CHEMONICS INTERNATIONAL INC.

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Draft TRC Decision Making Procedures

Final Report

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TRC MISSION STATEMENT

"To ensure the availability of advanced and high quality Information and ICT services to all users at just, reasonable, and affordable prices *by working with all stakeholders in an independent, open and transparent manner to create a regulatory environment that promotes fairness, competition and investment*, thus assuring fulfillment of the Kingdom‘s long-term ICT needs."

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HANDBOOK OF TELECOMMUNICATIONS REGULATIONS

Cognizant of its role as an independent regulator of the telecommunications sector in the Hashemite Kingdom of Jordan;

Aiming to ensure that the greatest amount of confidence is instilled in its decisions and officials;

Keeping in mind the critical importance of maintaining at all times the real and perceived integrity of such officials and decisions for the promotion of fairness, competition and investment in the Jordanian telecommunications sector;

Intending to create an independent, open and transparent regulatory framework that is known to all stakeholders and the public;

Desiring to fulfill the goals of the Information and Communications Technology Policy set by the Ministry of Information and Communications Technology and adopted by the Council of Ministers; and

Aware of the international commitments made by the Hashemite Kingdom of Jordan in relation to the telecommunications sector;

The Telecommunications Regulatory Commission ("TRC") hereby publishes this Handbook of Telecommunications Regulations to set down the codified written guidelines, instructions and other regulatory instruments of the TRC ("Regulations") in order to ensure that they are publicly available to all

CHAPTER A: INTRODUCTION & PREAMBLE

I. Enabling Statement

1. Legal Basis.

This Handbook of Telecommunications Regulations represents a compilation of all Regulations that are adopted by the TRC pursuant to the Telecommunications Law no. 13 for the year 1995 and its amendments ("Telecommunications Law"). The Handbook of Telecommunications Regulations is published by the TRC in accordance with Article 6(M) of the Telecommunications Law in order to keep the public duly informed and to provide guidance on how the TRC functions and performs its duties and in order to implement the ICT Strategy presented by the Ministry of Information and Communications Technology and adopted by the Council of Ministers in September, 2003.

2. Scope

The TRC hereby publishes this Handbook of Telecommunications Regulations in order to have a central reference for all applicable TRC Regulations that is publicly available. All new Regulations issued by the TRC will become part of the Handbook of Telecommunications Regulations at the time of their adoption by the TRC. The TRC Regulations included in the Handbook of Telecommunications Regulations will be binding on all licensees, operators and other persons subject to the jurisdiction of the TRC.

II. Citation

This handbook shall be cited as the "Handbook of Telecommunications Regulations" [(Handbook of Telecommunications Regulations) in short].

CHAPTER B: TRC PROCEDURAL GUIDELINES

I. Introduction

1. Enabling Statement

A. Legal Basis.

These Procedural Guidelines are adopted by the TRC pursuant to Article 6(B), 6(--), 6(--), 6(--) and Article 12(2)of the Telecommunications Law, and all other applicable legislation and enabling laws in effect in the Hashemite Kingdom of Jordan.

B. Scope

i. The TRC hereby adopts these Procedural Guidelines in order to regulate the manner through which the Proceedings are conducted.

ii. These Procedural Guidelines will form a part of the Handbook of Telecommunications Regulations.

iii. The TRC adopts these Procedural Guidelines in order to codify and organize the TRC's processes in relation to the performance of its regulatory functions and/or determination of its policies.

C. Coming into Force

These Procedural Guidelines shall come into force on _____.

D. Applicability

These Procedural Guidelines shall be strictly adhered to by all Persons participating in any Proceeding of the TRC, unless otherwise provided for herein. The provisions of these Procedural Guidelines may be suspended, revoked, amended, or waived in relation to any particular Proceeding if the TRC determines that such Procedural Guidelines are impracticable, unnecessary or contrary to public interest.

E. Conflict with Legislation in Force

In the event that there is any conflict between these Procedural Guidelines and the Telecommunications Law and other applicable laws in force in Jordan, then such laws shall have precedence and shall apply.

2. Citation

These Procedural Guidelines shall be cited as the "Telecommunications Regulatory Commission of Jordan Procedural Guidelines" [(TRC Procedural Guidelines) in short].

3. TRC General Principles of Practice and Procedure

Notwithstanding any provision to the contrary, the TRC shall aim to ensure that any and all Proceedings will be:

A. performed in accordance with the requirements of the law.

B. implemented in an objective and impartial manner.

C. conducted in accordance with the highest standards of ethics, decorum and good faith.

D. conducted in accordance with the highest standards of transparency taking into account the need to protect national interest and Confidential Information.

E. resolved by Decisions which are proportionate, reasoned and supported by factual and legal support.

F. applied in order to ensure that the public interest is served and therefore to the highest extent possible public participation in all Proceedings is to be sought.

4. Definitions

The following words and phrases shall have the meanings assigned to them hereunder, unless such words and phrases are otherwise defined in the Telecommunications Law, in which event the definitions contained in the Telecommunications Law shall apply:

A. Confidential Information:

information as defined in Section (II) Article (10)(A)(i) below.

B. Correspondence:

any communication made by any Party in any Proceeding utilizing any means including electronic submissions (via electronic mail and/or the Internet and/or otherwise), and which is intended to transmit facts, information or documentation of any kind that may have a substantive effect on any of the merits or outcomes of any Proceeding and include inquiries, complaints, applications, petitions, answers, motions, comments, reply comments, position statements, and other papers, filings, or other similar documents (and all attachments thereto) to be filed with the TRC.

C. Decision:

means an expression of the final conclusive legally binding intent of the TRC to act in a certain manner in relation to any Proceeding.

D. E-Mail Notification List:

a list defined Section (II) Article (2)(B)(iv)(1)(a) of this Chapter.

E. Ex Parte Presentation:

a presentation as defined in _____ (__) Article (--)(--)(--)(-) of Chapter (-).

F. Incoming Correspondence Number:

a number as defined in Section (II) Article (2)(B)(ii)(1) of this Chapter.

G. Industry Questionnaire:

a TRC prepared form as defined in Section (III) Article (1)(A) of this Chapter.

H. Notice:

an official notification by the TRC to the public at large (or any segment thereof) requesting them to share their views with the TRC, inviting them to participate in any Proceeding, or informing them of the intention of the TRC to act in a certain way.

I. Notice of Inquiry:

a Notice as defined in Section (III) Article (2)(A) of this Chapter.

J. Notice of Proposed Rulemaking:

a Notice issued by the TRC in accordance with Section (IV) Article (3)(B)(i) of this Chapter.

K. Party:

any Person having a right to participate in any particular Proceeding.

L. Person:

any human being or legal entity.

M. Proceeding:

means any inquiry, complaint or other matter initiated by the filing of an application, complaint or request to the TRC by any Person, or initiated by the TRC on its own motion in connection with the performance of its regulatory functions and/or determination of its policies.

N. Procedural Guidelines:

these rules of practice and procedure that shall govern TRC Proceedings.

O. Public Holiday:

means any day designated by the Government of the Hashemite Kingdom of Jordan to be a public holiday.

P. Registrar:

the person responsible for maintaining the TRC records and official files as well as the performance of any other administrative duties as may be assigned by the TRC from time to time.

Q. Request for Information:

a request by the TRC issued in accordance with Section (III) Article (1)(A) of this Chapter.

R. Rule:

A legally binding instruction, guideline, Decision and other regulatory instrument which is of general application and that sets down substantive principles that are regulatory in nature which apply to all Persons that fall within its coverage.

S. Rulemaking:

The formulation, adoption, repeal, amendment or cancellation of any Rule by the TRC.

T. Rulemaking Proceedings:

Proceedings initiated by the TRC in accordance with these Procedural Guidelines for the purpose of Rulemaking.

U. Telecommunications Law:

Telecommunications Law no. 13 of the year 1995 as amended from time to time.

V. TRC:

Telecommunications Regulatory Commission established pursuant to the Article (4) of the Telecommunications Law.

W. TRC Board:

The Board of Commissioners of the TRC

X. TRC General Procedural Principles:

The general procedural principles as set down in Section (I) Article (3) of these Procedural Guidelines.

Y. TRC Headquarters:

The TRC offices located [insert street address]

Z. TRC Office Hours:

[insert official TRC hours]

AA. TRC Web Site:

The official TRC web site located at www.trc.gov.jo .

II. General Procedural Matters

1. Familiarity with these Procedural Guidelines

All Persons participating in any Proceedings of the TRC, or initiating any Proceedings before the TRC shall be deemed to be familiar with those portions of these Procedural Guidelines that are pertinent to such Proceedings.

2. Registrar/Diwan

A. Location and Office Hours

The office of the Registrar shall be located at the TRC Headquarters and shall be available during regular TRC Office Hours.

A. Communication with the TRC

i. Official Correspondence and Filing of Documents

1. Unless otherwise provided for by law or by these Procedural Guidelines any Correspondence of any kind relating to any Proceeding which is to be filed with the TRC will be filed:

a. in strict accordance with these Procedural Guidelines;

b. with the Registrar during regular TRC Office Hours;

c. within the time limits set in these Procedural Guidelines;

d. by presenting an original and 2 copies of these documents to the Registrar, unless the TRC otherwise directs.

2. The TRC may reject the filing of any Correspondence that is not filed in accordance with paragraph (1) above.

ii. Receipt of Correspondence

1. The original and each copy of any Correspondence relating to any Proceeding must be submitted to the Registrar for official stamping and issuance of an Incoming Correspondence Number which will show the date of receipt as well as a sequential identification number of the document.

2. In the event that any Correspondence does not receive an Incoming Correspondence Number then the TRC may consider such Correspondence to have not been received and filed for the purposes of these Procedural Guidelines.

3. Upon request, persons may have additional copies date stamped for their own files, so long as they present additional copies of the documents at the time that they are presented to the Registrar.

4. Any Person may submit courtesy copies to any of the Commissioners of the TRC Board, TRC staff, consultants and/or advisors but in no case shall such copies be considered to be officially received by the TRC unless filed in accordance with the above provisions.

iii. Issuance of Notices

1. Unless otherwise decided by the TRC, the Registrar will be responsible for the issuance of Notices and other processes as may be directed by the TRC from time to time.

2. The Register shall publish Notices and other public announcements as directed by the TRC from time to time, through publication:

    a. In the Arabic and/or English language press and/or both.

    b. Positing on the TRC Website

    c. by direct mail to persons that may be directly affected by such Notice or other public announcement

    d. in any other manner directed by the TRC.

3. The TRC may also require the Registrar to issue a press release in order to notify the public of the Proceedings and their purpose, and such press release may be included on the TRC Website and may be sent to all individuals listed on the E-mail Notification List.

iv. Proceedings

1. Upon initiation of any Proceeding by the TRC the Proceeding shall be assigned with a number identifying the Proceeding and a title that is descriptive of the subject matter of the Proceeding.

2. All documents to be filed with the Registrar relating to such Proceeding shall make reference to such Proceeding number and title.

v. Public Access

Where a document is filed with the Registrar, the TRC will allow public access to such document, unless the TRC considers the information to be Confidential Information. The TRC may from time to time issue instructions to govern the access to and the making of copies of any documents filed with the Registrar.

vi. Electronic Filing

1. In order to better serve and more efficiently communicate with the public the TRC will work to ensure that advanced information and communication technologies are utilized in its Proceedings. To that end:

   a. The TRC may maintain and utilize a list including the e-mail addresses and contact details of every Person who requests to be included on the list for the purpose of receiving e-mail notifications from the TRC announcing Notices, Decisions and other TRC announcements. This list shall be referred to as the E-Mail Notification List.

   b. To the extent reasonably possible, the TRC may, from to time, allow for the submission of comments and reply comments in Rulemaking Proceedings through electronic means.

   c. The TRC may allow for the use of electronic means in its other Proceedings in the manner that it sees fit.

2. The TRC reserves the right to issue instructions regulating the manner and form of any electronic filing in any Proceeding in order to ensure document integrity, privacy, security and efficiency.

3. Time Lines for Filings

A. Official Receipt

The date and time of receipt of any Correspondence or other documents shall be the date and time the Incoming Correspondence Number is stamped by the Registrar and not the date of dispatch, mail or delivery.

B. Calculation of Time

i. If the time is set in days, months or years, the day on which the concerned action took place will not be considered as the starting point for the calculation of the time frame, and instead the next day will be considered the first day of the set time period.

ii. The period will end with the close of the business day on the last day of such period if an action is supposed to take place on that day, (but if the action is to take place after the lapse of such time then the action cannot be taken except after the passage of that day).

iii. If the last day falls on a Public Holiday then the deadline will be extended to the next day.

iv. Times will be calculated using the Gregorian calendar.

C. Extensions of time

The TRC may at its discretion grant requests for extension of time.

4. Specifications for Correspondence

A. Typing

Unless otherwise stated in these Procedural Guidelines or decided by the TRC, Parties are strongly urged to type or use a computer or other electronic means to prepare Correspondence for filing with the TRC.

B. Spacing and Font

If typed, all Correspondence must be in black ink, double spaced with a font of at least 12 and printed on only one side of the page. If handwritten, all papers must be in black ink, and clearly legible and shall be written on only one side of the page.

C. Contact Person

The name, address and phone number of the Person filing the Correspondence shall be included in block capital letters on the first and last pages of the document as well as the name of the individual(s) authorized to communicate with the TRC on behalf of such Person in relation to the particular Proceeding.

D. Binding and Page Numbering

All pages must be collated and shall be consecutively numbered at the bottom of each page and securely stapled or bound. All Correspondence over twenty pages must contain a table of contents.

E. Page Limit

The TRC reserves the right to specify a limit to the number of pages for any Correspondence that may be filed in a Proceeding. Such page limit may be waived, and permission to file Correspondence in excess of predetermined page limit may be granted by the TRC.

F.Language

All Correspondence submitted to the TRC must be in either the Arabic or English language, however in any Proceeding the TRC shall be entitled to specify that Correspondence must be submitted in the Arabic or English Language or in both.

G. Copies

Unless otherwise stated, all papers filed with the TRC must be filed with an original and 2 copies.

5. Frivolous Filings

Correspondence that the TRC reasonably determines to contain matters or requests that are vexatious, moot, premature, repetitive, frivolous, incomplete, or which plainly do not warrant consideration by the TRC may be denied outright or dismissed by the TRC.

6. Verification of Signatures

Where the authenticity of the signature of any Person on any document filed with the TRC, or where the identity of the filer, is in question, the TRC may require the Person who filed such document to cause such signature to be confirmed or authenticated or to show proof of identity through any means it deems appropriate which to the satisfaction of the TRC demonstrates that the signature was actually made by the Person purporting to have singed or filed the document and/or that the individual actually signing the document is in fact authorized to do so on behalf of the filer.

7. Accuracy and Completeness of Representations made to the TRC.

A. Representation of Truthfulness

By affixing a signature to any Correspondence filed with the TRC and/or making any oral representation pursuant to these Procedural Guidelines, the Person signing and/or presenting the information represents that the contents of the statements, pleadings or papers are not misleading and are true and accurate in every respect to the best of the Person's knowledge, information and belief.

B. Correction of Information

Every Person making any representation orally or in writing to the TRC is responsible for the continuing truth, accuracy and completeness of information furnished in a pending Proceeding. Whenever the information furnished in a pending Proceeding is no longer substantially accurate and complete in all significant respects, the Person making the representation shall as promptly as possible, and in any event within 10 days amend or request the amendment of the statement so as to furnish such additional or corrected information as appropriate.

C. Failure to abide by the Procedural Guidelines

Any failure by any Person to abide by the requirements of this Article or any other provisions of the Procedural Guidelines shall be considered to be in violation of the TRC Rules and the TRC in its discretion may subject such Person to penalties in accordance with the Telecommunications Law and related guidelines which shall include but shall not be limited to:

i. Exclusion from the Proceedings.

ii. Striking the evidence, submissions and other Correspondence from that Party.

iii. A public statement of censure by the TRC to that Party.

8. TRC Meetings

From time to time, the TRC Board may decide to invite members of the public to attend the TRC Board meetings. In such cases, the date and time of the TRC Board meeting, along with the agenda, will be published in the manner the TRC deems most appropriate.

9. Delegation by TRC Board

Unless otherwise prohibited by law, the TRC Board may from time to time and in accordance with Articles 12(A) and 12(B) of the Telecommunications Law delegate certain TRC actions to advisory committees or to one or more of the Commissioners sitting on the TRC Board. In such cases the delegation shall be in writing and the delegee shall be able to act on behalf of the TRC on all matters within the scope of the delegation.

10. Confidentiality

A. Standard for confidentiality

i. Definition of Confidential Information

Confidential Information is information that is:

1. not generally publicly available or not known in its final version or in its detailed contents and it is not easily accessible, and;

2. relates to:

   a. financial capacity or business plan, or

   b. to any other matter reasonably justifying confidentiality as determined by the TRC, and;

3. disclosure of the information will lead to specific and direct harm.

ii. Exceptions

Information will not be considered to be Confidential Information by the TRC in the event that the information:

1. Is in the possession of the TRC prior to receipt from the disclosing Party;

2. Is or becomes publicly known, provided that such disclosure is not caused by breach by the TRC of these Procedural Guidelines

3. Is disclosed by the TRC to satisfy a legal demand by a competent court of law or other governmental body;

4. Is disclosed to a third party pursuant to written authorization form the disclosing Party;

5. Is received from a third party and not subject to any disclosure restrictions.

B. Identity of Person with the Right to Request Confidentiality.

A claim of confidentiality may be made only by the Parties who have the right to disclose the Confidential Information, use it and/or preserve it.

C. Requests for treatment of information as Confidential Information.

i. Requests for treatment of information as Confidential Information shall be made at the time of filing with the TRC of the document containing the purported Confidential Information.

ii. Requests for treatment of information as Confidential Information shall be accompanied by a concise statement indicating the type of information and why the information is to be considered by the TRC as Confidential Information.

iii. Requests for treatment of information as Confidential Information shall include the purported Confidential Information in a separately sealed envelope, which shall be marked with the Incoming Correspondence Number, the Proceedings number and title, the name of the Party to whom the information belongs and the signature of the Person making the request.

iv. When a request for confidential treatment of information is made, an abridged version of the filing shall be placed in the public record of the proceeding. The abridged version shall contain blank pages indicating that purported Confidential Information is contained on those pages and these blank pages shall be inserted into each filing in place of the pages containing the said information.

D. TRC Decision

i. Once the request is properly filed in accordance with these Procedural Guidelines, then the TRC shall make the determination of whether to accept the request and consider the information Confidential Information or whether to reject the request and allow public access thereto.

ii. If there is no request of confidentiality by a submitting Party then the TRC can disclose the information irrespective of its nature. Nonetheless, if the TRC is justified in believing that the information is Confidential Information then the TRC Board may, at its discretion, *sua sponte* consider it to be Confidential Information. In such cases the TRC may request that the filer of the document present an abridged version of the document to be placed in the public record.

iii. Where the TRC determines that the information is in fact Confidential Information it may:

1. Order that the document not be filed with the Registrar and/or prohibit public access thereto;

2. Order disclosure of an abridged version of the Confidential Information; or

3. Order limited disclosure of the document, or that the document be disclosed to a selected number of particular Persons provided that each Party who is granted access to the Confidential Information, subject to the TRC order, signs a non-disclosure agreement in the form approved by the TRC.

iv. The TRC may dispose of a claim for confidentiality on the basis of the documentation filed or may, if it deems necessary implement any supplemental procedures or collect any information it considers to be just and proper.

v. In all cases, the TRC Board will attempt in making these determinations to err on the side of caution and non-disclosure of potentially Confidential Information.

vi. Nothing in these Procedural Guidelines will limit in any way the right of the TRC to compel any Person to provide it with any information required irrespective of whether such information is Confidential Information or not.

III. Notices of Inquiry; Requests For Information and Telecommunications Industry Questionnaire

1. Collection of Information through Requests for Information and Industry Questionnaires

The TRC may institute such Proceedings as it may deem necessary for the purposes of collecting information necessary for the purpose of carrying out its duties and it may in this regard issue:

A. Requests for Information

Requests for Information to particular industry stakeholders requiring the disclosure of certain stakeholder specific information which the TRC may need or require in the proper performance of its regulatory functions and the collection of industry information.

B. Industry Questionnaires

Industry Questionnaires which are TRC prepared forms that contain particular questions relating to issues that fall within TRC jurisdiction and which the TRC distributes to particular stakeholders for the purposes of collecting certain industry data, statistics and other information.

2. Notice of Inquiry

C. Issuance

From time to time, the TRC may issue a Notice of Inquiry to inquire into the facts and circumstances surrounding any issue over which it has jurisdiction and in order to assist the TRC in understanding the relevant matter, formulate its positions and determine whether Rulemaking Proceedings are necessary in relation to such matter.

D. Post Notice of Inquiry

A Notice of Inquiry may or may not be followed by a Notice of Proposed Rulemaking.

E. Contents

A Notice of Inquiry shall set forth the TRC's specific inquiries and shall specify the date upon which comments and reply comments regarding the Notice of Inquiry must be filed and any other information deemed relevant by the TRC.

IV. Rulemaking.

1. Conduct Prior to Commencement of Rulemaking Procedures

A. Pre Rulemaking Activities

Before commencement of Rulemaking Procedures the TRC is free to conduct any studies, consult with experts, advisors and any other person and collect as much information as it deems necessary in order to define the issues and understand the differing points of view on the matter.

B. Commencement of Rulemaking Procedures

Subject to Section (IV) Article (2)(H)(vi), Rulemaking Proceedings may be commenced by the TRC:

i. whenever there is a requirement by law for the TRC to issue any Rule,

ii. upon the TRC's own motion and upon being convinced that a certain Rule requires adoption, amendment, repeal or replacement by the TRC,

iii. on the basis of a Request for Rulemaking filed by any member of the public which the TRC agrees to adopt.

3. Request for Rulemaking

Any interested Person may request the initiation of Rulemaking Procedures in relation to any matter as follows:

A. Formalities

Requests for Rulemaking shall be filed with the Registrar and shall contain the specific reasons for the Request for Rulemaking together with all of the views, facts, arguments and data deemed relevant to support the action requested, and shall specifically indicate how the interests of the requesting Party shall be affected by the requested change, along with the text of the requested Rule or amendment to the Rule or the Rule to be repealed.

B. Requests that do not warrant consideration

Requests that are moot, vexatious, premature, repetitive, frivolous or which plainly do not warrant consideration by the TRC may be denied outright or dismissed by the TRC with or without prejudice to the requestor.

C. Publication of Request

Unless the TRC determines that a request is moot, vexatious, premature, repetitive, frivolous, or plainly does not warrant consideration, upon receipt of any Request for Rulemaking, the TRC may cause the text of such the Request for Rulemaking to be published in the manner it deems fit, together with a Notice summarizing the material issues and facts raised in the Request for Rulemaking, and may invite interested persons to furnish the TRC with comments thereon or representations in regard thereto.

D. Response to Requests for Rulemaking

Any interested person may file a response or opposition to any Request for Rulemaking, provided such response or opposition is filed within 30 days of the publication of the Request for Rulemaking pursuant to paragraph (C) above, unless the TRC decides

otherwise. The responses to the Request for Rulemaking shall be published in the manner the TRC deems fit.

E. Reply to Responses to Requests for Rulemaking

Any interested person may file a reply to the statements contained in a response or opposition to any Request for Rulemaking, provided that such reply is filed within 15 days of the closing date for the filing of the response, unless the TRC decides otherwise. Replies to the responses to the Request for Rulemaking shall be published in the manner the TRC deems fit.

F. Additional Pleadings

No additional pleadings may be filed unless specifically requested by the TRC.

G. Denial or Acceptance of Request for Rulemaking

i. Unless the TRC determines that a request is moot, vexatious, premature, repetitive, frivolous, or plainly does not warrant consideration, the TRC will issue a Decision that either denies or adopts the Request for Rulemaking.

ii. If the TRC determines that the Request for Rulemaking discloses sufficient reasons in support of the action requested to justify the institution of Rulemaking Proceedings or that such Rulemaking Proceedings are required or deemed desirable, an appropriate Decision to issue a Notice of Proposed Rulemaking will be taken.

iii. In all other cases the petition for Rulemaking will be denied by a TRC Decision and the petitioning Party will be notified of the TRC's action with the grounds therefore.

iv. The TRC shall have the discretion to entertain requests for expedited treatment of any Request For Rulemaking.

H. Exceptions

Notwithstanding anything to the contrary, the adoption, amendment, repeal or change to any Rule relating to any of the following matters will not be subject to the requirements of these Procedural Guidelines and will not require the implementation of Rulemaking Proceedings unless otherwise determined by the TRC:

i. Any matter relating to the national security function of the TRC.

ii. Any matter relating to the TRC management of personnel or public property, loans, benefits or contracts.

iii. Any rules of interpretation of TRC regulations or other instructions.

iv. General statements of regulatory philosophy or approach.

v. Rules of TRC organization, internal procedure or practice.

vi. Any Decision to amend typographical mistakes and/or minor errors that do no effect the substance of the Rule .

vii. Good Cause

1. Rule changes may be adopted without the commencement of Rulemaking Proceedings in any situation in which the TRC finds that Rulemaking Proceedings are impracticable, unnecessary or contrary to public interest.

2. A statement of the basis for that finding will be published with the Decision to adopt such Rule and the TRC shall in such cases utilize such procedures and practices that it deems appropriate and necessary in such cases, provided that the TRC General Principles of Practice are taken into account.

3. Rulemaking Procedures

A. Advance Notice of Potential Rulemaking

ii. The TRC may decide from time to time to provide reasonable advanced notice of its possible intention to issue a Notice of Proposed Rulemaking and commence Rulemaking Proceedings in the near future. To that end the TRC may issue an Advance Notice of Potential Rulemaking that provides a brief explanation of the matter to be addressed, the related issues of concern and the approach that the TRC is considering to adopt in addressing them.

iii. The Advance Notice of Potential Rulemaking will be published in accordance with what the TRC deems appropriate.

iv. The Advance Notice of Potential Rulemaking is not designed to collect public comments or information, but is only designed to notify the public of the potential Rulemaking activities in the future so that interested Parties may begin conducting their research and formulating their views on the issues listed.

B. Notice of Proposed Rulemaking

i. The TRC will commence Rulemaking Proceedings by issuing a Notice of Proposed Rulemaking informing the public of the TRC's decision to initiate Rulemaking Proceedings in relation to a particular issue within its jurisdiction.

ii. The Notice of Proposed Rulemaking will be published in accordance with what the TRC sees fit.

iii. In addition the TRC may notify any appropriate government agency with interest in the matter of the Notice of the Proposed Rulemaking and will invite it to participate in the Proceeding.

iv. The Notice of Proposed Rulemaking shall contain:

1. the number and title assigned to the Proceeding;

2. the date the Notice of Proposed Rulemaking was released by the TRC;

3. the date upon which comments and reply comments regarding the Notice of Proposed Rulemaking must be filed;

4. any other information deemed relevant by the TRC.

C. Submission of Comments

i. After notice of Proposed Rulemaking is issued the TRC will afford interested Persons the opportunity to participate in the Rulemaking Proceeding through the submission of written data, views or arguments provided such response or opposition is filed within 30 days of the publication unless a different time frame is specified in the Notice of Proposed Rulemaking.

ii. Unless otherwise determined by the TRC, all responses to the Notice of Proposed Rulemaking will be filed with the Registrar.

D. Reply Comments

i. The TRC may allow replies to the original comments to be submitted provided that such replies are filed within 15 days of the closing date for the filing of the comments unless a different time is specified for submission in the Notice for Rulemaking.

ii. Unless otherwise determined by the TRC, all reply comments will be filed with the Registrar.

E. Ex Parte Presentations

Ex Part Presentations in Rulemaking Proceedings shall be handled in accordance with the TRC Ex Parte Rules outlined in the Ethics Guidelines.

F. Additional Comments

No additional comments are allowed except as specifically requested or authorized by the TRC.

G. Oral Arguments

In any Rulemaking Proceeding the TRC may determine that an oral argument, hearing or any other type of procedure is warranted. The TRC will publish the Notice of such oral argument, hearing or proceeding in the manner it sees fit.

4. TRC Decision and Issuance of Rules

A. Issuance of Decision

To the extent reasonably possible, the TRC will consider all relevant comments and material of record before taking final action in a Rulemaking Proceeding and will issue a Decision incorporating its findings and a brief statement of reasons therefore.

B. Publication

i. All final TRC Decisions in relation to any Proceeding will be published in the manner the TRC sees fit and will be filed with the Registrar.

ii. All Rules issued by the TRC as a result of the Rulemaking Proceedings or otherwise shall be published by the TRC in the manner it sees fit and will constitute a part of the Handbook of Telecommunications Regulations.

C. Draft Decision

The TRC may at any time if it deems fit prior to the issuance of the Decision circulate a draft with its initial findings and reasoning and may allow Parties who participated in the concerned Proceedings and other interested Persons to submit their comments thereon.

D. Coming into effect of Decision

i. A Decision in a Rulemaking Proceeding will be considered final and binding from the time that it is officially adopted by the TRC and is published in accordance with the above.

ii. Any Decision in a Rulemaking Proceeding will come into force not less than 30 days from the time the Decision is published in accordance with the above, unless the TRC otherwise decides

5. Petition For Reconsideration

A. Who May File

Any Person whose legal standing is affected in any way by the Decision may petition for reconsideration of a final Decision in a Rulemaking Proceeding conducted under this Section.

B. Elements of the Petition

Any petition for reconsideration to be presented in accordance with this section must contain the following elements:

i. It must relate to a Decision that is actually issued, final and published in accordance with these Procedural Guidelines.

ii. It must be clear in identifying the reasons for the petition and should not contain general statements of opposition.

C. Petitions Based on New Facts Presented

A petition for reconsideration which relies on facts which have not previously been presented to the TRC may be granted if the TRC determines that consideration of the new facts is required in the public interest.

D. Time of Filing

The petition for reconsideration must be submitted to the TRC Board for perusal within 30 days of the publication of the Decision as provided for above, unless the TRC determines otherwise.

E. Publication

When a petition for reconsideration is timely filed in proper form, public Notice of its filing will be published in the manner the TRC sees fit and will be filed with the Registrar.

F. Oppositions to Petitions

Oppositions to a petition for reconsideration shall be filed within 15 days after the date of public Notice of the petition's filing, unless the TRC determines otherwise. The time for

filing oppositions to the petition runs from the date of publication. All oppositions to petitions will be published in the manner the TRC sees fit and will be filed with the Registrar.

G. Replies to Oppositions

Replies to an opposition filed in relation to a petition for reconsideration shall be filed within 10 days after the time for filing oppositions, unless the TRC determines otherwise. All replies to oppositions to petitions will be published in the manner the TRC sees fit and will be filed with the Registrar.

H. Formalities

Petitions, oppositions to petitions and replies to oppositions to petitions shall comply with the formalities set out in Rule II (4) above.

I. TRC Actions

i. The TRC may grant the petition for reconsideration in whole or in part or may deny the petition. Its Decision will contain a concise statement of the reasons for the action taken, as well as a final version of the Rule containing any amendments, modifications or changes thereto resulting from the petition for reconsideration.

ii. Any order disposing of a petition for reconsideration which amends, modifies, or changes Rules adopted by the original Decision is, to the extent of such modification, subject to reconsideration in the same manner as the original Decision.

J. Stay of Enforcement

i. Unless the TRC decides otherwise, the filing of a petition for reconsideration shall not excuse any Person from complying with any Rule or operate in any manner to stay or postpone its enforcement.

ii. Any Person who has submitted a petition for reconsideration may present a request for the stay of the enforcement of any Rule and the TRC may decide to accept such request if it is convinced that good cause exists to justify such an action.

V. Complaints and Complaint Handling

VI. Arbitration/Dispute Resolution

VII. Enforcement

VIII. TRC Approvals

Chapter C. Ethics Guidelines

I. Ex Parte Presentation Rules

i. An Ex Parte Presentation shall include any presentation directed to the merits or the outcome of a particular Proceeding, which:

1. if written, is not disclosed to the remaining Parties involved in such Proceeding and is not filed with the Registrar (including any attachments to a written presentation); or,

2. if oral, is made without advance notice to the remaining Parties involved in the Proceeding and without giving them the opportunity to be present and (including any documents shown in connection with any oral presentation).

ii. Ex Parte Presentations shall not include:

1. Ex Parte communications which are inadvertently or casually made so long as they are properly disclosed and filed with the Registrar in accordance with the requirements of these Procedural Guidelines.

2. Presentations made with respect to issues raised in a Notice of Inquiry or Request for Information or an Industry Questionnaire.

3. Presentations made by TRC staff, employees, consultants and/or advisors to TRC Commissioners sitting on the TRC Board.

4. Inquiries related solely to the status of the Proceeding unless such inquiry touches upon the substantive issues of the Proceeding or have an effect on the merits or the outcome of the Proceedings.

iii. Ex Parte Presentations shall not be made to the TRC in any Proceeding unless the Person making such Ex Parte Presentation, within 24 hours of the time of the making of the Ex Parte Presentation, causes to be filed in the public record:

1. a statement identifying the topics discussed, the persons present, and attaching the written documents discussed, if the Ex Parte Presentation was oral.

2. a copy of the Ex Parte Presentation and all attachments thereto if the Ex Parte Presentation was written.

iv. Any party who makes an Ex Parte Presentation and fails to file it with the Registrar as provided for above shall be subject to penalties including, but not limited to:

1. Exclusion from the Proceedings.

2. Striking the evidence and submissions and other Correspondence from that Party.

3. A public statement of censure by the TRC to that Party.

v. Any employee to whom an Ex Parte Presentation shall be made will be responsible for informing the TRC Board of the meeting, and the TRC Board may, in the manner it sees fit, sanction any TRC employee that fails to disclose and Ex Parte Presentation.

vi. The TRC may, in the manner it sees fit, publish a list including all Ex Parte Presentations that take place so that the public is aware of all such presentations.