



BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

Shetu Bhaban, New Airport Road, Banani, Dhaka-1212

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GUIDELINES FOR INFRASTRUCTURE SHARING

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BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

GUIDELINES FOR INFRASTRUCTURE SHARING

1. Introduction:

- 1.1 Bangladesh Telecommunication Regulatory Commission (the Commission) has the responsibility under the Bangladesh Telecommunication Act 2001 (the Act) to ensure, in keeping with the prevalent economic realities of Bangladesh, access to reliable, reasonably priced and modern telecommunication services to the greatest number of people as far as practicable. In pursuance of Section 31 (2) (r) of the Act, the Commission is empowered to issue instructions/guidelines to be followed by the licensees and service providers relating to various apparatus as defined in the Act and the infrastructure of the same.
- 1.2 Sharing Infrastructure is an approach to minimize the cost of network deployment and to protect the environment by reducing the proliferation of towers and facilities installation. Therefore, there is urgency for sharing infrastructure among the telecommunication service providers. Sharing infrastructure reduces cost and allows better and efficient service for the subscribers. It will also enhance competition amongst telecommunications operators in more cooperative environments.
- 1.3 These guidelines are formulated to encourage telecommunication service providers to remove uncertainty and create framework for better cooperation in infrastructure sharing. Infrastructure sharing includes requirement to lease out/ rent out / swapping infrastructure on a nondiscriminatory basis to other service providers. These guidelines are to be read subject to the Act and any other relevant Laws, Rules, Regulations and in conjunction with the respective operator's license conditions.
- 1.4 The Commission has the right and authority to change, amend, vary or revoke any part of these guidelines and also to incorporate new terms and conditions necessary for the interest of national security, or public interest, or any other reason whatsoever.

2. Objectives of the Guidelines: The objectives of these guidelines are as follows:

- 2.1 To maximize the use of network facilities including but not limited to network capacity and capabilities, base station sites, backbone, towers etc. to enhance sharing and reduce duplication of investment for network facilities. In this context “Infrastructure Sharing” means the joint use of telecommunication infrastructures and facilities by two or more operators. The term “Infrastructure Sharing” for the purposes of these guidelines refers to the Passive Infrastructure, optical fiber /wired access and backbone transmission network sharing.
- 2.2 To promote the availability of wide range of high quality, efficient, cost effective and competitive telecommunication services throughout Bangladesh by ensuring optimum utilization of telecommunication resources.
- 2.3 To protect the environment by reducing the land use as well as infrastructure and facilities installations thereby not changing the aesthetics of the country’s landscape.
- 2.4 To optimize operator’s capital expenditure on supporting infrastructure.
3. **Definitions:** Unless the context otherwise requires, the different terms and expressions used in these guidelines shall have the following meaning assigned to them. The headings are given for the sake of convenience only and do not carry any special meaning. Definitions and interpretations not listed here shall bear the same meaning as contained in the Act.
 - 3.1 **Active Infrastructure Sharing:** Active Infrastructure Sharing is the sharing of electronic infrastructure & facility. It includes sharing of Base Transceiver Station (BTS) / Node B, spectrum, antenna, feeder cable, Radio Access Network (RAN), microwave radio equipment, billing platform, switching centers, router, Base Station Controller (BSC) / Radio Network Controller (RNC), optical fiber / wired access and backbone transmission network, database etc.
 - 3.2 **“Infrastructure Provider”** means any telecommunications operator who owns or is in control of facility or infrastructure, access to which another operator desires or into an agreement for the purposes of collocation or infrastructure sharing.
 - 3.3 **“Infrastructure Seeker”** means any telecommunications operator desirous or into an agreement with other telecommunication operator(s) who own or in control of telecommunication’s infrastructure and facility for the purpose of collocation or infrastructure sharing.
 - 3.4 **Passive Infrastructure Sharing:** Passive Infrastructure Sharing is the sharing of non-electronic infrastructure & facility. It includes sharing of physical sites, buildings, shelters, towers / masts, electric power supply and battery backup, grounding / earthing, air conditioning, security arrangement, poles, ducts, trenches, right of way.

4. General Terms and Conditions for Infrastructure Sharing:

- 4.1 These guidelines are applicable for sharing of passive infrastructures; optical fiber / wired access and backbone transmission network amongst all existing and future telecommunication operators having license from the Commission. The licensees are permitted to share infrastructure within their respective licensing zone/area.
- 4.2 The operators shall provide capacity on its infrastructure to other operators on a non-discriminatory “first come, first serve” basis.
- 4.3 Operators shall enter into agreement for sharing infrastructure. Tariff and charges for Infrastructure Sharing shall be mutually agreed basing on the directives issued or to be issued by the Commission. In case of any dispute regarding the tariff and charges the decision of the Commission shall be final and binding upon the parties.
- 4.4 Any agreements to be executed shall be submitted to the Commission within 15 (fifteen) days from the date of agreement.
- 4.5 Agreements for sharing Infrastructure facilities, which were permitted by the Commission shall have to be revised as per provisions of the instant guidelines and submitted to the Commission within 60 (sixty) days of publication of these guidelines.
- 4.6 Operators shall jointly develop, build, maintain and operate new passive infrastructure for providing telecommunication services to the subscribers. However, an individual operator may build passive infrastructures with the permission of the Commission.
- 4.7 Licensees (except the Nationwide Telecommunication Transmission Network’s Licensee) will not be permitted to build optical/wired backbone transmission network if such networks of other operators are already available for sharing. Incumbent operators should take necessary measures to augment the capacity of existing optical /wired backbone transmission network for sharing.
- 4.8 Operators shall jointly develop, build, maintain and operate optical/wired backbone transmission network if such networks are not existing / not available for sharing from the existing infrastructures in a particular zone/area. However, an individual operator may build optical /wired backbone transmission network with the permission of the Commission.
- 4.9 All operators shall publish in their websites detailed information of infrastructures available for sharing with other operators. The list shall be updated on monthly basis. The operators may issue password to the Commission, licensed operators, and any other entities as permitted / nominated by the Commission to access the information from the website.

4.10 The operators shall have to fulfill all of their individual obligations including but not limited to rollout obligations as contained in their individual licenses irrespective of infrastructure sharing agreement with other operators.

5. Procedure for Infrastructure Sharing:

5.1 Infrastructure Seeker shall submit request to Infrastructure provider expressing the interest of sharing infrastructure. Infrastructure Provider shall enter into negotiation with other operators to share the infrastructure.

5.2 Request for Infrastructure Sharing by the Infrastructure Seeker to the Infrastructure Providers and the approval / rejection of the request by the Infrastructure Provider must be in writing according to the Form A and Form B respectively.

5.3 All negotiations for Infrastructure Sharing must be done in utmost good faith. The Infrastructure Provider shall not:

(a) Obstruct, delay negotiations in resolving disputes.

(b) Refuse to provide information relevant to an agreement including information necessary to identify the facility needed.

(c) Refuse to designate proper representative to expedite negotiation.

5.4 Infrastructure Providers shall reserve the right to refuse an application for infrastructure sharing on grounds of insufficient capacity.

5.5 Infrastructure Providers have the right to reserve not more than 25% (twenty five percent) of spare capacity.

5.6 The period to respond (either acceptance or rejection) by the Infrastructure Provider to any request for Infrastructure Sharing shall be 4 (four) weeks and the timeframe for negotiation of an Infrastructure Sharing Agreement shall be 5 (five) weeks from the date of receiving the request. If no response is received within 4 (four) weeks of request, the Infrastructure Seeker shall refer the matter to the Commission and the Commission shall take necessary steps.

5.7 The Infrastructure Seekers may sub lease/rent out the shared infrastructures subject to the provision of agreement and copy of such sub lease /rent out agreement shall be submitted to the Commission within 15 (fifteen) days from the date of such agreement.

5.8 In the event of any differences or disputes between the Infrastructure Provider and Infrastructure Seeker and failure to resolve the differences or disputes amicably among themselves, aggrieved party shall refer the matter to the Commission for resolution of the same. The decision of the Commission in that regard will be final and binding.

Director
Legal and Licensing Division

INFRASTRUCTURE SHARING FORM A

Request for Infrastructure Sharing (to be filled by the Infrastructure Seeker)

1. **Details of Infrastructure Seeker:**

a. Name of the Licensee/Company:

b. License Number and Date of Issue/Renewal:

c. Type(s) of Telecommunication Services Provided by the Infrastructure Seeker:

2. **Details of Infrastructure Provider:**

a. Name of the Licensee/Company:

b. License Number and Date of Issue/Renewal:

c. Type(s) of Telecommunication Services Provided by the Infrastructure Provider:

3. **Details of the Infrastructure:**

| Sl. No. | Items | Description |
|---------|---|-------------|
| 1. | Reference Number of the Request | |
| 2. | Type of the Infrastructure (s) | |
| 3. | Location/Address of the Infrastructure | |
| 4. | Purpose of Sharing the Infrastructure | |
| 5. | Duration of Sharing | |
| 6. | Date of Request by the Infrastructure Seeker | |
| 7. | Last date of Approval/Rejection by the Infrastructure Provider | |
| 8. | Last date of Negotiation | |
| 9. | Inspection or Survey to the Infrastructure is Required by the Infrastructure Seeker | Yes / No |
| 10. | Any Other Information | |

Authorized Signature of the Infrastructure Seeker

INFRASTRUCTURE SHARING FORM B

Approval / Rejection of Infrastructure Sharing (to be filled by the Infrastructure Provider)

1. **Details of Infrastructure Provider:**

a. Name of the Licensee/Company:

b. License Number and Date of Issue/Renewal:

c. Type (s) of Telecommunication Services Provided by the Infrastructure Seeker:

2. **Details of Infrastructure Seeker:**

a. Name of the Licensee/Company:

b. License Number and Date of Issue/Renewal:

c. Type (s) of Telecommunication Services Provided by the Infrastructure Provider:

3. **Details of Approval by the Infrastructure Provider:**

| Sl. No. | Items | Description |
|---------|---|-------------|
| 1. | Reference Number of the Infrastructure Seeker's Request | |
| 2. | Reference Number of Approval | |
| 3. | Type of the Infrastructure (s) | |
| 4. | Location/Address of the Infrastructure | |
| 5. | Duration of Sharing | |
| 6. | Date of Agreement / Negotiation | |
| 7. | Any Other Information | |

4. **Details of Rejection by the Infrastructure Provider**

| Sl. No. | Items | Description |
|----------------|--|--------------------|
| 1. | Reference Number of the Infrastructure Seeker' Request | |
| 2. | Reference Number of Rejection | |
| 3. | Type of the Infrastructure (s) | |
| 4. | Location/Address of the Infrastructure | |
| 5. | Reasons of Rejection | |
| 6. | Any Other Information | |

Authorized Signature of the Infrastructure Provider