

TELECOMMUNICATIONS BUSINESS ACT

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

TELECOMMUNICATIONS BUSINESS ACT

Contents

CHAPTER I GENERAL PROVISIONS (Article 1 through 3-2)	4
CHAPTER II TELECOMMUNICATIONS BUSINESS	6
Section 1 General Provisions	6
Section 2 Common Business (Article 5 through Article 16)	6
Section 3 Deleted on <January 5, 1995> (Article 17 through 18)	17
Section 4 Service-Based Business and Value-Added Business (Article 19 through 28)	17
CHAPTER III TELECOMMUNICATIONS OPERATION(Article 29 through Article 33-3)	22
CHAPTER IV PROMOTION OF COMPETITION FOR TELECOMMUNICATIONS BUSINESS <Newly established on December 30, 1996> (Article 33-4 through Article 38-6)	26
CHAPTER V INSTALLATION AND PRESERVATION OF TELECOMMUNICATION FACILITIES (Article 39 through Article 52)	44
CHAPTER VI SUPPLEMENTARY PROVISIONS (Article 53 through Article 68)	49
CHAPTER VII PENALTY (Article 69 through Article 78)	58

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Telecommunications Business Act

[Partially amended by Law No. 8867 dated Feb. 29, 2008]

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1

The purpose of this Act is, through operating telecommunication business appropriately, to promoting user convenience and to pursue sound development of telecommunications business and thereby enhance public welfare.

(Definitions)

Article 2

- (1) For the purpose of this Act: <Amended on January 5, 1995, August 28, 1997, and September 17, 1998>
1. "Telecommunications carrier" means a person who provides Telecommunications Service by obtaining a license, a registration or a notification as required under this Act.
 2. "User" means a person who has entered into a contract of use of Telecommunications Service with a telecommunications carrier to receive Telecommunications Service.
 3. "Universal Service" means the basic Telecommunications Service which any user may receive at an appropriate charge anytime and anywhere within Korea.
- (2) Unless otherwise defined for terms under the paragraph (1), the terms used in this Act shall be defined pursuant to the relevant provisions of the Framework Act on Telecommunications. <Amended on January 3, 2007>

(Service Provision Obligation, etc.)

Article 3

- (1) A telecommunications carrier shall not refuse to provide any Telecommunications Service, without any justifiable reason.
- (2) A telecommunications carrier shall guarantee the fairness, speediness and accuracy in performing his business.
- (3) Telecommunications Service charges shall be reasonably determined so as to ensure a smooth development of telecommunications business and to provide the users with convenient and diverse Telecommunications Services in the fair and inexpensive manner.

(Universal Service)

Article 3-2

- (1) All telecommunications carriers shall have the obligation to provide Universal Service or compensate any losses caused by provision of such service . <Amended on January 8, 2001>
- (2) The Korea Communications Commission (hereinafter referred to as the "KCC") may, notwithstanding the provision of paragraph (1), exempt the telecommunications carrier determined by the Presidential Decree as a telecommunications carrier for whom an imposition of obligation under paragraph (1) is deemed inappropriate in view of the peculiarity of Telecommunications Service or the telecommunications carrier whose turnover of Telecommunication Service is less than the amount as determined by the Presidential Decree within the limit of one hundredth (1/100) of the total turnovers of the Telecommunications Service, from the relevant obligations. <Newly established on January 8, 2001 and February 29, 2008>
- (3) The details of the Universal Service shall be prescribed by the Presidential Decree in consideration of the following subparagraphs: <Amended on May 11, 2007>
 1. Level of development of information and communications technology;
 2. Level of supply of Telecommunications Service;
 3. Public interest and safety;
 4. Promotion of social welfare; and
 5. Acceleration of informatization
- (4) To ensure that the Universal Service is provided in an efficient and stable manner, the KCC may designate a telecommunications carrier or carriers to provide such Service pursuant to the criteria and procedures specified in the Presidential Decree in consideration of the size, quality and level of charges of the Service, technical competence of the relevant carrier or carriers, etc. <Amended on May 11, 2007 and February 29, 2008>
- (5) The KCC may require the telecommunications carrier or carriers to contribute to the losses resulting from providing Universal Service, based on his or their turnover or turnovers pursuant to the methods and procedures specified in the Presidential Decree. <Newly established on May 11, 2007 and February 29, 2008>

CHAPTER II TELECOMMUNICATIONS BUSINESS

Section 1 General Provisions

(Classification of Telecommunications Business, etc.)

Article 4

- (1) Telecommunications business shall be classified into common business, service-based business, and value-added business. <Amended on August 28, 1997>
- (2) Common business shall be a business to install telecommunications line facilities, and thereby to provide Telecommunications Service such as telegraph, telephone Service, etc. (hereinafter referred to as the "Common Service"), whose types and contents are determined by the Presidential Decree in consideration of the public interest and impacts on the national industries, the necessity for stable provision of the Services, etc. <Amended on December 30, 1996 and February 29, 2008>
- (3) Service-based business shall correspond to one of the following subparagraphs: <Newly established on August 28, 1997 and February 29, 2008>
 1. A business which provides Common Service using telecommunications line facilities, etc of any person who has obtained a license for common business pursuant to Article 5 (hereinafter referred to as the "common carrier"); or
 2. A business which installs telecommunications facilities within the premises as determined by the Presidential Decree or provides Telecommunications Service therein using the said facilities.
- (4) Value-added business shall be a business which provides Telecommunications Service other than the Common Service under the provision of Paragraph (2) (hereinafter referred to as the "Value-added Service") by leasing telecommunications lines facilities from a common carrier. <Amended on December 30, 1996 and August 28, 1997> [Wholly amended on January 5, 1995]

Section 2 Common Business

(Licensing of Common Carrier, etc.)

Article 5

- (1) A person who intends to operate a common business shall obtain a license from the KCC.
<Amended on December 30, 1996 and February 29, 2008>
- (2) The KCC shall, in case where it intends to grant a license under the provision of paragraph(1) above, go through deliberation by the Information and Communications Policy Review Committee under the provision of Article 44-2 of the Framework Act on Telecommunications: Provided, That this shall not apply to the license of small business as prescribed by the Presidential Decree. <Amended on December 30, 1996, January 3, 2007 and February 29, 2008>
- (3) The KCC shall, in granting a license under paragraph (1), comprehensively examine the matters falling under each of the following subparagraphs: <Amended on December 30, 1996 and February 29, 2008>
1. Propriety of the plans for providing Common Service;
 2. Appropriateness of the size of Telecommunications facilities;
 3. Financial and technical capabilities;
 4. Actual results of technical developments related to Common Service to be provided;
 5. Technical development plans related to Common Service;
 6. Support plans for technical developments for the promotion of telecommunications; and
 7. Other necessary matters for business operations.
- (4) The KCC shall set forth the detailed examination criteria for the each matter under the provision of paragraph (3), time limit for license application, and guidelines for application for license, and make a public announcement thereof. <Amended on December 30, 1996 and February 29, 2008>
- (5) The KCC may, in the case where he grants a license for common business under paragraph (1), attach the conditions necessary for the promotion of fair competition, protection of users, improvement of service quality, efficient use of information and communications resources, etc. <Amended on December 30, 1996, May 11, 2007 and February 29, 2008>
- (6) A person eligible for a license under the provision of paragraph (1) shall be limited to a juristic person.

Procedures for a license under paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree. <Amended on December 30, 1996 and February 29, 2008>
[Wholly amended on January 5, 1995]

(Grounds for Disqualification for License)

Article 5-2

Any person falling under any of the following subparagraphs shall not be licensed for common business as specified under the provision of Article 5:

1. National or local governments;
2. Foreign governments or foreign juristic persons;
3. Juristic persons whose stocks are owned by foreign governments or foreigners beyond the stockholding limits referred to in Article 6 (1). [Newly enacted on February 9, 2004]

(Restrictions on Stock Holding by Foreign Governments or Foreigners)

Article 6

- (1) The aggregate number of stocks of a common carrier held by foreign governments or foreigners (limited to the voting stocks, and including the stock equivalents with voting rights, such as stock depository receipts, etc. and investment equities; the same shall apply hereinafter) shall not exceed 49/100 of the total number of issued stocks.
- (2) A juristic person whose largest stockholder is a foreign government or a foreigner (including specially interested person as referred to in subparagraph (i) of paragraph (1) of Article 9 of the Capital Market and Financial Investment Business Act; hereinafter the same shall apply) shall be regarded as a foreigner (hereinafter referred to as a "a deemed foreign person") when 15/100 or more of the total number of issued stocks are held by the said foreign government or foreigner. <Amended on January 3, 2007 and August 3, 2007>
- (3) A juristic person that owns less than 1/100 of the total number of stocks issued by a common carrier shall not be regarded as a foreigner, even if it satisfies the requirements referred to in paragraph (2). [Wholly amended on February 9, 2004]

(Grounds for Disqualification for Officers)

Article 6-2

- (1) Any person falling under any of the following subparagraphs shall be disqualified from serving as an officer of a common carrier: <Amended on March 31, 2005 and January 3, 2007>

1. A minor or a legally incompetent or quasi-incompetent person;

2. A person who has yet to be reinstated after having been declared bankrupt;
 3. A person who has been sentenced to imprisonment without prison labor or a heavier punishment for violation of this Act, the Framework Act on Telecommunications, the Radio Act, or the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. and for whom three years have yet to elapse from the date on which the execution of the sentence is terminated (including a case where the execution of the sentence is deemed to be terminated) or exempted;
 4. A person who is still on probation after having been sentenced to a suspension of the execution of the imprisonment without prison labor or a heavier punishment on charges of violating of this Act, the Framework Act on Telecommunications, the Radio Act, or the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc;
 5. A person for whom three years have yet to elapse after having been sentenced to a fine on charges of violating this Act, the Framework Act on Telecommunications, the Radio Act, or the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc; or
 6. A person who has been subject to a disposition made to revoke his license pursuant to Article 15 (1), a disposition made to revoke his registration pursuant to Article 28 (1) or an order given to close his business pursuant to paragraph (2) of the same Article and for whom three years have yet to elapse from the date of such disposition or order. In the case of a juristic person, the person refers to the person who committed the act that caused the disposition to revoke license or registration, or the order to close business, and its representative.
- (2) Any officer that falls or is found to have fallen at the time when he or she was appointed as an officer under any of the subparagraphs of paragraph (1) shall resign from the office as a matter of course.
- (3) Acts in which the officer was involved prior to his or her resignation under paragraph (2) shall remain valid. [Wholly amend on December 26, 2002]

(Examination of Public Interest on Stock Acquisition, etc. by Common Carrier)

Article 6-3

- (1) The KCC shall establish the Public Interest Review Committee (hereinafter referred to as

the "Committee") in order to examine whether what follows under each of the following subparagraphs harms the public interest as specified in the Presidential Decree (hereinafter referred to as the "examination of the public interest"), such as the national security guarantee and maintenance of public peace and order, etc.: <Amended on January 3, 2007, August 3, 2007 and February 29, 2008>

1. When a person comes to own 15/100 or more of the total number of issued stocks by a common carrier, when adding up those owned by the specially interested person as referred to in subparagraph (i) of paragraph (1) of Article 9 of the Capital Market and Financial Investment Business Act (hereinafter referred to as the "specially interested person");
 2. When the largest stockholder of a common carrier is replaced by another person;
 3. When a common carrier or any of its stockholders enters into a contract with a foreign government or a foreigner for important management matters as prescribed by the Presidential Decree, including the appointment and dismissal of officers and the transfer or acquisition, etc. of the business of the relevant common carrier; or
 4. Any other cases as prescribed by the Presidential Decree when there is a change in the stockholders who have de facto management rights of a common carrier.
- (2) Where a common carrier or any of its stockholders comes to fall under any of the subparagraphs of paragraph (1), he shall notice that fact to the KCC within seven days from the time when it took place. <Amended on February 29, 2008>
- (3) Where a common carrier or any of its stockholders is to come to fall under any of the subparagraphs of paragraph (1), he may request the KCC to undertake a review as specified under the provision of paragraph (1) before the situation arises. <Amended on February 29, 2008>
- (4) Where the KCC receives such a notification as prescribed to in paragraph (2) or a request for a review as prescribed to in paragraph (3), it shall refer it to the Committee. <Amended on February 29, 2008>
- (5) The KCC may, when it determines that there exists a danger of harming the public interests by the cases falling under each of subparagraphs of paragraph (1) in view of the result of examination as referred to in paragraph (1), order amendment of the contract, suspension of its performance, suspension of the exercise of the voting rights , or sale of the relevant stocks. <Amended on February 29, 2008>

- (6) The notification, or the scope of common carriers to be examined, and the procedures for notification and examinations, and other necessary matters under paragraph (2) or (3) shall be prescribed by the Presidential Decree. <Amended on February 29,2008> [Newly enacted on February 9, 2004]

(Organization and Operation of Public Interest Review Committee)

Article 6-4

- (1) The KCC shall consist of members no less than five and no more than ten, including one Chairman.
- (2) The Chairman of the Committee shall be the Vice Chair of the KCC, and the members shall be the persons commissioned by the Chairman from among the public officials of Grade III of related national government agencies or the public officials in general service who belong to the group of senior public officials as prescribed by the Presidential Decree, and those falling under any of the following subparagraphs: <Amended on December 29, 2005, January 3, 2007 and February 29, 2008>
1. A person with good knowledge and experience in the field of information and communications;
 2. A person recommended by a Government-invested research institute related to the national security, and/or maintenance of public order;
 3. A person recommended by a non-profit organization under Article 2 of the Assistance for Non-profit Non-governmental Organizations Act; and
 4. Any other person who the Chairman deems necessary.
- (3) The Committee may conduct any necessary investigations for the examination of public interest, or request the interested parties or the reference witnesses to provide the data. In this case, the parties concerned or the reference witnesses shall comply with such a request unless they have any justifiable reason to do otherwise.
- (4) Where the Committee deems it necessary, it may have the interested parties or the reference witnesses attend the Committee, and hear their opinions.
- (5) Matters necessary for the organization or operation of the Committee shall be prescribed by the Presidential Decree. [Newly enacted on February 9, 2004]

(Restrictions on Stockholders Owning Excessive Stocks)

Article 7

- (1) When a foreign government or a foreigner has acquired stocks in contravention of Article 6 (1), it shall not exercise voting rights for the excessive stocks.
- (2) The KCC may order the stockholder who has acquired stocks in contravention of Article 6 (1), the common carrier to which the said stockholder belongs, or the stockholder of the fictitious juristic person of a foreigner to correct the relevant matters, specifying the time limit within six months. <Amended on February 29, 2008>
- (3) Persons ordered to undertake corrections under paragraph (2) shall correct the relevant matters within the specified period.
- (4) The common carrier may refuse any renewal for the excessive portion in the register of stockholders or of members, with respect to the stockholder who contravened Article 6 (1). [Wholly amended on February 9, 2004]

(Periodic Penalty Payment)

Article 7-2

- (1) The KCC may levy a periodic penalty payment against any person who has failed to comply with an order under Article 6-3 (5) or 7 (2) (hereinafter referred to as the "corrective order") within the specified period. In this case, the maximum periodic penalty payment per day shall not exceed 3/1,000 of the purchase price of the relevant shares, but in the cases not related to a stockholding, its amount shall not exceed 100 million won. <Amended on February 29, 2008>
- (2) The time period subject to imposition of the periodic penalty payment as referred to under paragraph (1) shall be from the day immediately following the period set forth in the original corrective order to the day on which the corrective order is performed. In this case, the periodic penalty payment shall be imposed within 30 days from the following day to the expiry period set forth in the corrective order, except when there are special circumstances.
- (3) Article 37-2 (4) shall apply to the collection of the periodic penalty payment.
- (4) Necessary matters for the levy, payment, or return of the periodic penalty payment shall be prescribed by the Presidential Decree . [Newly enacted on February 9, 2004]

(Issuance of Stocks)

Article 8

A common carrier shall issue registered stocks only. <Amended on January 5, 1995>

(Duty to Commence Business)

Article 9

- (1) A common carrier shall install its telecommunications facilities and commence its business within the period set forth by the KCC. <Amended on January 5, 1995, December 30, 1996 and February 29, 2008>
- (2) The KCC may, when the common carrier is unable to commence its business within the period set forth under paragraph (1) due to natural disaster, earthquake, and other unavoidable reasons, extend the relevant period only once based upon an application by the common carrier. <Amended on January 5, 1995 and December 30, 1996, February 29, 2008>
- ③ Deleted. <Sep. 17, 1998>

(Addition of Service and Modification of License)

Article 10

- (1) A common carrier shall obtain a modified license from the KCC that satisfies the requirements and procedures prescribed by the Presidential Decree to provide any additional Common Service other than that already licensed under Article 5: Provided, That when a common carrier who provides Telephone Service intends to provide additional Common Service prescribed by the Presidential Decree using the existing facilities to the extent that this does not interfere with the Common Service already under provision, the carrier shall notify the change to the KCC. <Amended on May 11, 2007 and February 29, 2008>
- (2) When a common carrier intends to modify any important matters prescribed by the Presidential Decree among any matters licensed under Article 5, the carrier shall obtain a modified license from the KCC under the conditions as prescribed by the Presidential Decree. <Amended on February 29, 2008>
- (3) The provisions of Articles 5 (5) and 9 shall apply to a modified license under paragraph (1). [Wholly amended on September 17, 1998]

(Concurrent Business)

Article 11

(1) A common carrier shall obtain approvals from the KCC to run a business falling under any of the following subparagraphs: Provided, That this shall not apply to a common carrier with turnovers of 30 billion won or less. <Amended on March 29, 2007 and February 29, 2008>

1. Communications equipment manufacturing business;
2. Information and communication work business under Article 2 (iii) Information and Communication Work Business Act (excluding business concerning the improvement and integration of telecommunications networks); or,
3. Service business under Article 2 (vi) of the Information and Communication Work Business Act (excluding business concerning the improvement and integration of telecommunications networks).

(2) The KCC shall approve of a service as prescribed under the provision of Paragraph (1) when it is deemed that this service, to be provided by a common carrier under the provision of provision of Paragraph (1), is unlikely to interfere with the operation of the existing telecommunications businesses and that it is required for the development of telecommunications <Amended on January 5, 1995, December 30, 1996 and February 29, 2008>

Article 12 Deleted. <May 24, 1999>

(Business Acquisition or Corporations Merger, etc.)

Article 13

(1) Any person falling under any of the following subparagraphs shall be authorized by the KCC as prescribed under the Ordinance of the Ministry of Information and Communication: Provided, That, in case where the person intends to sell telecommunications line facilities except for the main telecommunications line facilities prescribed by the Presidential Decree, it shall notify the KCC thereon as prescribed by the Presidential Decree. <Amended on January 3, 2007, May 11, 2007 and February 29, 2008>

1. Any person who intends to acquire a part or all of the business from a common carrier;
2. Any person who intends to have its corporation merged with another corporation that is a common carrier;

3. A common carrier that intends to sell the telecommunications line facilities required for providing a Common Service with a license; or
 4. Any person who holds 15/100 or more of the total number of issued stocks by a common carrier when combined with the stocks held by any specially interested persons or any person who intends to become the largest stockholder of a common carrier.
- (2) A common carrier shall obtain an approval from the KCC when wanting to found a corporation that provides a part of the Common Service among the multiple licensed Common Services as prescribed by the Presidential Decree. <Amended on February 29, 2008>
- (3) The KCC shall comprehensively examine all the matters falling under each of the following subparagraphs when authorizing or granting an approval pursuant to paragraph (1) or (2): <Newly established on January 28, 2000, May 11, 2007 and February 29, 2008>
1. The propriety of financial, technical and business-operational capability;
 2. The propriety of the management of communication services resources, such as radio frequencies and Telecommunication numbers, etc.;
 3. The impact on competition of the common business;
 4. The User Protection; and
 5. The impact on the public interest such as the utilization of Telecommunications facilities and networks, the efficiency of research and development, and the international competitiveness of the telecommunications industry, etc.
- (4) The KCC shall determine and announce matters necessary for the detailed examination criteria and the examination procedures under paragraph (3). <Newly established on January 28, 2000 and February 29, 2008>
- (5) Any person who has acquired the business of a common carrier by obtaining an authorization under paragraph (1), or a corporation that has survived a merger, or founded as a result of a merger or established by obtaining an approval under paragraph (2), shall succeed the status related to the license of the relevant common business.
- (6) The KCC may attach conditions that are required to ensure fair competition and user protection when granting authorization or approval under paragraph (1) or (2), respectively. <Newly established on January 28, 2000 and February 29, 2008>
- (7) Where the KCC intends to grant an authorization under paragraph (1), it shall have the

application reviewed by the Information and Communication Policy Review Committee pursuant to Article 44-2 of the Framework Act on Telecommunications, and shall consult with the Fair Trade Commission. <Amended on January 28, 2000, January 3, 2007 and February 29, 2008>

- (8) Article 5-2 shall apply both to the authorization under paragraph (1) and to the approval under paragraph (2). <Amended on February 9, 2004>
- (9) Where a person falling under subparagraph (iv) of paragraph(1) fails to obtain an authorization under paragraph (1), the KCC may have its voting rights suspended or the relevant stocks sold to a third party . <Newly established on January 3, 2007 and February 29, 2008>
- (10) Any person who intends to obtain an authorization or an approval as prescribed under paragraph (1) or (2), respectively, shall not integrate communications networks, appoint officers, or take any other follow-up measures, including those for the performance of the contract on business acquisition, merger, or sale of facilities, or for the establishment of a corporation, before obtaining such an authorization or an approval. <Newly established on May 11, 2007> [Wholly amended on September 17, 1998]

(Suspension or Discontinuation of Business)

Article 14 <Amended on March 29, 2007>

- (1) A Common carrier shall, in case where he intends to suspend or discontinue the whole or part of its common business, notice the users at least sixty days prior to the intended date of suspension or discontinuance and obtain approval from the KCC of such suspension or discontinuance.<Amended on March 29, 2007 and February 29, 2008>
- (2) The KCC may, where deemed necessary for the protection of users in the event of suspension or discontinuance of the business by a common carrier, order the carrier to take necessary actions for user protection, such as carrying out the subscription switchover on behalf of the users, assuming the costs, terminating the subscription, etc. <Amended on March 29, 2007 and February 29, 2008>
- (3) The KCC shall, in case where an application for approval under paragraph (1) is made, and where deemed that suspension or discontinuance of the relevant business is likely to harm the public interests, not grant the relevant approval. <Amended on March 29, 2007 and February 29, 2008> [Wholly amend on January 5, 1995]

(Revocation of License, etc.)

Article 15

(1) The KCC may, in case where a common carrier falls under any of the following subparagraphs, revoke the relevant license or order to suspend the whole or part of the business for a period of up to one year <Amended on January 5, 1995, December 30, 1996, September 17, 1998, February 8, 1999, January 28, 2000, January 16, 2001, March 24, 2006, January 3, 2007, May 11, 2007 and February 29, 2008>

1. Where the carrier has obtained a license by fraud or by other illegal means;
2. Where the carrier has failed to perform the conditions under Articles 5 (5) and 13(6);
3. Where the carrier has failed to observe the orders under Article 7 (2);
4. Where the carrier has failed to commence a business within the period under Article 9 (1) (in case of obtaining an extension of the period under Article 9(2), the extended period);
5. When the carrier has failed to comply with the terms and conditions that was authorized or notified pursuant to Article 29 (1);
6. When the carrier has failed to comply with corrective orders under Article 37 (1) or 65 (1) without any justifiable reasons.

(4) Criteria and procedures for the dispositions and other necessary matters under paragraph (1) shall be determined by the Presidential Decree. <Amended on December 30, 1996, March 29, 2007>

Article 16 Deleted on <September 17, 1998>

SECTION 3 Deleted on <January 5, 1995>

Article 17 Deleted on <January 5, 1995>

Article 18 Deleted on <January 5, 1995>

SECTION 4 Service-Based Business and Value-Added Business

(Registration of Service-based Carrier)

Article 19

- (1) A person who intends to run a service-based business shall satisfy and register the following requirements with the KCC (including registration via information and communications network) as specified under the Presidential Decree: <Amended on January 3, 2007 and February 29, 2008>
 1. Financial and technical capability;
 2. User protection plan; and
 3. Business plan and other matters as determined by the Presidential Decree.
- (2) The KCC may, upon receipt of registration of a service-based business under paragraph (1), attach conditions necessary for the promotion of fair competition, protection of users, improvement of service quality, efficient use of information and communications resources etc. <Amended on May 11, 2007 and February 29, 2008>
- (3) A person subject to the registration of service-based business under paragraph (1) shall be limited to a juristic person.
- (4) Procedures, requirements and other necessary matters for registration under paragraph (1) shall be prescribed by the Presidential Decree. <Amended on February 29, 2008> [Newly enacted on August 28, 1997]

Article 20 Deleted on <May 24, 1999>

(Notification of Value-Added Carrier, etc.)

Article 21

A person who intends to run a value-added business shall notify to the KCC (including notification through the information and communications networks) pursuant to the requirements and procedures prescribed by the Presidential Decree. Provided, That this shall not apply to a common carrier which intends to run a value-added business or to a small-size value-added business according to the criteria prescribed by the Presidential Decree, including the size of telecommunications facilities in operation, etc. <Amended on December 30, 1996, March 31, 2005, January 3, 2007, May 11, 2007 and February 29, 2008> [Wholly amended on January 5, 1995]

(Modification of Registered or Notified Matters)

Article 22

A person who has registered as a service-based business under Article 19 (hereinafter referred

to as the "service-based carrier") or who has notified as a value-added business under Article 21 (hereinafter referred to as the "value-added carrier") shall, when he intends to modify the matters as determined by the Presidential Decree from among the relevant registered or notified matters, make in advance a modified registration or modified notification to the KCC (including modified registrations or modified notification through the information and communication networks) as prescribed by the Presidential Decree. <Amended on January 3, 2007 and February 29, 2008> [Wholly amended on August 28, 1997]

Article 23 Deleted on <January 5, 1995>

Article 24 Deleted on May 24, 1999

Article 24-2 Deleted on May 24, 1999

(Transfer, Acquisition, etc. of Business)

Article 25

In case where there exists a transfer or acquisition of the whole or part of a service-based business or a value-added business, or a merger or succession of a corporation which is a service-based carrier or a value-added carrier, the person who has acquired the relevant business, the corporation surviving the merger, the corporation founded by the merger, or the successor shall notify thereon to the KCC (including notification through the information and communications networks) pursuant to the requirements and procedures prescribed by the Presidential Decree. <Amended on December 30, 1996, August 28, 1997, September 17, 1998, January 3, 2007, May 11, 2007 and February 29, 2008>

(Succession of Business)

Article 26

In case where there have existed a transfer or acquisition of a service-based business or a value-added business, a merger of a corporation which is a service-based carrier or a value-added carrier, or a succession of a value-added business under Article 25, the person who has acquired the relevant business, the corporation surviving the merger, the corporation founded by the merger, or the successor shall succeed to the status of a former service-based carrier or a value-added carrier. <Amended on January 5, 1995 and August 28, 1997>

(Suspension, Discontinuance of Business, etc)

Article 27

- (1) A service-based carrier or a value-added carrier shall, in case where it intends to suspend or discontinue the whole or part of its business, notice the users of the relevant contents and notify thereon to the KCC not later than thirty days prior to the scheduled date of the relevant suspension or discontinuance (including report through the information and communication networks). <Amended on December 30, 1996, August 28, 1997, January 3, 2007 and February 29, 2008>
- (2) Where a corporation which is a service-based carrier or a value-added carrier is dissolved for reasons other than a merger, a relevant liquidator (referred to a trustee in bankruptcy) shall notify thereon without delay to the KCC (including notification through the information and communications networks). <Amended on December 30, 1996, August 28, 1997, January 3, 2007 and February 29, 2008>

(Registration Revocation and Order for Closedown of Business)

Article 28 <Amended on August 28, 1997>

- (1) The KCC may, when a service-based carrier falls under any of the following subparagraphs, revoke its registration, or order to suspend its business by specifying the period of not more than one year: Provided, That the KCC shall revoke the registration when it falls under subparagraph 1. <Newly established on August 28, 1997, September 17, 1998, February 8, 1999, May 24, 1999, January 28, 2000, January 16, 2001, March 24, 2006, January 3, 2007, May 11, 2007 and February 29, 2008>
 1. When the carrier has registered its business by fraud or other illegal means;
 2. When the carrier fails to commence its business within one year from the date on which its business is registered pursuant to Article 19 (1) or has continually suspends its service for over one year;
 3. When the carrier has failed to perform the conditions under Article 19 (2);
 4. Deleted on <May 24, 1999>
 5. When the carrier fails to comply with a corrective order under Article 37 (1) or 65 (1) without any justifiable reasons; and
 6. Deleted on <May 11, 2007>
 7. Deleted on <May 11, 2007>

- (2) The KCC may, when a value-added carrier falls under any of the following subparagraphs, order the carrier to discontinue its business or suspend its business by specifying a period of not more than one year: Provided, That where the carrier falls under subparagraph 1, the KCC shall order to discontinue the business. <Amended on January 5, 1995, December 30, 1996, September 17, 1998, February 8, 1999, May 24, 1999, January 28, 2000, January 16, 2001, March 24, 2006, January 3, 2007, May 11, 2007 and February 29, 2008>
1. When the carrier makes a notification by fraud or other illegal means;
 2. When the carrier fails to commence its business within one year from the date of notification under Article 21 or when the carrier has suspended its service for over one year;
 3. Deleted on <May 24, 1999>
 4. When the carrier fails to comply with a corrective order under Article 37 (1) or 65 (1) without any justifiable reasons; and
 5. Deleted on <May 11, 2007>
- (3) Criteria and procedures and other necessary matters for disposition under paragraph (1) or (2) shall be prescribed by the Presidential Decree.

CHAPTER III TELECOMMUNICATIONS OPERATION

(Notification of Terms and Conditions, etc.)

Article 29

- (1) A common carrier shall set forth service rate and other terms for use by Service type with respect to the Telecommunications Service which the carrier intends to provide (hereinafter referred to as the "terms and conditions"), and notify thereon (including a modified notification) to the KCC: Provided, That in a case of a common carrier whose size of business and market share satisfy the criteria prescribed by the Presidential Decree shall obtain an authorization from the KCC (including a modified authorization). <Amended on January 5, 1995, December 30, 1996 and February 29, 2008>
- (2) Deleted on <August 28, 1997>
- (3) The KCC shall authorize the terms and conditions pursuant to the proviso of paragraph (1) when it satisfies the criteria under each of the following subparagraphs: <Amended on December 30, 1996, May 11, 2007 and February 29, 2008>
 1. The Telecommunications Service rates shall be calculated reasonably in consideration of the supply costs, profits, classification of cost and profits by Telecommunications Service type, cost saving by Service-providing method, and impact on fair competition environment;
 2. Deleted on <May 11, 2007>
 3. The matters on the responsibility of common carrier and its users and cost-sharing methods for the installation of telecommunications facilities and other works shall not be unfairly adverse to the users.
 4. The types of use of the telecommunications line facilities by other telecommunications carrier or users shall not be unduly restricted;
 5. Unduly discriminatory treatment shall not be inflicted on specific persons; and
 6. Matters on securing of the important communications under Article 55 shall be considered to ensure that government functions are efficiently continued.
- (4) Deleted on <May 11, 2007>
- (5) The terms and conditions under paragraph (1) shall be apply to the use of a common carrier's telecommunications line facilities by a service-based carrier or a value-added carrier. <Amended on August 28, 1997>

(6) Any person who intends to notify (including a modified notification) or obtain an authorization (including a modified authorization) for the terms and conditions of Telecommunications Service under paragraph (1) shall submit to the KCC the data showing the basis for calculation of service rates (including, in case of modification, a table comparing the old and new details), including subscription rates, the basic rates and usage rates, Value-added Service rates, net cost, etc. <Newly established on January 3, 2007 and February 29, 2008>

Article 30 Deleted on <January 3, 2007>

Article 31 Deleted on <May 24, 1999>

(Discount Rates)

Article 32

A common Telecommunication may discount the Telecommunications Service rates when used for national security, disaster relief, social welfare or the public interest as prescribed by the Presidential Decree. <Amended on May 11, 2007>

(Restriction on Use)

Article 32-2

No one shall intermediate other's communications or provide for other's communications by making use the Telecommunications Service provided by a telecommunications Telecommunication : Provided, That the same shall not apply to the cases falling under any of the following subparagraphs: <Amended on December 26, 2002>

1. When the service is required for disaster prevention or relief, for securing transportation, communication and power supply, and for maintaining order during a national emergency;
2. When Telecommunications Service is offered to customers incidentally while operating business other than telecommunications business;
3. When Telecommunications Service is offered on a trial basis for the purpose of developing and marketing Telecommunications facilities, including terminal devices, etc. that enable the trial use of Telecommunications Service;
4. When any user permits any third party to use a service to the extent that the latter

does not use repeatedly; and,

5. In such cases when it is necessary for the public interest or when the telecommunications Telecommunication is not interfered as prescribed by the Presidential Decree. [Newly enacted on December 30, 1996]

Article 32-3 Deleted on <January 14, 2002>

(Use of Transmission, Line Facilities, etc.)

Article 32-4

- (1) A system Telecommunication , network Telecommunication , or a relay Telecommunication may, under the Broadcasting Act, provide their transmission or line facilities or cable broadcasting facilities as prescribed by the Presidential Decree to common Telecommunication s. <Amended on January 8, 2001, January 3, 2007 and May 11, 2007>
- (2) A system Telecommunication , network Telecommunication , or relay Telecommunication under the Broadcasting Act shall notify its intention to the KCC to provide Value-added Service by using their transmission or line or cable broadcasting facilities pursuant to Article 21. <Amended on January 8, 2001, January 3, 2007 and February 29, 2008>
- (3) Provisions of Articles 33-5 through 37 and 38 shall apply to transmission, line or cable broadcasting facilities under paragraph (1). <Amended on September 17, 1998 and January 8, 2001>
- (4) Article 25 (2) through (6) of the Framework Act on Telecommunications shall apply to Service provided pursuant to paragraph (2). <Amended on January 3, 2007> [Newly enacted on December 30, 1996]

(User Protection)

Article 33

- (1) Deleted on May 24, 1999.
- (2) A Telecommunications Telecommunication shall take a prompt measure on the reasonable suggestions or complaints raised by users with respect to its Telecommunications Service. In this case, if it is difficult to take a prompt measure, the Telecommunication shall notice the users of the reason thereof and the schedule for measures.
- (3) Compensation shall be made pursuant to Article 33-2 for damages inflicted by the occurrence of circumstances that arouse such opinions or complaints and by such delayed

processing as specified under the provision of Paragraph (2). <Amended on December 30, 1996>

(Damage Compensation)

Article 33-2

A telecommunications Telecommunication shall compensate any damages the Telecommunication inflicts on the users in providing the relevant Telecommunications Service: Provided, That if such damages are attributable to force majeure or to causes attributable to the user's intent or negligence, the telecommunications carrier's liability for compensation shall be reduced or exempted. [Newly enacted on December 30, 1996]

(Procedure for Damage Compensation and Request for Ruling)

Article 33-3 <Amended on December 26, 2002>

- (1) In compensating damage under Article 33-2, consultation shall be made with the recipient of such compensation. <Amended on December 26, 2002>
- (2) If the consultation on damage compensation under the provision of Paragraph (1) fails to reach an agreement or is infeasible, the concerned parties may file an application with the KCC for a ruling thereon. <Amended on December 26, 2002, January 3, 2007 and February 29, 2008> [Newly enacted on December 30, 1996]

CHAPTER IV PROMOTION OF COMPETITION FOR TELECOMMUNICATIONS BUSINESS
<Newly established on December 30, 1996>

(Promotion of Competition)

Article 33-4

- (1) The KCC shall strive to develop an efficient competition system and to promote an environment of fair competition in the telecommunications business. <Amended on February 29, 2008>
- (2) The KCC shall conduct an annual assessment of the competitive situation of common business in order to formulate policies for the establishment of an efficient competition system and to promote an environment of fair competition in the telecommunications business as specified in paragraph (1). <Amended on February 29, 2008>
- (3) Specific criteria, procedure and methods for the assessment of the competitive situation under paragraph (2) shall be prescribed by the Presidential Decree. <Amended on February 29, 2008> [Wholly amended on January 3, 2007]

(Provision of Telecommunications facilities)

Article 33-5

- (1) A common carrier may, upon receipt of a request for the provision of telecommunications facilities from other common carriers, provide its telecommunications facilities by concluding an agreement.
- (2) Notwithstanding paragraph (1), a common carrier falling under any of the following subparagraphs shall, upon receipt of a request under paragraph (1), provide telecommunications facilities by concluding an agreement.<Newly established on January 8, 2001 and February 29, 2008>
 1. A common carrier who possesses facilities which are essential to other telecommunications carriers in providing Telecommunications Service; or
 2. A common carrier whose business size, market share, etc. of its Common Service satisfy the criteria as specified by the Presidential Decree.
- (3) The KCC shall set forth and announce the scope of the Telecommunications facilities, conditions, procedures and methods for the provision of facilities, and the criteria for calculating charges under paragraphs (1) and (2). In such a case, the scope of the telecommunications facilities to be prescribed under paragraph (2) shall be determined in

consideration of the demand for Telecommunications facilities by the other common carriers falling under each subparagraph of the same paragraph. <Amended on January 8, 2001 and February 29, 2008>

- (4) A common carrier who is provided with the telecommunications facilities may install devices to enhance their efficiency within the limit necessary for providing its licensed Telecommunications Service.
- (5) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Local Loop Unbundling)

Article 33-6

- (1) A common carrier shall, in case where other telecommunications carriers as determined and announced by the KCC request for a joint utilization with respect to the lines installed in the section ranging from the exchange facilities directly connected to the premises of users (hereinafter referred to as "subscriber lines" in this Article), allow it. <Amended on February 29, 2008>
- (2) The KCC shall set forth and announce the scope of local loop unbundling (LLU) under paragraph (1), its conditions, procedures and methods, and the criteria for charge calculation. <Amended on February 29, 2008>
- (3) Deleted on <February 29, 2008> [Newly enacted on January 8, 2001]

(Joint Utilization of Radio Communications Facilities)

Article 33-7

- (1) A common carrier may, upon a receipt of a request for the joint utilization of radio communications facilities (hereinafter referred to as "joint utilization") from other common carriers, allow it by concluding an agreement. In such a case, the charges to be determined and announced by the KCC for joint utilization among the common carriers shall be calculated and settled accounts in a fair and reasonable manner. <Amended on February 29, 2008>
- (2) The common carriers as designated and announced by the KCC shall, upon receipt of a request for the joint utilization from other common carriers as designated and announced by the KCC, allow it by concluding an agreement, notwithstanding the provisions of paragraph (1), in order to enhance the efficiency of the telecommunication business and

to protect the users.

- (3) The KCC shall determine and announce the criteria for calculating the charges for joint utilization under the latter part of paragraph (1) and its procedures, payment method, etc. and the scope of the joint utilization under paragraph (2), and its conditions, procedures and methods, the criteria for calculation of charges, etc.
- (4) Deleted on <May 11, 2007> [Newly enacted on January 8, 2001]

(Interconnection)

Article 34

- (1) A telecommunications carrier may allow the interconnection by concluding an agreement, upon a request from other telecommunications carriers for an interconnection of telecommunication facilities.
- (2) The KCC shall determine and announce the scope of interconnection of telecommunications facilities, conditions, procedures and methods, criteria for calculation of charges, etc. under paragraph (1). <Amended on February 29, 2008>
- (3) Notwithstanding the provisions of paragraphs (1) and (2), the common carriers falling under any of the following subparagraphs shall allow interconnection by concluding an agreement, upon receipt of a request under paragraph (1): <Amended on February 29, 2008>
 1. A common carrier who possesses facilities which are essential to other telecommunications carriers in providing Telecommunications Service; or
 2. A common carrier whose business size, market share, etc. of its Common Service satisfy the criteria as specified by the Presidential Decree.
- (4) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Interconnection charge)

Article 34-2

- (1) The charge for interconnection shall be mutually calculated in a fair and proper manner and deducted from each other's accounts. The detailed criteria for such calculation, procedures and payment methods shall be governed by the standards laid out under Article 34 (2).
- (2) A common carrier may mutually settle the interconnection charge by deducting it from

each other's accounts as prescribed by the specified criteria under Article 34 (2), if the carrier has suffered any disadvantage due to the causes not attributable to its part, in the method of interconnection, quality of interconnected calls, or provision of information required for interconnection, etc. [Newly enacted on December 30, 1996]

(Joint Use of Telecommunications Facilities, etc.)

Article 34-3

- (1) A common carrier may allow access to or joint use of the telecommunications facilities or establishments by concluding an agreement, upon receipt of a request from other telecommunications carriers for an access to or a joint use of the telecommunications facilities or establishments, such as duct, cable, poles, or station buildings of the relevant common carrier, for installing or operating facilities required for interconnection of their telecommunications facilities; or
- (2) The KCC shall determine and announce the scope, conditions, procedures and methods for an access to or a joint use of the telecommunications facilities or establishments, and the criteria for calculating charges under paragraph (1). <Amended on February 29, 2008>
- (3) Notwithstanding the provision of paragraph (1), a common carrier falling under any of the following subparagraphs shall allow an access to or a joint use of the telecommunications facilities or establishments under paragraph (1) by concluding an agreement, upon receipt of request under paragraph (1): <Amended on February 29, 2008>
 1. A common carrier who possesses facilities which are essential to other telecommunications carriers in providing Telecommunications Service; or
 2. A common carrier whose business size, market share, etc. of its Common Service satisfy the criteria as specified by the Presidential Decree.
- (4) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Provision of Information)

Article 34-4

- (1) A common carrier may provide requested information by concluding an agreement, upon a receipt of request from other telecommunications carriers for the provision of information related to technological information or the user's personal identification which are required for providing telecommunications facilities, interconnection, joint use, imposition and collection of rates, or guide to the telecommunications numbers. <Amended on August

28, 1997>

- (2) The KCC shall determine and announce the scope, conditions, procedures and methods for the provision of information, and the criteria for the calculation of charges under paragraph (1). <Amended on February 29, 2008>
- (3) Notwithstanding the provision of paragraph (1), a common carrier falling under any of the following subparagraphs shall provide the requested information by concluding an agreement if requested under the provision of paragraph (1): <Amended on February 29, 2008>
 1. A common carrier who possesses facilities which are essential to other telecommunications carriers in providing Telecommunications Service; or
 2. A common carrier whose business size, market share, etc. of its Common Service satisfy the criteria as specified by the Presidential Decree.
- (4) A common carrier under paragraph (3) shall set forth the technical criteria required for a use by other telecommunications carriers or their users by means of connecting a terminal device and other telecommunications facilities to the relevant telecommunications facilities, the criteria for use and provision, and other criteria necessary for a creation of a fair competition environment, and make announcement thereof after obtaining an approval from the KCC. <Amended on February 29, 2008>
- (5) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Prohibition of Information Abuse)

Article 34-5

- (1) A telecommunications carrier shall not disclose any of the information obtained from individual users in the course of providing the Service, telecommunications facilities or interconnection: Provided, That the same shall not apply when it is disclosed with the user's consent or under a lawful procedure pursuant to the provisions of the Acts.
- (2) A telecommunications carrier shall use the information obtained under Article 34-4 only for the purpose for which it was provided, and shall not use it unjustly or disclose it to any third parties. [Newly enacted on December 30, 1996]

(Notification of Agreement on Interconnection, etc.)

Article 34-6

- (1) A common carrier shall conclude an agreement under Article 33-5 (1) and (2), the first part of 33-7 (1), 34 (1), 34-3 (1) or 34-4 (1) and notify it to the KCC within ninety days unless there exists any extraordinary reasons, upon receipt of a request from other telecommunications carrier for a provision, a joint utilization, an interconnection or a joint use of telecommunications facilities, or a provision of information. The same apply when the agreement is amended or terminated. <Amended on January 8, 2001, December 26, 2002, February 29, 2008>
- (2) Notwithstanding the provision of paragraph (1), in case of an agreement in which a common carrier under the latter part of Article 33-7 (1) and (2), 34 (3), 34-3 (3) or 34-4 (3) is a party concerned, an authorization of the KCC shall be obtained. <Amended on January 8, 2001, December 26, 2002 and February 29, 2008>
- (3) The agreements under paragraphs (1) and (2) shall meet the criteria which are announced by the KCC under Articles 33-5 (3), 33-7 (3), 34 (2), 34-3 (2), or 34-4 (2). <Amended on January 8, 2001 and February 29, 2008>
- (4) The KCC may, if any application for authorization referred to in paragraph (2) needs supplemented, order such application for authorization supplemented for a specified period. <Amended on December 26, 2002 and February 29, 2008>
- (5) The agreement under Articles 34-3 (1) and 34-4 (1) may be concluded by an inclusion in the agreement under Article 34 (1). [Newly enacted on December 30, 1996]

(Application for Ruling, etc.)

Article 35

- (1) A telecommunications carrier may make an application to the KCC for a ruling under Article 40-2 of the Framework Act on Telecommunications, when an agreement between telecommunications carriers on the provision, joint utilization, interconnection and joint use of telecommunications facilities, or the provision of information is not concluded or is unable to be concluded within the period specified by Article 34-6 (1). <Amended on January 8, 2001, January 3, 2007 and February 29, 2008>
- (2) A telecommunications carrier may make an application to the KCC for a ruling ordering the performance of an agreement or compensation for damages if the carrier suffers damages in the event that other telecommunications carriers fail to perform an agreement concerning the provision, joint utilization, interconnection and joint use of

telecommunications facilities, or the provision of information. <Amended on January 8, 2001 and February 29, 2008>

- (3) Deleted on <September 17, 1998> (4) Deleted on <September 17, 1998> (5) Deleted on <September 17, 1998> [Newly enacted on December 30, 1996]

(Telecommunications Numbers and Etc.)

Article 36

- (1) The KCC shall establish and implement the telecommunications numbering plan to ensure the efficient provision of the Telecommunications Service, user convenience, and to create an environment of a fair competition among the telecommunications carriers. <Amended on February 29, 2008>
- (2) The KCC shall announce the plans under paragraph (1) once they have been formulated. The same shall also apply when the plans are revised. <Amended on February 29, 2008>
- (3) A telecommunications carrier shall observe the matters announced under paragraph (2).
- (4) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Accounting Arrangement)

Article 36-2

- (1) A common carrier shall conduct accounting, prepare the business report for the preceding year within three months from the day on which the accounting year ends, submit them to the KCC, and maintain the books and supporting documents as prescribed by the Presidential Decree. <Amended on December 26, 2002, January 3, 2007 and February 29, 2008>
- (2) The KCC shall consult with the Minister of Strategy and Finance before determining matters concerning the accounting (practice) under paragraph (1). <Amended on September 17, 1998 and February 29, 2008>
- (3) The KCC may verify contents of a business report submitted by a common carrier under paragraph (1). <Amended on December 26, 2002 and February 29, 2008>
- (4) The KCC may, if it is necessary to conduct the verification as referred to in paragraph (3), order the relevant common carrier to submit related data or conduct an inspection necessary to ascertain the facts.<Amended on December 26, 2002, February 29, 2008>
- (5) The KCC shall, when it intends to conduct an inspection in accordance with paragraph (4),

notice the relevant common carrier of the inspection plan, including the period, reason and details no later than seven days prior to the expected inspection date. <Newly established on January 3, 2007 and February 29, 2008>

(6) Any person who conducts an inspection in accordance with paragraph (4) shall show a certificate indicating his or her authority the persons concerned, and, at the initial visit, shall give the relevant person a document indicating his or her full name, the duration and purpose of the visit. <Newly established on January 3, 2007>

(7) Deleted on <February 29, 2008> [Newly enacted on December 30, 1996]

(Prohibited Acts)

Article 36-3

(1) A telecommunications carrier shall not commit any of the acts falling under the following subparagraphs which injures or is likely to injure fair competition or user's interests (hereinafter referred to as "prohibited acts") and shall not have other telecommunications carriers or third parties to commit such act: <Amended on May 24, 1999, January 8, 2001, December 26, 2002, March 24, 2006 and May 11, 2007>

1. Acts of unfair discrimination, unfair refusal to concluding an agreement, or failure to perform the obligations specified under the concluded agreements without any justifiable reasons, in connection with the provision, LLU, joint utilization, interconnection or joint use of telecommunications facilities, or the provision of information;
2. Acts of unfairly using, for one's own business operation, information concerning other telecommunications carriers that is acquired in the course of the provision, LLU, joint utilization, interconnection or joint use of telecommunications facilities, or the provision of information;
3. Acts of calculating rates for Telecommunications Service or for the provision, LLU, joint utilization, interconnection or joint use of telecommunications facilities, or the provision of information by unfairly classifying expenses or revenues;
4. Acts of providing Telecommunications Service in a manner that is different from in the terms and conditions (limited only to the Telecommunication agreements notified or authorized under Article 29 (1))or that significantly undermines with the interests of telecommunications user;
5. Deleted on <March 24, 2006>

- (2) When any person acting on behalf of a telecommunications carrier in accordance with a contract that is concluded between the latter in entering into a contract (including alteration or modification) to the concluded contract) between the carrier and a user commits any act that falls under paragraph(1)(iv) or that violates Article 36-4 (1) through (6), his act shall be deemed the act committed by such telecommunication carrier and only Articles 37 and 37-2 shall apply to such act. Provided, That, the same shall not apply to a case where the telecommunications carrier has exercised considerable attention to prevent such act. <Amended on December 26, 2002 and March 24, 2006>
- (3) Necessary matters concerning categories and criteria for the prohibited acts under paragraph (1) shall be prescribed by the Presidential Decree. <Amended on December 26, 2002> [Newly enacted on December 30, 1996]

(Prohibition of Support for Purchase Cost for Telecommunications Terminal Equipment, etc.)

Article 36-4

- (1) When a telecommunications carrier provides Common Service using a frequency allocated under Article 11 or 12 of the Radio Act, such carrier shall not support the purchase cost for a telecommunications terminal equipment necessary for any user to take such Telecommunications (including sale of the equipments at a lower price than the purchasing prices, cash payment, subsidy for the subscription rate or provision of other economic benefits; hereafter referred to as the "support" in this Article): Provided, That the same shall not apply to the cases falling under any of the following subparagraphs:
1. Where the same telecommunications carrier gives the support to a user whose term of use of the Common Service provided by such telecommunications carrier is at least 18 consecutive months as of the purchase cost support date: Provided, That it shall be limited once within two years counted from the support date.
 2. Where the telecommunications carrier gives the support to a user of its Common Service when the commencement date of providing such Common Service by such telecommunications carrier does not exceed six years.
- (2) A telecommunications carrier who intends to support the telecommunications terminal equipment purchase cost as in accordance with the proviso clause of paragraph (1) shall set forth the criteria or limits, etc. of such support (hereinafter referred to as the "support criteria" in this Article), notify thereon to the KCC at least thirty days prior to the

enforcement date thereof, and shall also specify them in the terms and conditions. The telecommunications carrier shall not provide support that differs from the support criteria thus notified, nor enforce them within thirty days from the date of notification. <Amended on February 29, 2008>

- (3) A telecommunications carrier shall post a notice, which informs users of the support criteria, at the business premises of itself and any person acting on behalf of the telecommunications carrier in accordance with a contract that is concluded with the latter in entering into contracts between the carrier and the users. When the telecommunications carrier revises the support criteria in a way that is unfavorable to the users, it shall notify the users of such changes (at least) thirty days prior to the enforcement date thereof. Upon a request by a user, the carrier shall inform the user of the amount actually available for the support based on the user's subscription period, actual Telecommunication record, and support criteria.
- (4) A telecommunications carrier shall not treat users who already entered into a subscription contract and users who intend to newly enter into a subscription contract with discrimination in supporting the Telecommunications terminal equipment purchase cost without any justifiable reasons.
- (5) A Telecommunication -based carrier who provides Common Services by utilizing telecommunications line facilities belonging to a common carrier shall follow the support criteria for the telecommunications terminal equipment purchase cost enforced by the relevant common carrier, and shall not provide support exceeding the common carrier's support criteria that are applicable to the users subject to the same criteria.
- (6) A telecommunications carrier shall maintain any information about the users'subscription time and support for the purchase cost of telecommunications terminal equipment for a given period. A telecommunications carrier shall not also provide the false information, without undue refusal or delay, that is necessary for the KCC to verify whether the persons who have received purchase cost support or any person who seeks to receive purchase cost support satisfy the requirements provided under the paragraph (1) or when other telecommunications carriers request the information necessary for such confirmation, after obtaining the consent of the users. <Amended on February 29, 2008>
- (7) The KCC shall determine and announce such matters as the method to be used to calculate the Telecommunication period under the provision of Paragraph (1) (i), the

calculation methods of the support criteria, notification of the support criteria and the subscription period, adversely changed to the users under the provision of paragraph (3), and the specific scope and period of the information management objects, and the method of the provision of Paragraph (6). <Amended on February 29, 2008> [Newly enacted on March 24, 2006]

(Investigation of Fact, etc.)

Article 36-5

- (1) The KCC may, in case where deemed by a notification or perception that there has been an act under Article 36-3 or an act which violates the provisions of Article 36-4 (1) through (6), have public officials belonging to the KCC conduct an investigation required for verifying it. <Amended on December 26, 2002, March 24, 2006 and February 29, 2008>
- (2) The KCC may, where required for the investigation under paragraph (1), have a public official employed by the KCC visit the office and business premises of the telecommunications carrier or the business premises of a person who is entrusted with the business of the telecommunications carrier (where the business entrusted by the telecommunications carriers are related to those set forth in Articles 36-3 or 36-4, only the person who handles such business; the same shall apply hereinafter in this Article), and investigate the books, documents, and other records or objects of the telecommunications carrier or the entrusted party.<Amended on September 17, 1998, December 26, 2002, May 11, 2007 and February 29, 2008>
- (3) In the event any investigation is to be conducted pursuant to paragraph (1), the KCC shall notice the relevant telecommunications carrier no later than seven days prior to the date of investigation, of its investigation plan specifying the duration , reason and details subject matter of the investigation. Provided, That this shall not apply when an investigation is urgently required or when it is deemed that the purpose of investigation cannot be achieved as prior notice may result in the destruction of evidence, etc. <Newly inserted on January 3, 2007 and February 29, 2008>
- (4) A person who investigates by visiting the offices or business premises of a telecommunications carrier or the business premises of a person who is entrusted with the business of the telecommunications carrier pursuant to paragraph (2) shall show a

certificate indicating his or her authority the persons concerned, and have related persons of the office or the business premises concerned participate in the investigation. <Amended on September 17, 1998 and May 11, 2007>

- (5) The public official of the KCC who conducts the investigation pursuant to paragraph (2) may order the telecommunications carrier or the person entrusted with the business of the telecommunications carrier to submit necessary data or objects, and, when there is a concern that the data or objects submitted may be destroyed, hidden, replaced or otherwise evidence destroyed, may temporarily keep such data or objects in his or her custody. <Newly established on May 11, 2007>
- (6) The KCC shall immediately return the data or objects in its custody in the case that they fall under any of the following subparagraphs: <Newly established on May 11, 2007 and February 29, 2008>
 1. When, upon examination, data or objects deemed to be irrelevant to the investigation; or
 2. When data or objects no longer found to be necessary to be kept, because the purpose of the investigation has been achieved or for other reasons.

(Measures on Prohibited Acts)

Article 37

- (1) The KCC may order a telecommunications carrier to take the measures falling under any of the following subparagraphs when it determines that an act under Article 36-3 (1) or an act which violates the provisions of Article 36-4 (1) through (6) has been committed: <Amended on September 17, 1998, January 8, 2001, December 26, 2002, March 31, 2005, March 24, 2006 and February 29, 2008>
 1. Separation of the organization that provides Telecommunications Service;
 2. Revision of the internal accounting rules, etc. concerning Telecommunications Service;
 3. Disclosure of information concerning the Telecommunications Service;
 4. Conclusion, performance or change of terms of the agreements between telecommunications carriers;
 5. Revision the terms and conditions and articles of incorporation of the telecommunications carrier;
 6. Stopping of prohibited acts;

7. Disclosure of the fact that a corrective order has been issued against prohibited acts;
 8. Any necessary measures for restoring the violated matters due to the prohibited acts to their original state, such as the retrieval of telecommunications facilities which have caused the prohibited acts, etc.;
 9. Improvement of business operation procedures regarding Telecommunications Service; or
 10. Other matters necessary for any measure under subparagraphs 1 through 9 as prescribed by the Presidential Decree.
- (2) The telecommunications carriers shall comply with any order issued by the KCC under paragraph (1) within the period specified by the Presidential Decree: Provided, That the KCC may extend the relevant period once only if it determines that the telecommunications carriers are unable to comply with the order within the specified period due to a natural disaster or other unavoidable reasons. <Amended on December 26, 2002 and February 29, 2008>
- (3) The KCC shall, before ordering any measure under paragraph (1), notice the concerned parties of the details of the relevant measure, provide them with an opportunity to present their opinion within a specified period, and may hear, when deemed necessary, the opinions of other interested parties: Provided, That this shall not apply when the concerned parties fail to respond without any justifiable reasons. <Amended on December 26, 2002 and February 29, 2008>
- (4) When five years have elapsed from the day on which the acts under Article 36-3 (1) or any acts committed in violation of Article 36-4 (1) through (6) have been terminated, the KCC shall not order any measures under paragraph (1) or impose a penalty surcharge pursuant to Article 37-2 against such acts: Provided, That this shall not apply when any completed measure or imposition of penalty surcharge is revoked by a court decision and a new disposition is made according to the court decision. <Newly established on January 3, 2007 and February 29, 2008> [Newly enacted on December 30, 1996]

(Imposition of penalty Surcharge on Prohibited Acts, etc.)

Article 37-2 <Amended on January 28, 2000>

- (1) The KCC may, in case where there exists an act under Article 36-3 (1) or an act which violates the provisions of Article 36-4 (1) through (6), impose a penalty surcharge not exceeding 3/100 of the turnovers as prescribed by the Presidential Decree on the relevant

telecommunications carrier. When the carrier refuses to submit the data used for calculating its turnovers or submits false data, the amount of the turnovers may be estimated based on the accounting information, such as the financial statements, etc. and the information on the business operation status, such as the number of subscribers and Telecommunication rates, etc. of the relevant telecommunications carrier or of those who provide similar Telecommunications in the same industry: Provided, That when the amount of the turnovers is unavailable or is difficult to calculate it, as prescribed by the Presidential Decree, the KCC may impose a penalty surcharge not exceeding one billion won. <Amended on December 26, 2002, March 24, 2006, January 3, 2007 and February 29, 2008>

- (2) The KCC shall consider each of the following subparagraphs in imposing a penalty surcharge under paragraph (1): <Newly established on March 29, 2007 and February 29, 2008>
 1. details of violation and the extent thereof;
 2. duration and frequency of the violation;
 3. amount of profit gained through the violation;
 4. amount of turnover related to the prohibited acts of the violating telecommunications carrier.
- (3) A penalty surcharge under paragraph (1) shall be calculated taking paragraph (2) into consideration, provided the specific criteria and procedures for the calculation shall be prescribed by the Presidential Decree. <Amended on January 3, 2007 and March 29, 2007>
- (4) The KCC shall, where a person liable to pay a penalty surcharge under paragraph (1) fails to pay it within the payment due date, collect an additional default penalty charge at 6/100 per annum on the penalty surcharge in arrears, accruing from the day following the payment due date <Newly established on January 28, 2000, December 26, 2002 and February 29, 2008>
- (5) The KCC shall, where a person liable to pay a penalty surcharge under paragraph (1) fails to pay it within the payment due date, demand that person to pay it by specifying an extended time limit, and if the carrier fails to pay the penalty surcharge and an additional due under paragraph (4) within the extended period, collect them according to the example of a disposition taken to collect the national taxes in arrears. <Amended on

January 28, 2000, December 26, 2002, March 29, 2007 and February 29, 2008>

- 6) When a penalty surcharge imposed under paragraph (1) is to be returned pursuant to a court order or for other reasons, an additional refund charge at 6/100 per annum on the penalty surcharge in arrears accrued from the day of payment of the penalty surcharge to the day of return thereof shall be paid. <Newly established on January 3, 2007> [Newly enacted on September 17, 1998]

(Relationship with Other Acts)

Article 37-3

When a measure is taken under Article 37 or a penalty surcharge is imposed under Article 37-2 against any act of a telecommunications carrier under any paragraph of Article 36-3 (1) or any act which violates Article 36-4 (1) through (6), a corrective measure or an imposition of penalty surcharge under the Monopoly Regulation and Fair Trade Act shall not be made on the same grounds against the same act of the relevant carrier. <Amended on January 28, 2000, March 24, 2006 and January 3, 2007> [Newly enacted on September 17, 1998]

(Compensation for Damages)

Article 38

When a corrective measure has been taken under Article 37 (1), any person who incurs damages as a result of a prohibited act may claim for compensation against the telecommunications carrier who committed the prohibited act, and the relevant telecommunications carrier shall not avoid liability unless the carrier can prove that there was no malicious intention or negligence. [Newly enacted on December 30, 1996]

(Improvement of Telecommunications Service Quality, etc.)

Article 38-2

- (1) A telecommunications carrier shall endeavor to improve the quality of its Telecommunications Service.
- (2) The KCC shall devise the required policy measures, such as an assessment of quality of Telecommunications Service, etc. in order to improve a quality of Telecommunications Services and to enhance the user convenience <Amended on February 29, 2008>
- (3) The KCC may order a telecommunications carrier to submit the data necessary for an

assessment of the quality of Telecommunications Service, etc. under paragraph (2).
<Amended on February 29, 2008> [Newly enacted on January 28, 2000]

(Carrier Pre-Selection)

Article 38-3

- (1) The KCC shall implement a system in which the users may in advance select a telecommunications carrier from whom they desire to receive the Telecommunications Service (hereinafter referred to as the "Carrier Pre-Selection"). In this case, the Telecommunications Service shall refer to the Telecommunications Service prescribed by the Presidential Decree from among the same Telecommunications Service provided by multiple telecommunications carriers. <Amended on February 29, 2008>
- (2) The telecommunications carriers shall not force the users to select a specific telecommunications carrier in advance, or commit any acts to recommend or induce the user unfairly.
- (3) The KCC may designate institutes specializing in the registration, changes, etc. of the pre-selection (hereinafter referred to as "pre-selected carrier registration center") to implement the carrier pre-selection efficiently and neutrally. <Amended on February 29, 2008>
- (4) The KCC shall determine and announce necessary matters for the implementation of the carrier pre-selection, designation of the pre-selected carrier registration center, and their operation method. <Amended on February 29, 2008> [Newly enacted on January 8, 2001]

(Number Portability)

Article 38-4

- (1) The KCC may devise and implement a plan that allows portability of telecommunications numbers (referred to as the "number portability plan" hereafter in this Article) in order that the users are able to maintain their existing telecommunications numbers despite of the changes of the telecommunications carriers, etc. <Amended on February 29, 2008>
- (2) The number portability plan shall include the details as specified under the following subparagraphs:
 1. Types of Telecommunications Service subject to Number portability;
 2. Time schedule for introducing number portability by Telecommunications Service type;

and

3. Matters on sharing of the expenses required for implementing number portability by the telecommunications carriers.
- (3) The KCC may, in order to implement the number portability plan, order the relevant telecommunications carriers to take the necessary measures <Amended on February 29, 2008>
- (4) Deleted on <February 29, 2008>
- (5) The KCC may designate institutes specializing in the registration, changes, etc. of number portability (hereinafter referred to as "number portability management agency") to efficiently and neutrally implement telecommunications number portability. <Newly established on December 26, 2002 and February 29, 2008>
- (6) The KCC shall determine and announce necessary matters for the implementation of the number portability plan, designation of number portability management agency, and their operation method. <Newly established on December 26, 2002 and February 29, 2008> [Newly enacted on January 8, 2001]

(Restrictions on Cross Stockholding, etc.)

Article 38-5

- (1) Any common carriers falling under Article 34 (3) (i) or (ii) (including the specially interested persons) who hold stocks in excess of 5/100 of the total number of stocks with voting right issued by mutually different common carriers shall not be allowed to exercise the voting rights for stocks in excess of the relevant ceiling.
- (2) Paragraph (1) shall not apply to the stock ownership relation between a common carrier falling under Article 34 (3) (i) or (ii) and another common carrier established by the said common carrier by becoming the largest stockholder. [Newly enacted on February 9, 2004]

(Provision of Directory Assistance Service)

Article 38-6

- (1) A telecommunications carrier shall provide the general public with an information Telecommunication providing telecommunications numbers of the users by means of voice, booklet or Internet, etc. (hereinafter referred to as "directory assistance Telecommunication") based on the consent of the users: Provided, That the same shall not apply to small

businesses that are determined and announced by the KCC in consideration of the number of the users, the turnovers, etc. <Amended on February 29, 2008>

- (2) The KCC may limit the directory assistance Telecommunication under paragraph (1) if required to protect personal information or privacy. <Newly established on January 3, 2007 and February 29, 2008>
- (3) Necessary matters for the provision of the directory assistance Telecommunication under paragraph (1) may be prescribed by the Presidential Decree. <Amended on February 29, 2008> [Newly enacted on February 9, 2004]

CHAPTER V INSTALLATION AND PRESERVATION OF TELECOMMUNICATION FACILITIES

(Use of Land, etc.)

Article 39

- (1) A common carrier may use other's land, buildings or structures thereon, and the surface and bottom of water (hereinafter referred to as "land, etc.") when it is necessary for the installation of cable tracts, aerial lines and their appurtenant facilities for a telecommunications operation (hereinafter referred to as "lines, etc."). In this case, the common carrier shall consult with the owners or possessors of the relevant land, etc. in advance.
- (2) When a consultation under paragraph (1) is not reached an agreement or is unable to be made, the common carrier may use land, etc. held by others pursuant to the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor. <Amended on February 4, 2002 and January 3, 2007> (3) Deleted on <May 24, 1999>

(Temporary Use of Land, etc.)

Article 40

- (1) A common carrier may, when necessary for the survey of the lines, etc., and the installation or maintenance of telecommunications facilities, temporarily use private, national or public telecommunications facilities or land etc., to the extent that it does not substantially interfere with their current use.
- (2) A common carrier shall, when intending to temporarily use the private, national or public property under paragraph (1), notice, in advance, notice the possessors of the purpose and period of such temporary use: Provided, That in cases when it is difficult to notice them in advance, the notice shall be provided without delay during or after the use, and in case when such a notification is not feasible as the address and whereabouts of the possessors are unknown, a public notice shall be made.
- (3) The temporary use period of land, etc. under paragraph (1) shall not exceed six months.
- (4) Any person who temporarily uses private, national or public telecommunications facilities or land, etc. under paragraph (1) shall carry the certificate indicating his or her authority and show it to the concerned parties.

(Entry into Land, etc.)

Article 41

- (1) A common carrier may enter other's land, etc. when necessary for the survey, examination, installation or maintenance of its telecommunications facilities; Provided, That in cases when the carrier intends to enter a residential building, a consent shall be obtained from the residents.
- (2) Article 40 (2) and (4) shall apply to the entry into private, national or public land etc. by those engaged in the survey, examination etc. under paragraph (1).

(Request to Remove Obstacles, etc.)

Article 42

- (1) A common carrier may request the owners or possessors of gas pipes, water pipes, or sewer pipes, electric lamps or power cables or private telecommunications facilities which interfere or are likely to interfere with the installation of lines, etc. or other telecommunications facilities (hereinafter referred to as "obstacles, etc.") to transfer, remodel, repair or to take other measures with respect to the obstacles, etc.
- (2) A common carrier may request the owners or possessors to remove plants, when they may interfere or are likely to interfere with the installation or maintenance of lines. etc. or telecommunications.
- (3) A common carrier may cut or transplant the relevant plants by obtaining a permission from the KCC when the owners or possessors of the plants do not comply with the request under paragraph (2) or when there is another unavoidable reason thereto. In this cases, the owners or possessors of the plants shall be noticed without delay. <Amended on December 30, 1996 and February 29, 2008>
- (4) The owners or possessors of obstacles, etc., which interfere or are likely to interfere with telecommunications facilities of a common carrier, shall consult with the common carrier in advance when they need a new construction, extension, repair, removal or alteration of the relevant obstacles, etc.

Article 43 Deleted on <May 11, 2007>

(Obligation to Restore Original State)

Article 44

A common carrier shall restore the relevant land, etc. to its original state when the use of the

land, etc. under Articles 39 and 40 is finished or when their provision is no longer required for the telecommunications operation, and in case where a restoration of the land, etc. to its original state is not feasible, shall make a proper compensation for any damages suffered by the owners or possessors.

(Compensation for Losses)

Article 45

A common carrier shall make proper compensation for any losses incurred on other persons under Article 40 (1), 41 (1) or 42.

Article 46 Deleted on <May 11, 2007>

(Procedures for Loss Compensation of Land, etc.)

Article 47

- (1) A telecommunications carrier shall consult with the person who suffered loss for any compensation under Article 44 or 45 to be made for a use of or an entry into land, etc., a removal of obstacles, etc., or an infeasible restoration of land, etc. to its original state under Article 40 (1), 41 (1), 42 or 44.
- (2) When a consultation under paragraph (1) is not reached an agreement or is unable to be made, the telecommunications carrier shall file an application with the competent Land Expropriation Commission for adjudication under the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor. <Amended on February 4, 2002 and January 3, 2007>
- (3) Except for those as otherwise prescribed by this Act, the provisions of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor shall apply mutatis mutandis to the criteria, methods and procedures regarding a compensation for losses, etc. to land, etc. under paragraph (1), and an application for adjudication under paragraph (2). <Amended on February 4, 2002 and January 3, 2007>

Article 48 Deleted on <May 24, 1999>

Article 49 Deleted on <May 24, 1999>

(Protection of Telecommunications Facilities)

Article 50

- (1) No one shall damage telecommunications facilities or obstruct the flow of telecommunications by impeding the function of the telecommunications facilities by having foreign objects contact them or by any other means.
- (2) No one shall harm the telecommunications facilities or damage the survey markers of the telecommunications facilities by such means as throwing objects at telecommunications facilities or by tying an animal, vessel or log raft thereto.
- (3) A common carrier may file an application with the KCC for designation of a territorial zone for a submarine cable when it is necessary to protect telecommunications cables or appurtenant facilities installed under the sea (hereinafter to be referred to as "submarine cable"). <Newly established on May 11, 2007 and February 29, 2008>
- (4) The KCC may, upon receipt of an application under paragraph (3), designate and announce the territorial zone for a submarine cable after having reviewed its necessity, etc. and consulted with the head of the relevant national government agencies. <Newly established on May 11, 2007 and February 29, 2008>
- (5) Matters on methods and procedures for an application for designation, designation and announcement of a territorial zone for a submarine cable, and methods of marking such a territorial zone shall be prescribed by the Presidential Decree . <Newly established on May 11, 2007 and February 29, 2008>

(Transfer of Facilities, etc.)

Article 51

- (1) The owner or possessor of land, etc. may, in case where telecommunications facilities of a common carrier have become an obstacle to a use of the land, etc. due to changes in the purpose of use or in the methods of using the land, etc. where such facilities are located, or the land adjacent to it, request the common carrier to transfer the telecommunications facilities or take other measures necessary for removing the obstacles.
- (2) A common carrier shall, upon receipt of a request under paragraph (1), take necessary measures, except for the cases where it is difficult to take such measures because of a business or a technical reason.
- (3) Costs necessary for any measures paragraph (2) shall be borne by the person responsible

for the cause of moving the facilities and removing the obstacles that arose after such facilities were installed: Provided, That when the person who bears such costs is the owner or possessor of the same land and falls under any of the following subparagraphs, the common carrier may abate or exempt such costs, taking into consideration the amount of compensation at the time of the installation of the facilities and the period for which the facilities have been installed.: <Amended on May 11, 2007>

1. Where the common carrier devises and implements plans to transfer the telecommunications facilities or to remove other obstacles;
2. Where the transfer of telecommunications facilities or the removal of other obstacles becomes beneficial to other telecommunications facilities;
3. Where the transfer of the telecommunications facilities or removal of other obstacles is requested by the national or a local government; or
4. Where telecommunications facilities installed within private land significantly interfere with the use of the land, etc. and are therefore transferred.

(Cooperation from Other Agencies , etc.)

Article 52

A common carrier may request the relevant public agency for a cooperation, when it is necessary to operate a vehicle, vessel, aircraft or other transport equipment to install or maintain telecommunications facilities. In this case, the public agency in receipt of a request for cooperation shall comply with it, unless there exist any justifiable reasons.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 53 Deleted on <January 26, 2007>

Article 53-2 Deleted on <January 26, 2007>

(Protection of Confidential Information on Communications)

Article 54

- (1) No one shall infringe or divulge any confidential information concerning communications which are handled by a telecommunications carrier.
- (2) Any person who is or has been engaged in telecommunications operation shall not divulge any confidential information of others with respect to communications acquired while under employment.
- (3) A telecommunications carrier may comply with a request for the perusal or provision of data falling under the following subparagraphs (hereinafter referred to as the "provision of communications data") from a court, prosecutor, head of an information investigation agency (including the head of a Military Investigation Organization, the commissioner of the National Tax Office, and the head of Regional Tax office; hereinafter the same shall apply) or the head of an intelligence and investigation agency, who intends to collect information for the purpose of prevention of risk to harm a trial, an investigation(including investigations of any violation of paragraphs 1, 4, and 5 of Article 11-2 of the Punishment of Tax Evaders Act using telephone and the Internet), the execution of a sentence or the national security: <Amended on December 26, 2002 and January 3, 2007>
 1. Names of users;
 2. Resident registration numbers of users;
 3. Addresses of users;
 4. Phone numbers of users;
 5. IDs (user identification code to authenticate the legitimate users of a computer system or communications network); or
 6. Dates of subscription or termination of users
- (4) Any request for the provision of communications data under paragraph (3) shall be made in writing (hereinafter referred to as "Request for Data Provision"), which states a reason for such request, relation with the relevant user and the scope of necessary data:

Provided, That in the event of an urgent reason that makes a written request impossible, such request may be made by means other than writing, and when such reason disappears, a written request for data provision shall be submitted to the telecommunications carrier without delay. <Newly established on January 28, 2000>

- (5) A telecommunications carrier shall, when the carrier has supplied communications data pursuant to the procedures under paragraphs (3) and (4), maintain the relevant data, including logs and requests for data provision as prescribed by the Presidential Decree, which contain necessary information, including facts concerning the provision of communications data, etc. <Newly established on January 28, 2000 and February 29, 2008>
- (6) A telecommunications carrier shall report, twice a year, to the KCC the current status, etc. of its provision of communications data in accordance with the methods prescribed by the Presidential Decree, and the KCC may inspect the truthfulness of such reports made by a telecommunications carrier and the management status of the relevant data under paragraph (5). <Newly established on January 28, 2000, May 11, 2007 and February 29, 2008>
- (7) A telecommunications carrier shall, in accordance with the methods prescribed by the Presidential Decree, notice the details entered in the logs under paragraph (5) to the head of the national government agencies to which any person requesting the provision of communications data under paragraph (3) belongs: Provided, That when the communications data provision is requested by a court, the details shall be noticed to the Director of the Court Administration Office. <Newly established on January 28, 2000, December 26, 2002, May 11, 2007 and February 29, 2008>
- (8) A telecommunications carrier shall establish and operate an organization exclusively responsible for affairs related to the confidential information concerning the communications of users, and the matters concerning the function, composition, etc. of the organization shall be prescribed by the Presidential Decree. <Newly established on January 28, 2000 and February 29, 2008>
- (9) Matters necessary for the scope of the decision maker, etc. on the written requests filed with a telecommunications carrier under paragraph (4) shall be prescribed by the Presidential Decree. <Newly established on January 28, 2000 and February 29, 2008>

(Notice of Caller Identification, etc.)

Article 54-2

- (1) A telecommunications carrier may, upon request from the receiver, inform him or her of the caller identification: Provided, That this shall not apply when the caller expresses his or her refusal to the transmission of his or her phone number. <Amended on March 29, 2007>
- (2) Notwithstanding the proviso clause of paragraph (1), a telecommunications carrier may disclose to the receiver the caller identification, etc. in order to protect him or her from verbal abuse, threat, harassment, etc., over telecommunication, in case where he or she makes a request according to the requirements and procedures prescribed by the Presidential Decree for the national security, crime prevention, disaster relief, etc., and in cases where the Presidential Decree requires the disclosure with respect to calls using special numbers telephone Telecommunications, for the national security, crime prevention, disaster relief, etc. <Amended on May 11, 2007 and February 29, 2008>
- (3) No one shall forge the caller identification or indicate a false number in calling another person for such purposes as to gain proprietary benefit by deceiving others or to inflict harm such as verbal abuse, threat, harassment, etc. <Newly established on March 29, 2007>
- (4) No one shall provide a Telecommunication that forges a caller identification or indicates a false number for profit: Provided, That this shall not apply to the cases where there is justifiable grounds such as for public interest or to provide convenience to the receiver, etc. <Newly established on March 29, 2007> [Newly enacted on January 8, 2001]

(Restriction and Suspension of Operation)

Article 55

The KCC may, when there occurs or is likely to occur a national emergency of war, internal conflict, natural disaster, earthquake or other comparable national emergencies, or when other unavoidable causes exist, order the telecommunications carriers to restrict or suspend the whole or part of their telecommunications operation as prescribed by the Presidential Decree to secure availability of an important means of communications. <Amended on December 30, 1996 and February 29, 2008>

Article 56 Deleted on <December 30, 1996>

Article 57 Deleted on <May 24, 1999>

Article 58 Deleted on <May 24, 1999>

(Approval of International Telecommunications Operation)

Article 59 <Amended on May 24, 1999>

- (1) Separate provisions, if any, contained in the treaties or agreements on international telecommunications operations in which the Government has joined shall prevail.
- (2) A telecommunications carrier shall, where it intends to conclude an agreement or a contract with a foreign government or a foreigner with respect to the charge settlement following the handling of international telecommunications operation (excluding the case of a value-added carrier) and other international telecommunications business as prescribed by the Presidential Decree, obtain approval from the KCC by satisfying the requirements as prescribed by the Presidential Decree. This shall also be applied when the carrier intends to revise or terminate such an agreement or a contract. <Amended on December 30, 1996, May 24, 1999, January 28, 2000, May 11, 2007 and February 29, 2008>
- (3) Criteria for approving an agreement or a contract with respect to the charge settlement on the handling of international telecommunications operation under paragraph (2) shall be determined and announced by the KCC. <Newly established on January 28, 2000 and February 29, 2008>

(Cross-border supply of Common Service)

Article 59-2

- (1) Any person who intends to provide Common Service from abroad into Korea without establishing domestic business premises (hereinafter referred to as the "Cross-border supply of Common Service") shall conclude a contract on the cross-border supply of Common Service with a domestic common carrier or a Telecommunication -based carrier who provides the same Common Service.
- (2) The provisions of Articles 29, 30, 33 through 33-3, 36-3 through 37, 38, 53 through 55, 62 and 65 shall apply to the provision of Services specified in a contract by a common carrier or a Telecommunication -based carrier who has concluded the contract under paragraph (1).<Amended on September 17, 1998 and May 24, 1999>

- (3) When any person who intends to provide the cross-border supply of Common Service under paragraph (1) or a common carrier or a Telecommunication -based carrier, who has concluded a contract with him, violates the relevant provisions which apply to paragraph (2), the KCC may revoke its approval under Article 59 (2) or issue an order to suspend the whole or part of the cross-border supply of Common Service specified in the relevant contract with specifying a period of not more than one year. <Amended on February 29, 2008>
- (4) Criteria, procedures and other necessary matters for dispositions under paragraph (3) shall be prescribed by the Presidential Decree. <Amended on February 29, 2008> [Newly enacted on August 28, 1997]

Article 60 Deleted on <December 30, 1996>

Article 61 Deleted on <December 26, 2002>

(Report of Statistics, etc.)

Article 62

- (1) A telecommunications carrier shall report the statistics concerning the provision of Telecommunications Service as prescribed by the Presidential Decree, such as the current status of facilities by Telecommunications Service types, subscription record, current status of users, and the data related to call traffic required for the imposition and collection of Telecommunication rates, to the KCC as prescribed by the Presidential Decree, and also maintain the related data. <Amended on December 30, 1996 and February 29, 2008>
- (2) common carriers and their stockholders, and Telecommunication -based carriers and their stockholders shall submit the relevant data necessary for the verification of the facts under Article 6 as prescribed by the Presidential Decree. <Amended on January 5, 1995, December 30, 1996, August 28, 1997, May 24, 1999, February 9, 2004 and February 29, 2008>
- (3) The KCC may, in order to verify the facts or ascertain the of the submitted data under the paragraph (2), request the administrative agency or other related agencies to examine the submitted data or to submit other related data. In this case, the agencies shall comply with such request unless a justification for doing otherwise exists. <Amended on December 30, 1996 and February 29, 2008>

(Hearing)

Article 63

The KCC shall, in case where he intends to make a disposition falling under any of the following subparagraphs, hold a hearing: <Amended on February 29, 2008>

1. Revocation of a license for a common carrier under Article 15 (1);
2. Revocation of the registration of a Telecommunication -based business or termination of a value-added business under Article 28 (1) and (2); and
3. Revocation of an approval under Article 59-2 (3). [Wholly amended on August 28, 1997]

(Imposition of penalty Surcharge, etc.)

Article 64 <Amended on January 28, 2000>

- (1) The KCC may, in case where the KCC should order a business suspension to a telecommunications carriers because the carrier falls under Article 15 (1) or 28 (1) and (2), but it is likely that such a business suspension may cause a substantial inconvenience to the users, etc. of the relevant business or harm the public interests, impose a penalty surcharge within 3/100 of the turnovers calculated as prescribed by the Presidential Decree on such a telecommunication carrier in lieu of ordering the relevant business suspension. In this case, when the carrier refuses to submit the data used for calculating its turnovers or submits false data, the amount of the turnovers may be estimated based on the accounting information, such as the financial statements, etc. and the information on the business operation status, such as the number of subscribers and Telecommunication rates, etc. of the relevant telecommunications carrier or of those who provide similar Telecommunications in the same industry: Provided, That when the amount of the turnovers is unavailable or is difficult to calculate it, as prescribed by the Presidential Decree, the KCC may impose a penalty surcharge not exceeding one billion won. <Amended on January 5, 1995, December 30, 1996, August 28, 1997, September 17, 1998, December 26, 2002, January 3, 2007 and February 29, 2008>
- (2) Specific criteria for the imposition of penalty surcharge under paragraph (1) shall be prescribed by the Presidential Decree. <Amended on January 3, 2007 and March 29, 2007>
- (3) The provisions of Article 37-2 (4) through (6) shall apply to the penalty surcharge under paragraph (1). <Amended on September 17, 1998, January 28, 2000, January 3, 2007 and

March 29, 2007> (4) Deleted on <August 28, 1997>

(Extension of Payment Due Date and Installment Payments of penalty Surcharge)

Article 64-2

- (1) The KCC may either extend the payment due date of the penalty surcharge or allow installment payments when a penalty surcharge payable by a telecommunications carrier under Articles 37-2 and 64 exceeds the amount prescribed by the Presidential Decree and when it is deemed difficult to pay it in a lump sum due to a reason falling under any of the following subparagraphs. In this case, the KCC may, if deemed necessary, have the carrier provide a security therefor. <Amended on January 3, 2007 and February 29, 2008>
1. Where the carrier suffers severe property loss due to a natural disaster or fire;
 2. Where its business faces a serious crisis as its business environments have deteriorated;
or
 3. Where a severe financial difficulty is expected if the carrier pays the penalty surcharge in a lump sum.
- (2) Matters necessary for the extension of the payment due date of a penalty surcharge, installment payment, and deposit of a security shall be prescribed by the Presidential Decree. [Newly enacted on September 17, 1998]

(Corrective Order, etc.)

Article 65

- (1) The KCC shall issue a corrective order in the case where a telecommunications carrier falls under any of the following subparagraphs: <Amended on December 14, 1991, December 30, 1996, February 8, 1999, January 16, 2001, January 3, 2007 and February 29, 2008>
1. Where the carrier violates this Act, the Framework Act on Telecommunications, the Radio Act, the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc, the Framework Act on Informatization Promotion, or the orders issued under these Acts;
 2. Where the telecommunications carrier's operation procedures are deemed to significantly harm the users' interests; or
 3. Where the carrier fails to take the prompt measures necessary for repairs or the rectification of Telecommunication interruption, etc. when an accident or other failure

occurs at its Telecommunications Service.

- (2) The KCC may order a telecommunications carrier to perform the matters under the following subparagraphs when it is necessary for the development of the telecommunications: <Amended on December 30, 1996 and February 29, 2008>
1. Integrated operation and management of telecommunications facilities, etc.;
 2. Expansion of communications facilities for the enhancement of social welfare;
 3. Construction and management of the communications networks for important communications to achieve efficient performance of government functions; and
 4. Other matters as prescribed by the Presidential Decree.
- (3) The KCC may order the persons falling under any of the following subparagraphs to take measures, including the suspension of Telecommunications Service or the removal of telecommunications facilities, etc.: <Newly established by Law No. 6346, January 8, 2001>
1. Any person who runs a common business without obtaining a license under Article 5 (1);
 2. Any person who runs a Telecommunication -based business without making a registration under Article 19 (1); or
 3. Any person who runs a value-added business without making a notification under Article 21 (1).

Article 66 Deleted on <December 30, 1996>

Article 67 Deleted on <December 30, 1996>

(Delegation and Entrustment of Authority)

Article 68

- (1) The authority of the KCC under this Act may be delegated in part to the head of other government agencies or the director of a regional communications office as prescribed by the Presidential Decree. <Amended on December 30, 1996 and February 29, 2008>
- (2) The KCC may entrust a part of its duties concerning the notification under Article 21 (1) to telecommunications carriers or Korea Information Communication Promotion Association under the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc as prescribed by the Presidential Decree. <Amended on December 14, 1991, January 5, 1995, December 30, 1996, February 8, 1999, January 16,

2001, January 3, 2007 and February 29, 2008>

CHAPTER VII PENALTY

(Penalties)

Article 69

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than five years or by a fine not exceeding two hundred million won: <Amended on January 5, 1995, December 30, 1996, January 28, 2000 and December 26, 2002>

1. Any person who runs a common business without obtaining a license under Article 5 (1);
2. Any person who obstructs the flow of telecommunications by impeding a function of telecommunications facilities by damaging it or having objects come into contact with it, or by other means, in violation of Article 50 (1);
3. Any person who divulges the confidential information of others with respect to communications which the carrier has acquired while under employment in violation of Article 54 (2); or
4. Any person who provides communications data or who receives them, in violation of Article 54 (3).

(Penalties)

Article 70

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding one hundred and fifty million won: <Amended on December 30, 1996, August 28, 1997, December 26, 2002 and May 11, 2007>

1. Any person who refuses to provide Telecommunications Service without any justifiable reasons, in violation of Article 3 (1);
2. Any person who violates a disposition taken to suspend its business under Article 15 (1);
3. Any person who runs a Telecommunication -based business without making a registration under Article 19 (1);
4. Any person who commits any of the prohibited acts falling under any of Article 36-3 (1) 1 through 3 or 4 (excluding acts of providing Telecommunications Service in a

- manner different from the terms and conditions);
5. Any person who fails to perform an order issued under Article 37 (2);
 6. Any person who obstructs the survey of lines, etc. or the installation and maintenance of telecommunications facilities under Article 40 (1); or
 7. Any person who violates or divulges confidential information concerning communications handled by telecommunications carriers, in violation of Article 54 (1).

(Penalties)

Article 71

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding one hundred million won: <Amended on January 5, 1995, December 30, 1996, August 28, 1997, September 17, 1998, May 24, 1999, December 26, 2002, January 26, 2007, March 29, 2007 and May 11, 2007>

1. Any person who fails to obtain a modified license or to make a notification thereon under Article 10;
2. Any person who fails to obtain approval under Articles 11 (1) and 34-4 (4);
3. Any person who fails to obtain an authorization pursuant to the main text of Article 13 (1) or approval under Articles 13 (2) or 14 (1);
4. Any person who has integrated communications networks, appointed officers, and taken any other follow-up measures, including those for the performance of the contract on business acquisition, merger, or sale of facilities, or for the establishment of a corporation in violation of Article 13 (10);
5. Any person who violates an order for user protection measures pursuant to Article 14-2;
6. Any person who has run a value-added business without notifying it under Article 21;
7. Any person who violates a disposition taken to suspend its business under Article 28 (1);
8. Any person who violates a business closure order under Article 28 (2);
9. Any person who discloses, uses or provides information, in violation of the text of Article 34-5 (1) or paragraph (2) of the same Article;
10. Any person who fails to perform an order under Article 55; or

11. Any person who fails to obtain an approval, approval for changes, or approval for termination under Article 59 (2).

(Penalties)

Article 72

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding fifty million won: <Amended on January 5, 1995, December 30, 1996, August 28, 1997, September 17, 1998, January 28, 2000, December 26, 2002, February 9, 2004, January 3, 2007 and May 11, 2007>

1. Any person who violates an order issued under Articles 6-3 (5) or 7 (2) (including a case when the provisions are applied under Article 4 (4) of Addenda to the Telecommunications Business Act amended by Law No. 5385) or 13 (9);
2. Any person who fails to notify pursuant to the proviso clause of Article 13(1);
3. Any person who fails to make a modified registration or a modified notification under Article 22;
4. Any person who fails to notify under Article 25;
5. Any person who violates a disposition taken to suspend its business under Article 28 (2);
6. Any person who provides Telecommunications Service without notifying or obtaining an authorization under Article 29 (1); or
7. Any person who intermediates communications of others or furnishes communications for use by others by using Telecommunications Service rendered by a telecommunications carrier, in violation of the main text of Article 32-2.

(Penalties)

Article 73

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding fifty million won: <Amended on December 30, 1996, September 17, 1998, May 24, 1999, December 26, 2002, March 24, 2006, March 29, 2007 and May 11, 2007>

1. Any person who has violated Article 36-4 (1), (2), (4) through (6);
2. Any person who refuses or obstructs the temporary use of private telecommunications facilities or land, etc. under Article 40 (1), without any justifiable reason;

3. Any person who refuses or obstructs an entry into land, etc. under Article 41 (1), without any justifiable reason;
4. Any person who refuses the transfer, modification, repair and other measures concerning obstacles, etc. under Article 42 (1), or a request for removing plants under Article 42 (2), without any justifiable reason;
5. Deleted on May 11, 2007.
6. Any person who, in making a telephone call, forges or falsifies the caller identification to gain proprietary benefits by deceiving others, or to harm others by verbal abuse, threat, harassment, etc. in violation of Article 54-2 (3);
7. Any person who, for profit, has provided a Telecommunication that forges a caller identification or indicates a false number for profit, in violation of Article 54-2 (4).

Article 74 Deleted on <January 28, 2000>

(Penalties)

Article 75

Any person who harms the telecommunications facilities or damages the survey marks of the telecommunications facilities, in violation of Article 50 (2), shall be punished by a penalty or fine not exceeding one million won. [Wholly amended on December 30, 1996]

(Attempted Criminal)

Article 76

An attempted criminal under Articles 69 (ii) and (iii) and 70 (vii) shall be punished. <Amended on August 28, 1997, December 26, 2002>

(Dual Penalty Provisions)

Article 77

When a representative of a juristic person, an agent, an employee or any other employed person of a juristic person or individual commits an offense subject to Articles 69 through 73 in connection with the business operated by such a juristic person or individual, a penalty as provided under the relevant Article shall be imposed on the juristic person or individual, in addition to the punishment of the violator. <Amended on January 28, 2000>

(Fine)

Article 78

- (1) Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding ten million won: <Amended on January 5, 1995, December 30, 1996, August 28, 1997, September 17, 1998, May 24, 1999, January 28, 2000, December 26, 2002, February 9, 2004, March 24, 2006, March 29, 2007 and May 11, 2007>
1. Any person who fails to notify as provided under Article 6-3 (2) or to comply with a request to provide data or an order of attendance under Article 6-4 (3) or (4), respectively;
 2. Any person who fails to inform the users at least 60 days prior to the expected date of suspension or discontinuance of a common business in violation of Article 14 (1);
 3. Any person who fails to notify under Article 27;
 4. Any person who fails to perform an order to revise the terms and conditions under Article 30;
 5. Any person who violates its obligation concerning the protection of users under Article 33 (2);
 6. Any person who fails to disclose the technical criteria, criteria for use and provision, or criteria for a creation of a fair competition environment, in violation of Article 34-4 (4);
 7. Any person who fails to comply with matters announced in violation of Article 36 (3)
 8. Any person who fails to conduct proper accounting, submit a business report, or maintain books or supporting data, in violation of Article 36-2 (1);
 9. Any person who fails to perform an order to submit related data under the provision of Article 36-2 (4);
 10. Any person who refuses to comply with, avoids or obstructs an investigation under Article 36-5 (2);
 - 10-2. Any person who refuses comply with, avoids or obstructs an order to submit data or objects or an order to temporarily keep data or objects submitted, as set forth in Article 36-5(5);
 11. Any person who fails to perform an order to submit the related data under the provision of Article 38-2 (3);
 12. Any person who fails to maintain the related data or makes false entries in such data, in violation of Article 54 (5);

13. Any person who fails to serve a notice to the head of the national government agency, in violation of Article 54 (7);
 14. Any person who fails to make reports or submit data, or who has made false reports or submitted false data under Article 62; or
 15. Any person who fails to perform corrective orders, etc. under Article 65.
- (2) The fine under paragraph (1) shall be imposed and collected by the KCC as prescribed by the Presidential Decree. <Amended on December 30, 1996 and February 29, 2008>
 - (3) Any person who is dissatisfied with the imposition of a fine under paragraph (2) may file an appeal with the KCC within thirty days from the day on which such imposition is noticed. <Amended on December 30, 1996 and February 29, 2008>
 - (4) When any person upon whom a fine was imposed under paragraph (2) files an appeal under paragraph (3), the KCC shall notify a competent court of the fact without delay, and the court so notified shall bring the case of fine to trial under Non-Contentious Case Litigation Procedure Act. <Amended on December 30, 1996, January 3, 2007 and February 29, 2008>
 - (5) When neither the objection against nor the payment of the fine is made within the specified period under paragraph (3), it shall be collected in accordance with the examples of dispositions of national taxes in arrears.

ADDENDA <Law No. 4394, August 10, 1991>

(Enforcement Date)

Article 1

This Act shall enter into force four months after its promulgation.

(Transitional Measure Relating to Public Communications carriers)

Article 2

- (1) At the time when this Act enters into force, the Korea Telecom Corporation under the Korea Telecom Corporation Act (hereinafter referred to as "corporation") shall be deemed to have been designated as the carrier capable of running the general communications Telecommunication under Article 5 (1).
- (2) Among the persons designated as able to run the Public Telecommunications Service by the designation of the Minister of Postal Service under Article 7 (2) of the former

Framework Act on Telecommunications at the time when this Act enters into force, the person running a general communications Telecommunication under Article 4 (3) (i) shall be deemed to have been designated as a general communications Telecommunication carrier under Article 5, and the person running the specific communications Telecommunication under Article 4 (3) (ii) shall be deemed to have the license of a specific communications Telecommunication carrier under Article 16 (1).

- (3) At the time when this Act enters into force, the person providing Information and Communications Services on travel information with the leased telecommunications line facilities from among the persons designated to be able to run the public telecommunications business by the Minister of Postal Service Article 7 (2) of the former Framework Act on Telecommunications and the person who has registered a business providing the Information and Communications Service to the Minister of Postal Service under former Article 73-2 (1) shall be deemed to have registered the value-added business Article 21 (1).
- (4) The person falling under paragraphs (1) through (3) shall notify the matters as prescribed by the Decree of the Ministry of Postal Service, such as the classification, contents, etc. of the Telecommunications Service provided by the carrier, to the Minister of Postal Service within one month from the enforcement date of this Act.

(Transitional Measure Relating to Entrusted Services)

Article 3

The business entrusted to others under former Article 5 by a public telecommunications carrier with approval of the Minister of Postal Service at the time when this Act enters into force shall be deemed to have been entrusted by a general communications Telecommunication carrier or a specific communications Telecommunication carrier with approval from the Minister of Postal Service under Article 12 (including the cases where this provision is applied under Article 20).

(Transitional Measure Relating to the Authorization of Terms and Conditions, etc)

Article 4

Any terms and conditions of Telecommunication authorized under the former Article 9 (2) at the time when this Act enters into force shall be considered as the terms and conditions of

Telecommunication authorized by the Minister of Postal Service under Article 29 (1) until three months after the enforcement of this Act.

(Transitional Measure Relating to Disposition, etc.)

Article 5

Any approval, license, disposition, orders, and applications executed under the former provisions at the time when this Act enters into force, except for the cases under Articles 2 and 3 of Addenda, shall be deemed to have been executed under this Act when this Act includes the provisions corresponding thereto.

(Special Exceptions Concerning Ownership Limitation of Stocks, etc.)

Article 6

- (1) Notwithstanding Article 6 (1) (iv), the Corporation may hold the stocks issued by another general communications Telecommunication carrier which it holds at the time when this Act enters into force, up to two years after the enforcement of this Act, within the limit of the par value of such stocks. In this case, the Corporation shall submit the plans for the disposal of the relevant stocks, such as donation to the Nation, etc. to the Minister of Postal Service within six months after the enforcement of this Act, and take measures to comply with Article 6 (1) (iv) according to such plans.
- (2) Notwithstanding Article 6 (1) (vi), facilities manufacturers may hold stocks issued by another general communications Telecommunication carrier within the limit of the par value of such stocks which they hold at the time when this Act enters into force: Provided, That any additional investments shall not be made until the stock holding ratio with voting rights falls short of the stock holding limit under Article 6 (1) (vi).
- (3) Notwithstanding Article 18 (1) (v), the Corporation may hold 10/100 or more of the total stocks with voting rights issued by a specific communications Telecommunication carrier who mainly provides a technically limited wireless Telecommunications Service up to two years after the enforcement of this Act: Provided, That, when two years have passed after the enforcement of this Act, they shall not hold in excess of 1/3 of the total stocks with voting rights.
- (4) Notwithstanding Article 18 (1) (v), the Corporation may hold 10/100 or more of the stocks with voting rights issued by a specific communications Telecommunication carrier whose

main business area is the Port zone.

Article 7 Deleted on <January 5, 1995>.

(Amendment of Other Acts, etc.)

Articles 8

(1) The Radio Control Act shall be amended as follows:

"Of Article 25 of the Public Telecommunications Business Act" in Article 19 (5) shall be amended to read "of the Telecommunications Business Act.", and "public communications operation" in Articles 74-2 (1) (i) and 78 (1) "telecommunications operation"

"Articles 63 through 65, 71, 72, 88, 91 through 95, 102, and Articles 104 (i) through (iii) of the Public Telecommunications Business Act" in Article 75-2 shall be amended to read "Articles 39 through 41, 44, 45, 47, 51, 67, 70 (iii), and Article 73 (i) or (ii) of the Telecommunications Business Act"

(2) The Korea Telecommunications Corporation Act shall be amended as follows:

"Public Telecommunications establishments" in Articles 10 (i) and (ii) shall be amended to read "Telecommunications establishments", and "Public Telecommunications" in subparagraph (iii) of the same Article "telecommunications."

"Public Telecommunications Service" in Article 10-2 (1) has been amended to read "Telecommunications Service."

(3) The Communications Development Institute Act shall be amended as follows:

"Managers of Public Telecommunications Service under Article 7 of the Framework Act on Telecommunications" in Article 11 shall be amended to read "telecommunications carrier under Article 2 (1) (i) of the Telecommunications Business Act.

(4) The Telecommunications Work Business Act shall be amended as follows: "The Public Telecommunications Business Act" and "Korea Telecom Corporation" in Article 3 (1) shall be amended to read "The Telecommunications Business Act" and "common carrier", respectively.

(5) The Special Post Office Act shall be amended as follows: "Public Telecommunications Business Act" in Article 35 shall be amended to read "Telecommunications Business Act."

(6) The Telephone Tax Act shall be amended as follows:

Article 1 (3) (v) shall be construed as follows, and "Public Telecommunications operations

pursuant to the Public Telecommunications Service Act" shall be amended to read "telecommunications operations pursuant to the Telecommunications Business Act".

5. Any person who runs telephone subscription Telecommunication among the persons who run common business under Article 4(2) of the Telecommunications Business Act (hereinafter to be referred to as "telephone Telecommunication carriers."

(7) The Regulation of the Tax Abatement Act shall be amended as follows: "Public Telecommunications Operations under the Public Telecommunications Business Act" in Article 81 (iv) shall be amended to read "telecommunications offered by common carriers under the Telecommunications Business Act."

(8) The Military Telecommunications Act shall be amended as follows: Public telecommunications facilities or private telecommunications facilities" in Article 5 (1) shall be amended to read "commercial telecommunications facilities or private telecommunications facilities under the Telecommunications Business Act."

"Dealing with public Telecommunications" in the title of Article 15 shall be amended to read "dealing with Telecommunications Service", and "public telecommunications" in paragraph (1) of the same Article "Telecommunications Service."

(9) At the time when this Act enters into force, where other Acts cite former provisions of the Public Telecommunication Service Act, and where there exist provisions corresponding thereto in this Act, it shall be considered to have cited the corresponding provisions in this Act in lieu of the former provisions.

ADDENDA (The Act on Expansion and Promotion of the Use of Information and Communications Network) <Law No. 4439, December 14, 1991>

(Enforcement Date)

Article 1

This Act shall enter into force on the date of its promulgation. Articles 2 through 3. Omitted

(Amendment of Other Acts)

Article 4

The Telecommunications Business Act shall be amended as follows: "Association of Information and Telecommunication" in Article 68 (2) shall be amended to read "Korea Association of Information and Telecommunication."

ADDENDA (The Radio Act) <Law No. 4441, Dec. 14, 1991>

(Enforcement Date)

Article 1

This Act shall enter into force on July 1, 1992. <Proviso Omitted.> Article 2. Omitted

(Amendment of Other Acts, etc.)

Articles 3

(1) The Telecommunications Business Act shall be amended as follows:

“The Radio Control Act” in Articles 6(1)(viii), 15(1)(v), 24(1)(ii), and 65(1)(i) shall be amended to read “the Radio Act.”

Paragraphs (2) thru (9). Omitted.

ADDENDA (The Price Stabilization Act) <Law No. 4861, January 5, 1995>

(Enforcement Date)

Article 1

This Act shall enter into force three months after its promulgation.

Articles 2 through 3. Omitted.

(Amendment of Other Acts)

Article 4

Paragraphs (1) through (4). Omitted.

(5) The Telecommunications Business Act shall be amended as follows: “The Act on Price Stabilization and Fair Trade” in Article 29 (2) shall be amended to read “The Act on Price Stabilization.” (6) Omitted

Article 5. Omitted.

ADDENDA <Law No. 4903, January 5, 1995>

(Enforcement Date)

Article 1

This Act shall enter into force three months after its promulgation.

(Transitional Measure Relating to the License for Common Carrier, etc.)

Article 2

- (1) A general communications Telecommunication carrier and a specific communications Telecommunication carrier under the former provisions at the time when this Act enters into force shall be deemed to have been licensed as a common carrier under the amended Article 5.
- (2) A value-added carrier under the former provisions at the time when this Act enters into force shall be deemed to have made the notification of a value-added carrier under the amended Article 21.

(Special Exceptions to Ownership Limitation of Stock, etc.)

Article 3

- (1) The stocks issued by another common carrier which have been held by the Corporation under the Korea Telecommunication Corporation Act at the time when this Act enters into force shall be deemed to have been approved under the amended provisions of Article 6 (iv).
- (2) The amended Article 6(v) shall not apply to the cases where the Corporation holds stocks of Korea Port Telephone Co., Ltd.

(Transitional Measure Relating to Application of Penalties)

Article 4

The former penalties shall apply to acts committed prior to the enforcement of this Act.

(Relations with Other Acts and Subordinate Statutes)

Article 5

When a general communications carrier or a specific communications carrier is cited in other Acts and subordinate statutes at the time when this Act enters into force, it shall be deemed that a common carrier has been cited.

- (1) (Enforcement Date) This Act shall enter into force one month after its promulgation:
- (2) (Transitional Measure Relating to Terms and Conditions for Users) The terms and conditions of Telecommunication authorized or notified under the previous provisions at the time when this Act enters into force shall be deemed to have been authorized or notified under the amended provisions of Article 29.

ADDENDA <Law No. 5385, Aug. 28, 1997>

(Enforcement Date)

Article 1

This Act shall enter into force on January 1, 1998.

(Valid Period)

Article 2

The amended Articles 6(vi)(c) and (d) shall continue to be valid until December 31, 1998.

(Special Exceptions Concerning Application of Reasons for Disqualification to License of Common Business)

Article 3

- (1) Notwithstanding the amended Article 6(iii), a corporation in which those who fall under Articles 6(iii)(a) through (c) (hereinafter referred to as "foreigners, etc.") are major stockholders, shall not be granted the license for common business until December 31, 1998. (2) Deleted on <May 24, 1999>

(Special Exceptions to Stock Acquisition)

Article 4 <Amended on December 26, 2002>

- (1) A foreign government or a foreigner (including two or more foreign governments or foreigners who have agreed to exercise voting rights jointly) may not become the largest stockholder of the corporation which has comprehensively succeeded the properties, rights and obligations of the Korea Telecom Corporation under Article 3 (1) of Addenda of the Act on the Abrogation of the Korea Telecom Corporation Act, Law No. 5387: Provided, That this shall not apply to the cases where they hold less than 5/100 of the corporation's stocks. <Amended on September 17, 1998, January 8, 2001, December 26,

2002 and February 9, 2004>

(2) Deleted on <January 8, 2001> (3) Deleted on <December 26, 2002>

(4) Articles 7 and 7-2 shall apply to a violation of Article (1). <Amended on February 9, 2004>

(Transitional Measure Relating to Appointment of Non-Executive Directors)

Article 5

A national telephone Telecommunication provider shall appoint the majority of its directors as non-executive directors at the first general stockholders meeting to be convened after the enforcement of this Act.

(Special Exception on Application of Reasons for Disqualification to Service-Based Carrier)

Article 6

(1) Notwithstanding the amended Article 24, no corporation falling under any of the following subparagraphs shall become a Telecommunication -based carrier who provides telephone Service by connecting to telecommunications networks:

1. Deleted on <September 17, 1998>
2. A corporation whose stocks owned by foreigners, etc. exceed 49/100 of its total number of issued stocks until December 31, 2000.

(2) Article 7 shall apply to a violation of paragraph (1).

(Special Exceptions to Trans-Boundary Provision of Common Service)

Article 7

A person who intends to provide a telephone Telecommunication connecting to telecommunications networks among the trans-boundary provision of Common Service falling under Article 4(3)(i) shall establish a domestic corporation which will operate Telecommunication -based business not later than December 31, 2000, and provide the relevant Service through the said corporation.

(Amendment of Other Acts)

Article 8

The Framework Act on Telecommunications shall be amended as follows: "common carrier and" in Article 7 shall be amended to read "common carrier, service-based carrier carrier,

and”.

ADDENDA <Law No. 5564, September 17, 1998>

This Act shall enter into force on January 1, 1999: Provided, That the amended Articles 5-2, 6(iv) or (v), 9(3), 12 or 16, and the amended Articles 4(1) and 6(1)(i) of Addenda of the Amendment to the Telecommunications Business Act, Law No. 5385 shall enter into force on the day of its promulgation.

ADDENDA (The Act on Promotion of the Use of Information and Communications Networks, etc.) <Law No. 5835, December 14, 1991>

(Enforcement Date)

Article 1

This Act shall enter into force on July 1, 1999. <Proviso omitted> Articles 2 through 3. Omitted.

(Amendment of Other Acts, etc.)

Articles 4

(1) The Telecommunications Business Act shall be amended as follows: “The Act on Expansion and Promotion of the Use of Information and Communications Networks” in Articles 15(1)(vi), 28(1)(vii) and (2)(v), 65(1)(i) and 68(2) shall be amended to read “The Act on Promotion of Utilization of Information and Communications Networks, etc.” (2) through (6). Deleted.

ADDENDA <Law No. 5986, May 24, 1999>

- (1) (Enforcement Date) This Act shall enter into force on July 1, 1999.
- (2) (Amendment of Other Acts) The Act on Promotion, etc. of Utilization of Information System shall be amended as follows: “Article 2(i) of the Telecommunications Business Act” in Article 2(iii) shall be amended to read “Article 2 (1)(i) of the Telecommunications Business Act”.

ADDENDA <Law No. 6230, 28 January 2000>

- (1) (Enforcement Date) This Act shall enter into force on April 1, 2000.
- (2) (Examples of Application of Exemptions from the Monopoly Regulation and Fair Trade Act)
The amended Article 37-3 shall apply starting with any act first committed by the telecommunications carrier as provided under any paragraphs of Article 36-3(1) after the enforcement of this Act.
- (3) (Transitional Measure Relating to Penalties) The previous penalties shall apply to any act committed prior to the enforcement of this Act.

ADDENDA <Law No. 6346, Jan. 8, 2001>

- (1) (Enforcement Date) This Act shall enter into force three months after its promulgation: Provided, That the amendment to Article 38-4 shall enter into force on the date of its promulgation and the amendment to Article 54-2 two months after its promulgation.
- (2) (Amendment of Other Acts) The Act on Communications Secrets shall be amended as follows: Article 13 shall be deleted.

ADDENDA (The Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.) <Law No. 6360, January 16, 2001>

(Enforcement Date)

Article 1

This Act shall enter into force on July 1, 1999. Articles 2 through 4. Omitted.

(Amendment of Other Acts)

Article 5

- (1) and (2). Omitted.
- (3) The Telecommunications Business Act shall be amended as follows:
"The Act on Promotion, etc. of Utilization of Information System" in Articles 15(1)(vi), 28(1)(vii) and (2)(v), 65(1)(i) and 68(2) shall be amended to read "Act on Promotion of Information and Communications Network Utilization and Information Protection, etc."
Paragraphs (4) and (5). Omitted. Article 6. Omitted.

ADDENDA (The Framework Act on Telecommunications) <Law No. 6602, January 14, 2002>

- (1) (Enforcement Date) This Act shall enter into force on July 1, 2002. (2) Omitted.
- (3) (Amendment of Other Acts) Telecommunications Business Act shall be amended as follows:
- Article 32-3 shall be deleted.

ADDENDA (The Act on Acquisition of and Compensation for Land for Public Works) <Law No. 6656, Feb. 4, 2002>

(Enforcement Date)

Article 1

This Act shall enter into force on January 1, 2003. Articles 2 through 10. Omitted.

(Amendment of Other Acts)

Article 11

Paragraphs (1) through (50). Omitted. (51) The Telecommunications Business Act shall be amended as follows: "the Land Expropriation Act" in Articles 39(2) and 47(2) shall be amended to read "the Act on the Acquisition of Land, etc. for Public Works and the Compensation."

"The Act on Special Cases Concerning the Acquisition of Lands for Public Use and the Compensation for Their Loss shall apply to the procedures and the Land Expropriation Act shall apply to the applications for ruling under Article (2)" shall be amended to read "Act on the Acquisition of Land, etc. for Public Works and the Compensation for shall apply both to the procedures and to the applications for ruling under Article (2)".

Paragraphs (52) through (85). Omitted. Article 12. Omitted.

ADDENDA <Law No. 6822, Dec. 26, 2002>

- (1) (Enforcement Date) This Act shall enter into force three months after its promulgation: Provided, That the amended Articles 53, 53-2(1), the latter part of (3), (4), 54 (3), the proviso of (7) and 71 (viii) shall enter into force on the date of promulgation, and the amended Article 36-3(3) six months after the date of promulgation.
- (2) (Valid Period) The amended Article 36-3 (1) (v) shall remain valid for three years from the date of the enforcement of this Act.
- (3) (Transitional Measure Relating to Disposition, etc.) Any authorization granted, notification

received, or order given to correct a prohibited act and any penalty surcharge imposed by the Minister of the Ministry of Information and Communications under the previous Articles 34-6, 37 and 37-2 at the time that this Act enters into force shall be deemed to have been done by the KCC under the relevant provisions.

- (4) (Transitional Measure Relating to Penalty Surcharge) Any penalty surcharge imposed against any act performed prior to the enforcement of this Act shall be governed by the previous provisions, notwithstanding the amended Article 64(1).

ADDENDA <Law No. 7165, Feb. 9, 2004>

- (1) (Enforcement Date) This Act shall enter into force three months after its promulgation: Provided, That the amended Article 38-6 shall enter into force two years after the date of its promulgation.
- (2) (Transitional Measure Relating to Examinations of Public Interest) The amended Article 6-3 shall not apply to what has taken place prior to the enforcement of this Act.
- (3) (Transitional Measure Relating to Acquisition of Stocks by a Joint-Stock Company) The amended Article 4(1) of Addenda of the Amendments to the Telecommunications Business Act, Law No. 5385 shall not apply to the largest stockholder who is a foreign government or a foreigner at the time that this Act enters into force: Provided, That, when a foreign government or a foreigner at the time of enforcement of this Act falls under the largest stockholder as referred to in Article 4(1) of Addenda of the Amendment to the Telecommunications Business Act, Law No. 5385, the said foreign government or foreigner shall not be allowed to acquire any additional stocks of the joint-stock company.

ADDENDA (The Act on Rehabilitation of Debtors and Bankruptcy) <Law No. 7428, Mar. 31, 2005>

(Enforcement Date)

Article 1

This Act shall enter into force one year after the date of its promulgation. Articles 2 through 4. Omitted.

(Amendment of Other Acts)

Article 5

Paragraphs (1) through (96). Omitted. <97> The Telecommunications Business Act shall be amended, in part, as follows: "Bankrupts" in Article 6-2(1)(ii) shall be amended to read "persons who have been declared bankrupt." Paragraphs (98) through (145). Omitted. Article 6. Omitted.

ADDENDUM <Law No. 7445, March 31, 2005>

This Act shall enter into force on the date of its promulgation.

ADDENDA (The National Civil Service Act) <Law No. 7796, December 29, 2005>

(Enforcement Date)

Article 1

This Act shall enter into force on July 1, 2006. Articles 2 through 5. Omitted.

(Amendment of Other Acts)

Article 6

Paragraphs (1) through (50). Omitted. <51> The Telecommunications Business Act shall be amended, in part, as follows: "Public Officials of Grade III or higher" in the main text of Article 6-4(2) shall be amended to read "public officials of Grade III or public officials in general Telecommunication belonging to the group of senior public officials" Paragraphs (52) through (68). Deleted.

ADDENDA <Law No. 7916, Mar. 24, 2006>

- (1) (Enforcement Date) This Act shall enter into force on March 27, 2006.
- (2) (Valid Period) The amended Article 36-4 shall remain valid for two years from the enforcement date of this Act.
- (3) (Special Exceptions to Notification of Support Criteria) The support criteria notified within thirty days of the enforcement date of this Act shall be enforceable from the date of notification, notwithstanding the amended Article 36-4 (2).

ADDENDA <Law No. 8198, January 3, 2007>

- (1) (Enforcement Date) This Act shall enter into force six months after its promulgation.
- (2) (Examples of Application of Additional Payment for the Refund of Penalty Surcharge) The amended Article 37-2 (5) shall apply starting with the first payment arising on the ground for the return after the enforcement of this Act.
- (3) (Transitional Measure Relating to the Penalties) The previous penalties shall apply to any act committed prior to the enforcement of this Act.

ADDENDA (Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.) <Law No. 8289, 2007.1.16>

(Enforcement Date)

Article 1

This Act shall enter into force six months after its promulgation. Articles 2 through 5. Omitted.

(Amendment of Other Acts)

Article 6

The Telecommunications Business Act shall be amended, in part, as follows: Articles 53 and 53-2 have been deleted. "Pursuant to Articles 53(2) or 55" in Article 71(viii) shall be amended to "pursuant to Article 55."

ADDENDUM <Law No. 8324, Mar. 29, 2007>

- (1) (Enforcement Date) This Act shall enter into force six months after its promulgation.
- (2) (Transitional Measure Relating to Penalty Surcharge) The previous provisions shall apply to penalty surcharge to be imposed on acts committed before the enforcement of this Act, notwithstanding the amended Article 37-2 or Article 64.

ADDENDUM <Law No. 8425, May 11, 2007>

- (1) (Enforcement Date) This Act shall enter into force six months after its promulgation.
- (2) (Examples of Application to Bearing of Costs Related to Relocation of Telecommunications Facilities and Other Measures Necessary for Removing Obstacles, etc.) The amended Article 51(3) shall apply starting with the first person who requests the relocation or other

measure to remove the obstacles after the enforcement of this Act.

- (3) (Amendment of Other Acts) The Framework Act on Telecommunications shall be amended, in part, as follows: "Compensation for damages or costs under Article 46" in Article 40-2(1)(i) shall be amended to read "compensation for damages."

ADDENDA (The Capital Market and Financial Investment Business Act) <Law 8635, August 3, 2007>

- (1) (Enforcement Date) This Act shall enter into force one year and six months after its promulgation. <Proviso Omitted.> Articles 2 through 41. Omitted.

(Amendment of Other Acts)

Article 43

Paragraphs (1) through (44). Omitted. <45> The Telecommunications Business Act shall be amended, in part, as follows: "Pursuant to Article 36 (iii) of the Securities Exchange Act" in Article 6 (2) shall be amended to read "pursuant to Article 9 (1) (i) of the Capital Market and Financial Investment Business Act".

"Pursuant to Article 36 (iii) of the Securities Exchange Act" in Article 6-3 (1) (i) shall be amended to read "pursuant to Article 9(1) (i) of the Capital Market and Financial Investment Business Act". Paragraphs (46) through (67). Omitted. Articles 43 through 44. Omitted.

ADDENDA (The Act on Organization and Operation of the KCC) <Law No. 8867 and February 29, 2008>

(Enforcement Date)

Article 1

This Act shall enter into force on the date of its promulgation: Provided, That Article 7 (8) of its Addenda shall enter into force on April 18, 2008. Articles 2 through 6. Omitted. Article 7 (Amendment of Other Acts) Paragraphs (1) through (10). Omitted.

- (11) The Telecommunications Business Act shall be amended, in part, as follows: "The Ministry of Information and Communication" in Article 6-3 (1) shall be amended to read "the KCC." "The Deputy Minister of the Ministry of Information and Communication" in Article 6-4 (2) shall be amended to read "the Vice Chairman of the KCC."

The "Korea Communications Commission under Article 37 of the Framework Act on Telecommunications (hereinafter to be referred to as "Communication Commission)" in Article 33-3 (2) shall be amended to read "the KCC." "the Deliberation by the Communication Commission, and the Minister of Finance and Economy" in Article 36-2 (2) shall be amended to read "the Minister of Strategy and Finance."

"The Minister of the Ministry of Information and Communication" in Articles 3-2(2), 5(2), 5(5), 9(2), 11(2), the main text of 13(3), 13(6), 13(7), 15(1), 19(2), the main text of 28(1) and of (2), the main text of 29(3), the first part of 33-5(3), 34(2), 34-3(2), 34-4(2), 36(1), the first part of 36(2), 36-2(2), 38-2(2), 54(6), 55, 59-2(3), the proviso of 62(3), the main text of 63, the first part of 64(1), the main text of 65(1), of (2), and of (3), 68(2), and 78(4) shall be amended to read "the KCC".

"The Ordinance of the Ministry of Information and Communication " in Articles 3-2(2), 4(2), 4(3)(ii), the proviso of 5(2), 5(7), the main text and proviso of 10(1), 10(2), 13(2), the main text of 19(1), 19(1)(iii), 19(4), 22, 25, the proviso of 29(1), 33-5(2)(ii), 34(3)(ii), 34-3(3)(ii), 34-4(3)(ii), 36-2(1), 54(5), the main text of 54(7), 57(8) and (9), 54-2(2), 59-2(4), and 62(1) and (2) shall be amended to read "the Presidential Decree".

"The Minister of the Ministry of Information and Communication" in Articles 3-2(4) and (5), 6-3(4) and (5), 7(2), the first part of 7-2(1), 13(9), 14(2) and (3), 33-4 (1) and (2), 33-6(2), 36-4(7), the first part of 38-3(1), 38-3(3), 38-4(1), (3) and (5), 38-6(2), 50(4), and the first part of the main text of 64-2(1) shall be amended to read "the KCC".

"The Minister of the Ministry of Information and Communication" in Articles 5(1), the main text of 10(1), 10(2), 13(2), the proviso of 29(1), 34-4(4), the first part of 42(3) and of 59(2), and 68(1) shall be amended to read "the KCC".

"The Minister of the Ministry of Information and Communication" in Articles 5(3), 9(1), 13(4), 34-6(3), 59(3) and 78(2) shall be amended to read "the KCC."

"To the Minister of the Ministry of Information and Communication" in Articles 6-3(2) and (3), the proviso of the main text of 13(1), 29(6), 36-4(2), and 50(3) shall be amended to read "to the KCC."

"The Ordinance of the Ministry of Information and Communication" in Articles 6-3(6), the proviso of 13(1) and of 21, 33-4(3), the latter part of 38-3(1), 38-6(3), and 50(5) shall be amended to read "the Presidential Decree."

"To the Minister of the Ministry of Information and Communication" in the proviso of Article

10(1), the main text of Articles 19(1) and of 21, Articles 22, 25, 27 (1) and (2), the main text of 29(1), 32-4(2), 54(6), 62(1), and 78(3) shall be amended to read "to the KCC".

"The Minister of the Ministry of Information and Communication" in Articles 11(1), the main text of 13(1), and 14(1) shall be amended to read "the KCC."

"the Communication Commission" in Articles 33-3(2), 35(1) and (2), 36(4), 36-2(2), 36-2(1), and 36-2(3) through (5) shall be amended to read "the KCC."

Articles 33-5(5), 33-6(3), 34(4), 34-3(4), 34-4(5), 36(4), 36-2(7), and 38-4(4) shall be deleted.

"The Minister of the Ministry of Information and Communication" in Articles 33-6(1), the latter part of 33-7(1), 33-7(2), and the proviso of 38-6(1) shall be amended to read " the KCC."

"Be determined by the Ordinance of the Ministry of Information and Communication through the review by the Communications Commission" in Article 33-7(3) shall be amended to read "be determined by the public notice of KCC."

"The Communication Commission" in the first part of Articles 34-6(1), 34-6(2) and (4), 36-4(6), 36-5(1) through (3), the main text of 36-5(6) and of 7(1), the main text and proviso of 37(2), the main text of 37(3) and of (4), the first part of 37-2(1), the main text of 37-2(2), and 37-2(4) and (5) shall be amended to read "KCC".

"By the Minister of the Ministry of Information and Communication through the review by the Communication Commission" in Articles 38-3(4) and 38-4(6) shall be amended to read "by the KCC."

"the Minister of the Ministry of Information and Communication pursuant to Article 64, the Korea Communication Commission Article 37-2" in Article 64-2(1) shall be amended to read "the KCC pursuant to Articles 37-2 and 64."

"Delegation to the director of a regional communications office" under Article 68 (1) shall be amended to read "delegation and entrustment to the head of other government agencies or the director of a regional communications office."

Paragraphs (12) through (20). Omitted. Articles 8 through 12. Omitted.