

Analysis on the influence of the independent operation of telecommunication facilities on the telecommunication enterprises

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Abstract. Establishment of the tower's marks the maintenance and operation of the communication infrastructure construction will be independent in telecom operators and exist alone, is of great significance to improve the network infrastructure, resulting in top-level system design and competitive model of change. This paper is based on the analysis of the impact of the changes in the communications business.

At present, communications infrastructure of third party independent operators that tower company was formally established, the business scope of the company include: tower construction, maintenance and operation; base station room, power supply, air conditioning and facilities and indoor distribution system of the construction, maintenance, operation and base station design equipment maintenance. Establishment of the tower's marks the maintenance and operation of the communication infrastructure construction independent to telecom operators and exist alone, so as to realize the deepening of economic reform policy level target, and solves the problem of the operator to repeat construction, waste of resources, and promote the realization of China's broadband.

Tower company established marks the separation of telecom infrastructure and communication enterprises, changed the communication enterprises existing proportion of investment and business planning, separating the enterprise communications has always valued, into the larger base construction, network layout and infrastructure from corporate communications. The operating range of the tower company directly affects the business strategy layout and the market development plan of the communication operation enterprise, which undoubtedly has a great influence on the communication enterprise. The author analyzes the franchise communication infrastructure, the tower company's strategic steps may bring a variety of impact and performance, how to respond to the new policy adjustments to provide a reference for the communications business.

1. The telecommunications infrastructure by the tower company unified management, promote property rights clear, legal, the release of human resources and communication enterprise resources, to achieve the goal of network power.

Where user development, network coverage to where, is always the ideal target of communications operators. And construction of the base station to station land, site approval, infrastructure investment, environmental impact assessment, the latter part of the maintenance and so on. In the past, the process of enterprise communication base station construction, only a preliminary discussion on site coordination they expend setbacks quite, coupled with the site after the maintenance, residents to the environmental protection on the grounds of the complaints, under special circumstances the forced relocation of, communications companies struggling to cope. And the tower's independent operation, will enable the communication companies from the troubled relief out of the communication base station construction site difficult, difficult planning, approval, maintenance and other issues. But the ideal outcome is not achieved overnight, nor tower company a has been set up to realize natural, base construction of the reality of the problem still exists, tower's only fully aware of the urgency of the problem, a rainy day, as early as the layout, the tower company establishment, the transformation of the existing tower as an opportunity for preferential policies, seek legislative approval in order to achieve the above goals.

1.1 The telecommunications infrastructure into the overall planning of urban public facilities, from the top-level design to solve the problem.

In fact, a measure of whether a construction project belongs to public infrastructure should not be only see its investment in the construction of the main, should not only see the operation subject, but he should see it whether to undertake the certain social public functions. Public telecommunications facilities are the basic conditions for the public to communicate, and naturally assume the public intelligence of social communication. Communication enterprises is a service enterprise, its not only the pursuit of profit, also bears a certain social obligations and responsibilities, on the one hand, in order to ensure the special social public safety and interests, especially related to urban public safety and emergency response information release is a legal obligation of the enterprise information, and public telecommunications facilities construction and coverage is to ensure rapid information transmission; on the other hand, corporate communications as a service enterprise must in accordance with the relevant provisions of the state perform corresponding telecom universal service obligation. Any telecommunications business operators have to provide no geographical, quality, tariff discrimination and the public can afford the basic telecommunications services. In recent decades, all countries will be of telecom universal service as an important public policy, the burden of information transmission, the telecommunications industry to assume the universal service obligation. Therefore, public telecommunications facilities is not only telecom enterprises according to the means of earnings to. At the same time, but also the burden of important public functions. From the level of speaking tower company and highway, railways, airports, ports, bridges and other relates to national public interests infrastructure organizations like, in the design planning, construction, use and maintenance should reflect the law of special protection, tower base station tower as a real estate equal treatment and protection. The reason why regarded as immovable property but because each specific location to set up a tower is set precision communications and information systems planning results, the distance location specific, once completed will be difficult to move, if after the completion of the tower, tower and forced migration, not only only is transfer fee to pay, the more important is pattern of destruction of the launch system. The consequences will be limited signal coverage or signal instability, resulting in poor communication information. The launch tower is the most important infrastructure of the telecommunication enterprise, and the long-term property right is very important to the benefit of the company and the communication enterprise. Therefore, the tower company must clearly define the nature of the telecommunications facilities, such as the base station is a public infrastructure, and actively coordinate the use of policy advantage or policy support, will be incorporated into the urban construction planning,

1.2 Seek legislative support and establish the "legal status of basic telecommunications facilities"

In the current competition for social resources to become the norm, the public awareness of rights, but the lack of altruism and the reality of public interest, the construction of the base station, the problem will become more and more difficult to maintain. Tower, the company's primary goal is for "legal identity" for the new tower, to define the nature of base stations and other telecommunications facilities belongs to the public infrastructure, to be included in the planning of urban construction, obtain the legal construction of the right to the use of land or land, unified planning, unified construction, into a unified real estate registration, in the legal level of long-term protection of the real estate in order to break the current base station legal nature of fuzzy, difficult, right, caught between the awkward state. From the foreign legislation, giving communication enterprises and related communication facilities services company operating the legal rights of the very clearly, such as foreign legislation of most countries take the access rights of public infrastructure construction of legal principles, allow the telecommunications facilities in the construction process can use other people's land and other built public infrastructure of the reserved space or free space, after other already in public infrastructure realize its pathway to the crossing, crossing or traffic, others have been built owners of public infrastructure without justified reasons shall not refuse to. Therefore, tower company independent operation, not only the resources to

achieve sharing, to reduce the cost of direct targets should be based on industrial policy and legislation, for construction of communication facilities maintenance legal access rights or access rights and promote the Telecommunications Act promulgated, will the relevant norms of the "Telecommunications Regulations," into the telecommunications act, and eliminate the conflict of laws, to enhance the effectiveness of rank. Existing "Telecommunications Regulations," from the authorization specification angle and the prohibition of normative angle of mobile communication base stations and other public telecommunications facilities construction provisions. Article 47 authorized basic telecommunication business operators can in civil building construction of the base station, the provisions of Article 52, any organization or individual shall not prevent or hinder the basic telecommunication business operators in accordance with the law in the telecommunications facilities. But because of the Telecommunications Ordinance order attribute is lower than the "property law", "tort liability act" and other laws, resulting in communication facilities in the practice of repeated obstruction, complaints, forced migration and other difficulties, new tower company in this undoubtedly is required to undertake the mission of the future in industry. And the communication enterprise can carry out full market competition, to a large extent also depends on the tower company base station construction and maintenance and other legal rights of the fight.

1.3 Comprehensively promote the speed of 4G base station construction, and promote the realization of the goal of network power.

With the further expansion of urbanization, new residential and commercial areas are in urgent need of network signal coverage, and the need to site locations for no more can be built or residents blocking reasons to build, often involve communication enterprises a lot of manpower and material force, especially for 4G mobile station, not to mobile intelligent terminal only at the bottom of the entrance is a 4G base stations, including any virtual reality technology to achieve or commercial terminal, 4G base station is the only link, things, network of the most basic channel. And how to ensure the smooth flow of the basic channel, is always a core issue to be solved, but also the necessary guarantee to achieve the goal of network power. Because 4G site needs intensive, the need to build a large number of new base stations. In the current state of the land and other resources are extremely tight, this contradiction is particularly prominent. If a new 4G base station to the tower company responsible for coordinating and make 4G base station into the category of public infrastructure, to obtain legal status, will no doubt solve communication enterprises base construction difficult problem, crack 4G network construction goal and predicament, 4G standard unified, signal comprehensive coverage of commercial objectives, communication enterprises and financial resources, material resources, manpower saving investment, so as to realize the transfer to the market segmentation, and other aspects of business development strategy, promote the realization of the target of a powerful network.

2. To rent adjustment as a lever, the integration of resources, according to the need to build, resource sharing, reduce costs, enhance the competitiveness of communications business.

Existing construction model of base station is communications enterprises self occupied or rental to the base station ownership (such as government agencies, third-party operators) use of facilities, but three communications between enterprises truly realize the sharing of a limited number of base stations, which involved in market competition, benefit of division or as its main factor. Is the ideal mode in the future, communication enterprise according to user requirement of network coverage, the tower company to put forward orders, tower company according to the requirement of construction meet the needs of communication enterprises launch base, used by leasing companies, tower company collect rent, to offset the construction costs and profits.

The above model is the communication companies and the tower companies are happy to take the model, but the problem is the need to pay attention to how to achieve cost reduction under the premise of resource sharing. The tower company must coordinate the communication enterprises, as far as possible to meet the needs of the construction of a number of communications business, rather than only to the needs of the construction. To achieve the above purpose, the key problem is about the rents charged at the standard problem, ideal rent calculation shall be the standard:

standard rent only an exclusive tower > second common use standard rent > three common use rent standards, in order to encourage communication enterprise resource sharing, also contributed to the tower, the company in the construction of the base station from the technical aspects of planning and design for the common use of a number of telecom operators, reduce the operating cost of the communication enterprises, the increase in revenue tower company. And for the communication enterprises, in construction demand, how to carry out the technical measures and planning design, reserve other communication enterprises to use in common technical parameters, reduce the rent of enterprise cost and communication enterprises is the need to consider the problem. After all, reduce the rent means to reduce operating costs, in fact, is to reduce the quality of the tariff standard. Who provide consumers with inexpensive high-quality network resources, who is the king and winner of the market competition, which is the focus of the 4G network for marketing mobile communications, the significance of.

3. The inventory of the existing stock of base stations, the acquisition, the impact of capital injection on the rights and interests of the communications business.

3.1 Ownership proportion and ownership reform and profit distribution

The tower company three existing shareholders are three major telecommunications companies, equity structure is relatively simple, state-owned shares occupy the position of absolute control, under the premise may be less controversial, but if are mixed according to the ownership reform plan by tower company may introduce private capital involved, the investment capital diversification, and the redistribution of the equity ratio, equity ratio redistribution can cut the original three shareholders accounted for their respective ratio, mobile company faces again, "average" and is likely to result in the state-owned assets is the result of private assets. And according to the rules of operation of the company, the equity ratio is shareholders based on the share of investment share of the company's property right, decision right and other related rights, the equity ratio determines the proportion of investment profit distribution and the principles of profit distribution is the distribution of benefits, according to the proportion of shares. Distribution of benefits is not only the return of investors, but also reflect the contribution of shareholders. According to the proportion of equity interest distribution of the same investment investors is fair and reasonable, but the premise is consistent with the equity ratio and the actual investment, if the initial equity proportion design problems, subsequent mixed ownership reform or will trigger another round of the interests of the game.

3.2 The actual transfer of the stock of the stock of the legal issues of the legal issues

According to the SASAC on the tower related asset inventory assessment program of work "tower related asset inventory including own, lease the ground and floor tower shaped formwork, increased frame, a holding rod and other facilities. Stock base station at present mainly have the following several states: 1, self built base stations, 2, the party and government organs have their own base station, 3, hire other network technology service institutions built base stations. The party and government organs have clear property rights, operational qualification is legitimate, and therefore do not belong to the scope of the need to transfer the acquisition. But for self built base stations and other network technology service base station, due to the existence of land use rights with the third party, the lease contract and other legal relations, there may be a considerable legal disputes.

For first kinds of self built base stations, the ground floor and the use right of the floor is the main issue in the transfer of assets. Although such a base station belonging to the communication enterprise self owned, base station ownership clear, on the surface seems to need only asset inventory verification, valuation can be. However, the outstanding problems of such a base station is its occupation of the ground floor, the right to use the floor. Since the establishment of the station in the station, because it must meet the communication requirements of the layout, so a large number of construction in the city, village or field of the ground, floor. For the base stations within the city, the ground station occupied land ownership belongs to all countries, but due to the station building occupied land use rights in the law has not been clear, so urban base station occupied land

no land use warrants, but because the land belongs to all countries may transfer when the transfer is not a big problem. And for floor station of urban and rural ground station, due to the lease contract existed between people and floor, the ground right, especially the rural land use right or ownership. In the first station to negotiate contract there are individual problems. In the process of asset transfer, the tower companies need respectively to negotiate with the ground floor right, change in the lease, contract subject, so as to realize the transfer of assets. May face problems, floor, the ground right people agree, or take the contract subject to change as an excuse to ask for higher prices, including for the main contract change induced late facilities maintenance, adds to the problems are tower company need to be considered in advance to deal with the problem.

For the three rented other network technical service institutions of self built base, due to the fact of such networks is to site rental for the purpose, the land, the floor of the lease contract are by the rights holder and signed, the base station ownership belongs to the Internet company, such a base station is also included in the transfer of assets transfer range remains to be further clear. From the point of view of property rights, it should not be included in the. The future such a base station is on the basis of the development and Reform Commission, "the infrastructure and public utility franchise management approach" as a non-public enterprises into franchising to test the water and allow the social capital by way of franchising in urban infrastructure investment and operating range, there is a need to further clarify the relevant agencies.

4. Conclusion

Telecommunications facilities independent operators, regardless of the tower companies, telecommunications companies, even for social capital to operate network technology and facilities of the private companies, will bring a series of changes. In the pattern of interests redistribution and formation process, regardless of the basis of Telecom facility operators, or the communication enterprises, were prospectively predict and study, strive for policy support, adjusting the layout of the enterprise strategy, maintenance business interests.

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