



CHEMONICS INTERNATIONAL INC.

Electronic Document Submission Title Page

Contract No.: 278-C-00-02-00210-00

Contractor Name: Chemonics International, Inc.

USAID Cognizant Technical Office: Office of Economic Opportunities
USAID Jordan

Date of Product/Report: November 2003

Document Title: Notice Requesting Public Comment on the
Implementation of Guidelines on Infrastructure
Sharing and National Roaming for Mobile Operators
in Jordan

Final Report

Author's Name: Silvia Vivanco

Activity Title and Number: Achievement of Market-Friendly Initiatives and
Results Program (AMIR Program)

ICTI 423.4.4 Consultation on Roaming/Infrastructure
Sharing

Name and Version of Application
Software Used to Create the File: MS Word 2002

Format of Graphic and/or Image File: N/A

Other Information: N/A

**Notice Requesting Public Comment on the Implementation of Guidelines on
Infrastructure Sharing and National Roaming for Mobile Operators in Jordan**

Final Report

Contract No.:	278-C-00-02-00210-00
Contractor Name:	Chemonics International, Inc.
USAID Cognizant Technical Office:	Office of Economic Opportunities USAID/Jordan
Date of Report:	November 2003
Document Title:	Notice Requesting Public Comment on the Implementation of Guidelines on Infrastructure Sharing and National Roaming for Mobile Operators in Jordan Final Report
Author's Name:	Silvia Vivanco
Activity Title and Number:	Achievement of Market-Friendly Initiatives and Results Program (AMIR Program) ICTI 423.4.4 Consultation on Roaming/Infrastructure Sharing

Funded by U.S. Agency for International Development

This report was prepared by Silvia Vivanco, in collaboration with Chemonics International Inc., prime contractor to the U.S. Agency for International Development for the AMIR Program in Jordan.

Data Page

Name of Component: ICTI

Author: Silvia Vivanco

Practice Area: N/A

Service Offering: N/A

Table of Contents

1.	Introduction.....	1
2.	Purpose of Notice.....	1
3.	Background.....	1
4.	Policies regarding Infrastructure Sharing	2
5.	Negotiation Procedures Related to Infrastructure Sharing Agreements.....	3
6.	Policies Regarding National Roaming.....	4
7.	Timetable and Procedures.....	5

Consultation on Roaming/ Infrastructure Sharing

1. Introduction

Pursuant to the Government's "Program for Further Licensing within the Mobile Telecommunications Sub-Sector, presented pursuant to the Statement of Government Policy on the Information and Communications Policy Sector and Postal Sector as approved on September 4, 2003" (Program for Further Licensing), which was approved by the Council of Ministers on November 19th, 2003, the Telecommunications Regulatory Commission of Jordan (TRC) intends to issue an additional license for mobile service. According to the Program for Further Licensing, the government's goals in the sub-sector include enhancing competition, deployment of advanced technologies, lowering of costs to users and stimulating economic development in Jordan. Key to ensuring the development of a mobile competitive market are the issues of infrastructure sharing and national roaming between mobile operators (hereinafter "Licensees").

The TRC hereby seeks input from interested parties on issues regarding infrastructure sharing and roaming between mobile Licensees in Jordan, including the procedures and processes for negotiations between Licensees. Interested parties are encouraged to submit comments regarding the issues outlined in this Public Notice to the TRC on or before 15:00 Amman time December 7th, 2003. All comments of interested parties will be taken into account in the formulation of the final guidelines regarding infrastructure sharing and roaming.

2. Purpose of Notice

2.1 The Telecommunications Regulatory Commission of the Hashemite Kingdom of Jordan (TRC) hereby seeks public comment on issues regarding infrastructure sharing and roaming between mobile Licensees in Jordan, including the procedures and processes for negotiations between Licensees.

2.2 Interested parties are invited to file their comments with the TRC on the issues described in this Public Notice.

2.3 Parties filing comments or otherwise registering with the TRC with respect to this comment process will receive further correspondence related to the subject of this Public Notice.

2.4 The comments filed pursuant to this Public Notice will assist the TRC in determining a variety of issues relating to infrastructure sharing and roaming for mobile Licensees in Jordan.

3. Background

3.1 The TRC has embarked on a successful program for the liberalization of mobile telecommunications services in Jordan in accordance with policies established by the Government of Jordan. The present duopoly conditions in the mobile telecommunications sub-sector will end and the sub-sector is being opened to further competition in early 2004. To accomplish these goals, the TRC has embarked on a mobile tender and license process for the third mobile operator ("new Licensee").

Consultation on Roaming/ Infrastructure Sharing

This Public Notice is being issued as a result of the approval of the Program for Further Licensing by the Council of Ministers on November 19th, 2003.

3.2 In order for the new Licensee to be able to fully compete in the marketplace, it must be able to provide its customers with a robust and totally -functioning network. To accomplish this goal, existing mobile Licensees (Fastlink and MobileCom) must provide access to their networks through infrastructure sharing as well as allowing the new Licensee's subscribers to use their networks through national roaming arrangements.

3.3 Pursuant to Article 6 of the Jordanian Telecommunications Law, which states that "the TRC shall establish the basis for regulation of the telecommunications and information technology sectors," the TRC has the responsibility to issue rules and regulations on telecommunications and information technology services. The TRC encourages the participation of interested parties on the approval of the proposed policies and procedures set forth in this Public Notice. Upon receiving the comments from all interested parties, the TRC will publish the comments on its website and will then issue guidelines on infrastructure sharing and roaming. If, as a result of this process, amendments to the existing mobile licenses are required, they shall be determined in a separate proceeding.

4. Policies regarding Infrastructure Sharing

The TRC has determined that the following policies apply to infrastructure sharing.

4.1 Under Section 6.2.1.4 of their current licenses, the existing mobile Licensees agree to "lease to such other service providers, on a non-discriminatory basis, facilities (rooms, towers, ducts, cable, etc.) under the control of the Licensee and required for the use of such others, it being understood that the Licensee shall not be required to construct new facilities for lease to such other service providers hereunder." The TRC finds that leasing facilities for interconnection is closely related to leasing facilities for infrastructure sharing. Under both scenarios, the existing mobile Licensee is leasing its facilities to another Licensee in order for the other Licensee to provide competitive services to its clients. A new entrant without interconnection and without the ability to share infrastructure as necessary with an existing Licensee faces disadvantages that could seriously affect their operations and short-term viability.

4.2 Therefore, in addition to its own infrastructure and facilities, the TRC concludes that the new mobile Licensee can make use of the infrastructure, facilities and services of existing Licensees, on cost based terms, including an adequate return on capital.

4.3 On a similar note, the TRC finds that the facilities described in the "Interconnection Guidelines" approved by the TRC on November 25, 2002, are relevant for infrastructure sharing. These collocation and facilities sharing services include "services where one licensee provides space in their premises and facilities to another licensee in order for them to install their own network equipment. The facilities provided may include electrical power, air conditioning and security, cable ducts and space on antenna masts or towers." These facilities would also be included

Consultation on Roaming/ Infrastructure Sharing

as part of the infrastructure that must be shared with the new mobile Licensee upon demand.

4.4 Infrastructure sharing, including collocation and facilities, sharing shall be provided based on the principles of neutrality, non-discrimination, equal access and open competition.

4.5 The TRC seeks comment as to whether the facilities described above would be adequate for infrastructure sharing and thereby facilitate the operations of the new entrant.

5. Negotiation Procedures Related to Infrastructure Sharing Agreements

5.1 The TRC proposes to implement the following procedures to ensure that infrastructure facilities and collocation are provided according the principles of neutrality, non-discrimination, equal access and open competition. These procedures are similar to the procedures concerning collocation and facilities sharing that have already been developed in the TRC's "Interconnection Guidelines."¹

5.2 All negotiations concerning infrastructure sharing and collocation agreements shall comply with the following minimum competitive safeguards.

5.2.1 The period for the negotiation of the terms and conditions of an infrastructure sharing contract shall not exceed 30 calendar days.

5.2.2 Existing mobile Licensees shall respond to any request for infrastructure sharing or collocation services by the new Licensee within 7 working days stating whether the request for service is to be accepted or rejected.

5.2.3 Existing mobile Licensees accepting a request for infrastructure sharing shall provide, within 15 working days of the request for service being received, a date by which the request for service will be implemented.

5.2.4 Existing mobile Licensee rejecting a request for service, in whole or in part, shall respond in writing to the new Licensee, giving the new Licensee reasons for this rejection. This letter shall be copied to the TRC. The new Licensee requesting service shall have the right to refer the matter to the TRC, who shall then investigate with the cooperation of both Licensees and shall make a determination on the subject.

5.2.5 In order to obtain the TRC's opinion, the existing mobile Licensee must file with the TRC its proposed contract for the new Licensee within ten days of the matter having been referred to and received by the TRC.

5.2.6 The TRC may request the parties to provide any additional information it may require to evaluate the contract sent for approval, setting a timeframe for the filing of such additional information.

¹ See section 6.1.4., Collocation and facilities sharing processes, Interconnection Guidelines approved by the TRC Board of Commissioners on November 25, 2002.

Consultation on Roaming/ Infrastructure Sharing

5.2.7 Before the estimated effective date of the corresponding infrastructure sharing contract, the TRC shall issue its written opinion thereon, either agreeing with the proposed contract or making any change or addition it may deem necessary. In the latter case, any such change or addition must be necessarily incorporated into the contract, regardless of whether it refers to the technical and/or economic conditions of the contract.

5.2.8 The TRC will send the proposed resolution to the parties, in order for the operators included within the scope thereof to make their respective comments or objections. The final resolution will be issued by the TRC within 30 days.

5.2.9 The resolution issued by the TRC will be published on the TRC's web page <http://www.trc.gov.jo> and is binding upon the parties.

6. Policies Regarding National Roaming

6.1 In order to implement the policies stated within the Program for Further Licensing as approved by the Council of Ministers, the TRC believes that the new Licensee should be able to offer nationwide service as expeditiously as possible. Therefore, existing mobile Licensees will be required to allow roaming on their networks for the new Licensee at reasonable rates and to the extent technically feasible.

6.2 Under Article 6.5 of the existing mobile licenses, the Licensees "shall cooperate, subject to operational practicability and commercial viability, with other licensed providers of the Service to establish and maintain technical and billing arrangements to permit its customers to use their wireless terminal equipment in the service areas of such other service providers, and *vice versa*. The Licensee shall comply with all directives of the TRC to promote the establishment and maintenance of such roaming capabilities." In addition, "domestic roaming agreements with other Licensees shall be subject to the mutual agreement of the parties concerned; such agreements shall be deposited with the TRC for approval."

6.3 The TRC therefore finds that these provisions in the existing licenses will also apply to the new Licensee and that roaming agreements with the new Licensee must be submitted to the TRC for approval. Moreover, mobile Licensees shall submit to the TRC all the information it may require concerning roaming.

6.4 In order to encourage rapid network build-out by the new Licensee, this roaming requirement will expire in the following manner:

- For the central governorates of Jordan (Amman, Zarqa, Balqa and Madaba), two years after the effective date of the spectrum license,
- For the rest of Jordan, four years after the effective date of the spectrum license.

6.5 The TRC considers that operators of mobile services shall agree freely to the conditions of national roaming. At the same time, international roaming shall be provided according to the agreements between national and international operators.

Consultation on Roaming/ Infrastructure Sharing

6.6 The TRC will provide oversight of and sanction the unjustified denial of the provision of facilities for roaming or any discriminatory practices used to impede roaming.

6.7 Mobile operators shall provide precise information available to all consumers about prices and tariffs for roaming.

6.8 If mobile operators cannot agree on the terms and conditions of roaming within 30 days, the matter shall be sent to the TRC for initiation of formal dispute resolution proceedings.

6.9 The TRC requests comments on the requirement that mobile Licensees be required to allow roaming on their networks for the new Licensee at reasonable rates and to the extent technically feasible, as well as the timeframe for the roaming requirement.

7. Timetable and Procedures

7.1 The TRC invites written comments from all parties interested in providing their views with respect to implementing infrastructure sharing and roaming between mobile operators in Jordan no later than December 7th, 2003.

7.2 Parties interested in receiving further notices from the TRC regarding the implementation of infrastructure sharing and roaming between mobile operators in Jordan should express such interest to the TRC as soon as possible. Expressions of interest should set out the full name of the interested party as well as the name, mailing address, telephone, fax number and e-mail address of the person responsible for receiving communications with respect to matters relating to these issues.

7.3 This is a consultation document. As such, the TRC notes that none of the ideas expressed or comments made in this Public Notice necessarily will be contained in the final guidelines on infrastructure sharing and roaming between mobile operators. Furthermore, the conditions for guidelines on infrastructure sharing and roaming between mobile operators will be based on the terms outlined here, input from commenting parties and other information that may be made available to the TRC. Submissions received by the TRC as a result of this Public Notice will not necessarily be adopted.

7.4 All communications with the TRC in connection with this Public Notice should be addressed as follows:

CEO
Telecommunications Regulatory Commission
P.O. Box 850967 Amman 11185 Jordan
Telephone (962) 6-5501120/6
Facsimile (962) 6-5863641/2
RoamingConsult@trc.gov.jo