



NOTICE 2013/01

AMENDMENT TO DETERMINATION 2010/01

On 3rd February 2010, pursuant to the provisions of Section 29(3) and 29(4) of the Telecommunications Act Chap. 47:31 (the 'Act') the Authority issued Determination 2010/01 ('The Determination'). This Determination established the rules and principles to be applied in the setting of rates for the carriage and termination of incoming international telecommunications traffic on domestic networks in Trinidad and Tobago.

Given the various developments in the international telecommunications market since that time, the Authority has deemed it necessary to amend the Determination in response to evolving market conditions. As such, the Authority hereby advises that the following amendments are made to the Pricing Rules and Principles contained in the Determination, to be effective as of **March 1st 2013**:

- Clause 6 of the Determination has been amended to read as follows:

~~Upon publication of this determination, and at intervals of twelve (12) months thereafter (or otherwise as the Authority considers necessary based on market conditions)~~ Where the prevailing market conditions so require, the Authority shall may assess the minimum price for the termination of incoming international telecommunications traffic on a domestic networks on those routes which it considers appropriate having regard to traffic volumes and competition, based on the information provided under 4 and 5 above, applying the principles set out in 1 and 2 above, and it shall may publish such assessment on its website and by written notice to all concessionaires authorized to operate in the relevant market.

- Clause 7 of the Determination has been amended to read as follows:

“Where the Authority has conducted and published an assessment pursuant to 6 above, no concessionaire shall offer, negotiate on the basis of, or charge a rate which is less than the rate set out in the most recent assessment published by the Authority under 6 above, unless it has first justified to the Authority’s reasonable satisfaction that the rate does not breach the rules and principles set out in this determination, as applied on a fair, equitable and non-discriminatory basis.”

- A new Clause 8 has been introduced, which shall read as follows:

“Where the Authority has not conducted and published an assessment pursuant to 6 above, or where the effective term of the most recent assessment has expired, no concessionaire shall offer, negotiate on the basis of, or charge a rate which is less than the sum of the cost components defined in 2 above in relation to its own network, unless it has first justified to the Authority’s reasonable satisfaction that the rate does not breach the rules and principles set out in this determination, as applied on a fair, equitable and non-discriminatory basis.”

As such, incoming international telecommunications traffic destined for termination on domestic networks in Trinidad and Tobago shall still be bound by the pricing rules and principles set out in the Determination, pursuant to Section 29(3) of the Act. However, until such time that the Authority may decide to publish an Assessment pursuant to Clause 6 of the Amended Determination, there shall no longer be a uniform price floor to which all international concessionaires are bound, and termination rates shall revert to the provisions of the new Clause 8 of the new Pricing Rules and Principles.

For the avoidance of doubt, nothing in the Amended Determination or this Notice shall be construed as prejudicing the Authority’s right to investigate or intervene in relation to anti-competitive pricing and acts of unfair competition, pursuant to Section 29 of the Act.

The Amended Pricing Rules and Principles have been published separately as the **Pricing Rules and Principles for the Termination of International Incoming Traffic on Domestic Networks in Trinidad and Tobago**.

18th February, 2013