

CONSULTATION DOCUMENT

Recommendation of the Eastern Caribbean Telecommunications Authority ("ECTEL")

To the National Telecommunications Regulatory Commission to consult on Draft Revised Telecommunications (Interconnection) Regulations

Comment on Comments (Addendum)

June 13, 2008

1. On June 5th 2008, the National Telecommunications Regulatory Commission received a submission from ECTEL containing comments on Draft Telecommunications (Interconnection) Regulations for [Member States].
2. A copy of the Comments on Comments Consultation Document on "*Telecommunications (Interconnection) Regulations*" is available on the ECTEL website (www.ectel.int) and copies can be made available upon request at the National Telecommunications Regulatory Commission.
3. In addition to the comments provided in the Comments on Comments Consultation Document of June 05, 2008, comments were received from Chris Halsall of Ideas 4 Lease (Barbados). These additional comments are hereto attached and ECTEL now also invites comment to these comments.
4. The Comment on Comments period continues to run from 5th June 2008 to 26th June 2008.
5. Following the Comment on Comments period, the Directorate will consider all comments received and then present revised Regulations to the ECTEL Council of Ministers with a recommendation for their adoption in the ECTEL Member States.

6. All responses to this Consultative Document should be written and sent by post, fax or email **no later than 4: 30 pm on June 26th, 2008** to: -

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Comments on
Draft Revised
Telecommunications (Interconnection) Regulations
Consultation Document

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by

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1. INTRODUCTION

I welcome the opportunity to review and speak to the draft revised regulations, and commend the Authority for undertaking this review.

These comments are the considered opinions of Chris Halsall, Managing Director, Ideas 4 Lease (Barbados). They are submitted for consideration on a “without prejudice” basis.

Interconnection is a critical component of any liberalized and competitiveness marketplace. The Reference Interconnection Offer(s) (RIOs) and Interconnection Agreements (IAs) which should result from these regulations will enable a range of new services and calling options for consumers.

The comments below are informed by direct experience and observations of both liberalized (North America) and liberalizing (Barbados) telecommunications marketplaces. They are written from the opinion that open and transparency marketplaces are the only true means of benefiting consumers.

For the record, I was the principle author of the Barbados “Voice over Internet Protocol Policy”, the Barbados “Two Stage Dialing Policy”, and the Barbados “Equal Access and Indirect Access Policy”. Review of these policies (available at www.telecoms.gov.bb) might be worthwhile in this exercise, as they were written to operate within a similar interconnection regulation environment as what these draft regulations propose.

For complete and full disclosure, although I have worked for telecommunications providers in the past, I am not currently employed by nor have any financial connection with any carrier or provider.

2. SPECIFIC POINTS AND COMMENTS

2.1 It might be valuable to add a section, perhaps as point #2 or #3, titled “Introduction”. This would include a paragraph or two clearly defining, in broad terms, the intent of the regulations. A suggestion would be something like:

“These regulations are intended to clearly define the legal framework for Interconnection between licensed telephone carriers. These regulations are meant to enable further liberalization and competition, and allow the introduction “any-to-any” services such as alternative long distance call options.

“For the elimination of any doubt, these regulations are meant to allow and encourage competitive telecommunications products and services, including but not limited to “Calling Cards”, “Two Stage Dialing”, “Equal Access”, “Carrier Pre-selection”, “Indirect Access”, “10-10-dialing” and Local Number Portability.

Rational: One wishes to avoid any possible uncertainty as to the overall intent and goals of the regulations.

2.2 Section #3. “Interpretation”

It might be valuable to add at least one additional definition here.

- “Call” means set-up, holding and ending of a connection between two devices, through one or more networks, using ITU-T E164 number as source and/or destination addressing.

Rational: Clarity as to exactly what is being addressed. Ensures that all forms of dialing is explicitly allowed, including facsimile machines and human-to-machine calling gateways.

2.3 Section #3: “Interpretation”: definition of “access deficit”.

This definition concerns me insofar as it appears to constrain the regulator to calculating the access deficit (and therefore the access deficit charge) based on domestic telecommunications services, and then only those which are regulated. This could be interpreted such that, for example, the regulator could not take into consideration the revenues generated by other services dependent upon the “copper plant”, such as xDSL services and international calling from the incumbent fixed public network operator own network.

It might also be worth stating that the access deficit could, and in the long-term should, be zero. This is the point at which domestic service rates have been completely rebalanced, and are operating without subsidy from other services.

2.4 Section #6. “Number Portability”

This is valuable to the overall interpretation of the intent of the Regulations. I would like to suggest that three additional sections be added in the same spirit. These could simply be inserted below #6.

- Equal Access – Also known as “1+ Dialing”, “Carrier Pre-Selection”, “CPS”, “EQA”. Equal Access means the ability, and associated service, for a subscriber to request that all long distance calls are to be routed by way of a interconnected provider of the subscriber's choice.
- Indirect Access – Also known as “10-10-XXX”, “10-1-XXXX”, “Dial Around”. Indirect

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Access means the ability, and associated service, where a subscriber may, on a call-b-call basis, indicate that the call is to be routed for termination by way of a specific interconnected provider.

- Two Stage Dialing – Also known as “Calling Card Service”, “1-800 Calling Service”, “TSD”, “2SD”. Two Stage Dialing means that a subscriber is able to call a local ITU-T E.164 based phone number, and reach a calling platform operated by an interconnected provider.

I do note that Equal Access and Indirect Access are implicitly referenced in Section #4 item (I), although Indirect Access does actually require manual intervention (the “101-XXXX” dialed first), and Equal Access is long distance dialing always being routed to an alternative provider. This item may wish to be reviewed for consistency.

2.5 Section #12. “Rate structure” Item (4).

I note this clause with some trepidation, not entirely understanding the phased manner with which cost-oriented rates are to be used. It is hoped that if market distortion is to be allowed for a period of time, that this period will be for as short as possible.

2.6 Section #13. “Reference Interconnection Offer”

May I suggest the addition of the following point, perhaps as item (9)? “The reference interconnection offer is to make available both optical fiber and traditional copper-pair based physical join options.”

Rational: Without this language, the Regulations could read such that an interconnection could only be implemented using, lets say, an Optical Carrier level 3 (OC3) fiber connection. An

important fact is all modern interconnection can be achieved using traditional protocols over one or two copper pairs. These are what providers traditionally supply to their corporate customers for termination onto Private Branch eXchanges (PBX / PABX). In the industry literature, these are often referred to as “Feature Group B”, “Feature Group D”, “Trunk Side Access”, et al.

2.7 Section #16. “Form and contents of interconnection agreements”

May I suggest the additional of the following to paragraph (2): “These documents are to be available in freely-redistributable electronic format.”

Rational: These offers and agreements are by definition public domain (with the limits of any redacted confidential information in any interconnection agreements), and should be available in a form that enables public access and distribution.

2.8 Section #24. “Register”

May I suggest that paragraph (1) be changed to read “maintained by the Commission in print and electronic forms, and/or as a database in”.

Rational: As above, encouraging transparency.

2.9 Section #27. “Format for separating information”

May I suggest that paragraph (2) be changed to read “...in relation to determining dis-aggregating information...”. Also, perhaps add a paragraph to read “The Commission will make available to the public non-confidential information in industry-aggregated form on no less than a quarterly basis.

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Rational: As above, encouraging transparency.

2.10 A possible additional section: “Fines”

Has the commission had any discussions of possible fines and consumer recourse? Fines against providers for QoS issues such as call-route failures, excessive fault resolution times, et al.

Rational: Providers understand fines almost as clearly as they do profits. A rational financial exposure by a provider for poor service quality can encourage better service to consumers.

3. CONCLUSION

Again, thank you for the opportunity to comment.

Please consider this document to intended for public distribution. It contains no sensitive nor confidential information.

Kindest regards.

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Ideas 4 Lease (Barbados)