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

**NUMBER : 264/KEP/M.KOMINFO/08/2009**

**ON**

**DESIGNATION OF THE BLOCK OF RADIO FREQUENCY BAND AND MECHANISM FOR PAYMENT OF THE LICENSE FEE OF RADIO FREQUENCY SPECTRUM TO THE SELECTION WINNER OF THE PROVISION OF PACKET-SWITCHED BASED LOCAL FIXED NETWORK USING RADIO FREQUENCY BAND OF 2.3 GHz FOR THE PURPOSE OF WIRELESS BROADBAND SERVICE**

**BY THE GRACE OF GOD THE ALMIGHTY**

**MINISTER OF COMMUNICATION AND INFORMATIONTECHNOLOGY,**

Considering : a. that the selection winner of the provision of packet-switched based local fixed network using radio frequency band of 2.3 GHz for the purpose of wireless broadband service has been determined in the Decision of the Minister of Communication and Information Technology Number 237/KEP/M.KOMINFO/07/2009

b. that based on the Decision of the Minister referred to in point a, the allocation of the block of radio frequency band and the mechanism for payment of the License Fee (BHP) of Radio Frequency Spectrum has been designated by a separate Ministerial Decision;

c. that based on considerations referred to in points a and b, it is considered necessary to designate the block of radio frequency band and mechanism for payment of the License Fee of Radio Frequency Spectrum to the Selection Winner of the Provision of packet-switched based local fixed network using radio frequency band of 2.3.GHz for the purpose of wireless broadband service by issuing a 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, Supplement to the

 State Gazette of the Republic of Indonesia Number 3881);

1. 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, Supplement to the State Gazette of the Republic of Indonesia Number 3980);
2. 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, Supplement to the State Gazette of the Republic of Indonesia Number 3981);

4. Decree of the President of the Republic of Indonesia Number 9 Year 2005 on Positions, Duties, Functions, Organization 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 20 Year 2008; ;

5. 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 21 Year 2008;

6. 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 30/PER/M.KOMINFO/09/ 2008;

7. Decision of the Minister of Communication Number KM 21 Year 2001 on Provision of Telecommunication Service as amended latest by the Decree of the Minister of Communication and Information Technology Number 31/PER/M.KOMINFO/09/2008;

8 Decree of the Minister of Communication and Information Technology Number 03/PER/M.KOMINFO/5/2005 on Adjustment of Nomenclatures of a Number of Decisions/Decrees of the Minister of Communication which Regulate Special Material Content in the Field of Post and Telecommunication;

9 Decree of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/10/2005 on Procedure of Licensing and Operational Provision of Using Radio Frequency Spectrum;

10. Decree of the Minister of Communication and Information Technology Number 19/PER/M.KOMINFO/10/2005 on Guideline for the Implementation of Tariffs on Non-Tax State Income from the License Fee of Radio Frequency as amended latest by the Decree of the Minister of Communication and information Technology Number 25/PER/M.KOMINFO/06/2009;

11. Decree of the Minister of Communication and Information Technology Number 25/P/M.KOMINFO/7/2008 on Organization and Work Method of the Department of Communication and Information Technology;

12. Decision of the Minister of Communication and Information Technology Number 04/KEP/M.KOMINFO/01/2009 on Business Opportunity for the Provision of Packet-Switched Based Local Fixed Network Using radio frequency band of 2.3 GHz for the Purpose of Wireless Broadband Service as amended by the Decision of the Minister of Communication and Information Technology Number 113/KEP/M.KOMINFO/04/2009;

13. Decree of the Minister of Communication and Information Technology Number 07/PER/M.KOMINFO/01/2009 on Structuring of Radio Frequency Band for the Purpose of Wireless Broadband Service;

14. Decree of the Minister of Communication and Information Technology Number 08/PER/M.KOMINFO/01/2009 on Designation of Radio Frequency Band for the Purpose of Wireless Broadband Service at Radio Frequency Band of 2.3 GHz;

15. Decree of the Minister of Communication and Information Technology Number 22 PER/M.KOMINFO/04/2009 on Selection Document of the Provision of Packet-Switched Based Local Fixed Network Using Radio Frequency Band of 2.3 GHz for the Purpose of Wireless Broadband Service;

16. Decree of the Minister of Communication and Information Technology Number 29/PER/M.KOMINFO/07/2009 on Table of Allocation of Radio Frequency Spectrum of Indonesia

Noting : 1. Decision of the Minister of Communication and Information

Technology Number 237/KEP/M.KOMINFO/7/2009 on Determination of Selection Winner of the Provision of Packet-Switched Based Local Fixed Network Using Radio Frequency Band of 2.3 GHz for the Purpose of Wireless Broadband Service;

2. Record of the post Selection of the Auction for the Designation of the Block of Frequency for the Selection Winner of Auction of BWA 2.3 GHz Number 158/TIMSEL-BWA 2.3 GHz/8/2009 of 19 August 2009.

**DECIDES**

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

 **INFORMATION TECHNOLOGY ON DESIGNATION OF THE**

 **BLOCK OF RADIO FREQUENCY BAND AND MECHANISM FOR**

 **PAYMENT OF THE LICENSE FEE OF RADIO FREQUENCY**

 **SPECTRUM TO THE SELECTION WINNER OFTHE PROVISION**

 **OF PACKET-SWITCHED BASED LOCAL FIXED NETWORK**

 **USING RADIO FREQUENCY BAND OF 2.3 GHz FOR THE**

 **PURPOSE OF WIRELESS BROADBAND SERVICE**

FIRST : Determine the allocation of the block of frequency band to Selection

 Winner of the Provision of Packet-Switched Based Local Fixed

 Network Using Radio Frequency Band of 2.3 GHz for the Purpose of

 Wireless Broadband Service in each service zone of wireless

 broadband referred to in Attachment I of this Ministerial Decision.

SECOND : The selection winner referred to in the FIRST Dictum shall deliver Performance Bond to the Minister at the latest on 8 September 2009.

THIRD : The mechanism of payment of the License Fee (BHP) of Radio Frequency Spectrum for Up front Fee and for the yearly fee of the license of Radio Frequency Spectrum Band (IPSFR) referred to in Attachment II of this Ministerial Decision.

FOURTH : The amounts of the Value of Offer Price (HP) and Tender Price (HL) for each selection winner at each Service Zone of Wireless Broadband Service referred to in Attachment III of this Ministerial Decision.

FIFTH : The provision regarding the Licensing of the provision of Packet-Switched Based Local Fixed Network Using Radio Frequency Band of 2.3 GHz for the purpose of wireless broadband service refers to the Decision of the Minister of Communication and Information Technology Number 22/KEP/M.KOMINFO/04/2009 on Selection Document of the Provision of Packet-Switched Based Local Fixed Network Using Radio Frequency Band of 2.3 GHz for the Purpose of Wireless Broadband Service .

SIXTH : The Selection Winner not in the form of Consortium shall pay the License Fee (BHP) of Radio Frequency Spectrum for the Up front Fee and for the yearly fee of the license of Radio Frequency Spectrum Band (IPSFR) for the first year at the latest on 17 November 2009.

SEVENTH : The Selection Winner in the form of Consortium shall pay the License Fee (BHP) of Radio Frequency Spectrum for the Up front Fee and for the yearly fee of the license of Radio Frequency Spectrum Band (IPSFR) for the first year at the latest on 26 January 2010.

EIGHTH : Payment for the License Fee (BHP) of Radio Frequency Spectrum referred to in SIXTH Dictum and SEVENTH Dictum is done after the issuance of a Letter of Payment Instruction (SPP) by the Director General of Post and Telecommunication.

NINTH : The Selection Winner may submit Operation-Worthy Test (ULO) after complying with the spread of network to provide wireless broadband service minimum in one (1) capital of subdistrict at Service Zone won.

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

 Done at: JAKARTA

 On : August 31, 2009

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**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**MOHAMMAD NUH**

COPIES of this Ministerial Decision are sent to:

1. Coordinating Minister for Economic Affairs;

2. Minister of Finance;

3. Minister of Law and Human Rights;

4. State Secretary;

5. Chairman of the Audit Board of the Republic of Indonesia;

6. Attorney General of the Republic of Indonesia;

7. Secretary General, Inspector General, Directors General, and Heads of Bodies within the Department of Communication and Information Technology;

8. Heads of Bureaus and Heads of Centres within the Secretariat General of the Department of Communication and Information Technology.

 **ATTACHMENT I : DECISION OF THE MINISTER OF COMMUNICATION**

 **AND INFORMATION TECHNOLOGY**

 **NUMBER : 264/KEP/M.KOMINFO/07/2009**

 **DATE : 31 August 2009**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MECHANISM OF PAYMENT OF THE LICENSE FEE (BHP) OF RADIO FREQUENCY**

**SPECTRUM FOR UP FRONT FEE AND FOR THE YEARLY FEE OF THE LICENSE**

**FOR RADIO FREQUENCY SPECTRUM BAND (IPSFR) OF SELECION WINNER OF**

**THE PROVISION OF PACEKET-SWITCHED BASED LOCAL FIXED NETWORK**

**USING RADIO FREQUENCY BAND OF 2.3 GHz FOR THE PURPOSE OF WIRELESS BROADBAND SERVICE**

|  |  |  |
| --- | --- | --- |
| **SERVICE ZONE** | **SELECTION WINNER** | **FREQUENCY****(MHz)** |
| **Zone – 1**Northern Part of Sumatra | PT. Firsmedia Tbk | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 2**Central Part of Sumatra | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 3**Southern Part of Sumatra | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 4**Banten, Jakarta, Bogor, Depok, Tangerang, Bekasi | PT. Firsmedia Tbk | 2360-2375 |
| PT. Internux | 2375-2390 |
| **Zone – 5**Western Part of Java except Bogor, Tangerang, Bekasi | Consortium PT. Comtronic System & PT. Adiwarta Perdania  | 2360-2375 |
| PT. Indosat Mega Media | 2375-2390 |
| **Zone – 6**Central Part of Java | PT. Telekomunikasi Indonesia Tbk | 2360-2375 |
| Consortium PT. Comtronic System & PT. Adiwarta Perdania  | 2375-2390 |
| **Zone – 7**Eastern Part of Java | Consortium PT. Comtronic System & PT. Adiwarta Perdania  | 2360-2375 |
| PT. Telekomunikasi Indonesia Tbk | 2375-2390 |
| **Zone – 8**Bali and Nusa Tenggara | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 9**Papua | PT. Telekomunikasi Indonesia Tbk | 2360-2375 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia | 2375-2390 |
| **Zone – 10**Maluku and North Maluku | PT. Telekomunikasi Indonesia Tbk | 2360-2375 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia | 2375-2390 |
| **Zone – 11**Southern Part of Sulawesi | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 12**Northern Part of Sulawesi | PT. Telekomunikasi Indonesia Tbk | 2360-2375 |
| PT. Jasnita Telekomindo | 2375-2390 |
| **Zone – 13**Western Part of Kalimantan | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 14**Eastern Part of Kalimantan | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Berca Hardayaperkasa | 2375-2390 |
| **Zone – 15**Riau Islands | PT. Berca Hardayaperkasa | 2360-2375 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia | 2375-2390 |

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**MOHAMMAD NUH**

 **ATTACHMENT II : DECISION OF THE MINISTER OF COMMUNICATION**

 **AND INFORMATION TECHNOLOGY**

 **NUMBER : 264/KEP/M.KOMINFO/07/2009**

 **DATE : 31 August 2009**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DESIGNATION OF BLOCK OF RADIO FREQUENCY BAND TO SELECTION WINNERS OF THE PROVISION OF PACKET-SWITCHED BASED LOCAL FIXED NETWORK USING RADIO FREQUENCY BAND OF 2.3 GHz FOR THE PURPOSE OF WIRELESS BROADBAND SERVICE**

|  |  |  |  |
| --- | --- | --- | --- |
| **YEAR OF PAYMENT** | **PAYMENT OF** ***UP FRONT FEE***  | **FREQUENCY****(MHz)** | **TOTAL****PAYMENT** |
| **YEAR 1** | **1 X HP** | **1 X HL** | **1 X HP + 1 X HL**  |
| **YEAR 2** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 3** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 4** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 5** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 6** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 7** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 8** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 9** | **0 X HP** | **1 X HL** | **1 X HL** |
| **YEAR 10** | **0 X HP** | **1 X HL** | **1 X HL** |

Explanation:

a. HP = Offer Price of Participants, Winners of Auction per Block 1 Z 15 MHz

b. HL = Result of Auction per Block 1X 15 MHz (taken from offer price of

 second auction winners at each Service Zone}.

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**MOHAMMAD NUH**

 **ATTACHMENT III : DECISION OF THE MINISTER OF COMMUNICATION**

 **AND INFORMATION TECHNOLOGY**

 **NUMBER : 264/KEP/M.KOMINFO/07/2009**

 **DATE : 31 August 2009**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DETERMINATION OF THE VALUE OF OFFER PRICE (HP) AND TENDER PRICE (HL) OF SELECTION WINNERS OF THE PROVISION OF PACKET-SWITCHED BASED LOCAL FIXED NETWORK USING FREQUENCY BAND OF 2.3 GHz FOR THE PURPOSE OF WIRELESS BROADBAND SERVICE**

|  |  |  |  |
| --- | --- | --- | --- |
| **SERVICE ZONE** | **SELECTION WINNER** | **OFFER PRICE (HR)** | **TENDER PRICE (HL)** |
| **Zone – 1**Northern Part of Sumatra | PT. Firsmedia Tbk | Rp 7,201,000,000 | Rp 6,650,000,000 |
| PT.Berca Hardayaperkasa  | Rp 6,650,000,000 | Rp 6,650,000,000 |
| **Zone – 2**Central Part of Sumatra | PT.Berca Hardayaperkasa  | Rp 5,125,000,000 | Rp 5,109,000,000 |
| PT.Berca Hardayaperkasa  | Rp 5,109,000,000 | Rp 5,109,000,000 |
| **Zone – 3**Southern Part of Sumatra | PT.Berca Hardayaperkasa  | Rp 5,125,000,000 | Rp 5,100,000,000 |
| PT.Berca Hardayaperkasa  | Rp 5,100,000,000 | Rp 5,100,000,000 |
| **Zone – 4**Banten, Jakarta, Bogor, Depok, Tangerang, Bekasi | PT. Firsmedia Tbk | Rp121,201,000,000  | Rp 110,033,000,000 |
| PT. Internux | Rp110,033,000,000 | Rp 110,033,000,000 |
| **Zone – 5**Western Part of Javaexcept, Bogor, Tangerang,,Bekasi  | Consortium PT. Comtronic System & PT. Adiwarta Perdania | Rp 25,218,000,000 | Rp 18,408,000,000 |
| PT. Indosat Mega Media | Rp 18,654,000,000 | Rp 18,408,000,000 |
| **Zone – 6** Central Part of Java | PT Telekomuniikasi Indonesia Tbk  | Rp 18,654,000,000 | Rp 17,858,000,000 |
| Consortium PT. Comtronic System & PT. Adiwarta Perdania | Rp 17,858,000,000 | Rp 17,858,000,000 |
| **Zone – 7**Eastern Part of Java | Consortium PT. Comtronic System & PT. Adiwarta Perdania | Rp 31,518,000,000 | Rp 29,747,000,000 |
| PT Telekomuniikasi Indonesia Tbk  | Rp 29,742,000,000 | Rp 29,742,000,000 |
| **Zone – 8**Bali and Nusatenggara  | PT.Berca Hardayaperkasa  | Rp 5,100,000,000 | Rp 5,000,000,000 |
| PT.Berca Hardayaperkasa  | Rp 5,000,000,000 | Rp 5,000,000,000 |
| **Zone – 9**Papua | PT Telekomuniikasi Indonesia Tbk  | Rp 755,000,000 | Rp 567,000,000 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia  | Rp 567,000,000 | Rp 567,000,000 |
| **Zone – 10**Maluku and North Maluku | PT Telekomuniikasi Indonesia Tbk  | Rp 533,000,000 | Rp 238,000,000 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia  | Rp 238,000,000  | Rp 238,000,000 |
| **Zone – 11**Southern Part of Sulawesi | PT.Berca Hardayaperkasa | Rp 5,299,000,000 | Rp 5,296,000,000 |
| PT.Berca Hardayaperkasa | Rp 5,296,000,000 | Rp 5,296,000,000 |
| **Zone – 12**Northern Part of Sulawesi  | PT Telekomuniikasi Indonesia Tbk  | Rp 1,177,000,000 | Rp 708,000,000  |
| PT. Jasnita Telekomindo  | Rp 708,000,000 | Rp 708,000,000  |
| **Zone – 13**Western Part of Kalimantan | PT.Berca Hardayaperkasa | Rp 6,991,000,000 | Rp 6,990,000,000 |
| PT.Berca Hardayaperkasa | Rp 6,990,000,000 | Rp 6,990,000,000 |
| **Zone – 14**Eastern Part of Kalimantan | PT.Berca Hardayaperkasa | Rp 3,490,000,000 | Rp 3,429,000,000 |
| PT.Berca Hardayaperkasa | Rp 3,429,000,000 | Rp 3,429,000,000 |
| **Zone – 15**Riau Islands | PT.Berca Hardayaperkasa | Rp 4,000,000,000 | Rp 1,899,000,000 |
| PT. Raharjasa Media Internet for Consortium Wimax Indonesia  | Rp 1,899,000,000  | Rp 1,899,000,000 |

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**MOHAMMAD NUH**