

EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY (ECTEL)

CONSULTATION DOCUMENT

TELECOMMUNICATIONS (INTERCONNECTION) REGULATIONS

1. Introduction

Pursuant to a decision taken on the 24th of April 2008 by the Board of Directors of ECTEL, ECTEL is resubmitting the draft revised Telecommunications (Interconnection) Regulations, for comment.

It will be recalled that there was a previous consultation on the initial draft of these Regulations in 2005. Subsequent to the consultation, the Regulations were submitted to the ECTEL Council of Ministers for its approval on the 5th of October 2006. Upon the Council granting its approval, the Interconnection Regulations were forwarded to the ECTEL Member States for publication.

ECTEL, on its own motion, took the decision to undertake a further review of the Regulations. That review was undertaken to ascertain whether the Regulations that had been forwarded to the Member States contained adequate provisions of regulatory oversight with regard to interconnection. The conclusion of the review revealed that there was need to give greater discretion to the Commissions to manage interconnection as well as to streamline the administrative process to achieve greater efficiency. The Regulations have therefore been redesigned to facilitate greater regulatory intervention where appropriate.

Some notable amendments to the Regulations are as follows:

- i. In Regulation 2 which is the Interpretation provision, the following changes were made:
 - The phrase “efficient supplier” was deleted as the phrase was not used in the revised Regulations.
 - “Number portability” was defined to mean the ability of a customer to retain the same telephone number on switching providers.
 - “Phased manner” was defined to mean to reduce or increase gradually or in stages.
- ii. In Regulation 4 interconnection agreements must now facilitate the transmission of voice, data and images across networks.
- iii. In Regulation 6 the Commission has been given the power to request number portability in appropriate circumstances.
- iv. In Regulation 7 a provision was included to stipulate that upon completion of an interconnection agreement, its terms and conditions must be offered to anyone else who requests similar terms and conditions and new entrants can request

- interconnection on the terms and conditions contained in existing interconnection agreements.
- v. Regulation 8 was amended to provide that confidentiality of information extends only to proprietary and commercially sensitive information.
 - vi. Regulation 9 was simplified by removing the requirement to carry out public consultations for the designation of essential services by simply stating that where access to facilities is required such access must be provided.
 - vii. Regulation 10 has been amended to simplify the procedure for designating a provider as dominant. The consultation process has been shortened to sixty (60) days.
 - viii. Regulation 13 now provides for a Reference Interconnection Offer (RIO) to be published within sixty (60) days of a receipt of a request from the Commission.
 - ix. Under the revised Regulation 20, proposed interconnection agreements can be made effective from the date of submission to the Commission for its approval and remains effective unless the Commission informs the parties that the agreements have not been approved. Notification of disapproval must be made within sixty (60) days of the date of submission.
 - x. Regulation 29 now provides for the Commission to intervene if negotiating parties cannot reach an agreement within sixty (60) days of negotiations. The Commission can issue an interim decision which would bind the parties until a negotiated agreement is arrived at.
 - xi. Regulation 30 now provides for parties to an interconnection agreement involved in a dispute to request assistance from the Commission in resolving the dispute finally or on an interim basis.
 - xii. Regulation 31 now provides for an interconnection agreement to be amended as a result of the outcome of any dispute between parties thereto.
 - xiii. Regulation 32 now provides for the Commission to apply to the Court to compel a licensee to comply with an order, decision or direction of the Commission.

2. Consultation Procedure and Timetable

In order to carry out this consultation, ECTEL hereby requests the Commission to conduct a national consultation on the proposed draft revised Telecommunications (Interconnection) Regulations in accordance with the 'Consultation Procedure and Timetable' outlined below.

2.1 Council of Minister's Approval

It is ECTEL's intention to finalize these Regulations after taking into account all comments received in this consultation process. The Telecommunications (Interconnection) Regulations will then be recommended for adoption in the ECTEL Member States when approved by the Council of Ministers.

2.2 Consultation Timetable

This ECTEL submission includes a request to the Commission to conduct a national consultation in the ECTEL Member States on the draft revised Telecommunications (Interconnection) Regulations.

The initial consultation period will run from 5th May 2008 and comments should be submitted in writing **no later than** 4:30 pm on 2nd June 2008 to:

The Managing Director
ECTEL
P.O. Box 1886
Vide Boutielle
Castries
St. Lucia
Facsimile: 1 758 458 1698
E-mail: consultation@ectel.int

Reply comments would be from 5th June 2008 to 26th June 2008 and should be sent to the abovementioned address.

All comments should be clearly marked “Comments on Draft Revised Telecommunications (Interconnection) Regulations Consultation Document”.

Disclaimer

This consultative document does not constitute legal, commercial or technical advice. The consultation is without prejudice to the legal position of ECTEL's duties to provide advice and recommendations to the Ministers with responsibility for telecommunications and the National Telecommunications Regulatory Commissions.

[MEMBER STATE]

TELECOMMUNICATIONS (INTERCONNECTION) 200[-]

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[MEMBER STATE]

STATUTORY RULES AND ORDERS No. [-] of 200[-]

(Gazette No....of 200[-])

REGULATIONS

Made by the Minister under section [-] of the Telecommunications Act, 200[-] (Act No. [-] of 200[-]).

Citation

1. These Regulations may be cited as the Telecommunications (Interconnection) Regulations, 200[-].

Commencement

2. These Regulations shall come into force on the date of its publication in the Gazette.

Interpretation

3. In these Regulations:

“**Act**” means the Telecommunications Act No. [-] of 200[-];

“**access deficit**” means the difference between revenues of the incumbent fixed public network operator from domestic telecommunications services whose prices are regulated and the costs incurred by that operator to provide those services;

“**Calling Line Identity**” means the information generated by a telecommunications network that identifies the calling number;

“**call termination**” means the completion of a call that is originated on one public network and terminated on another;

“**cost-oriented**” means those charges equal to the long-run incremental cost of an efficient provider plus an appropriate portion of shared and common costs;

“**dominant interconnection provider**” means a public network operator who is designated [under regulation 10](#) by the Commission as dominant for the purposes of providing interconnection services ~~under regulation 10~~;

“**interconnecting operator**” means a public network operator who requests [or is being provided](#) interconnection from another public network operator under the Act;

“interconnection provider” means a public telecommunication network operator who receives a request to provide [or is providing](#) interconnection under the Act;

“joining service” means a service consisting of a transmission facility connecting the points of presence of two public network operators, one of which may or may not be the provider of the joining service;

“number portability” means the ability of a customer to retain the same telephone number on changing telecommunications providers;

“phased manner” means to reduce or increase gradually or in stages;

“point of interconnection” means a location where the exchange of telecommunications between the telecommunications network of an interconnection provider and the telecommunications network of an interconnecting operator takes place;

“point of presence” means a point of interconnection designated by a public network operator at which it will provide and receive interconnection services;

“public network operator” means a person who provides telecommunications between two parties neither of whom is affiliated with such person, accepts the rights and obligations of public network operators and is licensed to operate a public telecommunications network;

“public telecommunications network” means a telecommunications network used for the provision of telecommunications services to the public;

“reference interconnection offer” means a document setting out the terms on which the dominant interconnection provider proposes to offer interconnection services which includes a description of the interconnection and other services offered to interconnecting operators, defines the rights and obligations of both parties, and specifies the charges and other terms and conditions on which those services are offered (“reference interconnection offer provider” shall have a corresponding meaning);

“Register” means the register maintained pursuant to regulations 24, 25, 26 and 28;

“transit service” means a network service for carrying traffic between two public network operators that are unaffiliated with the provider of the transit service.

Rights and obligations of public network operators

4. Public network operators have the following rights and obligations with respect to interconnection:
- (a) A public network operator shall act in a manner that enables interconnection to be established as soon as reasonably practicable.
 - (b) A public network operator is required to promptly provide interconnection at cost-oriented rates to any other public network operator that requests it.
 - (c) A public network operator is entitled to promptly receive interconnection at cost-oriented rates from any other public network operator.
 - (d) An interconnecting operator shall provide timely forecasts of usage to the interconnection provider and shall be required to cover the costs that the interconnection provider incurs to meet forecasted needs even if the forecasted traffic fails to materialize.
 - (e) A public network operator shall configure their network to enable –
 - (i) transmission; and
 - (ii) switching or routing,of voice, data and images over their networks.
 - (f) The interconnection provider and the interconnecting operator shall exchange signaling information using standard common channel signaling systems.
 - (g) A public network operator is required to provide call-termination services to any other public network operator that requests them.
 - (h) A public network operator shall provide to an interconnecting operator written notice of any breach of an interconnection agreement and a reasonable period of time to cure the breach before terminating an interconnection agreement in accordance with the procedure set out in regulation 23.
 - (i) A public network operator shall make it possible for their customers to complete international calls using public network operators of their choice, and such choice shall be available on a call-by-call basis, with the call being completed without the requirement either of second dial tone or manual intervention.

Obligations of dominant fixed public network operators

5. In addition to the obligations placed on all public network operators set out in regulation 54, a dominant fixed public network operator shall:

- (a) provide joining services to any other public network operator that requests them.
- (b) provide usage-based transit services to other public network operators that request them.
- (c) where it provides broadband Internet access as a retail service, it shall arrange to carry the broadband information to unaffiliated Internet service providers of the end user customer's choice.

Number Portability

6. Interconnection providers and interconnecting operators shall configure their networks to facilitate number portability between similar networks as and when directed by the Commission.

Non-discrimination and transparency

7. (1) When providing interconnection, an interconnection provider shall act in accordance with the following principles:

- (a) interconnection shall be provided to interconnecting operators under no less favourable terms, rates and quality as the interconnection provider provides similar services for itself, its affiliates or both itself and its affiliates;
- (b) interconnection shall be provided without regard to the types of users to be served or the types of services to be provided by the interconnecting operator requesting interconnection;
- (c) an interconnection provider shall provide on request information reasonably necessary to interconnecting operators considering interconnection, in order to facilitate the conclusion of any agreements.

(2) The information provided pursuant to sub-regulation 1 (bc) shall include planned charges for implementation within the next six months following a request, unless otherwise agreed by the Commission.

(3) Once an interconnection provider concludes an interconnection agreement, it shall—

- (a) offer the terms and conditions of such an agreement to any other interconnecting operators requesting interconnection; and

- (b) offer the terms and conditions of such an agreement, upon request, to any interconnecting operator with which it has an existing interconnection agreement, except to the extent that it can prove to the satisfaction of the Commission that it is not technically feasible to replicate the same level of quality of the interconnection or to provide interconnection under the same terms and conditions as it provides pursuant to such an agreement.

(4) The Commission shall take such steps as may be necessary to ensure that the requirements under this regulation are being met.

Confidentiality

8. An interconnection provider or an interconnection operator shall not knowingly communicate, or allow access to any confidential, proprietary, or competitive information (including but not limited to, customer orders, market forecasts, plans for development of new services, network plans, current or proposed business plans, and new customers) received from another interconnecting operator or an interconnection provider in respect of interconnection, except to the extent authorized by the interconnecting operator or interconnection provider in writing, or by the Act or these Regulations.

Access to Facilities

9. (1) Where access to any facilities is required to effect interconnection such access shall be provided on a non-discriminatory and equitable basis, including with respect to charges, location and other commercial matters, together with the interconnection.

(2) Pending the conclusion of any agreement between parties to a negotiation for access to facilities, the Commission may, acting on the recommendation of ECTEL, issue such orders or directions for the sharing of any facilities or with respect to providing access to such facilities on an interim basis.

Dominant interconnection provider

10. (1) The Commission, acting on the recommendation of ECTEL, and by Notice or Order published in the Gazette, shall designate a public network operator as a dominant interconnection provider in a particular market or markets for telecommunications services if the Commission has

determined, after a public consultation process, that a public network operator:

- (a) enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers in a market or markets for telecommunications services; and
 - (b) it is in the long-term interests of consumers of telecommunications services that the public network operator be so designated.
- (2) ~~The~~ The consultation process undertaken by the Commission for the purposes of subsection 1 shall ~~undertake a consultation process which will~~ commence with a preliminary determination of market dominance and the ~~proposed~~ designation of one or more public network operators as dominant ~~dominant~~ interconnection providers.
- (3) The Commission shall issue its final determination of market dominance no later than 60 days after its preliminary determination of dominance under subregulation 2.
- (4) ~~Notwithstanding~~ As an alternative to the public consultation required by the foregoing sub-regulations, a public network operator may consent to being treated as a dominant interconnection provider solely for the purpose of providing interconnection and filing a reference interconnection offer at the time it files a reference interconnection offer.

Publication of information

11. (1) The Commission shall have available, for the use of the general public, documentation on interconnection that is adequate and current.

(2) The Commission shall use any medium that it considers appropriate to inform the public of the documentation available pursuant to sub-regulation (1) of this Regulation.

(3) The Commission may impose an administrative fee for providing the documentation to any person.

Rate structure

12. (1) The Commission, ~~shall,~~ acting on the recommendation of ECTEL, may determine upon its own motion or shall upon an application by any person, determine the interconnection rate of any person who provides or offers to provide interconnection.

- (2) Interconnection rates shall be cost-oriented and imposed in a transparent manner and shall identify clearly:
 - (a) charges for interconnection services; and
 - (b) any contribution to the access deficit of the interconnection provider where applicable.
- (3) Where an interconnection agreement is negotiated before the Commission has determined any rates, or where, after the conclusion of any interconnection agreement, the Commission establishes new rates for interconnection for any reason, the agreement shall, where appropriate, be amended by the parties to comply with such rates as may subsequently be determined.
- (4) Notwithstanding sub-regulation (2), the Commission may impose cost-oriented rates in a phased manner and on such terms and conditions as may be determined by the Commission, acting on the recommendation of ECTEL.

Reference interconnection offer

13. (1) Each dominant interconnection provider requested to publish a reference interconnection offer shall publish such an offer within sixty (60) days of its receipt of such request by the Commission.

(2) A reference interconnection offer shall make available to interconnecting operators those services and network elements necessary for the provision of competing retail services.

(3) The reference interconnection offer provider may set different rates, terms and conditions for different interconnection services, where such differences can be objectively justified and do not result in the unfair distortion of competition.

(4) The reference interconnection offer provider shall apply the appropriate interconnection tariffs, terms and conditions when providing interconnection for its own services or those of its affiliates, subsidiaries or partners.

(5) The charges of the reference interconnection offer shall be sufficiently unbundled to ensure that the interconnecting operator requesting interconnection is not required to pay for services not related to the service requested.

(6) ~~Subject to section 12(4), interconnection~~
interconnection rates set out in the reference interconnection offer shall be cost-oriented.

(7) The reference interconnection offer shall contain specific provisions for dispute resolution procedures including the appropriate contact persons whose names and other contact information shall be updated at least quarterly, precise time frames for resolution of complaints, clear and concise escalation procedures that allow for prompt resolution of disputed issues and rules that shall be used for arbitrating any unresolved issues.

(8) The Commission shall have the authority to ensure that a reference interconnection offer is compliant with the Act and Regulations and contains rates that are cost-oriented.

Payment for interconnection

14. An interconnecting operator shall pay for the investment, operations and maintenance expenses of the facilities necessary to reach the point or points of interconnection.

Calling line identity

15. Every interconnecting operator and interconnection provider shall provide upon request to each other, the Calling Line Identity and all necessary signaling data, in accordance with accepted international standards and any technical standards set by and published by the Commission from time to time.

Form and contents of interconnection agreements

16. (1) All interconnection agreements and reference interconnection offers shall be in writing and the following matters shall be specified in those agreements except where a particular matter is irrelevant to the specific form of the interconnection requested:

- (a) access to ancillary, supplementary and advanced services;
- (b) adequate service levels including the remedies for any failure to meet those service levels;
- (c) a provision that deals with regulatory change, including determinations by the Commission;
- (d) duration and renegotiation of interconnection agreements;
- (e) forecasting, ordering, provisioning and testing procedures;
- (f) dispute resolution procedures, including identification of points of contact, time frames and an escalation process;
- (g) geographical and technical characteristics and locations of the points of interconnection;

- (h) information handling and confidentiality provisions;
- (i) intellectual property rights;
- (j) measures anticipated for avoiding interference or damage to the networks of the parties involved or third parties;
- (k) national and international appropriate indexes for service quality;
- (l) procedures in the event of alterations being proposed to the network or service offerings of one of the parties;
- (m) provisions for the formation of appropriate working groups to discuss matters relating to interconnection and to resolve any disputes;
- (n) provision of network information;
- (o) technical specifications and standards;
- (p) terms of payment, including billing and settlement procedures;
- (q) the procedures to detect and repair faults, as well as an estimate of acceptable average indexes for detection and repair times;
- (r) the scope and description of the interconnection services to be provided;
- (s) the technical characteristics of all the main and auxiliary signals to be transmitted by the system and the technical conditions of the interfaces;
- (t) transmission of Calling Line Identity, where available to be transmitted;
- (u) provisions for call termination;
- (v) provisions for transit facilities;
- (w) provisions for joining links;
- (x) ways and procedures for the supply of other services that the parties agree to supply to each other, such as operation, administration, maintenance, emergency calls, operator assistance, automated information for use, information on directories, calling cards and intelligent network services;
- (y) the obligations and responsibilities of each party in the event that inadequate or defective equipment is connected to their respective networks; and
- (z) provisions for notice and for remedying any breach that may arise from the agreement; and
- (aa) any other relevant issue.

(2) Public network operators shall make available to interested parties, any reference interconnection offers and/or the portions of approved interconnection agreements that have not been

designated as confidential by the Commission pursuant to regulation 26.

Connectivity

17. (1) An interconnection agreement shall include provision for any-to-any connectivity to allow any end-user of that network to communicate with any other end-user of public telecommunications services, regardless of whether the end-users are connected to the same, or different, networks.

(2) An interconnection agreement shall include provision for the suspension, termination or amendment of the agreement in relation to provisions providing for any-to-any connectivity in the event of:

(a) conduct that is illegal or interferes with the obligations of the interconnection provider, under the relevant licence, Act or Regulations;

- (a) requirements that are not technically feasible;
- (b) health or safety problems; or
- (c) circumstances that pose an unreasonable risk to the integrity or security of the network or services of the interconnection provider, from which interconnection is requested.

(3) An interconnection agreement shall include a provision to allow for the suspension of interconnection where it is necessary to deal with a material degradation of the interconnection provider's telecommunications network or services.

Non-inclusion

18. An interconnection agreement shall not contain any provision, which has the effect of:

- (a) imposing any unfair or discriminatory penalty or disadvantage upon a person in the exercise of the person's right to be provided with interconnection;
- (b) precluding or frustrating the exercise of a person's rights or privileges afforded under the Act or Regulations; and
- (c) preventing a telecommunications provider from lawfully providing an interconnection service to another public network operator.

Notice of request

19. (1) An interconnecting operator shall make a request for interconnection in writing to an interconnection provider and shall forward two copies of the written request to the Commission, one of which shall be addressed to ECTEL.

(2) A request for interconnection shall contain at least the following information:

- (a) a copy of the licence of the interconnecting operator;
- (b) the services with respect to which interconnection is sought;
- (c) a declaration by the interconnecting operator that it accepts the rights and obligations of all public network operators as set out in regulation 4; and
- (d) any other information as specified in the reference interconnection offer or reasonably required in order for the telecommunications provider to respond to that request.

Procedures for application

20. (1) Within 30 days after the parties to a negotiation regarding interconnection have concluded an interconnection agreement, the parties shall submit the proposed agreement to the Commission for its approval.

(2) The Commission shall approve the proposed interconnection agreement if it is satisfied that the proposed interconnection agreement is not inconsistent with the Act, these Regulations, the terms and conditions of the parties' licenses or other provisions of law.

(3) The Commission shall consult with ECTEL for its advice and recommendations concerning the application, before determining whether to approve the proposed interconnection agreement.

(4) The Commission may request additional information from the parties to a proposed interconnection agreement where it considers it necessary to further evaluate the terms, conditions and charges contained in the proposed interconnection agreement.

- (5) Where the Commission notifies the parties that it does not consider that the proposed interconnection agreement or any part thereof should be approved, the parties to that agreement shall negotiate and submit a revised proposed interconnection agreement to the Commission, within a period determined by

the Commission, having regard to the matters being the subject of the Commission's request.

- (6) Notwithstanding the Commission's right to approve an interconnection agreement, an interconnection agreement may provide that it will be effective upon submission to the Commission and will remain effective unless the Commission informs the parties to such agreement, within 60 days of its submission, or such longer period as the Commission may reasonably require, that it has not approved the agreement.
- (7) Sub-regulation 6 shall not apply where the parties to an interconnection negotiation have concluded an agreement after the effective date of any interim interconnection decision imposed by the Commission, pursuant to the procedures described in section 29 of these Regulations.

Prohibited Interconnection

21. A party shall not negotiate, propose to enter or enter into an interconnection agreement where the Commission determines and rules that:

- (a) the law prohibits the interconnection;
- (b) the interconnection would endanger life or safety, or damage the property or impair the quality of the services of the interconnection provider;
- (c) the licence issued to the interconnecting operator does not authorise the telecommunications services or the type of interconnection for which interconnection is requested;
- (d) the interconnecting operator does not qualify as a public network operator under these Regulations;
- (e) the requested interconnection is not technically feasible; or
- (f) the proposed interconnection is contrary to the law or the public interest.

Amendment or modification of interconnection agreement

22. (1) The parties to an interconnection agreement may amend or modify an agreement which has been approved by the Commission by:

- (a) giving not less than 30 days written notice prior to the effective date of the amendment or modification; and
- (b) submitting a copy of the proposed amendment or modification to the Commission.

- (2) Within the 30 day notice period specified above, or such longer period as it may in any case determine, the Commission shall inform the parties if the agreement, as modified, is no longer approved.

Termination of an interconnection agreement

- 23. (1)** Parties to an interconnection agreement shall provide at least 30 days notice to the Commission and to customers before terminating any interconnection agreement.
- (2) Such notice shall inform customers of the date upon which the essential service will be interrupted and shall also inform them of appropriate steps that can be taken to obtain that service from another operator.
- (3) Notwithstanding the right of the parties to terminate an interconnection agreement, the Commission, acting on the recommendation of ECTEL, shall have the authority to require any party to provide interconnection on such terms and conditions and at such rates as the Commission may deem appropriate, pending renewal or replacement of the interconnection agreement.

Register

- 24. (1)** All copies of an interconnection agreement shall be kept in a Register maintained by the Commission in print form, or as a database in electronic medium, and in any other form determined by the Commission.
- (2) The Register shall be kept at the principal office of the Commission and Parts I and III of the Register shall be open to public inspection during normal working hours.
- (3) A copy of the Register shall be provided to ECTEL.

Contents of Register

25. The Register shall be maintained in 3 parts:

- (a) Part I containing a list of all interconnection agreements with the names of interconnection providers, service areas of their operation, and the dates of the execution of the agreements, and shall be opened for inspection by the public;
- (b) Part II containing portions of interconnection agreements which the Commission has directed to be kept confidential; and

(c) Part III containing the contents of interconnection agreements excluding those directed by the Commission to be kept confidential which shall be open for inspection by the public.

Confidential portion of Register

26. (1) The Commission may, on the request of any party to an interconnection agreement, direct that any part of the interconnection agreement be kept confidential.

(2) Any request to keep part of an interconnection agreement confidential shall be accompanied by a non-confidential description of the relevant portion of the interconnection agreement.

(3) Where the Commission is satisfied that the interests of a telecommunications provider could be adversely affected if the relevant part were not kept confidential, it may direct that the relevant part of the interconnection agreement be kept confidential and the non-confidential description of that part shall be incorporated in Part III of the Register.

(4) Where the Commission declines the request of any public network operator to keep any portion of the interconnection agreement confidential, it shall record its reason for doing so and furnish a copy of its decision to the applicant.

(5) Before making any decision to disclose confidential information, the Commission shall afford a hearing to the public network operator who has requested the information be kept confidential.

(6) Whenever a public network operator requests that any part of an interconnection agreement should be kept confidential, that portion of the agreement shall remain confidential until the matter is determined by the Commission.

Format for separating information

27. (1) The Commission may, from time to time, determine the format for seeking disaggregated information of parts of an interconnection agreement relating to technical standards or specifications from the Register in respect of:

(a) access charges;

- (b) area of operation;
- (c) consumer related information;
- (d) downtimes;
- (e) fault resolving procedures;
- (f) interconnection;
- (g) port charges;
- (h) quality of service; and
- (i) revenue-sharing arrangements.

(2) Each licensee shall offer such assistance to the Commission in relation to disaggregating information pursuant to this Regulation as it may reasonably require.

Access to Register

28. (1) Parts I and III of the Register shall be open for inspection by the public on payment of an administrative fee and on the fulfillment of any other condition determined by the Commission.

(2) Any person seeking inspection of Parts I or III of the Register shall apply to the officer designated by the Commission who shall allow inspection and also make available extracts of the relevant portions of the Register, on payment of the administrative fee.

(3) The Commission may in accordance with sub-regulations (1) and (2) of this Regulation also allow access to Parts I and III of the Register through the website maintained by it.

Dispute resolution

29. (1) Notwithstanding anything to the contrary contained in any other law, where the parties to any proposed interconnection agreement are unable to agree on the terms thereof within 60 days from the date of a request for interconnection under regulation 19, either party may submit the matter to the Commission for resolution in accordance with such procedures as the Commission may adopt, acting on the recommendation of ECTEL.

(2) Where no request has been received by the Commission after 60 days pursuant to sub-regulation (1),

the Commission may, acting on its own motion, direct the parties to submit the matter for resolution.

(3) Notwithstanding sub-regulation 2, the Commission may withhold from directing the parties for an additional 30 days where it is reasonably satisfied by both parties that an interconnection agreement is likely to be concluded within that time.

(4) Any decision made by the Commission pursuant to sub-regulations (1) and (2) shall be binding on the parties pending agreement between them on the terms of any proposed interconnection agreement.

(5) The decision by the Commission shall -

(a) be made within 60 days from the date of a request under sub-regulation (1) or a direction by the Commission under sub-regulation (2), or such longer period as the Commission may in any case determine; and

(b) specify –

(i) the facilities and the network covered by the decision;

(ii) the extent of any network over which one party is required to carry information and communication messages including telecommunication messages to enable another party to supply services;

(iii) the points of, and the technical standards for, interconnection;

(iv) the rates of interconnection;

(v) the effective date of the decision;

and

(vi) any other matters it deems

appropriate.

(6) Each party to the decision under sub-regulation 5 shall submit to the Commission a copy of an interim interconnection agreement implementing the terms and conditions of the decision, together with any other information the Commission may require.

- (7) An interim interconnection agreement shall cease to have effect on the proposed effective date of any interconnection agreement agreed between the parties and approved by the Commission.
- (8) The existence of an interim interconnection agreement shall in no way prejudice, vary, or diminish the right of the Commission to review, approve or reject any proposed interconnection agreement between the parties.
- (9) In the exercise of any of the functions conferred upon it by virtue of sub-regulations (1) – (7), the Commission shall have the authority, acting on the recommendation of ECTEL, to make such orders and issue such directions to the parties as it deems appropriate.

Disputes Regarding Existing Agreements

30. (1) In any dispute involving an approved interconnection agreement between parties thereto, then, notwithstanding the terms of any dispute resolution procedures described in the agreement, the parties may refer the dispute to the Commission for a binding resolution in accordance with such procedures and upon such terms and conditions as the Commission, acting on the recommendation of ECTEL, may determine,.

(2) In referring any dispute under sub-regulation (1), the parties may request the Commission to issue an interim decision on providing interconnection, pending the completion of any dispute settlement procedures described in the agreement, and the interim decision may address prices and any other terms or conditions for interconnection which the Commission, acting on the recommendation of ECTEL, may determine.

(3) A decision by the Commission under sub-regulations (1) or (2) shall not replace, vary or otherwise amend the provisions relating to dispute resolution established in the interconnection agreement.

Amendment Due to Dispute Resolution

31. Where a decision arising from a dispute resolution process modifies the terms and conditions on which interconnection is provided, the Commission may require an interconnection provider or operator to amend a relevant agreement in order to comply with the decision and submit the amended agreement to the Commission for approval.

Power of Referral

- 32.** If an interconnection provider or operator refuses to obey any order, decision or direction by the Commission under these Regulations, the Commission may apply to a judge of the High Court for an order compelling the interconnection provider or operator to comply with the order, decision or direction of the Commission and for such costs and other relief as the Court may allow.

Repeal

33. The Telecommunications (Interconnection) Regulations [-] are hereby repealed.

Made this [-] day of [-], 200[-]

.....
Minister for Telecommunications