



A Public Consultation

on

**Bankruptcy Review process, and
Mergers Review Process**

10 April 2010

Table of Contents

1	Introduction.....	3
2	Public Consultation Process and Schedule	3
	Attachment (1) Bankruptcy Review Process	
	Attachment (2) Mergers Review Process	

1 Introduction

1.1 Bankruptcy Review Process

1.1.1 The Telecommunications Act (the Act) and its By-laws provide for the Communications and Information Technology Commission (CITC) to amend, suspend or revoke Individual Licences, or to revoke a registration under a class license, in the case of bankruptcy of a Service Provider subject to procedures set out in Articles 18, 19 and 21 of the By-laws.

1.1.2 Under Article 60 of the By-laws, if a service provider's licence is not renewed, suspended or revoked, and if CITC, having consulted concerned parties, and in compliance with Commission statutes, determines that the demand for the same or substantially the same telecommunications services cannot otherwise be reasonably accommodated, the CITC is obliged to make arrangements to ensure continuity of service to users in accordance with the provisions of that Article.

1.1.3 The Proposed Guidelines in the Consultation establishes the procedures that the CITC and Service Providers should follow in order to assure, where necessary, continuity of service in the Kingdom of Saudi Arabia in the case of bankruptcy.

1.1.4 The CITC considers the participation of interested parties to be an important aspect of the regulation of the ICT sector and therefore invites detailed comments on the drafts of these Proposed Guidelines.

1.2 Mergers Review Process

1.2.1 The Telecommunications Act (the Act) and its By-laws contain a regime for approval by the Communications and Information Technology Commission (CITC) of mergers between operators and certain acquisitions of shares in operators.

1.2.2 The Proposed Guidelines supplement the CITC statutes on mergers and acquisitions and is intended to provide general information on the process by which the CITC will assess mergers and acquisitions under the Act.

1.2.3 The CITC considers the participation of interested parties to be an important aspect of the regulation of the ICT sector and therefore invites detailed comments on the drafts of these Proposed Guidelines.

2 Public Consultation Process and Schedule

2.1 Objective and Aim of the Consultation:

CITC invites all members of the public, including private individuals, public organizations, and commercial entities who register with the CITC (together, the "Respondents") to participate in this consultation Public Consultation Process.

The objective of this consultation process is to provide Respondents with the opportunity to provide comments to CITC on

- (i) Bankruptcy Review Process Document (attachment 1)
- (ii) Mergers & Acquisitions Review Process Document (attachment 2)

CITC welcomes all comments and encourages participants to support their views with relevant data, analysis, benchmarking studies, and information based on the national situation or on the experience of other countries to support their comments. CITC will evaluate the views of all participants but is not obligated to adopt them.

CITC invites all interested parties to kindly provide their views no later than to one of the following addresses:

- By Email: merg_acqu@citc.gov.sa
- By Mail or Courier to (hardcopy and softcopy):
Office of the Deputy Governor for policy and licensing affairs
Telecommunication and Technology Commission (CITC)
King Fahd Road, P.O. Box 75606
Riyadh 11588
Kingdom of Saudi Arabia

2.2 Comments on Consultation Document:

This Public Consultation Document is available on CITC's website at <http://www.citc.gov.sa>.

Respondents are invited to submit their comments in writing to CITC. All comments must be received by CITC no later than **24/5/1431 H**, corresponding to **8/5/2010 G**

2.3 Publication of Submissions and the Treatment of Confidentiality Claims

The following methodology will apply to the publication of submissions and any claim of confidentiality by Respondents in relation to a document filed with CITC in relation to this public consultation process:

(1) Where a document is filed with CITC by a Respondent in relation to this proceeding, CITC shall place a copy of the document on the CITC website at <http://www.citc.gov.sa> unless the Respondent asserts a claim of confidentiality, as regards part(s) or all of the document, at the time of such filing.

(2) Each claim for confidentiality made in connection with a document filed with CITC or requested by CITC shall be accompanied by written reasons for such confidentiality claim. Any such claim for confidentiality shall itself be placed on the public record on the CITC website.

(3) Where it is asserted that specific direct harm would be caused to the Respondent claiming confidentiality, sufficient details shall be provided as to the nature and extent of such harm. If

no justification is provided as to why the information should be designated as confidential information, then CITC will assume that it is non-confidential and may, subject to subsection (8) below, decide to place the information on the public record on the CITC website.

(4) CITC will only consider claims of confidentiality that meet the definition of "Confidential Information" set forth at section 11.1 of the Rules of Procedure. If a claim of confidentiality is made in relation to information that does not meet the definition of "Confidential Information" set forth in the Rules of Procedure, then CITC may, subject to subsection (8) below, decide to place the information on the public record on the CITC website.

(5) A Respondent claiming confidentiality in connection with a document shall file with CITC either an abridged version of the document to be placed on the public record in which the confidential information in the document has been removed or, where the entire document is deemed to be confidential, reasons for objecting to the filing of an abridged version thereof. Abridged versions of documents should be submitted in an electronic format that may be edited (such as MS Word or MS Excel) and should be edited by the Respondent in a manner that facilitates a determination of the places where and the extent to which information has been omitted (for example, by means of use of square brackets or hash marks - ##). Where the abridged version of the document substantially eliminates the utility of that document, CITC may take the Respondent's failure or unwillingness to provide the information into account in reaching its decision in the proceeding.

(6) Any registered party to the public consultation process wishing the public disclosure of a document in respect of which there has been a claim for confidentiality may file with CITC within 5 days of the publication of the confidentiality claim:

(a) a request for such disclosure setting out the reasons thereof, including the public interest in the disclosure of all information relevant to CITC's regulatory responsibilities; and

(b) any material in support of the reasons for public disclosure.

(7) A copy of a request for the public disclosure of a document shall be served on the Respondent claiming confidentiality and that Respondent may, unless CITC otherwise determines, file a reply with CITC within 5 days after the date of service of the request and shall, where a reply is filed, serve a copy thereof on the party requesting public disclosure.

(8) Where CITC of its own motion requests that a document be placed on the public record, the Respondent claiming confidentiality shall have 5 days to file a reply, unless CITC otherwise determines.

(9) Where CITC is of the opinion that, based on all the material before it, no specific direct harm would be likely to result from disclosure, or where any such specific direct harm is shown but the benefits of disclosure outweigh any harm to the person who submitted the information, CITC may issue a decision to order that the document be placed on the public record.

(10) Where CITC is of the opinion that, based on all the material before it, the specific direct harm likely to result from public disclosure justifies a claim for confidentiality, CITC may

(a) order that the document not be placed on the public record;

(b) order disclosure of an abridged version of the document; or

(c) order that some or all parts of the document be verbally disclosed, to the respondents at a hearing to be conducted.

2. 4 Methodology of providing the comments:

Participants are requested to indicate the document title, the Chapter and Section/ subsection/ the clause(s) number in the proposed guidelines. If comments are more extensive than this format allows, then kindly provide attachments bearing the appropriate reference to this documents.

Attachment (1)
Bankruptcy Review Process

Attachment (2)
Mergers Process Review