



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

COMMUNICATIONS AND MULTIMEDIA ACT 1998

**COMMISSION DETERMINATION ON THE MANDATORY STANDARD
FOR THE PROVISION OF SERVICES THROUGH A MOBILE VIRTUAL NETWORK**

DETERMINATION No. 3 of 2015

Pursuant to the Ministerial Direction on the Mandatory Standard for the Provision of Services through a Mobile Virtual Network, Direction No. 3 of 2015, and in exercise of the powers conferred by sections 55 and 104 of the Communications and Multimedia Act 1998 [Act 588] (“Act”), the Commission hereby determines as follows:

Citation and commencement

- 1 This Determination may be cited as the **Commission Determination on the Mandatory Standard for the Provision of Services through a Mobile Virtual Network, Determination No. 3 of 2015**.
- 2 This Determination shall come into operation on 15 January 2016.

Interpretation

- 3 For the purpose of this Determination, unless the context otherwise requires,

- i. any term used in this Determination shall have the same meaning as in the Act or regulations made under it;
- ii. words in the singular include plural and vice versa; and
- iii. the following terms used in this Determination shall have the stated meaning:

“Contract” means the commercial agreement on the provisioning of Mobile Virtual Network service between the Host Operator and the Mobile Virtual Network service provider;

“HLR” means Home Location Register;

“Host Operator” means a licensee who fulfills any of the following criteria:

- i. provides radio access network to another service provider;
- ii. provides infrastructure to enable another service provider to act as a Mobile Virtual Network service provider; or
- iii. provides wholesale service(s) to another service provider;

“MNP” means Mobile Number Portability as referred to in the Numbering and Electronic Addressing Plan, Amendment Notice No.2 of 2008 as may be amended from time to time;

“MVN” means Mobile Virtual Network where a licensee is capable of providing public cellular services to end users by accessing radio networks of one or more spectrum holders;

“MVN service provider” means Mobile Virtual Network service provider who fulfills any of the following criteria:

- i. requires radio access from another service provider;

- ii. requires infrastructure from another service provider to enable services to be provided to the subscriber; or
- iii. subscribes to the wholesale service(s) provided by another service provider;

“Proof of Identity” means a document(s) issued by the Malaysian Government or a foreign government to verify a subscriber’s identity;

“Refund” means any sum (not limited to monetary form) reimbursed without any additional cost to the subscribers; and

“Relevant Key Management Personnel” refers to all Directors (executive and non-executive), Chairman of the Board, Chief Executive Officer (CEO), Chief Operating Officer (COO) or key Managers in charge of operations.

Licensees subject to this Mandatory Standard

- 4 All Host Operators and MVN service providers who are in possession of a Network Facilities Provider Individual Licence, a Network Service Provider Individual Licence and/or an Applications Service Provider Class Licence (where applicable) shall be subject to this Mandatory Standard.

Standard obligations of the Host Operator and MVN service provider

- 5 The following are the standard obligations to be fulfilled:

5.1 Within three (3) months from 15 January 2016, or upon commencement of service, the MVN service provider shall:

- i. inform all of its subscribers of its obligation to comply with the relevant requirements of this Mandatory Standard, including, but not limited to, the subscribers’ rights to a refund and the requirement to handover the

subscribers (including their relevant information) to the Host Operator in the event of MVN service termination; and

- ii. obtain consent from the subscribers in relation to the handover of information.

Stage 1: Commencement of Service

5.2 The MVN service provider shall submit a notice, to be known as the “Stage 1 Notice”, to the Commission:

- i. no later than 15 April 2016; or
- ii. at least three (3) months prior to the commencement of service,

whichever is applicable.

An updated/revised Stage 1 Notice shall be submitted to the Commission in the following circumstances:

- a. at least three (3) months prior to the change of the Host Operator; or
- b. within seven (7) working days of any material changes to the information submitted in the Stage 1 Notice.

5.3 The Stage 1 Notice shall include, but is not limited to, the following information:

No	Information	Details of Information
1.	MVN service details	<ol style="list-style-type: none">i. Type(s) of business segment;ii. Name of the Host Operator; andiii. Type(s) of services acquired from the Host

No	Information	Details of Information
		Operator.
2.	Information on the Contract	i. Duration of Contract; and ii. Expiry of Contract.
3.	Terms of Contract	i. Amount of Performance Bond paid to Host Operator (if any); ii. Contract renewal terms and terms relating to the termination of Contract; iii. Targeted monthly subscribers; iv. Database origin (for ownership of subscriber database); and v. Number of agents and/or dealers.

Table 1: Stage 1 Notice – Information Required

5.4 The Stage 1 Notice shall be in the form of a formal letter addressed to the Chairman of the Commission.

Stage 2 : MVN Service Termination

5.5 In the event of MVN service termination which will result in the termination of services provided to the subscribers, the MVN service provider shall:

- i. provide a Notice of Service Termination (“Stage 2 Notice”);
- ii. provide and facilitate service continuity options to its subscribers which shall include:
 - a. porting to another service provider; and
 - b. terminating their existing service.

- iii. handover the remaining subscribers (including their relevant information) to the Host Operator, if the subscribers do not choose option (a) or (b) within two (2) months from the date of issuance of the Stage 2 Notice;
- iv. develop standard procedures for refund which shall include, but is not limited to the following minimum requirements for refund:
 - a. Proof of Identity;
 - b. terms and conditions for refund (e.g.: circumstances where a refund is payable, applicable balance or deposit paid by the subscribers); and
 - c. timeline for processing the request for refund.

5.6 The MVN service termination circumstances may include, but is not limited to, the following:

- i. expiry of the Contract between the Host Operator and the MVN service provider;
- ii. termination of the Contract between the Host Operator and the MVN service provider due to inability of either party to fulfill conditions of the Contract;
- iii. inability of the MVN service provider to sustain its business.

5.7 The Stage 2 Notice shall include, but is not limited to, the following information:

No	Information	Details of Information
1.	Date of MVN service termination	Effective date of MVN service termination.
2.	Refund period	The refund period shall commence on the date of issuance of the Stage 2 Notice and shall be completed within three (3) months from the date of issuance of the Stage 2 Notice.
3.	Standard procedures for refund	The standard procedures for refund shall

No	Information	Details of Information
		<p>include, but is not limited to the following minimum requirements for refund:</p> <ul style="list-style-type: none"> i. Proof of Identity; ii. terms and conditions for refund (e.g.: circumstances where a refund is payable, applicable balance or deposit paid by the subscribers); and iii. timeline for processing the request for refund. <p>All information in the standard procedures shall be made available in clear and simple language for subscribers' ease of access and understanding.</p>
4.	Service continuity options	<p>The options to be provided by the MVN service provider to the subscribers in the event of MVN service termination shall include:</p> <ul style="list-style-type: none"> i. porting to another service provider; and ii. terminating their existing services. <p>Remaining subscribers who do not choose option (i) or (ii) within two (2) months from the date of issuance of the Stage 2 Notice will be handed over to the Host Operator.</p>
5.	Contact information	Information of the MVN service provider which includes:

No	Information	Details of Information
		<ul style="list-style-type: none"> i. office address; ii. customer service hotline number and email address; iii. operating hours for customer support; and iv. any other relevant information as may be required by the Commission from time to time.
6.	MNP process	Information relating to the porting of subscribers' numbers.

Table 2: Stage 2 Notice – Information Required

5.8 The MVN service provider shall provide the Stage 2 Notice at least three (3) months before the MVN service termination date, which shall be in, but not limited to, the following forms:

- i. formal letter to the Chairman of the Commission with a copy forwarded to the Host Operator;
- ii. announcement in at least one (1) Bahasa Malaysia national daily newspaper and one (1) English national daily newspaper for at least three (3) consecutive days; and
- iii. announcement to all subscribers via electronic means (including, but not limited to emails, social networks and/or official website), and non-charging SMS to the subscribers.

Stage 3 : Refund to Subscribers

5.9 The MVN service provider shall :

- i. refund the subscribers who have chosen to terminate their services;
- ii. ensure that the request for refund by each subscriber is dealt with in accordance with the standard procedures for refund; and
- iii. ensure that the refund process is completed within three (3) months from the date of issuance of the Stage 2 Notice.

5.10 The MVN service provider shall provide weekly reports to the Commission during the refund period, the first of which shall be submitted within seven (7) days from the date of issuance of the Stage 2 Notice.

5.11 The weekly reports shall include, but are not limited to, the following:

- i. total number of subscribers;
- ii. total number of subscribers who have ported;
- iii. total number of subscribers who have terminated their service;
- iv. total number of remaining subscribers;
- v. details on the remaining prepaid value; and
- vi. progress of refund.

5.12 The weekly reports shall be accompanied by a declaration signed by a Relevant Key Management Personnel of the MVN service provider duly authorized by the board of directors certifying the authenticity and validity of the reports.

Stage 4 : Continuity of Service

- 5.13 The MVN service provider shall handover its remaining subscribers, including their database and the HLR, where applicable, to its Host Operator within three (3) months from the date of issuance of the Stage 2 Notice.
- 5.14 The Host Operator shall accept the remaining subscribers, database and HLR and shall ensure the continuity of service to these subscribers. The Host Operator shall provide sufficient information regarding its services and packages, subscribers' minimum credit obligation to remain active, terms and conditions as well as other relevant information to the remaining subscribers.
- 5.15 Upon receipt of the Stage 2 Notice from the MVN service provider, the Host Operator shall publish its own standard procedures to migrate the subscribers, in its official website. The standard procedures shall be in clear and simple language for ease of access and understanding, and shall include, but is not limited to information on the timelines and procedures in migrating the remaining subscribers.
- 5.16 The Host Operator and the MVN service provider shall ensure that the subscribers' personal data are always protected during the migration period and shall comply with the requirements of all the relevant laws of Malaysia.

Additional Information

- 6 The Commission may, from time to time, request additional information, if necessary.

Audit and Verification

- 7 The Commission may, from time to time, conduct audits to verify compliance with this Mandatory Standard.

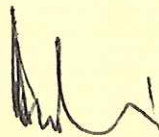
Applicable Guidelines

- 8 The Commission may at any time issue guidelines in respect of any provisions in this Determination.

Variation

- 9 The Commission may at any time modify, vary or revoke this Mandatory Standard.

Made 12 October 2015



DATO' SRI DR HALIM SHAFIE

Chairman

Malaysian Communications and Multimedia Commission