

Draft Pakistan Telecommunication Competition Rules, 2017

1. Short title, commencement and extent: (1) These rules shall be called the Pakistan Telecommunication Competition Rules, 2017.

(2) They shall come into force at once.

(3) These rules shall be applicable without prejudice to other regulatory requirements and compliance with the Competition Act, 2010 (Act No.XIX of 2010) or any other law or rules for the time being in force.

2. Definitions: (1) In these rules, unless it appears repugnant to the context or mentioned otherwise,

- (a) "Act" means the Pakistan Telecommunication (Re-organization) Act, 1996;
- (b) "agreement" includes any arrangement in writing or otherwise intended to be legally enforceable;
- (c) "bundling of services" means combining of various telecommunications services in one package;
- (d) "consumer" means any natural or juristic person including any form of company, partnership, sole proprietorship or any other formal or informal business who is an actual or potential user of publicly available telecom services from licensee and not the reseller of such service ;
- (e) "control" means the ability to direct the exercise, whether directly or indirectly and whether through one or more entities, of more than fifty percent of the voting rights exercisable at any general meeting of the shareholders of the licensee;
- (f) "cross subsidization" means charging artificially low prices in a competitive market and subsidizing the same from high prices in another market where there is less or no competition;
- (g) "essential facility" means a facility associated with a telecommunications system or a telecommunications services that is supplied exclusively or predominantly by a single licensee or a limited number of licensees, and that cannot be easily substituted by other licensees for economic or technical reasons;
- (h) "interconnection" means physical or logical connection of two licensees' connectable systems thereby allowing the customers of one licensee to connect with the customers of the other licensee, or to access telecommunication services provided by another licensee;
- (i) "telecommunication system" means the telecommunication system as defined under section 2 (u) of the Act;
- (j) "LRIC" means long run incremental costs, where as "incremental costs" means average forward looking additional costs incurred by the provision of interconnection services and "long run cost" includes all elements of costs including without limitation, operating and capital costs; package
- (k) "relevant market" means the market which shall be defined by the Authority with reference to a product market and a geographic market. The Authority may also consider the functional and temporal dimensions of the market;

- (l) "merger" means the merger, acquisition, amalgamation, combination or joining of two or more licensees or part thereof into an existing licensee or to form a new licensee;
- (n) "number portability" means the ability of consumers of telecommunications services to retain the same telephone numbers when switching between similar category of telecommunication services from one telecommunications service provider to another;
- (n) "person" includes a company or a corporation;
- (o) "predatory price" means a price on which an licensee deliberately incurs short-term losses by setting such price below the cost of services with the intent to eliminate the competitors;
- (p) "price squeeze" means increasing the price for provision of essential facilities required by the competitors while charging relatively low price for retail services;
- (q) "relevant product or service market" means a market determined by the Authority based on distinguished telecommunication products or services including wholesale or retail markets in accordance with these rules.
- (r) "relevant geographic market" means an area in which the licensees concerned are involved in the supply and demand of the relevant products or services under similar or sufficiently homogeneous conditions of competition and that can be distinguished from neighboring areas in which the prevailing conditions of competition are appreciably different;
- (s) "telecommunication service" means telecommunication services as defined under section 2 (v) of the Act;
- (t) "license" means an authorization granted by the Authority for establishment, operation, or maintenance of any telecommunication system or provision of any telecommunication service;
- (u) "licensee" means the grantee or holder of a license;
- (v) "significant market player" or SMP means a licensee, who has the ability to materially affect the terms of participation (*having regard to price and supply*) in a relevant market as a result of: (i) control over essential facilities; or (ii) use of its position in the market as determined by the Authority in accordance with these rules;

(2) The words and expressions used herein but not defined shall have the same meaning as are respectively assigned to them in the Act or any other rules made there under.

PART II

ANTI-COMPETITIVE CONDUCT

3. No agreement to restrict competition: (1) A licensee shall not agree or arrange with another licensee or person, where the agreement or arrangement prevents or lessens or is likely to prevent or lesson competition substantially in a market.

Example: A licensee enters into an agreement with a housing scheme developer for provision of telecommunication services in a housing scheme to the exclusion of any other licensee. The agreement entered by the licensee shall be considered to restrict competition and a violation of the above rule.

(2) Unless prior approval of the Authority is obtained, a licensee shall not agree or arrange with another licensee or person to:

- a. fix prices or restrict output;
- b. co-ordinate separate bids for assets, resources or rights, or for any input in licensee's services or for the provision of any telecommunication services;
- c. restrict competition in relation to the provision of telecommunication service or equipment to specific customers or to competition in specific areas;
- d. refuse to do business with a specific licensee, carrier, competition or customer;
- e. otherwise prevent or lessen competition substantially in a market.

4. Open and fair competition: (1) The Authority shall ensure that open and fair competition is facilitated and encouraged in relevant markets within the telecommunications sector.

(2) The Authority shall regulate tariff or other terms and conditions for provisioning of any telecom service or facility or any other service to the telecom consumers under the license(s) issued by PTA or under any other license, or any other service provided to the telecom consumers as per section 26 of the Act and otherwise considered necessary to safeguard the consumers or **end-users** from any anticompetitive, burdensome, unreasonable or unfair practices.

5. No agreements to restrict competition: (1) A licensee shall not enter into any agreement or otherwise arrange with another licensee where the agreement or arrangement is likely to prevent or substantially lessen fair competition in a market.

(2) The agreement or arrangement referred to in clause (1) may include:

- a. fixing of prices or restricting output;
- b. refusing to supply an essential facility including interconnection;
- c. discriminating or reducing interconnection or other facilities to competing licensees.
- d. coordinating separate bids for assets, resources or rights, or for any input into an licensee's service or for the provision of any telecommunication service; or
- e. otherwise preventing or lessening competition in a market.

6. Approval by the Authority for agreement or arrangement: (1) Where a licensee proposes to enter into an agreement or arrangement referred to in Rule 5, the operator shall cause the agreement or arrangement to be put into writing and shall apply to the Authority for approval of the agreement or arrangement at least 30 days prior to the date that the agreement or arrangement is proposed to come into force. As part of its application, the operator shall file a copy of the agreement or arrangement with the Authority.

(2) Upon receipt of an application by an operator for approval of an agreement or an arrangement, the Authority may approve a proposed agreement or arrangement referred to in sub-rule (2) of rule 5, where the Authority determines that the proposed agreement or arrangement is ancillary to efficiency-enhancing integration of economic activity, and the

agreement or arrangement is no broader than necessary to achieve a pro-competitive benefit of such efficiency-enhancing integration.

(3) A decision under clause (2) shall be taken by the Authority without any unnecessary delay and as far as possible, after providing hearing to any parties that may be affected by such agreement.

7. Anti-competitive behavior: (1) No licensee shall engage in anti-competitive behavior.

(2) A licensee shall be deemed to have engaged in anti-competitive behavior if it:

- a) intends to defame its competitor through commercial advertisements and or any other manner.
- b) activates the services and deducts charges against those services without consent of the user
- c) hides actual prices of the packages.
- d) abuses its dominant position in the relevant market;
- e) refuses to provide access to essential facilities under its control or interconnection to a competitor on reasonable terms and conditions or, where applicable, on the terms and conditions notified or approved by the Authority;
- f) discriminates or reduces interconnection or other facilities to competing licensees.
- g) gets involved in vertical price squeeze in a relevant market where no substitutes are available;
- h) engages in cross-subsidization;
- i) misuses the information acquired by it for provisioning of services to the competitor including essential facilities or interconnection.
- j) attempts to lock in customers by any unfair means including high switching costs;
- k) involves in predatory pricing by reducing the price of services below the cost of services and maintaining the same in order to incur unsustainable losses to the equally efficient competitors;
- l) engages in price squeezing of the margin of profit available to a competitor that requires wholesale services from the licensee by increasing the prices for the wholesale services required or decreasing the prices of the retail services in markets where they compete ;
- m) undertakes bundling of services whereby the customers are required to purchase one product or service over which it has market power conditional on the purchase of a second, competitively supplied, product or service whereas the two products or services can be provided and consumed independent of each other; or
- n) engages in any other unfair practice that may have the effect of impeding or preventing a competitor's entry into or expansion in a market being anti-competitive in the given circumstances.
- o) indulge in a decision mutually beneficial to licensees in a specific relevant market.

PART III

MARKET DEFINITION

8. Market analysis and delineation of relevant market: (1) The Authority shall conduct a market analysis with a view to delineate relevant markets and determine significant market player in the relevant market from time to time. A relevant market may be determined by the Authority with reference to:

- a) the geographic area from which the products or services are obtained or within which the products or services are provided
- b) *the products or services provided, supplied and purchased (the package / services based); and*
- c) the level in the production or distribution chain (the functional dimension);
- d) the time frame or timing within which the market operates, where relevant (the temporal dimension), and
- e) the different customer types within a market, where relevant (*the customer dimension*).

(2) Separate wholesale and retail product market will be defined by the Authority or an officer of the Authority.

(3) Market delineation exercise by the Authority may either be carried out in collaboration with the Competition Commission of Pakistan or at its own .

9. Determination of significant market power: (1) Where the licensee has a share of forty per cent (40%) or above of a relevant market, it shall be presumed to have significant market power in that market, unless the Authority determines otherwise.

(2) Where the Authority determines that a market is effectively competitive, the Authority shall not determine that any licensee has significant market power in that market.

(3) In determining whether the any licensee has significant market power in a relevant market, the Authority may consider the following factors as they apply to that relevant market:

- (a) the number of licensee and their market shares;
- (b) pricing behavior by licensee(s);
- (c) whether, in the opinion of the Authority, the licensee controls Essential Facilities;
- (d) the availability of reasonably substitutable services; and
- (e) the nature and extent of barriers to entry.

(4) Following delineation of the relevant product or **service** markets, the Authority or an officer authorized by Authority shall identify licensees with significant market power in these markets in accordance with these rules and the Authority or an officer authorized by the Authority shall impose appropriate specific regulatory measures including those referred to in these rules or maintain or amend such measures where they already exist. The licensee shall be presumed to have Significant Market Power when it has a share of more than forty per cent of a particular telecommunication market.

(5) The Authority may also use a combination of any of the following criteria to measure the market power of an licensee in addition to market shares:

- (a) overall size of the licensee;
- (b) control of essential facilities and infrastructure not easily duplicated;
- (c) technological advantages and superiority;
- (d) absence of or low countervailing buying power;
- (e) easy or privileged access to capital market and financial resources;
- (f) product or service diversification;
- (g) economies of scale and scope;
- (h) a highly developed distribution and sales network;
- (i) bundling of products/services; (j) vertical integration;
- (j) absence of potential competition; (l) barriers to expansion;
- (k) lack of active competition on non-price factors; (n) ease of market entry; (o) excess profitability;
- (l) barriers to switching and customers' ability to access and use information on prices and other service aspects; and
- (m) any other factor deemed relevant by the Authority;

(6) The Authority may use a combination of any of the following criteria to measure the joint or collective market power of a licensee :

- a) overall size of the licensee;
- b) control of essential facilities and infrastructure not easily duplicated;
- c) technological advantages and superiority;
- d) absence of or low countervailing buying power;
- e) easy or privileged access to capital market and financial resources;
- f) product or service diversification;
- g) economies of scale and scope;
- h) a highly developed distribution and sales network;
- i) bundling of products/services; (j) vertical integration;
- j) absence of potential competition; (l) barriers to expansion;
- k) lack of active competition on non-price factors; (n) ease of market entry; (o) excess profitability;
- l) barriers to switching and customers' ability to access and use information on prices and other service aspects; and
- m) any other factor deemed relevant by the Authority;

(7) The Authority may, notwithstanding above determine that a licensee with a market share of less than 40 per cent of the relevant market has significant market power. It may also determine that a licensee with a market share of more than 40 per cent of the relevant market does not have significant market power. In each case, the Authority will take into account the above factors and it may also consider economic tools.

(8) The designation of SMP and consequential obligations on licensees will be reviewed once every two years or as prescribed by the Authority from time to time.

10. Obligations of significant market player: (1) A significant market player shall accord access to and use of its essential facilities to other licensed telecom licensees operating in the relevant market in a timely manner on standard reasonable and non-discriminatory terms and conditions.

(2) A significant market player shall, upon request, provide other licensed telecom licensees leased circuit services in a reasonable period of time on reasonable terms and conditions at capacity-based, non-discriminatory and cost-oriented prices.

(3) A significant market player shall supply competitive services at prices based on LRIC or such other cost standard as is established by the Authority.

(4) A significant market player shall offer to other licensed telecommunications service licensees access to such network elements as determined by the Authority, on an unbundled basis on terms and conditions that are reasonable, non-discriminatory, and transparent, and at cost-oriented rates, for the supply of licensed telecommunications services.

(5) A significant market player shall keep separate accounts for the activities associated with the provision of telecommunication networks or services, to the extent that would be required if these activities were carried out by legally independent companies, so as to identify all elements of cost and revenue, with the basis of their calculation and the detailed attribution methods used, related to their activities associated with the provision of telecommunication networks or services including an itemized breakdown of fixed assets and structural costs, or have structural separation for the activities associated with the provision of electronic communications networks or services:

Provided that the above requirement may be waived if the annual turnover of a company from activities associated with telecommunication networks or services is less than USD 5 million.

(6) A significant market player shall make a service available in a fair and non-discriminatory manner, must offer and deliver it to another licensee at the same price and under the same conditions as it offers the service to its own business in all relevant components of the service delivery process from planning, through ordering, implementation, activation, configuration, operation, maintenance and termination of the service.

(7) Interconnection charges of significant market player will be based on LRIC or such other cost standard as is established by the Authority.

(8) A significant market player shall produce a reference offer for both interconnection and access services.

11. National Roaming: SMPs in a relevant market will be required to introduce national roaming on a fair and non-discriminatory basis.

12. Sharing of Resources: (1) The Authority shall allow sharing of resources including spectrum between the licensees to improve efficiency, promote competition and ensure that the scarce resources are used product .

(2) The Authority may issue standard terms and conditions for sharing of resources by a SMP in a relevant market.

(3) Before determining any standard terms and conditions for sharing of resources in a relevant market, the Authority shall provide opportunity of hearing to all the licensees operating in the relevant market.

13. Abuse of a Dominant Position: (1) An SMP licensee shall not engage in a conduct that is an abuse of its dominant position.

(2) The following conduct by an SMP licensee shall be considered an abuse of its dominant position:

- (a) failure to supply Essential Facilities to a competitor within a reasonable time after a request and on reasonable terms and conditions, where the SMP licensee has such facilities available;
- (b) discrimination in the provision of access, interconnection or other services or facilities to other licensees except under circumstances that are objectively justified based on differences in supply conditions, including different costs or a shortage of available facilities or resources;
- (c) bundling of services, whereby the SMP licensee requires, as a condition of supplying a service to a competitor, that the competitor acquire another service that it does not require; or the SMP licensee offers the competitor more favourable terms or conditions that are not justified by cost differences if it acquires another service that it does not require;
- (d) pre-emptive acquisition or securing of scarce facilities or resources, including rights of way, required by another licensee for the operation of its business, with the effect of denying the use of the facilities or resources-to the other licensee;
- (e) supplying competitive services at prices below LRIC or such other cost standard as is established by the Authority;
- (f) cross-subsidizing from one service to a competitive service with the objective of lessening competition, except where such cross subsidy is specifically approved by the Authority or by approval of tariffs for relevant services;

- (g) failure to comply with interconnection obligations;
- (h) any of the following actions, where such actions have the effect of impeding or preventing a competitor's entry into, or expansion in, a market:
 - (i) price squeezing, by an SMP licensee, of the margin of profit available to a competitor that requires wholesale services from the SMP licensee, by increasing the prices for the wholesale services required by that competitor, or decreasing the prices of the retail services in markets where they compete, or both;
 - (ii) requiring or inducing a supplier to refrain from selling to a competitor;
 - (iii) adoption of technical specifications for its networks or systems that prevent interoperability with a network or system of a competitor;
 - (iv) failure to make available to other licensees on a timely basis technical information about Essential Facilities, technical specifications or other commercially relevant information which is required by such other licensees to provide services; or
 - (v) using information to compete with the competitor where the SMP licensee obtained such information from the competitor for purposes related to interconnection to the SMP licensee or supply of services by the SMP licensee; or
 - (vi) any other conduct that, in the opinion of the Authority, prevents or lessens or is likely to prevent or lessen competition substantially in a market.

PART IV

MERGERS AND ACQUISITIONS

14. Mergers and acquisitions: (1) A licensee shall not merge/ acquire any other licensee without prior approval and/or obtaining No Objection Certification (NOC) from the Authority with regard to adverse effect on provision of licensed services along with other licensees.

(2) The Authority shall evaluate every request for a merger/ acquisition objectively and issue a written order/determination/NOC on such request within 90 ninety days from the date of its receipt along with such fee as prescribed in Schedule 1 attached to these rules.

(3) The Authority shall not unreasonably withhold permission for merger/ acquisition and request for merger/ acquisition may be denied in following circumstances :

- (a) if the proposed merger or acquisition is in direct conflict with any law or government policy directive issued under the Act;
- (b) merger or acquisition is ostensibly motivated towards or can result in elimination or lessening of competition from a relevant market;
- (c) The merger or acquisition should not allow the change of scope of licensed services defined between the different segments of the industry.

(4) The Authority while approving/granting NOC may impose such conditions and remedies as deemed proper to ensure consumer protection, fair use of scarce resources, sharing of essential facilities and fair competition.

15. Application for Approval for Mergers and Acquisitions: (1) An application for approval/ grant of NOC for merger or acquisition shall include detailed information on the proposed merger or acquisition. Such information shall, at a minimum, include:

- (a) identification of all persons involved in the merger or acquisition , including upstream owners, buyers, sellers and persons that have a greater than five percent (5%) ownership interest in either;
- (b) a description of the nature of the transaction and a summary of its commercial terms;
- (c) basic financial information on the persons involved in the transaction, including their annual revenues from telecommunications markets, value of assets devoted to telecommunications business, synergies expected from the proposed merger, their financial impact on both the companies, copies of published annual or quarterly financial reports and the projected financial statements for next five years of the merged company; and
- (d) a description of the relevant telecommunications markets in which the persons involved in the transaction operate.

(2) The Authority shall consider any request for approval of a proposed merger or acquisition , and shall only approve such request if the Authority is satisfied that, by granting its approval, the merger or acquisition will not prevent or lessen, or is not likely to prevent or lessen, competition substantially in a market.

16. Criteria for Assessment of an Application for the Approval of Merger and Acquisition: (1) In determining whether or not a proposed merger or acquisition will prevent or lessen, or is likely to prevent or lessen, competition substantially in a market, the Authority may have regard to the following factors:

- a. the extent to which **services** and competitors provide or are likely to provide effective competition to the businesses of the parties to the proposed merger or acquisition;
- b. whether the licensee of a party to the proposed merger or acquisition or proposed merger or acquisition has failed or is likely to fail;
- c. the extent to which acceptable substitutes for **services** supplied by the parties to the merger or acquisition or proposed merger or acquisition are or are likely to be available;
- d. any barriers to entry in the market;
- e. the extent to which effective competition remains or **may** remain in a market that is or **may** be affected by the proposed merger or acquisition;
- f. any likelihood that the merger or acquisition **may** result in the removal of an effective competition;
- g. the nature and extent of change and innovation in a relevant market; and
- h. any other factor that is relevant to competition in a market that is or **may** be affected by the proposed merger or acquisition.

PART V

CONSUMER PROTECTION

17. Consumer rights.- (1) In addition to any other obligations provided under any law, rules, regulations or contract for the time being in force, a licensee shall:

- a. provide a consumer complete detail of the charges including applicable government taxes or other dues for a service being offered or availed by a consumer and consumer rights available under these rules;
- b. provide a consumer, on request, with an itemized bill of the services rendered to the consumer;
- c. devise an efficient and effective consumer complaint redress mechanism and submit the same to the Authority for its approval within thirty days from the promulgation of these rules;
- d. enable a consumer to discontinue receiving of any services in a similar manner as is being used to activate the services;
- e. abstain from sponsoring any content relating to its services that is portrayed as a news item;
- f. promptly inform a consumer regarding discontinuation of any service, package or special offer being previously availed by the consumer, due to any reasons including insufficient credit in the account of the consumer;
- g. inform a consumer regarding procedure for discontinuation or de-activation of any service, package or special offer at the time of its activation;
- h. revise its charges without prior intimation to the consumer and also informing the user of the mode for discontinuation of service in case the consumer was not satisfied with the service or revised charges;
- i. refrain from making any misleading offers while hiding the necessary details likely to have an impact on decision making of the consumers;
- j. keep the information of the consumers confidential and shall not disclose or provide access to the same to any other person except when required to do so under the law or authorized by the consumer in this behalf;
- k. maintain a do not call registry enabling the consumer to unsubscribe to any promotional calls or messages from the licensee or any third party advertisers;
- l. provide services for fixing of any fault in an equipment provided by the licensee under warranty, free of charge during the validity of the warranty or when the fault was not attributable to a consumer;
- m. inform the consumers, to the extent possible in advance, regarding any planned or unplanned disruption in service;
- n. refrain from making any false or misleading claims regarding any service or product being offered by the licensee;
- o. abstain from making persistent and unwanted solicitations by telephone, fax, e-mail or other means except in circumstances and to the extent justified to enforce a contractual obligation;
- p. avoid asking a consumer to disclose any reason for discontinuation of any service; and
- q. refrain from requiring a consumer who wishes to lodge a complaint or claim to produce documents which could not reasonably be considered relevant as to whether the complaint or

claim was valid, or failing systematically to respond to pertinent correspondence, in order to dissuade a consumer from exercising his legal or contractual rights.

(2) Any consumer may complain to the Authority regarding any violation of these rules including abuse of dominant position by a licensee.

(3) The Authority shall pass such orders as deemed reasonable under the circumstances upon the application received under sub-rule (1) and if the licensee is found involved in violation of any rules, the Authority may in addition to directing the licensee to rectify the complaint may also impose any penalty provided in the Act.

18. Number portability: (1) Every licensee shall provide number portability to its consumers allowing them to shift from one licensee to another licensee in a convenient manner without loss of any unnecessary time and impairment to quality or reliability.

(2) Licensees referred to in sub-rule (1), may charge a reasonable fee for number portability.

(3) If deemed necessary, the Authority may determine and revise the fee being charged by a licensee under sub-rule (2).

19. Consumer awareness campaigns and consumer perception Survey.- (1) The Authority shall take appropriate measures including running of media campaigns for creating awareness among consumers regarding their rights under these rules.

(2) The Authority shall formulate a framework to carry out survey including consumer perception and satisfaction surveys to gauge the satisfaction of consumers..

PART VI ENFORCEMENT

20. Enforcement: (1) The Authority may exercise any of the powers conferred upon it under any law for the time being in force for ensuring compliance of these rules.

(2) In order to ensure compliance of these rules, the Authority may.-

- i. seek any information from a licensee as the Authority may deem fit for analysis of any issue or market:
Provided that any personal or commercially sensitive information provided to the Authority or obtained by the Authority shall be kept confidential by the Authority and while issuing a determination or decision, the Authority may withhold public disclosure of any such information.
- ii. determine as to what facilities may be treated as essential facilities in a relevant market;
- iii. issue a determination as to reasonableness of any terms and conditions imposed by a licensee including a significant market player;
- iv. impose ex-ante or ex-post measures to check anti-competitive behavior;
- v. issue any interlocutory order to rectify any ongoing violation; or

- vi. issue any other directions for ensuring open, fair and effective competition in a relevant market and for consumer protection.

(3) In exercise of its powers and functions under these rules, the Authority may act at its own accord or upon a complaint from an aggrieved person.

(4) Where the Authority determines that a licensee or a person has contravened these rules or any direction issued by the Authority under these rules, the Authority may issue an order:

- (a) requiring the licensee or person named in the order to take or cease the actions or activities specified in the order immediately or at such time and subject to such conditions as prescribed in the order;

- (b) requiring the licensee or person named in the order to make specific changes in its conduct as are specified in the order, including without limitation the divestiture of assets or shares, in order to remedy the conduct that has resulted in the contravention of these rules, and to reduce the likelihood of any further incidence thereof; and/or

- (c) impose any of the penalties provided under the Act.

(5) The Authority may, at any time during the course of proceedings under sub-rule (1), where it is in the public interest to do so, issue an interim order requiring the licensee or person named in the order to cease the actions or activities specified in the order, immediately or at such time prescribed in the order, and subject to such conditions as may be prescribed in the order.

(6) An interim order under sub-rule (5) shall remain in effect until the completion of the proceedings, and a final determination is made. The Authority may proceed against a licensee under section 23 of the Act, in case of failure to comply with its decision within the time limit specified therein.

21. Initiation and record of proceedings: (1) The Authority shall, before initiating any proceedings under these rules, make a preliminary assessment as to why initiation of proceedings under these rules is necessary.

(2) Record of all the preliminary assessments and inquiry proceedings initiated under these rules shall be maintained in a register that shall be available to the general public:

Provided that the Authority may withhold any sensitive information from public disclosure if the Authority considers that such disclosure may prejudice an ongoing inquiry, fair competition or national interest.

(3) Before passing any order or determination under these rules against a licensee, the Authority shall provide opportunity of hearing to the licensee and complainant (if any).

(4) All assessments, determinations, orders or rulings made or issued under these rules shall be in writing.

22. Fees: All applications for processing by the Authority under these rules shall accompany such reasonable filing fees as prescribed under the Schedule.

Schedule

(see rule 22 of these rules)