

Name: Draft Local Loop Unbundling Regulations

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Definitions

Article (1): The following definitions shall apply for the purpose of this regulation:

- (1) **Access Provider** means the licensee who offers and or provides a Wholesale Broadband Service;
- (2) **Access Seeker** means the licensee who requests or rents a Wholesale Broadband Service;
- (3) **Bitstream Service** means an arrangement where the Access Provider provides a logical connection with specified characteristics for the transport of packets of data from the network termination point on the subscriber premises to the premises of the Access Seeker;
- (4) **Losing Provider** means the previous access seeker when a subscriber changes its subscription for a Wholesale Broadband Service;
- (5) **Main Distribution Frame (MDF)** means the premises of the Access Provider where the copper loop to the subscriber is terminated.
- (6) **Ordering System Specification** means a detailed specification of the procedures for ordering Wholesale Broadband Services by a subscriber, and the subsequent interactions between the licensees including the procedures for handling errors and unauthorised orders;
- (7) **Whole Loop Unbundling Service** means an arrangement where the full copper pair from, and including, the network terminating equipment on the subscriber premises to the main distribution frame on the Access Provider's premises is made physically available by the Access Provider to the Access Seeker;
- (8) **Shared Loop Unbundling Service** means an arrangement where the upper bandwidth of copper pair from, and including, the network terminating equipment on the subscriber premises to the Main Distribution Frame on the Access Provider's premises is made physically available by the Access Provider to the Access Seeker;
- (9) **Wholesale Broadband Service** means a Bitstream Service or a Whole Loop Unbundling Service or a Shared Loop Unbundling Service.

Provision of Wholesale Broadband Services

Article (2) All licensees that:

- (1) have significant market power for the provision of fixed ser

- under Class 1 licences; and
- (2) serve subscribers with broadband technologies for Internet access

shall prepare and publish a Reference Access Offer for the provision of wholesale broadband service with speeds matching the highest speed offered to their own subscribers. This requirement applies only in respect of those geographical areas where the licensee is offering broadband service to its own subscribers.

- Article (3)** All licensees that publish a Reference Access Offer in accordance with Article 2, shall amend the Reference Access Offer in accordance with any instructions received in writing from the TRA.
- Article (4)** The charges for wholesale broadband service shall be retail minus initially and the retail minus percentage shall be either need TRA approval or TRA could take initiative to set this percentage based on cost and other network data submitted by the operator as called upon by TRA.
- Article (5)** The Access Provider shall cooperate with the Access Seeker to implement the arrangements for Wholesale Broadband Services within 3 months of the first order being placed against the Reference Access Offer. Once the ordering mechanism gets stabilised, TRA would like the Access Provider to deliver any Wholesale Broadband Service within 10 working days of receipt of an order.

Backhaul

- Article (6)** The Access Provider shall include delivery of the Bitstream Services to the premises of the Access Seeker provided that these premises are within the coverage of the Access Provider.
- Article (7)** The Access Provider shall offer transmission services using the same technologies that it uses for itself for conveying Internet access and telephony services from the Main Distribution Frame site to the premises of the Access Seeker provided that these premises are within the coverage service area of the Access Provider.

Ordering

- Article (8)** The Access Seeker shall send copies of all orders for the establishr of Wholesale Broadband Services to the TRA.

Non-discrimination

Article (9) Class 1 licensees who provide Wholesale Broadband Services to other licensees shall not discriminate in the provision of these services to other licensees and the provision of services shall be based on similar level of quality and facilities as is offered to their own subscribers. This requirement includes non-discrimination in installation, commissioning, performance including contention ratios, and fault repair times.

Winback and slamming

Article (10) When an Access Provider becomes aware through the ordering process that a given subscriber has placed an order that will be supplied by or result in a change to a Wholesale Broadband Service, the Access Provider or Losing Provider may communicate with the subscriber in a manner to be approved by the TRA to inform them that an order has been placed and to advise them on what action is to be taken in case the order is incorrect or has not been correctly authorised. The Access Provider or Losing Provider may not discuss the services of the Access Seeker or make offers to them to cancel the new order until [one month] after the order has been put into effect. If problems occur in handling the order, then contacts are permitted to resolve the problems.

Article (11) No licensee shall switch or alter a subscriber's retail or Wholesale Broadband Service without the subscriber's knowledge or consent, or after obtaining consent but based upon a misrepresentation or through any deceptive practices by the licensee, or any other agent(s) or representative(s) of the licensee.

Reporting of Statistics

Article (12) Each Access Provider shall report to TRA the following parameters for each quarter or as frequently as requested by the TRA and these shall be provided separately for Bitstream, Shared loop Unbundling and Whole Loop Unbundling services:

- (1) Total number of Access Seekers to whom they are providing operational Wholesale Broadband Services at the end of reporting period
- (2) Total number of lines provided with Wholesale Broad Services at the end of the reporting period
- (3) Total number of requests received in the reporting period
- (4) Total number of requests refused in the reporting period

- (5) Most common reason for refusal
- (6) Second common reason for refusal
- (7) Total number of requests completed successfully within the time interval recommended by TRA
- (8) Total number of requests completed successfully but with delay beyond TRA's recommended time interval
- (9) Average time to supply Wholesale Broadband Services
- (10) Average time to supply Retail Broadband Services to their own subscribers

Penalties

- Article (13)** Where an Access Provider fails to establish the facility to make a Wholesale Broadband Service available within the time specified in these regulations, the Access Provider shall waive the charges for establishing the facility. This penalty shall not apply for the first order for each type of Wholesale Broadband Service but shall apply for subsequent orders.
- Article (14)** Where an Access Provider fails to make available a Wholesale Broadband Service in respect of an individual subscriber within the timescale specified in the Ordering System Specification, then the charge for the transaction shall be waived. If the delay exceeds one week, then, the Access Provider shall be liable to pay a penalty equal to the charge for the transaction for each whole week of delay.

