



MINISTRY OF INFORMATION AND COMMUNICATION TECHNOLOGIES

RESOLUTION NUMBER

OF 2019

"Whereby it is invited to manifest interest in participating in the process to grant permits for use of the radio spectrum in some frequency bands for the operation and provision of terrestrial mobile services identified for International Mobile Telecommunications"

THE MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGIES

In exercise of its legal powers provided for in Law 1341 of 2009, Decrees 1078 of 2015 and 1414 of 2017, and

CONSIDERING:

That in accordance with the provisions of articles 75, 101 and 102 of the Political Constitution, the electromagnetic spectrum is an unalienable and imprescriptible public good, which is part of Colombia and belongs to the Nation, and, therefore, is subject to the management and control of the State, in accordance with the terms established by the Law, to guarantee equal access opportunities and avoid monopolistic practices in its use.

That according to the number 2 of the article 2 of the Law 1341 of 2009, the State will promote scenarios of free and fair competition that encourage current and future investment in the Information and Communication Technologies (ICT) sector and that allow concurrence to the market, with observance of the competition regime, under market prices and under conditions of equality; notwithstanding the foregoing, the State may not set different conditions or privileges in favor of competitors in situations similar to those of others and will encourage healthy competition.

That the numeral 3 of the article 2 of Law 1341 of 2009 establishes that the State will encourage the deployment and efficient use of infrastructure for the provision of telecommunications networks and the services that may be provided on them, and will promote the optimum use of scarce resources with the aim of generating competition, quality and efficiency for the benefit of users.

That in accordance with the principle of technological neutrality, enshrined in the numeral 6 of the Article 2 of the Law 1341 of 2009, the State must guarantee the free adoption of technologies, taking into account recommendations, concepts and regulations of the competent and appropriate international organizations in the matter, which allow promoting the efficient provision of services, content and applications that use Information and Communication Technologies (ICT), will guarantee free and fair competition, and that its adoption will be harmonious with sustainable environmental development.

That in accordance with what is stated in numerals 4 of article 17, and 6 of article 18 of Law 1341 of 2009, it corresponds to the Ministry of Information and Communications Technologies to define the policy and exercise the management, administration and control of the radioelectric spectrum .

That in accordance with numeral 19 of the article 18 of the Law 1341 of 2009, the Ministry of Information and Communication Technologies must prepare and issue administrative acts to exercise State intervention in the

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Information Technology and Communications sector (ICT), within the limits and with the purposes foreseen by the Law.

That, given that Information and Communication Technologies (ICT) are transversal and enable social and economic development, their use and appropriation is necessary to close the digital divide under conditions that allow the digital environment of the country to be spread and improve the quality of life of all Colombians, especially those who live in rural and remote areas of the country, and those in poverty and vulnerability, being the allocation of spectrum a public policy mechanism to facilitate these objectives.

That the article 72 of the Law 1341 of 2009 establishes the rules for spectrum allocation processes with a plurality of stakeholders and provides, among other things, that prior to the process of granting the permit to use the radio spectrum for allocation or granting of services that include a band of frequencies, it should be determined if there is a plural number of interested parties in the corresponding frequency band and if there is, objective selection processes will be applied, including the auction.

That International Mobile Telecommunications (IMT, for its acronym in English) are mobile systems that facilitate access to a wide range of services that support digital telecommunications networks integrated services and other specific services of mobile users, and such system works in the frequency bands identified in the Radio Regulations.

That Colombia intends to grant spectrum for the operation and provision of terrestrial mobile services identified for IMT, as a necessary tool to bring connectivity to the Colombians.

That taking into account the aforementioned, it is necessary to carry out a public consultation to determine the possible interested parties in obtaining permission for the use of the radio spectrum in the following frequency bands for the provision of terrestrial mobile services identified for IMT, in view of current or future allocation processes:

- a. Radio spectrum frequencies for IMT between 698 MHz to 806 MHz (which for the purposes of this resolution will be identified as a 700 MHz band),
- b. Radio spectrum frequencies for IMT between 1865 to 1867.5 MHz and 1945 to 1947.5 MHz (which for the purposes of this resolution will be identified as the 1900 MHz band, and
- c. Radio spectrum frequencies for IMT between 2500 MHz to 2690 MHz (which for the purposes of this resolution will be identified as the 2500 MHz band),

That being this a preliminary stage, exclusively aimed at determining the plurality of stakeholders, as indicated in article 2.2.2.1.1.1 of Decree 1078 of 2015, the frequency ranges that are the object of the objective selection process will be determined in the same course, after making an analysis that takes into account that the assignment of radio spectrum constitutes a public policy mechanism to achieve the maximization of social benefits, close the digital divide and improve the quality of life of Colombians, within the framework of the current legal order in force for such purposes.

Which upon the exposed,

RESOLVES:

ARTICLE 1. Invite to manifest interest in obtaining permits at the national level for the use of the radio spectrum in the frequency bands indicated in Annex 1 of this resolution, for the provision of terrestrial mobile services, identified for International Mobile Telecommunications (IMT, by its acronym in English), completing for that purpose the Manifestation of Interest Letter contained in said annex, in the terms established therein.

The Manifestation of Interest Letter must be signed by the Legal Representative of the legal entity concerned,

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and must be accompanied by evidence of the legal capacity with which it acts and of the legal, statutory or special authorization, to present it, and copy of the certificate of existence and legal representation with date of issue no greater than two (2) months prior to the date of publication of this Resolution.

ARTICLE 2. Publish this Resolution for three (3) business days on the Ministry's website, counted as of its issuance. Upon expiration of this period, interested parties must manifest their interest by sending the Manifest of Interest Letter, provided as an annex to this Resolution, within the following three (3) business, through communication addressed to the Directorate of Communications Industry in PDF format to the mail subastaespectro@mintic.gov.co or filed in the In-Person Point of Attention of the Ministry of Information and Communication Technologies, located in Carrera 8 between Calle 12A and 12B, Edificio Murillo Toro in the city of Bogotá DC In either case, only those manifestations of interest presented within the opportunity provided herein will be taken into account, in accordance with the provisions of article 2.2.2.1.1.1 of the Decree 1078 of 2015.

ARTICLE 3. This Resolution applies from the date of its issue.

PUBLISH AND COMPLY

Given in Bogotá, D.C., on the

SYLVIA CONSTAÍN RENGIFO

Minister of Information and Communication Technologies

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ANNEX 1 – MANIFESTATION OF INTEREST LETTER

[Place, date]

Sirs

Directorate of Communications Industry
 MINISTRY OF INFORMATION TECHNOLOGIES AND COMMUNICATIONS
 Edificio Murillo Toro, carrera 8ª entre calles 12 A y 12 B
 Bogotá, D.C.

Respected gentlemen:

 acting as (Legal Representative) of the company

 identified with Nit (tax identification number)¹: _____, I certify this condition with the corresponding document (Certificate of existence and legal representation issued by the Chamber of Commerce, or according to the power that I attach), I submit MANIFESTATION OF INTEREST to participate in the Auction Process for the granting of permits for the use of radioelectric spectrum as follows:

- a) Manifestation of interest in the process to assignment permits for the use of the radio spectrum in the 700 MHz and 1900 MHz frequency bands that are planned to be carried out in 2019.

Information for the manifestation of interest in the process to grant permits for the use of the radio spectrum in the bands of International Mobile Telecommunications (for its acronym in English, IMT)		
Band	Interested	
	YES	NO
700 MHz		
1900 MHz		

- b) Manifestation of interest in the process to assignment permits for the use of the radio spectrum in the frequency band of 2500 MHz.

¹ For foreigners, corresponds to the identification number granted by the competent authority, according to the rules of the country of origin

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Information for the manifestation of interest in the process to grant permits for the use of the radio spectrum in the bands of International Mobile Telecommunications (for its acronym in English, IMT)

Band	Interested		Year of interest for the allocation	
	YES	NO	2019	2020
2500 MHz				

Sincerely,

Signature: (Legal Representative)

Name: _____

ID: _____

Position: _____

Address: _____

Telephone: _____

Email: _____