[RU] Regulations on conducting a Tender Procedure for the use of Radio Frequencies for the Allocation of Television Programmes using the MMDS, LMDS and MVDS Systems

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On 16 February 1999, the Russian government adopted a new procedure (#179) with respect to the regulation of television and radio broadcasting. This provision outlines a method of providing a tender, for obtaining the right to use radio frequencies for television and radio broadcasting using MMDS, LMDS and MVDS systems. The need for this document is related to the adoption on 2 June 1998 of Government Regulation # 552, which introduced the system of payment for the use of the radio frequency spectrum (until that time, payment was required only for the obtaining of a licence). A tender procedure for new licence applications was introduced by that regulation.

Until very recently, this process of tendering a payment for the right to use the radio frequency spectrum was regulated solely with respect to cellular telephony services (regulation #578 of 10 June 1998). However, that document has now been supplemented by a regulation in regard to the use of television.

The content of the regulation on providing a tender in order to obtain the right to use radio frequencies for the purpose of the allocation of television programmes using the MMDS, LMDS and MVDS systems, was also influenced by the recently adopted Russian federal statute "On Licensing" (see IRIS 1998-10: 10). The regulation is entirely devoted to the description of the tender procedure and the calculation of payments. In particular, the following features may be noted: according to this regulation, it is the State Committee of the Russian Federation on Communications and Information that decides to initiate a tender, and that organizes the process. A candidate appends to the application for participation in a tender a sealed envelope containing his proposal for an annual payment during the entire period of his use of the radio frequency spectrum. The only criterion for the awarding of the tender is the amount of the proposed payment. A tender procedure in which only one candidate participates is considered invalid. The agreed-upon tender amount to be paid by the successful candidate on an annual basis may be changed no more than once in a two-year period in proportion to the alteration of the minimal salary.

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Ob utverzhdenii Polozheniya o provedenii konkursa na predostavlenie prava ispolzovaniya radiochastot dlya tselei raspredeleniya televizionnykh programm s primneniem sistem MMDS, LMDS I MVDS. Sobranie zakonodatelstva Rossiyskoy Federatsii, 22. February 1999, #8, art. 1033.

Regulation of the Government of RF of 16. February 1999 # 179 on adoption of the regulations on conducting a tender for obtaining the right to use radio frequencies for the purpose of allocating television programmes using the MMDS, LMDS and MVDS systems. Officially published in Sobranie zakonodatelstva Rossiyskoy Federatsii, 22. February 1999, #8, art. 1033.

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