

(Unofficial Translation: the Japanese-language version shall prevail.)

Note: For the purposes of this Ordinance, the following rules of construction shall apply:
Except as otherwise clearly indicated by the context:

1. Any word used in the present tense includes the future tense, unless otherwise expressly indicated;
2. Any word used in the singular number includes the plural number, and the plural number includes the singular number, unless otherwise expressly indicated; and
3. Any word used in the male gender includes the female gender, unless otherwise expressly indicated.

Regulations for Enforcement of the Telecommunications Business Law (Ministerial Ordinance of the Ministry of Posts and Telecommunications No. 25 of April 1, 1985)

**[As amended last by Ministerial Ordinance of the Ministry of Public Management,
Home Affairs, Posts and Telecommunications No. 163 of December 11, 2001]**

Pursuant to the provisions of the Telecommunications Business Law (Law No. 86 of 1984), and in order to effect the law, the Regulations for Enforcement of the Telecommunications Business Law shall be established as below:

- Chapter I. General Provisions (Articles 1 and 2)**
- Chapter II. Type I Telecommunications Business (Articles 3 through 32)**
- Chapter III. Type II Telecommunications Business (Articles 33 through 40)**
- Chapter IV. Rights-of-Way (Articles 41 through 54)**
- Chapter IV.2. Telecommunications Business Dispute-Settlement Commission (Article 54-2)**
- Chapter V. Miscellaneous Provisions (Articles 55 through 70)**
- Supplementary Provisions**

Chapter I. General Provisions

(Purpose)

Article 1.

Except as may be otherwise provided, these Regulations have a specific purpose of establishing particulars involved for enforcing provisions of the Telecommunications Business Law (Law No. 86 of 1984; hereinafter referred to as “the Law”) and also particulars based on delegation of the Law.

(Terms)

Article 2.

The terms used in this ministerial ordinance shall be dealt with as used in the Law.

Chapter II. Type I Telecommunications Business

(Application for Business Permission)

Article 3.

- (1) The application referred to in Article 9 Paragraph (2) of the Law shall be in accordance with Form 1.
- (2) The categories of telecommunications services as referred to in Article 9 Paragraph (2) Item ii) of the Law shall, in addition to the telegraph, be as defined in the following table:

Type of Service	Categories
Voice transmission	A telecommunications service other than data transmission service using telecommunications facilities that have switching and transmission functions principally in the 4 kHz band (voice and other sounds). For use in communications with others.
Data transmission	A telecommunications service solely for communications using telecommunications facilities that have switching and transmission functions of data and images. For use in communications with others.
Leased circuit	A telecommunications service that allows exclusive use of telecommunications facilities to a specified person

- (3) The business plan referred to in Article 9 Paragraph (3) of the Law shall be in accordance with Form 2.
- (4) The other documents as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 9 Paragraph (3) of the Law shall be as follows:
 - i) An estimate of business revenue and expenditure in accordance with Form 3 for each business year to the day five years hence from the day of planned commencement of business.
 - ii) A map drawn accurately on a scale of at least 1/200,000 and clearly showing the boundaries of the service area (in cases where the service area encompasses the entire area of a prefecture or of a municipality, including a suitable map of the area).
 - iii) In cases where telecommunications facilities are to be connected to or shared with another telecommunications carrier, a copy of the agreement with that person or a document describing said plan.
 - iv) In cases where telecommunications services are resold for users through wholesale telecommunications service based on charges notified under Article 31 Paragraph (1) of the Law, or authorized under the same article Paragraph (4) or charges notified under Article 31-3 Paragraph (1) of the Law (including charges specified under the applicable ministerial ordinance in accordance of Article 31 Paragraph (1) of the Law), and tariffs notified under Article 31-4 Paragraph (1) of the Law, or authorized under the same article Paragraph (3) (including matters specified under the applicable ministerial ordinance in accordance of the same article Paragraph (1) of the Law, and technical conditions specified under the applicable ministerial ordinance in accordance of Article 49 Paragraph (1) of the Law or authorized under the applicable ministerial ordinance in accordance of Article 52 Paragraph (1) item i) of the Law), or tariffs notified under Article 31-4 Paragraph (9) of the Law, documents containing the plan
 - v) In cases where telecommunications services are resold for users through wholesale telecommunications service of other telecommunications carriers, a copy of the contract

- with said telecommunications carriers or documents containing the plan
- vi) In cases where a portion of a telecommunications service is to be entrusted to another person, a copy of the contract with the trustee or a document describing said plan.
 - vii) A document describing the method and prospect of procurement of land, buildings and other structures for the installation of telecommunications facilities
 - vii) The documents listed below concerning the principal engineers:
 - a) In cases where the persons have received a chief telecommunications engineer's license, a document stating each person's name and the class and number of said license.
 - b) In cases where Item a) is not applicable, a curriculum vitae of each person.
 - ix) Layout diagrams of the transmission line facilities (limited to transit system facilities) and of switching facilities and other major facilities.
 - x) A table of telecommunications circuit settings.
 - xi) An outline of the business engaged in by an applicant other than the telecommunications business.
 - xii) The following documents when the applicant is an existing juridical person:
 - a) A certified copy of the articles of incorporation or of the act of endowment and of the register.
 - b) Balance sheets and profit and loss statements of recent business years.
 - c) A list of officers or employees and their curricula vitae.
 - xiii) The following documents when the applicant intends to establish a juridical person:
 - a) A certified copy of the articles of incorporation or of the act of endowment.
 - b) A list of promoters, employees or founders, and their curricula vitae.
 - c) In cases where the juridical person to be founded will be a joint-stock or a limited liability company, a document describing the stock subscriptions or the status of and prospects for investment.
 - xiv) The following documents when the applicant is an association without the status of a juridical person:
 - a) A copy of the association articles.
 - b) Statements of assets of the association members.
 - c) Curricula vitae of the association members.
 - xv) The following documents when the applicant is an individual:
 - a) A statement of assets.
 - b) A document certifying the person's name, address and date of birth.
 - c) A curriculum vitae.
 - xvi) When the applicant is a local public entity, a copy of the assembly proceedings pertaining to engagement in Type I telecommunications carrier business.
 - xvii) A document showing the inapplicability of each item of Article 11 Paragraph (1) (excluding Items iv) through vii) of the same article Paragraph (1) for persons who intend to engage in the international telecommunications business as stipulated in the same article Paragraph (2)).
 - xviii) When permission or other disposition of the competent government authority is required concerning the installation of telecommunications facilities, a copy of said permit, etc. (a copy of the application in cases where application has been made for permission, etc.) or a document describing the status of said formalities.

Article 4.

Repealed.

(Extension of Prescribed Period for Commencement of Business)

Article 5.

Application for extension of the prescribed period for commencement of business as stipulated in Article 12 Paragraph (3) (including cases to which the provisions of Article 14 Paragraph (4) of the Law apply mutatis mutandis) shall be made by filing an application form in accordance with Form 4.

(Procedure for Confirmation of Technical Standards Conformity)

Article 6.

- (1) Persons who intend to receive confirmation of conformity to the technical conditions (hereinafter referred to as “confirmation of technical standards conformity”) referred to in Article 12 Paragraph (4) (including cases to which the provisions of Article 14 Paragraph (4) apply mutatis mutandis; the same provision shall apply to the next Article) shall file an application form in accordance with Form 5 with the Minister of Public Management, Home Affairs, Posts and Telecommunications.
- (2) The following documents shall be attached to the application referred to in the preceding paragraph:
 - i) Facility and connection block diagrams of switching, transmission line and ancillary facilities.
 - ii) An explanation concerning the installation, etc. of backup facilities for switching, transmission line and ancillary facilities.
 - iii) An explanation concerning the methods of detecting and reporting failures, etc. in switching, transmission line and ancillary facilities.
 - iv) An explanation concerning the methods of detecting and dealing with abnormal traffic congestion in switching facilities (excluding telecommunications facilities for exclusive use for dedicated service).
 - v) An explanation concerning the antiseismic measures as incorporated into switching, transmission line and ancillary facilities.
 - vi) An explanation of measures to counter power failures.
 - vii) An explanation of measures to counter inductive interferences in line facilities.
 - viii) An explanation of the automatic fire alarm and fire extinguishing equipment provided in the telecommunications equipment room, etc. where telecommunications facilities are installed.
 - ix) An explanation concerning the installation of outside plant facilities.
 - x) An explanation concerning measures to prevent damage caused by natural disasters and to prevent unauthorized entry in buildings, etc. where telecommunications facilities are installed.
 - xi) An explanation concerning measures to prevent intelligible crosstalk in switching facilities and transmission line facilities.
 - xii) An explanation concerning measures to protect information stored in telecommunications facilities regarding users’ communications.
 - xiii) An explanation concerning the installation of security equipment between telecommunications facilities and users or the telecommunications facilities for telecommunications business of other telecommunications carriers.
 - xiv) An explanation concerning the demarcation point between telecommunications facilities and users or other telecommunications carriers.
 - xv) An explanation concerning the method of confirming the normal condition of

- telecommunications facilities at the demarcation point mentioned in the preceding item.
- xvi) An explanation of and test results for the connection conditions of terminal equipment and private telecommunications facilities (hereafter referred to as "terminal facilities, etc.") for analog telephone facilities (meaning the analog telephone facilities prescribed in Article 26 of the Regulations for Telecommunications Facilities for Telecommunications Business (Ordinance of the Ministry of Posts and Telecommunications No. 30 of 1985) and the same shall apply hereinafter) and other voice transmission facilities (meaning the analog telephone facilities prescribed in Article 35-2 of the Regulations for Telecommunications Facilities for Telecommunications Business and the same shall apply hereinafter).
 - xvii) The calculation results corresponding to the speech quality of analog telephone facilities and an explanation concerning the calculations.
 - xviii) The design values for the connection quality of analog telephone facilities and other voice transmission facilities, and an explanation of the grounds on which they are based.
 - xix) A list of the principal testing equipment provided at the site of business where telecommunications facilities are installed, maintained and operated.
 - xx) A list of the principal emergency equipment for recovery provided at the site of business where telecommunications facilities are installed, maintained and operated.
 - xxi) Other data needed to supplement the documents stipulated under each of the preceding items.
- (3) In addition to documents describing the preceding items, in cases where a Type I telecommunications carrier intends to use the same line facilities (meaning only "line facilities" portion of wire telecommunications facilities as stipulated in Article 2 Paragraph (2) of the Wire Telecommunications Law (Law No. 96 of 1973) excluding line facilities leased from other telecommunications carriers, the same shall apply hereinafter) that are used as transmission lines connected to cable television broadcasting facilities (meaning "cable television broadcasting facilities" and "receiving facilities connected to the cable television broadcasting facilities," as stipulated in Article 2 Paragraph (2) of the Cable Television Broadcast Law (Law No. 114 of 1972), and the same shall apply hereinafter), the carrier shall attach the following documents:
- i) An explanation concerning the demarcation point between "telecommunications facilities for telecommunications service" and "cable television broadcasting facilities excluding line facilities."
 - ii) An explanation of testing methods of confirming the normal condition of telecommunications facilities for telecommunications service at the demarcation point as mentioned in the preceding item.
 - iii) An explanation concerning the degree of demarcation between the point of terminal facilities, etc. and the subscriber terminal for the cable television broadcasting facility (meaning "subscriber terminal" referred to in Article 2 Paragraph (5) of the Regulations for Enforcement of the Cable Television Broadcast Law (Ministerial Ordinance No. 40 of 1972).
 - iv) An explanation concerning measures taken to prevent content of communications from being decoded at the point of interconnection to receiving facilities of cable television broadcasting
- (4) In cases where telecommunications services in accordance with tariffs, etc. or wholesale telecommunications services from other telecommunications carriers are resold to users, with regards to the telecommunications facilities for telecommunications services from said other telecommunications carriers, the documents demonstrating that said telecommunications

facilities have already been granted the confirmation of technical conditions conformity shall be attached to the application form under Paragraph (1), notwithstanding the provisions under Paragraph (2).

(Facilities Not Requiring Confirmation of Technical Conditions Conformity)

Article 7.

Telecommunications facilities not requiring the confirmation of technical conditions conformity referred to in Article 12 Paragraph (4) of the Law as being stipulated in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications shall be the telecommunications facilities that fall under any case given in the following items:

- i) Cases where one's own telecommunications equipment that has received the confirmation of technical conditions conformity has already been installed using methods that received the confirmation of technical conditions conformity (excluding cases where the speech quality and interconnection quality of analog telephone facilities would be degraded) with the purpose of using said equipment for its own business
- ii) Cases where the categories of telecommunications service to be provided are changed without changing telecommunications facilities that have already received the confirmation of technical conditions conformity (excluding cases where equipment not previously falling under analog telephone facilities does now as a result of said change)
- iii) Cases where a Type I telecommunications carrier installs terminal equipment that has received the technical conditions compliance approval as stipulated in Article 50 Paragraph (1) and also interconnects them to telecommunications circuit facilities for use in its own business

(Notification of Commencement of Business)

Article 8.

A person who intends to file a notification of commencement of business as stipulated in Article 12 Paragraph (5) shall submit a notification in accordance with Form 6.

(Notification of Change of Name, Etc.)

Article 9.

A person who intends to file a notification as stipulated in Article 13 of the Law shall submit a notification in accordance with Form 7, by attaching thereto a document verifying that said changes have been affected.

(Permission of Changes)

Article 10.

A person who intends to obtain permission for changes referred to in Article 14 Paragraph (1) of the Law shall submit an application form in accordance with Form 8 to the Minister of Public Management, Home Affairs, Posts and Telecommunications, by attaching thereto the documents as stipulated in each items listed below:

- i) In cases of a change in category or description of telecommunications services:
 - a) Estimates of business revenues and expenditures in accordance with Form 3 for business years including the days within five years as from the business year to which the day of planned change belongs

- b) In cases where telecommunications services in accordance with tariffs, etc. or wholesale telecommunications services from other telecommunications carriers are resold to users, a copy of the contract with said telecommunications carriers or documents describing the plan
- c) In cases where part of telecommunications services pertaining to said change is entrusted or the entrusted details are to be changed, a copy of the contract with the trustee or documents describing the plan
- d) In cases where the applicant is a local public entity, a copy of the minutes of the assembly concerning the change
- ii) In cases of a change in service area:
 - a) In cases where the number of service areas increases, documents indicating the required amount of money, and a method of raising fund and a repayment plan
 - b) In cases where the number of service area increases, estimates of business revenues and expenditures in accordance with Form 3 for business years including the days within five years as from the business year to which the day of commencement of telecommunications services to the particular service area belongs
 - c) In cases where telecommunications services in accordance with tariffs or wholesale telecommunications services from other telecommunications carriers are resold to users, a copy of the contract with the telecommunications carriers or documents describing the plan
 - d) A 1:200,000 scale or more detailed map clearly showing the boundaries of the increasing or decreasing service areas (in cases where the increasing or decreasing service areas encompass the entire area of a prefecture or of a municipality, a suitable map showing the entire service area)
 - e) In cases where the applicant is a local public entity, a copy of the minutes of the assembly concerning the change of service areas
- iii) In cases of a major change of telecommunications facilities
 - a) Documents describing the required amount of money, and a method of raising fund and a repayment plan
 - b) Documents describing the following matters concerning the construction plan of telecommunications facilities pertaining to the change
 - (i) Outline (limited to major equipment)
 - (ii) Process of operation (limited to major equipment; in cases of disinstallation of facilities, a document showing the date of such disinstallation.)
 - (iii) A rough estimate of construction cost
 - c) In cases where, as a result of said change, interconnection or sharing of telecommunications facilities is made with other telecommunications carriers, or the details of interconnection or sharing are changed, a copy of the agreement with such party or a document describing the plan
 - d) In cases where telecommunications services in accordance with tariffs or wholesale telecommunications services from other telecommunications carriers are resold to users, a copy of the contract with said telecommunications carriers or a document describing the plan
 - e) A document describing the method and the prospect of procuring the land, buildings and other structures to accommodate the telecommunications facilities pertaining to the change (excluding cases where facilities are disinstalled)
 - f) Layout diagrams of transmission line facilities (limited to interexchange transmission line facilities) and switching facilities and other major facilities pertaining to the change
 - g) A list of telecommunications circuit settings

- h) Where permission or other administrative disposition of the competent administrative authority is required concerning the changes, copies of said permission, etc. (copies of application forms in cases where application has been filed for such permission, etc.) or a document describing the status of said formalities

(Immaterial Changes)

Article 11.

Immaterial changes as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with the proviso of Article 14 Paragraph (1) of the Law shall be as follows:

- i) In cases of changes of description of telecommunications services, changes not changing its classification
- ii) In cases of changes of service areas, the following changes:
 - a) In cases of changes of service areas pertaining to the offering of telecommunications services (excluding wholesale telecommunications services), the following changes:
 - (i) An increase of service areas within a prefecture in which a service area already having been granted business permission (in cases where permission was granted to a change, the permission for said change) exists, where said change of the details of the telecommunications equipment as a result of the increase of said service area falls under the following item.
 - (ii) A decrease of service areas in which the main structure of telecommunications equipment remain unchanged regardless of the decrease of said service areas, also being considered not exerting an influence upon the offering of telecommunications services in said service areas even after said decrease
 - b) Changes of service areas pertaining to the offering of wholesale telecommunications services
- iii) In cases of main structure of telecommunications equipment, the following changes:
 - a) With regard to terminal system transmission line facilities, a change in the area of installation and an increase in a prefecture where the area of installation have been granted business permission (in cases where the change was permitted, the permission for said change) exists
 - b) With regard to interexchange system transmission line facilities, a change of interexchange system transmission line facilities in the route outside Japan, and an increase in the route of installation as a result of changes in a)
 - c) With regard to switching facilities, an increase in locations for installation as a result of changes in a)
- iv) Changes made temporarily in specific districts

(Notification of Immaterial Changes)

Article 12.

Notifications as stipulated in Article 14 Paragraph (2) of the Law shall be made in accordance with Form 9.

(Application for Authorization of Entrustment of Business Activities)

Article 13.

A person who intends to obtain authorization pursuant to Article 15 of the Law shall submit an application form in accordance with Form 10, with the following documents attached

thereto:

- i) In cases where the trustee is a person other than a Type I telecommunications carrier, a document indicating that the entrustment does not fall under each item of Article 11 of the Law
- ii) A copy of the entrustment contract
- iii) A document describing the details of the method of entrustment including the amount of money pertaining to the entrustment

(Application for Authorization of Transfer of Business Operations)

Article 14.

A person who intends to obtain authorization pursuant to Article 16 Paragraph (1) of the Law shall submit an application form in accordance with Form 11, with the following documents attached thereto:

- i) A copy of the contract for transfer
- ii) A document describing the details of transfer including a basis for calculation of the value of transfer
- iii) A document describing the amount of money required for the transfer and the method of procurement
- iv) Estimates of business revenues and expenditures in accordance with Form 3 for business years including the days within five years as from the business year to which the day of transfer to the transferee belongs
- v) In cases where the transferee is a juridical person other than a Type I telecommunications carrier, the following documents:
 - a) The articles of incorporation or of the act of endowment of the juridical person
 - b) A certified copy of the register
 - c) Balance sheets and profit-and-loss statements of recent business years as of the end of each business year
 - d) A list and curricula vitae of officers or employees
- vi) The following documents when the transferee is a person who intends to establish a juridical person:
 - a) The articles of incorporation or the act of endowment of the juridical person
 - b) A list and curricula vitae of persons to serve as officers
- vii) The following documents when the transferee is a partnership without legal personality other than a Type I telecommunications carrier:
 - a) A copy of the articles of partnership
 - b) Inventory of assets of the partnership members
 - c) A list and curricula vitae of the association members
- viii) A copy of the assembly minutes pertaining to the transfer when the transferor or transferee is a local government
- ix) When the transferee is a person other than a Type I telecommunications carrier, a document indicating that the transfer does not fall under each item of Article 11 of the Law
- x) When approval or permission from the competent administrative authority is required for the transfer of telecommunications facilities belonging to the telecommunications business pertaining to the transfer, a copy of said approval or permission in writing (in cases where application has been made for approval or permission, a copy of the application), or a document describing the status of said formalities.

(Application for Authorization of Merger or Breakup)

Article 15.

A person who intends to obtain authorization referred to in Article 16 Paragraph (2) of the Law shall submit an application form in accordance with Form 12, with the following documents attached thereto:

- i) A copy of a contract for the merger, or a breakup plan or a breakup contract
- ii) An explanation concerning the terms and conditions of merger or breakup
- iii) Estimates of business revenues and expenditures in accordance with Form 3 for business years including the days within five years as from the business year to which the day of merger or breakup belongs
- iv) Where, in cases of merger, either party, or, in the case of breakup, a juridical person to inherit all the Type I telecommunications business as a result of the breakup, is a person other than a Type I telecommunications carrier, the articles of incorporation thereof, a certified copy of the register, and a balance sheet and a profit-and-loss statement of the latest business year
- v) The articles of incorporation and curricula vitae of persons to serve as officers of a surviving juridical person after merger or a juridical person to be established by merger, or a juridical person to inherit all the Type I telecommunications business as a result of said breakup, and documents indicating that said juridical person does not fall under any of items of Article 11 of the Law
- vi) When permission or other dispositions of the competent government authority concerning merger or breakup are required pertaining to telecommunications facilities belonging to a juridical person intending to merge or break up, a copy of said permission, etc. (a copy of the application form in cases where said application has been made for permission, etc.) or a document describing the status of said formalities

(Application for Authorization of Inheritance)

Article 16.

A person who intends to obtain authorization pursuant to Article 17 Paragraph (2) of the Law shall submit an application form in accordance with Form 13, with the following documents attached thereto:

- i) A document attesting to the relationship between the applicant and the predecessor
- ii) Curriculum vitae and a statement of assets of the applicant
- iii) If there are any other inheritors apart from the applicant, a list in writing of the names and addresses of those inheritors, and consents in writing for said application
- iv) A document indicating that the applicant does not fall under Item i) or ii) of Article 11 of the Law.

(Application for Authorization of Suspension and Closing of Business Operations)

Article 17.

A person who intends to obtain authorization referred to in Article 17 Paragraph (1) of the Law shall submit an application form in accordance with Form 14, with the following documents attached thereto (except when the entire business operations are to be closed):

- i) A 1:200,000 scale or more detailed map clearly showing the boundaries of the service areas pertaining to the operations to be suspended or closed (in cases where the service areas pertaining to the operations to be suspended or closed encompasses the entire area of a prefecture or a municipality, a suitable map showing the entire service area)
- ii) A document describing the telecommunications facilities profile pertaining to the

- business operations to be suspended or closed.
- iii) Estimates of business revenues and expenditures in accordance with Form 3 for business years including the days within five years as from the business year to which the day of suspension or closing of operations belongs

(Application for Authorization of Resolution to Dissolve a Juridical Person)

Article 18.

A person who intends to obtain authorization referred to in Article 18 Paragraph (3) of the Law shall submit an application form in accordance with Form 15, by attaching thereto a document attesting to the resolution of dissolution or all the members' consent thereto.

(Notification of Charges)

Article 19.

A person who intends to file a notification of establishment or amendment of charges as stipulated in Article 31 Paragraph (1) of the Law shall submit a notification form in accordance with Form 16 by describing therein the proposed charges (in cases of notification of changes, the comparison of the charges before and after the changes) and the following matters, by no later than seven days prior to the date of implementation (one month in cases where a notification of establishment or change of charges is relating to specified telecommunications service; 14 days in cases where a notification of amendment of charges is relating to specified telecommunications service and it is obvious that the charge index after the change is lower than the standard charge index):

- i) Date of implementation
- ii) Service area or route, or service period for which the charge is applied (only in cases where the service is limited)
- iii) Reason for establishment or change of charges;
- iv) Charge index of newly-established charge or charge index after change, and an explanation regarding a basis for calculation of the index (only in the case of notification of establishment or change of charges for prescribed telecommunications services); and
- v) Other items to supplement the preceding items.

(Charges Not Requiring Notification)

Article 19-2.

Charges not requiring notification as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31 Paragraph (1) of the Law shall be the following charges:

- i) Charges relating to telecommunications services that have particularly small impact on user benefits in consideration of the range of users;
- ii) Charges such as handling charges and alike; and
- iii) Charges relating to trial telecommunications services which are limited in the range of users and service period.

(Scope of Specified Telecommunications Services)

Article 19-3.

Telecommunications services as provided under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance

with Article 31 Paragraph (3) of the Law shall be the following services (except telecommunications services pertaining to the offering of additional functions with little impact on user benefits, telecommunications services of which applications are limited to the communications for use in specific services, telecommunications services of which impact on user benefits are reduced through substitution by other telecommunications services, and telecommunications services pertaining to provision of terminal equipment):

- i) Voice transmission services offered through use of only Category I designated telecommunications facilities (limited to telephony and ISDN service)
- ii) Dedicated services offered through use of only Category I designated telecommunications facilities

(Types of Prescribed Telecommunications Services)

Article 19-4.

Types of telecommunications services as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31 Paragraph (3) of the Law shall be the following services:

- i) Voice transmission services;
- ii) Voice transmission services that are provided by using Category I designated terminal system transmission line facilities as stipulated in Item i) a) of Paragraph (4) of Article 23-2;
- iii) Dedicated services

(Standard Charge Index Calculation Method, Etc.)

Article 19-5.

- (1) The standard charge index as referred to in Article 31 Paragraph (3) of the Law shall be calculated for each applicable period by using the following formula:

$$\text{Standard charge index} = \text{Standard charge index for the preceding applicable period} \times \\ (1 + \text{Rate of change of consumer price index} - \text{Expected future productivity gains} \\ + \text{Exogenous factors})$$

- (2) The period when the standard charge index is applicable shall be one year from October 1.
- (3) The rate of change of consumer price index as referred to in Paragraph (1) shall be the rate of change of consumer price index (meaning “national general index,” among other consumer price indices as prepared by the Ministry of Public Management, Home Affairs, Posts and Telecommunications based upon the result of survey of retail price statistics (designated statistics No. 35)) in the national fiscal year that ends immediately after the day of the beginning of the applicable period of the standard price index (“standard fiscal year” in the following article) or in the calendar year.
- (4) The expected future productivity gains as referred to in Paragraph (1) shall be calculated every three years from the future cost based on the current productivity and the future cost based on future productivity gains.
- (5) Exogenous factors as referred to in Paragraph (1) shall be the ones which are not considered in the calculation of expected future productivity gains and are not reflected in the rate of change of consumer price index, and they shall be calculated for each period in which the standard charge index is applicable.

- (6) When calculating the first standard charge index as applicable to the specified telecommunications services that are offered through use of telecommunications facilities newly designated pursuant to the provisions under Article 38-2 Paragraph (1) of the Law, the standard charge index for the preceding applicable period under Paragraph (1) shall be one hundred.

(Charge Index Calculation Method)

Article 19-6.

- (1) The charge index referred to in Article 31 Paragraph (3) of the Law shall be calculated by the following formula for each type of specified telecommunications services:

$$\text{Charge index} = (\Sigma P_{ti}S_i / \Sigma P_{oi}S_i) \times 100$$

P_{ti} is the amount of communications charge for each charge classification, such as distance, speed and others.

P_{oi} is the amount of charge, corresponding to P_{ti} , at six months prior to the day of application of the first standard charge index that is to be applied to the specified telecommunications services offered by using telecommunications facilities newly designated under the provisions of Article 38-2 Paragraph (1) of the Law.

S_i is the amount of supply, in the standard fiscal year, of telecommunications services to which P_{ti} is applied.

- (2) In addition to the ones specified in the preceding paragraph, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall separately specify the method of modifying the charge index as required for maintaining the continuity of the price index.

(Standard Price Index Notice Period)

Article 19-7.

The number of days as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31 Paragraph (1) of the Law shall be ninety days.

(Application for Authorization of Charges with Price Index that Exceeds the Standard Price Index)

Article 19-8.

A person who intends to obtain authorization under Article 31 Paragraph (4) of the Law shall submit an application form in accordance with Form 16 by containing therein the comparisons of charges before and after the change and the following matters:

- i) Date of implementation
- ii) Service areas or routes, or service period for which the charge is applied (only in cases where the service is limited)
- iii) Charge index after the change of charges and an explanation about the basis for calculation of the charges
- iv) An explanation about special conditions not attributable to the charges with a charge index equal to or less than the standard charge index
- v) An explanation about a basis for calculation of the charges
- vi) Estimates of revenues and expenditures for telecommunications services pertaining to the

application for business years including the days within three years as from the business year to which the day of implementation of the charges belongs

(Standards for Reduction and Exemption of Charges)

Article 20.

The standards for reduction and exemption of charges for telecommunications services as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31 Paragraph (10) of the Law shall be reduction and exemption of communications falling under the following items. However, in the case of communications as listed under Item viii), the amount of charges may be reducible to the extent not below the cost of said telecommunications services.

- i) Communications reporting that a ship or aircraft is in or may plunge into a serious and imminent danger
- ii) Communications transmitted to prevent serious danger to the navigation of ships or aircraft
- iii) Communications reporting on the danger to human life or properties when emergencies, including natural disaster, unavoidable incident and others, occur or threatens to occur
- iv) Communications transmitted to receive instructions on medical care of the sick or injured in ship or communications to respond to them
- v) Communications made from victims of a disaster or communications made from telecommunications facilities specially set up by Type I telecommunications carriers
- vi) Communications reporting crimes to the police or Japan Coast Guard
- vii) Communications reporting outbreak of fire or seeking lifesaving to the fire department, and communications seeking rescue from Japan Coast Guard
- viii) Communications dedicated for operations of; organizations of the National Police Agency or Prefectural Police Headquarters based on the Police Law (Law No. 162 of 1954); fire services of the national or local governments as stipulated in the Fire Service Organization Law (Law No. 226 of 1947); or newspaper publishers who publish newspapers with the purpose of reporting or debating on political, economic, cultural or other matters of public concern, broadcasters (persons licensed for operations of broadcasting stations in accordance with the Radio Law (Law No. 131 of 1950), or news agencies whose principal purpose is to provide newspaper publishers and broadcasters with news and information (except advertisements) (hereinafter referred to as “newspaper publishers, etc.”), which are handled in telecommunications services using leased circuits, etc.

(Method of Recording Volume of Communications)

Article 20-2.

The method as referred to in Article 31-2 of the Law shall be the method of recording the communications volume, number of circuits, or other supplied amounts of telecommunications services by billing unit for each charge category, including the distance and speed of communications.

(Terms and Conditions Not Requiring Notification of Tariffs)

Article 21.

Items as specified under the applicable ministerial ordinance of the Ministry of Public

Management, Home Affairs, Posts and Telecommunications in accordance with Article 31-4 Paragraph (1) of the Law shall be the following items:

- i) Terms and conditions (excluding the items stipulated in the paragraph) of a telecommunications service other than the following items:
 - a) Name and contents of telecommunications service;
 - b) Items relating to responsibilities of a Type I telecommunications carrier and its users;
 - c) Methods to share costs for installation of telecommunications facilities and other construction;
 - d) Items relating to limitations on modes of use of telecommunications line facilities;
 - e) Methods to secure essential communications referred to in Article 8 Paragraph (1) of the Law;
 - f) Technical conditions necessary for smooth offering of telecommunications services;
 - g) In addition to the preceding items, items relating to conditions and terms for offering telecommunications services of importance to the rights or duties of users; and
 - h) Service period where a valid service period is set forth.
- ii) Conditions and terms for the following telecommunications services:
 - a) Telecommunications services for providing additional functions, except for terms and conditions for offering telecommunications services of importance to the rights or duties of users;
 - b) Telecommunications services that are limited to purposes for specific business operations;
 - c) Telecommunications services that, by being substituted by other telecommunications services, have a reduced impact on user benefits;
 - d) Telecommunications services that have a particularly small impact on user benefits in consideration of the range of users; and
 - e) Trial telecommunications services that are limited in the range of users and the service period

(Notification of Tariff)

Article 21-2.

A person who intends to file a notification referred to in Article 31-4 Paragraph (1) of the Law shall submit a notification of Form 16-3 by attaching thereto a document listing tariffs (in the case of notification of changes, the comparison of the tariffs before and after the changes) by no later than seven days prior to the date of implementation.

(Application for Authorization of Tariffs for Offering of Telecommunications Services Using Category I Designated Telecommunications Facilities)

Article 21-3.

A person who intends to obtain authorization referred to in Article 31-4 Paragraph (3) of the Law shall submit an application of Form 16-4 by attaching thereto a document listing the proposed tariffs (in the case of application for authorization of changes, the comparison of the tariffs before and after the changes).

(Notification Pertaining to Standard Tariffs)

Article 22.

A person who intends to file a notification with the Minister of Public Management, Home Affairs, Posts and Telecommunications referred to in Article 31-4 Paragraph (5) of the Law

shall submit a notification of Form 16-5.

(Publication of Charges, Etc.)

Article 22-2.

The publication of charges or tariffs under the provisions of Article 32 Paragraph (1) of the Law shall be posted at business offices and other workplaces (limited to the main office or branch offices as registered in the commercial registration; the same shall apply hereinafter) and shall also be posted on the Internet.

(Designation of Type I Telecommunications Carriers to Which Provisions on Prohibited Activities, Etc. Apply)

Article 22-3.

- (1) Designation pursuant to the provisions under Article 37-2 Paragraph (1) of the Law or revocation of designation pursuant to Paragraph (2) of the same article shall be effected by notice. In this case, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall notify the Type I telecommunications carrier of said designation and said revocation of designation.
- (2) The ratio as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 37-2 Paragraph (1) of the Law shall be one-fourth. In this case, the combined amount of profits pertaining to the operations of providing all telecommunications services of the same type within the same area as the service area (hereinafter referred to as “subject service area” in this article) pertaining to telecommunication services using Category II designated telecommunications facilities as installed by a Type I telecommunications carrier who installs Category II designated telecommunications facilities as defined under Article 38-3 Paragraph (2) of the Law, shall be the total amount of the following amounts:
 - i) The amount of profits pertaining to the business operations of offering telecommunications services that use said Category II designated telecommunications facilities as installed by said Type I telecommunications carriers
 - ii) With regard to a portion of the subject service area that matches with the prefectural area, for all the telecommunications carriers providing the same type of telecommunications services in that particular prefectural area, the total amount of a) plus a value obtained by multiplying the amount in a) by a ratio in b).
 - a) The amount of profits pertaining to the business operations of offering the same type of telecommunications services as supplied by said telecommunications carrier in the service area of said telecommunications carrier.
 - b) The ratio of the number of the specified mobile terminal equipment as defined under Article 23-9-2 Paragraph (2) pertaining to the same type of telecommunications services as provided by said telecommunications carrier in said prefecture, in the total number of said facilities in the service area of said telecommunications carrier.
 - iii) With regard to a portion of the subject service area that does not match with a prefectural area, the total amount of amounts pertaining to all telecommunications carriers (except Type I telecommunications carriers under Item i)) who offer the same type of telecommunications services obtained by multiplying the amount listed in a) under the preceding item by the ratio listed in b) under the same item and the ratio of the population in said portion to the population in said prefecture

(Publication of Profit and Loss Statements Concerning Telecommunications Service and Other Matters Concerning Accounting)

Article 22-4.

- (1) The publication of profit and loss statements concerning telecommunications service and other matters concerning accounting as defined by the provisions under Article 37-2 Paragraph (5) of the Law shall be posted at business offices and other workplaces for public review for each business year within three months after the end of the business year, and shall also be made available on the Internet within seven days after it was posted at the business offices and other workplaces.
- (2) The publication under the preceding paragraph shall be made over the period of five years from the day of being made available at the business offices and other workplaces pursuant to said paragraph.
- (3) The matters as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 37-2 Paragraph (5) of the Law shall be the matters as listed in the left column of the table below, and their Forms shall be as given in the right column of the table, which is set forth in Table No. 2 separately attached to the Rules for Telecommunications Business Accounting (MPT Ordinance No. 26 of 1985).

1) Balance sheet	Form 1
2) Profit-and-loss statement	Form 2
3) List of fixed assets	Form 4
4) List of investments in affiliated companies	Form 7
5) List of claims in affiliates	Form 8
6) List of debt obligations in affiliates	Form 12
7) Profit-and-loss list for each service	Form 20
8) Profit-and-loss list for voice transmission service	Form 21
9) Profit-and-loss list for dedicated services	Form 22
10) Profit-and-loss list for auxiliary business	Form 23
11) Other list of matters of importance (limited to transactions with subsidiaries, and status of interlocking directors and auditors having duties in subsidiaries)	Form 24

(Designation and Revocation of Designation of Telecommunications Carrier Having Special Relations)

Article 22-5.

Designation and revocation of designation pursuant to the provisions under Article 37-3 Paragraph (1) of the Law shall be effected by notice. In this case, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall inform the Type I telecommunications carrier to that effect.

(Unavoidable Reasons of Unfavorable Treatment to Other Telecommunications Carriers)

Article 22-6.

Unavoidable reasons as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with the proviso of Article 37-3 Paragraph (3) of the Law shall be the nonperformance or possibility of

nonperformance of payment of the amount to be borne by other telecommunications carriers, service period or other terms and conditions of use, confidentiality, prohibition of unintended uses, and other items as set forth in the contract.

(Report on Measures Taken for Observance of Provisions Concerning Prohibited Activities)

Article 22-7.

A person who intends to do the reporting referred to in Article 37-3 Paragraph (5) of the Law shall submit a report of Form 16-6 to the Minister of Public Management, Home Affairs, Posts and Telecommunications within three months after the end of the business year, by attaching thereto a document containing the following matters pertaining to said business year:

- i) With regard to matters as listed from a) to c) which are necessary for interconnection with Category I designated telecommunications facilities and in d), the establishment and publication of terms and conditions, and the description of measures taken to ensure equal treatment in handling telecommunications carriers having special relations and telecommunications carriers except for said telecommunications carriers having special relations.
 - a) Installation or maintenance of telecommunications facilities
 - b) Use of land, buildings and other structures to be attached to the land, etc.
 - c) Provision of information
 - d) Intermediation, mediation or representation with regard to contracts concerning provision of telecommunications services, or entrustment of business operations
- ii) Status of implementation of the matters as listed in a) through d) of the preceding item as implemented in accordance with the terms and conditions publicized under the same item, separately for telecommunications carriers having special relations and telecommunications carriers other than telecommunications carriers having special relations
- iii) In cases where the matters as listed in a) through (d) of Item i) were implemented by not using the terms and conditions publicized under the same item, the reason, terms and conditions, and other status of implementation for each of telecommunications carriers having special relations and telecommunications carriers other than telecommunications carriers having special relations

(Reasonable Grounds to Decline Request for Interconnection to Telecommunications Facilities)

Article 23.

The reasonable grounds as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38 Paragraph (3) of the Law shall be as follows:

- i) Other telecommunications carriers who request interconnection of telecommunications facilities fail or may fail to pay the amount of money to be borne by themselves for interconnection of their telecommunications line facilities.
- ii) Installation or modification of telecommunications line facilities to allow interconnection of telecommunications facilities is extremely difficult in terms of technical and economic aspects.

(Standards, Etc. for Type I Designated Telecommunications Facilities)

Article 23-2.

- (1) Designation as specified in Article 38-2 Paragraph (1) of the Law shall be effected by notice.

In this case, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall inform the Type I telecommunications carriers who install facilities to be given said designation to that effect.

- (2) The area as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-2 Paragraph (1) of the Law (hereinafter referred to as “unit designated area”) shall be the prefectural area (an area designated separately by the Minister of Public Management, Home Affairs, Posts and Telecommunications when there exists a special necessity to do so in consideration of the status of use of telecommunications services).
- (3) The ratio as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-2 Paragraph (1) of the Law shall be calculated separately for transmission line facilities (hereinafter referred to as “fixed terminal system transmission line facilities”) interconnected to the user’s telecommunications facilities of which one end is installed at a specific site and the transmission line facilities other than the fixed terminal system transmission line facilities, and shall be one half for the fixed terminal system transmission line facilities. In this case, the number of telecommunications lines shall be one per line, regardless of the applicable field of telecommunications lines, frequency bandwidth, transmission speed, or the number of conductors, etc. However, with regard to telecommunications lines for analog signal transmission (except telecommunications lines used to offer telephony services) of which frequency bandwidth is in excess of 4 kHz, the value obtained by dividing the frequency bandwidth of the individual lines by four (fractions less than 1 shall be omitted) shall be considered as the number of telecommunications lines, and with regard to telecommunications lines for digital signal transmission, the value obtained by dividing a total sum of transmission speeds expressed by a unit of kilobits per second of the individual lines (in cases where lines of which transmission speed exceeds 1,536 kilobits per second, the transmission speed shall be considered as 1,536 kilobits per second) by sixty-four shall be considered as the number of telecommunications lines.
- (4) Telecommunications lines as referred to in Article 38-2 Paragraph (1) of the Law and as stipulated under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications shall be the following facilities:
 - i) Telecommunications facilities with functions of switching or editing codes (except signals used for controlling telecommunications services or authentication of terminals, etc. (hereinafter simply referred to as “signals”)), sound or image, or setting of communications channels (hereinafter referred to as “switching, etc.”) (hereinafter referred to as “facilities for switching, etc.”), which are the following facilities:
 - a) Facilities that directly accommodate fixed terminal system transmission line facilities (hereinafter referred to as “Category I designated terminal system facilities for switching, etc.”)
 - b) Facilities for switching, etc. other than Category I designated terminal system facilities for switching, etc., which are used for communications within the unit designated area concerned (hereinafter referred to as “Category I designated trunk system facilities for switching, etc.”)
 - ii) Transmission line facilities that are the following facilities:
 - a) Transmission lines facilities installed between the buildings (hereinafter referred to as “Category I designated local exchange”) where Category I designated terminal system facilities for switching, etc. are installed (hereinafter referred to as “Category

- I designated local transmission line facilities”)
- b) Transmission line facilities that are installed between a Category I designated local exchange and a building (hereinafter referred to as “Category I designated relaying exchange”) in which Category I designated trunk system facilities for switching, etc. are installed (hereinafter referred to as “Category I designated trunk system transmission line facilities”)
 - iii) Facilities for use in management of information pertaining to telecommunications services offered through Category I designated terminal system transmission line facilities and the facilities under the preceding two items, control of telecommunications services and authentication of terminals
 - iv) In addition to the ones listed under the preceding three items, the facilities for switching, etc., transmission line facilities or terminal facilities of which interconnection to said facilities is indispensable to the improvement of convenience of the users, and comprehensive and rational development of telecommunications

(Application for Authorization of Interconnection Tariffs and Agreements for Interconnection to Type I Designated Telecommunications Facilities)

Article 23-3.

A person who intends to obtain authorization as referred to in Article 38-2 Paragraph (2) of the Law shall submit an application of Form 17, by attaching thereto a document containing the proposed interconnection tariff or agreement (in the case of application for authorization of changes, the comparison of the interconnection tariffs or agreements before and after the changes) and the grounds for calculation of interconnection charges.

(Standards for Authorization of Interconnection Tariffs and Agreements for Interconnection to Category I Designated Telecommunications Facilities)

Article 23-4.

- (1) The points as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-2 Paragraph (3) Item i) a) of the Law shall be as follows:
 - i) Points at the side of the user’s telecommunications facilities at Category I designated terminal system transmission line facilities (meaning “fixed terminal system transmission line facilities at Category I designated telecommunications facilities”: the same shall apply hereinafter)
 - ii) The following main distributing frames installed at Category I designated local exchanges
 - a) Such main distributing frames for transmission of electrical signals
 - b) Such main distributing frames for optical signals
 - iii) Points at the opposite side of Category I designated terminal system transmission line facilities, in the transmission equipment to be installed at Category I designated local exchanges
 - iv) Points at the side of Category I designated terminal system transmission line facilities, in the I-interface subscriber modules (meaning mainly Category I designated terminal system facilities for switching, etc. that are used for offering voice transmission services, excluding the facilities used for offering telephony services) installed at Category I designated local exchanges
 - v) Transmission equipment installed between Category I designated local transmission line facilities or Category I designated trunk system transmission line facilities and Category I

- designated terminal system facilities for switching etc., at Category I designated local exchanges
- vi) Points at the side of Category I designated terminal system transmission line facilities, at Category I designated terminal system facilities for switching, etc. that are installed at Category I designated local exchanges
 - vii) Main distributing frames pertaining to transmission of optical signals, which are installed at Category I designated tandem exchanges
 - viii) Transmission equipment, at a Category I designated tandem exchange, installed BETWEEN transmission line facilities located between Category I designated trunk system transmission line facilities or Category I designated trunk system facilities for switching, etc. installed in a unit designated area which is different from the unit designated area in which said Category I designated trunk system facilities for switching, etc. are installed AND Category I designated trunk system facilities for switching, etc.
 - ix) Routers installed at Category I designated tandem exchanges (meaning telecommunications equipment for switching codes based on the Internet Protocol)
 - x) Signal transmission equipment installed in the same building at the same place as the equipment used for switching of the signal tandem switch (meaning signal switches) (hereinafter referred to as “signal tandem switches”), and signal transmission equipment installed at Category I designated local exchanges and Category I designated tandem offices
- (2) The matters as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-2 Paragraph (3) Item i) d) of the Law shall be as follows:
- i) The following matters in cases where other telecommunications carriers interconnecting their telecommunications facilities to Category I designated telecommunications facilities (hereinafter referred to as “other carriers” in this paragraph and in Article 23-6) request interconnection:
 - a) Procedures to be followed when making a request for interconnection, which shall include the following matters:
 - (i) Procedures whereby other carriers receive disclosure of the line conditions of terminal system transmission line facilities as Category I designated telecommunications facilities, the status of installation of transmission line facilities for optical signals, and information necessary at the time of request for interconnection
 - (ii) Procedures for making a request for interconnection (except a request for interconnection to trunk system transmission line facilities for optical signals) and receiving a response to the request (in cases where the response received is to the effect that said request cannot be immediately met, it shall include rational reasons, etc., for example, a fact that there are no telecommunications facilities not currently in use pertaining to said request) (including procedures for entry into the facilities to verify said response to the effect that said request cannot be immediately met because there are no telecommunications facilities not currently in use pertaining to said request)
 - (iii) Procedures for making a request for interconnection to a trunk system transmission line facilities for optical signals and receiving a response to said request (in cases where the response received is to the effect that said request cannot be immediately met, it shall include rational reasons, including a fact that there are no telecommunications facilities not currently in use pertaining to said request) (including procedures for entry into the facilities to verify said response

- to the effect that said request cannot be immediately met because there are no telecommunications facilities pertaining to said request not currently in use), which shall be the same as the procedures followed in cases where a Type I telecommunications carrier installing Category I designated telecommunications facilities shall use its trunk system transmission line facilities for optical signals
- (iv) Procedures for concluding and canceling interconnection agreements
 - b) A standard time period from the day of request for disclosure of information necessary for the interconnection request to the day of actual disclosure of said information
 - c) A standard time period from the day of request for interconnection to the day when the interconnection is actually started after a response to said request is made
- ii) The following matters, in cases where, with regard to the interconnection, other carriers install or maintain equipment necessary for interconnection (including equipment necessary for indirect interconnection via telecommunications facilities, other than Category I designated telecommunications facilities, installed by Type I telecommunications carriers who install Category I designated telecommunications facilities; the same shall apply hereinafter), or use buildings, conduits, ducts or telephone tunnels
- a) Procedures to be followed when other carriers install equipment necessary for interconnection, which include the following matters:
 - (i) Procedures to be followed for other carriers to get disclosure of information concerning possible sites where other carriers are allowed to install equipment necessary for interconnection
 - (ii) Procedures to be followed where other carriers request a Type I telecommunications carrier who installs Category I designated telecommunications facilities to consider the availability of and conditions for installation of equipment necessary for interconnection and obtain a response concerning the result of said consideration (if it refuses said installation, it shall contain rational reasons for the refusal) (including procedures for entry into the building pertaining to said request for said installation by other carriers (including entries to verify said response to the effect that said installation is accepted, and also to verify said response to the effect that said installation is refused because there are no places available for said installation))
 - (iii) Procedures to be followed where other carriers perform construction work or maintenance
 - (iv) Procedures to be followed where other carriers enter onto the site of the work or maintenance conducted by a Type I telecommunications carrier who install Category I designated telecommunications facilities
 - b) A standard period of time from the day of request made by other carriers to a Type I telecommunications carrier who installs Category I designated telecommunications facilities to consider the availability of and conditions for installation of equipment necessary for interconnection (including equipment necessary for indirect interconnection via telecommunications facilities, other than Category I designated telecommunications facilities, installed by Type I telecommunications carriers who install Category I designated telecommunications facilities; the same shall apply hereinafter) until the day when the installation work pertaining to said response is started after they obtain a response concerning the result of said consideration (when said response is to that effect of refusing the installation of equipment necessary for interconnection, a standard period of time until the day of said response) (except any time period due to any reason attributable to other carriers)
 - c) A standard period of time for work where the work is undertaken by a Type I

- telecommunications carrier who installs Category I designated telecommunications facilities (except any time period due to any reason attributable to other carriers)
- d) The amount of money calculated pursuant to the method of calculating interconnection charge costs (for the value of net profit to net worth ratio, the provisions under Article 12 Paragraph (5) of the Rules for Interconnection Charges (Ministerial Ordinance of MPT No. 64 of 2000) shall apply mutatis mutandis) based upon the value of net fixed assets (the amount of money obtained after deduction of the equivalent amount of depreciation from the purchase costs of buildings, conduits, ducts or telephone tunnels installed by Type I telecommunications carriers who install Category I designated telecommunications facilities)
 - e) A fair and reasonable amount of money in light of the fair cost, under efficient management, to be borne by other carriers when obtaining disclosure of information in a) (i) (where calculated pursuant to the interconnection charge cost calculation method, the provisions under Article 12 Paragraph (5) of the Rules for Interconnection Charges shall apply mutatis mutandis for the value of net profit to net worth ratio)
 - f) An amount of money to be borne by other carriers with regard to the work or maintenance where undertaken by Type I telecommunications carriers who install Category I designated telecommunications facilities
 - g) In cases where other carriers install equipment necessary for interconnection (including equipment necessary for indirect interconnection via telecommunications facilities other than Category I designated telecommunications facilities installed by a Type I telecommunications carrier who installs Category I designated telecommunications facilities; hereinafter in this item and the following item the same shall apply), the amount of money the other carriers are to bear, and the conditions for the installation
- iii) The following matters, in cases where other carriers install equipment necessary for interconnection, on telephone poles, etc. as owned by a Type I telecommunications carrier who installs Category I designated telecommunications facilities:
 - a) Procedures to be followed where other carriers install equipment necessary for interconnection
 - b) The amount of money other carriers are to bear
 - c) Terms and conditions in cases where other carriers install equipment necessary for interconnection
 - iv) The following matters, in cases where the interior wiring as actually installed by a Type I telecommunications carrier who installs Category I designated telecommunications facilities is used by other carriers:
 - a) Procedures to be followed where other carriers perform the work
 - b) The amount of money other carriers are to bear
 - c) Terms and conditions in cases where other carriers use the interior wiring
 - v) In cases where a Type I telecommunications carrier who installs Category I designated telecommunications facilities performs the work or maintenance, billing or collection of charges, or other operations pertaining to interconnection to Category I designated telecommunications facilities, the fair and reasonable amount of money in light of the fair cost, under efficient management, to be borne by other carriers (when calculated pursuant to the interconnection charge cost calculation method, the provisions under Article 12 Paragraph (5) of the Rules for Interconnection Charges shall apply mutatis mutandis for the value of net profit to net worth ratio)
 - vi) Matters with regard to the responsibilities to be borne by Type I telecommunications carriers who install Category I designated telecommunications facilities and other carriers

- to their users (except the provisions under Article 23-6 Item ii))
 - vii) Methods for handling essential communications as referred to in Article 8 Paragraph (1) of the Law
 - viii) Forms to be used either for a request made by other carriers for interconnection and for a response made to said request by a Type I telecommunications carrier who installs Category I designated telecommunications facilities (with respect to trunk system transmission line facilities for optical signals, it shall be the same as the Form as used where a Type I telecommunications carrier who installs Category I designated telecommunications facilities uses their trunk system transmission line facilities for optical signals)
 - ix) In cases where negotiations with other carriers fail to come to an agreement, the method used for settlement, either by mediation referred to in Article 88-12 Paragraph (1) or Article 88-15 Paragraph (1) of the Law, or by arbitration referred to in 88-13 Paragraph (1) or Article 88-15 Paragraph (3) of the Law
 - x) In addition to the ones listed under the preceding items, if there are matters regarding the terms and conditions for interconnection of telecommunications facilities that have important relations with the rights and obligations of other carriers, these matters
 - xi) In cases where the valid period is specified, that period
- (3) The matters concerning disclosure of information referred to in a)-(i) of Item i) or a)-(i) of Item ii) of the preceding paragraph shall be as separately notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Notification of Interconnection Tariffs Concerning Interconnection with Category I Designated Telecommunications Facilities)

Article 23-5.

A person who intends to file a notification pursuant to the provisions under Article 38-2 Paragraph (5) of the Law shall submit a notification of Form 17-2, by attaching thereto a document including interconnection tariffs (in cases of a notification of changes, the comparison of the interconnection tariffs before and after the changes).

(Charges, and Terms and Conditions for Interconnection Requiring Notification of Interconnection Tariffs Concerning Interconnection to Category I Designated Telecommunications Facilities)

Article 23-6.

The charges, terms and conditions for interconnection as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-2 Paragraph (5) of the Law shall be as follows:

- i) Charges, and terms and conditions for interconnection for additional functions
- ii) Of the matters regarding the responsibilities that Type I telecommunications carriers who install Category I designated telecommunications facilities or other carriers shall bear to their users, the following matters:
 - a) Matters pertaining to the sharing of the cost for origination, reception, routing, etc. of communications
 - b) Matters pertaining to the sharing of settings of charges to users
 - c) Matters pertaining to the sharing of billing and collection of charges from users
- iii) Of the matters regarding the responsibilities that Type I telecommunications carriers who install Category I designated telecommunications facilities or other carriers shall bear,

- those matters pertaining to the sharing of interconnection charges
- iv) Technical conditions for interconnection to be amended pursuant to the applicable ministerial ordinance of Ministry of Public Management, Home Affairs, Posts and Telecommunications and other laws and regulations which stipulate the technical standards as referred to in Article 41 Paragraph (1) of the Law or the standards of telecommunications numbers as referred to in Article 48-2 Paragraph (1) of the Law

(Application for Authorization of Agreements on Interconnection with Category I Designated Telecommunications Facilities)

Article 23-7.

A person who intends to obtain authorization pursuant to the provisions under Article 38-2 Paragraph (7) of the Law shall submit an application of Form 17-3, with the following documents attached thereto:

- i) A copy of the agreement
- ii) A document describing the amount of money the parties are to obtain or bear, and other details of the method of implementing the agreement, including settlement of debt
- iii) A chart showing the outline of interconnection
- iv) In cases of application for authorization of the changes, a document comparing the agreements before and after the changes

(Publication of Authorized Interconnection Tariffs, Etc.)

Article 23-8.

The publication of authorized interconnection tariffs as set forth in Article 38-2 Paragraph (8) of the Law shall be posted at business offices and other workplace and shall also be posted on the Internet, from the day of implementation thereof.

(Notification of Interconnection Agreements Pertaining to Authorized Interconnection Tariffs, Etc.)

Article 23-9.

A person who intends to file a notification pursuant to the provisions under Article 38-2 Paragraph (9) of the Law shall submit a notification of Form 17-4.

(Criteria for Category II Designated Telecommunications Facilities, Etc.)

Article 23-9-2.

- (1) Designation and revocation of designation as referred to in Article 38-3 Paragraph (1) of the Law shall be effected by notice. In this case, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall inform a Type I telecommunications carrier who receives said designation or revocation of designation pertaining to facilities to that effect.
- (2) The mobile terminal equipment as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-3 Paragraph (1) of the Law (hereinafter referred to as “specified mobile terminal equipment”) shall be the radio equipment of a mobile radio station that performs mobile radio communications as defined in Article 7 Paragraph (9) of the Rules for Regulating Radio Equipment (Radio Regulatory Commission Rules No. 18 of 1950).

- (3) The ratio as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 38-3 Paragraph (1) of the Law shall be one-fourth, and it shall be calculated by summing up the ratios as of the end of the previous business year and the business year before the previous business year and dividing the totaled ratio by two. In this case, the number of specified mobile terminal equipment to be interconnected to all transmission line facilities of the same type that are installed in the same area as the service area (hereinafter referred to as “subject service area” in this paragraph) pertaining to the telecommunications services using transmission line facilities installed by the same Type I telecommunications carrier as referred to in the same paragraph, shall be the total of the following numbers:
- i) The number of specified mobile terminal equipment to be interconnected to said transmission line facilities installed by said Type I telecommunications carrier
 - ii) With regard to a portion of the subject service area that matches with a prefectural area, the number of specified mobile terminal equipment to be interconnected to all the transmission line facilities of the same type (except the transmission line facilities in the preceding item) as installed in the area of the prefecture
 - iii) With regard to a portion of the subject service area that does not match with a prefectural area, a number obtained by multiplying the number of specified mobile terminal equipment to be interconnected to all the transmission line facilities of the same type (except the transmission line facilities referred to in Item i)) as installed in the prefectural area to which said portion belongs, by the ratio of the population in said portion to the population in said prefecture
- (4) Telecommunications facilities installed by said Type I telecommunications carrier in order to offer said telecommunications services pursuant to Article 38-3 Paragraph (1) of the Law as being stipulated by the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications, shall be the following ones:
- i) Telecommunications facilities with functions of switching or editing codes (except signals), sound or image (hereinafter referred to as “switching facilities”), which are the following ones:
 - a) Facilities directly accommodating transmission line facilities to be interconnected to specified mobile terminal equipment (hereinafter referred to as “Category II designated terminal system switching facilities”)
 - b) Switching facilities other than Category II designated terminal system switching facilities, which are used for communications with specified mobile terminal equipment within service areas (hereinafter referred to as “Category II designated trunk system switching facilities”)
 - ii) Transmission line facilities that are the following ones:
 - a) Radio equipment of a radio station that sends radio waves to or receives radio waves from specified mobile terminal equipment (hereinafter referred to as “Category II designated terminal system base station”)
 - b) Transmission line facilities installed between Category II designated terminal system base stations and buildings in which Category II designated terminal switching facilities are installed (hereinafter referred to as “Category II designated terminal system exchange”)
 - c) Transmission line facilities installed between Category II designated terminal system exchanges and buildings in which Category II designated trunk system switching facilities are installed

- (3) Facilities for performing management of information, control of telecommunications services, authentication of terminals, etc. pertaining to telecommunications services as provided from the facilities in the preceding two items
- (4) In addition to the ones listed under the preceding three items, switching facilities, transmission line facilities or terminal equipment, ones with which proper and smooth interconnection of said facilities and equipment shall be ensured

(Notification of Interconnection Tariffs Concerning Interconnection with Category II Designated Telecommunications Facilities)

Article 23-9-3.

A person who intends to set forth or change interconnection tariffs pursuant to the provisions under Article 38-3 Paragraph (2) of the Law shall submit a notification of Form 17-5 by no later than seven days prior to the day of implementation thereof, by attaching thereto the interconnection tariffs (in cases of notification of changes, the comparison of the interconnection tariffs before and after the changes) describing the following matters:

- i) Points of interconnection with telecommunications facilities of other telecommunications carriers
- ii) Technical conditions at points given in the preceding item, as applied at the time of interconnection with telecommunications facilities of other telecommunications carriers
- iii) Interconnection charges pertaining to the functions of telecommunications facilities that are to be interconnected
- iv) Matters concerning the responsibilities that are to be borne by Type I telecommunications carriers who install Category II designated telecommunications facilities and by other telecommunications carriers (hereinafter referred to as "other carriers" in this article) who interconnect telecommunications facilities with Category II designated telecommunications facilities
- v) Procedures for conclusion and termination of interconnection agreements
- vi) A standard period of time from the day of receipt of a request for interconnection to the day of actual start of interconnection, upon interconnection with telecommunications facilities of other telecommunications carriers
- vii) Matters concerning the responsibilities that Type I telecommunications carriers who install Category II designated telecommunications facilities and other carriers are to bear to users of said facilities
- viii) Methods of handling essential communications as referred to in Article 8 Paragraph (1) of the Law
- ix) If, in addition to the ones listed under the preceding items, there are matters concerning interconnection of telecommunications facilities that have an important relation with the rights or obligations of other carriers, these matters
- x) In cases where an effective period is specified, that period
- xi) In cases where negotiations with other carriers fail to come to an agreement, the method of dispute settlement, either by mediation under Article 88-12 Paragraph (1) or Article 88-15 Paragraph (1) of the Law, or by arbitration under 88-13 Paragraph (1) or Article 88-15 Paragraph (3) of the Law

(Publication of Notification Interconnection Tariffs)

Article 23-9-4.

The provisions in Article 23-8 shall apply mutatis mutandis for publication of the notified interconnection tariffs as defined in Article 38-3 Paragraph (5) of the Law.

(Notification of Interconnection Agreements)

Article 23-10.

A Type I telecommunications carrier who intends to conclude or change interconnection agreements pursuant to the provisions under Article 38-4 Paragraph (1) shall file an application form in accordance with Form 17-6, with the following documents attached thereto:

- i) A copy of the agreement
- ii) A document describing the amount of money the parties are either to obtain or to bear, the calculation method thereof, and the detailed procedures for the implementation of the agreement
- iii) A diagram showing an outline of the interconnection
- iv) In the case of notification of changes, a document comparing the agreements before and after the changes

(Notification of Interconnection Tariffs)

Article 23-11.

A person who intends to set forth or change interconnection tariffs in accordance with Article 38-4 Paragraph (2) of the Law shall submit a notification of Form 17-5, by no later than seven days prior to the day of implementation thereof, by attaching thereto the interconnection tariffs describing the following matters (in cases of notification of changes, the comparison of the interconnection tariffs before and after the changes):

- i) Points of interconnection with telecommunications facilities of other telecommunications carriers
- ii) Technical conditions at the points in the preceding item, as applicable at the time of interconnection with telecommunications facilities of other telecommunications carriers
- iii) Interconnection charges pertaining to the functions of telecommunications facilities that are to be interconnected
- iv) Matters concerning the responsibilities that a Type I telecommunications carrier and other telecommunications carriers who interconnect telecommunications facilities with said Type I telecommunications carrier are to take
- v) Procedures for concluding and terminating interconnection agreements
- vi) A standard period of time from the day of receipt of a request for interconnection to the day of actual start of interconnection, upon interconnection with the telecommunications facilities of other telecommunications carriers
- vii) Matters concerning the responsibilities that a Type I telecommunications carrier and other telecommunications carriers who interconnect telecommunications facilities with said Type I telecommunications carrier are to bear to users of said facilities
- viii) Methods of handling essential communications as referred to in Article 8 Paragraph (1) of the Law
- ix) If, in addition to the ones under the preceding items, there are matters concerning the interconnection of telecommunications facilities that have an important relationship with the rights or obligations of a Type I telecommunications carrier and other telecommunications carriers who interconnect telecommunications facilities, these

- matters
- x) In cases where an effective period is specified, that period

(Publication of Notified Interconnection Tariffs)

Article 23-12.

The provisions in Article 23-8 shall apply mutatis mutandis for the publication of interconnection tariffs as specified in Article 38-4 Paragraph (3) of the Law.

(Notification of Interconnection Agreements Pertaining to Interconnection Tariffs)

Article 23-13.

A person who intends to file a notification pursuant to the provisions under Article 38-4 Paragraph (4) shall submit a notification of Form 17-7.

(Petition Pertaining to Interconnection)

Article 23-14.

A Type I telecommunications carrier who intends to file a petition pursuant to the provisions under Article 39 Paragraph (1) or (2) of the Law shall submit a petition of Form 17-8.

(Application for Award Pertaining to Interconnection)

Article 23-15.

A Type I telecommunications carrier who intends to file an application for award as referred to in Article 39 Paragraph (3) or (4) of the Law shall submit an application of Form 17-9.

(Notification of a Plan on Change or Addition of Functions of Category I Designated Telecommunications Facilities)

Article 24.

A person who intends to file a notification as referred to in Article 39-2 Paragraph (1) of the Law shall submit a notification of Form 18 (in cases of a notification of changes, a notification of Form 18 with a document describing the plans before and after the changes as stipulated under the same paragraph attached thereto (referred to as “the plan” in the following article and in Article 24-4), for each function of said Category I designated telecommunications facilities that other telecommunications carriers may use.

(Time Limit for Notification)

Article 24-2.

- (1) The number of days as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 39-2 Paragraph (1) of the Law shall be two hundred days except for cases listed in the following items:
 - i) One hundred and forty days, in cases where functional changes or addition is to be made strictly in accordance with the technical conditions pursuant to the Recommendations based upon the International Telecommunication Union Constitution and Convention, and relevant to the interconnection as separately notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications.

- ii) Forty days, in the case of a notification of a plan on functional changes or addition to be made upon request from other specific telecommunications carriers, where only said other telecommunications carriers use said function and anticipate to pay the costs of said change, etc.
 - iii) Sixty days, for notification pursuant to the provisions in the latter part of Paragraph (1) of Article 39-2 of the Law. However, seven days, in cases where said notification is pertaining to the change of the plan to be made upon instruction as provided for under Article 39-2 Paragraph (3) of the Law
- (2) Notwithstanding the provisions in the operative part of Item iii) of the preceding paragraph, a Type I telecommunications carrier who installs Category I designated telecommunications facilities is not required to notify the plan within the specified number of days as stipulated under said provisions, in cases where there are reasonable grounds for not being able to file a notification within the specified number of days and there is no possibility of hindering smooth interconnection between telecommunications facilities of other telecommunications carriers and Category I designated telecommunications facilities, and an approval has been granted from the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Publication of the Plan on Change or Addition of Functions of Category I Designated Telecommunications Facilities)

Article 24-3.

- (1) A person who intends to disclose the plan in accordance with the provisions under Article 39-2 Paragraph (2) of the Law shall post, through the official gazette *Kampo*, within thirty days from the day of notification, the outline of the plan that was notified to the Minister of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions under Paragraph (1) of the same article, while posting it for inspection at business offices and other workplaces within seven days therefrom. In this case, a person who intends to make said disclosure shall send a notice to telecommunications carriers who made prior requests, before posting said plan on the official gazette, and hold a briefing on said plan within seven business days from the day of disclosing the plan through the official gazette.
- (2) Notwithstanding the provisions under the preceding paragraph, in the case as set forth in Paragraph (1) Item ii) of the preceding article, a person who intends to disclose pursuant to the provisions under Article 39-2 Paragraph (2) of the Law shall disclose, through the official gazette, the outline of the plan that was notified to the Minister of Public Management, Home Affairs, Posts and Telecommunications, within thirty days prior to the day when provision of functions pertaining to said plan is commenced, while posting said plan for inspection at business offices and other workplaces within thirty days prior to the commencement of provision of functions pertaining to said plan.

(Change of the Date of Starting Construction)

Article 24-4.

- (1) A person who intends to file a notification pursuant to the provisions under Article 39-2 Paragraph (1) of the Law (except cases pertaining to changes of the plan to be made in accordance with instructions under Paragraph (3) of the same article), shall set a period of more than thirty days for accepting opinions of other telecommunications carriers calculated from the day when the outline of the plan is posted on the official gazette in accordance with

the provisions under Paragraph (1) of the same article.

- (2) A person who intends to file a notification pursuant to the provisions under Article 39-2 Paragraph (1) of the Law may change the day of starting the construction work, in cases where, after elapse of the opinion acceptance period as provided in the preceding paragraph, no requests or opinions for the plan have been sent from other telecommunications carriers and there is no possibility of hindering smooth interconnection between telecommunications facilities of other telecommunications carriers and Category I designated telecommunications facilities. Incidentally, the outline of the plan after changing the day shall be posted on the official gazette.

(Functions Not Requiring Notification)

Article 24-5.

The functions as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 39-2 Paragraph (1) of the Law shall be as follows:

- i) Functions of rewriting programs or data, for use in Category I designated telecommunications facilities of Type I telecommunications carriers who install Category I designated telecommunications facilities in order to change or add functions for Category I designated telecommunications facilities
- ii) Functions of measuring the traffic concerning Category I designated telecommunications facilities of Type I telecommunications carriers who install Category I designated telecommunications facilities
- iii) Functions of billing charges for telecommunications services as provided by Type I telecommunications carriers who install Category I designated telecommunications facilities or functions of calculating said charges (except functions of settling up charges concerning telecommunications services with other telecommunications carriers)
- iv) Functions of monitoring or controlling Category I designated telecommunications facilities (except functions affecting the handling of communications of other telecommunications carriers)
- v) Functions of immediately collecting charges for telecommunications services as provided by pay phones (limited to functions pertaining to transmitting and switching signals between Category I designated local switches and pay phones)
- vi) Functions of interconnecting only with a specific department, such as maintenance/administration departments of Type I telecommunications carriers who install Category I designated telecommunications facilities, via switching facilities and transmission line facilities (except functions pertaining to interconnection with other telecommunications carriers)
- vii) Functions that users of telecommunications services as provided by Type I telecommunications carriers who install Category I designated telecommunications facilities are to use in order to set or change the conditions of use from terminal equipment (except functions for setting or changing the conditions concerning interconnection with other telecommunications carriers), offering of functions thereof which is possible without using telecommunications facilities other than Category I designated local switches)
- viii) Directory assistance functions (except functions concerning interconnection with other telecommunications carriers)
- ix) Functions of switching codes through routers (meaning telecommunications equipment switching codes in accordance with the Internet Protocol)

- x) Functions of multiplexing through use of digital subscriber line access multiplexers (DSLAMs) (limited to a transmission method pursuant to the ITU-T Recommendations G.992.1 Annex C and G.992.2 Annex C)
- xi) Functions of splitting sound and codes pertaining to transmission by their frequency, by using digital subscriber line signal splitters
- xii) Functions of converting between optical and electrical signals by using optical-electrical signal converters

(Application for Authorization of Facilities Sharing Agreement)

Article 25.

A Type I telecommunications carrier who intends to obtain authorization as stipulated in Article 39-3 Paragraph (1) of the Law shall file an application form in accordance with Form 18-2, with the following documents attached thereto:

- i) A copy of the agreement
- ii) A document showing the amount of money the parties are to obtain or bear, the calculation method thereof and also the detailed procedure for implementation of the agreement
- iii) A diagram showing an outline of the shared facilities
- iv) In the case of application for authorization of changes, a document comparing the agreements before and after the changes

(Notification of Facilities Sharing Agreement)

Article 25-2.

A Type I telecommunications carrier who intends to file a notification as stipulated in Article 39-3 Paragraph (5) of the Law shall submit a notification in accordance with Form 18-3, with the following documents attached thereto:

- i) A copy of the agreement
- ii) In the case of notification of changes, a document comparing the agreements before and after the changes

(Petition Pertaining to Facilities Sharing)

Article 25-3.

A Type I telecommunications carrier who intends to file a petition as stipulated in Article 39-4 Paragraph (1) of the Law shall submit a petition of Form 17-8.

(Application for Award on Facilities Sharing)

Article 25-4.

A Type I telecommunications carrier who intends to file an application for award as stipulated in Article 39 Paragraph (3) or (4) of the Law to which the provisions of Article 39-4 Paragraph (2) of the Law shall apply mutatis mutandis, shall submit an application of Form 17-9.

(Notification of Contract for Provision of Wholesale Telecommunications Services)

Article 25-5.

A person who intends to conclude or modify contracts for provision of wholesale

telecommunications services in accordance with the provisions of Article 39-5 Paragraph (1) of the Law shall submit a notification of Form 19 by attaching thereto a document containing a copy of the contract (in the case of notification of changes, a document comparing the contracts before and after the changes).

(Notification of Tariffs Concerning Wholesale Telecommunications Services)

Article 25-6.

A person who intends to set forth or modify tariffs for charges for wholesale telecommunications services and other terms and conditions for provision thereof in accordance with the provisions of Article 39-5 Paragraph (2) of the Law shall, within seven days prior to the day of implementation thereof, submit a notification of Form 19-2 by attaching thereto a document showing the tariffs (in cases of notification of changes, a document comparing the tariffs before and after the changes).

(Publication of Tariffs Concerning Wholesale Telecommunications Services)

Article 25-7.

The provisions under Article 23-8 shall apply mutatis mutandis to the publication of tariffs concerning wholesale telecommunications services as stipulated in Article 39-5 Paragraph (4) of the Law.

(Application for Award Pertaining to Provision of Wholesale Telecommunications Services)

Article 25-8.

A Type I telecommunications carrier who intends to apply for award as referred to in Article 39 Paragraph (3) or (4) of the Law to which the provisions of Article 39-6 of the Law shall apply mutatis mutandis shall submit an application of Form 19-3.

(Petition Pertaining to Provision of Wholesale Telecommunications Services)

Article 25-9.

A Type I telecommunications carrier who intends to file a petition as referred to in Article 39-4 Paragraph (1) of the Law to which the provisions of Article 39-6 of the Law shall apply mutatis mutandis shall submit a petition of Form 19-4.

(Application for Authorization of Agreement, Etc. with Foreign Government, Etc.)

Article 26.

A Type I telecommunications carrier who intends to obtain authorization as referred to in Article 40 shall submit an application of Form 20, with the following documents attached thereto:

- i) A copy of the agreement or contract
- ii) A document showing the details of the method of implementing the agreement
- iii) In cases of application for authorization of changes, a document comparing the agreements before and after the changes

(Important Matters in Agreement, Etc. with Foreign Government, Etc.)

Article 27.

The important matters as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 40 of the Law, which are pertaining to Type I telecommunications carriers shall be as follows:

- i) The following matters in cases of agreements containing clauses on tie-ups for offering telecommunications services:
 - a) When setting, modifying, or abolishing telecommunications circuits (limited to those handling telecommunications services (hereinafter referred to as “telephony services, etc.” in this item and Article 39 Item i)) whereby communications is made via telecommunications facilities for voice transmission and switching) is intended, the route and the type and description of telecommunications services offered in that route
 - b) The amount of money the parties are to obtain or bear for offering telephony services, etc. and the ratio of communications volume to be handled
- ii) Matters, in addition to those listed in the preceding item, deemed as matters significantly affecting provision of telecommunications services

(Administrative Rules)

Article 28.

- (1) A Type I telecommunications carrier who intends to file a notification pursuant to the provisions under Article 43 Paragraph (1) of the Law shall submit a notification of Form 21, with the administrative rules attached thereto.
- (2) A Type I telecommunications carrier who intends to file a notification pursuant to the provisions under Article 43 Paragraph (2) of the Law shall submit a notification of Form 22.

Article 29.

The administrative rules as established by a Type I telecommunications carrier in accordance with Article 43 Paragraph (1) of the Law shall be as follows:

- i) Matters concerning the duties or organization of those who manage tasks for construction, maintenance or operations of telecommunications facilities for telecommunications business
- ii) When a chief telecommunications engineer cannot perform duties because of illness, accident or other reasons, matters concerning a person who performs duties for the chief telecommunications engineer
- iii) Matters concerning education to persons engaged in construction, maintenance or operations of telecommunications facilities for telecommunications business
- iv) Matters concerning patrol, check and inspection pertaining to construction, maintenance and operations of telecommunications facilities for telecommunications business
- v) Matters concerning operations of telecommunications facilities for telecommunications business
- vi) Matters concerning the confidentiality of communications in construction, maintenance and operations of telecommunications facilities for telecommunications business
- vii) Matters concerning reporting, recording and measures to be taken in cases where an accident occurs regarding construction, maintenance and operations of telecommunications facilities for telecommunications business
- viii) Matters concerning measures to be taken at the event of disaster or other emergency

- ix) Other matters required to ensure reliable and stable offering of telecommunications services, concerning construction, maintenance and operations of telecommunications facilities for telecommunications business

(Authorization of Technical Conditions)

Article 30.

A person who intends to establish technical conditions with authorization from the Minister of Public Management, Home Affairs, Posts and Telecommunications, in accordance with the provisions in Article 49 Paragraph (1) and Article 52 Paragraph (1) Item i) of the Law shall file an application of Form 23, with the proposed technical conditions attached thereto.

(Cases Where User's Request for Connection of Terminal Equipment Can Be Refused)

Article 31.

The cases as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 49 Paragraph (1) of the Law shall be the cases where a request from a user is made for connection of terminal equipment using radio waves (except those defined separately by notice), pay phones, and others of which interconnection by the user is extremely inappropriate, etc. (limited to those notified pursuant to Article 31-4 Paragraph (1) of the Law or authorized pursuant to Paragraph (3) of the same article).

(Inspection of Connection of Terminal Equipment)

Article 32.

- (1) The cases as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 51 Paragraph (1) of the Law shall be as follows:
 - i) Cases where terminal equipment is moved within the same premises
 - ii) Cases where terminal equipment not for telephone calls or terminal equipment not having network control functions is added, replaced or modified
 - iii) Cases where the Defense Agency submitted materials necessary for judging whether the connection of terminal equipment pertaining to inspection of Type I telecommunications carriers is in conformity with the technical standards as stipulated in Article 49 Paragraph (1) of the Law
 - iv) Cases where it is deemed that there is no possibility of non-conformity with the technical standards as provided in Article 49 Paragraph (1) of the Law if a Type I telecommunications carrier omits inspection as required for connection of said terminal equipment, and where such connection of said terminal equipment is made for which a notice was set forth and publicly announced to the effect that the omission of inspection is appropriate
 - v) Cases where connection was made of terminal equipment that the designated approval agency as in Article 68 Paragraph (1) of the Law or the recognized approval body as provided for in Article 72-3 Paragraph (2) granted the technical conditions compliance approval with regard to conformity with the technical conditions as set forth with authorization from the Minister of Public Management, Home Affairs, Posts and Telecommunications by a Type I telecommunications carrier pursuant to the provisions under Article 49 Paragraph (1) of the Law (including conformity with the technical standards as provided for in the same paragraph)

- (2) The cases as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 51 Paragraph (2) of the Law shall be as follows:
- i) Cases where a Type I telecommunications carrier requests inspection after business hours of a user and during a period from sunset to sunrise
 - ii) Cases where the Defense Agency submits materials necessary for judging whether the connection of terminal equipment pertaining to inspection of a Type I telecommunications carrier is in conformity with the technical standards as provided for under Article 49 Paragraph (1) of the Law.

Chapter III. Type II Telecommunications Business

(Telecommunications Facilities for Exclusive Use in Transmitting Signals or Images)

Article 33.

As set forth in the ordinance of the Ministry of Posts and Telecommunications referred in Article 21 Paragraph (3) of the Law, the following requirements must be met by these telecommunications facilities:

- i) Telecommunications facilities for transmission below the speed of 9600 bps
- ii) Telecommunications facilities for transmission of content converted to digital signals with control information attached, by selecting one route based on the control information
- iii) Telecommunications facilities for transmission of content converted to digital signals with divided control information attached, by selecting routes based on the control information
- iv) Telecommunications facilities for transmission of content converted to analog or digital signals to terminal equipment for receiving still images in a permanent format
- v) Telecommunications facilities for transmission of content converted to analog or digital signals to terminal equipment for receiving freeze frames of still or moving materials

(Notification of General Type II Telecommunications Business)

Article 33-2.

- (1) A notification of General Type II telecommunications business in accordance with the provision of Article 22 Paragraph (1) of the Law shall be made by attaching documents of Form 25 to notification of Form 24.
- (2) The categories of telecommunications service as referred to in Article 22 Paragraph (2) Item ii) of the Law shall be as defined in the following table:

Type of Service	Categories
Voice transmission	A telecommunications service other than data transmission service using telecommunications facilities that have switching and transmission functions principally in the 4 kHz band (voice and other sounds). For use in communications with others.
Data transmission	A telecommunications service solely for communications using telecommunications facilities that have the switching and transmission functions of data and images. For use in communications with others.
Leased circuit	A telecommunications service that allows exclusive use of telecommunications facilities to a specified person

- (3) A notification of changes in matters of Article 22 Paragraph (1) Item i) of the Law as stipulated by the provisions under Paragraph (2) of the same article shall be made by using the notification of Form 26.
- (4) A notification of changes in matters of Article 22 Paragraph (1) Item ii) of the Law as stipulated by the provisions under Paragraph (3) of the same article shall be made by using the notification of Form 27.
- (5) The minor changes as specified under the applicable ministerial ordinance of the Ministry of

Public Management, Home Affairs, Posts and Telecommunications in accordance with the proviso of Article 22 Paragraph (3) of the Law shall be the changes in service areas, in descriptions of telecommunications services, where the number of prefectures pertaining to the changes does not exceed five.

(Notification of Inheritance, Etc. of the Status as General Type II Telecommunications Carrier)

Article 34.

- (1) A notification of inheritance of the status pursuant to Article 23 Paragraph (2) of the Law shall be made by using a notification of Form 28.
- (2) A notification of suspension or closure pursuant to Article 23 Paragraph (3) of the Law shall be made by using a notification of Form 29.
- (3) A notification of dissolution pursuant to Article 23 Paragraph (4) of the Law shall be made by using a notification of Form 30.

(Application for Registration of Special Type II Telecommunications Business)

Article 35.

- (1) Form 31 shall be used for an application stipulated in Paragraph (2) of Article 24 of the Law.
- (2) Classification of telecommunications services stipulated in Item ii) of Paragraph (2) of Article 24 of the Law shall be defined in the following table.

Type of Service	Categories
Voice transmission	A telecommunications service other than data transmission service using telecommunications facilities that have switching and transmission functions principally in the 4 kHz band (voice and other sounds). For use in communications with others.
Data transmission	A telecommunications service solely for communications using telecommunications facilities that have the switching and transmission functions of data and images. For use in communications with others.
Leased circuit	A telecommunications service that allows exclusive use of telecommunications facilities to a specified person

- (3) Form 32 shall be used for a business plan stipulated in Paragraph (3) of Article 24 of the Law.
- (4) Documents prescribed by the ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications as being referred to in Paragraph (3) of Article 24 of the Law shall be as follows:
 - i) The following documents with respect to main telecommunications engineers:
 - a) In cases where a person has received a chief telecommunications engineer's license, documents indicating his/her name, classification and number of said license;
 - b) In cases where a person does not fall under (a), his/her personal history (resume).
 - ii) In cases where an applicant is an existing juridical person, the following documents. However, with respect to a person listed in (b) and (c), it is possible to substitute a document issued by a financial institution which indicates the fund raising capacity of said juridical person or corresponding documents:
 - a) A certified copy of the articles of incorporation, the act of endowment and the

- register;
- b) Balance sheets for recent business years;
- c) A statement of profit and loss for the previous three business years.
- iii) In a case where an applicant intends to establish a juridical person, the following documents:
 - a) A certified copy of the articles of incorporation and the act of endowment;
 - b) A document issued by a financial institution, which indicates the fund raising capacity of a person who intends to establish said juridical person.
- iv) Form 33 which indicates that the applicant does not fall under any of Items i) through iii) of Paragraph (1) of Article 26 of the Law.

(Registration of Changes, Etc.)

Article 36.

- (1) The minor changes as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with the proviso of Paragraph (1) of Article 27 of the Law shall be as follows:
 - i) Changes in service areas, among other descriptions of telecommunications services, where the number of prefectures pertaining to the changes does not exceed five
 - ii) Changes in telecommunications equipment, where the number of centers newly installed or closed in connection with the changes (meaning a station accommodating line concentration equipment, or switching facilities or quasi switching equipment installed by said Special Type II telecommunications carrier) does not exceed five
- (2) An application for registration of changes as referred to in Article 27 Paragraph (2) of the Law shall be made in accordance with Form 34.
- (3) The documents as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 24 Paragraph (3) of the Law, to which the provisions of Article 27 Paragraph (3) of the Law shall apply mutatis mutandis, shall be the documents as specified in Items ii) through iv) of Paragraph (4) of the preceding article (limited to a portion of the documents submitted recently as attachment to the recent registration or registration of changes which has been changed in some details).
- (4) A notification of changes under the provisions of Article 27 Paragraph (4) of the Law shall be made by using a notification of Form 35.

(Notification of Inheritance, Etc. of the Status of Special Type II Telecommunications Carrier)

Article 37.

- (1) A notification of inheritance of the status as stipulated in Article 23 Paragraph (2) of the Law, to which the provisions of Article 30 of the Law shall apply mutatis mutandis, shall be made by using a notification of Form 36.
- (2) A notification of suspension or closure under the provision of Article 23 Paragraph (3), to which the provisions of Article 30 of the Law shall apply mutatis mutandis, shall be made by using a notification of Form 27.
- (3) A notification of dissolution under Article 23 Paragraph (4), to which the provisions of Article

30 of the Law shall apply mutatis mutandis, shall be made by using a notification of Form 38.

(Charges Not Requiring Notification)

Article 38.

Charges as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31-3 Paragraph (1) of the Law shall be handling charges and other low-priced charges, among other charges for telecommunications services (limited to charges of Special Type II telecommunications carriers that provide telecommunications facilities for communications by an unspecified and large number of general subscribers).

(Service Terms and Conditions Not Requiring Notification of Tariffs)

Article 38-2.

Matters as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 31-4 Paragraph (9) of the Law shall be as follows:

- i) Among others for offering telecommunications services (except services stipulated in Item ii)), the following matters (limited to those pertaining to Special Type II telecommunications business that provide telecommunications facilities for communication by an unspecified and large number of general subscribers):
 - a) Name and description of telecommunications services;
 - b) Matters relating to responsibilities of a Type II telecommunications carrier and its users;
 - c) Methods for handling essential communications as referred to in Article 8 Paragraph (1) of the Law;
 - d) Technical conditions necessary for smoothly offering telecommunications services; and
 - e) In addition to the preceding items, items relating to terms and conditions for offering telecommunications services in terms of rights and duties of users.
- ii) Terms and conditions for offering additional functions of telecommunications services. However, terms and conditions of telecommunications services relating to rights and duties of users are excluded.

(Agreement, Etc. with Foreign Government, Etc. of Special Type II Telecommunications Carriers)

Article 39.

Important items referred to in Article 40 of the Law and related to Special Type II telecommunications businesses shall be the following items:

- i) Tie-up (limited to a type where terminal equipment of a user who concludes a contract to subscribe to the following international telecommunications services is connected to telecommunications line facilities for telephone services, etc.) concerning provision of international telecommunications services (limited to operating bodies offering voice communications services using voice transmission and switching facilities without using store function between Japan and foreign points) between a foreign government, person or juridical person who operates telecommunications business
- ii) In addition to the matters in the preceding item, matters to be recognized as matters that significantly affect international telecommunications services

(Application Mutatis Mutandis)

Article 40.

- (1) The provisions under Article 20 (except Item viii), Article 23-10, Article 23-14, Article 23-15, Article 25, Articles 25-2 through Article 25-4, Articles 25-8 through Article 26, Article 28, and Article 29 shall apply mutatis mutandis for Special Type II telecommunications carriers.
- (2) The provisions under Article 23-14, Article 23-15, Article 25-3, Article 25-4, Article 25-8 and Article 25-9 shall apply mutatis mutandis for General Type II telecommunications carriers.

Chapter IV. Rights-of-Way

(Application for Authorization of Use of Land, Etc.)

Article 41.

A Type I telecommunications carrier who intends to obtain authorization as referred to in Article 73 Paragraph (1) shall submit an application of Form 39 to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Notification of Matters Decided upon Consultation)

Article 42.

In cases where a Type I telecommunications carrier and an owner of land, etc. (in cases where there is a person who uses the land based on titles other than ownership, the person and the owner; hereinafter the same shall apply) intend to file an application under Item vi) of Article 73 of the Law, where the consultation as stipulated in Article 73 Paragraph (1) of the Law leads to an agreement, shall submit a notification of Form 40 within ten days from the day when the consultation comes to an agreement to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Application for Award on Use of Land, Etc.)

Article 43.

A Type I telecommunications carrier who intends to apply for award as referred to in Article 74 Paragraph (1) of the Law shall submit a certified copy and duplicate copy of the application of Form 41 (in cases where there are two or more municipalities where the land, etc. to be used is located, the same number of copies as the number of such municipalities) to the Minister of Public Management, Home Affairs, Posts and Telecommunications, by attaching thereto a construction plan and a drawing showing the plan. However, in cases where an application for award on extension of duration of rights to use is to be made, the construction plan and the drawing showing the plan need not be submitted.

(Application for Permission of Temporary Use of Land, Etc.)

Article 44.

A Type I telecommunications carrier who intends to obtain permission as referred to in Article 78 Paragraph (2) of the Law (including cases to which the provisions of Article 79 Paragraph (2) shall apply mutatis mutandis) shall submit a notification of Form 42 to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Application of Permission of Felling, Etc. of Trees and Foliage)

Article 45.

A Type I telecommunications carrier who intends to obtain permission as referred to in Article 81 Paragraph (1) of the Law shall submit an application of Form 43 to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Application for Award on Indemnity)

Article 46.

In cases where a Type I telecommunications carrier or a person who suffered a loss intends to

apply for award as referred to in Article 82 Paragraph (2) of the Law, the person shall submit an application of Form 44 to a relevant prefectural governor, within six months calculating from the day when the loss happened.

(Application for Award on Relocation, Etc. of Lines)

Article 47.

A Type I telecommunications carrier or an owner of land, etc. who intends to apply for award referred to in Article 83 Paragraph (3) of the Law shall submit a certified copy and a duplicate copy (in cases where there are two or more municipalities where the lines are located, the same number of copies as the number of such municipalities) of the application of Form 45 to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Reading)

Article 47-2.

In cases where, in the application for award referred to in Article 74 Paragraph (1) or Article 83 Paragraph (3) of the Law, the land to be used is located in the following places, the term “municipalities” used in the provisions under Article 43 and the preceding article shall be read as the words as stipulated under each item:

- i) A “special ward” in the case of Tokyo where 23 special ward (23 Cities) is located
- ii) A “ward” in the case of designated cities as referred to in Article 252-19 Paragraph (1) of the Local Autonomy Law (Law No. 67 of 1947)
- iii) “Special Local Public Entity for Comprehensive Service Operations” in the case of land where special municipalities for total office work are located
- iv) “Special Local Public Entity for Service Operations” in the case of land where special municipalities for office work are located

(Application for Authorization Concerning Use of Public Waters)

Article 48.

A Type I telecommunications carrier who intends to obtain authorization as referred to in Article 85 Paragraph (4) of the Law shall submit a certified copy and a duplicate copy (in cases where the relevant prefectural governors who issued a notification in accordance with Paragraph (2) of the same article are two or more, the same number of duplicate copies as the number of such governors) of the application of Form 46 to the Minister of Public Management, Home Affairs, Posts and Telecommunications.

(Application for Designation of Protective Areas of Underwater Cables, Etc.)

Article 49.

- (1) A Type I telecommunications carrier who intends to obtain designation of protective areas as referred to in the provisions under Article 86 Paragraph (1) of the Law shall submit an application of Form 47 to the Minister of Public Management, Home Affairs, Posts and Telecommunications, with drawings showing the location of underwater cables attached thereto.
- (2) In cases where, for protective areas as designated pursuant to the provisions under Article 86 Paragraph (1) of the Law, such designation is no longer necessary, a Type I telecommunications carrier shall immediately submit a notification to that effect to the

Minister of Public Management, Home Affairs, Posts and Telecommunications accordingly.

(Installation of Landmarks)

Article 50.

- (1) Within two weeks from the day of designation of a protective area, a Type I telecommunications carrier shall install a landmark as referred to in Article 86 Paragraph (3) of the Law near the landing point of the underwater cable to ensure that the protective area is indicated.
- (2) The format of the landmark in the preceding paragraph shall be in accordance with Form 48.

(Public Notice of Location of Landmarks)

Article 51.

Within three weeks from the day of designation of a protective area, a Type I telecommunications carrier shall issue a public notice indicating the location of the landmark under the preceding article by running the public notice on daily newspapers or by using other methods, to ensure that it is known to relevant fishing businesses.

(Measures for Removal of Landmarks as Result of Revocation of Designation Regarding Protective Areas)

Article 52.

- (1) In cases where the designation as regards the protective area has been revoked, a Type I telecommunications carrier shall remove its landmarks immediately.
- (2) The provisions under the preceding article shall apply mutatis mutandis to the cases in the preceding paragraph.

(Format of Landmarks)

Article 53.

The format of the landmark placed on buoys as referred to in Article 88 of the Law shall be in accordance with Form 49.

(Prohibited Range Due to Laying, Etc. of Underwater Cables, Etc.)

Article 54.

- (1) The range as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 88 of the Law shall be as follows:
 - i) From vessels engaged in the laying or repairing of underwater cables and showing a symbol indicating that activities, the distance range as defined in the following table by sea area and gross tonnage:

Sea area	Gross Tonnage of Marine Vessels	
	10,000 tons or more	Under 10,000 tons
i) Adjacent sea areas of the port area as defined in Article 2 of the Port Regulation Law (Law No. 174 of 1948), of the sailing route as defined in Article 2 Paragraph (1) of the Maritime Traffic Safety Law (Law No. 115 of 1972), and of the sailing route as defined in Article 30 Paragraph (1) Item i) of the same law	200m	100m
ii) Sea areas, as stipulated in Article 1 Paragraph (2) of the Maritime Traffic Safety Law, to which the same law applies (except sea areas under the preceding item)	400m	200m
iii) Sea areas outside of the sea areas as prescribed in the preceding two items	1,000m	500m

ii) Within a 100-m range from the buoy that indicates the location of an underwater cable being laid or repaired showing a symbol indicating that activities

(2) In cases where the captain of the vessel engaged in the laying or repairing of underwater cables approved navigation within the range as defined in the preceding item and the navigation does not hinder the laying or repairing of the underwater cables, the range shall be a range excluding the approved portion

Chapter IV-2. Telecommunications Business Dispute-Settlement Commission

(Facilities for Which Agreement, Etc. on Use or Operations Are Subject to Mediation, Etc.)

Article 54-2.

The facilities as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 6 Paragraph (3) of the Cabinet Order for Enforcement of the Telecommunications Business Law (Cabinet Order No. 75 of 1985) shall be as follows:

- i) Facilities used for handling a database (an aggregate of information pertaining to users defined in Article 20 Paragraph (3) of the Law (hereinafter referred to as “users” in this item) which has been configured systematically to enable retrieval thereof through use of a computer) and other user information
- ii) Non-utility power generator facilities, closures (meaning facilities used to interconnect transmission line facilities at its end to another transmission line facilities), and other land, etc. (meaning land, etc. as defined under Article 73 Paragraph (1) of the Law) or facilities installed as auxiliary facilities to telecommunications facilities
- iii) Facilities used for offering exclusive services or provided based upon contract of use (except the ones listed in the preceding two items)

Chapter V. Miscellaneous Provisions

(Communications Required to Be Made Urgently)

Article 55.

The communications as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 8 Paragraph (1) of the Law shall be the communications content of which is as defined in the left column of the following table and which are made by the organizations as listed in the right column:

Content of communications	Organizations, etc.
i) In cases where fire, epidemic disease, serious traffic accidents or other situations threatening the safety of humans broke out or may break out, the matters requiring urgency in their prevention, relief, recovery, etc.	(1) Between the organizations directly related to the prevention, relief, recovery, etc. (2) Between a person who knew that situations listed in i) occurred or threatens to occur, and the organization in (1)
ii) Matters requiring urgency for maintenance of public order	(1) Between police organizations (2) Between coast guard organizations (3) Between police organizations and coast guard organizations (4) Between a person who knew that a crime was committed or threatens to be committed, and police organizations or coast guard organizations
iii) Matters requiring urgency with regard to the execution or result of an election of the Diet members or heads/assembly members of local governments	Between election administration organizations
iv) Communications consisting of reporting on disaster situations in the event of a natural disaster, incident or other catastrophic accidents	Between organizations of newspaper, etc.
v) Matters concerning reporting or warning of meteorological observation, hydrologic observation, observation of terrestrial phenomena or ground motion, which requires urgent reporting	Between meteorological organizations
vi) Matters requiring urgency for maintenance of utility infrastructures for providing essential services for daily lives of the nationals, such as water, gas, etc.	Between persons making communications as listed in vi)

(Suspension of Services)

Article 56.

The standards as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 8 Paragraph (2) of the Law shall be as follows:

- i) In cases where, when organizations separately designated by the Minister of Public

Management, Home Affairs, Posts and Telecommunications from among the following ones make important communications (meaning communications consisting of matters as stipulated under Article 8 Paragraph (1) of the Law; hereinafter the same shall apply), they restrict or suspend the interconnection of other communications:

- a) Meteorological organizations
 - b) Flood prevention organizations
 - c) Fire service organizations
 - d) Disaster relief organizations
 - e) Organizations directly associated with maintenance of public order
 - f) Organizations directly associated with defense
 - g) Organizations directly associated with coast guard
 - h) Organizations directly associated with securement of transportation
 - i) Organizations directly associated with offering of communications services
 - j) Organizations directly associated with electric power supply
 - k) Organizations directly associated with water supply
 - l) Organizations directly associated with gas supply
 - m) Election administration organizations
 - n) Organizations such as newspapers
 - o) Financial institutions
 - p) Other organizations of the national or local governments which handle essential communications
- ii) Communications suspended or restricted in the preceding item shall be necessary minimum to ensure essential communications.

(Reporting on Suspension, etc. of Services)

Article 57.

A person who intends to report pursuant to the provisions under Article 35 of the Law shall report, by an appropriate method, on the time, date and place, outline, reason or cause, measures taken and other referable information, immediately after the occurrence of an incident requiring reporting (with regard to incidents pertaining to leakage of secrecy of communications, after it comes to one's knowledge), and submit a report of the details thereof, in accordance with Form 50, within the time limits for reporting as prescribed in the right column of the table below, depending on the category of the reason for reporting as specified in the left column of the table:

Reporting Incidents	Time Limits for Reporting
i) Suspension of part of telecommunications services pursuant to the provisions under Article 8 Paragraph (2) of the Law	Within 30 days from the day when part of telecommunications services was suspended pursuant to Article 8 Paragraph (2) of the Law
ii) Leakage of secrecy of communications	Within 30 days from the day when with regards to telecommunications services, the leakage of secrecy of communications comes to one's knowledge
iii) Significant accidents as specified under Article 58	Within 30 days from the day when that significant accident occurred

(Significant Accidents Requiring Reporting)

Article 58.

- (1) Significant accidents as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 35 of the Law, which are accidents concerning Type I telecommunications business, shall be as follows:
 - i) Accidents that caused suspension of provision of telecommunications services due to failures of telecommunications equipment (including the ones caused by failure of telecommunications equipment of other telecommunications carriers), which are within the scopes as follows:
 - a) In the case of failures of telecommunications equipment in the subscriber line system, accidents where the number of users for whom the offering of telecommunications services was suspended due to failures of said telecommunications equipment is 30,000 or more and where the duration of suspension is two hours or more
 - b) In the case of failures of telecommunications facilities for the trunk line system, accidents that suspended the offering of telecommunications services for two hours or more due to failures of said telecommunications facilities. However, with respect to transmission line facilities, accidents are limited to those of which failures equal to or exceed 3,001 lines
 - ii) Accidents where, as a result of failures of satellites, submarine coaxial cables, and other essential telecommunications equipment, all communications using said telecommunications equipment are disabled for two hours or more
- (2) Accidents as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 35 of the Law, which are related to Type II telecommunications business, shall be the accidents where the number of users for whom the offering of telecommunications services was suspended exceeds a half of the number of users of said Type II telecommunications business and where the duration of suspension is two hours or more.

(Standards for Scale)

Article 59.

Standards as defined in Article 90 Paragraph (1) Item ii) of the Law shall be that the total length of lines laid by a person who runs said telecommunications business shall be five kilometers.

Article 60.

Repealed.

(Identification Cards for On-Site Inspections)

Article 61.

A certificate as provided for under Article 92 Paragraph (2) of the Law shall be the certificate in accordance with Form 51.

(Public Notice and Advance Notice of Hearing)

Article 62.

- (1) The Minister of Public Management, Home Affairs, Posts and Telecommunications shall, when intending to hear opinions pursuant to Article 96 of the Law, officially announce the date, place and a summary of the subject of the hearing, by no later than ten days prior to the date of the hearing.
- (2) The Minister of Public Management, Home Affairs, Posts and Telecommunications shall, when intending to hear opinions, give advance notice of the date, place and a summary of the subject of the hearing, by no later than ten days prior to the date of the hearing, to persons pertaining to the disposition, or the demurrant or the claimant for an investigation.

(Hearing)

Article 63.

- (1) The hearing shall be presided over by an official designated by the Minister of Public Management, Home Affairs, Posts and Telecommunications who serves as the chair.
- (2) The chair may request officials from relevant office and ministries, experts and other specialists, for attendance in the hearing, when it is deemed necessary.
- (3) A person who intends to attend the hearing as an interested party or their proxy shall submit a document describing a fact that they have an interest in said issue.
- (4) In the hearing, the claimant for an investigation or the demurrant, or their proxies shall be first given an opportunity to state a summary of and the reason for the claim or request for investigation.
- (5) In cases where the claimant for an investigation or the demurrant, or their proxy does not attend the hearing, the chair may substitute the statement with a recitation of said claim or request for investigation.
- (6) The claimant for an investigation or the demurrant, or interested parties, or their proxies may present evidence or opinion at the hearing.
- (7) The chair may restrict presentation of the statement or evidence as necessary for orderly proceedings.
- (8) The chair may, when it is deemed necessary in order to maintain order of the hearing, order any person who disturbs the peace and order to leave the hearing.
- (9) The chair may postpone or continue the hearing when it is deemed necessary.
- (10) In cases where the chair postpones or continues the hearing in accordance with the provisions under the preceding paragraph, the chair shall set forth the date and place of the next hearing and issue public notice thereof, and inform the claimant for an investigation or the demurrant, or their proxies of the new setting.

(Minutes of Hearing)

Article 64.

- (1) The chair shall prepare minutes in hearing opinions.
- (2) The following matters shall be contained in minutes with chair's signature:
 - i) Subject of the case
 - ii) Date and place of the hearing
 - iii) Title and name of the chair
 - iv) Address and name of the claimant for an investigation or the demurrant, or their proxies
 - v) Address and name of the interested parties or their proxies in attendance
 - vi) Names of officials from the office and ministries, experts and other specialists in attendance
 - vii) A summary of the statement
 - viii) A summary of the evidence in cases where it was presented
 - ix) Other matters deemed to be referable
- (3) The claimant for an investigation or the demurrant, or their proxies may examine the minutes of said case. This shall apply to those who clarified in writing that they have an interest in said case.

(Procedures for Submitting a Petition to the Minister of Public Management, Home Affairs, Posts and Telecommunications)

Article 64-2.

A person who submits a petition to the Minister of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions under Article 96-2 of the Law shall file a petition describing the following matters:

- i) Name or company name, address and contact address of the petitioner
- ii) Company name and address of the telecommunications carrier who is the subject of the petition
- iii) Content of the petition
- iv) Reasons for the petition
- v) Other matters deemed to be referable

(Telegram)

Article 65.

Entrustment of services pertaining to the telegram business under the provisions of Article 5 Paragraph (2) of the Supplementary Provisions of the Law shall be made according to the following manners:

- i) In cases where Kokusai Denshin Denwa Co., Ltd. (in cases where said juridical person dissolved as the result of merger, a juridical person that survives after said merger or a juridical person established by said merger; hereinafter referred to as "Kokusai Denshin Denwa Co., Ltd." in this article and the following article) that was established pursuant to the Kokusai Denshin Denwa Co., Ltd. Law (Law No. 301 of 1952) prior to the abolition in accordance with the provisions under Article 1 of the Law Concerning Preparation, Etc. of Relevant Laws for Rationalization of East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or Regulations in Telecommunications Field (Law No. 58 of 1998) shall, when deemed it appropriate to entrust services pertaining to the telegram business to post offices, entrust the Minister of

Public Management, Home Affairs, Posts and Telecommunications with the services.

- ii) In cases where East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or Kokusai Denshin Denwa Co., Ltd. shall, when it is impossible to entrust the services as prescribed in the preceding item, entrust a person complying to the following conditions with said services:
 - a) A person not being the person falling under any item of Article 11 of the Law
 - b) A person who has no possibility to be an obstacle to ensuring secrecy of communications
 - c) A person having a thorough knowledge of the district pertaining to the entrustment, or a person who can perform entrusted services stably without fail

Article 66.

- (1) East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or Kokusai Denshin Denwa Co., Ltd. shall specify addresses of destination, legitimate delivery and immunity reasons indemnifying delivery, with regard to delivery of telegrams (including delivery at offices handling industrial civil service related to the telegram and other acts equivalent to delivery; hereinafter the same shall apply), in the tariffs established with authorization from the Minister of Public Management, Home Affairs, Posts and Telecommunications, in accordance with Article 31-4 Paragraph (3) of the Law.
- (2) In cases where a person who misdelivered a telegram returned the telegram to NTT or KDD, or informed to that effect, NTT or KDD shall compensate for the fees normally required for returning of the telegram or notification.

(Requirements for Equivalent to Telephone Subscriber's Rights as Defined under the Old Public Telecommunications Law)

Article 67.

- (1) The requirements as specified under the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications in accordance with Article 9 Paragraph (2) of the Supplementary Provisions of the Law shall be the rights based on a contract to subscribe to telephone services as designated by the Minister of Public Management, Home Affairs, Posts and Telecommunications, provided that they meet the following items:
 - i) Telephones of which clerical work for exchanging the rights shall be carried out at offices of East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation
 - ii) Telephones not being radiotelephones as installed in automobiles, ships, aircraft, and other means of transportation
 - iii) Telephones which shall be telephones as installed pursuant to a contract between East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation and a specific person
- (2) The designation under the preceding paragraph shall be officially noticed at the time of disposition of the authorization of tariffs as set forth by East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation who is a Type I telecommunications carrier as based on the provisions under Article 31-4 Paragraph (3) of the Law.

- (3) Notwithstanding the provisions under the preceding two paragraphs, during the period when East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation offers their telecommunications services pursuant to then effective terms and conditions in accordance with the provisions under Article 8 Paragraph (2) of the Supplementary Provisions of the Law, the rights as based on the contract to which the then effective terms and conditions are applied for the subscriber telephone subscription contracts based on the Public Telecommunications Law (Law No. 97 of 1953; hereinafter referred to as the “Old Public Telecommunications Law”) that was abolished pursuant to the provisions under Article 3 of the Supplementary Provisions of the Law, shall be considered to fall under the requirements under Article 9 Paragraph (2) of the Supplementary Provisions of the Law.

(Keeping, Etc. of Books on Telephone Subscriber's Rights, Etc.)

Article 68.

- (1) East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation shall keep books containing the following matters concerning the telephone subscriber's rights in Article 9 Paragraph (1) of the Supplementary Provisions of the Law and the rights in Paragraph (2) of the same article (hereinafter named generically as “telephone subscriber's rights”):
- i) Date of conclusion of the contract
 - ii) Telephone number
 - iii) Address or domicile and name of the user
 - iv) Place of the telephone installed
 - v) Types of telephone
 - vi) Effective date in the case of a transfer of telephone subscriber's rights
 - vii) Upon request for transfer of telephone subscriber's rights, or upon notification of attachment (including participation in attachment in the case of procedure for collection of tax delinquency (procedure for collection of national tax delinquency as defined by the National Tax Collection Law (Law No. 147 of 1959) and procedure for collection of tax delinquency as dealt with the case), sequestration or provisional disposition, the acceptance date (month, day, year) and the number as registered in accordance with Article 38-3 Paragraph (1) of the Old Public Telecommunications Law, which shall remain in force pursuant to the provisions under Article 9 Paragraph (1) of the Supplementary Provisions of the Law after the law came into force, or which shall be dealt with as in the provision of Paragraph (2) of the same article.
- (2) The books under the preceding paragraph shall be kept in the office of East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation in which clerical work concerning said contract is carried out. However, in cases where the books are prepared by electromagnetic recording and the recorded matters are immediately accessible at offices handling the clerical work concerning said contract, this shall not apply.
- (3) The interested parties may request a certificate of matters as contained in the books referred to in Paragraph (1), by paying the fees as fixed by East Nippon Telegraph and Telephone Corporation or West Nippon Telegraph and Telephone Corporation.

(Method of Application, Etc.)

Article 69.

- (1) A person who intends to file an application, notification, or petition as referred to in the left

column of the following table (hereinafter referred to as “application, etc.”) shall file an application, etc. via Directors-General of Regional Bureau of Telecommunications as shown in the right column of the table (including Director of Okinawa Office of Posts and Telecommunications; hereinafter the same shall apply).

Application, etc.	Director-General of Regional Bureau of Telecommunications
i) Application for permission as stipulated in Article 9 Paragraph (1), Article 14 paragraph (1) or Article 18 Paragraph (1) of the Law; application for authorization as stipulated in Article 15 Paragraph (1), Article 16 Paragraph (1) or (2), Article 17 Paragraph (2) or Article 18 Paragraph (3) of the Law; application as stipulated in Article 12 Paragraph (3) of the Law (including cases to which the provisions of Article 14 Paragraph (4) of the Law shall apply mutatis mutandis); OR notification as stipulated in Article 12 Paragraph (5) (including cases to which the provisions of Article 14 Paragraph (4) of the Law shall apply mutatis mutandis), Article 13 or Article 14 Paragraph (2)	Director-General of Regional Bureau of Telecommunications exercising jurisdiction over the services areas pertaining to said Type I telecommunications business (in cases where the service area extends over the area over which jurisdiction is exercised by more than two Directors-General of Regional Bureau of Telecommunications, either of those Directors-General of Regional Bureau of Telecommunications)
ii) Registration as stipulated in Article 24 Paragraph (1) of the Law or application for registration of changes as stipulated in Article 27 Paragraph (1); notification pursuant to the provisions under Article 27 Paragraph (4), Article 23 to which the provisions of Article 30 shall apply mutatis mutandis, Article 31-3 Paragraph (1) or Article 31-4 Paragraph (9); application for award pursuant to Article 39 Paragraph (3) or (4) to which the provisions of Article 39-6 of the Law shall apply mutatis mutandis, or petition pursuant to Article 39-4 Paragraph (1) (limited in either case to the ones carried out by Special Type II telecommunications carriers); OR application for authorization pursuant to Article 40 of the Law (limited to the ones pertaining to Special Type II telecommunications business)	Director-General of Regional Bureau of Telecommunications having jurisdiction over the address of the person who is operating said Special Type II telecommunications business
iii) Application for authorization as stipulated in Article 31-4 Paragraph (3), Article 49 Paragraph (1) or Article 52 Paragraph (1) Item i), or Article 40 of the Law (limited to the ones pertaining to Type I telecommunications business); notification pursuant to Article 31 Paragraph (1) or Article 31-4 Paragraph (5); OR application for award as stipulated in Article 39 Paragraph (3) or (4) to which the provisions of Article 39-6 of the Law shall apply mutatis mutandis, or petition as stipulated in Article 39-4 Paragraph (1) of the	Director-General of Regional Bureau of Telecommunications having jurisdiction over the service areas of said Type I telecommunications carriers (in cases where the service area extends over the area over which jurisdiction is exercised by more than two Directors-General of Regional Bureau of Telecommunications, either of those Directors-General of Regional Bureau of Telecommunications)

<p>Law (limited in either case to the ones performed by Type I telecommunications carriers)</p>	
<p>iv) Application for confirmation as stipulated in Article 12 Paragraph (4) of the Law (including cases to which the provisions of Article 14 Paragraph (4) of the Law shall apply mutatis mutandis); application for authorization as stipulated in Article 39-3 Paragraph (1) or Article 85 Paragraph (4); notification as stipulated in Article 38-2 Paragraph (9), Article 38-4 Paragraph (1), Article 39-3 Paragraph (5) or Article 85 Paragraph (1) of the Law (limited to the ones performed by Type I telecommunications carriers); petition as stipulated in Article 39 Paragraph (1) or (2), or Article 39-4 Paragraph (1) of the Law (limited to the ones performed by Type I telecommunications carriers); application for award as stipulated in Article 39 Paragraph (3) or (4) (including cases to which the provisions of Article 39-4 Paragraph (2) of the Law shall apply mutatis mutandis); OR application for designation as stipulated in Article 86 Paragraph (1) of the Law</p> <p>(2) A person who intends to file a notification pursuant to the provisions under Article 22, Article 23 Paragraphs (2) through (4), or Article 43 of the Law, or a person who intends to file an application for award pursuant to Article 39 Paragraph (3) of the Law to which the provisions of Article 39-6 of the Law shall apply mutatis mutandis shall file said notification or application for award by way of a Director-General of Regional Bureau of Telecommunications who has jurisdiction over the person's address.</p>	<p>Director-General of Regional Bureau of Telecommunications having jurisdiction over the location of installation of telecommunications facilities pertaining to said application, etc. (in cases where the location of installation extends over the area over which jurisdiction is exercised by more than two Directors-General of Regional Bureau of Telecommunications, either of those Directors-General of Regional Bureau of Telecommunications)</p>

(Filing by Electromagnetic Methods)

Article 70.

- (1) The documents as being submitted to the Minister of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions under this ministerial ordinance may be submitted through recoding media, on which entries of these documents are recorded, pertaining to recording by electromagnetic methods (meaning electronic, magnetic or other methods not allowing recognition by human perception; hereinafter the same shall apply) as officially notified separately by the Minister of Public Management, Home Affairs, Posts and Telecommunications.
- (2) In cases where the documents are to be submitted on electromagnetic recording media pursuant to the provision under the preceding paragraph, the documents containing the name and address of the person who files an application or notification and the date (month day, year) of the application or notification shall be attached thereto.

Supplementary Provisions

- (1) This ministerial ordinance shall come into force as from the effective day of the Law (April 1, 1985).
- (2) The following ministerial ordinances of the Ministry of Posts and Telecommunications shall be abolished:
 - i) Regulations for Enforcement of the Public Telecommunications Law (Ministerial Ordinance of MPT No. 38 of 1953)
 - ii) Ministerial Ordinance Concerning Provisional and Temporary Measures That Specify the Cases, Etc. under Article 55-13 Paragraph (2) of the Public Telecommunications Law (Ministerial Ordinance of MPT No. 55 of 1982)
- (3) A notification pursuant to the provisions under Article 4 Paragraph (3) of the Supplementary Provisions of the Law shall be made by attaching the following documents to the application of Form 1 which was filed in accordance with the provisions under the same paragraph and read appropriately:
 - i) Documents containing the following matters:
 - a) Forecasts for demand and service plans by type and description of telecommunications services in business years including the days within five years as from April 1, 1985
 - b) Amounts of money required, and the method of fund raising and a plan for repayment
 - c) Outline of a construction plan for telecommunications facilities and the schedule of the plan (limited to major facilities), and an estimated amount pertaining thereof
 - ii) Documents listed in each item of Article 3 Paragraph (4) (except Items x) through xv))

Supplementary Provision(Ministerial Ordinance of MPT No. 85 of December 20, 1985)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 42 of July 14, 1986)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 47 of August 1, 1986)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 56 of October 4, 1986)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 44 of August 31, 1987)

This ministerial ordinance shall come into force as from the effective day (September 1, 1987) of the Law for Partial Amendment to the Telecommunications Business Law (Law No. 57 of 1987).

Supplementary Provision (Ministerial Ordinance of MPT No. 47 of August 1, 1988)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 22 of March 30, 1991)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 41 of July 3, 1992)

This ministerial ordinance shall come into force as from the effective day (August 1, 1992) of the Law for Partial Amendment to the Nippon Telegram and Telephone Corporation Law, Etc. (Law No. 61 of 1992).

Supplementary Provision (Ministerial Ordinance of MPT No. 67 of December 3, 1993)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 2 of January 26, 1994)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 41 of June 29, 1994)

This ministerial ordinance shall come into force as from the effective day (June 29, 1994) of the Law for Partial Amendment to the Telecommunications Business Law and the Radio Law (Law No. 73 of 1994).

Supplementary Provision (Ministerial Ordinance of MPT No. 54 of July 25, 1994)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 67 of September 30, 1994)

This ministerial ordinance shall come into force as from October 1, 1994.

Supplementary Provisions (Ministerial Ordinance of MPT No. 15 of March 15, 1995)

- (1) This ministerial ordinance shall come into force as from the day of promulgation.
- (2) The forms of documents as prescribed by the Regulations for Enforcement of the Telecommunications Business Law, the Regulations for Chief Telecommunications Engineer, the Regulations for Installation Technician, the Rules Concerning Technical Standards Compliance Approval for Terminal Equipment, the Rules for Reporting on Telecommunications Business, and the Rules Concerning Prevention of Radio Propagation Blockage under the Radio Law (hereinafter referred to as “related ministerial ordinances”) may still use the conventional forms, notwithstanding the forms as prescribed under the revised related ministerial ordinances, until the day after sixth months calculating from the effective date of this ministerial ordinance.

Supplementary Provision (Ministerial Ordinance of MPT No. 42 of May 23, 1995)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 71 of September 22, 1995)

This ministerial ordinance shall come into force as from the effective day (October 1, 1995) of the Law for Partial Amendment to the Telecommunications Business Law (Law No. 82 of 1995).

Supplementary Provision (Ministerial Ordinance of MPT No. 2 of January 24, 1996)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 30 of March 27, 1996)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provisions (Ministerial Ordinance of MPT No. 31 of March 28, 1996) (Excerpts)

(1) This ministerial ordinance shall come into force as from April 1, 1997.

Supplementary Provision (Ministerial Ordinance of MPT No. 61 of September 3, 1996)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 73 of November 29, 1996)

This ministerial ordinance shall come into force as from December 10, 1996.

Supplementary Provisions (Ministerial Ordinance of MPT No. 79 of December 26, 1996)

(Effective Date)

(1) This ministerial ordinance shall come into force as from the day of promulgation.

(Transitional Measures)

(2) The charges as already authorized pursuant to Article 31 Paragraph (1) of the Telecommunications Business Law (hereinafter referred to as the “Law”) before the effective day of this ministerial ordinance and which are pertaining to the telecommunications services as referred to in Article 19-3 Item v) of the amended Regulations for Enforcement of the Telecommunications Business Law (hereinafter referred to as the “New Regulations”) shall be deemed to be charges as notified in accordance with the provisions under Article 31 Paragraph (3) of the Law.

(3) The application for authorization pursuant to the provisions under Article 31 Paragraph (1) of the Law, as already filed before the effective day of this ministerial ordinance and which is pertaining to the telecommunications services as referred to in Article 19-3 Item v) of the New Regulations shall be deemed to be a notification as made in accordance with the provisions under Article 31 Paragraph (3) of the Law.

Supplementary Provisions (Ministerial Ordinance of MPT No. 81 of November 17, 1997)
(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the day of promulgation. However, the provisions of revision in Article 3, the provisions of revision deleting Article 4, and the provisions of revision in Articles 13, 14, 15 and 16, and the provisions of revision deleting Article 60, and the provisions of revision in Article 65 shall come into force as from the effective day of the Law for Partial Amendment to the Telecommunications Business Law and the Radio Law (Law No. 100 of 1997).

(Transitional Measures)

Article 2.

During the period from the effective day of this ministerial ordinance to March 31, 1998, “ten days before” in Article 23-8 of the amended Regulations for Enforcement of the Telecommunications Business Law (hereinafter referred to as the “New Regulations”) shall be read as “one day before”.

Article 3.

- (1) In cases where, at the time of designation pursuant to Article 38-2 Paragraph (1) of the Law, a Type I telecommunications carrier who installs the designated telecommunications facilities has a plan with a schedule for commencing installation work of less than the days as given in Article 24-2 Paragraph (1) of the New Regulations, shall file a notification of the plan pursuant to the provisions under Article 24 of the New Regulations by no later than one day prior to the commencement of said installation work, notwithstanding the provisions under the same paragraph. However, in cases where the number of days from said specified day to the commencement of the construction work is to exceed 60 days, said telecommunications carrier shall file a notification thereof within 60 days from said specified day.
- (2) In cases where the notified plan is to be modified in cases under the preceding paragraph, the provisions under Paragraph (1) Item iii) and Paragraph (2) of Article 24-2 shall apply.

Supplementary Provisions (Ministerial Ordinance of MPT No. 24 of March 31, 1998)
(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the day of promulgation.

(Transitional Measures)

Article 2.

- (1) A Type I telecommunications carrier who is already granted permission before the effective day of this ministerial ordinance shall be deemed to be a Type I telecommunications carrier who offers telecommunications services as stipulated in Article 3 Paragraph (2) of the Regulations for Enforcement of the Telecommunications Business Law (hereinafter referred to as “New Regulations”) after revision pursuant to this ministerial ordinance.
- (2) The application as prescribed in Article 9 and Article 14 of the Telecommunications Business Law that has already been filed before the effective day of this ministerial ordinance shall be deemed to be an application pertaining to telecommunications services

as stipulated in Article 3 Paragraph (2) of the New Regulations.

- (3) A Type I telecommunications carrier who offers other already permitted services (open digital communications) before the effective day of this ministerial ordinance shall be deemed to be a Type I telecommunications carrier who offers data transmission services, notwithstanding the provisions under Paragraph (1).

Article 3.

- (1) A General Type II telecommunications carrier who had filed a notification, and a Special Type II telecommunications carrier who had already been registered, before the effective day of this ministerial ordinance, shall each be deemed to be a Type II telecommunications carrier who offers telecommunications services as stipulated in Article 33 Paragraph (2) and Article 35 Paragraph (2) of the New Regulations.
- (2) The notification pursuant to Article 22 of the Law and the application pursuant to Article 24 and Article 27 before the effective day of this ministerial ordinance shall be deemed to be a notification, application, and application for changes as stipulated in Article 33 Paragraph (2) and Article 35 Paragraph (2) of the New Regulations.

Supplementary Provision (Ministerial Ordinance of MPT No. 65 of July 29, 1998)

This ministerial ordinance shall come into force as from the effective day (July 31, 1998) of the provisions as specified in Item ii) of Article 1 of the Supplementary Provision of the Law Concerning the Legislation of Related Laws for Rationalization of Regulations in the Field of Telecommunications Rules.

Supplementary Provision (Ministerial Ordinance of MPT No. 91 of October 29, 1998)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the effective day of the Law Concerning Preparation, Etc. of Relevant Laws for Rationalization of East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or Regulations in Telecommunications Field (Law No. 58 of 1998).

(Transitional Measures)

Article 2.

With respect to the charges concerning services handling the telegram as stipulated in Article 5 Paragraph (1) of the Supplementary Provisions of the Telecommunications Business Law, the revised of the Regulations for Enforcement of the Telecommunications Business Law shall not be applicable, and the provisions of the Regulations for Enforcement of the Telecommunications Business Law prior to revision shall remain effective.

Article 3.

With regard to the initial standard charge index as applied to telecommunications services as offered, before the effective day of this ministerial ordinance, by Type I telecommunications carriers who install designated telecommunications facilities as prescribed under Article 38-2 Paragraph (2) of the Telecommunications Business Law after revision pursuant to Article 2 of the Law Concerning Preparation, Etc. of Relevant Laws for Rationalization of East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or

Regulations in Telecommunications Field (hereinafter referred to as the “new Law”), and as stipulated by the ministerial ordinance of the Ministry of Posts and Telecommunications as referred to in Article 31 Paragraph (3) of the new Law, the phrase “one year from October 1” appearing in Article 19-5 Paragraph (2) of the Regulations for Enforcement of the Telecommunications Business Law after revision pursuant to this ministerial ordinance shall read as “a period from the day of application to September 30”.

Supplementary Provision (Ministerial Ordinance of MPT No. 3 of January 11, 1999)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 17 of March 5, 1999)

This ministerial ordinance shall come into force as from the effective day of the provisions as given in Article 1 Item iii) of the Supplementary Provisions of the Law Concerning Preparation, Etc. of Relevant Laws for Rationalization of East Nippon Telegraph and Telephone Corporation, West Nippon Telegraph and Telephone Corporation, or Regulations in Telecommunications Field (Law No. 58 of 1998).

Supplementary Provision (Ministerial Ordinance of MPT No. 32 of March 31, 1999)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provisions (Ministerial Ordinance of MPT No. 38 of April 28, 1999)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from December 31, 2000.

(Transitional Measures)

Article 2.

The matters pertaining to the application as stipulated in Article 38-2 Paragraph (2) of the Telecommunications Business Law that had already been filed before the effective day of this ministerial ordinance shall be dealt with as cases in the past, notwithstanding the provisions under Article 23-4 Paragraph (2) of the revised Regulations for Enforcement of the Telecommunications Business Law.

Supplementary Provisions (Ministerial Ordinance of MPT No. 53 of June 30, 1999)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the effective day of the revised law (July 1, 1999).

Supplementary Provisions (Ministerial Ordinance of MPT No. 63 of August 6, 1999)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from December 31, 2000)

(Transitional Measures)

Article 2.

The matters pertaining to the application as stipulated in Article 38-2 Paragraph (2) of the Telecommunications Business Law that had already been filed before the effective day of this ministerial ordinance shall be dealt with as cases in the past, notwithstanding the provisions under Article 23-4 Paragraph (2) of the revised Regulations for Enforcement of the Telecommunications Business Law.

Supplementary Provision (Ministerial Ordinance of MPT No. 64 of August 24, 1999)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 65 of August 30, 1999)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 94 of October 29, 1999)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 14 of March 10, 2000)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 27 of April 6, 2000)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 53 of September 12, 2000)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPT No. 55 of September 13, 2000)

This ministerial ordinance shall come into force as from October 1, 2000.

Supplementary Provisions (Ministerial Ordinance of MPT No. 60 of September 27, 2000)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the effective day (January 6, 2001) of the Law for Amending a Portion of the Cabinet Law (Law No. 88 of 1999).

(Transitional Measures)

Article 2.

(1) The forms prepared in accordance with the Forms or formats prior to the amendment pursuant to this ministerial ordinance shall be allowed to be used for the time being even after the effective day of this ministerial ordinance. In this case, the forms as prepared in accordance with the Forms or formats prior to the amendment may be mended for use.

(2) The postal savings passbooks, postal savings certificates, cards, withdrawal warrants, postal

savings identification cards, postal money orders, debit notes, postal giro payment orders, postal giro payment warrants and "receipt books of premiums for postal life insurance" issued before the effective day of this ministerial ordinance shall be considered to have been issued in accordance with Forms or formats after amendment pursuant to this ministerial ordinance.

Supplementary Provisions (Ministerial Ordinance of MPT No. 64 of November 16, 2000)
(Excerpts)

(Effective Date)

Article 1.

This ministerial ordinance shall come into force as from the effective day of the Law for Partial Amendment to the Telecommunications Business Law (Law No. 79 of 2000).

Supplementary Provision (Ministerial Ordinance of MPT No. 65 of November 24, 2000)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provision (Ministerial Ordinance of MPHPT No. 33 of March 29, 2001)

This ministerial ordinance shall come into force as from the effective day (April 1, 2001) of the Law for Partial Amendment to the Commercial Code, Etc. (Law No. 90 of 2000).

Supplementary Provisions (Ministerial Ordinance of MPHPT No. 59 of April 6, 2001)

(Effective Date)

(1) This ministerial ordinance shall come into force as from the day of promulgation.

(Transitional Measures)

(2) Regardless of the provisions under Article 24-4, the functions of switching communications via router shall, for the time being, be the functions as provided for under the ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications as referred to in Article 39-2 Paragraph (1) of the Telecommunications Business Law.

Supplementary Provisions (Ministerial Ordinance of MPHPT No. 85 of June 11, 2001)

(Effective Date)

(1) This ministerial ordinance shall come into force as from the day of promulgation.

(Transitional Measures)

(2) With regard to the interconnection tariffs as already authorized pursuant to the provisions under Article 38-2 Paragraph (2) of the Telecommunications Business Law before the effective day of this ministerial ordinance, the telecommunications carrier shall file an application for changes in accordance with the provisions under the same paragraph, immediately after the effective day of this ministerial ordinance, in order to ensure their conformance with this ministerial ordinance.

(3) Until a disposition is made for authorization based on the application under the preceding paragraph, the interconnection tariffs already authorized shall be deemed to be in

conformance with the Regulations for Enforcement of the Telecommunications Business Law after amendment and the Rules for Interconnection pursuant to this ministerial ordinance.

- (4) Until a disposition based on application pursuant to the provisions under Paragraph (2) is made, the provisions under the Regulations for Enforcement of the Telecommunications Business Law after amendment and the Rules for Interconnection pursuant to this ministerial ordinance shall not be applied to the interconnection tariffs pertaining to the application as stipulated in Article 38-2 Paragraph (2) of the Law.

Supplementary Provision (Ministerial Ordinance of MPHPT No. 138 of October 25, 2001)

This ministerial ordinance shall come into force as from the day of promulgation.

Supplementary Provisions (Ministerial Ordinance of MPHPT No. 148 of November 29, 2001)

(Effective Date)

- (1) This ministerial ordinance shall come into force as from the effective day (November 30, 2001) of the Law for Partial Amendment to the Telecommunications Business Law (Law No. 62 of 2001).

(Special Exceptions Concerning Unavoidable Reasons of Unfavorable Treatment to Other Telecommunications Carriers)

- (2) With respect to the application of the provisions under Article 22-6 to Type I telecommunications carriers who install Category I designated telecommunications facilities as stipulated in Article 38-2 Paragraph (2) of the Telecommunications Business Law before the effective day of this ministerial ordinance, the phrase “or possibility of nonperformance of payment of the amount to be borne by other telecommunications carriers, service period or other terms and conditions of use, confidentiality, prohibition of unintended uses, and other items as set forth in the contract” shall, for the time being, be read as “or possibility of nonperformance of payment of the amount to be borne by other telecommunications carriers, service period or other terms and conditions of use, confidentiality, prohibition of unintended uses, and other items as set forth in the contract, OR shall be what the Minister of Public Management, Home Affairs, Posts and Telecommunications approves as an unavoidable reason, of all the matters as listed in Article 3 Paragraph (2) Items iv) and vi) of the Supplementary Provisions of the Law for Partial Amendment to the Nippon Telegram and Telephone Corporation Law (Law No. 98 of 1997) as referred to in the Succeeding Plan under Article 5 Paragraph (6) of the Supplementary Provisions of the same law, or shall be what has been authorized by the Minister of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions under Article 15 of the Telecommunications Business Law as reasons necessary for implementation of said succeeding plan”.

Supplementary Provisions (Ministerial Ordinance of MPHPT No. 163 of December 11, 2001)

(Effective Date)

- (1) This ministerial ordinance shall come into force as from the day of promulgation.

(Transitional Measures)

- (2) With regard to the interconnection tariffs already authorized pursuant to the provisions

under Article 38-2 Paragraph (2) of the Telecommunications Business Law before the effective day of this ministerial ordinance, a Type I telecommunications carrier who installs Category I designated telecommunications facilities shall file an application for changes based on the provisions under the same paragraph within two months calculating from the effective day of this ministerial ordinance, in order to put said interconnection tariffs in conformance with this ministerial ordinance.

- (3) The interconnection tariffs already authorized shall be deemed to be in conformance with the Regulations for Enforcement of the Telecommunications Business Law after amendment pursuant to this ministerial ordinance, until a disposition is made concerning the authorization based on the application under the preceding paragraph.