



MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY

REPUBLIC OF INDONESIA

**REGULATION OF THE MINISTER OF COMMUNICATION AND INFORMATION
TECHNOLOGY**

NUMBER: 01/PER/M.KOMINFO/1/2006

ON THE TERMS OF

**ARRANGEMENT OF 2.1 GHz RADIO FREQUENCY BAND FOR THE PROVISION OF
IMT-2000 MOBILE CELLULAR NETWORK**

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,

Considering : a. whereas, based on the Recommendation on ITU-R M.1036-2 frequency order of B1, the government is determined to arrange frequency band of 1920 - 1980 MHz forming a pair with that of 2110 - 2170 MHz for FDD Mode and 1880 - 1920 MHz and 2010 - 2025 MHz for TDD Mode;

b. whereas, at present, there is a mixed frequency allocation on 2.1 GHz frequency band resulting in inefficient use of frequency band;

c. whereas in connection with the premises in points a and b, it is deemed necessary to arrange 2.1 GHz radio frequency band for the provision of IMT-2000 mobile cellular network

stipulated by virtue of a Regulation of the Minister of Communication and Information Technology.

- In view of
- : 1. Law Number 36 of 1999 on Telecommunication (State Gazette Number 154 of 1999, Supplement to the State Gazette Number 3881);
 2. Government Regulation Number 52 of 2000 on the Provision of Telecommunication Services (State Gazette Number 107 of 2000, Supplement to the State Gazette Number 3980);
 3. Government Regulation Number 53 of 2000 on the Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette Number 108 of 2000, Supplement to the State Gazette Number 3981);
 4. Government Regulation Number 28 of 2005 on Type and Payment of Non-tax State Revenues, which is applicable to the Ministry of Communication and Information Technology (State Gazette Number 57 of 2005, Supplement to the State Gazette Number 4511);
 5. Presidential Decree of the Republic of Indonesia Number 9 of 2005 on the Position, Duty, Function, Organization, Work Procedure of State Ministry of the Republic of Indonesia;
 6. Decree of the Minister of Communication Number 5 of 2001 on Table of Indonesian Frequency Allocation;

7. Presidential Decree of the Republic of Indonesia Number 10 of 2005 on the Organization Unit and Duty of Echelon I within State Ministries of the Republic of Indonesia as amended with the Presidential Regulation of the Republic of Indonesia Number 15 of 2005;
8. Decree of the Minister of Communication Number KM.31 of 2003 on Indonesian Regulatory Authority of Telecommunication Sector together with the amendments thereto;
9. Regulation of the Minister of Communication and Information Technology Number 01/P/M.Kominfo/4/2005 on the Organizational Structure and Work Procedure of the Ministry of Communication and Information Technology;
10. Regulation of the Minister of Communication and Information Technology Number 03/P/M.Kominfo/5/2005 on the Changes of Terms in Some Decrees/Regulations of the Minister of Communication that govern Special Materials in the field of Post and Telecommunication;
11. Regulation of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/10/2005 on the Licensing and Operating Procedure of the Use of Radio Frequency Spectrum;
12. Regulation of the Minister of Communication and

Information Technology Number
19/PER/M.KOMINFO/10/2005 on the Implementing
Guideline on Type and Payment of Non-tax State
Revenues from the Cost of Radio Frequency Use
Right.

DECIDES:

To proclaim: REGULATION OF THE MINISTER OF COMMUNICATION AND
INFORMATION TECHNOLOGY ON TERMS OF ARRANGEMENT OF
2.1 GHz RADIO FREQUENCY BAND FOR THE PROVISION OF
IMT-2000 MOBILE CELLULAR NETWORK.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regulation, the following terms shall have the meanings
as ascribed to them as follows:

1. Telecommunication shall mean each broadcasting, transmission
or reception of each sign, picture, sound and information in
any form whatsoever through cable, optical, radio or other
electromagnetic system.
2. Radio Frequency Band shall mean a part of radio frequency
spectrum having certain width.
3. Allocation of a radio frequency shall mean the entry of a
radio frequency band in radio frequency allocation table for
use by one or more of terrestrial radio communication agency,
space radio communication agency, or astronomy radio agency
under particular terms and conditions. The term allocation
shall also apply to further division of the frequency band for

each agency.

4. The granting of radio frequency band or radio frequency channel shall mean the authority granted by an administration agency, in this case the Minister, to a radio station to use a radio frequency or radio frequency channel under certain terms and conditions.
5. Tender awardee shall mean the awardee of selection result for IMT-2000 mobile cellular network operator on 2.1 GHz radio frequency band stipulated based on a Ministerial Regulation.
6. Microwave link radio communication system shall mean radio transmission system occupying 2.1 GHz frequency band.
7. The 2.1 GHz radio frequency band shall mean the frequency band 1920-1980 MHz paired with 2110-2170 MHz for Frequency Division Duplex (FDD) mode, and the frequency band 1888-1920 MHz and 2010-2025 for Time Division Duplex (TDD) mode.
8. PCS1900 frequency band shall mean 1850 - 1910 MHz frequency band paired with 1930 - 1990 MHz, whereas DCS1800 occupies 1710 - 1785 MHz frequency band paired with 1805 - 1880 MHz and 2.1 GHz FDD frequency band occupies 1920 - 1980 MHz frequency band paired with 2110 - 2170 MHz.
9. 800 MHz frequency band shall mean 825 - 845 MHz frequency band paired with 870 - 890 MHz, which is currently allocated to the provision of local permanent network with limited mobility and mobile cellular network.
10. MSS IMT-2000 shall mean Mobile Satellite Agency for IMT-2000 service working on 1980-2010 frequency band paired with 2170-2200 MHz.

11. Minister shall mean the Minister in charge of telecommunication sector.
12. Director General shall mean Director General of Post and Telecommunication.

CHAPTER II

ARRANGEMENT

Article 2

- (1) The radio frequency band allocated for the provision of mobile cellular network at 2.1 GHz radio frequency band shall be determined as follows:
 - a. TDD IMT-2000 Mode: 1880 - 1920 MHz and 2010 - 2025 MHz
 - b. FDD IMT-2000 Mode: 1920 - 1980 MHz paired with 2110 - 2170 MHz
- (2) The frequency band use as referred to in paragraph (1) shall refer to B1 frequency band arrangement from Recommendation ITU-R.M. 1036-2.
- (3) The operator of IMT-2000 mobile cellular network shall use maximum frequency spectrum at 2.1 GHz of FDD Mode 2x10 MHz wide.

Article 3

- (1) Arrangement of 2.1 GHz radio frequency band shall be performed to improve frequency allocation efficiency for the provision of IMT-2000 mobile cellular network.
- (2) The arrangement as referred to in paragraph (1) shall be performed based on the following principles:
 - a. To encourage neutral and efficient use of technology;
 - b. To prevent inefficiency of radio frequency spectrum;

- c. To perform it in phases;
- d. To encourage the growth of the National telecommunication and information technology industry;
- e. To provide maximum benefits for the community; and
- f. To provide global telecommunication service.

Article 4

The arrangement of radio frequency band as referred to in Article 3 shall be performed by transferring:

- a. operator of local permanent network with limited mobility/FWA operating at PCS1900 radio frequency band;
- b. operator of switched packet-based local permanent network operating at PCS1900 radio frequency band;
- c. operator of mobile cellular network operating at PCS1900 radio frequency band; and or
- d. microwave link radio communication system at 2.1 GHz radio frequency band.

CHAPTER III

TRANSFER PROCEDURE

Article 5

- (1) The telecommunication operator operating local permanent network with limited mobility that occupies 1.9 GHz frequency band shall be transferred to 800 MHz frequency band, by cooperating with telecommunication operator that has been allocated on 800 MHz frequency band.
- (2) The cooperation with the telecommunication operator as referred to in paragraph (1) shall be built on mutually profitable principle.

- (3) The Director General shall further determine the cooperation result as referred to in paragraph (2).
- (4) If within 6 (six) months as of the promulgation date hereof, the cooperation as referred to in paragraph (2) is not built, the frequency band transfer as referred to in paragraph (1) shall be performed by the government through distribution of radio frequency allocation based on surveillance and audit findings on efficiency of radio frequency at 800 MHz radio frequency band.
- (5) Local permanent network with limited mobility shall only operate at 1.9 GHz radio frequency band until December 31, 2007, and it is prohibited from building and developing PCS1900 network at 1.9 GHz radio frequency band.
- (6) In case of the transfer as referred to in paragraph (1), the telecommunication operator shall not earn compensation from the government in any form whatsoever.

Article 6

- (1) The telecommunication operator as referred to in article 5 paragraph (1) shall be permitted to remain occupying 5 MHz of FDD Mode for the provision of IMT-2000 mobile cellular network according to B1 frequency arrangement from Recommendation ITU-R M.1036-2 (UMTS), after terminating the operation of local permanent network with limited mobility at 1.9 GHz radio frequency band.
- (2) If the telecommunication operator as referred to in article 5 paragraph (1) remains occupying 5 MHz of FDD Mode as referred to in paragraph (1), it shall only follow tender for

additional 1 block of 5 MHz.

Article 7

- (1) The operator of switched packet-based local permanent network can only operate at 1.9 GHz radio frequency band until December 31, 2007 and it is prohibited from building and developing switched packet-based local permanent network at 1.9 GHz radio frequency band.
- (2) The telecommunication operator operating switched packet-based local permanent network with limited mobility that occupies 1.9 GHz frequency band shall be transferred to the IMT-2000 allocated radio frequency of TDD Mode as referred to in Article 2 paragraph (1).
- (3) The transfer as referred to in paragraph (2) shall be performed after the telecommunication operator operating switched packet-based local permanent network does not operate anymore at 1.9 GHz radio frequency band.

Article 8

- (1) The telecommunication operator already permitted to organize mobile cellular network at 1900-1910 MHz radio frequency band paired with 1980-1990 MHz, shall only operate with 5 MHz of FDD Mode maximum, namely 1905-1910 MHz paired with 1985-1990 MHz until the provision of MSS IMT-2000.
- (2) In case of the provision of MSS IMT-2000, the telecommunication operator as referred to in paragraph (1) shall terminate the operation of mobile cellular network at 1905 - 1910 MHz radio frequency band paired with 1985 - 1990 MHz without any compensation whatsoever from the government.

- (3) In case of interference with IMT-2000 system in the future, the telecommunication operator as referred to in paragraph (1) shall take any precaution, including legal responsibility for the party suffering a loss.

Article 9

- (1) 2.1 GHz frequency band for microwave link radio communication system shall only be used until December 31, 2007.
- (2) The frequency user as referred to in paragraph (1) shall replace its transmission facility with non radio transmission facility or use another frequency band.
- (3) The use of frequency band as referred to in paragraph (2) shall refer to the radio frequency availability.

CHAPTER IV

TELECOMMUNICATION OPERATION FEE (BHP) OF RADIO FREQUENCY FOR

EXISTING OPERATOR

Article 10

- (1) The telecommunication operator of IMT-2000 mobile cellular network that has obtained a license at 2.1 GHz radio frequency band shall pay the *BHP* of frequency according to the Regulation of the Minister on Telecommunication Operation Fee (*Biaya Hak Penggunaan*) of frequency for 2.1 GHz frequency band.
- (2) If the *BHP* of frequency for the provision of telecommunication network at 2.1 GHz frequency band is in the form of radio frequency band, it shall adhere to the provisions on Bandwidth Index (Ib) and Transmission Capacity Index (Ip) of zero respectively.

Article 11

- (1) If the telecommunication operator as referred to in Article 6 paragraph (1) remains occupying 5 MHz of FDD Mode, it shall be imposed by the obligation to pay the *BHP* of frequency according to the Regulation of the Minister on Telecommunication Operation Fee of frequency for 2.1 GHz frequency band.
- (2) During the operation of PCS1900 system until not later than December 31, 2007, the telecommunication operator as referred to in Article 5 paragraph (1) shall be imposed by the *BHP* of frequency for ISR according to the prevailing legislation.

Article 12

- (1) During the operation of PCS1900 system until not later than December 31, 2007, the telecommunication operator as referred to in Article 7 paragraph (1) shall be imposed by the *BHP* of frequency for ISR according to the prevailing legislation.
- (2) In case of the operation as referred to in Article 7 paragraph (2), it shall be imposed by the obligation to pay the *BHP* of frequency according to the Regulation of the Minister on Telecommunication Operation Fee of frequency for 2.1 GHz frequency band.

Article 13

- (1) During 2 years or until December 31, 2007, the telecommunication operator as referred to in Article 8 paragraph (1) shall be imposed by the *BHP* of ISR according to the prevailing legislation.
- (2) If after the time limit on December 31, 2007, there is no

implementation of MSS IMT-2000 yet, the *BHP* of frequency shall conform to the Regulation of the Minister on Telecommunication Operation Fee of frequency for 2.1 GHz frequency band.

CHAPTER V

GRANTING OF PERMIT FOR 2.1 GHz FREQUENCY BAND TO OPERATOR OF IMT-2000 MOBILE CELLULAR NETWORK

Article 14

- (1) According to the availability of frequency, permit for 2.1 GHz frequency band shall be granted through selection of IMT-2000 mobile cellular network operator at 1940 - 1955 MHz frequency band paired with 2130 - 2145 MHz.
- (2) The provisions on the granting of permit for 2.1 GHz radio frequency band after 2007 shall apply according to the selection result as referred to in paragraph (1).
- (3) The provisions on the selection as referred to in paragraph (1) and or (2) shall be regulated in a separate regulation.

CHAPTER VI

MISCELLANEOUS PROVISION

Article 15

Tender result calculation shall be determined by the Director General.

CHAPTER VII

CLOSING PROVISION

Article 16

This regulation shall enter into full force and effect as of the promulgation date.

Promulgated in: JAKARTA

On : January 13, 2006

MINISTER OF COMMUNICATION AND INFORMATION

TECHNOLOGY,

SOFYAN A. DJALIL

CC:

1. Coordinating Minister for Economics
2. Minister of Finance;
3. Minister of Law and Human Rights;
4. State Secretary;
5. Chairman of Indonesian Audit Board;
6. Chief Police of the National Police of the Republic of Indonesia
7. The Attorney General of the Republic of Indonesia;
8. Secretaries General, Inspectors General, Directors General and Departments Heads within the Ministry of Communication and Information Technology;
9. Bureau Heads and Center Heads within the Secretariat General of the Ministry of Communication and Information Technology.