

COMMUNICATIONS REGULATION COMMISSION

DECISION № 2194

of 23 October 2008

On the grounds of article 90, para 5, in connection with article 93, para 2 and 3 of the Law on Electronic Communications (promulgated in State Gazette issue 41/2007), with regard to its Decision № 1893 of 04 September 2008 and an protocol decision № 1/23.10.2008

THE COMMUNICATIONS REGULATION COMMISSION

DECIDED:

1. Announces an auction with secret bidding for granting a right of use of individually assigned scarce resource – radio frequency spectrum for provision of public electronic communications through mobile terrestrial network under GSM standard with national coverage for 10 years term. The granting of such a right will ensure the provision of individually assigned scarce resource – radio frequency spectrum - 2 x 15 MHz of the 1800 MHz range in radio frequency bands 1741,3000 – 1756,3000 MHz and 1836,3000 – 1851,3000 MHz.

2. Natural persons – sole proprietors and legal entities can participate in the auction, for which the following requirements shall be available:

2.1. The person/entity shall have experience in the provision of public electronic communications (the provision of an activity by a person/entity, who exerts control over the management of the applicant, is accepted also as experience in the provision of electronic communications activity).

2.2. The person or the company, who exerts control over the management of the applicant should have over BGN 1 000 000 (one million leva) annual turnover for 2007.

2.3. The person or related with him persons as per the meaning of § 1 of the Additional provisions of the Commercial Law should not possess a right of use of individually assigned scarce resource – radio frequency spectrum for provision of public electronic communications through mobile terrestrial network under GSM standard on the territory of the Republic of Bulgaria.

2.4. The person, in case it is not a local legal entity or a legal entity registered in EU member-state, is obliged, if it wins the auction, to register a local legal entity, which is 100% its property, to

which the Communications Regulation Commission will transfer the right and which solely will have the right to provide electronic communications based on the granted right.

2.5. Persons, who are related as per the meaning of § 1 of the Additional provisions of the Commercial Law cannot participate in the auction.

3. The auction papers, approved by Decision of the Communications Regulation Commission, can be bought at address:

Communications Regulation Commission (CRC), Sofia, 6, Gurko str., 2-nd floor, room № 203, each working day from 9:30 am until 12:30 am and from 1:00 pm until 5:00 pm, within the term as of the promulgation of the present decision in "State Gazette" until 14 November 2008, inclusive.

4. The price of the auction papers is set to BGN 4000 (four thousand leva) in accordance with article 9, para 1, item 12.1 of the Tariff on the fees, collected by CRC under the Law on electronic communications, adopted by Decree № 297/05.12.2007 (promulgated in SG, issue 106/2007). This price is paid in advance cash at the pay-office of CRC – 2-nd floor, room № 208 or is paid in to the CRC's bank account:

Titular: Communications Regulation Commission

IBAN account: BG78 BNBG 9661 30 001226 01

BIC code: BNBG BGSD

Bank: Bulgarian National Bank, №1, "Kniaz Alexander Parvi" sq.

5. When purchasing the auction papers, the legal or the explicitly authorized representatives of the interested persons are obliged to present: a personal identity document and a document, certifying their representative authority (for the proxies – notary certified power of attorney, and for the legal representatives – current legal status certificate or other excerpt of the relevant register, certifying their right to represent the persons concerned) and a copy of the payment document under item 4 of the present decision, and afterwards they sign a declaration for keeping the confidentiality of the information contained in the auction papers, and the latter declaration is enclosed to the Register under item 6.

6. An authorized officer from CRC administration records the data of the legal or explicitly authorized representatives of the persons/entities under item 2 of the present decision in special "Register for the persons/entities having purchased the auction papers", and afterwards gives the auction papers along with a Delivery and Acceptance report. The data in the register are public.

7. The term for submission of the applications under item 1 is until 5:00 pm on 27 November 2008 at the latest.

8. The applications are accepted every working day from 9:30 am until 12:30 am and from 1:00 pm until 5:00 pm at the CRC building, 2-nd floor, room № 203. Each application shall be accompanied by all required attachments, in accordance with the auction papers and all other documents, which are put in advance in one or more sealed and inscribed envelopes, each stamped by the applicant. When submitting more than one envelope, the envelopes should be numbered. The application and all documents should be presented in Bulgarian language in two identical copies by the legal or explicitly authorized representatives of the persons under item 2 of the present decision. Applications might be submitted only by persons, who have purchased the auction papers under item 3 of the present decision.

9. The applications, together with the attached envelopes with documents, are accepted by an authorized employee from CRC administration against a document for paid-in deposit for participation in the auction and are filed under the general order, as well as in a special "Register of the persons, having filed an application for participation in the auction". The data from the register are public.

10. The deposit for participation in the auction is BGN 2 500 000 (two millions and five hundred thousand leva) and is paid in to CRC's bank account:

Titular: Communications Regulation Commission

IBAN account: BG16 BNBG 96613300122601

BIC code: BNBG BGSD

Bank: Bulgarian national bank, №1 "Kniaz Alexander Parvi" sq.

11. The initial bidding price amounts to BGN 57 000 000 (fifty seven million leva), and the bidding increment - BGN 1 000 000 (one million leva).

12. The auction will start at 10:00 am on 10 December 2008 in Sofia, at CRC building, 6, Gurko str. and will be conducted as described in Chapter IV of the Auction papers – "Rules for conducting the auction".

13. The auction will be conducted in Bulgarian language, and each participant has the right to use an interpreter during the auction conducting.

14. The present decision shall be promulgated in "State Gazette", shall be published on the CRC website as well. A notice for the present decision shall be published in "Financial Times"..

CHAIRMAN:
(Veselin Bozhkov, PhD)

CHIEF SECRETARY:
(Angelina Sitarska)

COMMUNICATIONS REGULATION COMMISSION

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2. Natural persons – sole proprietors and legal entities can participate in the auction, for which the following requirements shall be available:

2.1. The person/entity shall have experience in the provision of public electronic communications (the provision of an activity by a person/entity, who exerts control over the management of the applicant, is accepted also as experience in the provision of electronic communications activity).

2.2. The person or the company, who exerts control over the management of the applicant should have over BGN 1 000 000 (one million leva) annual turnover for 2007.

2.3. The person or related with him persons as per the meaning of § 1 of the Additional provisions of the Commercial Law should not possess a right of use of individually assigned scarce resource – radio frequency spectrum for provision of public electronic communications through mobile terrestrial network under GSM standard on the territory of the Republic of Bulgaria.

2.4. The person, in case it is not a local legal entity or a legal entity registered in EU member-state, is obliged, if it wins the auction, to register a local legal entity, which is 100% its property, to

which the Communications Regulation Commission will transfer the right and which solely will have the right to provide electronic communications based on the granted right.

2.5. Persons, who are related as per the meaning of § 1 of the Additional provisions of the Commercial Law cannot participate in the auction.

3. The auction papers, approved by Decision of the Communications Regulation Commission, can be bought at address:

Communications Regulation Commission (CRC), Sofia, 6, Gurko str., 2-nd floor, room № 203, each working day from 9:30 am until 12:30 am and from 1:00 pm until 5:00 pm, within the term as of the promulgation of the present decision in "State Gazette" until 14 November 2008, inclusive.

4. The price of the auction papers is set to BGN 4000 (four thousand leva) in accordance with article 9, para 1, item 12.1 of the Tariff on the fees, collected by CRC under the Law on electronic communications, adopted by Decree № 297/05.12.2007 (promulgated in SG, issue 106/2007). This price is paid in advance cash at the pay-office of CRC – 2-nd floor, room № 208 or is paid in to the CRC's bank account:

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6. An authorized officer from CRC administration records the data of the legal or explicitly authorized representatives of the persons/entities under item 2 of the present decision in special "Register for the persons/entities having purchased the auction papers", and afterwards gives the auction papers along with a Delivery and Acceptance report. The data in the register are public.

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9. The applications, together with the attached envelopes with documents, are accepted by an authorized employee from CRC administration against a document for paid-in deposit for participation in the auction and are filed under the general order, as well as in a special "Register of the persons, having filed an application for participation in the auction". The data from the register are public.

10. The deposit for participation in the auction is BGN 1 500 000 (one million and five hundred thousand leva) and is paid in to the CRC's bank account:

Titular: Communications Regulation Commission

IBAN account: BG16 BNBG 96613300122601

BIC code: BNBG BGSD

Bank: Bulgarian national bank, №1 "Kniaz Alexander Parvi" sq.

11. The initial bidding price amounts to BGN 38 000 000 (thirty eight million leva), and the bidding increment - BGN 1 000 000 (one million leva).

12. The auction will start at 10:00 am on 17 December 2008 in Sofia, at CRC building, 6, Gurko str. and will be conducted as described in Chapter IV of the Auction papers – "Rules for conducting the auction".

13. The auction will be conducted in Bulgarian language, and each participant has the right to use an interpreter during the auction conducting.

14. The present decision shall be promulgated in "State Gazette", shall be published on the CRC website as well. A notice for the present decision shall be published in "Financial Times".

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