

TARIFF FOR CELLULAR MOBILE TELECOMMUNICATION SERVICE REGULATIONS, 2024

In exercise of the powers conferred under clause (o) of sub-section (2) of section 5 read with section 26 of the Pakistan Telecommunication (Re-organization) Act, 1996, the Pakistan Telecommunication Authority hereby makes the following regulations, namely:

PART-I PRELIMINARY

1. Short Title, and Commencement. _ (1) These Regulations shall be called the “**Tariff for Cellular Mobile Telecommunication Services Regulations, 2024**”.

(2) These Regulations shall come into force from the date of gazette notification.

2. Scope and Applicability. -These regulations shall apply to all Cellular Mobile Licensees with respect to setting level of retail tariffs being charged against licensed services to consumers. All Cellular Mobile Licensees are required to ensure adherence to following principles while setting level of tariff of cellular mobile telecommunication services:

- a) *Pricing flexibility while safeguarding and protecting the interests of consumers;*
- b) *Tariffs shall be set at a level which provides a reasonable rate of return on investments considering the cost of operations; and*
- c) *No cross-subsidization of other telecommunication services.*

3. Definitions. _ (1) In these Regulations, except where context requires otherwise: -

- (a) “**Act**” means the Pakistan Telecommunication (Re-organization) Act, 1996;
- (b) “**Authority**” means the Pakistan Telecommunication Authority established under section 3 of the Pakistan Telecommunication (Re-organization) Act, 1996;
- (c) “**Categories of Mobile Communication Services**” for the purpose of these Regulations, means services as specified in Schedule -A to these Regulations;
- (d) “**Consent**” means all permits, approvals and authorizations that are necessary to allow the service provider for provision of services for the benefit of consumer, all to the extent necessary for provider to perform the services;
- (e) “**Consumer**” shall have the same meaning as defined in the **Telecom Consume Protection Regulations, 2009**;
- (f) “**Licensee**” means a license holder authorized by the Authority to establish, operate and maintain the telecommunication systems and provide telecommunication service(s);
- (g) “**Non-SMP Operator/licensee**” means a licensee who is not determined as an SMP by the Authority;
- (h) “**Operator/Licensee Assistance Services**” means such services which are

- essential for provision of licensed services as mentioned in Schedule A;
- (i) under categories notified in Schedule -A to these Regulations,
 - (j) **“Reasonable Rate of Return”** is calculated by estimating the Weighted Average Cost of Capital (WACC).
 - (k) **“Regulations”** means regulations issued by the Authority under provisions of the Act, including these Regulations;
 - (l) **“Rules”** means rules made by the Federal Government under the Act;
 - (m) **“SMP Operator/Licensee”** means the licensee which has been determined by the Authority as Significant Market Power in the relevant cellular Mobile market; and
 - (n) **“Tariff”** means the levy, consideration, price, rates, charges against provision of Telecommunication services as provided in schedule A to these Regulations;
- (2) Words and expressions used herein but not defined shall have the same meaning as are assigned to them in the Act, Rules and Regulations issued thereunder.

PART II

Procedure for approval of tariff of SMP and Non- SMP Licensees

4. Tariff of Non-SMP Operator/Licensee: _ Subject to prior notification duly served to the Authority and the consumers at least seven (07) days prior to applicability of any change in Tariff. Non-SMP Licensees are free to set and revise their Tariff for Telecommunication Services:

Provided that the Authority may modify, amend the tariff of non-SMP Operators/Licensee on own initiative directly or indirectly or upon receipt of a complaint, adversely affecting the interests of Consumers.

5. Tariff of SMP Licensees: _ SMP Licensees shall submit their written proposals complete in all respects including criteria for establishment of tariff for setting or revising Tariff for Telecommunication Services to the Authority for approval at least fifteen (15) days before intended launch of the proposed Tariff.

6. Tariff for Assistance and Directory Inquiry Services: _ (1) No Licensee(s) shall impose or levy any charges / Tariff against Operator Assistance Services or Directory Inquiry Services.

(2) For the purpose of the levy any Tariff against Assistance Services or Directory Inquiry Services, the Licensees shall be required to submit a request in writing at least fifteen (15) days, *before levying / imposing such Tariff*, to the Authority for approval.

(3) The Licensee(s) shall establish a dedicated help-line service wherein Consumer by accessing such dedicated help line may access the assistance through Interactive Voice Response (IVR) free of cost.

PART-III

Procedure for Submission of Tariff Proposals of SMP Licensees etc.

7. Manner for submission of Tariff Proposals: _ (1) The Licensee(s) shall be required to submit an application in writing for introducing of new or modification in Tariff duly addressed to the office of Director General (Commercial Affairs) at PTA HQs either through letter, fax or email.

(2) The proposal must be comprehensive and unambiguous, explicitly specifying any all features e.g., i) discount, ii) validity period or iii) special conditions etc, duly supported with facts and figures as per prescribed format (*if any*) including but not limited to the following information:

- a) the bases on which the proposed Tariff has been set and evidence to support the setting of the Tariff on the bases claimed;
- b) cost data and calculations which show the total costs associated with the proposed Tariff in sufficient detail and which enable the Authority to be satisfied that the proposed Tariff shall not result in predatory pricing or excessive pricing by the Licensee;
- c) cost data and calculations which show the margin / reasonable rate of return that will be achieved for the proposed Tariff in sufficient detail and which enable the Authority to undertake an imputation assessment to ensure that a margin squeeze shall not result after taking account of the regulated charges to provide the retail service; and
- d) In case, the proposed Tariff is a bundle, cost data and calculations of the services that make up the bundled Tariff in sufficient detail to enable the Authority to undertake and assess whether the bundle can be economically replicated by other Licensees.

8. Timelines for approval or denial of Tariff: _ (1) The Authority or the officer of the Authority while examining / evaluating proposed Tariff the Authority, *within three (03) working days from the date of receipt of request approval of tariff proposals*, may seek additional information from the Licensee(s).

(2) The Authority or the Officer of the Authority shall review the proposal and convey its decision to the Licensee within seven (07) working days of its receipt.

(3) In case the Authority requires any additional information from the Licensee, the time period mentioned at sub-regulation (2) above shall start from the receipt of the complete requisite information from the Operator/ Licensee.

(4) The Authority may deny or reject the proposed Tariff for Telecommunication Services of SMP Licensees within seven (07) working days of receipt of notification. Reason of rejection to be recorded in writing.

Provided that the Authority on its own, or at the request of the affected Consumers may initiate enquiry to determine whether any Tariff is burdensome.

- (5) Tariff shall be considered to be burdensome if:
- (a) Profit to the Licensee is abnormally higher than the reasonable rate of return considering cost of operations;
 - (b) Proposed tariff is high as compared to industry benchmark and / or respective inflation during the period;
 - (c) The Tariff is beyond the affordability level of average Consumers; and
 - (d) Any other factor determined by the Authority from time to time.
- (6) The Authority on its own, or at the request of affected parties may amend, revoke or suspend a Licensee's Tariff, including the Authority's earlier approved Tariff, if deemed necessary due to change in circumstances, after giving opportunity of hearing to the concerned Licensee.

9. Tariff for National Roaming: _ The Authority may set price ceilings for national roaming services for SMP and Non-SMP Licensees.

PART IV

Wholesale Tariffs / Interconnection Charges of SMP Operator/Licensees

10. Interconnection Charges. - The SMP Licensee's interconnection charges / wholesale tariffs including Mobile Termination Rate (MTR) shall be regulated by the Authority. These charges shall be based on Long Run Incremental Cost (LRIC) basis and/or any other methodology such as international benchmarking etc., as determined by the Authority from time to time.

PART V

Miscellaneous

11. Directions of the Authority- Notwithstanding anything contained in these regulations, the Licensees are under obligation to comply with the directions of the Authority issued from time to time on tariff related issues not specifically covered in these regulations.

12. Publication of Tariff _ All publications and advertisements relating to tariff shall strictly be in accordance with the provisions of regulation 8 and 10 of Telecom Consumer Protection Regulations, 2009.

13. Tariff for National / International Roaming (IR) Services. _ (1) The Licensee shall make available updated Tariffs for national / international roaming facility for each respective city/region/country as well as Licensee, on its website along with complete terms and

conditions.

(2) The Consumer shall also be informed through SMS, after selecting a particular Licensee through manual or automatic method while roaming abroad, the applicable Tariff for each category of national /international roaming service including incoming/outgoing calls, incoming/outgoing messages, data etc.

(3) The Licensee shall only activate services on international roaming that have been subscribed/requested by a Consumer in writing.

(4) The Licensee shall inform the voice, SMS and data tariffs to Consumer, while on roaming through SMS, USSD, App. etc.

(5) The Licensee shall ensure that consumers will not be charged beyond the amount of security deposit while on roaming.

14. Automatic Renewal.- (1) The Licensees shall not activate automatic renewal of subscription-based packages upon the expiry of that package, without soliciting explicit consent of the Consumer:

Provided that in case of auto recursive renewals, explicit consent as well as steps for unsubscribing offer/bundle/package shall be intimated prior to first auto renewal.

(2) The Licensees shall send SMS free of cost to the Consumer when he / she is approaching 50% of the limit of prepaid or postpaid package/bundle/offer (either Voice/SMS/Data), then at 80% of the limit and finally at 100% usage of the package/bundle/offer, after which the services shall be blocked to protect the customer from bill shock. The Licensee shall clearly mention the method through which the Consumer can renew the package. In case a service is intended to be extended beyond the credit balance or credit limit of the postpaid Consumer, explicit consent of Consumer shall be obtained through SMS, email, USSD, App etc.

(3) The SMS intimating subscription expiry shall include the default rate of the service after expiry of the package limit.

15. Monitoring the usage.- The Operator/Licensees shall provide their Consumers with an easy and practical mechanism through which they can monitor their usage of minutes, messages, bytes etc. in order to enable them to control the usage accordingly through SMS, USSD, App. etc.

16. Services with Free Trial Periods.- (1) The Operator/Licensees shall not charge the consumers for services supplied on a free trial basis during the trial period.

(2) The Operator/Licensee shall not charge the consumers for services supplied on a free trial basis after the end of the free trial period unless:

- (a) the Operator/Licensee has notified the Consumers of the date on which the free trial period will end; and
 - (b) the Operator/Licensees has obtained the express consent of Consumers to continue the service after the expiry of the free trial on the applicable Tariff notified to Consumers.
- (3) The above procedure shall also apply for those services that are being offered free of cost as a means of promotion of subject to telecom services for a given period of time.

17. Consumers' Consent. - (1) The Licensees shall not charge for a service, which was earlier free of charge, without explicit written consent of Consumer through email, SMS, mobile application, USSD etc.

(2) The Operator/Licensee shall offer special packages for a specific class of consumers in special circumstances like pandemic and/or unforeseen event, as per directions from the Authority:

Explanation. – Special Packages for the purposes of these regulations shall mean and include specially designed packages for a class of consumers i.e. students, special persons and or disable persons.

CATEGORY OF MOBILE COMMUNICATION SERVICES

- a. Mobile Communication Services
 - i. Connection
 - ii. Line Rental
 - iii. Voice Calls
 - iv. Video Calls
 - v. Short Messaging Service (SMS)
 - vi. Multimedia Messaging Service (MMS)
 - vii. Mobile Broadband Services
 - viii. Any other service(s) as determined by the Authority

- b. Operator Assistance Services
 - i. Call Setup charges
 - ii. Balance Inquiry
 - iii. Help Line (other than Complaint Handling)
 - iv. Help Line for Complaint Handling
 - v. Balance Reload
 - vi. Provision of Bills
 - vii. Usage Monitoring
 - viii. Call to Directory Inquiry
 - ix. Any other Licensee assistance services as determined by the Authority

- c. Any other mobile communication services as determined by the Authority