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

**NUMBER : 252A/KEP/M.KOMINFO/08/2008**

**ON**

 **FIFTH AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER: 76/ KEP/M.KOMINFO/3/2007 ON BUSINESS OPPORTUNITY FOR THE PROVISION OF LOCAL FIXED NETWORK, LONG DISTANCE DIRECT DIALING FIXED NETWORK, INTERNATIONAL CONNECTION FIXED NETWORK, AND CABLE-BASED CLOSED FIXED NETWORK**

**BY THE GRACE OF GOD THE ALMIGHTY**

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY**

Considering: a. that the preparation of criteria, conditions, evaluation, and other provisions related to the selection process of the provision of long distance direct dialing fixed network is still in need of time to define selection mechanism, establishment of criteria of selection participants, and determining the number of selection winners;

b. that based on consideration referred to in point a above, it is considered necessary to make Fifth Amendment to the Decision of the Minister of

 Communication and Information Technology Number 76/KEP/M.KOMINFO/3/2007 on Business Opportunity for the Provision of Local Fixed Network**,** Long Distance Direct Dialing Fixed Network, International Connection Fixed Network, and Cable-Based Closed Fixed Network.

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. 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 as amended latest by the Decree of the President of the Republic of Indonesia Number 94 Year 2006;
3. 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 latest by the Decree of the President of the Republic of Indonesia Number 7 Year 2007;
4. 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: 06/P/M.KOMINFO/4/2008;
5. Decision of the Minister of Communication Number: KM. 21 Year 2001 on Provision of Telecommunication Service as amended latest by the Decision of the Minister of Communication and Information Technology Number 07/P/M.KOMINFO/4/2008;
6. Decree of the Minister of Communication and Information Technology Number 03/P/M.Kominfo/4 (**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.
7. Decision of the Minister of Communication and Information Technology Number: 76/KEP/M.KOMINFO/3/2007 on Business Opportunity for the Provision of Local Fixed Network, Long Distance Direct Dialing Fixed Network, International Connection Fixed Network, and Cable-Based Closed Fixed Network as amended latest by the Decision of the Minister of Communication and Information Technology Number 169/KEP/M.KOMINFO/06/2008;
8. Decree of the Minister of Communication and Information Technology Number 25/P/M.Kominfo/8/2008 on Organization and Work Method of the Department of Communication and Information Technology.

**DECIDES**

**To issue : DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON FIFTH AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER 76/PER/M.KOMINFO/3/2007 ON BUSINESS OPPORTUNITY FOR THE PROVISION OF LOCAL FIXED NETWORK, LONG DISTANCE DIRECT DIALING FIXED NETWORK, INTERNATIONAL CONNECTION FIXED NETWORK, AND CABLE-BASED CLOSED FIXED NETWORK**

**Article I**

Some provisions in the Decision of the Minister of Communication and Information Technology Number 76/KEP/M.KOMINFO/3/2007 on Business Opportunity for the Provision of Local Fixed Network, Long Distance Direct Dialing Fixed Network, International Connection Fixed Network, and Cable-Based Closed Fixed Network that have been amended by:

a. Decision of the Minister of Communication and Information Technology Number 282/KEP/M.KOMINFO/5/2007;

b. Decision of the Minister of Communication and Information Technology Number 402/KEP/M.KOMINFO/8/2007;

c. Decision of the Minister of Communication and Information Technology Number 03/KEP/M.KOMINFO/1/2008;

d. Decision of the Minister of Communication and Information Technology Number 169/KEP/M.KOMINFO/06/2008,

are amended as follows:

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

SECOND a. Business opportunity for the provision of telecommunication network referred to in the FIRST Dictum point a is given to telecommunication network providers that are basic telephone providers and have strong customer base.

 b. Business opportunity for the provision of telecommunication network referred to in the FIRST Dictum point b is given to local fixed network providers and or to wireless local fixed network providers with limited mobility with national service area and have strong customer base.

2. The provision of TENTH Dictum is amended to read as follows :

 TENTH a. The selection process of telecommunication provision referred to in the FIRST Dictum point b is implemented at the latest on December 31, 2008;

 b. The selection process of telecommunication provision referred to in the FIRST Dictum point c is implemented at the latest on March 31, 2009.

**Article II**

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

 Done at: JAKARTA

 On : Augurst 29, 2008

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**MOHAMMAD NUH**

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

1. Chairman of Capital Investment Coordination Body;

2. Director General of Post and Telecommunication

3. Telecommunication Regulatory Committee of the

 Indonesian Telecommunication Regulatory Body.