

SCHEDULE 1

PUBLIC UTILITIES COMMISSION

TELECOMMUNICATIONS INTERCONNECTION REGULATIONS (AMENDED), 2010

Short title.

1. These Regulations may be cited as the “Interconnection Regulations, 2010”.

Application and Scope.

2. Subject to the provisions of the Public Utilities Commission Act and the Belize Telecommunications Act, these Regulations shall govern the interconnection of public telecommunications networks and public telecommunications services of licensed telecommunications services providers in Belize.

Interpretation.

3. (1) In these Regulations, unless the context otherwise requires:

“dominant licensee” means any licensee so declared by the Commission pursuant to section 42(3) of the Belize Telecommunications Act

“essential interconnection resource” means an interconnection resource, asset or facility for which no practical and viable alternative exists

“interconnecting licensee” means a licensee who is seeking interconnection from another licensee;

“interconnection provider” means a licensee who provides interconnection to an interconnecting licensee.

“written direction” means any written instructions given to or any written obligation placed on or written thing required of licensees in relation to any rights and obligations of such licensees in relation to these regulations

- (2) A word or phrase not defined in these Regulations but defined in the Public Utilities Commission Act or the Belize Telecommunications Act shall have the meaning assigned to it in such Acts.

General obligations of licensees to negotiate interconnection.

4. All licensees 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 nor impair interconnection once already granted, unless authorized to do so by the Commission;
- d) grant access to technical interfaces, protocols or other key technologies or facilities that are indispensable for the interoperability of public network services, as approved by the Commission.

Obligation to provide information.

5. (1) Subject to subsection (3) below, licensees are required to supply to interconnecting licensees upon request, such information about their network and services as is necessary and sufficient for interconnecting licensees 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 Commission. The interconnection provider may request an extension in writing from the Commission not later than seven (7) days before deadline for supply of the information.

(3) The Commission may, in its discretion, exempt particular information from the requirements of subsection (1). A licensee seeking to have information so exempted shall make a written request to the Commission no later than seven (7) days before the deadline for supply of the information, and the Commission shall notify both interested licensees of its determination. The Commission may revoke any such exemption at any time.

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

Requirement to enter into infrastructure sharing arrangements.

6. Save and except where it is not technically feasible, or where environmental, health and safety problems will be created, or where there is likely to be unreasonable risk to the integrity and or security of the network of the interconnection provider, all licensees are required to enter into infrastructure sharing arrangements for the purpose of effecting interconnection.

Obligations of existing or dominant licensee.

7. (1) An existing or dominant licensee is obliged, upon request from an interconnecting licensee, to provide:

- a) interconnection link capacity within its network and between its network and that of the interconnecting licensee to enable transmission and switching and 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 provided that such signals do not compromise the integrity of their networks, including but not limited to:

- i) traffic origination
 - ii) traffic termination
- d) access to essential interconnection resources.

(2) The Commission may from time to time specify which resources shall be considered essential interconnection resources, which may include, but are not limited to:

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

(3) The Commission may from time to time vary the obligations of an existing or dominant licensee under this section.

8. Where an interconnecting licensee is denied access by an existing or dominant interconnection provider to any of the interconnection resources at section 7 on the grounds that it is not technically feasible or would compromise network integrity, and such a claim has been authenticated by the Commission, the Commission 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 Commission, provided that the interconnecting licensee shall agree to pay the cost of such network adjustment on interconnection.

Non-discrimination.

9. (1) A licensee shall provide interconnection under the same terms and conditions and of the same quality as it provides for its own networks and services, the networks and services of its subsidiaries and partners, or the networks and services of any other licensee to which it provides interconnection.

(2) Where a licensee fails to comply with subsection (1), it shall, after being so required by the Commission, prove to the satisfaction of the Commission that it is not technically feasible to replicate the level of quality of the interconnection or to provide interconnection under the same terms and conditions as it provides for its own use.

Evidence of feasibility.

10. (1) Previous interconnection 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 or equivalent functionality is achieved.

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

Equal access.

11. An interconnection provider shall, upon request by an interconnecting licensee, supply details of number ranges that are hosted on each of its local exchanges to enable an interconnecting

licensee using the service to route calls to those number ranges directly on the interconnection link to the local exchange.

Dialling parity.

12. Whenever licenses are granted by the Commission to alternative operators to provide voice services, a licensee shall, when and where required by the Commission:
 - (a) configure its network to facilitate dialling parity; and
 - (b) programme its switches or routers to enable carrier selection or pre-selection where applicable, for access to international telecommunications services

Number portability.

13. A licensee shall configure its network to facilitate number portability between similar networks as and when directed by the Commission.

Negotiation of interconnection agreements.

14. Licensees shall use all reasonable endeavours to conclude an interconnection agreement within sixty (60) days of the receipt of a request for interconnection. The Commission may determine any failure to conclude an interconnection agreement within sixty (60) days of the receipt of a request to constitute a dispute and intervene to resolve the dispute in accordance with the Belize Telecommunications Act or any Orders or regulations made by the Commission.
15. A request for interconnection is deemed to have been made on the day it is delivered to any of the registered offices of an interconnection provider.
16. The interconnection provider may upon its receipt of the interconnection request, request any further information that it may reasonably require in order to process the interconnection request, subject to section 5.
17. Every interconnection agreement shall include rates, fees and charges for interconnection services and interconnection resources as well as the technical, operational, billing and planning conditions for interconnection.

Rates, fees and charges.

18. Rates, fees and charges in respect of interconnection shall be based on costs determined in accordance with such costing methodologies, models or formulae as the Commission may from time to time prescribe by regulations.
19. Where there is a failure of any licensee to determine rates, fees and charges pursuant to sections 14 and 18, the Commission may prescribe interconnection rates, fees and charges with reference to such costing benchmarks that comport with internationally accepted standards for such benchmarks.

Submission of agreements for approval.

20. (1) Every interconnection agreement or modification thereto shall be submitted to the Commission for its consideration within seven (7) days of signature by the parties.

(2) A decision to approve or to deny approval of any agreement submitted to the Commission pursuant to subsection (1) shall be made within fourteen (14) days of the submission of such agreement.

(3) The Commission may at any time, require that licensees modify or amend interconnection agreements.

(4) The Commission may allow for or require the implementation of an interconnection agreement in part or in whole, or under such terms and conditions that the Commission may prescribe, where it has required modification or amendment or has denied approval, the reasons for which, in the opinion of the Commission, is not material enough to affect the performance of the interconnection arrangement, or for which any potential loss or damage are quantifiable and reparable, and the Commission may impose such provisions on either party for compensation to either party that has suffered any loss and damage as a result of the interconnection arrangement.

Cost of interconnection.

21. (1) Where interconnection is requested at traditional interconnection points, the cost of interconnection links shall be shared equally between the interconnecting licensee and the interconnection provider.

(2) Where the interconnection provider supplies the interconnection link, its rates, fees and charges to the interconnecting licensee shall be determined in accordance with section 18.

(3) Where the interconnecting licensee request interconnection at non-traditional interconnection points, or where interconnection requires modification of the network or equipment of an interconnection provider, the interconnecting licensee shall agree to pay the cost on interconnection.

Implementation of interconnection agreements.

22. The implementation of any interconnection agreement approved by the Commission shall be effected within twenty-eight (28) days of such agreement being approved by the Commission, provided that the Commission may extend such period.

23. Licensees shall use all reasonable endeavours to achieve operational interconnection pursuant to section 22.

Denial of interconnection request.

24. (1) Every licensee who denies an interconnection request shall, by the end of the next business day, notify the Commission of the denial and reasons for denial.

(2) The Commission may require the licensee denying the request to provide justification for such denial in a form prescribed by the Commission, including allowing reasonable access to facilities or equipment to the Commission, its representatives or agents to properly assess any claims made by the licensee in the denial of the interconnection request.

25. Where in the opinion of the Commission the denial of interconnection request is not justified, the Commission may direct the licensee who denied the interconnection request to grant the interconnection in a time and on such terms and conditions as the Commission may prescribe.
26. Where the Commission considers it appropriate, whether the denial is determined to have been justified or not, the Commission may require the interconnection provider to make such network adjustments or construct additional facilities as the Commission deems necessary to enable the requested interconnection within a reasonable period specified by the Commission, provided that the interconnecting licensee shall agree to pay the cost of such network adjustment or such additional facilities on interconnection.

Disputes resolution.

27. Any disagreements or disputes over interconnection charges, terms and practices of public telecommunications services providers shall be submitted to the Commission for resolution, and the Commission shall seek to resolve such disagreements or disputes in any reasonable manner it thinks is best calculated to achieve the objectives of these regulations, the Belize Telecommunications Act and the Public Utilities Commission Act.
28. Where any disagreements or dispute are likely to arise between licensees with respect to interconnection, the matter may be referred to the Commission for consultation and guidance, on the agreement of both parties, prior to either party or both submitting the matter to the Commission as a dispute.
29. Any written directions given to licensees by the Commission in the resolution of any disagreements or disputes over interconnection charges, terms and practices shall be binding on any party to any such disagreements or disputes.

Violations.

30. Any contravention of any provisions of these Regulations by any telecommunications services licensee shall constitute a material breach of any conditions of the licence granted to such licensee by the Commission that requires such licensee to comply with the provisions of any Order or Regulations made by the Commission or that requires such licensee to provide interconnection when requested, and shall be punishable under section 48 of the Belize Telecommunications Act.