



PAKISTAN TELECOMMUNICATION AUTHORITY

HEADQUARTERS, F-5/1 ISLAMABAD

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Enforcement order under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 against, Pakistan Telecommunication Company Limited

Date of Issuance of Show Cause Notice: 2nd April, 2012
Venue of Hearing: PTA HQs, Islamabad
Date of Hearing: 28th May, 2012

The Authority present:

Dr. Mohammad Yaseen: (Chairman)
Dr. Khawar Siddique Khokhar: Member (Technical)

The Issue:

“Non-compliance of WLL Subscribers’ Documentation and Activation of Connections after Verification from NADRA dated 19th May, 2010 by PTCL”

DECISION OF THE AUTHORITY

1. Brief facts of the case:

1.1 Briefly stated facts of the case are that Pakistan Telecommunication Authority (the “Authority”) vide dated 19th May, 2010 issued Standing Operating Procedure (SOP) for Wireless Local Loop Subscribers’ Documentation and Activation of Connections after Verification from NADRA whereby Pakistan Telecommunication Company Limited (the “licensee”) was required to maintain documents and activate connection(s) after verification from NADRA.

1.2 The Authority in order to ensure the applicability of the SOP sought information from the licensee with regard to subscriber’s information through e-mails and letters dated 28th September, 2011, 11th October, 2011, 14th November, 2011, 17th November, 2011, 22nd November, 2011, 7th December, 2011, 30th Jan, 2012 and required it to furnish Wireless Service Agreement (WSAFs), CNICs copies of 98 VPTCL numbers and Antecedents of 76 VPTCL subscribers. However, the same were not provided to the Authority by the licensee. Non-provision of information tantamount contravention of license condition 23.1 read with clause 19 of Part 5 of Schedule 2 of the Pakistan Telecommunication Rules, 2000 (the “Rules”), regulation 47, 48 of the Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006. As a result thereof, the Authority under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 (the “Act”) due to aforesaid

contraventions/violations issued a Show Cause Notice (SCN) dated 2nd April, 2012 to the licensee calling it upon to remedy the contravention by providing the aforesaid information within seven (07) days and also to explain in writing, within thirty (30) days of the issuance of this notice as to why should not be passed against the licensee under section 23 of the Act.

1.3 The licensee vide letter No.RA/RS-007/SCN-Data dated 2nd May, 2012 replied the SCN and provided subscribers' information against whom the numbers are registered. Crux of the licensee's SCN response was that all available information has already been provided by the licensee's regional office to PTA Zonal office. However, the Authority instead of waiting licensee's detailed response issued SCN. The licensee further stated that as per SOP, after May, 2010 all connections were issued and activated as per the Authority's issued SOP. With regard to already working numbers, the licensee has also started activity of collection and compiling of old record information and get them verified from NADRA. Thousand of unidentified numbers have been blocked by the licensee. It has also started activity for unidentified numbers to activate them at 789 only and data is verified by NADRA with the consent of the Authority. The licensee further submitted that with regard to the Authority's required data, most of the numbers were old and activated through 789. The available data is again forwarded to the Authority. Data provided with SCN reply includes 789 records for about 85 numbers while the remaining numbers have been blocked as per SOP for unidentified numbers. CDRs of all these numbers are available and can be produced, if required. In light of the submission made by the licensee in SCN reply, the licensee requested that SCN may be withdrawn as the same is of no legal effect.

1.4 In order to proceed further the matter was fixed for hearing on 28th May, 2012. Mr. Sikanadar Naqi (SEVP), Mr. Amer Shafique (GM Reg. Affairs), Mr. Azziz-ur-Rehman (SM Reg. Affairs), Mr. Ghulam Mustafa (GM-Legal), Mr. Zakir H. Satti (GM Rev. Accounts) on behalf of the licensee attended the hearing on the said date. The representative(s) of the licensee reiterated the same as replied. Matter heard and record perused. After careful scrutiny of the available record, following discrepancies in the information provided by the licensee have been revealed:

- (i). The licensee issued/registered i.) thirty seven (37) connections against Mr. Hasnain Mehdi bearing CNIC 3520261432875; ii.) five (5) connections against Mr. Muhammad Nadeem Butt bearing CNIC # 3520229246785; and iii.) four (4) connections against Mr. Mirza Rizwan bearing CNIC No.3520157028537 respectively. The aforementioned connections are in excess of the limit as prescribed in the SOP. As per clause 3(i) of the SOP only three (3) connections against a single CNIC are allowed. It would be pertinent to mention here that 42 (37+5) connections have also been verified by PTCL in January 2011 and September 2011 respectively.
- (ii). It is further found that the license has not provided complete WSAFs of 98 connections along with copies of CNICs which is again a contravention of clause 4 of the SOP.

2. Order of the Authority

2.1 Having considered the submissions made by the licensee during hearing and SCN reply, the Authority reached at the conclusion that *ex facie* the licensee has failed to meet the requirements as mentioned in the SOP as reflected in the available record. Therefore, the licensee is hereby directed to abide by SOP in true letter and spirit and disconnect all numbers issued in excess in contravention of SOP, subject to verification with the subscribers and submit a compliance report to the Authority within seven days from the date of issuance of this order.

2.2 The licensee is further directed to note that any illegal activity if committed on the numbers/connection issued by it in contravention of the SOP, the licensee would be held liable and responsible for all legal consequences. Therefore, the licensee is hereby directed to update all subscriber's data in accordance with the SOP issued vide letter dated 19th May, 2010 and submit comprehensive accurate detail report within 25 days from the date of issuance of this enforcement order.

2.3 In case of non-provision of the information to the Authority within stipulated time as stated above at para 2.1 and 2.2 of this order, further legal action without any further notice under the applicable law shall be initiated.

(Dr. Khawar Siddique Khokhar)
Member (Technical)

(Dr. Mohammed Yaseen)
Chairman

This enforcement order is signed on 4th July, 2012 and comprises 03 pages