



A Consultative Document

DRAFT

Interconnection Regulations

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1 Introduction

The Government of the Republic of Trinidad and Tobago (GoRTT) has, over the past few years, launched a series of initiatives which collectively seek to further develop and transform the national economy leading to “the development of an Information Society and the attainment of developed country status by Trinidad and Tobago by the year 2020”.

One of the major initiatives undertaken was the development of a National Information and Communications Technology (NICT) Plan in which several programs aimed at the development of the Information and Communications Technology (ICT) sector have been launched.

A key enabler of the NICT plan was the de-monopolization and liberalization of the telecommunications sector and the opening of the telecommunications market to competition in Trinidad and Tobago.

Another factor which contributed to the liberalization of the telecommunications sector was the fact that, within the General Agreement in Trade in Services (GATS) under the World Trade Organization, GoRTT had given the commitment to the opening of services in the telecommunications sector to competition by 2009.

In order to facilitate the objectives of the NICT Plan and the commitment to the WTO, it was necessary to establish the legal and regulatory framework by means of a Telecommunications Act which was passed in 2001. This led to the establishment of the Telecommunications Authority of Trinidad and Tobago, hereinafter referred to as “the Authority” or “TATT”, on 1st July 2004.

Another factor which contributed to the liberalization of the telecommunications sector was the fact that, within the General Agreement in Trade in Services (GATS) under the

World Trade Organization, GoRTT had given the commitment to the opening of services in the telecommunications sector to competition by 2009.

One of the first imperatives of the Authority was the development of the overall regulatory framework including the various telecommunications' policies required in order to establish the relevant regulations under the Telecommunications Act.

One such policy is the Interconnection and Access Policy which is essential in establishing the framework for the interconnection of telecommunications networks and services, and the sharing of facilities between operators of telecommunications networks and providers of telecommunications and broadcasting services.

1.1 Relevant Legislation

The relevant Sections of the Telecommunications Act which were taken into consideration in the framing of the Interconnection Regulations are:

Section 25 of the Telecommunications Act 2001 which states:

“(1) In addition to the requirements of sections 22 and 24, a concession for a public telecommunications network or a public telecommunications service shall include conditions obliging the concessionaire to provide for -

(a) direct interconnection with the public telecommunications network or public telecommunications service of another concessionaire;

(b) indirect interconnection with such network or service referred to in paragraph (a), through the public telecommunications networks or public telecommunication services of other concessionaires; and

(c) the transmission and routing of the services of other concessionaires, at any technically feasible point in the concessionaire's network.

(2) In respect of a concessionaire's obligations pursuant to subsection (1), the Authority shall require a concessionaire to –

(a) comply with guidelines and standards established by the Authority to facilitate interconnection; ...”

1.2 Objectives

The primary objective of the Interconnection Regulations is to provide an effective framework for interconnection between concessionaires in order to:-

- ensure the effective liberalization of the telecommunications sector and the introduction of competition
- facilitate the provision of a wide range of telecommunications services for both public and private use
- ensure fair, non-discriminatory, any-to-any connectivity and equal access among users of all public telecommunications networks and services in the Republic of Trinidad and Tobago
- support the telecommunications policy of the Government of the Republic of Trinidad and Tobago
- honour the country’s commitment to the World Trade Organization in respect of telecommunications services
- ensure that treaty obligations by the Government of the Republic of Trinidad and Tobago in respect of telecommunications are respected.

1.3 Review Cycle

This document will be modified as deemed necessary by the Authority, subject to the approval of the Minister and Parliament, in order to adapt to the needs of the telecommunications industry and to meet changing circumstances. When need for modification is identified, the Authority will announce its intention to review the document and any interested party or entity in the telecommunications sector or any appropriate industry forum may suggest changes to the document.

Questions or concerns regarding the maintenance of this document may be directed to the Authority via email at legal@tatt.org.tt.

1.4 The Consultation Process

The Authority will seek the views and opinions of the general public and other stakeholders regarding the proposals made in this document, in accordance with the Authority's *Procedures for Consultations in the Telecommunications Sector of Trinidad and Tobago*.

This draft policy will be made available for public comments for a period of four (4) weeks, as prescribed by the Authority.

Following consultation the Interconnection Regulations will be submitted to the Minister for approval, and promulgation through negative resolution of Parliament in accordance with section 78 of the Act.

1.5 Other Relevant Documentation

The Interconnections Regulations are prescribed alongside other policies, plans and regulations prepared by the Authority including the following:-

- Policy on the Authorization of Telecommunications Networks and Services and Broadcasting Services in Trinidad and Tobago
- Interconnection and Access to Policy
- Access to Facilities Regulations
- Quality of Service Policy
- Consumer Rights and Obligations
- Concession and Licensing Fee Regulations
- Spectrum Regulations
- National Frequency Allocation Table

2 Draft Interconnection Regulations

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT (ACT NO: 4 OF 2001)

REGULATIONS

Made by the Minister under section 78 (1) of the Telecommunications Act

TELECOMMUNICATIONS INTERCONNECTION REGULATIONS, 2005

PART I PRELIMINARY

- | | |
|----------------|--|
| Citation | <ol style="list-style-type: none">1. These Regulations may be cited as the Telecommunications Interconnection Regulations, 2005, hereinafter referred to as "the Regulations".2. These Regulations provide and establish directives on issues regarding the interconnection of public telecommunications networks and public telecommunications services in the Republic of Trinidad and Tobago. |
| Interpretation | <ol style="list-style-type: none">3. In these Regulations:

<p>"Carrier pre-selection" means a form of equal access in which the customer selects a preferred service provider.</p><p>"Concessionaire" means a person or an entity authorized to operate a public telecommunications network or provide a public telecommunications service under section 21 of the Act.</p><p>"Dominant concessionaire" means any concessionaire which the Authority determines to be dominant in accordance with section 29(8) of the Act.</p><p>"Equal access" means the ability of a customer to choose in a transparent and equal manner between two or more competing service providers.</p><p>"Essential interconnection resource" means an interconnection resource for which no practical and viable alternative exists.</p> |

“Interconnection agreement” means a document detailing arrangements as negotiated and agreed between parties to interconnect their networks in order to provide telecommunication services in accordance with section 25(2)(e) of the Act, and which is binding on the signatory parties over the period of the agreement.

“Interconnecting concessionaire” means the concessionaire which is seeking interconnection services from another concessionaire.

“Interconnection provider” means the concessionaire which is providing interconnection services to an interconnecting concessionaire.

“Interconnection resource” means a component of a network or a combination of such components that is required for the provision of an interconnection service.

“Interconnection service” means a service provided by an interconnection provider to an interconnecting concessionaire for interconnection of its whereby the public telecommunications networks or public telecommunications services of both concessionaires are linked to allow the users of either concessionaire’s public telecommunications services to communicate with the users of the other concessionaire’s public telecommunications services or to access to services provided by the other concessionaire.

“Interconnection link” means a transmission path connecting the point of interconnection with the network of an interconnecting concessionaire.

“Number portability” means the ability of a customer to retain the same telephone number when changing telephone service provider.

“Point of interconnection” means a point on the interconnection provider's network where physical connection is allowed to any interconnecting concessionaire to act as a gateway between networks and enable the exchange of telecommunications services between or among networks so interconnected.

“Reference Interconnection Offer (RIO)” means a document setting out the terms on which an interconnection provider proposes to offer interconnection services to

interconnecting concessionaires.

“Traffic origination” means an interconnection service providing connectivity from a network termination point on a customer’s premises to the point of interconnection.

“Traffic termination” means an interconnection service providing connectivity from a point of interconnection to a network termination point on a customer’s premises.

“Transit services” means interconnection services that deliver traffic from one interconnecting concessionaire (the origination provider) to another interconnecting concessionaire (the termination provider).

PART II GENERAL OBLIGATIONS

General obligation of concessionaire to negotiate interconnection

4. All concessionaires shall:
 - a) have a right and, when requested, an obligation to negotiate interconnection with each other for the purpose of providing public telecommunications services.
 - b) negotiate in good faith with each other on matters concerning interconnection;
 - c) neither withdraw or impair interconnection once already granted, unless authorized to do so by the Authority, a dispute settlement arbitrator or a court of law;
 - d) grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of public network services.

Requirement to supply information

5. (1) Subject to sub-section (3) below, concessionaires are required to supply to interconnecting concessionaires upon request, such information about their network and services as is necessary and sufficient for interconnecting concessionaires to plan and operate their networks and services.

(2) The information referred to in subsection (1) shall be supplied within twenty-eight (28) days of the request to do so unless an extension is granted by the Authority. The

interconnection provider may request an extension in writing from the Authority not later than seven (7) days before deadline for supply of the information.

(3) The Authority may, in its discretion exempt particular information from the requirements of sub-section (1). A concessionaire seeking to have information so exempted shall make a written request to do so to the Authority not later than seven (7) days before the deadline for supply of the information, and the Authority shall notify both interested concessionaires of its determination. The Authority may revoke any such exemption at any time.

(4) All information provided under this section (6) shall be used for the purpose of facilitating interconnection only, and shall not be disclosed to any third party without the prior express written permission of the interconnection provider.

Requirement to enter into infrastructure sharing arrangements

6. Save and except where it is not technically feasible, where environmental, health and safety problems will be created, or where unreasonable risk to the integrity and or security of the network of the provider concessionaire is posed, infrastructure sharing arrangements to effect interconnection are mandatory on all concessionaires.

PART III OBLIGATIONS ON DOMINANT CONCESSIONAIRES

Obligations of dominant concessionaire

7. (1) A dominant concessionaire is obliged, upon request from an interconnecting concessionaire to provide :-
- a) interconnection link capacity within its network and between its network and that of the interconnecting concessionaire to enable transmission and switching/routing of voice, data and image over their networks;
 - b) operator services such as directory enquiries, and emergency services;
 - c) services that enable transmission of all signals in a transparent manner across the network on the condition that such signals do not compromise the integrity of their networks, including but not limited to:

- i. Traffic origination
- ii. Traffic termination
- iii. Transit services.

d) access to essential interconnection resources.

(2) The Authority may from time to time specify which resources shall be considered essential interconnection resources, and these may include:

- i. Local, trunk and international switching functions;
- ii. Operations Support Systems;
- iii. Databases;
- iv. Service Management Systems.

8. The obligations listed in section 7 may be varied from time to time by the Authority.

Authority may require network adjustments to facilitate interconnection

9. Where an interconnecting concessionaire is denied access by a dominant interconnection provider to any of the interconnection resources at section 8 on the grounds that it is not technically feasible or would compromise network integrity, and such a claim has been authenticated by the Authority, the Authority may require the interconnection provider to make such network adjustment as may be required to enable the requested interconnection within a reasonable period specified by the Authority.

PART IV NON-DISCRIMINATION

General non-discrimination

10. (1) Concessionaires are obliged to apply equivalent conditions in equivalent circumstances to each other, and to provide interconnection services and interconnection resources to each other under the same conditions and of the same quality as they provide for their own retail services, or for those of their subsidiaries or partners.

(2) Where a concessionaire fails to comply with subsection (1) it must upon request from the Authority prove that it is not technically feasible to replicate the quality level of the interconnection service or resource provided for its own use.

Prior supply of

11. (1) Previous supply of an interconnection service or

interconnection evidence of feasibility

access to an interconnection resource at a particular point of interconnection is evidence of technically feasible interconnection at that point of interconnection, or at similar points on the network where similar resources are used.

(2) Adherence to the same interfaces or protocol standards at other points of interconnection shall constitute evidence of similar resources.

PART V EQUAL ACCESS AND NUMBER PORTABILITY

Equal access

12. All interconnection providers shall upon request by an interconnecting concessionaire, supply details of number ranges that are hosted on each of their local exchanges to enable interconnecting concessionaires using the service to route calls to those number ranges directly on the interconnection link to the local exchange.

Dialing parity and carrier pre-selection

13. Each concessionaire shall:

- a) configure its network to facilitate dialing parity in such a manner that provides subscribers with the option of using any available service provider to make international calls whenever concessions are granted by the Authority to alternative operators to provide international voice services.
- b) program its switches to enable carrier pre-selection for access to international telecommunications services.

Number portability

14. Each concessionaire shall configure its network facilitate number portability between similar networks as and when directed by the Authority.

PART VI INTERCONNECTION AGREEMENT AND REFERENCE INTERCONNECTION OFFER

Time to conclude agreement

15. A concessionaire shall use all reasonable endeavours to conclude an interconnection agreement within sixty (60) days of the receipt of a request for interconnection. Failure to do so shall constitute a dispute.

16. Interconnection agreements shall include prices for interconnection services and interconnection resources as

well as the technical, operational, billing and planning conditions for interconnection.

Dominant concessionaire
- requirement for
Reference
Interconnection Offer

17. A dominant concessionaire shall prepare a Reference Interconnection Offer (RIO) that will act as a basis for its interconnection agreements. The RIO must be fully compliant with these Regulations and must be approved by the Authority. The Authority may publish an indicative specimen RIO in order to guide dominant concessionaires in the expected content and format of their RIOs.
18. A dominant concessionaire must submit its RIO to the Authority for approval within sixty (60) days of being determined to be dominant, and annually thereafter for as long as the concessionaire continues to be dominant. The Authority shall be entitled to require that the concessionaire make any reasonable changes to the RIO prior to the giving of approval, save that such changes shall not be in respect of any matter which the concessionaire is entitled to determine under section 25 of the Act. Any required changes shall be made by the concessionaire and the RIO shall be resubmitted for approval within such period as the Authority may reasonably require.

Publication of Reference
Interconnection Offer

19. Within fourteen (14) days of approval by the Authority a dominant concessionaire shall publish its RIO by:
 - (a) posting the RIO on its website; and,
 - (b) making a printed or electronic copy of the RIO available on request to any concessionaire.
20. Interconnection agreements involving a dominant concessionaire must be consistent with its RIO.
21. Interconnection agreements involving the dominant concessionaire must be submitted to the Authority within fourteen (14) days of taking effect and becoming binding on the signatory parties, and shall be published by the Authority on its website.
22. All concessionaires other than dominant concessionaires are free to negotiate commercial interconnection agreements. Copies of these agreements shall be lodged with the Authority within twenty-eight (28) days of taking effect and becoming binding on the signatory parties.

PART VII COMMERCIAL ARRANGEMENTS

Interconnection charges
to be based on costs

23. (1) All interconnection charges shall be based on costs determined in accordance with such costing methodologies as the Authority may from time to time specify.
- (2) Where the relevant data for the application of the costing methodologies, models or formulae are unavailable or not available within a reasonable time period, interconnection charges may be set with reference to benchmarks of equivalent interconnection services in other countries or/and prices for similar retail services in Trinidad & Tobago.
- (3) The Authority may also use the costing methodologies, models or formulae referred to above to resolve interconnection disputes between concessionaires.
24. (1) The cost of interconnection links shall be shared equally between the interconnecting concessionaire and the interconnection provider
- (2) Where the interconnection provider has supplied the interconnection link, its charges to the interconnecting concessionaire shall be based on the efficient costs of the link and shall, at a minimum, be separated into set-up costs and on-going leasing costs.
25. (1) A dominant concessionaire shall not increase interconnection charges without the approval of the Authority.
- (2) Where such approval is given, the concessionaire is required to give a minimum of one month's notice before the new charges come into effect.

PART VIII DISPUTE RESOLUTION

26. Where difficulty arises in respect of any interconnection matter under negotiation, both concessionaires may agree to refer the matter to the Authority for consultation and guidance prior to either party submitting the matter to the Authority as a dispute.
27. Save as provided in Regulation 26 above, concessionaires shall submit all disputes regarding interconnection to the Authority for resolution. Dispute resolution proceedings are deemed to be initiated once a matter is submitted to the

Authority as a dispute.

28. A matter referred to the Authority as a dispute shall be resolved in the manner specified within the Enforcement and Compliance Regulations.

Made this day of 2005.

Chairman
Telecommunications Authority of
Trinidad and Tobago

Approved by the Minister this day of 2005.

Minister of Public Administration and
Information

Passed by the House of Representatives this day of
2005.

Clerk of the House

Passed by the Senate this day of 2005.

Clerk of the Senate