

**DOMINICAN TELECOMMUNICATIONS INSTITUTE (INDOTEL)**  
**RESOLUTION NO. 007-02**  
**WHICH APPROVES THE AMENDMENTS MADE TO THE "REGULATION**  
**OF CONCESSIONS, REGISTRATIONS IN SPECIAL RECORDS AND**  
**LICENSES FOR THE PROVIDING OF TELECOMMUNICATIONS**  
**SERVICES IN THE DOMINICAN REPUBLIC"**

The Dominican Telecommunications Institute (INDOTEL), through its Board of Directors, exercising the powers conferred on it by the General Telecommunications Law No. 153-98, promulgated on May 27, 1998, has pronounced the following RESOLUTION:

CONSIDERING: The fact that the General Telecommunications Law No. 153-98 is the basic regulatory framework which is to be applied in the Dominican Republic in order to regulate the installation, maintenance, and operation of networks, providing of services, and supplying of telecommunications equipment;

CONSIDERING: That in order to fulfill the objective of Law No. 153-98 provided in letter e) of Article 3 of same, which is that of *promoting the participation in the marketplace of public telecommunications services by providers with capacity to develop fair, effective, and sustainable competition over time, which translates into a better provision of telecommunications in terms of price, quality of service, and technological innovation*, the general provisions contemplated in the Law for the providing or operating of telecommunications services and the use of the radioelectrical spectrum must be contemplated with a regulation which will establish transparently the requirements and procedures to be followed vis-à-vis said entity by the interested parties or members of the telecommunications sector who wish to obtain the Authorizations necessary for such ends, or request the prior approval of INDOTEL in order to perform legal or commercial operations related to said Authorizations;

CONSIDERING: That pursuant to letters b) and d) of Article 77 of the Law, it corresponds to said entity to guarantee the existence of sustainable, fair, and effective competition in the providing of public telecommunications services, and to watch over the efficient use of the radioelectrical spectrum;

CONSIDERING: That Article 84, letter b) of Law No. 153-98 charges the Board of Directors with pronouncing regulations of general scope and norms of particular scope, within the rules and competencies set by said Law and maintaining the consultative criteria of companies providing the various regulated public services and their users;

CONSIDERING: That pursuant to the above, on June second (2) of the year two

thousand (2000), the Board of Directors of this entity pronounced Resolution 4-00, by means of which it approved the Regulation for Concessions, Registrations in Special Registries and Licenses for the providing of Telecommunications Services in the Dominican Republic, with the fundamental purpose of developing a comprehensive regulation which would compliment the provisions of Law No. 153-98 cited above in reference to the granting of the Authorizations provided for in Law No. 153-98 for providing or operating public or private telecommunications services, using frequencies of the radioelectrical spectrum, and in order to be able to perform legal and commercial operations with said Authorizations, after they are granted by INDOTEL;

CONSIDERING: That said Regulation was also intended to establish the procedure and conditions necessary to complete the process of Adjustment of the Authorizations in effect, issued by the former General Directorate of Telecommunications (DGT) for the providing of telecommunications services and using frequencies of the public radioelectrical domain, ordered/organized by Article 119.1 of Law No. 153- 98;

CONSIDERING: That during the application of the said Regulation this institution became aware that in order to apply efficiently a large number of its provisions, it was necessary to simplify some of them, for which, on October twenty-fifth (25th) of the year two thousand (2000), the Board of Directors issued its Resolution No. 25-00, by means of which the public was granted a term of thirty (30) days to present observations, comments, or suggestions on the contents of said Regulation;

CONSIDERING: That in view of the comments presented to INDOTEL by the entities related to the telecommunications sector, on the occasion of the above indicated process, INDOTEL drafted a proposal of amendments to the Regulation of Concessions, Registrations in Special Registries and Licenses for the providing of Telecommunications Services in the Dominican Republic, which it submitted to the process of public consultation provided for by Article 93 of Law No. 153-98 by means of its Resolution No. 035-01, approved on June eighteenth (18th) of the year two thousand one (2001);

CONSIDERING: That Ordinal Third (3rd) of the said Resolution No. 035- 01 granted a term of forty-five (45) calendar days, counting from the date of publication of the Resolution, so that the interested parties present to

INDOTEL the observations and comments which they might deem convenient on the amendments made to the Regulation, pursuant to Article 93 of the General Telecommunications Law No. 153-98;

CONSIDERING: That in response to the request for extension of the above mentioned

term period, presented to INDOTEL by the Asociación de Plantas de Televisión, Inc. (APTV) (*Association of Television Stations*) and the Asociación Dominicana de Compañías de Cable Vía Satélite, Inc. (ADOCASA ) (*Dominican Association of Satellite Cable Companies*), this Board of Directors approved on August 13th of the year 2001, its Resolution No. 50-01, by means of which it ordered an additional term of thirty (30) calendar days, counting from the publication of the Resolution so that the interested parties present comments on the proposal of Regulation for Concessions, Registrations in Special Registries and Licenses for providing Telecommunications Services in the Dominican Republic which was in process of public consultation;

CONSIDERING: That on the eleventh (11th) of December of the year two thousand one (2001) there was held in the offices of INDOTEL the public hearing so that the interested parties could present to the Board of Directors their observations and comments on the said Regulation, after convocation made by means of notice published in the editions corresponding to the twenty-eighth (28th) of November of the year two thousand one (2001) of the newspapers of "Listín Diario" and "El Nacional."

CONSIDERING: That INDOTEL has evaluated the observations, comments, or suggestions that have been presented to this institution on the occasion of the above indicated term periods and processes, and pursuant to same it has proceeded to incorporate, as a result of same, some amendments to the text of the Regulation for Concessions, Registrations in Special Registries and Licenses, for the providing of Telecommunications Services in the Dominican Republic;

CONSIDERING: That the interest of said amendments is to make more clear, understandable, and precise, the provisions and processes which are the object of the said Regulation to complete same with the processes which were not regulated in the first version approved by means of Resolution No. 004-02, and to simplify the process of Adjustment which must be completed in order to comply with the legal mandate.

SEEN: The General Telecommunications Law No. 153-98, dated May 27, 1998, and its cited provisions;

SEEN: Resolution No. 4-00 dated June 2, 2000, above cited;

SEEN: Resolution No. 25-00 dated October 25, 2000, above cited;

SEEN: Resolution No. 035-01 dated June 18, 2001, above cited;

SEEN: Resolution No. 50-01 dated August 13, 2001, above cited;

SEEN: The observations, comments, or suggestions presented by the interested parties within the term periods granted on the occasion of the process of public consultation begun with the publication of Resolution No. 25-00, issued by the Board of Directors of this entity on October twentyfifth (25th) of the year two thousand (2000), and continued through Resolutions Nos. 035-01, approved on June 18, 2001, and 50-01, approved on August 13, of the year 2001;

SEEN: The internal recommendations and reports of INDOTEL; THE BOARD OF DIRECTORS OF THE DOMINICAN TELECOMMUNICATIONS INSTITUTE (INDOTEL), EXERCISE ITS LEGAL AND REGULATORY POWERS,

RESOLVES:

FIRST: TO APPROVE, in all of its parts, the amendments made by INDOTEL to the Regulation for Concessions, Registrations in Special Registries and Licenses for the providing of Telecommunications Services in the Dominican Republic, whose complete text is transcribed below, constituting the unified version in effect of the Regulation for Concessions, Registrations in Special Registries and Licenses for providing of Telecommunications Services in the Dominican Republic:

"REGULATION FOR CONCESSIONS, REGISTRATION IN SPECIAL  
REGISTRIES AND LICENSES FOR PROVIDING TELECOMMUNICATIONS  
SERVICES IN THE DOMINICAN REPUBLIC"

CHAPTER I. DEFINITIONS

Art. 1. Definitions

In addition to the definitions established in the Law, the expressions and terms employed in the present Regulation shall have the meaning indicated under the present section:

(a) *Adjustment*: Process by means of which there shall adjust themselves to the provisions of the Law, all those Authorizations which have been granted prior to the taking of effect of the present by the Dominican Government, duly represented by the General Directorate of Telecommunications (GDT) pursuant to Law No. 118 on Telecommunications of the year 1966, and after compliance by the owners of said Authorizations of the requirements established in the Law, the regulations and resolutions of INDOTEL, the regulatory body shall sign with the parties or shall issue the new updated enabling titles, as may be in order, in the application of article 119.1

of the Law;

(b) *Authorization*: Decision by INDOTEL which grants to the applicant the right to provide or operate public or private telecommunications services in the Dominican Republic, or to perform certain acts which require the prior approval of INDOTEL, including but not limited to a Concession, registration in Special Registry, License, transfer, concession, lease, granting of the right of use, incorporation of a lien or transfer of control;

(c) *Public Bulletin*: The official report issued periodically by INDOTEL, including but not limited to all decisions and authorizations granted by INDOTEL;

(d) *CDT*: The Contribution to the Development of Telecommunications, pursuant to article 45 of the Law;

(e) *Concession*: The legal act by means of which INDOTEL or the regulatory authority prior to the promulgation of the General Telecommunications Law Number 153-98 grants to a company the right to provide public telecommunications services, whose terms and conditions must be contained in a formal written contract;

(f) *Frequency*: Radioelectrical wave comprised between 9Kha and 3,000 GHz;

(g) *INDOTEL*: The Dominican Telecommunications Institute, telecommunications regulatory body of the Dominican Republic;

(h) *Registration*: The process by means of which a company or person receives a certificate issued by INDOTEL, which grants it the right to operate private services or to provide or operate certain public telecommunications services pursuant to Chapter V of the Regulation, and simultaneously is recorded in the applicable Special Registry;

(i) *Law*: The General Telecommunications Law, number 153-98, dated May 27, 1998;

(j) *License*: The legal act by means of which, in a formal and written form, INDOTEL grants to a person the right to use the radioelectrical spectrum which has been assigned to it and to begin operation of the respective radiocommunication equipment;

(k) *Basic Technical Plans*: The technical requirements and standards relating to same issued by INDOTEL, among which are (but not limited to) the National Numbering Plan, the Routing Plan, the Signage Plan, the Synchronization Plan, the Access Plan, the Rate Plan, the Transmission Plan, the Service Quality Plan, and the technical standards issued by INDOTEL for the installation of sound and televised

radiotransmission services, cable transmission, and other telecommunications services;

(l) *List of General Conditions*: The conditions for the calling for public bidding, prepared and approved by the Board of Directors of INDOTEL, and issued simultaneously with the notice for presentation of bids;

(m) *Special Registries*: The registries kept by INDOTEL, classified according to service, which include a list of the Registrations, pursuant to the Law;

(n) *National Registry*: The registry, established in Chapter IX of the present Regulation, which keeps a list of all of the authorizations granted by INDOTEL;

(o) *Regulation*: The present Regulation of Concessions, Registrations in Special Registries and Licenses for providing of Telecommunications Services in the Dominican Republic;

(p) *Resolution*: Legal act which contains the decisions issued by the Board of Directors or the Executive Director of INDOTEL, which is of obligatory compliance pursuant to the Law;

(q) *R.R.U.*: The Radioelectrical Reserve Unit , which is the pattern set by INDOTEL for calculating the annual right for use of the radioelectrical spectrum, expressed as a function of the monetary unit, the band width occupied by a radioelectrical emission, by its zone of coverage, and by the rest of the variables which may be determined by INDOTEL;

(r) *Justified cause*: Occurrence which could not have been prevented more foreseen by the owner of an Authorization and which has resulted in the noncompliance of obligations assumed contractually or charged to him by the Law or the Regulation. The determination of the existence of a justified cause shall be evaluated by INDOTEL, at the request of the interested party.

(s) *Shared license*: Authorization granted by INDOTEL to two or more users of the radioelectrical spectrum for the shared use of the same frequency, under conditions of non-exclusivity, non-interference, and without need of the holding of a public bidding.

## CHAPTER II. SCOPE AND OBJECTIVES

### Art. 2. Scope

2.1. The present Regulation constitutes the regulatory framework which will be

applied throughout the national territory for the granting of Authorizations to provide or operate public and private telecommunications services, whether or not they require the use of the radioelectrical spectrum.

2.2. The present Regulation must be interpreted pursuant to the Law, regulations, and standards pronounced by INDOTEL and international standards and recommendations, especially those pronounced by the multilateral entities of which the Dominican Republic form a part.

### Art. 3. Objectives

The Regulation has the following objectives:

- (a) To develop a comprehensive regulation which establishes the procedures to be followed for INDOTEL in the issuing of an Authorization, pursuant to the Law;
- (b) To establish the legal, economic, and technical requirements which must be fulfilled, within the framework of the Law, by the applicants interested in supplying, providing, or operating public and private telecommunications, in order to receive an Authorization from INDOTEL;
- (c) To establish the procedure of public bidding for the issuing of Concessions which require the use of the radioelectrical spectrum attributed to public radio communications services and the licenses for use of frequencies which support them; and
- (d) To establish a transparent, non-discriminatory, and efficient procedural framework for the issuing or rejection of an Authorization.

### Art. 4. Authority

4.1. INDOTEL shall be the entity which will watch over the faithful compliance of the present Regulation, as well as that which will stipulate the regulatory, legal, economic, and technical standards applicable to each Authorization, and which will issue the corresponding resolutions in order to guarantee the effective application of the Law and of the present Regulation.

4.2 INDOTEL constitutes the only institution of the State with legal capacity to authorize the installation and operation of public and private telecommunications services within national territory, and said power may not be substituted by any other centralized, autonomous, or decentralized authority of the State. In this regard, the municipal authorities may not limit or restrict the scope, validity, and executory nature

of the Authorizations issued by INDOTEL under shelter of the Law and the present Regulation.

#### Art. 5. Amendments

The present Regulation may be amended or expanded by means of a Resolution issued by the Board of Directors of INDOTEL, pursuant to articles 84 and 93 of the Law.

### CHAPTER III. GENERAL PROVISIONS FOR APPLICATIONS

#### Art. 6. Presentation of an Application

6.1. Any person interested in obtaining an Authorization to provide telecommunications services in the Dominican Republic must present the corresponding application to INDOTEL through its Board of Directors, which will be subject to the processing and procedure established in the present Regulation.

6.2. Every application or document related to same must be delivered in the offices of INDOTEL in one (1) original and two (2) copies. INDOTEL shall stamp the original and the copies of the application with a seal giving proof of the date of presentation of the application, and shall return to the applicant one of the stamped copies, as a sign of acknowledgement of receipt.

6.3. The application and all of its attachments must be drafted in the Spanish language or translated into Spanish by a judicial interpreter of the Dominican Republic.

6.4. All documentation presented to INDOTEL must be signed by the applicant or a representative of the latter. If the signature is of a representative, the application must be accompanied by a copy of the power of attorney, granted before a Notary and legalized by the Office of the Attorney General of the Republic. In the event that the power has been granted before a Notary of another country, said document must be certified by the corresponding Dominican Consulate, and the signature of the latter must be legalized in the Office of the Secretariat of State for Foreign Relations, pursuant to the laws of the Dominican Republic. Every power which has been granted in a language other than the Spanish language must be translated by a judicial interpreter of the Dominican Republic.

#### Art. 7. Silence of INDOTEL.

Excepting where indicated to the contrary in the Law or in the present Regulation, the lack of pronouncement by INDOTEL concerning an application for Authorization shall not imply nor be interpreted as having granted same.



## Art. 8. Rejection of an Application

8.1. INDOTEL may reject an application for Authorization in the following cases:

- (a) When it is evident that the Authorization may endanger actually or potentially national security or could go against the public interest;
- (b) When dealing with public services, according to transparent criteria and pursuant to the objectives established by INDOTEL, it is noticed that the applicant does not have sufficient technical or economic capacity to execute the project or comply with the minimum plan of expansion of services;
- (c) When the applicant or any of its partners has been sanctioned with the revocation of a Concession, Registration in Special Registry or License. In this case, said application may not be approved for five (5) years after the date on which the administrative sanction acquired the authority of an irrevocably judged matter. If the cancellation of the Concession, Registration, or License is due to noncompliance in payment of the obligations charged to the owner by the legal and regulatory provisions, compliance of said obligations shall be a prior requirement for the granting of a new Concession, Registration, or License; (d) When the applicant or majority shareholders of the applicant have been condemned by means of a sentence with authority of a matter definitively and irrevocably judged for crimes of blackmail, fraud, crimes against public faith, crimes against property, misappropriation of public funds, smuggling, or tax fraud. Also, if the applicant has been declared guilty for the commission of the faults consigned in the General Telecommunications Law, independently of their seriousness;
- (e) When the applicant or majority shareholders of the applicant have been the object of the adopting of the precautionary measures foreseen in the General Telecommunications Law;
- (f) When the applicant or majority shareholders of the applicant have appealed to the state of cessation of payment or attempt to arrive at a friendly agreement or have been declared bankrupt;
- (g) When the applicant or any of its shareholders are executives or employees of INDOTEL;
- (h) When the applicant has not complied with contracts celebrated previously with any dependency or entity of the State, demonstrated by means of a definitive judicial or administrative decision; (i) When the segments of the radioelectrical spectrum applied

for have been reserved by the National Plan of Frequency Attribution exclusively for the direct use by the State, or for services other than those proposed by the applicant;

(j) When the applicant does not fulfill any obligation charged to it during the procedure of applying for an Authorization;

(k) Any other cause provided by the Law or regulation issued by INDOTEL;

(l) Any other action of the applicant which, in the judgement of the Board of Directors, goes against the principles and provisions of the Law, and of the regulations, and resolutions of INDOTEL.

8.2. The rejection of an application for Authorization ordered by the Board of Directors or the Executive Director of INDOTEL, as may apply, must be contained in a duly motivated Resolution, pursuant to Article 91.2 of the Law.

#### Art. 9. Costs Related to the Application

In order for INDOTEL to process any application, the applicant must pay the corresponding costs of processing in the time and manner established by INDOTEL.

#### Art. 10. Appeals.

Every Resolution or decision of INDOTEL may be appealed by the applicant or by any party who shows a legitimate interest, pursuant to Article 96 of the Law.

#### Art. 11. Notifications

11.1. All notifications made by INDOTEL shall be made in writing, using any of the following methods:

(a) Electronic mail;

(b) Facsimile, on the condition that the sender may leave proof of receipt;

(c) Correspondence with acknowledgement of receipt;

(d) Those made by accredited executives or officials of INDOTEL by means of acts of notification;

(e) Ministry of a Bialiff; or

(f) Any other physical or electronic medium by means of which INDOTEL may demonstrate the certainty of its receipt.

11.2. For the effects of the present Regulation, every notification made pursuant to letters c), d) and e) must be delivered, in the case of a person, to him personally or to the place of his residence, and for the case of a company, delivered to the person who is its legal representative, or any other accredited official of the notified party, or in its corporate domicile, in both cases, leaving proof of the date, time, and place in which the notification was made, as well as the name of the person who received it. When applicable, a complete copy of the Resolution or document in question should be delivered.

11.3. In the event that the person to be notified refuses to receive or sign the notification, the official of INDOTEL or the acting Bailiff shall draft a document giving proof of such circumstance, and proceed pursuant to the provisions of the Dominican Code of Civil Procedure.

11.4. Every notification to a person or company whose domicile is unknown shall be made pursuant to the provisions of the Dominican Code of Civil Procedure.

11.5. The notifications performed by INDOTEL's inspectors shall give faith of their content, unless proven otherwise.

11.6. The Board of Directors of INDOTEL shall have the power to modify the mechanisms to perform the notifications foreseen in the present Regulation.

#### Art. 12. Record of Corporate Domicile or place of residence

12.1. Every applicant must register in INDOTEL its domicile or place of residence, as appropriate, at the moment in which it deposits its application for Authorization, which obligation shall remain in effect even after same is granted.

12.2. In the case of companies, the said record must include the names and changes which may occur among the members of its Board of Administration or Board of Directors.

12.3. The same obligation shall fall on those persons who on the date that the present Regulation takes effect, have an Authorization in effect which was issued by INDOTEL or by the former General Directorate of Telecommunications.

#### Art. 13. Presentation of Observations or Objections

13.1. Any person who accredits a legitimate and direct interest over an application for Authorization which is being made to INDOTEL shall have the opportunity to present observations or objections related directly to said application, in the cases established in the Law and in the present Regulation, and following the applicable procedures. The observations received shall not be considered binding for the regulatory body.

13.2. Any observation or objection must be deposited in INDOTEL in one (1) original and two (2) copies.

#### Art. 14. Request for Confidentiality

14.1. Every applicant of an Authorization which is not subject to the procedure of public bidding pursuant to Chapter VII of the present Regulation may request in writing that certain information not be the object of public inspection. Said request for confidentiality must:

(a) Identify the document which contains the information, describe the reasons which motivate it, and the term period during which the confidentiality of the information is requested; and

(b) Explain the form and measure in which the revelation of the information could result in a substantial competitive harm for the applicant.

14.2. The Executive Directorate of INDOTEL shall review the application, and shall issue its decision within a term period of fifteen (15) calendar days, counting from the receipt of same, recording, in the event that the application is granted, the term period during which the information shall remain of a confidential nature.

14.3. If the conditions which motivate the application are maintained, and the date of expiration of the term period set by the Executive Director of INDOTEL approaches, the applicant may request an extension of the term period indicated, so long as he presents the request at least ten (10) calendar days prior to expiration of same.

14.4. The Executive Directorate of INDOTEL shall review the request and will act pursuant to what is prescribed by article 14.2 cited above.

14.5. INDOTEL must restrict the revelation of confidential information to its employees, consultants, or sub-contractors of the latter who do not need to be familiar with same for the performance of their work in the institution.

14.6. Subject to the terms of the decision of the Executive Director of INDOTEL, INDOTEL shall not reveal for any reason any confidential information to any person

or entity, excepting insofar as such confidential information:

It becomes of the public domain for reasons not attributable to an illicit act or omission of INDOTEL or due to the expiration of the term period for which confidential nature was granted to the information; or

It becomes available through another source, in good faith, and without any limitation of its use.

#### Art. 15. Change of information

15.1. The owner of an Authorization shall have the continuous obligation of recording with INDOTEL any material change in the information which it has presented, which does not require the prior approval of INDOTEL, but which could affect the Authorization, within the thirty (30) calendar days following the effective date of the change.

15.2. Failure to comply with this obligation shall constitute a very serious fault, and shall be sanctioned pursuant to the Law.

15.3. If the information were to become necessary for the solution of a process or controversy, the Executive Director of INDOTEL may require the shortening of the term period.

15.4. When the change of name of the owner of an Authorization is required, in those cases in which the latter is a company, the applicant shall present to INDOTEL a request, which must be accompanied by the documents demonstrating the change of name, particularly: Copy of the List of Attendance and the Minutes of the General Assembly which approves the modification of the By-Laws and the change of name, duly certified by the Secretary of the entity, with the approval of the President and the seal of the partnership. The copy supplied to INDOTEL must be the original recorded before the corresponding Office of Civil Registry;

Copy of the Authorization issued by the General Directorate of Internal Taxes (DGII) to deposit the documents relative to the change of name in the corresponding courts;

Copy of the inventory of deposit of documents in the corresponding courts; and Certified and registered edition of the newspaper in which the notice of name change of the entity was published, pursuant to what is established by the Dominican Commercial Code.

#### Art. 16. Expansion of Geographical Area for the cases of Authorizations of regional or

local scope

16.1. After approval of the Board of Directors of INDOTEL, the owner of an Authorization may expand to another geographical area the coverage of the service for which it was authorized. The requirements to obtain said Authorization shall vary according to the telecommunications service which is provided.

16.2. In those cases in which the expansion of coverage of an authorized service should require the use of the radioelectrical spectrum for the providing of public radiocommunication services, the Authorization shall be subject to a process of public bidding pursuant to what is established in Chapter VII of the present Regulation with the exceptions therein foreseen.

16.3. The expansion of coverage of a service authorized by means of a Concession, for which the use of the radioelectrical spectrum is not required, shall be subject only to a direct process of approval, excepting for the service of cable transmission, pursuant to the provisions of the regulation applicable to this service. Said process shall be under the charge of the Board of Directors of INDOTEL, pursuant to the provisions of articles 6, 21, and 22 of the present Regulation, for which they shall take into account, in each case, the economic feasibility and technical requirements of the expansion.

16.4. The expansion of coverage of a service authorized by means of a Registration in Special Registry, shall be subject to a direct procedure of approval, of which the Executive Director of INDOTEL shall be in charge, pursuant to the provisions of articles 6, 31, and 32 of the present Regulation. 16.5. Every request for expansion must contain the following information:

(a) Name, address, telephone and facsimile number and e-mail address of the applicant;

(b) Description of the Authorization in effect;

(c) Zone of service or geographical area to which the applicant wishes to expand its services, including one (1) map indicating the geographical area to be covered;

(d) Sworn statement of the applicant that it has complied with all of the requirements under the Concession, original Registration in Special Registry or License, including the minimum plan of expansion, and that it has the economic and financial conditions for the expansion;

(e) Minutes of the General Assembly which names the present board of directors, in the event that the applicant is a business partnership or non-profit association;

(f) Minutes of the General Assembly held by the shareholders or partners of the applicant, as may pertain to a business partnership or non-profit association, authorization the presentation of the request for expansion of geographical area to INDOTEL.;

(g) Requirements indicated in letters b) and c) of article 20.1, c) of article 30.1, or b) of article 40.4 of the present Regulation, as appropriate.

#### Art. 17. Revocation

INDOTEL may proceed to revoke a Concession, Registration in Special Registry, or Licence, pursuant to the causes specified in Article 29 of the Law.

#### Art. 18. Sanctions

INDOTEL may impose the sanctions specified in the Law, on the owners of Authorizations or any other person or entity who does not observe the requirements established in the Law, in the present Regulation, and others which may be applicable.

### CHAPTER IV. CONCESSIONS

#### Art. 19. General Aspects of the Concession.

19.1. Any company interested in providing or operating a public telecommunications service, whether they be carrier, end, or transmission services, must obtain a Concession. The services of national and international long distance transportation are included within the category of carrier services subject to concession.

19.2. Every applicant of a Concession must be incorporated as a company in the Dominican Republic. In the case of the providing of public radio broadcasting services, it shall also be required that one be a Dominican national or naturalized foreigner in order to maintain shareholding control of the management of the company applying for the Concession.

19.3. The Concessions shall be granted by means of Resolution of the Board of Directors of INDOTEL, whether it be:

Directly, at the request of the party, pursuant to what is established in the present Chapter; or

By means of public bidding, if they require the use of the radioelectrical spectrum for

public radiocommunications services, pursuant to what is established in Chapter VII of the present Regulation.

19.4. The obtaining of a Concession does not exempt its owner from the obligation to obtain any other authorizations necessary in order to provide the service and for the effective implementation of the authorized systems.

19.5. One may request simultaneously more than one service in each application for Concession.

19.6. Unless otherwise specified in the Law or in the present Regulation, every public radiocommunications service which is a carrier service, end service, or teleservice or service of sound, televised, or cable broadcasting service, shall be subject to a public bidding, excepting the Concessions and Licenses in effect, regarding the scope and nature of same, without prejudice to what is established in articles 119 of the Law and 80 of the present Regulation, regarding the process of adjustment which they must fulfill.

19.7. If the demand for radioelectrical spectrum exceeds the available capacity, the Board of Directors of INDOTEL may, pursuant to what is established in the National Plan for Assignment of Frequencies (PNAF) and the Regulation for Use of the Radioelectrical Spectrum, modify by means of a Resolution, the types of services which as of its decision, must be submitted to public bidding.

19.8. The concessions for providing public broadcasting services, when they are not subject to public bidding, must have programming of an educational, religious, and informative nature, and may only perform those commercial activities in order to sustain the operational expenses of the station which are duly justified by the applicant entity in the documentation of an economic nature which it presents to INDOTEL to support its application for Concession, and which may be operating expenses, including expenses for financing the purchase of equipment or locale, rental of locale, payment of services of electricity, telephony, and water, electrical generator, and purchase of spare parts; and studio or cabin expenses when same has to be located in a place other than the station, which may include financing expenses for the purchase of equipment or local, rental of locale, payment of services of electricity, telephony, and water, electrical generator, and purchase of replacement parts. When the station and studio are located in other places, maintenance expenses may include one (1) work vehicle.

## Art. 20. Requirements for Applying for a Concession

20.1. Every application for Concession must be presented to INDOTEL through its



Executive Director, pursuant to the provisions of Chapter III of the present Regulation, containing as a minimum the following information:

(A) General Information

- (1) Name, address, telephone and facsimile numbers, and E-mail address of the applicant;
- (2) Number of National Taxpayer's Registration (RNC);
- (3) Name, address, telephone and telefacsimile numbers, and Email address and number of personal identification card or personal identification document of the legal representative who presents the application;
- (4) Sworn Declaration of the President and of the shareholders or majority partners of the applicant entity, by means of which they swear that they are not under judicial consideration or serving a sentence, nor have been condemned by means of a definitive sentence with the authority of irrevocably judged matter, to afflictive or defaming punishments;
- (5) Description of the services to be provided;
- (6) Zone of service or Geographical Area for which the Concession is being applied;
- (7) Term of duration requested.

(B) Legal Information: Incorporation Documents

- (1) Copy of the By-laws;
- (2) Copy of the List and Minutes of the Constituent General Assembly;
- (3) Copy of the list of subscribers and statement of payment of the shares;
- (4) Copy of the Order of the notary statement of the signing and payment of the shares;
- (5) Copy of the receipt for payment of taxes and of the Authorization issued by the General Directorate of Internal Taxes (DGII) to deposit the incorporation documents in the corresponding courts;
- (6) Copy of the inventory of deposit of documents in the corresponding courts;

(7) Copy of the edition of the newspaper where the notice of incorporation of the company was published, duly certified by the editor and recorded in the corresponding Office of Civil Record;

(8) A certification from the General Directorate of Internal Taxes which records that the applicant is up to date in the fulfillment of its tax obligations;

(9) If it was incorporated with contributions in kind, to include a copy of the report from the commissar verifying the contributions and the List and Minutes of the Second Constituent General Assembly;

(10) If the By-Laws have been modified, it will be necessary to present:

Copy of the List and Extraordinary General Assembly (sic) which approves the modification of the by-laws;

Copy of the publication in the newspaper of the modification of the by-laws. (11) Copy of the General Assembly (sic) which names the present Board of Directors; (B.1) In the case of a non-profit association, incorporated pursuant to Law No. 520 of 12920 (including a non-Catholic religious organization):

(1) Copy of the by-laws;

(2) Copy of the List and Minutes of the Constituent General Assembly;

(3) Copy of the Decree of incorporation granted by the Executive Power;

(4) Copy of the General Assembly which names the executives of the present Board of Directors;

(5) Copy of the inventory of deposit of the incorporation documents in the corresponding courts;

(6) Copy of the notice published in a newspaper of national circulation on the incorporation of the institution in question, which shows that it was certified by the Editor;

(7) If the by-laws have been modified, it will be necessary to present the following:

Copy of the Extraordinary General Assembly (sic) which approves the modification;

Copy of the publication in the newspaper of the modification of the by-laws;

Copy of the decree which authorized the modification. (B.2) Additional documentation applicable to all cases foreseen by letter B: - Document which pursuant to the by-laws, accredits the capacity of the empowered representative of the applicant. - Sworn statement of the legal representative of the applicant, certifying that the latter will comply with the environmental requirements of the laws of the Dominican Republic; - When applicable, a no-objection certification from the General Directorate of Civil Aeronautics (DGAC) and from the Secretariat of State for Public Works and Communications (SEOPC). - All copies of the incorporation documents, deposited in INDOTEL, must be certified by the Secretary of the entity, with the approval of the President and with the seal of the company. In the case of incorporation documents or documents of modification of by-laws, the copies which are supplied to INDOTEL must be of the originals recorded by the corresponding Office of Civil Registry.

#### (C) Technical Information

(1) Specification of the minimum quality requirements which are assumed as objective in regard to the providing and exploitation of the service. If there exist technical norms in effect, said specifications must be better than or equal to those established in said norms;

(2) Certificates of standardization (adjustment) of the main equipment to be used or the corresponding application for standardization presented to INDOTEL, according to the provisions of the Law, or copy of the certificate of standardization issued by the competent authorities of a country from the World Zone of the numbering to which the Dominican Republic belongs and from other Regions which maintain American standards;

(3) A list of the services which will be offered under shelter of the Concession applied for, indicating their characteristics and the date of initiation of their operations. Also, the expected level of penetration and the plans for expansion will be indicated. Detailed diagrams must be included, indicating the interconnection of the components, whenever applicable, and of any other design required by INDOTEL.

(4) A description of the topology and architecture of the network, detailing the main characteristics of its different stretches (including the trunk network and the distribution network, when applicable), pointing out the technologies to be employed and the plans for signage and transmission proposed, when applicable;

(5) A detailed technical description of the apparatus and equipment which will be used

for the service and the system. In this description must be included both the equipment of the provider company and the description of the terminal equipment, whenever applicable;

(6) An indication of the infrastructures, towers, and telecommunications networks which it foresees will be used, as well as the coordinates of location GG.MM.SS. The network diagrams must clearly illustrate said infrastructures; and

(7) A description of the proposal to guarantee the security of the data in its flow through the network and the confidentiality of the communications, when applicable.

#### (D) Economic and Financial Information

(1) Models of contracts which will regulate the relationships with the users of the various services to be provided;

(2) The audited financial statements of the last two (2) years of the applicant entity, when applicable;

(3) A business plan, including all information of an economic nature of the project, for the period of effectiveness of the Concession, contribution information referring at least to the first two (2) years. The amount of the corresponding quantities must be expressed in Dominican Pesos. An investment plan, a profitability analysis, and an analysis of solvency and liquidity shall be presented. In the case of nonprofit associations incorporated under Law No. 520 of 1920 and religious organizations, a list must be presented of the commercial activities which will be performed in order to cover the operational expenses of the station, pursuant to what is established in Article 19.8 of the present Regulation;

(4) When applicable, list of the Authorizations previously granted by INDOTEL or by the previous regulatory authority, in favor of the party requesting the Concession;

(5) Specify in the case that a License or a Registration in Special Record is requested together with a Concession.

20.2. INDOTEL may require any additional information which may be necessary for the obtaining of a Concession.

#### Art. 21. Procedure to Obtain a Concession

21.1. Within the thirty (30) calendar days counting from the date of presentation of the application, the Executive Directorate of INDOTEL shall review same and notify the

applicant:

(1) That its application has complied with the requirements indicated in Article 20 of the present Regulation, and shall attach an extract of the application, which will contain as a minimum:

Name of applicant;

Services which it proposes to provide; and

Zone of service.

(2) That the information contained in the application is incomplete or incorrect, indicating the information which is missing, deficient, or incorrect; or

(3) That the application has been rejected, indicating the causes which justify its rejection.

21.2. Once the application is approved, the applicant shall publish the extract of the application drafted by INDOTEL in a newspaper of broad national circulation, within the seven (7) calendar days following INDOTEL's notification.

21.3. If the applicant does not publish the said extract on the date indicated, the application shall be rejected.

21.4. In the event that the application is incomplete or incorrect, the applicant may amend same, including the missing information or correcting the corresponding errors. All amendments or corrections to the original application must be presented in accordance with Article 6 of the present Regulation, within the fifteen (15) calendar days following INDOTEL's notification, subject to penalty of rejection of the application.

21.5. Within the twenty (20) calendar days following the date on which the applicant presents its amendments or corrections, INDOTEL shall notify it:

That its application has been accepted, such that INDOTEL and the applicant must fulfill the requirements indicated in article 21.2 of the present Regulation; or That it does not meet INDOTEL's requirements, and that its application has been rejected.

21.6. Within the thirty (30) calendar days from the date of publication of the extract of the application, any person who accredits a legitimate interest may make observations or objections, in the form established in Article 13 of the present Regulation.

21.7. The applicant may respond to the observations or objections referred to in the preceding article, within the ten (10) calendar days following the date on which the observations presented to INDOTEL were notified to it by the latter.

## Art. 22. Granting of the Concession

22.1. Within the forty-five (45) calendar days following the date of expiration of the term period to respond to the comments of the interested parties, the Board of Directors of INDOTEL shall decide, by means of Resolution signed by its President, on the approval or rejection of the application.

22.2. As of the approval of the application, there will be a term of thirty (30) calendar days counting from the Resolution, for the favored entity to sign with INDOTEL a Concession Contract, which shall be signed by the legal representative of the entity favored and by the Executive Director of INDOTEL, in his capacity as legal representative of the regulatory body.

22.3. Within the twenty (20) calendar days counting from the signing of the Concession Contract, the Board of Directors of INDOTEL shall issue a Resolution which must be signed by its President, formally approving it, as of which date it will take effect.

22.4. Within the five (5) calendar days following the date of issuance of the said Resolution, INDOTEL shall publish an extract of same in a newspaper of broad national circulation, and on the web page which INDOTEL maintains on the Internet. The extract shall contain the following information as a minimum:

- (a) Name of the owner of the Concession;
- (b) Services authorized;
- (c) Zones of service or geographical areas authorized;
- (d) Licenses linked to the providing of the services;
- (e) Duration of the Concession;
- (f) Term period for initiation of the services;
- (g) Summary of the substantive terms and conditions of the Concession.

## Art. 23. Contents of the Concession Contract

The Concession Contract will include, as a minimum, the following:

- (a) Name, address, telephone and telefacsimile numbers, and E-mail address of the owner of the Concession;
- (b) Authorized service(s);
- (c) Zone(s) of service or authorized geographical area(s);
- (d) Duration of the Concession;
- (e) Payment of annual rights or other rights, if applicable;
- (f) Minimum plan of expansion agreed to by the parties, so long as INDOTEL deems it necessary;
- (g) Linked licenses, for the providing of services;
- (h) Rights and obligations of the owner of the Concession, including those stipulated in Article 30 of the Law, the present Regulation, and the regulations which may apply to the service contemplated;
- (i) Obligation to comply with the technical specifications and characteristics of the installations specified in the basic technical plans, regulations, and technical norms approved by INDOTEL;
- (j) Term period for the installation of the equipment and the initiation of service;
- (k) Fulfillment of the requirements of standardization (adjustment); (l) Obligation to maintain separate accounting for each service, in the event that several services are provided under a single Concession;
- (m) Conditions and continuous compliance with the obligations of quality of service, in the event that INDOTEL should deem it so necessary;
- (n) Compliance with the rules and obligations of interconnection;
- (o) Obligation to act as retention agent of the CDT, and its remission to INDOTEL;
- (p) Mechanisms to resolve conflicts between INDOTEL and the Concessionaire;

(q) Causes for rescission and revocation of the Concession, and expiration resulting from the lack of renewal of the Concession; (r) Regime of faults and sanctions pursuant to what is established in the Law and the pertinent regulations.

#### Art. 24. Term period for initiation of the Service.

24.1. The Concession Contract shall establish the initiation of the term period for the providing or operation of the authorized public telecommunications services, counting from the date of the Resolution which approves the Concession Contract.

24.2. Said term period shall not be subject to extension, excepting if the owner shows that its noncompliance is due to a justified cause. Every request for extension must be presented three (3) calendar months prior to the date of expiration of the term set for the initiation of the services, and in accordance with Article 6 of the present Regulation, and must contain the documentation showing the cause which justifies its impossibility.

24.3. Within the thirty (30) calendar days after the date of request for extension, the Board of Directors of INDOTEL shall review the application and notify the applicant, through the Executive Director:

That it has satisfactorily shown the cause which justifies the extension and that therefore the request has been accepted; or

That it has not satisfactorily shown the cause of its noncompliance, and that the request has been rejected

24.4. If the Board of Directors accepts the request, it shall issue a Resolution which must be signed by its President, granting to the applicant a single extension of up to ninety (90) calendar days, counting from the expiration of the date established in the Concession Contract for the initiation of the services.

24.5. In no case may the term period for initiation of the service, including the extension which may be granted to it, be greater than two (2) years.

24.6. Noncompliance in the initiation of the services within the term period established shall constitute a very serious fault, and will be sanctioned pursuant to the Law.

#### Art. 25. General Rights of the Owner of the Concession



Without prejudice of any other rights granted by the Law or any other legal or regulatory provisions, the owner of the Concession shall enjoy mainly the following rights:

- (a) To provide the public telecommunications services authorized in the oncession Contract in exchange for an economic counterpart;
- (b) After Authorization by INDOTEL, to transfer, grant, cede, or lease the right of use under any title, and to constitute liens on the Concessions;
- (c) To use goods of public domain for the hanging of its networks and the installation of its systems, abiding by the pertinent municipal norms, according to the Law;
- (d) To establish the easements necessary for the telecommunications installations and systems for public services, pursuant to the Law.

#### Art. 26. General Obligations of the Owner of the Concession

Without prejudice to any other obligations imposed by the Law or any other legal or regulatory provisions, or other obligations contracted privately by the concessionaires, the owner of the Concession shall be obligated to the following:

- (a) To provide the services authorized in its Concession Contract, continuously, according to the terms, conditions, and term periods established in the Law, the present Regulation, the Concession Contract, and the Resolutions which INDOTEL may pronounce to such effect;
- (b) To comply with the minimum economic, technical, and legal requirements which may have been required by INDOTEL and pursuant to which the Concession has been granted to it, as well as to comply with any other requirements established by INDOTEL;
- (c) To comply with the Basic Technical Plans, regulations, and technical norms esablished by INDOTEL;
- (d) To comply with the minimum plan of expansion of the services foreseen in its Concession Contract, in the term periods established, and the company may justify its noncompliance due to justified cause and request a review of same by the Board of Directors of INDOTEL, which will evlauate the existince of justified cause and shall determine the appropriateness of said request;
- (e) To permit the connection and interconnection to its networks of all the

telecommunications equipment, interfaces, and apparatus duly standardized, according to the procedures established in the Law and its regulation, and permit free access to the services which they provide through them, under non-discriminatory conditions;

(f) To adopt the measures necessary to guarantee the inviolability of secret of telecommunications;

(g) To pay punctually the costs and rights established in Chapter X of the present Regulation, as well as any rates, contributions, or other obligations which the Concession may originate, and to perceive from the users and remit punctually to INDOTEL the CDT in the form foreseen by the Law and its regulation;

(h) To cooperate with INDOTEL in its work of control and defense of the public radioelectrical domain and the defense of the interests of users of public telecommunications services;

(i) To admit as client or user, in a non-discriminatory manner, all persons who wish it and who comply with the technical and economic conditions which may be established in the respective programs of use, without more limitations than those deriving from the capacity of service;

(j) To supply to INDOTEL, in the term period required, the correct information and data which the latter may request, concerning the activity regulated;

(k) To cooperate with INDOTEL in its work of detecting fraudulent activities related to the telecommunications services which are the object of the present Regulation;

(l) To comply with the principles of continuity, generality, equality, neutrality, and transparency stipulated by the Law.

#### Art. 27. Duration of the Concession

27.1. The Concession may be granted for a period of time no less than five (5) nor greater than twenty (20) years, and INDOTEL must evaluate the feasibility of the project.

27.2. The period of duration of the Concession begins to count as of the date of the Resolution which approves the Concession Contract.

#### Art. 28. Renewal of the Concession

28.1. At the request of the interested party, the Concession may be renewed for

periods equal to the original of the Concession.

28.2. The owner of the Concession must present to INDOTEL the corresponding request for renewal, in a term period no greater than one (1) year nor less than six (6) months, before the end of the period of effectiveness of same, pursuant to Article 6 of the present Regulation, attaching the following:

Certification issued by the General Directorate of Internal Taxes (DGII) in which is recorded whether the applicant is up to date in the fulfilling of his tax obligations, and without prejudice to any other document or information which INDOTEL may require,

Certified copy of the Assembly or General Assembly which elected the members of the present Board of Directors of the business partnership or non-profit association.

28.3. INDOTEL shall not accept any request for renewal presented outside of the term period indicated in article 28.2 of the present Regulation. Nevertheless, for those cases in which, at the moment that the present Regulation is issued, the date of expiration of the titles of the applicants is less than the term indicated, the owners of same may immediately present to INDOTEL their corresponding applications, in accordance with the present Regulation and always before the date of expiration of its title.

28.4. Within the six (6) months following the date of receipt of a request for renewal, the Board of Directors of INDOTEL shall issue a Resolution, which must be signed by its President, approving or rejecting the renewal. Once the said time period has ended without a negative pronouncement expressed by INDOTEL, the requested renewal shall be deemed to have been granted.

28.5. Only those causes foreseen for its revocation shall be causes for the non-renewal of the Concession.

28.6. The rejection of the request for renewal of the Concession implies that the request for renewal of a License linked to the service which is the object of the Concession shall also be rejected.

28.7. The renewal of a Concession by INDOTEL does not exempt its owner from the obligation to obtain or renew any other Authorizations necessary to provide or operate telecommunications services and for the effective implementation of the systems authorized.

## CHAPTER V. REGISTRATIONS IN SPECIAL REGISTRIES.

### Art. 29. General Aspects for the Registrations in Special Registries

29.1. The applicant for a registration may be a person or company incorporated in the Dominican Republic or abroad, with legal domicile set in Dominican territory.

29.2. The parties interested in providing or operating any of the services listed below must request of INDOTEL a registration in Special Registry, pursuant to Chapter III of the present Regulation:

(a) Services of added value; including, among others, Internet access services, when the latter is provided on the networks of third parties, electronic mail, video text, voice mail, facsimile services when they are provided over a value added infrastructure and information services;

(b) Ham radio services;

(c) Mobile aeronautical services;

(d) Mobile maritime services;

(e) Resale services;

(f) Private telecommunications services;

(g) Satellite access services, after agreement made with an authorized Concessionaire of the Dominican Republic, which is the owner of the corresponding licenses. The Board of Directors of INDOTEL may modify or expand the types of services subject to registration.

29.3. Every applicant interested in providing or operating a telecommunications service which requires a Registration in Special Registry and which involves the use of the radioelectrical spectrum shall be subject to the requirements indicated in Chapter VI of the present Regulation, excepting if the use of the radioelectrical spectrum not require a License according to the provisions of the General Regulation for Use of the Radioelectrical Spectrum and of the international conventions duly ratified by the Dominican Republic.

29.4. In these cases, if the demand for radioelectrical spectrum exceeds the available capacity, the License must be subject to the procedure of a public bidding stipulated in Chapter VII of the present Regulation, with the exceptions indicated in the Law, article 40.7 of the present Regulation, and those which the General Regulation of Use of the Radioelectrical Spectrum may establish.

29.5. The Registration in a Special Registry does not exempt its owner from the obligation of obtaining any other Authorizations necessary to offer the services and for the effective implementation of the systems authorized.

29.6. Every request for Registration in Special Registry in order to operate ham radio stations in the Dominican Republic must follow what is established by the present Chapter and the provisions of the Regulation for Ham Radio Services.

29.7. The satellite providers who make agreements with the national concessionaires duly authorized to provide such services, in order to facilitate the access to end users, must obtain the Registration in a Special Registry which INDOTEL will keep to such effect.

29.8. The private parties who wish to use satellite services for private ends must access same through the concessionaires duly authorized by INDOTEL.

#### Art. 30. Requirements for requests for Registration in Special Registries

30.1. Every request for Registration in Special Registries must be presented pursuant to the procedures established in Chapter III, and must contain as a minimum the following information:

##### (A) General Information

- (1) Name, address, telephone and telefacsimile numbers, and E-mail address of the applicant;
- (2) Number of the personal identification card or document, or number for the National Taxpayer's Registry, respectively, in the case of a person or company;
- (3) Type of service which one proposes to operate or provide;
- (4) Geographical area in which the applicant proposes to provide or operate the service.

(B) If the applicant is a company, it will need to present the following legal information: incorporation documentation.

- (1) Copy of the by-laws;
- (2) Copy of the List (sic) and Minutes of the Constituent General Assembly;

- (3) Copy of the List of subscription and statement of payment of the shares;
- (4) Copy of the Order of the notary statement of the signing and payment of the shares;
- (5) Copy of the receipt for payment of taxes and of the Authorization issued by the General Directorate of Internal Taxes (DGII) to deposit the incorporation documents in the corresponding courts;
- (6) Copy of the inventory of deposit of documents in the courts;
- (7) Copy of the edition of the newspaper in which was published the notice of incorporation of the company, duly certified by the editor and registered in the corresponding Office of Civil Registry;
- (8) If it was incorporated with contributions in kind, accompany it with a copy of the commissar's report verifying the contributions and the Minutes of the Second Constituent Assembly; (9) Copy of the General Assembly which names the present Board of Directors.

(B.1) If the by-laws have been modified, it will be necessary to present:

- (1) Copy of the List (sic) and Minutes of the Extraordinary General Assembly which approved the modification;
- (2) Copy of the publication in the newspaper of the modification of the by-laws.

(B.2) In the case of a Foreign Company:

- (a) Incorporation documents;
- (b) Documents by means of which the present Board of Directors is designated;
- (c) Document which accredits the Power or Mandate to the company's representative;
- (d) Setting of domicile in the Dominican Republic.

- If the documents are in a language other than Spanish, they must be translated by a judicial interpreter of the Dominican Republic.

- The Dominican Consulate of the country of origin of the company, or in its absence, the competent Consulate, must certify said documents pursuant to the laws of the Dominican Republic, and their signature must also be legalized before the

Secretariat of State of Foreign Relations.

(B.3) In the case of a non-profit association, incorporated pursuant to Law No. 520 of 1920 (including non-Catholic religious organizations):

- (1) Copy of the by-laws;
- (2) Copy of the List and Minutes of the Constituent General Assembly;
- (3) Copy of the decree of incorporation granted by the Executive Power;
- (4) Copy of the List and Minutes of the General Assembly which names the members of the present Board of Directors;
- (5) Copy of the inventory of deposit of the incorporation documents in the corresponding courts;
- (6) If the by-laws have been modified, it will be necessary to present:

Copy of the List and Extraordinary General Assembly which approves the modification;

Copy of the edition of the newspaper where the notice of modification of the by-laws of the association was published, duly certified by the editor and recorded in the corresponding Office of Civil Registry;

Copy of the decree which authorized the modification.

- In all of the cases foreseen by letter (B), it will be necessary to deposit the document which pursuant to the by-laws, accredits the power or mandate of the applicant's representative.

- In all cases foreseen by letter (B), all copies of the incorporation documents deposited in INDOTEL must be certified by the Secretary of the entity, with the approval of the President and the seal of the entity. In the case of documents of incorporation or modification of by-laws, the copies which are provided to INDOTEL must be of the originals registered with the corresponding Office of Civil Registry.

(C) Technical Information

(1) Whenever applicable, certificates of standardization/adjustment of the main equipment to be used or the corresponding request for standardization presented to

INDOTEL, according to the provisions of the Law, or copy of the certificate of standardization issued by the competent authorities of a country from the World Zone of the numbering to which the Dominican Republic belongs, and from other Regions which maintain American standards;

(2) A list of the services which will be offered under the Registration requested, indicating their characteristics and the moment from which they will be offered. It should also point out the level of penetration expected and the plans for expansion;

(3) Whenever applicable, a description of the topology and architecture of the network, detailing the main characteristics of its various stretches (including the trunk network and the distribution network, if applicable), pointing out the technologies to be used and the signage and transmission plans proposed, whenever applicable. It must include detailed diagrams indicating the interconnection of components both in the provider company and in the client locale, whenever applicable;

(4) Whenever applicable, an indication of the infrastructures and telecommunications networks of third parties which it is foreseen will be used. The diagrams of the network must clearly illustrate said infrastructures;

(5) Whenever applicable, a list of the Concessions and Licenses previously granted, or Registrations previously made by INDOTEL or the previous regulatory authority to the applicant of the Registration.

30.2. INDOTEL may require any additional information which may be necessary for the Registration.

30.3. In the event that the request for Registration is for the providing of resale services, the interested party must present, together with the rest of the applicable requirements indicated in the present Article, a copy of the agreement signed with a national concessionaire for the resale of its services.

Art. 31. Procedure to Obtain a Registration in Special Registry.

31.4. Within the thirty (30) calendar days following the date of presentation of the application, the Executive Directorate of INDOTEL shall review it and notify the applicant:

That its application has complied with the requirements indicated in Article 30 of the present Regulation;

That the information contained in the application is incomplete or incorrect,



indicating the missing, deficient, or incorrect information, or

That the request has been rejected, indicating the causes which justify the rejection.

31.4. If the request has been accepted, the notification indicated in article

31.1 above must specify the term period for the initiation of the services, as applicable, and shall contain attached a Certificate of Registration issued pursuant to Article 32 of the present Regulation.

31.4. In the event that the application is incomplete or incorrect, the applicant may amend same, including the missing information or correcting the corresponding errors. All amendments or corrections of the original application must be presented pursuant to Article 6 of the present Regulation, and within the ten (10) calendar days following INDOTEL's notification, under threat of rejection of the request.

31.4. Within the twenty (20) calendar days counting from the date on which the applicant presents its amendments or corrections, INDOTEL shall notify it:

That its application has been accepted, so that INDOTEL and the applicant must fulfill the requirements indicated in article 31.2 of the present Regulation, or

That it does not comply with INDOTEL's requirements, and that its request has been rejected.

Art. 32. Issuance of a Certificate of Registration in the Corresponding Special Registry

32.1. The Certificates of Registration shall be issued by the Executive Director of INDOTEL, observing a numerical and chronological order.

32.2. The Executive Director of INDOTEL must periodically report to the Board of Directors on the issuance of the corresponding Certificates of Registration.

32.3. The Certificates of Registration shall specify the following as a minimum:

- (a) Name, address, telephone and telefacsimile numbers and Email address of the owner;
- (b) Authorized service(s);
- (c) The obligations indicated in Article 35 of the present Regulation, applicable to the authorized service;
- (d) Geographical area authorized for the providing or operation of the service;

(e) Number of the certificate;

(f) Period of effectiveness of the Registration; and (g) Term period for initiation of the service.

32.4. Simultaneously with the registration in Special Registry, a Certificate of Registration shall be issued.

#### Art. 33. Term Period for Initiation of the Service

33.1. The owner of a Registration in Special Registry must initiate the providing or operation of the service with the term period established in the Certificate of Registration, which begins as of the date of issuance of the Certificate of Registration.

33.2. Said termperiod shall not be extended, excepting if the owner shows that due to justified cause it has not been able to comply. The haering of said requests shall be the competence of the Executive Director.

33.3. If the Registration is linked to a License, the service must be initiated on the date established in the last Authorization.

33.4. In the event that the owner of a Registration linked to a License is unable to begin the providing of the services authorized within the term period established in the License, it must request an extension of same from the Board of Directors of INDOTEL, at least thirty (30) days prior to its expiration, indicating the justified cause for its noncompliance. The Board of Directors of INDOTEL shall make a ruling on same within the thirty (30) days following the deposit of the request.

33.5. Failure to initiate the providing or initiation of the services with the term period established shall constitute a very serious fault, and shall be sanctioned according to the Law.

#### Art. 34. Rights of the Owner of a Registration in Special Registry

Without prejudice to any other rights granted by the Law or any other legal or regulatory provisions, the owner of a Registration shall enjoy principally the following rights:

(a) To provide or operate the public or private telecommunications services identified in the Special Registry where the Registration has been made, as well as to perceive from the user compensation for the services rendered;

(b) To modify its proposed technical plans, according to the norms in effect, in order to reflect the changes in technology which would allow it to provide the service in a more efficient and effective manner.

#### Art. 35. Obligations of the Owner of the Registration in a Special Registry

Without prejudice to any other obligations imposed by the Law or any other legal or regulatory provisions, the owner of a Registration shall be obligated to the following:

(a) To operate or provide the services according to the terms, conditions, and term periods established in the Law and the present Regulation; (b) To respect those obligations which are established in Article 26 of the present Regulation.

#### Art. 36. Duration of the Registration in Special Registry

36.1. The registration may be issued up to a period of five (5) years. The period of duration of the Registration shall run as of the date on which the Executive Director of

INDOTEL issues the Certificate of Registration.

36.2. Exceptionally, when the Registration is linked to a prior Concession or a Concession granted simultaneously with the Registration in the Special Registry, the duration of the Registration shall be identical to that of the Concession.

36.3. The application for renewal of the Concession shall imply in full right the request for renewal of the Registration, without prejudice to the compliance of the procedures corresponding in each case.

Art. 37. Renewal of the Registration in a Special Registry

37.1. At the request of the interested party, the Registration shall be renewable for maximum periods equal to the original period of duration of the Registration in question.

37.2. The request for renewal of the Registration must be presented to INDOTEL pursuant to Article 6 of the present Regulation, within the six (6) to twelve (12) calendar month period prior to its expiration, attaching the following in the event that the applicant is a company:

Certification issued by the General Directorate of Internal Taxes (DGII), in which is recorded whether the applicant is up to date in compliance with its tax obligations;

Certified copy of the Assembly or General Assembly which elected the members of the present Board of Directors of the business partnership or non-profit association, without prejudice to any other document or information which INDOTEL may require.

37.3. INDOTEL shall not accept any request for renewal presented outside of the above indicated term period.

37.4. Within the six (6) calendar months following the presentation of the request for renewal of a Registration, the Executive Director of INDOTEL may:

Issue a new Certificate of Registration;

Notify the applicant that the information contained in the request is deficient or incorrect, indicating the information missing, deficient, or incorrect; or

Reject the request, indicating the causes which so motivate it. 37.5. In the event that the information contained in the request is deficient or incorrect, the provisions of article 31.3 of the present Regulation shall be applied.

37.6. The renewal of a Registration does not exempt its owner from the obligation to obtain or renew any other Authorizations necessary in order to offer the services and the effective implementation of the systems authorized.

37.7. In addition to what is established in Article 37.3 of the present Regulation, causes for not renewing the Registration in a Special Registry are those foreseen for its revocation in article 29 of the Law.

37.8. The rejection of a request for renewal of the Registration in Special Registry implies the rejection of the request for renewal of the License linked to the service which is the object of the rejected Registration.

## CHAPTER VI. LICENSES

Art. 38. General Aspects of Licenses

38.1. A License shall be required for the use of the public radioelectrical domain, in

order to offer a radiocommunications service pursuant to the instruments and recommendations issued by the international entities governing the subject, excepting if the use of said radioelectrical spectrum not require a License, pursuant to the General Regulation on Use of the Radioelectrical Spectrum.

38.2. Everyone requesting a License for providing public telecommunications services must be incorporated as a company in the Dominican Republic.

38.3. The obtaining of a License does not exempt its owner from obtaining any other Authorizations necessary to provide the service and for the effective implementation of the systems authorized.

38.4. Every License must be requested together with the Concession or Registration to which it is linked, and both must be processed together before INDOTEL or refer expressly the Concession or Registration to which it is linked, in the case of a Concession or a Registration granted previously.

#### Art. 39. Licenses for Public Radiocommunications Services

For the providing of a public radiocommunications service, one must obtain a License *by means of public bidding*, pursuant to what is established in the Law and Chapter VII of the present Regulation.

Art. 40. Requirements to obtain a License for Private Radiocommunications Services, radioelectrical links, Non-Profit Associations, State Institutions, Religious Institutions recognized by the State, Diplomatic Missions, and cases of emergency justified to INDOTEL.

40.1. Every applicant included in one of the categories established in the present paragraph who wishes to use the radioelectrical spectrum must obtain a License *without need of public bidding*. These are:

- a) Private Radiocommunications Services;
- b) Radioelectrical links of shared licenses;
- c) Non-profit associations;
- d) Institutions of the Dominican State;
- e) Religious Institutions recognized by the Dominican State;
- f) Diplomatic Missions, in the event that there exist bilateral agreements ratified by the Dominican Republic; and
- g) Cases of emergency justified to INDOTEL.

In the case of applications presented by institutions of the State, it shall be sufficient that the application be made by the owner of the applicant state dependency. For its part, the diplomatic missions who request the use of the radioelectrical spectrum must present a letter of no-objection by the Secretariat of State of Foreign Relations.

40.2. In the event that the demand for the radioelectrical spectrum should exceed the capacity available, the request for License presented by one of the applicants established in the present Article shall be subject to the public bidding stipulated in Chapter VII of the present Regulation.

40.3. The applicants indicated in paragraph 40.1 must also obtain a Concession or Registration in a Special Registry, pursuant to the present Regulation.

40.4. The applicants for a License linked to a Concession or a Registration in Special Registry, must indicate in their application that they are also requesting a Concession or Registration, and must provide the following additional information:

(A) General Information

(1) Zone of service or geographical area of coverage of the service requested;

(B) Technical Information

(1) Certificates of standardization of the main equipment to be used or the corresponding application for standardization presented to INDOTEL, according to the provisions of the Law, or a copy of the certificate of standardization issued by the competent authorities of a country of a World Zone of the numbering to which the Dominican Republic belongs and from other Regions which maintain American standards;

(2) Technical description of the apparatus and equipment which will be used for the system;

(3) A list of the fixed or mobile stations of the network, indicating precisely their geographical locations and radioelectrical characteristics, including the general graphic scheme of the network, indicating the different stations, bands of the radioelectrical spectrum, description of the emissions, and plan for re-use of the radioelectrical spectrum, as well as the data for testing of non-interference with other installed systems, by means of tracking or analysis of the spectrum;

(4) Forecast number of users;

(5) Type of emission, levels of transmission to be employed and characteristics of the systems to be installed in order to guarantee the non-occurrence of interference with other systems operated on contiguous frequencies, technical study of the signal, transmitters, power of the equipment to be used, radiation pattern of the antennas, propagation and location of the transmission installations, among others.

40.5. INDOTEL may require any additional information which may be necessary for the obtaining of a License.

40.6. If the applicant for a License under the present Article already possesses the necessary Concession or Registration, it shall be required only to present the information indicated in said article 40.4.

40.7. The owners of a Concession or Registration in Special Registry may request frequencies for radioelectrical links, for the purpose of expanding the services authorized within the geographical areas consigned in their Concession or Registration, so long as they base their application on data which show that their technical capacities are covered by the demand effectively attended, projections of future demand, or improvements of quality of service.

40.8. Said applications for frequencies shall be decided on directly by the Board of Directors of INDOTEL, after technical information and recommendation presented to that effect by the Board of Directors, being subject to the restrictions proper to the availability of frequencies in the range requested, pursuant to the National Plan of Assignment of Frequencies (PNAF). In this regard, INDOTEL shall see that the

assigning of frequencies not contribute to configure a position of dominance in the marketplace or restriction of the development of competition, for which it is empowered to establish whatever restrictions may be appropriate in duly motivated resolutions.

40.9. License shall not be required of the qualified low-power radiocommunications systems which use frequencies in the bands attributed to low power emissions, and Industrial, Scientific, and Medical (ICM) applications which use frequencies contained in the bands assigned for such ends, pursuant to the General Regulation on the Use of the Radioelectrical Spectrum.

40.10. When a change is required of the frequencies assigned for private radiocommunications services, a request must be presented to INDOTEL, accompanied by the documents established in Articles 30 and 40.4 of the present Regulation. In these cases, the Board of Directors of INDOTEL shall evaluate the need for the change, and shall approve it depending on the availability of frequencies assigned for these services.

Art. 41. Procedure for Obtaining a License for Private Radiocommunications Services, radioelectrical links, Non-Profit Associations, State Institutions, Religious Institutions recognized by the State, Diplomatic Missions, and cases of Emergency justified to INDOTEL.

41.1. Within a term period of fifteen (15) calendar days as of the date of presentation of the request for License, INDOTEL shall review the request and will notify the applicant:

That its request meets the requirements indicated in Article 40.4 of the present Regulation;

That the information contained in the application is deficient or incorrect; or

That the application has been rejected.

41.2. In the event that the application is incomplete or incorrect, the applicant may, without additional cost, amend same, including the missing information or correcting the corresponding errors. All amendments or corrections to the original application must be presented pursuant to Article 6 of the present Regulation, and within the ten (10) calendar days following the notification of INDOTEL, under penalty of rejection of the application.

41.3. Within the twenty (20) calendar days, counting from the date on which the applicant presents its amendments or corrections, INDOTEL shall notify it:

That its application meets the requirements for receipt indicated in Article 40.4; or

That it does not comply with INDOTEL's requirements, and that therefore its application has been rejected.

Art. 42. Granting of the License

42.1. Within the twenty (20) calendar days following the notification which indicates that the application meets the requirements indicated in Article 40.4 of the present Regulation, the Board of Directors of INDOTEL shall decide, by means of Resolution which must be signed by its President, on the approval or rejection of the application.

42.2. If the application is approved, the corresponding Certificate of License shall be

issued, which must be signed by the President of the Board of Directors, within the five (5) calendar days following the Resolution.

**Art. 43. Contents of the License**

All Licenses issued by INDOTEL shall include the following clauses and conditions:

- (a) Name, address, telephone and telefacsimile numbers, and E-mail address of the owner of the License;
- (b) Type of use of the radioelectrical spectrum authorized under the License;
- (c) Services for which the use of the radioelectrical spectrum is authorized;
- (d) Specification of the exclusive or shared nature of the License;
- (e) Number, type (fixed or mobile) and geographical location of the station(s);
- (f) Geographical Area or Zone of Service authorized;
- (g) Type of network authorized (public or private);
- (h) Limitations and restrictions which affect the use of the License in those cases in which bands, subbands, or Frequencies in shared regime are assigned;
- (i) Amount to be paid annually for the right to use the radioelectrical spectrum, stipulating that said right does not constitute a right of ownership over the radioelectrical spectrum;
- (j) Number of radioelectrical units of reserve;
- (k) Term period for initiation of the use of the radioelectrical spectrum.

**Art. 44. Assignment of Bands for Use of the State** In no case may Licenses be granted in favor of private parties, on those segments of the radioelectric spectrum which the National Plan for Assignment of Frequencies has reserved exclusively for the direct use of the State.

**Art. 45. Term Period for Initiation of Service** The Concession Contract, Certificate of Registration in Special Registry, and/or the License, as may be the case, shall establish specifically the maximum term period to begin to use the radioelectrical spectrum, without prejudice to the rights and obligations deriving from its assignment. In this regard the provisions for Concession in Articles 24.1, 24.2, 24.3, 24.4, 24.5, and 24.6 of the present Regulation shall be applied.

**Art. 46. General Rights of the Owner of the License** Without prejudice to any other rights granted by the Law or any other legal or regulatory provisions, the owners of Licenses shall enjoy, principally, the following rights: (a) After approval of INDOTEL and subject to the provisions of the law, to transfer, grant, lease, or cede the right of use under any title, and to incorporate liens on the Licenses; (b) Peaceful use of the portion of the radioelectrical spectrum whose use has been assigned to it, installing, operating, and exploiting the radiocommunications or transmission stations individualized in the respective licenses, and protection against harmful interference caused by other users of the radioelectrical spectrum;

**Art. 47. General Obligations of the Owner of the License** Without prejudice to any other obligations imposed by Law or any other legal or regulatory provisions, or other obligations contracted privately by all owners of Licenses, the latter shall principally have the following obligations: (a) To make a rational use of the radioelectrical

spectrum in such as manner as to permit the rest of the users the peaceful enjoyment of same, avoiding harmful interferences; (b) To pay punctually the costs and rights established in Chapter X of the present Regulation, as well as any other taxes, contributions, or other obligations which the License may originate; and (c) To cooperate with INODTEL in its work of controlling and defending the public radioelectrical domaine and defense of the interests of the users of public telecommunications services.

#### Art. 48. Duration of the License.

48.1. The Licenses shall have the same period of duration as the Concession or Registration to which they are linked. 48.2. If the owner of a License requests and obtains additional frequencies in order to expand its services, the duration of the new License shall be for the period of time remaining of the corresponding Concession or Registration.

#### Art. 49. Renewal of the License.

49.1. The process of renewal of a License must be conducted at the same time as the renewal of the Concession or Registration to which it is linked.

49.2. When the renewal of a License is requested, the applicant must specify that it is requesting the renewal of the corresponding Concession or Registration linked to the License.

49.3. The renewal of a License shall be granted only if INDOTEL determines that it will grant the renewal of the Concession or Registration to which it is linked. The Board of Directors of INDOTEL may, for reasons of public interest, change the terms and conditions of the License.

### CHAPTER VII. CONCESSION THROUGH PUBLIC BIDDING

#### Art. 50. General Provisions

50.1. The Concessions and Licenses which are issued in order to provide public telecommunications services which require the use of the radioelectrical spectrum, excepting those exceptions established in the Law and the present Regulation shall be granted through public bidding convened by means of notice published by the Executive Director of INDOTEL at least in one newspaper of broad national circulation and on INDOTEL's web page on the Internet, according to the availability for the assignment of Frequencies and the National Plan for Assignment of Frequencies.

50.2. The obtaining of a Concession or License by means of a proceeding of public bidding, does not exempt its owner from the obligation to obtain the rest of the Authorizations necessary for the effective implementation of the systems authorized and the subsequent providing of the service.

50.3. The portion of the radioelectrical spectrum which is available because the License which upheld its use has been revoked, may not be taken to public bidding, excepting after one (1) month has transpired since the revocation.

50.4. Any procedure deriving from what is indicated above must guarantee the free and equal access of all interested parties in obtaining an Authorization through same.



#### Art. 51. Proposal

Any party interested in participating in a public bidding must present its proposal according to what is established in the List of General, Legal, Technical, and Economic Conditions of Public Bidding, whose provisions must abide by the Law, the present Regulation, and the rest of the applicable Regulations. Pursuant to such, said List must contain the minimum requirements established in the present Regulation in order to access the corresponding Authorizations.

#### Art. 52. Confidentiality.

52.1. All information remitted to INDOTEL in the form of presentations, applications, technical and economic projects, clarifications, supplements, and in general all information contained in the documents, optical media, magnetic or other media, which are required of the bidders pursuant to the present chapter, shall have a confidential nature, and may not be revealed by INDOTEL to third parties, nor duplicated or modified without the express written Authorization of the companies bidding, excepting by judicial ruling otherwise or a decision of an authority legally empowered to do so.

52.2. Access to the above mentioned documentation shall be restricted to INDOTEL, the commission designated for the analysis and qualification of the bidding, and in any case, only for the specific ends of the process of presentation of bids, qualification, and granting of the respective Authorizations. The documentation belonging to the companies which is not favored in the bidding shall be returned to them in its entirety, accompanied by an act, within the term period of five (5) calendar days counting from the term of the bidding.

#### Art. 53. Notice of Public Bidding

53.1. The notice of public bidding for the granting of Concessions and/or Licenses which require the use of the radioelectrical spectrum for the providing or operation of carrier services, or end services, or teleservices, must be published at least in one newspaper of broad national circulation and on INDOTEL's web page on the Internet, at least one hundred twenty (120) days prior to the date established for the presentation of the bids.

53.2. In the case of broadcast services, the notice of public bidding must be published under the same conditions indicated in article

53.1, at least ninety (90) calendar days prior to the date established for the presentation of the proposals.

53.3. The said notice of bidding must contain the following information as a minimum:

- (a) Bands of radioelectrical spectrum, localities or geographical areas, and type(s) of service(s) for which the bidding is being called;
- (b) If the Concession or License is offered for the transmission of sound or television broadcasting, the locality or geographical areas shall be indicated in which the service is intended to be offered, the number of frequencies associated with each class of station, and the maximum power radiated from the stations which are intended to be

operated in said location;

(c) Period, time, and place where one can obtain the List of General, Technical, and Economic Conditions of the bidding. In the event that the public bidding is organized for broadcasting services, the Lists must be available as of the publication of the notice of bidding;

(d) Date, schedule, and place where the bids will be received; and

(e) Period of questions and comments for the interested parties.

54.1. The parties interested in participating in the public biddings who are organized for carrier services or end services or teleservices, they shall have available a term period of fifteen (15) calendar days, counting from the date on which the List of General, Technical, and Economic Conditions can be picked up, in order to formulate questions and comments to INDOTEL on same. For such ends, the parties interested in participating in the biddings for broadcasting services shall have available a term period of five (5) calendar days, counting from the publication of the notice of public bidding.

54.2. INDOTEL shall respond to the questions and comments in writing within the thirty (30) calendar days counting from the expiration of the term period established in article 54.1 above, in the event that it is a bidding for carrier services, end services, or teleservices. When the bidding is organized for broadcasting services, INDOTEL shall respond to the questions or comments of the interested parties within the term period of ten (10) calendar days, counting from the expiration of the term period indicated in the last part of article 54.1. The questions and comments of the interested parties, and INDOTEL's responses, shall be made available to the public.

54.3. Within the same term periods cited above, depending on the type of service which is the object of the bidding, INDOTEL may modify the terms of the said List, and must publish said modifications in a newspaper of broad national circulation and on INDOTEL's web page on the Internet.

54.4. In the event that it is a bidding for carrier services, end services, or teleservices, the interested parties shall have available a term period of forty-five (45) calendar days counting from the expiration of the term period to respond to questions and comments, in order to deposit their proposals in the place indicated by the notice of public bidding. When dealing with broadcasting services, the term period for the deposit of the bids shall be twenty (20) calendar days.

54.5. With the exception of the provisions of the present article, once INDOTEL has responded in writing to the questions and comments formulated by the interested parties, no other communication shall be permitted between INDOTEL and the bidder with relation to the public bidding. Noncompliance with this provision shall result in the instantaneous disqualification of the bidder in question.

Art. 55. List of General, Legal, Technical, and Economic Conditions of the Public Bidding The List of General Conditions must specify the following as a minimum:

(a) Type and quality of service(s);

(b) Zone of service or geographical area which will be authorized;

- (c) Timetable and mechanics of the bidding;
- (d) Instructions for the preparation and presentation of the technical and economic proposals;
- (e) Instructions for the presentation of the documentation of a legal nature of the bidder;
- (f) Minimum financial proposal for each Authorization;
- (g) Date of delivery of the proposals or bids;
- (h) Procedure for qualification;
- (i) System of evaluation of the technical and economic proposals;
- (j) Procedure in case of tie;
- (k) Conditions for the adjudication; and
- (l) Clauses and conditions establishing the main stipulations which will be contained by the Contract for Concession and/or the Certificate of License.

#### Art. 56. Stages of the Public Bidding

The bidding shall have a first phase, which consists of the stage of qualification for the bidding, and a second phase, for the comparison of bids.

(a) In the first phase, the bidders shall deposit the documentation in the place indicated by the notification of bidding, and one shall proceed to the qualification of the bidders.

(b) In the second stage, INDOTEL shall be in charge of evaluating the bids, pursuant to the systems or criteria of evaluation established in the List of Conditions.

#### Art. 57. Qualification of the Bidding

57.1. INDOTEL shall review the documents to make sure that the bidder has satisfied the minimum requirements for the qualification stipulated in the Lists.

57.2. Noncompliance by a bidder with the minimum requirements established in the Law, the present Regulation, and the Lists, shall imply its automatic disqualification.

57.3. When dealing with a bid for carrier services, end services, or teleservices, the Executive Director of INDOTEL shall issue a Resolution within the fifteen (15) calendar days following the expiration of the term period for the deposit of the bid, which will indicate the bidders who have qualified, and the term period in which INDOTEL will announce the winning bidder. When dealing with broadcasting services, the term period shall be ten (10) calendar days.

57.4. An extract of the said Resolution of the Executive Director of INDOTEL shall be published in a newspaper of broad national circulation and on INDOTEL's web page on the Internet.

#### Art. 58. Adjudication

58.1. The adjudication shall be ordered to be consigned in a duly motivated Resolution of the Board of Directors, which must be signed by its President and be published at least in a newspaper of broad national circulation and on INDOTEL's web page, within the five (5) calendar days following its date of issuance.

58.2. Within the term period of thirty (30) calendar days following the issuing of the Resolution of Adjudication, the corresponding Authorization must be signed or issued.

58.3. Within the thirty (30) calendar days following the signing or issuance of the Authorization, the Board of Directors must approve same, by means of a Resolution

which shall be published at least on INDOTEL's web page on the Internet.

#### Art. 59. Payment.

59.1. The winning bidder shall be responsible for paying to INDOTEL the complete sum indicated in its economic proposal.

59.2. Fifty percent (50%) of the bid shall be paid upon the signing of the Authorization, pursuant to article 58.2 of the present Regulation. The payment shall be made by means of certified check or banker's check drawn in favor of INDOTEL, against an account in a commercial bank of the Dominican Republic.

59.3. The remaining fifty percent (50%) shall be paid within the five (5) calendar days following the date on which the Board of Directors of INDOTEL issues the Resolution which approves the signing of issuing of the Authorization. Likewise, the payment must be made via certified check or banker's check drawn in favor of INDOTEL, against an account in a commercial bank of the Dominican Republic.

#### Art. 60. Consequences of Noncompliance of Payment

Noncompliance of payment shall cause the immediate voiding of the adjudication, and give rise to INDOTEL's declaring as winning bidder the bidder who came in in second place in the stage of evaluation of bids.

#### Art. 61. Issuing of Licenses linked to a Concession and/or Registration in Special Registry

61.1. When through a public bidding a Concession is granted and the authorized service requires the use of the radioelectrical spectrum, the owner shall be issued simultaneously a License.

61.2. Said License shall have the same period of duration as the Concession to which it is linked. If the entity has requested additional Frequencies in order to expand its services, the duration of the License shall be for the remaining period of time of the corresponding Concession.

61.3. When for the providing or operating of the services authorized by means of public bidding, a Registration in Special Registry is required, the Executive Director of INDOTEL shall proceed to make said Registration, and shall issue the corresponding Certificate.

### CHAPTER VIII. TRANSFER, CESSION, LEASE, GRANTING OF THE RIGHT OF USE, INCORPORATION OF A LIEN, OR TRANSFER OF CONTROL

#### Art. 62. General Aspects Related to a Transfer, Cession, Lease, Granting of Right of Use, Incorporation of Lien, or Transfer of Control

62.1. Every person or company, as may be the case, must obtain an Authorization from INDOTEL in the following cases:

- (a) For the transfer or cession of a Concession, Registration, or License;
- (b) For the lease or granting of the right of use of a Concession, Registration, or License;
- (c) The incorporation of a lien on a Concession, Registration, or License;
- (d) In the case of a company which owns a Concession, Registration, or License, when pursuing the sale or cession of shares or corporate participation/equity or any other

transaction which implies, directly or indirectly, the loss or possibility of loss, by the seller or grantor, of corporate control, or the possibility of forming the corporate will of the said entity.

62.2. The Authorizations linked to a Concession or License must be authorized by the Board of Directors of INDOTEL. For their part, the transfers linked to a Registration in Special Registry must be authorized by the Executive Director.

62.3. Every proposed acquirer, concessionaire, lessee, owner of a right of use or a lien, must possess the conditions imposed on the owner of the Concession, Registration, or License, and shall be submitted to the same obligations as the latter.

62.4. The performing of any act established in the present Article without the corresponding Authorization of INDOTEL shall constitute a very serious fault, and shall be sanctions pursuant to the Law.

Art. 63. Requirements to obtain an Authorization for a Transfer, Cession, Lease, Grantinf of the Right of Use, Incorporation of a Lien, or Transfer of Control

63.1. Every application for transfer, cession, lease, granting of the right of use, incorporation of a lien, or transfer of control must be presented to INDOTEL pursuant to the procedures established in Article 6 of the present Regulation, and must contain the following information as a minimum:

(1) Name, address, telephone and telefacsimile numbers, and E-mail address of the parties involved and of their representatives;

(2) Detailed description of the transaction, and a model of the contract or contracts which will be used in same;

(3) Incorporation documentation of the proposed acquirer, concessionaire, lessee, owner of a right of use or a lien on a Concession, Registration in Special Registry or License, including, whenever applicable, the List of Shareholders which shows the status of the signing and payment of the shares which make up the entity's Paid and Subscribed Capital in effect.

! In the case of a company incorporated in the Dominican Republic:

(a) By-Laws;

(b) List of Attendance and Minutes of the Constituent General Assembly;

(c) List of subscription and statement of payment of the shares;

(d) Attested copy of the notary statement;

(e) Copy of the receipt of payment of taxes and of the Authorization issued by the General Directorate of Internal Taxes (DGII) to deposit the incorporation documents in the corresponding courts;

(f) Copy of the inventories of the documents deposited in the courts;

(g) Copy of the newspaper in which the notice of the company's incorporation was published. - If it was incorporated with contributions in kind, attach copy of the commissar's report verifying the contributions and List and Minutes of the Second Constituent Assembly. - If the by-laws have been modified, it will be necessary to present:

# Copy of the List and Minutes of the Extraordinary General Assembly which

approves the modification; and

# Copy of the publication in the newspaper on the modification of the by-laws. - If the period for which the Board of Directors of the company was elected has concluded, it is necessary to deposit the copy of the General Assembly which names the present Board of Directors; - All copies of the corporate documents deposited must be certified by the Secretary, with the approval of the President and the company's seal. In the case of incorporation documents or modification of by-laws, the copies which are supplied to INDOTEL must be of the originals registered with the corresponding Office of Civil Registry.

! In the case of a Foreign Company: (a) Incorporation documents; (b) Document by means of which the present Board of Directors is designated; (c) Document which accredits the Power or Mandate to the company's representative; (d) Setting of domicile in the Dominican Republic. - If the documents are in a language other than the Spanish language, they must be translated by a judicial interpreter in the Dominican Republic. - The Dominican Consulate of the country of origin of the company or, in its absence, that which is competent, must certify said documents pursuant to the laws of the Dominican Republic, and their signature must also be legalized by the Secretariat of State of Foreign Relations.

! In the case of a non-profit association, incorporated pursuant to Law No. 520 of 1920 (including a non-Catholic religious organization): (a) By-Laws; (b) Minutes of the Constituent General Assembly; (c) Copy of the decree of incorporation granted by the Executive Power; (d) Minutes of the General Assembly which names the officials of the present Board of Directors; (e) Copy of the inventory of deposit of documents in the corresponding courts. - If the by-laws have been modified, it will be necessary to present:

# Copy of the Extraordinary General Assembly which approves the modification;

# Copy of the publication in the newspaper on the modification of the by-laws; and

# Copy of the decree which authorized the modification.

- All copies of the incorporation documents which are deposited must be certified by the Secretary, with the approval of the President, and with the company's seal. In the case of documents of incorporation or modification of by-laws, the copies which are provided to INDOTEL must be of the originals registered with the corresponding Office of Civil Registry. (4) The audited financial statements of the proposed acquirer, cessionaire, lessee, owner of a right of use or a lien on a Concession, Registration in Special Registry or License, corresponding to the last two (2) years. (5) In the event that the proposes acquirere, cessionaire, lessee, owner of a right of use or of a lien on an Authorization is a non-profit association incorporated pursuant to Law No. 520 of 1920 or a religious organization, it must present a list of the comemrcial activities which will be held to cover the operational expenses of the station, in accordance with what is established in Article 19.8 of the present Regulation; (6) List of the Authorizations which are the object of the operation; (7) Declaration of the proposed acquirer, cessionaire, lessee, or owner of a right of use or alien, that:

# It will comply with all of the conditions and obligations imposed by INDOTEL on the Concession, Registration, or License;

# They are financially qualified to make the proposal and have the net liquid assets for consummating the transaction and operating the installations for three (3) months, without additional income.

# The documents deposited in INDOTEL represent the total agreement of the parties concerning the operation in question;

# The concession, Registration, or License, whichever the case, shall not be transferred, ceded, or leased, nor shall any right of use or lien over it be granted, nor shall control of same be transferred, until the corresponding Authorization has been obtained from INDOTEL to perform the transaction.

(8) Certification from the General Directorate of Internal Taxes (DGII), in which proof is granted that the applicant and the proposed acquirer are up to date in the compliance of their tax obligations; and

(9) Document which accredits the Power or Mandate of the empowered representative of the applicant.

63.2. INDOTEL will have the power to require any other additional information about the operation, in order to facilitate the evaluation of the application.

Art. 64. Procedure to obtain the Authorization of a Transfer, Cession, Lease, Granting of the Right of Use, Incorporation of Lien, or Transfer of Control of a Concession and/or License, or Registration linked to a License.

64.1. Within the thirty (30) calendar days following the date of presentation of the application of Authorization for one of the operations indicated in Article 62 of the present Regulation, which is bound to a License, the Board of Directors of INDOTEL shall review the application and will notify the applicant; (a) That its request has complied with the requirements indicated in Article 63 of the present Regulation, and will attach an extract of the request, which will contain as a minimum the following information:

# Name of the applicant;

# Services or frequencies authorized, as may be applicable;

# Zone of service;

# Description of the operation;

# Parties involved in the operation; and

# List of other Concessions, Licenses, and Registrations of which the applicant may be the beneficiary.

(b) That the information contained in the application is deficient or incorrect, indicating the missing, deficient, or incorrect information, or (c) That the application has been rejected, and the causes which motivated its rejection must be indicated.

64.2. The applicant shall publish the extract of the application drafted by INDOTEL in a newspaper of broad national circulation, within the seven (7) calendar days following the notification by INDOTEL indicated in the above article. Failure to publish the extract of the application within the term period indicated shall constitute a

cause for rejection of the application by INDOTEL.

64.3. In the event that the application is incomplete or incorrect, the applicant may, without additional cost, amend same, including the missing information or correcting the corresponding errors. All amendments or corrections to the original application must be presented pursuant to Article 6 of the present Regulation, and within the fifteen (15) calendar days following the notification of INDOTEL, under penalty of rejection of the application.

64.4. Within the twenty (20) calendar days counting from the date on which the applicant presents its amendments or corrections, INDOTEL shall notify it: (a) That its application has been accepted, so that it may continue the operation; or (b) That it does not comply with the requirements of INDOTEL, and that its application has been rejected.

64.5. Any interested person may make observations or objections within a term of fifteen (15) calendar days counting from the publication of the extract of the application indicated in articles 64.3 and 64.4(a), as may be applicable.

64.6. The applicant may respond to the observations or objections referred to in article 64.5, within a term period of ten (10) calendar days, counting from the date on which the observations presented to INDOTEL were notified to it.

64.7. After reviewing the application and the observations of the interested parties and the applicant, the Board of Directors of INDOTEL shall issue its decision by means of Resolution, approving or rejecting the application with a term period of forty-five (45) calendar days counting from the date of expiration of the term period established in article 64.6 above.

Art. 65. Procedure to obtain an Authorization for a Transfer, Cession, Lease, Granting of the Right of Use, Incorporation of Lien, or Transfer of Control of a Registration which is not bound to a License.

65.1. Within the thirty (30) calendar days counting from the presentation of an application concerning a Registration which is not linked to a License, the Executive Director of INDOTEL may:

- # Grant the Authorization;

- # Notify the applicant that the information contained in the application is deficient or incorrect, indicating the information which is missing, deficient, or incorrect; or

- # Reject the application, indicating the causes which justify said decision.

65.2. In the event that the application is incomplete or incorrect, the applicant may, without additional cost, amend same, including the missing information or correcting the corresponding errors. All amendments or corrections to the original application must be presented pursuant to Article 6 of the present Regulation, and within the fifteen (15) calendar days following the notification by INDOTEL, under penalty of rejection of the application.

65.3. Within the twenty (20) calendar days counting from the date on which the applicant presents its amendments or corrections, the Executive Director of INDOTEL shall notify it:



# That its application has been accepted, so that it may continue the operation; or  
# That it does not comply with INDOTEL's requirements, and that its application has been rejected.

Art. 66. Rejection of an Application for Authorization of Transfer, Cession, Lease, Granting of the Right of Use, Incorporation of a Lien, or Transfer of Control

66.1. INDOTEL must justify its action of rejecting an application for Authorization of a Transfer, Cession, Lease, Granting of the Right of Use, Incorporation of Lien, or Transfer of Control of a Concession, Registration in Special Registry, or License. In that regard, just cause shall be deemed to be, but shall not be limited to, the following::

(a) When the authorized entity which offers public telecommunications services has not complied in quality and term period with the minimum plan for expansion foreseen in its contract of Concession or License;

(b) When the costs and rights established in Chapter X of the present Regulation, as well as any other charges due to noncompliance and taxes foreseen in the Law or any other regulation, and which the owner has pending payment, have not been cancelled;

(c) When the entity has not initiated the service in the time period required pursuant to the present Regulation;

(d) When they have not complied with the general obligations indicated under the Law and the present Regulation.

66.2. Without prejudice to the provisions of article 66.1, INDOTEL shall not approve:

(a) The transfer, cession, lease, or granting of the right of use of a License, when the proposed acquirer, cessionaire, lessee, or owner of a right of use over said License does not possess the corresponding Concession or Registration, as may apply. In this case, the proposed acquirer, cessionaire, lessee, or owner of a right of use must request and obtain said Authorization before INDOTEL approves the operation;

(b) The incorporation of a lien over a License linked to a Concession or Registration, or over a Concession or Registration linked to a License, unless the incorporation for the lien is made over both empowering titles;

(c) The incorporation of a lien over a Concession, Registration, or License when a lien has already been authorized and incorporated over it, which is in effect.

Art. 67. Notification of the Finalization of the Operation Within the ten (10) calendar days following the date of finalization of the operation, the owner of the Concession, Registration, Registration in Special Registry or License, must notify INDOTEL in writing that the authorized operation has been completed.

## CHAPTER IX. ESTABLISHING OF A NATIONAL REGISTRY AND CREATION OF A PUBLIC BULLETIN

Art. 68. Nature and Object of the National Registry

The National Registry shall constitute a data base which will have as its object:

# To ensure that the public has access to information concerning the Authorizations granted by INDOTEL, and

# To ensure the transparency in INDOTEL's task of supervision of telecommunications, pursuant to the Law.

#### Art. 69. Organization of the National Registry

69.1. INDOTEL shall include in the National Registry all Authorizations issued in application of the Law and the present Regulation, within a term period of thirty (30) calendar days, counting from its granting.

69.2. The National Registry shall be organized and administered by the Executive Directorate, with the collaboration of the managements, instances, or dependencies of INDOTEL which are pertinent.

#### Art. 70. Scope of the National Registry

INDOTEL shall maintain a National Registry of all formal actions and decisions issued by INDOTEL, including but not limited to the following:

- (a) Concessions;
- (b) Licenses;
- (c) Registrations in Special Registries;
- (d) Renewals of Concessions, Registrations, and Licenses;
- (e) Expansion of the geographical area or zones of service;
- (f) Transfer, cession, lease, granting of a right of use, incorporation of a lien, and transfer of control of a Concession, Registration, or License;
- (g) Modifications to Authorizations which have been approved by INDOTEL;
- (h) Sanctions applied;
- (i) Renewals or cancellations;
- (j) The arbitration decisions standardized by INDOTEL, and those issued by the Collegiate Bodies pursuant to Article 79 of the Law;
- (k) Interconnections;
- (l) Any other Authorizations, approval, or action which requires Registration in the National Registry, as may be determined by INDOTEL.

#### Art. 71. Contents of the National Registry

The lists which will be maintained in the National Registry shall contain as a minimum, the following information:

- (a) With regard to the person or company authorized: (1) Name or commercial name, address or domicile and nationality; (2) Number of Personal Identification Card or Number of Registration in the National Taxpayer's Registry (RNC), according to whether it is a person or company; (3) Name, address, and nationality of the legal representative, if applicable, and information for purposes of notification of the legal representative.
- (b) With respect to the Concession, Registration in Special Registry, or License: (1) Date of the Resolution or of the provision which contains the Authorization granted by INDOTEL; (2) In the case of a License, frequencies assigned, power, and height of antenna, towers, and other parameters necessary for their complete technical identification; (3) Services authorized; (4) Zone(s) of service or geographical area(s) authorized, indicating the GG.MM.SS. coordinates.

(c) With respect to the renewal of Concession, Registration, and License: (1) The information detailed in paragraphs (a) and (b) above; (2) Period of renewal. (d) With respect to the expansion of the geographical area: (1) The information detailed in paragraphs (a) and (b) above; (2) Zone(s) of service or geographical area(s) authorized.

(e) With regard to the transfer, cession, lease, granting of a right of use, incorporation of a lien, and transfer of control of a Concession, Registration in Special Registry, or License: (1) The information detailed in paragraphs (a) and (b) above; (2) Names of the parties and description of the transaction.

(f) With respect to the modifications to Authorizations which have been approved by INDOTEL: (1) The information detailed in paragraphs (a) and (b) above; (2) New information.

(g) In respect to the sanctions: (1) The information detailed in paragraphs (a) and (b) above; (3) Indication of the sanction applied.

(h) With respect to revocations or cancellations: (1) The information detailed in paragraphs (a) and (b) above; (2) Date and cause of the revocation or cancellation.

(i) With respect to the arbitration decisions standardized by INDOTEL and those issued by the Collegiate Bodies, pursuant to Article 79 of the Law: (1) The information detailed in paragraphs (a) and (b) above; (2) Names of the parties involved and cause of the action.

(j) Any other pertinent information which may be determined by the Executive Director of INDOTEL.

Art. 72. Public Access to the Applications. Any person may, at his own expense, obtain a copy of the lists which will be maintained in the National Registry, or of the documents or information presented in order to opt for a Registration, or for the granting of a Concession or License, excepting that same have been catalogued as confidential by INDOTEL pursuant to the provisions of the present Regulation, or at the request of the party pursuant to Article 95 of the Law. In every case, there shall always be available to the public scrutiny the name, corporate name of the applicant, service to be offered, and area of exploitation.

Art. 73. Creation of a Public Bulletin 73.1. INDOTEL shall create a Public Bulletin, whose publication shall be charged to the Executive Director. Said Bulletin shall be issued periodically, containing all of the Authorizations granted within the period which has transpired since the last publication.

73.2. The Public Bulletin must be available on INDOTEL's web page on the Internet.

Art. 74. Publications of Decisions Issued in the Public Bulletin.

Every Resolution or decision issued by INDOTEL shall be published in the Public Bulletin of the period to which it corresponds.

## CHAPTER X. COSTS AND RIGHTS

Art. 75. Classes of Costs and Rights. Pursuant to Article 102 of the Law and any other general provisions of same, every applicant who receives an Authorization in accordance with the present Regulation shall be subject to the payment of the

following costs and rights, which shall be applied by INDOTEL:

- (a) Costs of Processing, which refer to additional costs directly involved in the administrative processing of the Authorization;
- (b) Rights for the exploitation of public telecommunications services which use physical mediums such as copper cables, fiber optics, and other mediums, as established by INDOTEL.
- (c) Rights for the use of the radioelectrical spectrum pursuant to the General Regulation on Use of the Radioelectric Spectrum to be issued to that effect by INDOTEL, when applicable.

#### Art. 76. Costs of Processing

76.1. The costs shall be applied by service, and shall be collected concomitantly with the presentation of the following applications:

- (a) Application for Concession not subject to public bidding;
- (b) Application for License not subject to public bidding;
- (c) Application for Registration;
- (d) Application for expansion of a Concession in effect;
- (e) Application for expansion of a License in effect;
- (f) Application for expansion of a Registration in effect;
- (g) Application for Authorization for a transfer, cession, lease, granting of the right of use, incorporation of a lien, or transfer of control of a Concession, Registration in Special Registry, or License in effect.

76.2. The costs for processing shall be established by the Board of Directors of INDOTEL, by means of Resolution.

#### Art. 77. Authorization Obtained Through a Call for Public Bidding

77.1. The company which turns out to be the winning bidder of an Authorization by means of a procedure of public bidding shall deliver the amount proposed according to Article 59 of the present Regulation.

77.2. In the event that said Authorization is linked to a License, the owner of the Authorization shall be responsible for the payment of the corresponding additional costs.

#### Art. 78. Payment of Costs and Rights

The costs and rights established in the present Regulation shall be cancelled by means of a certified check or banker's check drawn in favor of INDOTEL, against an account of a commercial bank in the Dominican Republic.

### CHAPTER XI. TEMPORARY PROVISIONS

#### Art. 79. Pending Authorizations

79.1. Everyone who prior to the promulgation of the Law has requested an Authorization from the former General Directorate of Telecommunications (DGT) which is pending decision, must present a new application to INDOTEL, which must comply with what is established in Chapters IV, V, and VI or VIII of the present Regulation, as applicable.

79.2. Every application presented prior to the promulgation of the Law and/or the

present Regulation, for the providing or operation of a service which requires only a Registration in Special Registry, must be considered in the form indicated in Chapter V of the present Regulation.

#### Art. 80. Authorizations in Effect

80.1. Pursuant to Article 119 of the Law and until the corresponding process of adjustment is completed, every person or company who owns an authorization or permit issued by the Central Government of the Dominican Republic, duly represented by the General Directorate of Telecommunications (DGT), prior to the promulgation of the Law, which has empowered it to date to provide or operate public or private telecommunications services, or to use the public radioelectrical domain, shall have the right to continue supplying the same services foreseen in their respective authorizations, excepting by decision of INDOTEL which establishes otherwise. Said process of adjustment has as fundamental objectives the following:

- a) That the said Authorizations or empowering titles adopt the classification provided by the General Telecommunications Law No. 153-98, so that pursuant to such, INDOTEL may issue in favor of its owners the corresponding updated Authorizations, pursuant to the provisions of the legislation in effect;
- b) That there be updated the terms of effectiveness of the said Authorizations and the legal, technical, and economic specifications whenever applicable; and
- c) That the updated Authorizations specify, clearly and precisely, the rights and obligations related to the providing or operation of the services or the use of the frequencies in question, in accordance with the provisions of Law No. 153- 98 and the regulations and resolutions of INDOTEL.

80.2. In order to comply with the above indicated adjustment, the owners of the Authorizations issued prior to the promulgation of the Law must abide by the provisions contained in the Law, the regulations and resolutions of INDOTEL, as well as the National Plan for Assignment of Frequencies (PNAF), within a term period of one (1) year counting from the date of publication of the present Regulation.

80.3. Within the term period of ninety (90) calendar days counting from the date on which the Executive Director of INDOTEL calls for the adjustment by type of service, of the Authorizations of the providers or operators of telecommunications services, every person or company to whom an Authorization for these services has been granted prior to the promulgation of the Law, must present all of the supporting documentation which they possess in support of their application for adjustment, including the following:

- (a) Copy of each authorization or permit for which the owner requires a new Authorization, pursuant to Article 119 of the Law;
- (b) Physical description of the network or installations of the points of emission or transmission;
- (c) Copies of all of the operation agreements signed with other operators of public telecommunications services and of broadcasting services, including those of interconnection, of correspondence, and other similar agreements, in the services

which may be applicable;

(d) Any other information necessary for the adjustment, as may be determined by Resolution.

80.4. Once the documentation described above is received, INDOTEL shall proceed to determine the authenticity of same. After this, INDOTEL shall verify that the services covered in said Authorizations are being operated and/or provided in the conditions established by the empowering titles issued by the former Directorate General of Telecommunications (DGT), pursuant to the previous Law 118 of 1966. For the corresponding verifications, INDOTEL's inspection personnel shall draw up documentary proof of their acts.

80.5. For the case of services of ham radios and citizen bands, the deposit of the documentation indicated in letter a of article 80.3 shall suffice, and in addition a sworn declaration that the service is being operated and two (2) 2 x 2 size photographs. It shall not be necessary to perform the technical verification indicated in article 80.4.

80.6. After the verification work is done, whenever applicable, INDOTEL within the term of adjustment established in the present Regulation, shall proceed to issue its decision on the application for adjustment, whether it be updating the Authorizations issued under shelter of Law 118 of 1966, issuing the corresponding certificate, whether it be of a License or Registration in Special Registry and/or subscribing the concession contracts, whenever applicable, in which are stated the rights and obligations of the parties; or by declaring the express revocation of same.

80.7. If as a consequence of the work of verification carried out by the inspection personnel they should determine situations or actions which violate the Law, INDOTEL may make use of its power to issue sanctions.

80.8. If the application for adjustment is rejected for all or part of the services, the Authorization whose adjustment is requested shall be considered to be revoked totally or partially, as applicable.

80.9. If the Authorization which is adjusted to the provisions of the Law has an indefinite duration, the new term of duration of the Authorization shall be the maximum established in article 27 of the Law. If the Authorization in effect has a definite duration, the duration of the new title shall be equal to the period of time lacking in the original Authorization for the termination of its term. All of the above in accordance with the provisions of article 119 of same.

80.10. For the issuing of the certificates of License and/or Registration and the signing of the Concessions, in each case the deposit of the documents applied in articles 20, 30 and/or 40.4 of the present Regulation shall be required.

80.11. If after the end of the period stipulated in Art. 80.2 of the present Regulation, any owner of an Authorization or permit, subject to adjustment, has not complied with the obligations contemplated by the Law, the present Regulation and the resolutions of INDOTEL applicable for such ends, INDOTEL shall proceed to revoke the corresponding Authorization or permit. If the Authorization in question covers more than one service, the owner shall lose only the Authorization related to the service

which was not adjusted according to the present Regulation and the rest of the INDOTEL's applicable resolutions, pursuant to the provisions of Article 80.8 of the present Regulation.

80.12. The persons or companies in power of an Authorization in effect must join the new system of payment of costs and rights established in Chapter X of the present Regulation, as of its implementation by INDOTEL, including the payment of rights of use of the radioelectrical spectrum and annual rights.

Art. 81. Adjustment of the Concession Contracts for the providing of Telecommunications Carrier Services and Telecommunications End Services.

81.1. With the taking of effect of the amendments of the present Regulation and without need of additional convocation by INDOTEL, continuity will be given to the process of Adjustment of the concessions for the providing of telecommunications carrier services and telecommunications end services, excepting those of radiocommunication. For such ends, there shall be deemed as valid the acts and deposit of documents performed under shelter of Resolutions Nos. 005-99 dated December 17, 1999, and 4-00 dated June 2, 2000, without prejudice of those additional requirements established in the present Regulation.

81.2. The companies which presented incomplete information to INDOTEL shall be governed in future by what is established in the present Regulation. For their part, those concessionaire companies of carrier and end telecommunications services which did not attend the call of Resolution No. 005-99 shall be deemed to be at fault, and it shall correspond to the Board of Directors of INDOTEL to decide on the type of fault and sanction to be applied, pursuant to the Law and the Regulation pronounced by INDOTEL.

81.3. The granting of the new titles of concession, as well as the compliance of the rest of the term periods and steps in the process of Adjustment shall be governed by the provisions of article 80 of the present Regulation.

Art. 82. Authorizations for Development Projects

The Authorizations which are required under shelter of the calls to public bidding performed by INDOTEL for the execution of development projects shall be governed by the Regulation of the Telecommunications Development Fund (FDT) and the Bases of the specific biddings.

## CHAPTER XII. FINAL PROVISIONS

Art. 83. Executability

Pursuant to the provisions of article 99 of the Law, the present Regulation is of general scope and of immediate and obligatory compliance throughout the national territory.

Art. 84. Taking of Effect

The provisions contained in the present Regulation, which constitute the new version of same, shall take effect as of the date of their publication.

Art. 85. Provision of Repeal

85.1. The present Regulation repeals Resolution No. 005-99 of the Board of Directors, dated December 17, 1999, without prejudice to the process of adjustment and the

actions performed to date as established in article 81.1. Also, it repeals any other resolution or decision of the Dominican Telecommunications Institute (INDOTEL) which may be contrary to it.

85.2. The present Regulation repeals and substitutes in all of its parts, as of its publication in a newspaper of national circulation, Resolution No. 4-00 dated June 2, 2000. SECOND: TO ORDER the publication of the complete text of the present Resolution in at least one (1) newspaper of national circulation, in the Official Bulletin, and on INDOTEL's web page on the Internet. THIRD: TO ORDER that the present Resolution is of national scope and obligatory and immediate compliance as of its publication, and that the new Regulation for Concessions, Registrations in Special Registries, and Licenses for the providing of Telecommunications Services in the Dominican Republic be available to the public, as of its publication in the offices of INDOTEL, located on the first floor of the Edificio Osiris, located on Avenida Abraham Lincoln No. 962, in this city, and on INDOTEL's web page on the Internet. The present Resolution has been so approved, adopted, and signed by the Board of Directors of the Dominican Telecommunications Institute (INDOTEL), this twenty-fourth (24th) day of the month of January of the year two thousand two (2002).

Lic. Orlando Jorge Mera

President of the Board of Directors

Secretary of State

Lic. Rafael Calderón Margarita Cordero

Technical Secretary of the Presidency Member of the Board of  
Directors

Member of the Board of Directors

Lic. Sabrina De La Cruz Vargas Luis Eduardo Tonos

Member of the Board of Directors Member of the Board of Directors

Eng. José Delio Ares Guzmán

Executive Director

Secretary of the Board of Directors