

LICENCE TO OPERATE A TELECOMMUNICATION SYSTEM UNDER SECTION 17 (2) OF THE SRI LANKA TELECOMMUNICATIONS ACT NO.25 OF 1991 AS AMENDED BY SRI LANKA TELECOMMUNICATIONS (AMENDMENT) ACT NO. 27 OF 1996.

1. I, Ranil Wickremesinghe, President of the Democratic Socialist Republic of Sri Lanka and in my capacity as Minister in charge in the exercise of the powers conferred on me under Section 17 (2) of the Sri Lanka Telecommunications Act No. 25 of 1991, as amended by Act No.27 of 1996 (hereinafter referred to as "the Act") hereby grant to **Lanka Number Portability Services (Guarantee) Limited**, a company duly incorporated in the Democratic Socialist Republic of Sri Lanka under the Companies Act No 07 of 2007 bearing Company No.**GL00260269** (hereinafter referred to as "the Operator"), a License to operate a telecommunication system specified in Schedule I (hereinafter referred to as the "Licensed System") and authorize the Operator to do all or any of the acts specified in Schedule 2 subject to the Conditions set out in Schedule 3 and for revocation as provided in Schedule 4.
2. This License shall come into force on 01.07.2024 and shall be of 10 years duration unless previously revoked in accordance with Schedule 4.
3. These license conditions may be modified from time to time in terms of Section 18 of the Act.
4. The provisions of the Act and all Rules and Regulations made there under shall apply to the Operator for all purposes.

Date: 03.09.2024



Ranil Wickremesinghe
President and Minister of Technology

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SCHEDULE 1

THE LICENSED SYSTEM

1. The Licensed System consists of a Telecommunication System in Sri Lanka, which provides **Number Portability Services**, and
2. The Licensed System shall not include:
 - a) any Telecommunication System in respect of which a licence is not required under the Act, and
 - b) any Telecommunication Terminal Apparatus

SCHEDULE 2

AUTHORISATION TO CONNECT OTHER TELECOMMUNICATION SYSTEMS AND APPARATUS TO THE LICENSED SYSTEM AND TO PROVIDE TELECOMMUNICATION SERVICES BY MEANS OF THE LICENSED SYSTEM

1. Nothing contained in this Licence shall preclude the Operator from obtaining any other licence for the purpose of carrying on any activity for which a person is required to obtain a license under the provisions of the Act or any other enactment. subject to that limitation and without causing prejudice to the Act, this licence authorizes the connection to:
 - a) any other Licensed telecommunication system
 - b) telecommunication apparatus which is type approved by the Commission
2. This license authorizes the provision of **Number Portability Services** by means of the licensed system **to Eligible Operators**.
3. This is a service-based Licence and does not confer any right to scarce resources such as radio frequency spectrum, rights of way and numbering etc. The licensee shall obtain such required connectivity from facility based licensed operators to establish the licensed system.

SCHEDULE 3
LICENCE CONDITIONS

PART-1: GENERAL CONDITIONS OF LICENCE

1. Compliance with Law:

- 1.1. The operator shall comply with the provisions in the Act and Rules & Regulations made thereunder.
- 1.2. The operator shall strictly and without any undue delay, comply with any directions/determinations/orders, which the Commission may from time-to-time issue in exercise of its powers, functions or duties under the and/or securing compliance with provision of the Licence.
- 1.3. The Commission, by notice in writing to the operator amend, vary or revoke wholly or in part any directions given by it pursuant to condition 1.2.
- 1.4. Nothing in this licence shall be taken as discharging the operator from its obligations to obtain any other rights, licences, permits or approvals that may be required under any written law in force in Sri Lanka.
- 1.5. Every condition and part thereof shall be interpreted as a separate and severable provision so that any condition or part thereof is held invalid, unenforceable or illegal for any reason, the remainder of this licence shall remain in full force in every respect.
- 1.6. Without prejudice to any of the operator's obligation under this licence, the licensee shall abide with its proposals on range of services, quality of service standards, service provisioning schemes and any other commitment as submitted to the Commission in its licence application.
- 1.7. The operator shall notify the Commission of any change or inaccuracy in the information and particulars submitted to the Commission, within five (05) days of such change.
- 1.8. This Licence may be further renewed for another term on the expiry of the licence by submission of written application, six months before the expiry of license, for renewal as per Licensing guidelines issued by the Commission, with other documents specified therein.

2. Description of Systems and Services

- 2.1. The operator shall establish, install, maintain and operate the telecommunications system (herein referred as the 'System') as described in schedule 1, for the provision of telecommunication Service(s) (herein referred as 'Service(s)' as described in schedule 2, subject to the terms and conditions described herein schedule 3. The operator shall not operate or provide any service which are not described in schedule 1 & 2 of this Licence.
- 2.2. The Commission may amend any part of the licence as and when required due to government policy decisions or decisions of the Commission due to regulatory requirement, by giving three-months notice in writing to the operator.

3. Data Residency, Privacy and Protection

- 3.1. All data provided by customers—the eligible operators or obtained in the course of provision of service should be protected as per any applicable written law/legislation in Sri Lanka. The data quality should be maintained as per international standards in terms of validity, reliability, precision, integrity and timeliness etc.
- 3.2. The database system should fully reside in the territory of Sri Lanka including data processing system.
- 3.3. Data availability has to be fully ensured by following best practices to meet all kind of data availability challenges.
- 3.4. All archived data should be retained for period specified by the Commission and should be made available to the Commission whenever required.

4. Network Approval

- 4.1. The detailed network diagram of the operational system should be submitted before commencement of operation for approval of the Commission in the format specified by the Commission. Including network configuration, location details of all network components and links, infrastructure, technology, interfaces, capacity, aggregation type, type of equipment, telecommunication apparatus, interconnections or any other details of the network. Network approval should be submitted along with this licence to enforcement/compliance personnel when requested.
- 4.2. The Commission's prior approval should be obtained for modification/changes of network in line with condition 4.1 and modified network diagram should be submitted for the Commission approval after 3 months of such modification/changes is affected and should be annexed to the original network approval.

5. Inspection of System

- 5.1. The operator shall permit the authorized representative of the Commission to inspect, during business hours with a prior notice and in case on non-business hours with a prior notice of at least 24 hours accompanied by a qualified employee of the operator, to inspect, test, monitor, measure performance, or carry out any activity in any network component (hardware or software) or part of the telecommunication system. The operator shall demonstrate operation if required and facilitate inspection and provide any documents required for such inspection.
- 5.2. Further, the operator shall be required to provide the authorized representative of the Commission, the access to inspect, files, records, reports, documents, statistics or any other information, which Commission deems required, with regard to the operation of the telecommunications system and provision of telecommunications services.

6. Submission of Information

- 6.1. The operator shall submit to the Commission audited statement of accounts not later than six months after the end of each financial year relevant to the operation carried out under this licence.
- 6.2. The operator shall furnish any document or information within its knowledge, custody or control, whenever requested by the Commission in prescribed format regularly and periodically as specified by the Commission.

7. Payment of Fees

- 7.1. The operator shall make during the validity of the licence, on or before 31st January of Each year following the issue of the licence, a Cess fee specified in Cess order published under section 22 (G) of the act.
- 7.2. The operator shall comply with any direction/regulation issued by the Commission from time to time with regard to collection and remittance of the fees set out in condition 8.1 above.

PART- II: BASIC OBLIGATIONS

8. Operation of the licensed system and Provision of Services

- 8.1 The operator shall establish, install, maintain and operate the systems and shall provide the services described in schedule 2 of this licence, **to any eligible Operator** who requests for such service, without undue delay or hindrance.
- 8.2 Operation of the System and provision of Number Portability Services shall strictly be in accordance with **Number Portability Rules/Guidelines** issued by the Commission.

9. Cooperation with Civil Public Bodies:

- 9.1. The operator shall cooperate with the relevant government ministries, departments, statutory bodies or any official entities in all possible ways to support national security, public safety and management of emergencies

10. Dispute Resolution

- 10.1. In the event that the operator fails to reach an agreement with other telecommunication operators on matters relating to the requirements of this licence or the act, the matter shall be determined by the Commission whose decision shall be binding on all parties concerned.

PART- III: TECHNICAL OBLIGATIONS

11. System Architecture

- 11.1. The operator shall design its network to support high quality services with sufficient capacity to accommodate the current and foreseeable demand consistent with international trends and, to maintain internationally acceptable grade of service and quality of services standards.
- 11.2. The operator shall maintain an up-to-date record of specifications, technologies, standards, capacities, contention ratios & grade of service of aggregation networks, interfaces or any other significant parameters of all network equipment used in any network component of the system including firmware and software system details, whichever not included to the network approval of Commission issued as per condition (4) of the licence. Commission may specify data formats to be adopted and maintained if required.
- 11.3. Commission shall inform the operator to install, establish maintain and operate any network equipment, network component, feature or enhancement in the system including firmware or software systems used, within a specified period if Commission deems required. The operator shall comply with such directive issued by the Commission without undue delay.
- 11.4. Commission from time to time may inform the operator to disable or modify any network feature, component, configuration or any other part of hardware or software component in the system, under special regulatory circumstances.
- 11.5. Used equipment shall not be used in the system. In case of such use under special circumstances, the operator can make a written request to obtain prior approval of the Commission giving detailed explanation for such requirement. Commission reserves the right of the final decision in such regard.

12. Technical Standard

- 12.1. Technical standards of all equipment, links, interfaces, firmware, software systems or any other network component of the licensed system including cabling and equipment installation, shall comply with the standards specified by the Commission for the purpose of ensuring technical compatibility and ensure Safety, Health, EMC, RoHs or any other aspect which Commission deems required. In case of such standards not specified for a particular network component or equipment, the operator shall comply with international standards and the operator should maintain such record of standards followed until such standards are specified by the Commission. The Commission shall request the operator to demonstrate compliance to such standards.
- 12.2. The system should be operated in proper working order at all times by qualified and competent personnel under responsibility as per international standards and norms.

13. Modification/Changes to the System

- 13.1. The operator shall obtain the prior approval of the Commission before implementing any modification/changes made to the system including specification or performance of the system, by giving detailed technical information of such modification/changes with justification in writing as specified by the Commission and shall notify all parties affected, of any modification/changes it intends to implement in the systems including licensed interconnected systems. However, Commission reserves the right of final decision with regard to such modification/changes.
- 13.2. The period of notice shall be determined by the Commission in consultation with the operator and shall be appropriate to the likely impacts on the parties affected including other licensed interconnected operators.

14. Quality of Service

- 14.1. The Commission shall issue directive or guidelines with regard to end-to-end quality of service standards or such standards related to any part of the network which have to be maintained and complied by the operator at all times while providing the services. The quality of services standards can encompass technical or non-technical aspects of the services delivered.
- 14.2. The operator shall provide relevant data, carry out surveys and tests with equipment, conforming to international standards or provide the requisite facilities to enable the Commission to carry out such surveys and tests or to monitor the services provided for the purpose of ascertaining the quality of service rendered by the operator to its customers or to any other licensed system. The operator shall make available such data and the results of any such surveys or tests as and when required by the Commission.

PART- IV: ACCESS AND INTERCONNECTION OBLIGATION

15. Control of Obstruction

- 15.1. The operator shall take reasonable measures to install, maintain and operate the telecommunication system, service and the network components in such a manner as not to cause any physical obstruction to the installation, maintenance, operation, repair, replacement or any other related activity with regard to the systems of any licensed operator.

PART-V: COMMERCIAL OBLIGATION

16. Prices for Services

- 16.1. The operator shall comply with any direction or determination issued by the Commission relating to prices for services in accordance with Number Portability Rules and Number Portability Porting Process Guidelines.
- 16.2. Operator shall ensure that all tariffs with respect to any service offered to a third party is approved by the Commission except such services of which the tariff is liberalized by the Commission through a Commission determination. The operator shall not impose or offer, as the case may be any charges, terms and conditions for the provision of any specified service until the Commission has approved such charges and terms and conditions.
- 16.3. Operator shall comply with the tariff guidelines issued by the Commission in submitting proposed tariff for approval of the Commission and shall submit a detailed description of the service, proposed tariff, methodology adopted in determination of the proposed tariff, terms and conditions, period of applicability and any other related aspect specified by the Commission.
- 16.4. For subsequent revision of tariffs, the operator shall give the reasons for a change of tariffs in the previous tariff plan. The revision of tariffs shall not be effective until approval of the Commission is granted at a time when a previous tariff of the operator on the same service is still in force.
- 16.5. The operator shall ensure that there are no cross-subsidies between such parts of the operator's business as the Commission may determine in consultation with the operator.

17. Anti-Competitive Practices

- 17.1. The operator shall not engage in any anti-competitive practice while operating the licensed system and provisioning of authorized services.
- 17.2. The operator shall not enter into any agreement, arrangement or understanding whether legally enforceable or not, that shall in any way prevent or restrict competition in relation to the operation of licensed system, provision of authorized services by the operator or any other licensed telecommunication system and/or authorized services.

18. Prohibition of Undue Preferences and Undue Discrimination

- 18.1. The operator shall not show undue preference towards, or exercise undue discrimination against, particular persons, class of persons or any entity, in provision of services, performance characteristics of the services provided or terms and conditions under which the services are provided.
- 18.2. In particular, the operator shall not give any undue preference to, or receive an unfair advantage from, a business carried on by it or an associated or affiliated company, if the Commission is of the opinion that the competitors of the operator could be placed at a substantially disadvantage position or the competition would be prevented or significantly restricted.

19. Ownership of the Licensed System

- 19.1. The licensee shall at all times own and operate the Licensed system and shall not without the prior written consent of the Commission, either directly or indirectly, sell, lease, assign or transfer this license in any manner whatsoever to a third party or enter into any agreement for partnership, joint venture or similar arrangement relating to any subject matter of the license with any third party either in whole or in part i.e., no sub-leasing/partnership/third party interest shall be created. For provision of the service by the licensee, the licensee may appoint or employ franchisee, agents, distributors and employees.
- 19.2. The operator shall obtain prior written approval from the Commission to change ownership of any shares on submission of duly filled application and furnishing all relevant information. However, Commission reserves the right of the final decision.

PART-VI: CUSTOMER SERVICE OBLIGATIONS

20. Privacy and Confidentiality

- 20.1. The operator shall not intentionally intercept a message sent by means of that system and discloses to any person the contents of such message:
- 20.2. The operator shall not disclose to any other party, any information provided by its customers or obtained in the course of provision of service and any other information related to the customer, without consent of the customer except under the following circumstance:
 - a) Where disclosure is deemed necessary by the Commission for the violation of the provisions of the act or the relevant security agencies or law enforcement or for prevention/ detection of crime or prosecution of offenders;
 - b) Where sharing of information with other licensed operators is necessary to detect, prevent or investigate into fraud under the directions of the Commission.
- 20.3. The operator shall prepare and submit for approval of the Commission a code of practice for compliance by the employees of the operator or employees of any other entity being outsourced to perform any activity related to licensed system, as approved by the Commission with regard to the ensuring the privacy and confidentiality of information provided by its customers.

21. Metering and Billing Arrangements

- 21.1. The operator shall take all reasonable steps to ensure the accuracy and reliability of metering and billing equipment and the associated process used in the licensed system. The operator shall, keep such records for periods specified by the Commission and make them available for inspection.
- 21.2. The operator shall conduct tests and demonstrate to the Commission, upon the request of the Commission, on metering and billing equipment to assess its accuracy, reliability and conformity to the technical/operational/procedural standards as may be specified by the Commission.
- 21.3. Operator shall permit and facilitate the Commission to inspect its metering and billing system at any time and shall alter, adapt, modify or improve such system in accordance with any reasonable requirement which the Commission may specify in writing from time to time.
- 21.4. The operator shall provide, to each of its customers, a basic level of itemized billing with regard to the services provided at no extra charge to the customers with periodicity or as may be determined by the Commission. the operator shall ensure that each itemized bill shows a sufficient level of details as may be determined by the Commission from time to time.

21.5. The operator shall provide a convenient methodology to its customers to check at any time, the rates applied, and the terms and conditions of the services subscribed by him.

22. Customer Protection

22.1. The operator shall comply with any directions issued by the Commission for the purposes of protecting the interests of its customers or users from time to time.

22.2. The operator shall comply with any code of practice as may be issued by the Commission for the customer complaints handling and resolution of customer disputes. The Commission may from time-to-time issue directions to the operator specifying any modifications or additions that it considers should be made to the code or as to the publication, implementation or further modification of the code. The operator shall participate in good faith in any dispute resolution with regard to its customers established by the Commission for the resolution of such disputes.

22.3. The operator must keep and maintain information with regard to complaints made to the operator by its customers and shall provide such information to the Commission at least once a year with the details of solutions provided.

22.4. The operator shall maintain adequate trained personnel to receive and respond promptly to enquiries/complaints from customers with minimum waiting time. The operator shall take all commercially reasonable action promptly to remedy the situation and avoid the recurrence of the cause of such complaints.

PART-VII: OTHER OBLIGATIONS

23. International Commitments

23.1. The operator shall exercise its rights and powers and perform its duties and obligation under this licence in a manner, which is consistent with the government's obligations under any international convention, agreement, arrangement or treaty to which Sri Lanka is or shall be a party including any regulations and recommendation made there under.

23.2. Commission shall notify the operator from time to time of any such convention, agreement, arrangement or treaty.

24. Safety

24.1. The operator shall take proper and adequate proactive safety measures for the safeguarding of life, property or environment at all time during the network establishment and its operation from all forms of hazards including safeguards from exposure to electromagnetic radiation.

24.2. Whenever such hazards are noticed, operator shall immediately take measures to eliminate and shall notify the Commission of such remedial action.

25. Force Majeure

25.1. In the event of an occurrence of force majeure, the operator shall notify the Commission in writing as soon as possible and shall use its best endeavors to remedy such event of force majeure as quickly as possible. However, this will not reduce the obligations of operator specifically in the case of emergency.

PART- VIII: DEFINITIONS AND INTERPRETATIONS

In these Conditions, in the event of any ambiguity or conflict between any term in the license with the provisions of the Act, or Rules and Regulation made there under then such provisions shall override the interpretation given herein.

Act: Sri Lanka Telecommunications Act No 25 of 1991 as amended by the Act No 27 of 1996

Anti-Competitive practice: means any practice whereby the Operator, in the course of business, pursues a course of conduct which of itself or when taken together with a course of conduct pursued by persons associated with him, has or is intended to have or is likely to have the effect of restricting, distorting or preventing market competition.

Commission: means the Telecommunications Regulatory Commission of Sri Lanka established under the Act.

Connectable System: means a telecommunication system, licensed under Section 17 of the Act, which is authorized to be connected to the system authorized by this licence

Subscriber: means any person who has indicated willingness to an operator to receive services from the Operator on the Operator's terms and conditions or has entered into a contract with the operator for the provision of such services irrespective of the payment terms thereof.

Customer: An eligible operator who obtains number portability services from the Licensee

Data: A representation of information, facts, concepts or instructions in a formalized manner suitable for

communication, interpretation or processing by a Computer/Programmable Machine

Eligible Operator:

A person authorized by a licence under Section 17 to operate a telecommunication system and have a number range allocation by the Commission as per National Numbering Plan

Interconnection:

means the physical and logical connection of two Operators' networks thereby allowing subscribers of one network to communicate with the subscribers of the other network or to access services provided by the other network.

ITU:

The International Telecommunication Union (ITU) is the United Nations specialized agency for information and communication technologies – ICTs.

Licensed Operator:

means any person who, at the relevant time, holds a License granted under Section 17 of the Act.

Number Portability:

Ability of a subscriber to retain the same number, regardless of the subscribed operator.

Number Portability Service:

Provision of number portability related data and establish process and mechanism, to implement Number Portability in Sri Lanka

Network:

means a collection of nodes and links which are connected to together by means of transmission paths and which can include a variety of functional units such as switching centers, repeaters etc.,

National Numbering Plan:

A numbering scheme developed and adopted by the Commission to assign telephone numbers to users or allocate telephone number ranges to operators to be assigned to its subscribers

Telecommunication Apparatus:

means apparatus constructed or adopted for use;

- a) in transmitting or receiving anything falling within the definition of the expression "telecommunication system" which is to be or has been conveyed by means of a telecommunication system; or
- b) in conveying, for the purposes of such a system, anything falling within that definition.

Telecommunication Network:

means a set of nodes and links that provide connections between two or more defined points to

accommodate telecommunication between them using dedicated or switched connections established at the nodes via a combination of the links proper to the connections.

Telecommunication Service:

means a service consisting in the conveyance by means of a telecommunication system of any message, or a service consisting in the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement, of apparatus which is or is to be connected to a telecommunication system

Telecommunication System:

means a system for the conveyance by the agency of electric, magnetic, electro-magnetic, optic, electro-chemical or electromechanical energy, of”

- a) speech, music and other sounds.
- b) visual Images.
- c) information for human comprehension that is intended for presentation in a two-dimensional form, consisting of symbols, phrases or sentences in natural or artificial languages, pictures, diagrams and tables; or
- d) signals serving for the actuation or control of machinery or apparatus

Terminal Apparatus:

means any telecommunication apparatus used in telecommunication by means of licensed system and not comprised in that licensed system or any other licensed system for originating or terminating messages transacted

SCHEDULE 4

REVOCAATION

1. The Minister may at any time revoke this Licence by 30 days' notice in writing given to the Operator at its registered office in any of the following circumstances.
 - a) If the Operator agrees in writing with the Minister that this Licence should be revoked.
 - b) if any amount payable is unpaid and remains unpaid for a period of 14 days after the Commission notifies the Operator that the payment is overdue.
 - c) if the Operator fails to comply with an order of the Commission under the Act and that order is not subject to appeal proceedings and such failure is not rectified within 3 months after the Commission has given notice in writing of such failure to the Operator.
 - d) if the operator fails to comply with any rule or regulation for the time being in force under the Act, for more than 14 days after being informed by Commission of such violation.
 - e) if actions of the Operator are likely to have an adverse impact on the national security.
 - f) if the Operator sells, leases or transfers the ownership of the Company, to whom the Telecommunication system Licence has been issued, partly or fully to any person/entity during the validity period of the Licence without prior approval of the Commission.
 - g) if it is found that the issue of the Licence had been based on inaccurate or incorrect information provided by the Operator.
 - h) If operator has not commenced services during the within a period of three years from the date of validity of the Licence.
 - i) If operator was not able to provide services to Customers after commencement of service continuously for more than 7 days or more than 5 times within a year of service unavailability greater than one day.
 - j) If operator fails to comply with any directive of the Commission for more than three months after notification by Commission of such failure in writing.
 - k) If operator fails to obtain any other Licence required for the operation of Licensed system.

- 1) In case of multiple service authorization Licence category, operator will not be eligible for renewal of a particular service authorization, whichever not commenced at the time of renewal or discontinued for more than 2 months.