

Content

Title :	Regulations Governing Application and Assignment of Radio Frequency for Telecommunications Enterprise
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Legislative :	1.22 Articles promulgated in full by National Communications Commission (NCC) on June 23, 2020. Ref : Tung-Chuan-Zong-Guei Tze No.10940010870
Content :	<p>Chapter 1 General Provisions</p> <p>Article 1 These Regulations have been formulated in accordance with stipulations set forth under Paragraph 3 of Article 53 of the Telecommunications Management Act (hereinafter referred to as the Act).</p> <p>Article 2 The terms of these Regulations are defined as follows: 1. Telecommunications enterprise: a business entity registered under the Act for the provision of telecommunications service; 2. Applicant: a telecommunications enterprise applying for the use of radio frequency under the Regulations; 3. User: a telecommunications enterprise that has granted the assignment of radio frequency according to Article 54, 55 or 59 of the Act</p> <p>Article 3 A telecommunications enterprise shall submit an application for the assignment of radio frequency to the competent authority according to the method of assignment specified in the Regulations. For the establishment of a microwave station or satellite earth station proposed by the aforementioned telecommunications enterprise, the application for the assignment of radio frequency and management of the establishment and use of the station in question are governed by the Administrative Regulations on the Establishment and Operation of Microwave Radio Stations or Administrative Regulations on the Establishment and Operation of Satellite Earth Stations, respectively.</p> <p>Chapter 2 Opening and acceptance of applications</p> <p>Article 4 The following shall be specified when the competent authority announces applications of radio frequency assignment proposed by telecommunications enterprises can be accepted: 1. Period of application; 2. Range, purpose and period of use of radio frequency and other applicable conditions and limitations; 3. Qualifications of the applicant and user; 4. Obligations to be borne by the user; 5. Required fees; 6. Method of radio frequency assignment.</p> <p>Article 5 The applicant may conduct a measurement of reception based on the status of radio frequency open for application. Uncertainties pertaining to the results of the measurement could be clarified by consulting the competent authority prior to the period of application, aforementioned in the preceding article, expires. In the case where the deadline has not been specified, the applicant shall consult with the competent authority for clarification prior to the application being proposed.</p> <p>Article 6 The following documents shall be submitted to the competent authority as a part of the application package within the specified period:</p>

1. Application form;
2. Radio frequency use plan;
3. Photocopy of the remittance receipt for the required fees.

The following shall be specified in the radio frequency use plan mentioned above:

1. Concepts of the current status of telecommunications equipment:

- (1) Type and characteristics of the technology used;
- (2) System architecture, communications pattern and service contents.

2. Concepts of network establishment plan;
3. Concepts of radio frequency use and configuration;
4. Matters to be performed for the use of radio frequency and guarantee of responsibilities;
5. Other matters specified by the competent authority.

The competent authority may request the applicant or user to provide additional documents, if deemed necessary, with view to determining the qualification mentioned in Subparagraph 3, Article 4.

Article 7 No correction of applications proposed by an applicant shall be permitted in any of the following circumstances and such applications shall be rejected by the competent authority:

1. Failure to submit the application within the specified period;
2. Failure to submit the application form or radio frequency use plan; or
3. Failure to remit the required fees or payment in full.

Article 8 No correction of applications proposed by an applicant shall be permitted in any of the following circumstances and such applications shall be rejected by the competent authority:

1. Misrepresentation or false statement provided in the application package regarding Subparagraph 3, Article 4;
2. Application with falsified / altered documents; or
3. Any behavior considered to compromise a fair and just application.

Article 9 Should none of the circumstances specified in the preceding two Articles do not occur, in any of the following circumstances, the competent authority may request the applicant to undertake certain corrections to the application. However, the application may still be rejected by the competent authority if the corrections have not been undertaken or completed within the specified time period:

1. Failure to meet the qualification requirements announced according to Subparagraph 3, Article 4;
2. Missing documents or incomplete statements in documents specified in Paragraphs 1 and 2, Article 6, or apparent writing or calculation error(s) in the contents of the application form and radio frequency use plan;
3. Failure of the type of technology used in the telecommunications equipment to meet the purpose of radio frequency announced by the competent authority according to Subparagraph 2, Article 4, or concern of compromising interoperability between telecommunications services.

In case that the applicant fails to submit the required additional documents specified in Paragraph 3, Article 6 within the specified period, the application shall be rejected by the competent authority.

Article 10 The competent authority shall withdraw or revoke the qualification of an applicant should any of the following occurs to the applicant; and the assignment

that has been approved shall be withdrawn or revoked:  
1. Any of the circumstances specified in any of the Subparagraphs of Article 8, Subparagraph 1 of Paragraph 1 or Paragraph 2 of the previous article;  
2. The circumstance specified in Subparagraph 3, Article 7;  
3. Any other matters announced by the competent authority.

#### Chapter 3 Method of assignment

Article 11 The following shall be included in the announcement by the competent authority for the assignment of radio frequency according to Subparagraph 6, Article 4:  
1. Method, procedure and conditions of assignment;  
2. Application procedure and matters to be announced or made public or known to the applicant(s);  
3. The circumstances in which the applicant loses its qualification of application.

Article 12 Upon the acceptance of application, the competent authority may assemble a review committee to examine the application package submitted by the applicant and the qualification and conditions of the applicant.  
The rules regarding the operations of the aforementioned review committee shall be announced by the competent authority.

Article 13 In case that an open bid is considered as a method of application for assignment, the list of bidders shall be announced by the competent authority at the end of review mentioned in Paragraph 1 of the preceding article.

Article 14 The competent authority shall announce or inform the applicant(s) seven (7) days prior to the beginning day of individual schedules. However, this does not apply to the notifications or announcements made for the review mentioned in Article 12.

Article 15 The applicant whose radio frequency assignment has been approved shall be granted qualification for radio frequency assignment once the required fees have been paid in full by the method outlined and within the time period as specified by the competent authority, and may submit a request to the competent authority for the letter of approval for the use of assigned frequency and frequency use certificate according to the Administrative Regulations on Radio Frequency.

#### Chapter 4 Required fees

Article 16 The applicant shall remit payment for the review upon the proposal of application according to Article 6.  
The applicant may request the return of the aforementioned review fee in full without interests in any of the following circumstances:  
1. An application deadline has been specified in the announcement according to Article 4 and the applicant withdraws the application within the specified period;  
2. Any of the circumstances mentioned in Article 7.  
For the review fee mentioned in Paragraph 1 and the associated interest, the applicant shall not request for its full return, except in the circumstances mentioned above; the payment, if returned, shall be disgorged.

Article 17 In the case that an open bid is considered as a method of application for assignment, the competent authority may specify a certain amount of bid bond in the announcement made according to Subparagraph 5, Article 4.  
In any of the following circumstances the applicant shall not request the full return of bid bond mentioned in the preceding paragraph; the payment, if returned, shall be disgorged:

	<ol style="list-style-type: none"> <li>1. Any of the circumstances mentioned in Article 8;</li> <li>2. The winning price not paid in the way specified by the competent authority; or</li> <li>3. Withdrawal or revocation of qualification of application in the bidding by the competent authority.</li> </ol> <p>In any of the following circumstances the applicant to whom none of the above occurs may request the return of the bid bond mentioned in paragraph 1 without interest:</p> <ol style="list-style-type: none"> <li>1. The application is withdrawn prior to the competent authority announcing the list of bidders;</li> <li>2. The competent authority rejects the application;</li> <li>3. It is confirmed that the applicant has not won the bid at the end of bidding; or</li> <li>4. The winning price is paid in the way specified by the competent authority.</li> </ol>
Article 18	<p>The applicant or user who shall remit the winning bid, shall forward the payment as specified by the competent authority.</p> <p>In the case that any of the circumstances mentioned in Article 10 occurs to the applicant or user prior to the frequency use certificate being granted, an application may be proposed to return the paid winning bid without interest.</p> <p>In the case that the user violates any relevant law or regulation and the assigned radio frequency is withdrawn or revoked in full or in part by the competent authority, the winning price paid and associated interests shall not be returned, other than the circumstance mentioned in the preceding paragraph.</p>
Article 19	<p>The competent authority may specify the obligations to be borne by the user and the performance bond to be provided in the announcement made according to Article 4.</p> <p>The user may request the competent authority for review and return of performance bond once the matters specified by the competent authority have been completed.</p> <p>Failure to complete the matters to be performed in the preceding paragraph or delay in their completion, may result in delay or default penalties, or the equivalent amount being deducted from the performance bond.</p>
Article 20	<p>The user shall pay the frequency use fees according to the Charge Standards for the Usage Fees of Radio Frequency.</p>
Chapter 5 Supplementary Provisions	
Article 21	<p>Of the mandated entries the rules specify, unless otherwise stipulated by the rules, the competent authority shall specify and announce the information.</p>
Article 22	<p>The Regulations shall be implemented from the date of promulgation of the Act.</p>