

Dated: 20, December, 2022

Media Coverage

Press Release

**“CCP TAKES ACTION AGAINST PESCO FOR ABUSING ITS DOMINANT POSITION AND
REQUIRING IT TO RESTORE RIGHT OF WAY TO CABLE, INTERNET, AND TELEPHONY
SERVICE PROVIDERS”**

CCP takes action against PESCO for abusing dominant position

Requires it to restore Right of Way for cable, internet service providers

OUR CORRESPONDENT
ISLAMABAD

The Competition Commission of Pakistan (CCP) has in its order found that Peshawar Electric Supply Company (Pesco) has acted in violation of Section 3 of the Competition Act.

This entails abusing its dominant position by imposing discriminatory terms and unfair trading conditions in the provision

of Right of Way (ROW) to cable and internet service providers in Peshawar.

In the order dated December 13, 2022, to ensure compliance and encourage corrective behaviour, CCP directed the respondent to restore access to the ROW and provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms no later than 21 days since the receipt of the order.

In case of failure, the respondent shall be liable to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5 million for every day after

the first of such violations had occurred.

Pesco was dominant in the market for ROW through electric poles availed by different types of cable service providers in the geographical boundary of Peshawar, as it solely owned and managed the poles and there were no other substitutes.

For the ROW being provided to the cable operators, the complainants (Nayatel Pvt Ltd and Cyber Internet Services Pvt Ltd) were charged an enhanced fee from Rs10 to Rs100 per pole as compared to basic TV cable operators without any legitimate objective justifica-

tions. The terms have been held as discriminatory and in contravention of Section 3(3)(b) of the Act, the order said. Pesco abused its superior bargaining position and imposed further unfair trading conditions in contravention of Section 3(3)(a) of the Act on the complainants, it said.

PESCO's conduct was also discriminatory as decommissioning notices related to removal of cables were only sent to the complainants. In this connection, the bench found support from the applicable telecommunication regulatory regime, particularly in terms of Section 27A of the Pakistan

Telecommunication (Re-organisation) Act 1996 and the 2020 Public and Private Right of Way Policy Directive.

The commission emphasised that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the government to promote digital inclusion.

It also recommended that all private and government stakeholders, including the respondent, create a uniform policy for the deployment of broadband technology and ROW that may address space and safety issues.

CCP fines Pesco for abusing dominant position

By Mehtab Halder

ISLAMABAD: The Competition Commission of Pakistan (CCP) has taken action against Peshawar Electric Supply Company (Pesco) for abusing its dominant position and imposing discriminatory terms and unfair conditions for providing Right of Way (ROW) to two internet service providers. In case of failing to comply with the orders of CCP, the respondent shall be liable to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5 million for every day after the first of such violations or the subject abuse had occurred.

According to the CCP's announcement, the Commission in its order dated Dec 13, 2022, found Pesco acting in violation of Section 3 of the Act by abusing its dominant position by imposing discriminatory terms and unfair trading conditions in the provision of Right of Way (ROW) to two internet service providers in Peshawar.

In the order, owing to the peculiarity of the case, to ensure compliance and to encourage corrective behaviour, CCP has directed the respondent to restore access to the ROW and/or provide the ROW to two internet service providers, on fair, reasonable and non-discriminatory terms no later than twenty-one (21) days from the date of receipt of the order. Failing which, the respondent shall be liable to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5 million for every day after the first of such violations or the subject abuse had occurred.

Pesco was dominant in the market for "Right of Way (ROW) through electric poles availed by different types of

cable service providers in the geographic boundary of Peshawar," as it solely owned/managed the poles and there were no other substitutes. For the same ROW being provided to all cable operators, the complainants were charged an enhanced fee from Rs10 per pole to Rs100 per pole as compared to basic TV cable operators without any legitimate objective justifications. The terms have been held as discriminatory in contravention of Section 3(3)(b) of the Act. Pesco had abused its superior bargaining position and imposed further unfair trading conditions in contravention of Section 3(3)(a) of the Act on the Complainants, i.e., that they must provide 10-minute advertisements and free internet connection facilities to all Pesco offices. Pesco had annulled its pole renting policy after initiation of the show-cause proceedings, mainly on the pretext of safety grounds. However, as the same inter alia related to an essential public utility/ROW and there were no other substitute means available for the complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders alike, Pesco was found to have abused its dominant position in contravention of Section 3 of the Act.

Pesco/respondent's conduct was also discriminatory as admittedly decommissioning notices related to removal of cables were only sent to the complainants. In this connection, the bench found support from the applicable telecommunication regulatory regime, particularly, in terms of Section 27A of the Pakistan Telecommunication (Re-organization) Act,

1996 and the 2020 Public and Private Right of Way Policy Directive, which provides that the licensees can use the poles of government and privately owned electricity distribution and supply companies (Discos) for aerial installation of optical fibre cables. Moreover, it broadly states that the fee imposed by a public authority for a public right of way shall be on a no profit no loss basis, should not be a means of commercial benefit and there shall be no discrimination against any licensee in terms of the fee charged.

As for the safety grounds raised by Pesco, it could not satisfy the bench in this regard. In the order it is observed that, as per the enquiry findings, the accidents/incidents had decreased from the year 2017-2018 till the year 2020-2021. No further evidence was provided to substantiate these assertions. Moreover, since other Discos are already providing ROW on similar rates to fibre optic cable operators and, as such, no denial on safety grounds has been reported or witnessed, the contentions were not acceded to.

The commission emphasised that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the government of Pakistan to promote digital inclusion. The commission has also recommended that all private and government stakeholders, including the respondent, create a uniform policy for the deployment of broadband technology and ROW that may address any/all space/safety issues, including considering any shared infrastructure possibilities to fulfill the overall public policy objectives.

Pesco ordered to reverse increase in ROW charges

By Our Staff Reporter

ISLAMABAD: The Competition Commission of Pakistan (CCP) has issued an order in favour of Nayatel and CyberNet against Peshawar Electric Supply Company (Pesco) for abusing its dominant position.

Pesco was dominant in the market for "Right of Way (ROW) through electric poles availed by different types of cable service providers in the geographic boundary of Peshawar," as it solely owned/managed the poles and there were no other substitutes.

Complaints were lodged by Nayatel Pvt Ltd and Cyber Internet Services (Pvt) Ltd that the ROW charges were raised from Rs10 per pole to Rs100, for the internet service providers while the basic TV cable operators were charged Rs10 per pole.

The complainants added that it was done without any legitimate justifications.

The CCP annulled Pesco's pole renting policy after the initiation of the show-cause proceedings.

However, as the same inter alia related to an essential public utility/ROW and there were no other means available for the complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders.

The CCP order stated that, Pesco was found to have abused its dominant position. It also stated that Pesco's conduct was also discriminatory as admittedly decommissioning notices related to the removal of cables were only sent to the complainants and not others like the basic tv cables.

The CCP has directed Pesco to restore access and provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms.

The CCP observed that fee has to be equal for all cable installations.

If Pesco did not abide by the order it will have to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5m for every day after the first of such violations or the subject abuse had occurred.

CCP takes action against PESCO for abusing its dominant position

**OUR STAFF REPORTER
ISLAMABAD**

Competition Commission of Pakistan (CCP) has found Peshawar Electric Supply Company (PESCO) acting in violation of its Act i.e. abusing its dominant position by imposing discriminatory terms and unfair and trading conditions in the provision of Right of Way (ROW) to Nayatel and Cyber Internet Services in Peshawar.

The CCP in its order dated December 13, 2022, found PESCO acting in violation of Section 3 of the Act. In the order, owing to the peculiarity of the case, to ensure compliance and to encourage corrective behaviour, CCP has directed the respondent to restore access to the ROW and/or provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms not later than twenty-one (21) days from the date of receipt of the order. Failing which, the respondent shall be liable to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5 million for every day after the first of such violations or the subject abuse had occurred.

PESCO was dominant in the market for "Right of Way (ROW) through electric poles availed by different types of cable service providers in the geographic boundary of Peshawar," as it solely owned/managed the poles and there were no other substitutes. For the same ROW being provided to all cable operators, the complainants (i.e. Nayatel Pvt Ltd and Cyber Internet Services (Pvt) Ltd) were

charged an enhanced fee from Rs10 per pole to Rs100 per pole as compared to basic TV cable operators without any legitimate objective justifications. The terms have been held as discriminatory in contravention of Section 3(3)(b) of the Act. PESCO had abused its superior bargaining position and imposed further unfair trading conditions in contravention of Section 3(3)(a) of the Act on the complainants i.e. that they must provide 10-minute advertisements and free internet connection facilities to all PESCO offices. PESCO had annulled its

PESCO/respondent's conduct was also discriminatory as 'admittedly decommissioning notices related to removal of cables were only sent to the complainants. In this connection, the bench found support from the applicable telecommunication regulatory regime, particularly, in terms of Section 27A of the Pakistan Telecommunication (Re-organisation) Act, 1996 and the 2020 Public and Private Right of Way Policy Directive, which provides that the licencees can use the poles of government and privately owned electricity distribution

incidents/incidents had decreased from the year 2017-2018 till the year 2020-2021. No further evidence was provided to substantiate these assertions. Moreover, since other DISCOs are already providing ROW on similar rates to fiber optic cable operators and, as such, no denial on safety grounds have been reported or witnessed, the contentions were not acceded to. Owing to the peculiarity of the case, to ensure compliance and to encourage corrective behaviour, the commission has directed the respondent to restore access to the ROW and/or provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms no later than twenty-one (21) days from the date of receipt of the order. Failing which, the respondent shall be liable to pay a fixed penalty of Rs75 million and an additional penalty of Rs0.5 million for every day after the first of such violations or the subject abuse had occurred. The Commission emphasised that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the Government of Pakistan to promote digital inclusion. The commission has also recommended that all private and government stakeholders, including the respondent, create a uniform policy for the deployment of broadband technology and ROW that may address any/all space/safety issues, including considering any shared infrastructure possibilities to fulfil the overall public policy objectives.

Directs respondent to restore access to ROW and/or provide ROW to Nayatel and Cybernet, on fair, reasonable, non-discriminatory terms not later than 21 days from date of receipt of order

pole renting policy after initiation of the show-cause proceedings, mainly on the pretext of safety grounds. However, as the same inter alia related to an essential public utility/ROW and there were no other substitutable means available for the complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders alike, PESCO was found to have abused its dominant position in contravention of Section 3 of the Act.

and supply companies (DISCOs) for aerial installation of optical fiber cables. Moreover, it broadly states that the fee imposed by a public authority for a public right of way shall be on a 'no profit no loss basis', should not be a means of commercial benefit and there shall be no discrimination against any licensee in terms of the fee charged. As for the safety grounds raised by PESCO, it could not satisfy the bench in this regard. In the order, it is observed that as per the enquiry findings, the acci-

COMPETITION COMMISSION RULES PESCO DISCRIMINATED AGAINST TWO ISPS

PROFIT REPORT
STAFF REPORT

ISLAMABAD

The Competition Commission of Pakistan (CCP) has ruled that the Peshawar Electric Supply Company (PESCO) had acted unfairly against two prominent internet service providers by charging them an enhanced fee for using their electricity poles, and said it would slap millions in fines if it did not stop the practice.

The commission has directed PESCO to restore access to Right of Way (ROW) to the complainants — Nayatel and Cybernet — on fair, reasonable and non-discriminatory terms 21 days from the date of receipt of the order. A failure to do so would result in PESCO having to cough up a fixed penalty of Rs 75 million and an additional penalty of Rs 0.5 million for every day after the first of such violations.

The CCP found PESCO acting in vio-

lation of Section 3 of the Competition Act, 2010, by charging the complainants Rs 100 per pole as opposed to a Rs 10 rate given to basic TV cable operators, and not providing any reason for the enhanced charges.

PESCO was found to have abused its monopoly over critical public infrastructure in violation of Section 3 of the Act.

PESCO owns and manages the electric poles in the market which are available to different types of cable service providers within Peshawar. The utility's actions were further discriminatory because only the complainants received decommissioning notifications regarding the removal of wires.

However, since there are no alternative means available for the complainants to provide cable, internet, and telephone services to consumers, it negatively affected both consumers and other stakeholders.

In this connection, the Bench found support from the applicable telecommunication regulatory regime, particularly, in terms of Section 27A of the Pakistan



Telecommunication (Re-organization) Act, 1996 and the 2020 Public and Private Right of Way Policy Directive, which states that the licensees can use the poles of government and privately owned electricity distribution and supply companies (DISCOs) for aerial installation of optical fibre cables.

Moreover, it broadly states that the fee imposed by a public authority for a public right of way shall be on a no profit no loss basis, should not be a means of commercial benefit and there shall be no discrimination against any licensee in terms of the fee charged. As for the safety grounds argu-

ments raised by PESCO, it could not satisfy the Bench. In the order it is observed that, as per the findings, the accidents and incidents had decreased from the year 2017-2018 till the year 2020-2021. No further evidence was provided to substantiate these assertions.

Moreover, since other DISCOs are already providing ROW on similar rates to fibre optic cable operators and, as such, no denial on safety grounds has been reported or witnessed.

The Commission emphasised that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the Government of Pakistan to promote digital inclusion. The Commission has also recommended that all private and government stakeholders, including PESCO, create a uniform policy for the deployment of broadband technology and ROW that may address any space or safety issues, including considering any shared infrastructure possibilities to fulfil the overall public policy objectives.

CCP takes action against PESCO for abusing its dominant position

The Competition Commission of Pakistan (CCP) in its Order dated 13 December 2022, has found Peshawar Electric Supply Company (PESCO) acting in violation of Section 3 of the Act, i.e., abusing its dominant position.

The PESCO was dominant in the market for "Right of Way (ROW) through electric poles availed by different types of cable service providers in the geographic boundary of Peshawar," as it solely owned/managed the poles and there were no other substitutes, said a press release issued here by CCP here Monday.

For the same ROW being provided to all cable operators, the complainants; Nayatel Pvt. Ltd and Cyber Internet Services (Pvt.) Ltd. were charged an enhanced fee from Rs 10 to Rs 100 per pole as compared to basic TV cable operators without any legitimate objective justifications.

The terms have been held as discriminatory in contravention of Section 3(3)(b) of the Act. PESCO had abused its superior bargaining position and imposed further unfair trading conditions in contravention of Section 3(3)(a) of the Act on the

Complainants, i.e., that they must provide 10-minute advertisements and free internet connection facilities to all PESCO offices.

PESCO had annulled its pole renting policy after initiation of the show-cause proceedings, mainly on the pretext of safety grounds.

However, as the same inter alia related to an essential public utility/ROW and there were no other substitutable means available for the complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders alike, PESCO was found to have abused its dominant position in contravention of Section 3 of the Act.

PESCO/Respondent's conduct was also discriminatory as admittedly decommissioning notices related to removal of cables were only sent to the Complainants.

In this connection, the Bench found support from the applicable telecommunication regulatory regime, particularly, in terms of Section 27A of the Pakistan Telecommunication (Re-organization) Act, 1996 and the 2020 Public and Private Right of Way

Policy Directive, which provides that the licensees can use the poles of government and privately owned electricity distribution and supply companies (DISCOs) for aerial installation of optical fiber cables.

Moreover, it broadly states that the fee imposed by a public authority for a public right of way shall be on a no profit no loss basis, should not be a means of commercial benefit and there shall be no discrimination against any licensee in terms of the fee charged.

As for the safety grounds raised by PESCO, it could not satisfy the Bench in this regard. In the Order it is observed that, as per the Enquiry findings, the accidents/incidents had decreased from the year 2017-2018 till the year 2020-2021. No further evidence was provided to substantiate these assertions.

Moreover, since other DISCOs are already providing ROW on similar rates to fibre optic cable operators and, as such, no denial on safety grounds has been reported or witnessed, the contentions were not acceded to.

Owing to the peculiarity of the case, to ensure compliance and to

encourage corrective behaviour, the Commission has directed the Respondent to restore access to the ROW and/or provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms no later than twenty-one (21) days from the date of receipt of the Order.

Failing which, the Respondent shall be liable to pay a fixed penalty of PKR 75 million and an additional penalty of PKR 0.5 million for every day after the first of such violations or the subject abuse had occurred.

The Commission emphasized that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the Government of Pakistan to promote digital inclusion.

The Commission has also recommended that all private and government stakeholders, including the Respondent, create a uniform policy for the deployment of broadband technology and ROW that may address any/all space/safety issues, including considering any shared infrastructure possibilities to fulfill the overall public policy objectives. APP

CCP takes action against Pesco for abusing its dominant position

ZUBAIR QURESHI

ISLAMABAD

The Competition Commission of Pakistan (CCP) in a recent order dated December 13, 2022 has found Peshawar Electric Supply Company (Pesco) committing violation of Section 3 of the Act, i.e., abusing its dominant position.

According to a press handout issued on Monday, the CCP has held that Pesco being a dominant market force for "Right of Way (ROW) through electric poles availed by different types of cable service providers in the geographic boundary of Peshawar," since it solely owned/managed the poles and there were no other substitutes.

According to the

statement, for the same ROW being provided to all cable operators, the Complainants (i.e., Naya-tel Pvt. Ltd and Cyber, Internet Services (Pvt.)



Ltd.) were charged an enhanced fee from PKR 10 per pole to PKR 100 per pole as compared to basic TV cable operators without any legitimate objective justifications. The terms have been held as discriminatory in contravention of Section 3(3)(b) of the Act. Pesco had abused its superior bargaining position and imposed further unfair trading conditions in contravention of Sec-

tion 3(3)(a) of the Act on the Complainants, i.e., that they must provide 10-minute advertisements and free internet connection facilities to all Pesco offices.

It further said that Pesco had annulled its pole renting policy after initiation of the show-cause proceedings, mainly on the pretext of safety grounds. However, as the same inter alia related to an essential public utility/ROW and there were no other substitutable means available for the Complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders alike, Pesco was found to have abused its dominant position in contravention of Section 3 of the Act.

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Staff Reporter

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only sent to the Complainants. In this connection, the Bench found support from the applicable telecommunication regulatory regime, particularly, in terms of Section 27A of the Pakistan Telecommunication (Re-organization) Act, 1996 and the 2020 Public and Private Right of Way Policy Directive, which provides that the licensees can use the poles of government and privately owned electricity distribution and supply companies (DISCOs) for aerial installation of optical fibre cables. Moreover, it broadly states that the fee imposed by a public authority for a public right of way shall be on a no profit no loss basis, should not be a means of commercial benefit and there shall be no discrimination against any licensee in terms of the fee charged.

As for the safety grounds raised by PESCO, it could not satisfy the Bench in this regard. In the Order it is observed that, as per the Enquiry findings, the accidents/incidents had decreased from the year 2017-2018 till the year 2020-2021. No further evidence was provided to



substantiate these assertions. Moreover, since other DISCOs are already providing ROW on similar rates to fibre optic cable operators and, as such, no denial on safety grounds has been reported or witnessed, the contentions were not accepted to.

Owing to the peculiarity of the case, to ensure compliance and to encourage corrective behaviour, the Commission has directed

the Respondent to restore access to the ROW and/or provide the ROW to Nayatel and Cybernet, on fair, reasonable and non-discriminatory terms no later than twenty-one (21) days from the date of receipt of the Order. Failing which, the Respondent shall be liable to pay a fixed penalty of PKR 75 million and an additional penalty of PKR 0.5 million for every day after the first of such violations or the subject abuse had occurred.

The Commission emphasized that access to broadband technology has significant beneficial economic and social impacts and is in line with the objectives of the Government of Pakistan to promote digital inclusion. The Commission has also recommended that all private and government stakeholders, including the Respondent, create a uniform policy for the deployment of broadband technology and ROW that may address any/all space/safety issues, including considering any shared infrastructure possibilities to fulfill the overall public policy objectives.

Urdu Point

20 December 2022 | Online | CCP Press Release

CCP Takes Action Against PESCO For Abusing Its Dominant Position

APP - Associated Press Of Pakistan

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The terms have been held as discriminatory in contravention of Section 3(3)(b) of the Act. PESCO had abused its superior bargaining position and imposed further unfair trading conditions in contravention of Section 3(3)(a) of the Act on the Complainants, i.e., that they must provide 10-minute advertisements and free internet connection facilities to all PESCO offices.

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However, as the same inter alia related to an essential public utility/ROW and there were no other substitutable means available for the complainants to provide cable, internet, and telephony services to end consumers, thus, negatively impacting consumers and other stakeholders alike, PESCO was found to have abused its dominant position in contravention of Section 3 of the Act.

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<https://www.urdupoint.com/en/business/ccp-takes-action-against-pesco-for-abusing-it-1612507.html>

مسابقتی کمیشن، پیسکو بالادستی کے غلط استعمال کی مرتکب قرار

کیبل، انٹرنیٹ اور ٹیلی فون سروسز کی خدمات دینے والی کمپنیوں کیلئے رائیٹ آف وے بحالی کے احکامات

اسلام آباد (کامرس رپورٹر) مسابقتی کمیشن آف پاکستان نے پشاور الیکٹریک سپلائی کمپنی کی جانب سے بالادستی کے غلط استعمال کا مرتکب قرار دیتے ہوئے کیبل، انٹرنیٹ اور ٹیلی فون سروسز کی خدمات دینے والی کمپنیوں کیلئے رائیٹ آف وے بحالی کرنے کے احکامات جاری کر دیئے، سی سی پی کے احکامات کے مطابق پیسکو مسابقتی ایکٹ کے باقی صفحہ 6 نمبر 60

60

مسابقتی کمیشن

بقیہ

سیکشن تین کی خلاف ورزی کرتے ہوئے بالادستی کے غلط استعمال کی مرتکب پائی گئی ہے، سی سی پی کی انکوائری کے مطابق پشاور کی جغرافیائی حدود میں الیکٹریک پولز کے ذریعے رائیٹ آف وے کی مارکیٹ میں پیسکو کو بالادست حیثیت حاصل تھی اور اس سہولت کو مختلف کیبل آپریٹرز استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی متبادل ذریعہ نہیں تھا۔ سی سی پی کو نیا ٹیل پرائیویٹ لمیٹڈ اور سائبر انٹرنیٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیسکو جو رائیٹ آف وے کی سہولت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت دینے پر بنا کسی جائز جواز کے ہم سے فی پل 10 روپے سے 100 روپے اضافی چارج کر رہا ہے جو کہ مسابقتی ایکٹ کے سیکشن 3 کی خلاف ورزی اور غیر منصفانہ ہے، علاوہ ازیں پیسکو نے شکایت کنندگان پر مزید غیر منصفانہ تجارتی شرائط عائد کرتے ہوئے انہیں پیسکو دفاتر کو 10 منٹ کے اشتہارات اور فری انٹرنیٹ کنکشن سہولیات دینے کا بھی پابند بنایا تھا، سی سی پی نے پیسکو کو نیا ٹیل اور سائبر نیٹ کے لئے آرڈر کی وصولی کے 21 دن کے اندر رائیٹ آف وے کی بحالی کا آرڈر جاری کیا ہے جس کی شرائط منصفانہ، غیر امتیازی اور معقول ہوں گی اور سی سی پی آرڈر کی خلاف ورزی پر پیسکو پراساڑھے سات کروڑ کا جرمانہ عائد کیا جائے گا۔

سی سی پی کا پیسکو کے خلاف بالادستی کے غلط استعمال پر ایکشن

کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کمپنیوں کیلئے ریمٹ آف ویسے بحال کرنے کا حکم

اسلام آباد (آن لائن) کمیٹیشن کمیشن آف میٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی یعنی پاکستان (سی سی پی) نے اپنے 13 دسمبر 2022 بالادستی کے غلط استعمال کا مرتکب پایا ہے۔ پشاور کی کے آرڈر میں پشاور الیکٹریک سپلائی کمپنی (پیسکو) کو جغرافیائی حدود میں (باقی صفحہ 6 بقیہ نمبر 19)

سی سی پی 19

الیکٹریک پاور کے ذریعے ریمٹ آف ویسے کی مارکیٹ میں پیسکو کو بالادستی حاصل تھی اور اس سہولت کو مختلف کیبل آپریٹرز استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی تہاؤل ذریعہ نہیں تھا۔ سی سی پی کو تاحیل پرائیویٹ لیٹڈ اور ساہیوانٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیسکو جو ریمٹ آف ویسے کی سہولت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت ہمیں دینے پر وہ ہمارے جائز حواز کے ہم سے فی پل 10 روپے سے 100 روپے اضافی چارج کر رہا ہے جو کہ کمیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی اور غیر منصفانہ ہے۔ مذہیہ اس پیسکو نے اپنی بالادستی بارکیٹنگ پوزیشن کا غلط استعمال کرتے ہوئے شکایت کنندگان پر مذہیہ غیر منصفانہ تہاؤنی شرائط عائد کرتے ہوئے انہیں پیسکو آکسپرٹس 10 منٹ کے اشتہارات اور فری انٹرنیٹ کنکشن سہولیات دینے کا بھی پابند بنایا تھا۔ اس معاملے پر سی سی پی انکوائری کمیٹی کی سفارشات پر شکایت فوج کی وصولی پر پیسکو نے حفاظتی بنیاد پر اپنی پول رینٹنگ پالیسی منسوخ کر دی تھی۔ البتہ ریمٹ آف ویسے کی ایک ضروری پیکیج پیشگی کے استعمال کی منسوختی اور شکایت کنندگان کے پاس صارفین کے لئے اپنی کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کی فراہمی کے لئے کوئی تہاؤل ذرائع نہ ہونے سے صارفین اور سٹیک ہولڈرز پر اس کا سختی اثر پڑا اور پیسکو کا یہ اقدام بھی بالادستی کے غلط استعمال اور کمیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی کے ذمے میں آتا ہے۔ پیسکو کا یہ اقدام اس لئے بھی امتیازی اور غیر منصفانہ کہ اس نے کیبل بنانے کے نوسر صرف شکایت کنندگان کو جاری کئے۔ اس سلسلے میں سی سی پی بی بی سی کو ٹیلی کمیٹیشن ریگولیٹری بڈم اور خاص طور پر 2020 کے پیکیج اور پرائیویٹ ریمٹ آف ویسے ڈائریکٹو سے مددگی جس کے مطابق لائسنس شدگان آپٹیکل فائبر کیل کی تنصیب کے لئے ٹھکانی اور الیکٹریک ڈسٹریبیوٹن اور سپلائی کنٹریز (ڈسکوز) کے پلٹر کا استعمال کر سکتے ہیں۔ اس میں نہ بھی واضح طور پر بتایا گیا ہے کہ ریمٹ آف ویسے کے لئے پیکیج اقتدار کی نافذ شدہ ٹیس کسی قطع نقصان کی بنیاد کے بغیر ہوگی اور اس کے کسی قسم کا تہاؤنی فائدہ نہیں لیا جائے گا اور ٹیس وصولی میں کسی لائسنس شدگان سے امتیازی سلوک نہیں لیا جائے گا۔ سی سی پی پیسکو کی جانب سے پیشگی گراؤ کی توجیح سے بھی مطمئن نہیں ہو سکا۔ سی سی پی انکوائری سے یہ ثابت ہوا کہ سال 17-18 سے لیکر سال 21-22 تک حادثاتی واقعات میں اتالیقی آئی ٹی اور دیگر ڈسکوز بھی ریمٹ آف ویسے کی سہولیات فراہم کر رہے اور ان کی جانب سے ایسی کوئی بات بھی سامنے نہیں آئی۔ اس ٹیس کی خاصیت کے پیش نظر کیبل ٹیس کو پیشگی بنانے اور درست سٹ کی حوصلہ افزائی کے لئے سی سی پی بی بی سی کو تاحیل اور ساہیوانٹ کے لئے آرڈر کی وصولی کے 21 دن کے اندر ریمٹ آف ویسے کی بحالی کا آرڈر جاری کیا جس کی شرائط منصفانہ، غیر امتیازی اور منقول ہوں گی۔ اور سی سی پی آرڈر کی خلاف ورزی پر پیسکو پر سزا سمیت سزا کر دیا جائے گا۔ کیا جائے گا۔ کمیٹیشن نے زور دیا کہ براؤ پیٹنٹ ٹیکنالوجی تک رسائی کے بہت سے معاشی اور سماجی فوائد اور شرارت ہوتے ہیں۔ کمیٹیشن نے تجویز کیا کہ تمام ٹی اور سرکاری سٹیک ہولڈرز بشمول پیسکو براؤ پیٹنٹ ٹیکنالوجی کی تنصیب اور ریمٹ آف ویسے کے لئے ایک جیسی پالیسی بنائیں تاکہ پیکیج پالیسی کے مقاصد کو حاصل کیا جاسکے۔

کیسٹل انٹرنیٹ سہولیات کی فون ویز کمپنیوں کیلئے راسخ آف وے بحال؟

کیسٹل انٹرنیٹ آف پاکستان کا اجلاس، پیکو پیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی یعنی بالادستی کے غلط استعمال کا مرتکب قرار

رایٹ آف وے کیلئے پبلک اتھارٹی کی نافذ شدہ فیس کسی نفع نقصان کی بنیاد کے بغیر ہوگی، کسی قسم کا تجارتی فائدہ نہیں لیا جائیگا
اسلام آباد (نامہ نگار خصوصی) کیسٹل انٹرنیٹ آف (پیکو) کو پیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزیوں کے غلط استعمال کا مرتکب قرار دیا گیا ہے اور اس سہولت کو مختلف
پاکستان (سی سی پی) نے اپنے 13 دسمبر 2022 کے آرڈر میں پشاور الیکٹریک سپلائی کمپنی
پشاور کی جغرافیائی حدود میں الیکٹریک پاور کیبل آپریٹرز (باقی صفحہ 8 بجیہ نمبر 37)

37 کیسٹل انٹرنیٹ

استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی متبادل ذریعہ نہیں تھا۔ سی سی پی کو نیٹیل پرائیویٹ لمیٹڈ اور سائبر انٹرنیٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیکو جو راسخ آف وے کی سہولت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت ہمیں دینے پر وہ تاحسی جواز کے ہم سے فی پل 10 روپے سے 100 روپے اضافی چارج کر رہا ہے جو کہ پیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی اور غیر منصفانہ ہے۔ مزید برآں پیکو نے اپنی بالادست پارکینگ پوزیشن کا غلط استعمال کرتے ہوئے شکایت کنندگان پر مزید غیر منصفانہ تجارتی شرائط عائد کرتے ہوئے انہیں پیکو آفیسرز کو 10 منٹ کے اشتہارات اور فری انٹرنیٹ کنکشن سہولیات دینے کا بھی پابند بنایا تھا جسکو کا یہ اقدام اس لئے بھی امتیازی اور غیر منصفانہ کہ اس نے کیبل بنانے کے نوٹس صرف شکایت کنندگان کو جاری کئے۔ اس سلسلے میں سی سی پی پی پی پی کو نیٹیل کی پیٹیشن ریگولٹری رجیم اور خاص طور پر 2020 کے پبلک اور پرائیویٹ راسخ آف وے ڈائریکٹو سے مدد ملی جس کے مطابق لائسنس شدگان آپٹیکل فائبر کیبل کی تنصیب کے لئے حکومتی اور الیکٹریک ڈسٹریبیوشن اور سپلائی کمپنیوں (ڈسکوز) کے پوزیشن کا استعمال کر سکتے ہیں۔ اس میں یہ بھی واضح طور پر بتا گیا ہے کہ راسخ آف وے کے لئے پبلک اتھارٹی کی نافذ شدہ فیس کسی نفع نقصان کی بنیاد کے بغیر ہوگی اور اس سے کسی قسم کا تجارتی فائدہ نہیں لیا جائے گا اور فیس وصولی میں کسی لائسنس شدگان سے امتیازی سلوک نہیں کیا جائے گا۔ سی سی پی پی پی کی جانب سے سی سی پی پی پی کی توجیہ سے بھی مطمئن نہیں ہو سکا۔ سی سی پی پی انکوآئری سے یہ ثابت ہوا کہ سال 17-18 سے لیکر سال 21-22 تک حادثاتی واقعات میں الحاقی آئی ٹی اور دیگر ڈسکوز بھی راسخ آف وے کی یہی سہولیات فراہم کر رہے اور ان کی جانب سے ایسی کوئی بات بھی سامنے نہیں آئی۔ اس کیس کی خاصیت کے پیش نظر، کمپلائنس کو یقینی بنانے اور درست سمت کی حوصلہ افزائی کے لئے سی سی پی پی نے پیکو کو نیٹیل اور سائبر انٹرنیٹ کے لئے آرڈر کی وصولی کے 21 دن کے اندر راسخ آف وے کی بحالی کا آرڈر جاری کیا ہے جس کی شرائط منصفانہ، غیر امتیازی اور منقول ہوں گی۔ اور سی سی پی آرڈر کی خلاف ورزی پر پیکو پر سزا دہے سات کروڑ

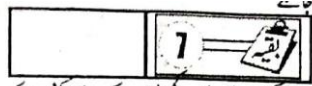
ای سی پی کا پیسکو کیخلاف بالادستی کے غلط استعمال پر ایکشن

کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کی کمپنیوں کیلئے رائیٹ آف وے بحال کر نیک حکم

اسلام آباد (نئی بات نیوز) کمپنیشن کمیشن آف پاکستان (سی سی پی) نے اپنے 13 دسمبر 2022 کے آرڈر میں پشاور الیکٹریک سپلائی کمپنی (پیسکو) کو کمپنیشن ایکٹ کے سیکشن 3 کی خلاف ورزی یعنی بالادستی کے غلط استعمال کا مرتکب پایا ہے۔ پشاور کی جغرافیائی حدود میں الیکٹریک پوز کے ذریعے رائیٹ آف وے کی مارکیٹ میں پیسکو کو بالادست حیثیت حاصل تھی اور اس سہولت کو مختلف کیبل آپریٹرز استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی متبادل ذریعہ نہیں تھا۔ سی سی پی کو نیٹیل پرائیویٹ لمیٹڈ اور سائبر انٹرنیٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیسکو جو رائیٹ آف وے کی سہولت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت ہمیں دینے پر وہ بنا کسی جائز جواز کے ہم سے فی پل 10 روپے سے 100 روپے اضافی چارج کر رہا ہے۔

Daily Metro Watch

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سلائی مینی (پیسکو) کو کمیشن ایکٹ کے سیکشن 3 کی خلاف ورزی یعنی بلا دتی کے غلط استعمال کا مرتکب پایا ہے۔ پشاور کی جغرافیائی حدود میں الیکٹرک پلاز کے ذریعے راجپوت آف پوسٹ کی مارکیٹ میں پیسکو کو بلا دست حیثیت حاصل بھی اور اس سہولت کو مختلف کیبل آپریٹرز استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی متبادل ذریعہ نہیں تھا۔ سی سی پی کو نیا ٹیل پرائیویٹ لیٹنگ اور سائبر انٹرنیٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیسکو جو راجپوت آف دس کی سہولت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت ہمیں دینے پر وہ بنا کسی جائز جواز کے ہم سے ٹی پول 10 روپے سے 100 روپے اضافی چارج کر رہا ہے جو کہ کمیشن ایکٹ کے سیکشن 3 کی خلاف ورزی اور غیر منصفانہ ہے۔ مذید براں پیسکو نے اپنی بلا دست پارٹیکل پوزیشن کا غلط استعمال کرتے ہوئے شکایت کنندگان پر مذید غیر منصفانہ تجارتی شرائط عائد کرتے ہوئے انہیں پیسکو آلٹرنیٹ کو 10 منٹ کے اشتہارات اور فری انٹرنیٹ کنکشن سہولیات دینے کا بھی پابند بنایا تھا۔ اس معاملے پر سی سی پی اتھارٹی مینی کی سفارشات پر شوکارٹوس کی موصولی پر پیسکو نے حقائق بنیاد پر اپنی پول ریٹنگ بائیس منسوخ کر دی تھی۔ البتہ راجپوت آف دس کی ایک ضروری بیلک یونٹی کے استعمال کی منسوخی اور شکایت کنندگان کے پاس صارفین کے لئے اپنی کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کی فراہمی کے لئے کوئی متبادل ذرائع نہ ہونے سے صارفین اور سٹیک ہولڈرز پر اس کا منفی اثر پڑا اور پیسکو کا یہ اقدام بھی بلا دتی کے غلط استعمال اور کمیشن ایکٹ کے سیکشن 3 کی خلاف ورزی کے زمرے میں آتا ہے۔ پیسکو کا یہ اقدام اس لئے بھی امتیازی اور غیر منصفانہ کہ اس نے کیبل بنانے کے نومبر صرف شکایت کنندگان کو جاری کئے۔ اس سلسلے میں سی سی پی نی بی بیج کو نیلی کیونٹیشن ریگولیشنز رینیم اور خاص طور پر 2020 کے بیلک اور پرائیویٹ راجپوت آف دس ڈائریکٹو سے مدد ملی جس کے مطابق لائسنس شدگان آپریٹنگ فائبر کیل کی تخصیص کے لئے حکومتی اور الیکٹرک ڈسٹریوشن اور سلائی کمپنیز (ڈسکوز) کے پلٹر کا استعمال کر سکتے ہیں۔ اس میں یہ بھی واضح طور پر بتایا گیا ہے کہ راجپوت آف دس کے لئے بیلک اتھارٹی کی نافذ شدہ فیس کی نفع نقصان کی بنیاد کے بغیر ہوگی اور اس سے کسی قسم کا تجارتی فائدہ نہیں لیا جائے گا اور فیس وصولی میں کسی لائسنس شدگان سے امتیازی سوک نہیں کیا جائے گا۔

Urdu Point

20 December 2022 | Online | CCP Press Release

سی سی پی کا پیسکو کے خلاف بالا دستی کے غلط استعمال پر ایکشن

کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کی خدمات دینے والی کمپنیوں کے لئے رائیٹ آف وے بحال کرنے

کا حکم

2022 دسمبر 19 پیر

اسلام آباد (اُردو پوائنٹ اخبارتازہ ترین - آن لائن۔ 19 دسمبر 2022ء) کمیٹیٹیشن کمیشن آف

پاکستان (سی سی پی) نے اپنے 13 دسمبر 2022 کے آرڈر میں پشاور الیکٹریک سپلائی کمپنی (پیسکو) کو کمیٹیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی یعنی بالا دستی کے غلط استعمال کا مرتکب پایا ہے۔ پشاور کی جغرافیائی حدود میں الیکٹریک پولز کے ذریعے رائیٹ آف وے کی مارکیٹ میں پیسکو کو بالادست حیثیت حاصل تھی اور اس سہولت کو مختلف کیبل آپریٹرز استعمال کر رہے تھے کیونکہ ان کے پاس اپنی سہولیات کی فراہمی کے لئے کوئی متبادل ذریعہ نہیں تھا۔

سی سی پی کو نیا ٹیل پرائیویٹ لمیٹڈ اور سائبر انٹرنیٹ سروسز کی جانب سے شکایت موصول ہوئی تھی کہ پیسکو جو رائیٹ آف وے کی سہولیت دوسرے کیبل آپریٹرز کو فراہم کر رہا ہے وہی سہولت ہمیں دینے پر وہ بنا کسی جائز جواز کے ہم سے فی پل 10 روپے سے 100 روپے اضافی چارج کر رہا ہے جو کہ کمیٹیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی اور غیر منصفانہ ہے۔

مزید برآں پیسکو نے اپنی بالادست بارگیننگ پوزیشن کا غلط استعمال کرتے ہوئے شکایت کنندگان پر مزید غیر منصفانہ تجارتی شرائط عائد کرتے ہوئے انہیں پیسکو آفیسز کو 10 منٹ کے اشتہارات اور فری انٹرنیٹ کنکشن سہولیات دینے کا بھی پابند بنایا تھا۔

اس معاملے پر سی سی پی انکوائری کمیٹی کی سفارشات پر شوکاز نوٹس کی وصولی پر پیسکو نے حفاظتی بنیاد پر اپنی پل ریٹنگ پالیسی منسوخ کر دی تھی۔ البتہ رائیٹ آف وے کی ایک ضروری پبلک پوٹیلیٹی کے استعمال کی منسوخی اور شکایت کنندگان کے پاس صارفین کے لئے اپنی کیبل، انٹرنیٹ اور ٹیلی فونی سروسز کی فراہمی کے لئے کوئی متبادل ذرائع نہ ہونے سے صارفین اور سٹیک ہولڈرز پر اس کا منفی اثر پڑا اور پیسکو کا یہ اقدام بھی بالادستی کے غلط استعمال اور کمیٹیٹیشن ایکٹ کے سیکشن 3 کی خلاف ورزی کے زمرے میں آتا ہے۔

پیسکو کا یہ اقدام اس لئے بھی امتیازی اور غیر منصفانہ کہ اس نے کیبل ہٹانے کے نوٹسز صرف شکایت کنندگان کو جاری کئے۔ اس سلسلے میں سی سی پی بنچ کو ٹیلی کمیونیکیشن ریگولیٹری رجیم اور خاص طور پر 2020 کے پبلک

