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

**NUMBER : 162/KEP/M.KOMINFO/5/2007**

**ON**

**AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER: 181/KEP/M.KOMINFO/12/2006 ON CANAL ALLOCATION AT RADIO FREQUENCY BAND OF 800 MHz FOR THE PROVISION OF WIRELESS LOCAL FIXED NETWORK WITH LIMITED MOBILITY AND PROVISION OF CELLULAR MOBILE NETWORK**

**BY THE GRACE OF GOD THE ALMIGHTY**

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY.**

Considering: a. that in order to accelerate the adjustment of canal usage at radio frequency band of 800 MHz, providers of telecommunication network referred to in the Decision of the Minister of Communication and Information Technology Number 181/KEP/M.KOMINFO/12/2006 have submitted proposals for the amendment and adjustment of canal usage at radio frequency band of 800 MHz;

b. that after having undertaken intensive evaluation, the proposal for the amendment and adjustment of canal usage of radio frequency of 800 MHz referred to in point a is acceptable;

c. that for the purpose referred to in points a and b, it is considered necessary to determine the amendment to the Decision of the Minister of Communication and Information Technology Number 181/KEP/M.KOMINFO/12/2006 on Canal Allocation at Radio frequency Band of 800 MHz for the Provision of Wireless Local Fixed Network with Limited Mobility and Provision of Cellular Mobile Network by the issuance of the Decision of the Minister of Communication and Information Technology.

Bearing in mind: 1. Law of the Republic of Indonesia Number 36 Year 1999 on

 Telecommunication (State Gazette of the Republic of Indonesia Number

 154 Year 1999, Additional State Gazette of the Republic of Indonesia

 Number 3881);

2. Government Regulation of the Republic of Indonesia Number 52 Year 2000 on Provision of Telecommunication (State Gazette of the Republic of Indonesia Number 107 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3980);

1. Government Regulation of the Republic of Indonesia Number 53 Year 2000 on Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette of the Republic of Indonesia Number 108 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3981);
2. Government Regulation of the Republic of Indonesia Number 28 Year 2005 on Tariffs of the Types of Non-Tax State Income Applicable at the Department of Communication and Information Technology (State Gazette of the Republic of Indonesia Number 57 Year 2005, Additional State Gazette of the Republic of Indonesia Number 4511);
3. Decree of the President of the Republic of Indonesia Number 9 Year 2005 on Positions, Duties, Functions, Organizational Structure and Work Method of State Ministries of the Republic of Indonesia;
4. Decree of the President of the Republic of Indonesia Number 10 Year 2005 on Organizational Units and Duties of Echelon I of State Ministries of the Republic of Indonesia as amended by the Decree of the President of the Republic of Indonesia Number 15 Year 2005;
5. Decision of the Minister of Communication Number: KM. 20 Year 2001 on Provision of Telecommunication Network as amended latest by the Decree of the Minister of Communication and Information Technology Number: 40/P/M.KOMINFO/12/2006;
6. Decision of the Minister of Communication Number: KM. 21 Year 2001 on Provision of Telecommunication Service as amended by the Decision of the Minister of Communication Number KM.. 30 Year 2004;
7. Decision of the Minister of Communication Number KM. 31 Year 2003 on Designation of Indonesian Telecommunication Regulatory Body as amended by the Decree of the Minister of Communication and Information Technology Number 25/P/M.Kominfo/11/2005;
8. Decision of the Minister of Communication Number KM. 35 Year 2004 on Provision of Wireless Local Fixed Network with Limited Mobility;
9. Decree of the Minister of Communication and Information Technology Number 01/P/M.Kominfo/1/2005 on Organization and Work Method of the Department of Communication and Information Technology;

1. Decree of the Minister of Communication and Information Technology Number 03/P/M.Kominfo/5/2005 on Adjustment of Nomenclatures of a Number of Decisions/Decrees of the Minister of Communication which regulate Special Material Contents in the Field of Post and Telecommunication.
2. Decree of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/10/2005 on Procedure of Licensing and Operational Provision of Radio Frequency Spectrum Usage;
3. Decree of the Minister of Communication and Information Technology Number 19/PER.KOMINFO/10/2005 on Guide for the Implementation of Tariffs on Non-Tax State Income and License Fee for the Use of Radio Frequency Spectrum;
4. Decree of the Minister of Communication and Information Technology Number 01/PER.KOMINFO/1/2006 on Structuring of Radio Frequency Band of 2.1 GHz for the Provision of IMT-2000 Cellular Mobile Network;
5. Decree of the Minister of Communication and Information Technology Number 08/Per/M.KOMINFO/02/2006 on Interconnection.

**DECIDES**

**To issue : DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION**

 **TECHNOLOGY ON AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER: 181/KEP/M.KOMINFO/12/2006 ON CANAL ALLOCATION AT RADIO FREQUENCY BAND OF 800 MHz FOR THE PROVISION OF WIRELESS LOCAL FIXED NETWORK WITH LIMITED MOBILITY AND PROVISION OF CELLULAR MOBILE NETWORK**

FIRST **:** Some provisions in the Decision of the Minister of Communication and

 Information Technology Number: 181/KEP/M.KOMINFO/12/2006 on Canal

 Allocation at Radio Frequency Band of 800 MHz for the Provision of Wireless

 Local Fixed Network With Limited Mobility and Provision of Cellular

 Mobile Network are amended as follows:

1. The provision of the THIRD Dictum is amended to read as follows:

Allocate radio frequency canal at radio frequency band of 800 MHz for providers of telecommunication network as follows :

a. PT. Bakrie Telecom, as provider of wireless local fixed network with limited mobility, is allocated with radio frequency canal with canal number: 37, 78, and 119 for service area of Jakarta, Banten, and West Java, and radio frequency canal with canal number: 201, 242, and 283 for service area outside Jakarta, Banten, and West Java.

b. PT. Telekomunikasi Indonesia, as provider of wireless local fixed network with limited mobility is allocated with radio frequency canal with canal number : 37, 78, and 119 for service area outside Jakarta, Banten, and West Java, and radio frequency canal with canal number: 201, 242, and 283 for service area of Jakarta, Banten, and West Java .

c. PT. Komunikasi Selular Indonesia (Komselindo), PT. .Metro Selular Nusantara (Metrosel) and PT. Telekomindo Selular Raya (Telesera), as providers of cellular mobile network, are allocated respectively with radio frequency canal for service area in line with the licenses owned for the provision with canal number: 384, 425, 466, and 507.

d. PT. Indosat, as provider of wireless local fixed network with limited mobility, is allocated with radio frequency canal with canal number: 589 and 630.

2. Between THIRD Dictum and FOURTH Dictum insert new dictum, i.e. THIRD Dictum, which reads as follows:

Radio frequency canal in service area with common limit between PT. Bakrie Telecom and PT. Telekomunikasi Indonesia may be used as long as no harmful interference occurs and does not cause a loss to customers..

3. The provision of SEVENTH Dictum ia amended to read as follows:

a. Allocate radio frequency canal with canal number 160 as reserve for PT. Bakrie Telecom or PT. Telekomunikasi Indonesia, the user of which will be determined later on the basis of evaluation result of the Minister based on consideration, among other things:

1. optimization of utilization of radio frequency canal;

2. quantity of network development; and

3. number of customers of the two telecommunication providers.

b. Allocate radio frequency canal with canal number 548 as reserve for PT. Komunikasi Selular Indonesia (Komselindo), PT. Metro Selular Nusantara (Metrosel), PT. Telekomindo Selular Raya (Telesera), or PT. Indosat, the users of which will be determined later on the basis of evaluation result of the Minister based on consideration, among other things :

1. optimization of utilization of radio frequency canal;

2. quantity of network development; and

3. number of customers.

of the four telecommunication providers

c. The evaluation referred to in the SEVENTH Dictum points a and b is conducted at the latest on 31 December 2008.

d. Further provision regarding the conduct of evaluation referred to in the SEVENTH Dictum points a and b will be regulated in a separate (Ministerial) Decree.

e. PT. Bakrie Telecom is permitted to use canal 160 for the time being until December 2007 and shall pay the License Fee (BHP) of Radio Frequency for the period of one (1) year.

f. PT. Indosat is permitted to use canal 548 for the time being until December 2007 and shall pay the License Fee (BHP) of Radio Frequency for the period of one (1) year.

4. The provision of NINTH Dictum is amended to read as follows:

Provider of telecommunication network referred to in THIRD Dictum shall adjust :

a. his own license for the provision of telecommunication network including but not limited to the plan of network development, at the latest three (3) months since the defining of this (Ministerial) Decree; and

b. all the licenses owned for the use of radio frequency spectrum will gradually terminate but at the latest n 31 December 2007.

SECOND : This Ministerial Decision shall come into force on the date of its issuance.

 Done at: JAKARTA

 On : May 2, 2007

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**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

**SOFYAN DJALIL**

**COPIES** of this Decision are sent to:

1. Chairman of Capital Investment Coordinating Body;

2. Director General of Post and Telecommunication;

3. Members of Telecommunication Regulatory Committee of the Indonesian Telecommunication Regulatory Body.