

Decisions on Recommendations on Standards and Guidelines for Interconnection v2

The following summarizes the comments and recommendations received from stakeholders on the first draft of this document (dated March 2014), and the decisions made by TATT as incorporated in the revised document (dated August 2014)

Document Sub-Section	Submission Made By: Stakeholder Category ¹	Comments Received	Recommendations Made	TATT's Decisions
Section 1				
GENERAL	TSTT	<p>TSTT's response is without prejudice and is structured to deal with the (Draft) Standards and Guidelines for Interconnection and the Development of RIOs & Draft Interconnection (Amendment) Regulations and the Decision on Recommendations (DoR), in turn.</p> <p>TSTT appreciates the Authority's position that the two documents (the Draft Standards and Guidelines and the Draft Amendments to the Interconnection Regulations) are integrally related. Indeed, in light of the comments of the other service providers, TSTT's views and the Authority's responses, we have formed the opinion that the two documents should in fact be merged and together form the basis of amendments to the current Interconnection Regulations. In that regard, the natural point of inclusion is after the existing Regulation 23, which would then provide a natural flow into Part V. On a related point, TSTT has observed the <i>absence</i> of a revised draft interconnection Regulations document.</p> <p>Given that the Authority insisted on the two documents being dealt with simultaneously, the absence of the latter document in</p>	<p>Amend the Telecommunications Interconnection Regulations (2006) to incorporate both the policy decisions contained in the Draft Standards and Guidelines and the Draft Amendments to the Interconnection Regulations.</p> <p>Further, given the absence of the revised Regulations document,</p>	<p>While both the Draft Standards and Guidelines (IRIO) and the Draft Amendments to the Interconnection Regulations were submitted simultaneously during the first consultation round, the Authority is of the view that the IRIO is not the policy impetus for the amendments to the Interconnection Regulations.</p> <p>The intent of co-publication was for the concessionaires to appreciate how the proposed amendments to the Interconnection Regulations would be interpreted and enabled via the IRIO.</p> <p>The consultation of the IRIO does not affect the consultation of the Interconnection Regulations, as the IRIO is subsidiary to the Regulations.</p> <p>The consultation round was properly constituted as the IRIO consultation is</p>

¹ Regional regulatory or Governmental agencies, Existing service and/ or network provider and affiliates, Potential service and/ or network providers and affiliates, Service/ Network Provider Associations/ Clubs/ Groups, General Public

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		<p>this round is odd. The remainder of the Regulations document can then be renumbered.</p> <p>TSTT notes the decision of the Authority re: "Standards and Guidelines", and its reference to Section 25 (2) (a) of the Telecommunications Act (2001) which states "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;"</p> <p>TSTT submits that the Authority's interpretation regarding the manner of implementation of proposed "standards and guidelines" is misguided. A document such as the Authority proposes will not have the weight of legal enforceability behind it. We remind the Authority that only statutory instruments are enforceable in law; such instruments include Acts, Regulations, Rules, Bye-laws and other instrument governed by the Statutes Act, Chap. 3:02; standards and guidelines are not in that list.</p> <p>As it stands these "Standards and Guidelines" <i>do not</i> have the force of law of Regulations and/or Rules and therefore will be treated as such: as recommendations.</p> <p>Finally, there is need within the standards and guidelines to develop statements of policy for clarity.</p>	<p>another properly constituted 3rd round of consultation is required.</p> <p>Given that only statutory instruments are enforceable in law, the establishment of policy statements within the standards and guidelines documents, will be the basis of the legislative statements to be included in the draft interconnection regulations. There is need within the standards and guidelines to develop statements of policy for clarity.</p>	<p>independent to that amending the Interconnections Regulations.</p> <p>The Authority would like to point out that Section 18(1)(d) of the Act provides for the Authority to "establish national telecommunications standards." The IRIO is such a national telecommunications standard. Further, Section 18(4) provides the minimum procedural requirement of the Authority in carrying out its functions under, inter alia, S. 18(1)(d) – the completion of a public consultation process.</p> <p>In this context, the Authority would like to disagree with TSTT's view of the status of the IRIO by reiterating that the enabling provision of S. 25(2)(a) of the Act, is supported by the provisions of S. 18(1)(d) and S. 18(4) of the same Act.</p>

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GENERAL	Digicel (T&T) Ltd	<p>Digicel notes that the Authority has rejected/disregarded the concerns expressed in the first round about the concurrent consultations on the Interconnection Regulations as well as the subject document. However, despite the position adopted by the Authority, the Interconnection Regulations have not been reintroduced for a second round of consultation.</p> <p>Digicel wished to reiterate its concerns regarding the legal status of this document. The Authority is reminded that “Standards and Guidelines” are not considered legislative instruments and do not have the force of law. This document cannot contradict or extend the parameters of the Telecommunications Act or any subsidiary legislation thereto.</p> <p>Given the significance of the matters dealt with in this document and the potential impact for concessionaires, these matters ought to be dealt with via recognised legal instruments which provide a level of certainty to all parties involved.</p> <p>The Authority’s purported response to this comment does nothing to advance or justify the Authority’s misconceived position that this document is legally binding on concessionaires.</p> <p>Digicel’s participation herein is without prejudice to any further objections we may wish to take at a later stage on this matter.</p>		<p>The Authority wishes to reiterate that the standard and guidelines are not the policy impetus for the amendment of the Interconnection Regulations. The Policy Framework that guided (and still guides) the framing of the Telecommunications (Interconnection) Regulations is the Interconnection and Access Framework, which was consulted on in 2005 and remains in effect.</p> <p>The Authority would like to point out that Section 18(1)(d) of the Act provides for the Authority to “establish national telecommunications standards.” The IRIO is such a national telecommunications standard. Further, Section 18(4) provides the minimum procedural requirement of the Authority in carrying out its functions under, inter alia, S. 18(1)(d) – the completion of a public consultation process.</p> <p>In this context, the Authority would like to disagree with Digicel’s view of the status of the IRIO by reiterating that the enabling provision of S. 25(2)(a) of the Act, is supported by the provisions of S. 18(1)(d) and S. 18(4) of the same Act.</p>

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			The Authority is asked to clarify the status of the consultation on the Interconnection Regulations.	The amendments to the Interconnection Regulations are elaborations of and not alterations of the policy statements in the above referenced Framework. That consultation process has completed the single round of consultation required according to the Authority's Consultation Procedures. The recommendations made by the stakeholders are being considered for incorporation into the amended Regulations.
INTRODUCTION	CCTL	CCTL reserves the right to comment in more details on any issues that relate to this process in subsequent phases of the consultation.		The Authority notes CCTL's comment and welcomes any further comments which may be submitted in any subsequent phases of consultation.
1. Introduction: Rationale for draft Standards and Guidelines for Interconnection and Development of Indicative Reference Interconnection Offers (IRIO)	TSTT	TSTT supports CCTL's position on this; more particularly since TSTT has had the unfortunate experience of a disreputable provider granted a concession and supported in its demands for indirect access by the Authority, closing operations in Trinidad and Tobago and indebted to TSTT for millions of dollars.	TSTT urges the Authority to consider the market when making determinations on matters such as Indirect Access rather than following a template derived from observing regulatory operations in other jurisdictions.	The Authority agrees with TSTT's exhortation with respect to considering market conditions. It is in that context that the Authority maintains its position articulated when the matter of Indirect Access was consulted on in 2009.
1.1 Rationale	TSTT	"...It outlines minimum requirements for interconnection to be met by concessionaires, requirements which must further be reflected in the contents of the RIOs of the larger interconnection	Please remove this qualification re:"larger" operators. It is prima facie discriminatory.	The Authority notes TSTT's recommendation and has amended this section to read:

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		<p>service providers."</p> <p>This suggests some level of discrimination in favour of 'small' providers since such is not provided for in the Act.</p>		<p>"It outlines minimum requirements for interconnection to be met by concessionaires, requirements which must further be reflected in the contents of the RIOs of the interconnection service provider."</p>
<p>1.2 Objectives - Pg 3 "... in accordance with International Best Practices"</p>	<p>TSTT</p>	<p>TSTT notes the Authority's response; however the list of documents provided is a grossly inadequate form of citation.</p> <p>There are different types of citation styles – two most commonly used forms are the Harvard and the Chicago Styles of referencing, neither of which was used by the Authority. TSTT hopes proper citations will be provided.</p>	<p>Provide adequate references.</p>	<p>Noted. The document has been amended providing Chicago style Bibliography.</p>
<p>1.3 Regulatory Framework</p>	<p>CCTL</p>	<p>Regulation 27 of The Telecommunications (Interconnection) Regulations 2006 establishes that the cost of modifications to effect interconnection is recoverable from the interconnecting party. On page 4 of this consultation document TATT states <i>"this regulation has been amended to limit the applicability of the provision to modifications other than that necessary for the interconnection provider to be compliant with these standards and guidelines established by the Authority."</i> TATT also states that the amendment is subject to consultation and approval. We are requesting clarification on the status of the proposed amendment.</p> <p>In the previous phase of this consultation process both The Telecommunications (Interconnection) Regulations 2006 Proposed Amendments, and the Draft Standards and Guidelines</p>	<p>In the interest of transparency we recommend that where the outcome of a consultation process impacts another process, the two processes should not be done concurrently.</p> <p>We also request that TATT clarifies the status of the proposed amendment to Regulation 27.</p>	<p>The Authority reiterates that it was necessary for both documents to be consulted on simultaneously as they are closely related. The Authority felt that the best approach was to give concessionaires visibility of both documents concurrently.</p> <p>With respect to Regulation 27, the Authority emphasizes that only in cases where modification to the network or equipment</p>

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		<p>were circulated for consultation. In our response we outlined the concern that where the Authority conducts concurrent consultations and a decision or outcome of one process informs the other process, the transparency of the latter process is compromised.</p> <p>In the Decisions on Recommendations (DORs) document TATT states that it disagrees with our position on the issue, and attributes the proposed change in Regulation 29 to The Interconnection and Access Framework 2005. As noted above, TATT clearly states that the change is to ensure consistency with the Draft Standards and Guidelines. TATT admits to the relatedness of both documents and states that the simultaneous development of both documents is intended to effect the implementation of the Interconnection and Access Framework 2005. We do not believe that TATT's explanation addresses the core issue of transparency in decision making.</p>		<p>outside those necessary for facilitating interconnection by the interconnection provider, shall modification costs be recoverable from the interconnecting provider.</p>
<p>1.3 Regulatory Framework</p>	<p>CCTL</p>	<p>TATT states that, " <i>In these Draft Standards and Regulations, the Authority seeks to establish a framework through which interconnection prices are regulated.</i>" To support this position the Authority is relying on Section 29 of the Act. It is our considered view that Section 29 of the Act addresses retail prices as opposed to interconnection prices. Section 25 deals with interconnection rates.</p> <p>TATT's explanation in the DORs is that Regulation 25(2)(m) speaks to obligations of Concessionaires to provide interconnection, while 29(2) and (6) provides the mandate for the Authority to establish a price regulation regime for</p>	<p>Section 25 of the Act deals comprehensively with interconnection, including the basis for setting interconnection rates, and should be used to inform interconnection arrangements.</p>	<p>The Authority believes that CCTL's inference of Section 29 of the Act primarily being applicable to primarily retail tariffs is fundamentally flawed. There is no indication in S.29, neither in its drafting or its implementation, which would limit its application as suggested.</p> <p>For the absence of doubt, Section 29 applies to all tariffs, inter-carrier, wholesale and retail, where the conditions outlined in its subsections are met. Further, Section 29</p>

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		<p>interconnection. CCTL disagrees with this position. We firmly believe that Section 29 of the Act is meant to address retail prices. Section 29(1) states that, "<i>Prices for telecommunications services, except those regulated by the Authority in accordance with this section, shall be determined by providers in accordance with the principles of supply and demand.</i>" The spirit, intent and language of Section 29 refers to retail price regulations.</p> <p>Section 25 deals specifically with interconnection, and sub section (2)(m) speaks to disaggregating network elements and establishing prices on " <i>a cost basis such as the Authority may prescribe....</i>" This clearly speaks to the basis for setting interconnection prices. We believe the Authority is over reaching in using Section 29 to address interconnection rates in order to justify its proposal "to establish a range of acceptable interconnection rates..."</p> <p>We do not believe that TATT has provided a robust explanation for the proposed changes to the existing interconnection regime. Such a change could potentially usher in a period of regulatory uncertainty for the market. For example It is not clear how this proposed change would impact retail prices.</p>		empowers and provides the Authority with the relevant mechanisms required to regulate all prices within the industry.
<p>1.3. Regulatory Framework – Pg 15 DoR "The Authority disagrees that this Regulation should be amended as Regulation 24 (2) makes provision for</p>	TSTT	TSTT views the Authority's response as unfortunate given that TSTT has previously advised the Authority that the timeframe of 28 days is unreasonable particularly given the fact that interconnection specific equipment may need to be designed, manufactured and shipped to Trinidad and Tobago. This process is usually completed within 16-20 weeks as opposed to 28 days and will equally apply to any other concessionaire providing	TSTT recommends that the Authority amend this Regulation to provide for a more reasonable timeframe such as 16 – 20 weeks.	The Authority maintains its decision made in the previous round of consultation regarding the reasonableness of 28 days. The requirement for the interconnection service provider to have 20% of equipped capacity (S.7.3.2 of the IRIO) available at the PoI's is an essential component to enabling providers

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the extension of the period referred to in sub regulation (1)."		<p>interconnection.</p> <p>TSTT understands that the Authority is aiming to avoid delays as far as possible by its stringent approach to this 28 day rule and TSTT also acknowledges the fact that Regulation 24 (2) makes provision for the extension of the period (28 days), however given the fact that the Authority is aware of the procedure and timeframes involved in the interconnection process it should be more practical.</p> <p>It is effectively setting up the process for failure from inception.</p>		<p>to achieve this 28 day window. Where the requesting party requires capacity beyond the 20% limit outlined in the IRIO, provisioning of that additional capacity need not be met within the 28 day timeframe.</p> <p>As previously mentioned, a review of international practices does not suggest that the timeframe of 28 days is without precedent or is unrealistic.</p>
Section 2				
2. Main Elements of the RIO	TSTT	<p>Noting TATT's response in the DoR "... for the purpose of clarity, the language in this section ...has been amended" i.e. regulation 19. This change has not yet been reflected/ posted online or sent to the operators.</p> <p>Based on the changes proposed, TATT's expectation it seems, is that the Concessionaires configure their networks – which would incur costs – in anticipation of a request which may never materialize.</p>	<p>TSTT notes the <i>absence</i> of a revised Interconnection Regulation document. Please issue another properly constituted round.</p> <p>Maintain the status quo. TSTT is not prepared to reconfigure its network prior to a firm request for interconnection. To do so runs counter to proper business practice and may breach the company's fiduciary duty to its shareholders.</p>	<p>The consultation round was properly constituted as the IRIO consultation is independent to that amending the Interconnections Regulations.</p> <p>Having the network configured for interconnection is an obligation of each and every concessionaire. Concessionaires are required to configure their networks to facilitate interconnection. This requirement is consistent with Section 25 (1) of the Act.</p> <p>However, TSTT is asked to note that reconfiguration of a network for a PoI other than those generally offered shall only be done upon request, which is in accordance with the current status quo.</p>

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Section 3				
<p>Legal Framework - Pg 20 DoR " ... disagrees that the statement is contrary to S25 (2) (b) ..."</p>	TSTT	<p>A second mandatory point of interconnection is unnecessary - currently adequate provision is made under the Act for the recovery of economic costs.</p> <p>Given the size of the population and our market - one point of interconnection has been proved as sufficient. This effectively imposing a burden for something that may not be even utilized.</p> <p>TSTT also objects to paragraph (c) as these 'rates' are not interconnection costs and therefore should be addressed under separate agreements.</p>	<p>Our earlier position remains unchanged.</p> <p>A second mandatory point of interconnection is unnecessary and runs counter to sound economic and business sense.</p> <p>Remove the 'rates' requirement from the RIO.</p>	<p>The Authority disagrees with TSTT's position.</p> <p>Over the years, there were many instances when the single PoI failed, leaving consumers without interconnection service between service providers for lengthy periods of time, and in some cases over a day. For this reason, the Authority strongly believes that a second PoI is necessary to avoid repeated instances of loss of interconnection service.</p> <p>Additionally, multiple POIs are necessary to ensure high grade of network reliability by service providers.</p> <p>This requirement was removed. Page 10 of version 0.2 of the Draft Standards and Guidelines for Interconnection refers.</p>
<p>Section 3 Legal Framework</p>	Digicel (T&T) Ltd	<p>The Authority is fixating on the words "in addition to those offered generally" in Section 25 2(b) as its basis for saying that there exists an obligation for concessionaires to provide points of interconnection at no cost to the interconnecting concessionaire.</p>	<p>All references to "mandatory POI" should be deleted from this section as they are ultra vires the Telecommunications Act.</p>	<p>All references to "mandatory" POI have been removed from the document and replaced with the term "<i>generally available</i>" POI.</p> <p>The concept of the provision of at least two</p>

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		<p>These words are vague at best and do not create the artificial distinction (i.e. mandatory and non-mandatory POI) that the Authority seem to think it does.</p> <p>Furthermore, this notion of mandatory and non-mandatory POI exists nowhere else in the Act and subsidiary legislation and is in fact contrary to the findings of the Arbitration Panel which Digicel was obliged to abide by.</p> <p>By the creation of these fictitious minimum requirements for two (2) mandatory POI's to be provided at no cost, the Authority is exceeding the parameters of the Telecommunications Act.</p>		<p>generally available PoIs is based on international precedents² and primarily seeks to address the experiences of single POI failure in Trinidad and Tobago. As mentioned above, previous failures of the single POI left consumers without interconnection service for lengthy periods of time. As such, the Authority is of the view that at least two PoIs, at distinct and geographically separate locations, are necessary to ensure high grade of network reliability.</p> <p>For avoidance of doubt each interconnection provider shall bear their own cost for establishing generally provided points of interconnection. The Authority disagrees that it is exceeding the parameters of the Act as the provision of one PoI to an interconnecting concessionaire is not in keeping with the conditions an interconnection provider provides for its own self as alternative routes for its own traffic. Section 25 (2) (d) of the Act refers.</p>

² TRAI issues determination on interconnection agreement between cellular mobile service providers and bsnl. Press note. <http://pib.nic.in/focus/foyr2001/fojan2001/fo080120012.html>. The Telecommunications Authority of India (TRAI) made a Determination which provides that multiple points of interconnection should be provided between two networks in order to have greater flexibility and smoother flow of traffic.

Technical Standards for Interconnectivity of Networks.” http://www.ncc.gov.ng/Archive/RegulatorFramework/Technical_Standards_on_Interconnectivity.pdf. The Nigerian Communications Commission (NCC) requires that “sufficient points of interconnection shall be established at all times between parties to ensure a sufficient level of diversity of routing for interconnected traffic.

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				Similarly, providing an interconnecting concessionaire with only one point of interconnection is not in keeping with the interconnection provider's network topology as any failure at this one point will result in no exchange of interconnecting traffic.
3.1 General Terms and Conditions	CCTL	<p>The concept of a mandatory point of interconnection is being introduced almost a decade after liberalization. In the context of a network architecture where an operator serves the country with a single voice switch, requiring multiple points of interconnection to the same switch adds no value. If mandating multiple POIs would require operators now serving the country with a single switch to add additional switching equipment, this would be grossly inefficient and damaging to smaller operators.</p> <p>Based on our existing interconnection arrangements, there are diverse routes between provider networks, and port redundancy at the switches themselves.</p>	We recommend that inefficient provisioning of multiple POIs should be avoided, and not mandated.	<p>The Authority agrees that inefficient provisioning of multiple PoIs should be avoided. However, the Authority maintains the position that at least two distinct and geographically separate PoIs are necessary to ensure high grade of network reliability by the service provider.</p> <p>Over the years, there were many instances when the single PoI failed, leaving consumers without interconnection service for lengthy periods of time. For this reason, the Authority strongly believes that a second PoI is necessary to avoid repeated instances of loss of interconnection service to the public.</p> <p>Port and path redundancy at the same PoI location is not the same as redundant PoI location. Multiple points of interconnection are needed to ensure sufficient level of diversity of routing for interconnected traffic.</p>

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		<p>There is also the issue of the interconnection provider recovering the cost for these multiple interconnection points. Where mandatory POIs are provided but not used, this resource would have been expended with no means for recovering these costs.</p> <p>The market would be better served if the Authority focuses its efforts on enforcing the requirement for direct interconnection to the fixed and mobile network in cases where an operator has both networks. An interconnection seeker should not have to incur transit charges from one network to get to another, as is the case with TSTT's fixed and mobile networks.</p> <p>We note the proposal for the unbundling with respect to voice call to include signaling. We support this degree of unbundling at the cost analysis level, but would recommend that for tariff purposes, interconnecting parties should have the flexibility to set rates based on call duration, with an average component to reflect the signaling element.</p>	<p>We recommend that for tariff purposes, interconnecting parties should have the flexibility to set rates based on call duration, with an average component to reflect</p>	<p>It is the aim of the Authority to achieve high reliability for all network traffic with distinct and geographically separate PoI locations.</p> <p>The Authority expects that with the preparation of RIOs, concessionaires will commercially agree whether to enter into direct or indirect interconnection arrangements.</p> <p>The intent of the specification of unbundling requirement to include "signaling" is to ensure that interconnection links should include all that is necessary to facilitate call completion, and make interconnection as transparent as possible for the interconnecting concessionaires. There was no recommendation to include such specificity in the tariff structure. Section 7.4 of the IRIO refers.</p> <p>If however, an operator seeks to provide for same in their tariffs explicitly, the Authority may consider facilitating such flexibility once the operator submits the associated cost model, developed in accordance with the</p>

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			the signaling element.	Authority's Costing Methodology, to the Authority for review and approval.
Section 4				
4.1.2 Type 2 Support Services	CCTL	<p>Designating National Directory Enquiry, International Directory Enquiry and Operator Assistance as part of minimum interconnection service requirements begs the question as to whether TATT intends for all service providers, irrespective of size, to replicate the infrastructure required to provide these services. Currently these interconnection services are provided only by the incumbent operator.</p> <p>Given the size of the market, and consistent with the goal of market efficiency, we do not support including these services as part of the minimum interconnection service requirements.</p>	The services classified as support services should not be included in the minimum requirements.	<p>The Authority disagrees with CCTL's recommendation.</p> <p>Pursuant to Section 25 (2)(1) of the Act, it is a requirement of a concessionaire to permit other concessionaires to have equal access to services, such as directory assistance among other things, via the interconnection service.</p> <p>With regard to CCTL's assertion that this obliges these services of all service providers, CCTL is reminded that the context of the IRIO is that it is to be developed by suppliers of interconnection services. Receivers of interconnection services, or indeed any party who interconnects to another party who already provides these services, need not necessarily develop such adjunct, value added services to their service portfolio.</p>
4.1.3 Type 3 Enhanced Services	CCTL	CCTL fully supports the implementation of number portability. We believe its implementation is critical to the development of robust and sustained competition in the markets for voice telephony. Plans are underway for the implementation of number portability.		Noted.

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		<p>Given market developments we do not believe that carrier pre-selection and carrier selection would impact competition in the market for outgoing international calls, as consumers have so many options for very affordable international calls, such as Skype, Vonage, Magic Jack, as well as having two, three or four telephone subscriptions within their home (Digicel handset, bmobile handset and TSTT or Flow fixed line).</p> <p>On the question of defining these as enhanced services to be included as minimum requirements in a RIO, we question whether this is necessary.</p>		<p>The Authority disagrees with CCTL's proposition that for a customer to benefit from competition in the outbound international telecommunications segment demands the subscription to multiple domestic telecommunications service providers. The Authority believes that the scenario painted by that proposition reinforces the need for the implementation of Indirect Access, via either Carrier Selection or Carrier Pre-Selection, as soon as possible. Accordingly, the Authority is guided by its completed consultation on this matter of 2009.</p> <p>This reiterates the requirement for provision to be made for such in the RIO's of parties designated to establish same.</p>
<p>4.1 Types of Interconnection Services - Pg 13 "For purposes of clarity, as provided for in the Interconnection and Access Policy Framework (2005), interconnection services can be grouped into the following three</p>	TSTT	<p>Re: Data Services : TSTT has taken note of the Authority's response; however for the sake of further clarification TSTT would like the Authority to list precisely what services make up "Data Services."</p>	<p>Kindly list all the services which makes up "Data Service" referred to in the Regulation.</p>	<p>The Authority reiterates that data services denote all non-voice services and are not limited to internet service. Due to the ever evolving technological advances the Authority does not adhere to any fixed exhaustive list of services, including that of data services.</p>

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types; (a) Joining, <i>data</i> and/or voice services ..."				
Section 5				
5.2 Points of Interconnection	CCTL	<p>Refer to comments provided above in the section General Terms and Conditions.</p> <p>We reiterate that mandating multiple interconnection points introduces inefficiency.</p> <p>The requirement to establish two POIs is onerous, especially as sufficient redundancy can be built into a single POI (route diversity, sparing, redundant links without routes, card diversity of interconnection transmission equipment etc).</p> <p>The position that this should be established at the operator's cost is inconsistent with the costing principle of cost causation, and does not promote efficiency.</p>		<p>The Authority disagrees that multiple points of interconnection introduces inefficiency.</p> <p>Over the years, there were instances where the single PoI failed leaving consumers without interconnection service between providers for lengthy periods. For this reason, the Authority strongly believes that at least a second PoI is necessary to avoid repeated instances of loss of interconnection service.</p> <p>Furthermore route diversity to a single a PoI does not increase the reliability of the service should the single PoI fail. A second PoI is necessary to ensure a high grade of network reliability by service providers.</p> <p>The Authority's rationale is that each concessionaire shall provide for interconnection with other concessionaires as per section 25 (1) of the Act. As a result, each concessionaire shall bear the cost of establishing its own side of the interconnection link.</p>

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Section 5 Minimum Network Technical Specifications Requirements	Digicel (T&T) Ltd	<p>The purported requirement to provide at least two (2) distinct and separate point of interconnection at the interconnection service provider's own costs is flawed.</p> <p>Not only is the requirement itself unnecessary and excessive, but the requirement for the interconnection service provider to bear the costs of same is inconsistent with Act as stated previously.</p> <p>The Authority is reminded of the legal status of these "Standards and Guidelines" and that the parameters for the provision of interconnection will ultimately be dictated by the Act and subsidiary legislative instruments.</p>	<p>These requirements should be deleted in their entirety.</p>	<p>The Authority disagrees with this recommendation. To ensure service reliability a second PoI at another location is required and therefore very necessary and not excessive. For avoidance of doubt each provider shall bear their own cost for establishing generally provided points of interconnection, which is not inconsistent with S. 25(2) of the Act</p> <p>The Authority would like to point out that Section 18(1)(d) of the Act provides for the Authority to "establish national telecommunications standards." The IRIO is such a national telecommunications standard. Further, Section 18(4) provides the minimum procedural requirement of the Authority in carrying out its functions under, inter alia, S. 18(1)(d) – the completion of a public consultation process.</p> <p>In this context, the Authority would like to disagree with Digicel's view of the status of the IRIO by reiterating that the enabling provision of S. 25(2)(a) of the Act, is supported by the provisions of S. 18(1)(d) and S. 18(4) of the same Act.</p>
Section 5 Minimum Network Technical	Digicel (T&T) Ltd	<p>The Authority is again purporting to mandate that 20% spare interconnection capacity be provided at the cost of the</p>	<p>This requirement should be deleted in its entirety.</p>	<p>The Authority notes that no suggestion has been put forward regarding the appropriate</p>

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Specifications Requirements		<p>interconnection service provider, which is again contrary to the Act as stated above.</p> <p>This requirement is justified as follows in it DOR:</p> <p><i>“The Authority selected the 20% capacity requirement based on the operational practice of maintaining no more than 75% utilisation of network elements in an optimally provisioned network. As such it is anticipated that at any given network point or node, in this instant the PoI, there will be the spare capacity to facilitate interconnection of a requesting party, where that party’s traffic requirement does not exceed that capacity.”</i></p> <p>The Authority must understand that this 25% (100 – 75%) is not “spare capacity”. This is actually the correct configuration of the network to enable efficient operation and to deal with network loading and variations.</p> <p>If operators have to have 20% capacity always available at two points of interconnection they will have to have only 55% utilisation (100% - 20% - 25%) at two points of interconnection. In other words they will have to have 45% unused capacity. 20% would have to be installed free in anticipation of possible other interconnecting parties.</p> <p>This additional installation would be at a significant cost and could be a pointless and inefficient investment if there is no subsequent use of it. Newly interconnecting operators cannot reasonably demand use of the existing 25% as this would render the network incorrectly configured.</p>		<p>percentage of spare capacity to be considered.</p> <p>Digicel’s comment suggests that Digicel has misunderstood the requirements of the RIO. To clarify, the overall capacity required between both POIs is 20%.</p> <p>The following excerpt from Section 7.3.2 refers; <i>“evidence that at least [20%] of the total equipped POI capacity is shared between both POIs at any given time;”</i></p> <p>With regard to whether the 20% capacity at the PoI is either:</p> <ul style="list-style-type: none"> (i) above and beyond the 25% capacity installed at that PoI; or (ii) within the 25% capacity installed at that PoT <p>is a decision that the Authority defers to the concessionaires mindful of their obligations in accordance with Network Quality of Service standards.</p>

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Section 6				
6.1 Why Cost Based	CCTL	<p>Given that current interconnect rate regime operates on the principle of symmetry, CCTL reiterates its concern that the Authority now explicitly states that it does not intend to provide guidance on the issue of symmetry or asymmetry, and that this will be left to commercial negotiations. This position goes against the decision of the Panel in the Digicel / TSTT rate dispute in 2006. The report stated:</p> <p><i>"The Panel also considers that there are various benefits, not insignificant, that may be anticipated from reciprocal [i.e. symmetrical] charging. It puts the operators in a position of parity regarding the revenues they can earn from traffic their subscribers generate on their networks as recipients of calls. Reciprocal charging can simplify the process of regulation since modeling the interconnection costs of every individual concessionaire in Trinidad and Tobago can be expected to consume extensive regulatory resources in the years to come.</i></p> <p><i>Reciprocal charging also reduces the number of charges being negotiated between operators"</i></p> <p>After thorough analysis the Panel concluded that mobile termination rates in Trinidad and Tobago should be symmetrical. Among various considerations was the key principle that symmetrical rates are more reflective of the cost faced by an efficient operator. This principle has been used to inform interconnection rates in the market to date. Considering this and the benefits mentioned above, CCTL is concerned that without a</p>	We recommend that the principle of symmetric interconnection rates be maintained	<p>The Decision of the Panel was made arising out of a negotiation dispute, at a time when the Telecommunications Regulations were not laid in Parliament. Further, the Decision (as evidenced in the excerpt cited) was that symmetrical rates are a reasonable and legitimate negotiating requirement in TSTT's offering for interconnection services. It was not mentioned in the Decision that symmetrical rates were obligatory in the market. To do so would be contrary to the provisions of S. 25(2) (m) of the Act which states that an operator's rates must be based on cost, and that the cost base of different operators are unlikely to be the same (Digicel's argument at the dispute).</p> <p>The current regulation 15(1) of the Interconnection Regulations reiterates the requirement of the Act where it requires that concessionaires set rates <i>"based on costs determined in accordance with such costing methodologies, models or formulae as the Authority may, from time to time establish."</i></p> <p>The Authority shall defer from pronouncing on a matter that may, in some circumstances,</p>

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		robust justification for a change in its position, TATT's is taking a contrary position to the decision of the Panel, particularly where the Panel ruled on TATT's behalf.		be <i>ultra vires</i> the Act's obligation for cost-based rates in the offerings of interconnection providers.
Section 6.1 Interconnection Charges	Digicel (T&T) Ltd	<p>Digicel wishes to object to the position adopted by the Authority in respect of symmetrical vs. asymmetrical rates. This issue was subjected to rigorous analysis by the Arbitration Panel and it was concluded the principle of symmetry should be applied in Trinidad and Tobago.</p> <p>In the Authority's DOR on this point, it is blatantly mischaracterising the findings of the Arbitration Panel in order to pave the way for adopting a position that is inconsistent with its decision.</p> <p>The Authority claims that the Panel decision on this point was based on "conditions that prevailed at that time".</p> <p>What the Authority conveniently neglects to mention is that the First Panel unequivocally stated that the default position is symmetrical rates unless the party opposing same can satisfy the conditions for asymmetry identified in that Panel's decision. As was stated in the Fourth Panel Decision 4-7-06-4:</p> <p>"The First Panel concluded that there are significant benefits to symmetrical (or "reciprocal") rates. For example, it stated:</p> <p><i>The Panel also considers that there are various benefits, not insignificant, that may be anticipated from reciprocal [i.e. symmetrical] charging. It puts the operators in a</i></p>	This section should be reworded to reflect with clarity the position set out by the Arbitration Panel, which must be adopted by the Authority.	<p>The Decision of the Panel was made arising out of a negotiation dispute, at a time when the Telecommunications Regulations were not laid in parliament. Further, the Decision (as evidenced in the excerpt cited) was that symmetrical rates are a reasonable and legitimate negotiating requirement in TSTT's offering for interconnection services. It was not mentioned in the Decision that symmetrical rates were obligatory in the market. To do so would fly in the face of provisions of S. 25(2) (m) of the Act which said that an operator's rates must be based on cost, and the cost base of different operators are unlikely to be the same (Digicel's argument at the dispute).</p> <p>Additionally, Section 25 (2)(e) of the Act states that interconnection rates with regards to price and other terms and conditions should be promptly negotiated between service providers upon request.</p> <p>Further, the current regulation 15(1) of the Interconnection Regulations reiterates the requirement of the Act where it requires that</p>

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		<p><i>position of parity regarding the revenues they can earn from traffic their subscribers generate on their networks as recipients of calls. Reciprocal charging can simplify the process of regulation since modeling the interconnection costs of every individual concessionaire in Trinidad and Tobago can be expected to consume extensive regulatory resources in the years to come.</i></p> <p><i>Reciprocal charging also reduces the number of charges being negotiated between operators.</i></p> <p>This Panel concurs with the First Panel that there are significant benefits from reciprocal termination rate and therefore agrees with the First Panel <i>that reciprocal rates should be the default arrangement unless a party opposing symmetry.....is able to satisfy one of the three exceptions outlined by the First Panel.</i>” (emphasis added).</p> <p>As such, an analysis of “prevailing conditions” will only occur if a party is objecting to the default position i.e. symmetrical rates.</p> <p>As such, the Authority’s position on this issue is in direct contradiction of the Panel decision and therefore wholly misconceived.</p>		<p>concessionaires set rates; <i>“based on <u>costs</u> determined in accordance with such costing methodologies, models or formulae as the Authority may, from time to time establish.”</i></p> <p>The Authority shall defer from pronouncing on a matter that may, in some circumstances, be <i>ultra vires</i> Act’s obligation for cost-based rates in the offerings of interconnection providers.</p>
6.2 Statutory Basis for Oversight by the Authority	CCTL	<p>As argued above in Item 3.1 on Regulatory Framework , it is also unclear why TATT is seeking to rely on Section 29(2) and 29(6) as the basis for setting interconnection tariffs, instead of Section 25(2)(m) which deals specifically with interconnection charges. It is Section 25(2)(m) that underpins the subsidiary regulations (Regulation 15 of the Interconnection Regulations 2006) that</p>		<p>The Authority believes that CCTL’s inference of Section 29 of the Act primarily to primarily retail tariffs is fundamentally flawed. There is no indication in S.29, neither in its drafting or its implementation, which would limit its application as</p>

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		speaks to TATT's role in the development of cost interconnection rates. It is our considered view that Section 29 is more relevant for retail tariffs.		suggested. For the absence of doubt, Section 29 applies to all tariffs, whether inter-carrier, wholesale and retail, where the conditions outlined in its subsections are met. Further, Section 29 empowers and provides the Authority with the relevant mechanisms required to regulate all prices within the industry.
6.3 Proposed Approach by the Authority	CCTL	We refer the Authority to comments in the Sections 6.1 and 6.2 above.		Noted. The Authority's responses above refer.
7. Overview of Standard Draft Guidelines	CCTL	CCTL reserves the right to comment on this in subsequent phases of this process.		Noted.
7.2.1 Interconnection Services Overview	TSTT	<p>"... 3. Functional schematic representing an overview of how the Interconnection will be achieved,.."</p> <p>Please provide clarification as to what is required here and the level of detail required. Further, the issue of confidentiality is of concern since the RIO is a public document. TSTT reserves the right under Concession condition A29 to not make public any information that it deems to be commercially in confidence.</p>	Please provide clarification.	<p>The Authority requires at least a basic schematic of how interconnection will be achieved including details such as system technical specifications, in the RIO.</p> <p>Commercially sensitive information is not required.</p>
7.3.2 Points of Interconnection (POIs) - Pg 26 "... 2. The trunk and signaling capacity available at the POIs specified in (1) to	TSTT	2. The above comments refer as to the sufficiency of 1 POI.	Revise to reflect realities of the market that a single POI is adequate.	The Authority disagrees with this recommendation for reasons previously outlined in these DoRs.

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<p>facilitate a new interconnection request including evidence that at least [20%] of <i>equipped capacity</i> is available at either one or shared between both POIs at any given time;...</p> <p>7. A list of any equipment already in use and any which has been newly purchased</p> <p>8. The number of spare, unused ports available and available trunking capacity;</p> <p>(c) The RIO shall be updated annually ..."</p>		<p>7. Re: Item#7 in the DoR (pg 44) - the Authority claims to have provided the needed clarification. TSTT is not seeing this clarification.</p> <p>8. Re:Item #8 DoR (Pg 44). It is not unusual for a provider to have spare capacity for its own use, however, spare port and trunking capacity does not always mean that it is available for interconnection to 3rd parties.</p> <p>Having spare capacity therefore will not necessarily mean a more timely establishment of interconnection.</p> <p>(c) The RIO should be amended as required to reflect a material change only.</p>	<p>Specify 'Interconnection' related equipment and provide clarification.</p> <p>Remove this provision.</p> <p>Amend provision to have the RIO updated to reflect a material change and remove the annual requirement.</p>	<p>The clarification was made in version 0.2 of the document. However the document has been amended to bring further clarification.</p> <p>Item 7: <i>"A list of any equipment that is necessary for effecting operation at the point of interconnection (POI)."</i></p> <p>The Authority disagrees with the request to remove the provision.</p> <p>The Authority disagrees that having spare capacity "will not necessarily mean a <i>more timely</i> establishment of interconnection." It will ensure that capacity is available at all times to allow some level of interconnection in a timely manner and within 28 days.</p> <p>The Authority notes the recommendation. However, the Authority also believes that there is a need for the RIO to be reviewed on an annual basis. In this regard,</p> <p>The document has been amended to reflect that the RIO: <i>"shall be reviewed annually and updated as necessary or, whenever there is a</i></p>

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				<i>material change to the RIO."</i>
7.3.4 Responsibility of Parties	TSTT	<p>"... (e) All <i>electrical</i> and <i>functional</i> characteristics of the Network Link shall be detailed and in accordance with relevant ITU-T Recommendations"</p> <p>Please provide clarification as to what standard is being referenced here.</p>	<p>Re: ITU-T Recommendations - this is an example of the deficiency in referencing - please clarify which specific recommendation the Authority means in this regard.</p>	<p>The Authority is requesting that the RIO contain information regarding the electrical and functional characteristics in accordance with the relevant ITU-T recommendations.</p> <p>An example of such is the ITU-T G.703 Physical/electrical characteristics of hierarchical digital interfaces (https://www.itu.int/rec/T-REC-G.703/en). The reference which has been inserted in the document.</p> <p>Such ITU-T recommendations should be included in the Schematics forwarded in the RIO</p>
7.3.6 Operations and Maintenance	TSTT	<p>"... a) All operations and maintenance activities shall be undertaken by the parties in accordance with an Operations Manual which shall be developed and submitted as part of the RIO..."</p> <p>Is the Authority proposing then to subject the Operations Manual to approval?</p>	<p>Please clarify.</p>	<p>The Operations Manual will form part of the RIO. As a result, it will be subject to approval by the Authority.</p>
7.4 Interconnection Charges	TSTT	<p>This tariff structure is introduced in this round and must be subject to 2 rounds of consultation</p>	<p>Issue a properly constituted 3rd round.</p>	<p>The Authority does not agree that a third round of consultation is necessary.</p> <p>Based on comments received from the first</p>

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				round of consultation, revisions were made to the document to incorporate those recommendations. The inclusion of the tariff structure on initial access charges was hence included.