

National Post and Telecom Agency

Code of Statutes



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The National Post and Telecom Agency Regulations on licences to use radio transmitters in the 1900–1905 MHz band;

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x

decided on x.

Pursuant to Sections 18 to 20 of the Electronic Communications Ordinance (2003:396), the following is prescribed.

Scope and definitions

Section 1 These Regulations contain the National Post and Telecom Agency's provisions concerning limitation of the number of licences and concerning the application and auction procedures in connection with an open invitation to apply for a licence to use radio transmitters in the 1900-1905 MHz band in accordance with Chapter 3, Sections 7 and 8 of the Electronic Communications Act (2003:389).

Section 2 In this enactment the following are defined

Auction: A bidding procedure where the price (bid) the applicant is willing to pay for the licence is decisive. This procedure pertains to the licence in accordance with Section 4.

Bid: A binding offer to pay an amount in exchange for the licence included in the auction.

Assignment procedure

Section 3 Licences are assigned through an auction. The auction provides the opportunity to submit one bid.

Licences

Limitation of the number of licences

Section 4 The National Post and Telecom Agency limits the number of licences for using radio transmitters in the frequency band 1900–1905 MHz to one licence.

Licence conditions

Section 5 Licences will, in accordance with Chapter 3, Section 11 of the Electronic Communications Act, be associated with the conditions stated in the second and third paragraphs together with the open invitation to apply for a licence that the National Post and Telecom Agency will issue.

This licence pertains to the frequency block 1900–1905 MHz and is associated with required use of TDD, Time Division Duplex.

This is a national licence.

Application

Section 6 The National Post and Telecom Agency announces that it will accept applications for the licence stated in Section 4 through an open invitation. Applicants must submit a written application under sealed cover to the National Post and Telecom Agency in order to be allowed to participate in the auction. Applications are to have been received no later than the date stated in the invitation. Applications will be opened after this date.

Section 7 The application must be made on a special application form drawn up by the National Post and Telecom Agency and be signed by an authorised signatory. If this party is not an authorised signatory according to an extract from the Trade and Industry Register, or the equivalent for foreign applicants, a power of attorney for such authorisation must be submitted together with the application. The application form is available as an appendix to the invitation and will also be published on the National Post and Telecom Agency's website, www.pts.se.

Section 8 The application must contain the following:

Information about

- the name of the applicant's authorised signatory supplemented with an extract from the Trade and Industry Register or the equivalent for foreign applicants,
- organisation/corporate identity /personal identity (ID) numbers or the equivalent for foreign applicants,
- postal address,
- contact person with his or her telephone number and e-mail address.

A declaration stating that

- the applicant has not had a licence revoked by the National Post and Telecom Agency in accordance with Chapter 7, Section 6, items 2 and 4 of the Electronic Communications Act in the four most recent years prior to the application deadline for the auction.

Bank guarantee

Section 9 Applicants must submit a bank guarantee under sealed cover to the National Post and Telecom Agency within the period of time and in the manner and with the content indicated in the invitation.

The National Post and Telecom Agency may only exercise the bank guarantee if the applicant does not submit the processing charge or auction amount according to Section 17.

The bank guarantee must be issued in Swedish kronor (SEK). The bank guarantee must be issued by a bank in a country that is a member of the EEA (European Economic Area) Agreement. The bank guarantee must be at least equivalent to the amount of the bid, plus the processing charge in accordance with Section 17.

Auction procedure

Bidding

Section 10 A written bid must be submitted to the National Post and Telecom Agency under sealed cover within the period of time and in the manner indicated in the invitation.

The bid must be submitted in Swedish kronor (SEK).

The bid must have been signed by an authorised signatory. If this party is not an authorised signatory according to an extract from the Trade and Industry Register, or the equivalent for foreign applicants, a power of attorney for such authorisation must be submitted together with the application or bid.

The lowest bid considered will be one (1) krona.

Section 11 The National Post and Telecom Agency will only consider bids submitted by applicants which fulfil the requirements in Sections 6 to 8 and which have been received within the period of time and in the manner indicated in Section 10.

Opening of bids

Section 12 Opening of bids will take place at the point in time, at the

location and in the manner indicated in the invitation. Applicants which have submitted bids to be considered in accordance with Section 11 may participate in such bid opening.

Section 13 During bid opening, all bids are ranked in order of amount.

If two or more parties have submitted equal bids, these bids will be ranked by drawing lots.

Winning bid and conclusion of the auction

Section 14 The applicant with the highest ranking in accordance with Section 13 and which has submitted a bank guarantee in accordance with Section 9 has won the bidding.

The auction is concluded after it has been established which applicant has won the bidding.

A bid ceases to be binding after the auction has been concluded if the bid is not the winning bid.

Assignment

Section 15 The winning bidder is assigned the licence through a decision as soon as possible.

Section 16 If, following the conclusion of the auction, it becomes known to the National Post and Telecom Agency that auction participants have submitted incorrect information or otherwise not complied with the provisions in these Regulations, the outcome of the auction will not be changed for other applicants.

Auction amount and processing charge

Section 17 The winning bidder must pay the auction amount and processing charge within the period of time and in the manner indicated in the invitation.

The processing charge amounts to x Swedish kronor.

This enactment enters into force on x 2007 and applies until the end of 30 June 2009.

On behalf of the National Post and Telecom Agency

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DRAFT