

# ITU-EC HIPCAR Project WG 2 and 3

## Draft Regulations

April 12, 2010

Sofie Maddens

Vice President, Regulatory Reform  
Telecommunications Management Group, Inc.





# Agenda

---

- Overview of Methodology used to prepare texts
- Overview of Draft Regulations
  - Licensing
  - Universal Access/Service
  - Access and Interconnection
- Next Steps

# Licensing





# Objective

---

- **Objective of the Regulation:**
  - the **process** for applying for a carrier and service licence and frequency authorisation and for determining an application for a carrier and service licence and frequency authorisation;
  - the **form of and the general conditions**, including the period of validity, for a carrier and service licence and frequency authorisation; and
  - the **fees** payable including for the grant and renewal of a carrier licence and service licence and frequency authorisation and by way of annual fees.



# Framework

---

- **Key Principles:**
- **Approach to promote entry:** *A service- and technology-neutral approach to authorising communications networks and services with minimal barriers to entry and competition in converged information and communications technology markets*
- **Facilitated procedures:** in order to simplify the licensing framework, an entity will be issued a single licence, being either an individual licence or a class licence, for all the information and communications network facilities or services it intends to operate/offer



# Framework

---

- **Key Principles:**
- **Consultation of Stakeholders:** *for measures that have a significant impact* on information and communications market, interested parties will be provided the opportunity to comment on the draft measure within a reasonable period



# Framework

---

- **Categories:**

The NRA shall define the classification of activities in the information and communications sectors into three categories requiring different levels of regulatory intervention authorizing market entry, namely-

- individual licence - associated with facilities-based operations or where a scarce resource is required to build networks;
- class licence - associated with such rights and/ or resources for which less stringent regulation is deemed appropriate by the NRA;
- open entry for markets deemed adequately competitive



# Framework

---

- **Review of Categories:**

The NRA shall regularly review and refine the general regime for the regulation of the information and communications sector to ensure the framework is sufficient and complete, taking into consideration market trends and developments.





# Framework

---

- **Hierarchy of Licenses:**
- The licensing framework is structured in such a way that an individual licence is on a higher hierarchical level than a class licence, meaning that:
  - an individual licence holder is permitted to offer all networks, operations and services in both the individual and class categories
  - a class licence holder will be permitted to offer only those services included in the class licence category
- All individual and class licensees must however at least inform the NRA of activities offered.



# Procedures

---

- **Individual Licenses:**
  - Where the number of individual licenses is not limited, the NRA shall publish a standard application form for individual license applications in which any entity meeting the specified qualification criteria for the different activities falling under individual license may apply in writing to the NRA in the prescribed form and filing an appropriate complete, correct and signed application form and paying any application or other fees as prescribed by the NRA shall be granted an individual license
  - The NRA shall review the application and notify the applicant if any further information is required to process that application. The NRA shall notify the applicant of its decision within 60 days of receipt of the application.
-



# Procedures

---

- **Limitation in number of Individual Licenses:**
- **Principle:** The NRA will not pre-determine the number of individual licences to be issued **except** for considerations of scarce information and communications resource constraints such as spectrum, numbers or rights of way that may limit the number of licences available for certain networks and/or services
- Public consultation requirement
- In this case, the NRA will adopt a competitive selection process such as comparative evaluation, auction or any other method or combination of methods for the award of licences.



# Procedures

---

- **Class Licenses:**
- **Principle:** The NRA shall publish a standard registration form for class licences in which any entity meeting the specified qualification criteria for the different activities falling under class license may register and remain registered for the provision of such activities by filing with the NRA the appropriate complete, correct and signed registration form and paying any application or other fees as prescribed by the NRA
- Registration for a class licence must be submitted in writing to the NRA and shall be in the prescribed form and contain such information as is set out in a form as determined and previously published by the NRA, and include the prescribed application fee



# Conditions

---

- Any condition imposed must be non discriminatory, proportionate, and transparent and must be justified in relation to the targeted network or service
- All information and communications operators and service providers will have a set of basic rights and obligations, and these rights and obligations shall be applicable to all operators or service providers, regardless of whether they are service-based or network-based operators and whether they have an individual license or class licence or whether they have been exempted from licensing - the ability of operators or service providers to avail themselves of those rights may be conditional upon their being able to meet physical or technical requirements.



# Scarce Resources Authorizations

---

- Scarce resources to be managed and authorised by the NRA include numbers and radio spectrum resources
  - Frequencies: Subject to specific license-exempt use, the NRA must grant a frequency authorisation prior to use of the use of radio frequencies - the NRA may however adopt a class licence or licence-exempt authorisation in lieu of frequency authorisations
  - Numbers: The NRA shall, under objective, transparent and non-discriminatory conditions, assign prefixes and numbers, or number blocks, to operators who have made an application, against a fee
- Where the demand for scarce resources exceeds their availability, appropriate and transparent procedures should be followed for the assignment of such scarce resources in order to avoid any discrimination and optimize use of those scarce resources, including public consultation



# Scarce Resources Authorizations

---

- An application for a scarce resources authorisation shall be submitted in writing to the NRA and shall:
  - Be in the prescribed form and contain such information and particulars as are determined and previously published by the NRA; and
  - Be accompanied by the prescribed application fee
- The NRA may include certain conditions in a scarce resource authorisation, provided that conditions apply equally to all similarly situated licensees and authorisation holders to ensure parity among providers





# Scarce Resources Authorizations

---

- The NRA may modify a scarce resources authorisation only under the following conditions:
  - Where the NRA and the authorisation holder agree in writing; or
  - Following appropriate public consultation with members of the relevant class of scarce resources authorisation holders
- The NRA may charge scarce resources fees for the use of scarce resources as an instrument to ensure the optimal use of such resources and to cover the costs of managing the scarce resources



# Universal Access/Service





# Objective

---

- **Objective of the Regulation:**
  - the expansion of the public information and communications networks (including access to basic and advanced information and communications services)
  - to ensure universal availability of those services on an equitable basis to all citizens, regardless of where they live or work.



# Framework

---

- **Key Principles to Guide UAS Policies:**
  - Availability of quality services at equitable, reasonable, and affordable rates
  - Access to advanced telecommunications and information and communication services in all regions of the country
  - All consumers in all regions should have access to services comparable to those provided in urban areas and at reasonably comparable rates
  - All information and communications service providers contribute equitably to the preservation and advancement of universal service
  - Legal and regulatory mechanisms to preserve and advance universal service should minimise market distortions
  - There should be multiple methods of achieving universal access and service
  - Access to advanced information and communications services for key institutions



# Framework

---

- **Responsibilities of Minister:**
  - **UAS Policy Development**
    - **Determine which service providers are subject to UAS requirements**
    - **Address UAS challenges and opportunities**
    - **Establish a fair and transparent regulatory framework that promotes widespread access to ICTs while allowing the market to address UAS to the greatest extent possible**



# Framework

---

- **Responsibilities of NRA:**
  - **Implementation of UAS policies**
    - Evaluation of current market and technology status
    - Identify targets and goals
    - Establish mechanisms for UASF management and award of funds
  - **Public consultation prior to policy implementation**
  - **Regular reviews of UAS scope**



# UAS Obligations

---

- **NRA may impose UAS obligations**
  - **May impose different obligations on dominant operators**
  - **Efficient, objective, transparent and non-discriminatory designation mechanism**
- **UAS provider who fails to implement UAS initiative may be subject to penalization by NRA as prescribed by law, as well as penalties prescribed by the UAS regulation itself**



# UAS Financing Principles

---

- **Key Principles:**
  - **Financing mechanisms shall ensure that market participants only contribute to the financing of universal access and service**
  - **Financing of UAS should not support investments that would otherwise be made by private operators nor should financing of UAS provide a competitive advantage or disadvantage**
  - **Financing of UAS should promote efficient, self-sustaining projects which may continue to expand access to information and communications with a minimum commitment of financing resources**
  - **Financing of UAS may finance projects to the extent necessary to create adequate economic incentives for investors**



# UAS Financing Principles

---

- **The NRA shall identify and define target projects according to objective, non-discriminatory, transparent and proportionality principles**
- **Authorized service providers may compete for UAS funding**
- **NRA may determine appropriate competitive mechanism for distribution of UAS funds**
- **Targeted subsidies may be provided using various means**





# UAS Financing Principles

---

- **Calculation of the net cost of universal service should take account of costs and revenues, as well as intangible benefits resulting from providing universal service but should not hinder cost-based pricing structures**
- **The NRA may establish mechanisms for efficiently recovering net costs when a universal service obligation represents an unfair burden**

# Project selection Mechanisms

- At the beginning of each operating year, the NRA shall initiate the process of identifying projects to be considered for UAS Financing - the NRA may however identify and solicit UAS projects through a Request for Proposals at any time during the operating year
- The process includes:
  - Solicitation of proposals from operators and service providers and other interested parties – note: any person may submit a proposal for a UAS Project to be reviewed by the NRA
  - Development of proposals for projects identified by the NRA
  - Costing of proposals to be financed and identification of financing mechanisms as per those provided for in these Regulations



# Project selection Mechanisms

---

- The process of soliciting project proposals from operators and service providers and other interested parties may be done through
  - Public meetings;
  - Online advertisements or solicitations;
  - Public announcements;
  - Advertisements; or
  - Appropriate promotional activities.

# Project selection Mechanisms

- If more than one bid is submitted, the NRA may adjudicate the installation of systems, rendering of services, or both and shall:
  - Use the reverse auction method to evaluate the submitted bids or
  - Select the qualified bidder which requests the lowest subsidy, calculated on standardised pre-established bases, and shall contain an indication of zones of service; quality of service; maximum rate applicable, in its case; terms for rendering the service, and penalties for noncompliance



# Award of Funds

---

- Funding for a universal service project shall be awarded in the form of a fixed price contract and may be disbursed by the NRA in one or more payments to correspond to milestones established under the service contract for each project



# Project Implementation

---

- In accordance with the terms and conditions of the UAS contract, a contractor shall provide periodic reports to the NRA, detailing its progress in fulfilling contractual requirements and timetables, and explaining any delays
  - Where a UAS contractor fails to complete or comply with the requirements of a Project contract, the NRA may require the contractor to compensate the NRA up to the amount of funds paid to achieve UAS under the terms of the project contract, plus any administrative and legal costs incurred.
    - However, the contractor shall not be required to pay such compensation until dispute resolution provisions provided for in the law or contract have been exhausted
-



# UASF

- The Minister **may** establish by Regulation and **pursuant to a process of analysis of the market realities and consultation of stakeholders** a Universal Access and Service Fund(s) (UASFs), which are funds that may be created specifically to subsidise the delivery of information and communications services for communities and population groups that fall within the scope of UAS
- General taxation should **not be ruled out** as ICT is a general purpose technology and as such is widely dispersed across all industries





# UASF

---

- Where the Minister creates a UASF, he shall impose a system for contributions to the Fund that:
  - Ensures UASF contribution requirements are not excessive and are assessed on the revenues of the licensee's information and communications services;
  - Respects the principles of transparency, non-discrimination and proportionality whereby all similarly-situated providers are treated equally;
  - Leads to the least market distortion in that contributions are recovered in a way that minimises the impact of the financial burden falling on end-users, for example by spreading contributions as widely as possible;
  - May exempt licensees whose annual turnover is less than a set limit from contributing to the Fund;
  - Requires payments on a quarterly or annual basis;
  - Is subject to a cap of contributions to the Fund.





# UASF

---

- Where the Minister creates a UASF, revenues shall be collected from a variety of sources including international and national government sources as well as from information and communications network/facilities operators and service providers:
  - Such amounts as may be collected from all network operators/facilities operators and service providers for the purpose of funding universal service;
  - Any grant, contribution or loans from any international organizations or donors;
  - Any monies appropriated by the Government for this purpose



# Administration of Universal Access and Service Funds

---

- Any monies accruing to the UASF shall be:
  - Kept in one or more accounts, separate and independent from any other operating accounts of the NRA.
  - Initially deposited in a designated Fund bank account and shall be disbursed upon authorisation of the NRA for specific Fund related activities in accordance with these Regulations



# Administration of Universal Access and Service Funds

---

- The NRA shall prepare and keep separate budgets for the Fund Projects and Fund Operations through accounting allocations



# Administration of Universal Access and Service Funds

---

- To ensure transparency in the Fund's accounting, the Minister shall conduct an audit of the Fund administration by the NRA under the following circumstances
  - Costs reasonably incurred by the NRA in the exercise of its duties under these Regulations and the accounts of the Fund itself under the control of the NRA, shall be subject to an annual audit conducted by an independent auditor who shall be appointed by the Minister.
  - The Auditor General may at any time, and shall on direction of the Minister responsible for Finance, carry out an investigation or audit of the accounts of the USF



# Administration of Universal Access and Service Funds

---

- The NRA shall publish an Annual Report on the Universal Access and Service Fund and projects, which includes:
  - The audited Financial Statements of the Fund;
  - Details of activities supported by the Fund; and
  - Details of awards of contracts under the UASF

# Access and Interconnection






# Objectives

---

- The objectives of this Regulation are to provide further details relating to:
  - principles relating to access and interconnection
  - interconnection procedures; and
  - dispute resolution procedures




# Principles and Obligations of Interconnection

---

- The NRA shall encourage and, where appropriate, ensure suitable access and interconnection, as well as interoperability of services, aiming at promoting efficiency and sustainable competition, and at providing maximum benefit to end-users, by:
  - imposing obligations in matters of access and interconnection on undertakings with Significant Market Power, and
  - intervening upon its own initiative whenever justified or, in the absence of an agreement between undertakings, at the request of either of the parties involved.






# Principles and Obligations of Interconnection

---


- The NRA may set conditions on interconnection, including:
  - Conditions to ensure effective competition
  - Technical conditions
  - Conditions relating to tariffs
  - Supply and usage conditions
  - Conditions regarding compliance with relevant standards
  - Compliance with essential requirements
  - Protection of the environment; and/or
  - Maintenance of end-to-end quality of service and consumer protection



# Principles and Obligations of Interconnection

---

- Rights of interconnection:
  - Licensed/authorised operators have a right - and when requested by other authorised undertakings, an obligation - to negotiate interconnection with other public network operations
- Obligations for interconnection
  - Public network operators shall:
    - Enable interconnection to be established as soon as reasonably practicable
    - Respond to requests for interconnection in good faith
    - Not refuse reasonable requests for interconnection
    - Notify and substantiate any refusal to interconnect
  - The NRA shall have the right to impose additional obligations on dominant operators/undertakings



# Principles and Obligations of Interconnection

---

- Additional obligations of service providers:
  - Access required to facilitate interconnection shall be provided
  - Respect the confidentiality of information received, transmitted or stored, before, during or after negotiation or agreements related to access or interconnection
  - Both operators equally responsible for enabling access and interconnection to be established as soon as reasonably practicable
- NRA shall have available current and adequate documentation on interconnection



# Interconnection Negotiations and Agreements

---

- Notice of request for interconnection may be submitted in writing at any time and simultaneously forwarded to NRA
- Interconnection shall be the subject of a private legal agreement (the interconnection agreement) between two parties



# Interconnection Negotiations and Agreements

---

- Model interconnection agreements
  - NRA may – after stakeholder consultation – develop and maintain a Model Interconnection Agreement
  - When intervening or resolving disputes, the NRA may consider the Model Interconnection Agreement as the minimum set of service descriptions, terms and conditions that must be offered by the parties, unless one party is required to have a Reference Interconnection Offer
    - NRA may retain discretion to impose alternate service descriptions, terms and conditions



# Interconnection Negotiations and Agreements

---

- NRA may interconnection negotiation time limit
- Proposed interconnection agreements shall be submitted to the NRA for approval within 30 days
  - NRA shall approve agreement if satisfied that it is consistent with the Telecommunications Act, interconnection regulations, the terms and conditions of the parties' licenses and other provisions of law
  - NRA may request additional information from the parties if necessary to further evaluate the terms, conditions and charges proposed
  - NRA may require an amended agreement to ensure regulatory compliance and effective competition and/or interoperability.



# Interconnection Negotiations and Agreements

---

- Operators shall make public approved interconnection agreements that have not been designated as confidential by the NRA
- Amendment and modification of agreements
  - Parties may amend or modify an agreement by giving notice to the NRA and submitting a copy of the amendment/modification
  - Amendment/modification will take effect upon approval by the NRA, which will publish its decision within 30 days of receipt





# Interconnection Negotiations and Agreements

---

- **Suspension of agreements**
  - Agreements may be suspended by parties upon providing at least 15 days notice to the NRA and receipt of NRA approval
  - Agreements shall include provisions for the suspension of the agreement in the event of conditions including illegal conduct, technical infeasibility, health/safety issues, unreasonable risk to integrity or security of interconnection provider or material degradation of interconnection provider's network
- **Termination of agreements**
  - Parties shall provide at least 30 days notice to the NRA and to customers before terminating any interconnection agreement
  - NRA may require a party to provide interconnection temporarily



# Interconnection Negotiations and Agreements

---

- Implementation of agreements
  - Agreements shall stipulate a period not exceeding 28 days within which interconnection shall be effected
  - The NRA may, upon written request, extend this period if the provider makes a reasonable effort to meet the 28-day deadline
- Costs of equipment/network modification
  - The cost of equipment/network modifications to effect interconnection shall be recoverable from the interconnecting operator
  - Costs will be determined in a manner prescribed by the NRA.



# Dominant Public Telecommunications Operators

---

- Determination of dominance
  - The NRA shall have the authority and responsibility to determine which public network operators are dominant in their relevant markets, subject to consultation with the Competition Authority and take account of any recommendations from that Authority
  - The NRA may at any time initiate an open, transparent market analysis to determine dominance of public operators in a relevant market
  - The NRA shall take into account several criteria to determine dominance, including the relevant market, technology and market trends, operator's market share, operator's pricing power, and the degree of differentiation among networks and services:



# Dominant Public Telecommunications Operators

---

- Imposition, maintenance, amendment or withdrawal of obligations
  - The NRA is charged with determining the imposition, maintenance, amendment or withdrawal of obligations, in respect of access or interconnection applicable to undertakings designated as having significant market power
    - Transparency
    - Non-discrimination
    - Accounting separation
    - Response to reasonable requests for access
    - Co-Location
    - Providing Access to International Gateways
    - Price control and cost accounting



# Dominant Public Telecommunications Operators

---

- Imposition, maintenance, amendment or withdrawal of obligations
  - The NRA shall impose the appropriate obligations, taking into account the nature of the problem identified and the objectives set out in this Regulation.
  - The obligations above shall not be imposed on dominant operators/undertakings which have not been designated as having significant market power, except in the cases laid down in the law or where necessary to comply with international commitments.
  - In exceptional circumstances and where appropriate, the NRA may impose other obligations on dominant operators/operators with significant market power, subject to public consultation.



# Dominant Public Telecommunications Operators

---

- Review of determination of dominance
  - NRAs shall review dominance determinations and obligations regularly
  - Dominant operators may apply to be classified as non-dominant
- Removal of dominant status
  - If relevant market analysis indicates that market characteristics do not justify the imposition of obligations on a dominant operator and/or that there are no dominant undertakings, the NRA shall not impose any obligations relating to dominance and/or shall withdraw any obligations imposed



# Reference Interconnection Offer

- RIO Obligation
  - Each dominant interconnection provider shall publish a reference interconnection offer (RIO)
  - The RIO provider may set different tariffs, terms and conditions for different interconnection services, where such differences can be objectively justified and do not result in the unfair distortion of competition
  - RIO providers are obligated to apply appropriate rates, terms and conditions to for interconnection with their own services, set cost-oriented and sufficiently unbundled rates, and make its RIO publicly available subject to reasonable costs and conditions

# Reference Interconnection Offer

- Content of RIO

- The RIO shall be as detailed as possible in order to facilitate contract negotiations and shall contain all of the terms and conditions indicated in the Forms and Contents of Interconnection Agreements, as well as provisions covering:
  - Services for the routing of traffic (call or session termination and origination)
  - Leased lines
  - Interconnection links
  - Supplementary services and implementation arrangements
  - Description of all points of interconnection and conditions of access
  - Comprehensive description of proposed interconnection interfaces
  - Technical and tariff conditions governing carrier selection and portability



# Reference Interconnection Offer

- Content of RIO
  - RIO provisions (continued):
    - Third-party billing services
    - At NRA request, an alternative co-location offer if physical co-location is proven to be technically unfeasible
    - As needed, the technical and financial conditions governing access to the dominant operator's resources, in particular those relating to unbundling of the local loop
- Methodology for Rate Determination
  - Subject to public consultation, the NRA shall develop and, where appropriate, revise accounting requirements and costing methodologies for use by dominant public network operators in accordance with international best practices in accounting

# Reference Interconnection Offer

- **Regulatory Approval**
  - The NRA shall review and approve, or decline to approve, a RIO or any modification or amendment thereof that is submitted to it within 30 days
  - Review period may be extended for good cause
- **Legal Standing of RIO**
  - Dominant operators shall ensure consistency between their interconnection agreement and RIO
  - In the case of an inconsistency, the terms and conditions of the RIO shall prevail

# Reference Interconnection Offer

- **Modification of RIO**
  - The NRA may request the dominant interconnection provider to modify its interconnection terms and conditions when justified to effect non-discrimination and cost-orientation of interconnection
  - Upon NRA request, the dominant provider shall provide a RIO within 21 days, amend its RIO to comply with the request and submit the amended RIO to the NRA for approval.
- **Unbundling**
  - The RIO shall require the dominant operator to unbundle distinct interconnection services and charges such that an interconnecting operator need only pay for the required network elements or facilities



# Reference Access Offer

---


- Access Obligations for Dominant Operators
  - To ensure effective competition, the NRA may, upon written notice, require a dominant public network operator to:
    - Provide access to its facilities, which shall not be unreasonably withheld
    - Negotiate in good faith on matters concerning access to facilities
    - Neither withdraw nor impair access once already granted, except where authorised by the NRA or in accordance with dispute resolution procedures



# Reference Access Offer

---


- RAO Obligation for Dominant Operators
  - The NRA may require a dominant public network operator to publish a Reference Access Offer (RAO) in addition to, or instead of, a Reference Interconnection Offer
  - The RAO shall abide by all relevant provisions of these regulations related to the RIO, as well as:
    - Access to network elements and associated facilities
    - Access to physical infrastructure including buildings, ducts and masts
    - Access to relevant software systems
    - Access to fixed and mobile networks, in particular for roaming, access to conditional access systems for digital television services;
    - Access to virtual network services
    - Indirect access



# Measures to Promote Competition and Innovation

---

- **Infrastructure Sharing**
  - To encourage the sharing of facilities and/or property among public network operators, in particular where essential requirements deprive other organisations of access to viable alternatives, a public network operator may, at any time apply to any other public network operator for access to facilities that it owns or controls
  - Regulatory Intervention – After public consultation, NRA may impose general facility and/or property sharing arrangements (including physical co-location). Such arrangements may include rules for apportioning the costs of facility and/or property sharing.




# Measures to Promote Competition and Innovation

---

- Access to Alternative Infrastructure
  - The NRA shall encourage access to alternative infrastructure on the basis of commercial negotiations, in order to foster competition as rapidly as possible
  - Such access shall be provided under conditions of fairness, non-discrimination and equality of access






# Measures to Promote Competition and Innovation

---

- Local Loop Unbundling
  - Where appropriate and subject to public consultation, the NRA may require unbundling of local loop
    - New entrants shall be obliged to install some minimum infrastructure capacity
    - Dominant public network operator shall be required to provide access facilities to the new entrant to permit the new entrant to install its own transmission systems on such access facilities
  - Dominant operator shall define an unbundling offer in accordance with an NRA-determined list of the services to be included
    - Such unbundling offers are subject to approval by the NRA in the same manner as the RIO and shall be made public.
  - The NRA shall ensure presence of mechanisms to provide new entrants with the information needed for unbundling purposes






# Measures to Promote Competition and Innovation

---

- Call Termination Charges
  - When imposing price control and cost-accounting obligations on operators for fixed and mobile termination markets, as a result of a market analysis, the NRA shall consider:
    - Interconnection and call termination charges on mobile and fixed networks
    - Charges and tariff structures, retail and interconnection prices and the sharing of revenues between originating and terminating operators for fixed-to-mobile calls
    - Possible adjustments to the tariff structures of retail and interconnection prices
    - The relevance of the interconnection market
    - The relevance of the mobile termination market
    - The identification of dominant operators in these markets



# Measures to Promote Competition and Innovation

---

- Mobile Termination Rates
  - In conjunction with the Call Termination Charge considerations, the NRA shall determine how to implement the necessary measures regarding mobile termination rates (MTRs) so as to promote development of the telecommunication market and the process of liberalization
  - The NRA shall retain the right to regulatory intervention in determining termination rates subject to consultation with stakeholders and careful analysis considering
    - The methodology to be used to set the MTRs
    - Whether rates should be symmetrical or asymmetrical for fixed-to- mobile and mobile-to-mobile
    - The factors to be included in costs to calculate MTRs
    - Whether to use sliding glide path asymmetric for new entrants



# Resolution for Interconnection and Access Disputes

---

- **Interconnection Dispute Resolution Guidelines**
  - Interconnection disputes shall be determined in accordance with the provisions of the law and any guidelines issued by the NRA
  - Guidelines shall enable parties to bring disputes before the NRA in accordance with clear and transparent procedures
- **Authority to Require Information and Inspection**
  - In order to resolve a dispute regarding interconnection or access, the NRA may require an operator to provide inspection or information, including current and past records regarding
    - Interconnection sites
    - Facilities and equipment
    - Physical elements of the site



# Resolution for Interconnection and Access Disputes

---

- **Response to Request for Dispute Resolution**
  - The NRA, in responding to a request for assistance to resolve an interconnection or access dispute, may choose to arbitrate the dispute, appoint a mediator, or direct the parties to commence or continue interconnection negotiations
- **Regulatory Authority in Dispute Resolution**
  - If the NRA appoints a mediator, it may direct that relevant parties pay reasonable mediation costs and expenses
  - The NRA may compel both parties to commence negotiations by a prescribed date if the parties cannot agree upon a date
  - The NRA may set a time limit on negotiations and shall delineate the steps to be taken if agreement is not reached



# Resolution for Interconnection and Access Disputes

---

- Guidelines for Resolving Dispute
  - When acting as an arbitrator, the NRA shall attempt to achieve a fair balance between the legitimate interests of the parties to the dispute, and shall act as promptly as practicable, preserving any agreements between the parties over issues that are not in dispute
  - In resolving the dispute, the NRA shall consider at least:
    - Long-term interests of consumers and users of information and communication services
    - Economic efficiency in network operation or service provision
    - Availability of technically and economically feasible alternatives to the requested interconnection
    - Nature of the request in relation to available resources to meet the request
    - Need for universal service
    - Promotion of competition
    - Regulatory obligations and constraints



# Resolution for Interconnection and Access Disputes

---

- Time Frame for Disputes
  - After a dispute is referred to the NRA, the complainant has 2 weeks to provide a clear and reasoned statement of the issues in dispute, as well as any issues on which there is agreement
  - The opposing party shall respond within 30 days and shall state the reasons for its position including any statutory or regulatory justification for that position
  - Once both parties have made their case, the NRA has 30 days to make a decision and settle the dispute
- Legislation
  - The NRA may initiate the dispute resolution process and may issue an injunction against an operator if necessary





# Resolution for Interconnection and Access Disputes

---

- International Cooperation
  - In order to promote regional harmonization and growth, the Minister and NRA shall:
    - Cooperate with regional regulatory authorities to the greatest extent possible
    - Establish an intergovernmental group dedicated to exchanging experiences and establishing a database of past disputes and subsequent resolutions



# Thank You!

**Sofie Maddens**  
**Vice President, Regulatory Reform**  
**[sofie@tmgtelecom.com](mailto:sofie@tmgtelecom.com)**

**Telecommunications Management Group, Inc.**  
**1600 Wilson Boulevard, Suite 710**  
**Arlington, VA 22209**  
**USA**

**Tel: +1.703.224.1501**  
**Fax: + 1.703.224.1511**

**[www.tmgtelecom.com](http://www.tmgtelecom.com)**

