Basic Finance of MEF.
- Seen sub decree No.78 ONKR.BK dated 18 Nov 2004 and sub decree No. 20 ONKR.BK dated 29 March 2008 about adding and restructure some department of MEF
- Seen the sub decree No. 134 ONKR.BK dated 14 Sept 2008 about creation of Custom and Taxation Office, Taxation Department and National Treasury of MEF to be General Department of Custom and Taxation of Cambodia, General Department of Taxation and General Department of Nation Treasury and Cambodian Taxation under management of MEF.
- Seen sub decree No. 82 ONKR.BT dated 16 Nov 1995 about General Regulation of Public Accounting.
- Seen the Regulation No. 04 BB dated 15 Nov 2006 about strengthen on non tax revenue
- Seen sub decree No. 66. ONKR. BK dated 22 Oct 1997 about the arrangement and the execution of MPTC

- Seen sub decree No. 86 ONKR.BK dated 19 Aug 2002 about restructure and adding some department in MPTC
- Seen sub decree No. 05 ONKR.BK dated 28 Jan 2003 about creation Administration and Training department to be General Department of Administration of MPTC.
- Seen sub decree No. 181 ORKR.BT dated 03 Nov 2008 about creation of Inspection Department to be General Department of Inspection of MPTC
- Seen the Regulation No.01 bb about measurement to stop blocking telephone service interconnection between operators dated 21 Oct 2009 of The Royal Government of Cambodia.
- Refer to the announcement No. 259 bt.brk dated 23 July 2003 about telephone interconnection
- Refer to the decision No. 194 bt.ssr dated 09 Sept 2009 about creation teamwork of MPTC for preparing new policy of Interconnection and Telecom business
- Refer to the regulator of MEF and MPTC No. 1277 SHV-BT dated 29 Sept 2009 about measurement to protect the dishonesty of competition in telecom market
- Refer to Declaration No. 206 Bt. BRK dated 05 Oct 2009 about telecom interconnection
- Refer to the needed.

Decision

Section 1

Setting price floor (minimum tariff) for mobile & fixed phone service and interconnection

Article 1: Definition

All any technical words which are used in this Declaration have as follow:

1/ Regulator

MPTC has authorized to create and allow to carryout the all standard letters which are concern with Telecom field.

2/ Direct Accounting

The payment that made direct between the transmission and transceiver

3/ Operators

Company that has license for controlling telecom service

4/ Operator of Outgoing call

Operator of outgoing call of telephone network

5/ Operator of Incoming call

Operator of incoming call of telephone network

6/ Price Floor

The lowest price that all operators must carryout and can not discount to be lower than this price floor

7/ Tariff

Cost of telephone using service that user has to pay to operator as actual

8/ Interconnection Fee

Cost of using network that operator to pay to each other

9/ Within Network

Current service that happen at internal of your own network only which is not concern to other operators

10/ Cross Network

Connection from one operator network to other by crosses Transit Switch Center

Article 2: Condition for Telephone Network Interconnection

- 1) All operator should not cause any trouble to interrupt or blocking current service from your network or cross your network except has approval letter from The Regulator
- 2) In case any operator not agree to pay for interconnection fee other party could ask approval from The Regulator for stop as temporary or disconnect current service with operator not agree to pay for interconnection fee
- 3) All operators have to send outgoing call and incoming call (A and B number) to the receiving telephone network
- 4) All operator need to keep the service quality of outgoing call and incoming call from other network, at least has quality the same to your internal network.
- 5) In case cross network all operators must take TC as Transit Point

Article 3: Restructure Network

All restructure network which might be need another operator changing their system in order to follow your restructure must have agreement from other operator and must inform to The Regulator as letter

If there is no any agreement from other operator, Regulator can decide to approve or unapproved on that restructure network. In case decided to approve for any operator restructure network The Regulator must se to be clearly on the duty person who is responsible to pay for cost of restructure at least 6 "Six" months from the receiving letter date.

Article 4: Price Floor service of mobile phone (exclude VAT and Specific Tax) between domestic networks

1. Price Floor of mobile phone network is calling from the same the network must be set the price 4.5 cents/minute "4.5 cents of USD per minute".
2. Price Floor call cross network from each operator must settling 5.95 cents/minute (Exclude VAT and Specific Tax) in that have to set fixed are as below:
 - Interconnection Fee amount 4.65 cents/minute
 - Crossing fee at TC as has clarify in the **point C** of article 5
 - Regulator fee as has clarify in the **point d** of article 5

Article 5: Interconnection Fee (Exclude VAT & Specific Tax)

a. Between domestic and domestic

- From mobile phone network to fixed phone network both outgoing and incoming must be set 2 cents/minute
- From fixed phone network to fixed phone network in the same area or Across area and both area not in Phnom Penh must be set 1 cent/minute
- From fixed phone network in Phnom Penh City to fixed phone network in other area must be set 2 cents/minute
- From fixed phone network in other area to fixed phone network in Phnom Penh must be set 1 cent/minute

b. Between domestic and International.

Interconnection fee between telephone network (Both mobile and fixed phone) in country with international gateway must be set as follow:

- Incoming call from oversea: International gateway must pay to domestic network for 2 cents/minute
- Outgoing call to oversea: Domestic Network must be pay to international gateway for 100% of cost of outgoing call of international gateway

c. Cost of current service cross TC

Cost of cross TC must be set 1 cent/minute but except for:

- TC is transceiver current service
- Outgoing call or incoming call from international direct to TC

d. Regulator Fee

All operators must pay 0.3 cents/minute to regulator for every current service interconnection between networks.

Article 6: Data Record and Payment

a. Between operator and User

- 1) Period which The Caller Party must pay is Start from Receiver Party pick up the phone and has conversation together until finish conversation.
- 2) Total period must calculate follow the amount of second of Outgoing Call except Outgoing Call to Oversea which must calculate every 15 seconds per time.
- 3) During period of automatic information announcement for customer must not charge from customer.

b. Between Operator and Operator and Regulator

- 1) All operators have to provide period of conversation incoming and outgoing from your network to other party for making the actual payment.
- 2) Before the 15 days of the following month operators must provide Call Data Record "CDR"/Compact Disc or send by e-mail.
- 3) In case other party not agree to send or miss to send data without reason clearly regulator will consider data of the other party is correct.
- 4) The payment must be made with the agreement of every party at least for 3 months/time. If has some protest about the amount must do it at least 15 days after date of Regulator confirm as that amount is corrected.
- 5) All operators must carry out direct accounting between transmission and transceiver.

Article 7: Penalty

Any operator fake the monthly data record will be penalty base on law and will be reach to the confiscate the business license.

Section II

Advertisements

- Article 8:** Advertisement of each operator must be follow as the below procedure
- a. Meaning and picture of all advertisement plans need to have the approval from regulator first
 - b. Meaning and picture of each advertisement on every advertise channel and on the public must not advertise over 30 "Thirty" days from the approval date from the regulator.
 - c. The advertisement of interconnection within network is not lower than 50% "Fifty percent" of the price that has been set at point No. 1 of the Article 4 as above.

Article 9: All operators who are doing the advertisement on every channel at every public which has the meaning opposite to the meaning in the article of this Declaration **Must stop your activities in the duration of 15 days from this effective date.**

Article 10: This Declaration has effective fro carryout from this signature date.

All Declaration and standard letter which are opposite to the meaning of this Declaration considered as abrogation

This Declaration will be change as the eventual important case.

Article 11: Cabinet of Prime Minister, All General Departments, Departments, Post of Provincial- Cities under authority of MEF and MPTC all must carryout the meaning of this Declaration to have effective.

Phnom Penh, Dec 7th 2009

Deputy Prime Minister
Minster of MEF

Minister of P & T

Keat Chhun

So Khun

Receiving Place:

- Secretariat of Senate
- Secretariat of Parliamentary
- Cabinet of Somdach Prime Minister
- Council of Minister
- Ministry of Planning
- "For acknowledgement"
- As the Article 11
- All Operators "For Carryout"
- File