

ORDER

Interim Interconnection Order

INTERIM INTERCONNECTION ORDER

An Order issued by the Telecommunications
Regulatory Authority
29th November 2003

REFERENCE

LAU DC 153

Purpose: Sets out provision for interim interconnection pending the TRA's review of Batelco's RIO.



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Telecommunications
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INTERIM INTERCONNECTION

1. Definitions and Interpretation

- 1.1 Any word, phrase or expression used in this Order shall, unless the context requires otherwise or it is expressly defined herein have the same meaning as it has in the Legislative Decree No. 48 of 2002 Promulgating the Telecommunications Law (the “Law”).
- 1.2 “Interconnect” shall have a meaning that corresponds to the meaning of interconnection, as defined in the Law.

2. Background

- 2.1 Section 1.1 of the national plan for telecommunications envisages, among other things, the liberalisation of telecommunications services in the Kingdom of Bahrain.
- 2.2 Section 65 of the Law deals with, among other things, the promotion of competition in telecommunications in the Kingdom of Bahrain.
- 2.3 On April 22, 2003, the TRA granted a mobile telecommunications license to MTC Vodafone (Bahrain) B.S.C. (c). (“MTC”).
- 2.4 As Batelco provided service pursuant to Section 80 of the Law, the TRA granted various licenses to the Bahrain Telecommunications Company B.S.C. (“Batelco”) on June 21, 2003.
- 2.5 The relevant license conditions of each of Batelco and MTC (together “the Parties”) compel them to refrain from engaging in anti-competitive practices.
- 2.6 On March 15, 2003, the TRA published a consultation paper on Dominance in Interconnection Markets and received comments from interested parties.
- 2.7 On August 9, 2003, the TRA determined that Batelco has a dominant position in relation to all relevant telecommunications markets for purposes of interconnection.
- 2.8 Section 3(c)(1) of the Law grants the Authority (the “TRA”) the power to make such orders as may be necessary for the implementation of the Law, including orders in relation to interconnection.
- 2.9 Section 3(c)(13) of the Law grants the TRA the power to encourage, regulate and facilitate adequate interconnection arrangements.
- 2.10 Section 57 of the Law deals with, among other things, interconnection and provides in Section 57(g) that the TRA may resolve disputes related to interconnection within one month of the commencement of negotiations between the relevant parties.

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- 2.11 Since June 9, 2003, Batelco and MTC have been in discussions, negotiating and liaising in connection with interconnection matters.
- 2.12 On November 8, 2003, the TRA received the reference interconnection offer (the “RIO”) from Batelco pursuant to Section 57(b) and (d) of the Law, which RIO is currently under review by the TRA (the “Review”).
- 2.13 If the TRA does not approve all the terms and condition of the RIO, upon completion of the Review, the TRA may issue an order specifying the terms and tariffs of the RIO (“the Review Order”) pursuant to Section 57(b) of the Law. The TRA is currently in the process of reviewing the RIO and may specify such terms and tariffs by means of a Review Order.
- 2.14 MTC is currently in the process of constructing its network in anticipation of the launch of its services on a commercial basis to subscribers. In order to do this in a timely and effective manner, it is necessary for Batelco and MTC to interconnect, in anticipation of MTC providing service on a commercial basis, so that their respective users can communicate with each other.
- 2.15 To date, the TRA has not been informed, as required by Section 57(c) of the Law, of a comprehensive legally binding agreement between Batelco and MTC that is consistent with the RIO.

3. Status of this Order

- 3.1 This Order is intended to supplement the framework within which Batelco and MTC shall conduct themselves in connection with interconnection matters pending the finalization of the Review and the current negotiations between the parties. This Order does not in any manner restrict the parties from agreeing an interconnection agreement between them that complies with applicable law and the TRA strongly encourages the parties to continue doing so in good faith.
- 3.2 If the TRA issues a Review Order upon completion of the Review, some or all of the terms of this Order may be superseded by the Review Order.
- 3.3 The TRA may also issue other subsequent orders in relation to interconnection, including, without limitation, upon receipt of the appropriate referral by either party, an order pursuant to Section 57(g) of the Law.
- 3.4 This Order shall become effective on November 30, 2003 (the “Effective Date”) and shall remain in force until the earlier to occur of:
 - (a) The entering into and implementation of an interconnection agreement between Batelco and MTC pursuant to the RIO (according to Section 57(c) of the Law); or
 - (b) A date specified in a subsequent order by the TRA; or
 - (c) March 31, 2004.

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3.5 The TRA may issue supplemental orders to this Order.

4. Order

4.1 With effect from the Effective Date, and without limiting (a) any other obligation of Batelco or MTC under applicable law: or (b) any interconnection agreement between Batelco and MTC that complies with applicable law:

4.2 Batelco and MTC shall act in good faith to facilitate and implement interconnection and take all action reasonably necessary to do so in an effective manner that encourages efficient and sustainable competition. Without limiting the foregoing, on or before the dates specified in Annex A, namely December 1st 2003 for SMS Interconnection Service and December 14th 2003 for all other interconnect links (“Operational Service Dates”), Batelco shall provide operational service of the interconnect links referred to in Annex A hereto.

4.3 Batelco and MTC shall each provide the TRA with written reports by both fax and email of their respective compliance with this Order on or before 5 PM of every fifth calendar day following the Effective Date of this Order, starting on December 5th 2003, until:

(a) all links referred to in Annex A have been successfully brought into operational service, which shall occur on or before the Operational Service Dates; and

(b) at least three weeks each after all the links have been brought into operational service.

Such written report shall include the following detail:

(a) Details of links currently in operational service; and

(b) Dates (which shall be no later than the Operational Service Dates specified in Annex A) on which outstanding links will be brought into operational service and any specific challenges or issues in connection with achieving such interconnection on or before the Operational Service Dates.

5. Costs

5.1 Subject to the terms of any agreement in accordance with applicable law with respect to interconnection between Batelco and MTC, the Parties shall, pending the Review, each monitor and record all interconnection traffic and service between them pursuant to this Order such that settlement in respect of such traffic and service can take place shortly after the finalization of the Review, and, if applicable, any Review Order, using the relevant tariffs and terms then approved or specified by the TRA, as the case may be.

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ANNEX A

CUSTOMER SITED INTERCONNECTION SERVICE

Interconnection Service	Operational Service Dates
SMS Interconnection Service	December 1, 2003
Between MTC MSC1 and BTC GMSC1	
33 E1 links	
National Mobile (17)	<p>All links to be in operational service by December 14, 2003</p> <p>Links to be brought into service progressively and incrementally across all services at a rate of approximately 8 per day.</p>
M1G1-1	
M1G1-2	
M1G1-3	
M1G1-4	
M1G1-5	
M1G1-6	
M1G1-7	
M1G1-8	
M1G1-9	
M1G1-10	
M1G1-11	
M1G1-12	
M1G1-13	
M1G1-14	
M1G1-15	
M1G1-16	
M1G1-17	
International (10)	
M1G1-18	
M1G1-19	
M1G1-20	
M1G1-21	
M1G1-22	
M1G1-23	
M1G1-24	
M1G1-25	
M1G1-26	
M1G1-27	
National PSTN (6)	
M1G1-28	
M1G1-29	
M1G1-30	
M1G1-31	
M1G1-32	
M1G1-33	
Between MTC MSC1 and BTC GMSC2	
30 E1 links	
National mobile-14	M1G2-34

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	M1G2-35	
	M1G2-36	
	M1G2-37	
	M1G2-38	
	M1G2-39	
	M1G2-40	
	M1G2-41	
	M1G2-42	
	M1G2-43	
	M1G2-44	
	M1G2-45	
	M1G2-46	
	M1G2-47	
International (10)	M1G2-48	
	M1G2-49	
	M1G2-50	
	M1G2-51	
	M1G2-52	
	M1G2-53	
	M1G2-54	
	M1G2-55	
	M1G2-56	
	M1G2-57	
National PSTN (6)	M1G2-58	
	M1G2-59	
	M1G2-60	
	M1G2-61	
	M1G2-62	
	M1G2-63	
Between MTC MSC2 and BTC GMSC1		
28 E1 links		
National Mobile (14)	M2G1-1	
	M2G1-2	
	M2G1-3	
	M2G1-4	
	M2G1-5	
	M2G1-6	
	M2G1-7	
	M2G1-8	
	M2G1-9	
	M2G1-10	
	M2G1-11	
	M2G1-12	
	M2G1-13	
	M2G1-14	
International (8)	M2G1-15	
	M2G1-16	
	M2G1-17	

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	M2G1-18	
	M2G1-19	
	M2G1-20	
	M2G1-21	
	M2G1-22	
National PSTN (6)	M2G1-23	
	M2G1-24	
	M2G1-25	
	M2G1-26	
	M2G1-27	
	M2G1-28	
Between MTC MSC2 and BTC GMSC2		
28 E1 links		
National mobile (14)	M2G2-29	
	M2G2-30	
	M2G2-31	
	M2G2-32	
	M2G2-33	
	M2G2-34	
	M2G2-35	
	M2G2-36	
	M2G2-37	
	M2G2-38	
	M2G2-39	
	M2G2-40	
	M2G2-41	
	M2G2-42	
International (8)	M2G2-43	
	M2G2-44	
	M2G2-45	
	M2G2-46	
	M2G2-47	
	M2G2-48	
	M2G2-49	
	M2G2-50	
National PSTN (6)	M2G2-51	
	M2G2-52	
	M2G2-53	
	M2G2-54	
	M2G2-55	
	M2G2-56	