



Public Utilities
Regulatory Authority
Equity in development

GUIDELINES

FOR

INTERCONNECTION

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In exercise of the powers conferred upon the Authority under Section 14 (1) (g) of the PURA Act 2001, the Authority hereby makes the following Interconnection Guidelines:

I. PART I: DEFINITIONS

The Guidelines mean these Interconnection Guidelines which may be revised by the Authority from time to time.

Licensee means a natural or legal person being the holder of either a Public Switched Telephone Network Licence, a Mobile Operator License or an Internet Service Provider License and the terms Licence or Licences shall be construed accordingly.

Collocation means facility-sharing in which an operator houses equipment of its competitor to allow the access by end users to their respective networks.

Connection means the physical linking of Telecommunications Terminal Equipment and/or Private Telecommunications Networks to Public Telecommunications Networks in order to allow Users of the Private Telecommunications Network or the Users of the Telecommunications Terminal Equipment to communicate with Users of a Public Telecommunications Network or Users of the same or another Private Telecommunications Network or to access services provided on a Public Telecommunications Network as appropriate.

Telecommunications/ICT any domestic or international transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user's choosing.

Telecommunications/ICT Infrastructure or Network refers to technical equipment or systems utilized for telecommunications/ICT (whether for transmission, emission or reception of signs, signals, writing, images and sounds or intelligence) of any nature by wire, radio, optical or other electromagnetic medium.

Customer a person who receives and pays for a telecommunications/ICT service over a period of time under an agreement with or pursuant to terms and conditions established by the operator with approval of the Authority a notional point identified as a point of interconnection Authority.

Customer Premises Equipment or CPE refers to terminal equipment which can be installed and rendered operational by a user without special instruction and includes telephone handsets, facsimile machines and telephone answering machines and any other similar equipment which may be so designated by the Authority.

End User the individual or organization that originates or receives information carried via an info-telecommunications/ICT network.

European Telecommunications Standards Institute or ETSI is an independent, non-profit standardisation organisation in the telecommunications industry in Europe with worldwide projection.

Information and Telecommunications/ICT Technologies or ICT refers to the technologies, including computers, telecommunications/ICT and audiovisual systems that enable the collection,

processing, transportation and delivery of information and telecommunications/ICT services to end users.

Interconnection means the physical linking of the Telecommunications Systems in order to allow the Users of one Telecommunications Systems to communicate with Users of the same or another Telecommunications Systems or to access services provided by another Licensee.

Interconnection Charge the charge that network operators levy on one another to provide interconnection services.

Interoperability the technical features of a group of interconnected networks which ensure end to end provision of a given service in a consistent way. The condition achieved among ICT networks when information or services can be exchanged directly and satisfactorily between them and/or their users.

International Telecommunications Union or ITU is an intergovernmental organization, within which the public and private sectors cooperate for the development of telecommunications. The ITU adopts international regulations and treaties governing all terrestrial and space uses of the radio-frequency spectrum as well as the use of the geostationary-satellite orbit, within which countries adopt their national legislation. It also develops standards to facilitate the interconnection of telecommunication systems on a worldwide scale regardless of the type of technology used.

Non-discrimination a condition by which an operator, engaged in the provision of telecommunications/ICT services, shall not apply less favourable technical and commercial conditions on any competitor than what it would apply to itself, its subsidiaries or its affiliates in delivery of services.

Operator refers to a telecommunications/ICT service provider who is providing a public telephone service and/or a public network and/or a telecommunications/ICT service using leased lines under the terms of an individual licence.

Point of Interconnection or POI a notional point identified as the centre at which different networks are connected with each other.

Public Telecommunications Network means a telecommunications system or a group of telecommunications systems for the offering of Public Telecommunications Services to Users pursuant to the provision of the law.

Private Telecommunications Network means the telecommunications system operated for the benefit of a single person or a single group of persons under common ownership to serve their own needs.

Public Telecommunications Service Provider means any Person licensed or otherwise legally authorised to operate in the Gambia, a Public Telecommunications Network, as defined in the IC Act 2009.

Reference Interconnection Offer (RIO) a standardised outline of an operator's offer, including rates and terms of interconnection, often required to be published. The RIO may be the starting point for negotiations leading up to a specific interconnection agreement between two operators.

Telecommunications System means any transmission or switching device or other device or instrument used to convey, receive or transmit telecommunications signals for the purpose of providing Public Telecommunications Services.

II. PART II: INTERCONNECTION

1. PREAMBLE

These Guidelines shall apply to all telecommunications/ICT service providers requesting or requested to provide to interconnect its network with the telecommunications/ICT network of another operator. These Guidelines describe the procedures to be followed by a Licensee requesting or requested to provide Access and Interconnection.

2. SHORT TITLE

- (a) These Guidelines shall be referred to as the Interconnection Guidelines

3. SCOPE OF THESE GUIDELINES

- 3.1. These Guidelines shall apply to all licensed public telecommunications/ICT operators (hereinafter referred to as "operators") designated by The Gambia Public Utilities Regulatory Authority, otherwise referred to as the "Authority" unless expressly stated otherwise.
- 3.2. These Guidelines refer to the development of a Reference Interconnection Offer (RIO) by operators.
- 3.3. A RIO is a publicly available document published by a designated operator defining a standard set of technical and commercial terms by which the designated operator offers interconnection services to other operators. It forms the basis of a transparent offer by the designated operator to contract with another operator through a standard interconnection agreement.
- 3.4. The publication of a RIO will
- a. Ensure transparency by defining the interconnection services offered by the publisher of the RIO, the applicable rates for such services and the applicable conditions of use.
 - b. Limit the scope of negotiations between operators thus ensuring that interconnection is offered on non-discriminatory terms.
 - c. Advise new entrants what services are offered by certain licensed operators and the costs and lead-times for the provision of such services, thus facilitating further investment in the Gambian market for telecommunications services.
- 3.5. All RIOs shall be subject to approval by the Authority prior to publication.
- 3.6. The publication of a RIO by a licensed operator does not remove the need for individual interconnection agreements to be signed between themselves and interconnecting operators. These interconnection agreements shall reflect the technical and commercial aspects of the RIO together with all necessary contractual conditions.
- 3.7. Licensed operators shall update their RIOs periodically to reflect changes in the telecommunications sector, including the introduction of new services and the use of new technology. All updates shall be subject to approval by the Authority prior to publication. The Authority will aim to respond to the request for approval of RIOs within thirty (30) days.

3.8. The Authority understands that application of The Guidelines may necessitate modifications to, or replacement of, existing agreements and contracts. While the Authority accepts that this may take a certain period of time, it will require the Guidelines to be applied in a timely manner. The Authority will consult with affected parties to agree a schedule for compliance with The Guidelines within six (6) months of publication.

4. PURPOSE OF THESE GUIDELINES

4.1. The principal purpose of The Guidelines is to simplify the arrangements for interconnection and provision of services between Licensees.

4.2. These Guidelines provide the framework for the regulation of interconnection by the Authority for all operators seeking interconnection.

4.3. The Guidelines provide a formal process for dealing with interconnection disputes.

4.4. The Guidelines assist in ensuring that all Licensees are treated fairly and in a non-discriminatory manner.

4.5. The regulatory framework for interconnection, as defined in this document, shall include only those situations where a telecommunications/ICT network is used for the commercial provision of publicly available telecommunications/ICT services. It shall not cover instances where a telecommunications/ICT network is used for the provision of telecommunications/ICT services only to a specific end-user or to a closed user group and where the infrastructure of the telecommunications/ICT networks which are interconnected may be owned by the parties involved or are based on leased facilities owned by third parties.

4.6. These Guidelines are developed in line with PART V, Access and Interconnection of the IC Act 2009 on the general conditions and pricing principles to be respected in Interconnection Agreements and are to be read in conjunction with the Licensees' license conditions, the PURA Act 2001, and any other relevant laws and regulations that may be stipulated by the Authority from time to time; and may be subject to review and amendment following consultations with interested parties, in the light of new developments in the telecommunications/ICT markets and any amendment in any laws on interconnection of telecommunications/ICT networks

4.7. These Guidelines are intended to:

- a. encourage the orderly development of telecommunications/ICT systems and telecommunications/ICT networks in The Gambia
- b. promote and maintain any-to-any connectivity and safeguard against any abuse of market power in the provisioning of telecommunications/ICT services
- c. prevent discrimination in the provision of telecommunications/ICT services
- d. promote and maintain co-operation and fair competition between Licensees in the telecommunications/ICT sector
- e. safeguard the interests of consumers by ensuring that telecommunications/ICT services are reasonably accessible to all citizens of The Gambia and
- f. encourage good practice by Licensees and to promote the provision of high quality of service to users, through technical and economic efficiency.

4.8. These Guidelines are not intended to limit the matters which may be dealt with in an Interconnection Agreement but to provide a minimum set of issues which should be addressed.

5. GENERAL RESPONSIBILITIES OF THE AUTHORITY

5.1. The Authority shall have the primary role of ensuring an effective interconnection regime in The Gambia.

5.2. The Authority shall:

- a. ensure a coherent and consistent interconnection regulation with the use of benchmarks and in line with experience and international best practice;
- b. encourage and secure adequate interconnection and interoperability of services in the interest of all users;
- c. ensure a high degree of legal certainty over the Interconnection Guidelines and its development;
- d. ensure transparency, accountability, fairness and timeliness in reaching regulatory decisions on interconnection;
- e. carry out its functions in a way that promotes efficiency, sustainable competition and give the maximum benefit to users;
- f. take all necessary measures to remove any restrictions which may prevent telecommunications/ICT operators from effectively negotiating interconnection agreements between themselves;
- g. require, in exceptional cases, changes to be made to interconnection agreements already concluded, where justified, to ensure effective competition and interoperability of services for users;
- h. review such interconnection agreements to ensure conformity with the provisions of the IC Act and these Guidelines on Interconnection;
- i. have the right to require a telecommunications/ICT operator that has not interconnected its facilities, to interconnect such facilities in order to protect essential public interest; where appropriate, the Authority may set the terms and conditions of the interconnection.

5.3. The Authority may:

- a. on its own initiative, intervene in negotiations on agreements for interconnection where no agreement is brought about between the negotiating telecommunications/ICT operators within twelve (12) weeks of the commencement of the negotiations
- b. on its own initiative and at any time or if requested by either party, set time limits within which negotiations on interconnection are to be completed; where the agreement is not reached within the time allowed, the Authority shall take steps to facilitate the conclusion of the Interconnection Agreement under the procedures laid down by the Authority in these guidelines
- c. intervene if so requested by either party, in order to specify issues that shall be covered in the Interconnection Agreements.

6. DEFINITION OF INTERCONNECTION

6.1. Interconnection refers to reciprocal services (but not necessarily the same services) offered by two operators providing a public telephone service in order to allow all users to communicate freely amongst themselves, regardless of the telecommunications/ICT networks to which they are connected or the telecommunications/ICT services they use.

6.2. The definition in Paragraph 5.1 of these Guidelines shall include the “any-to-any” principle being a fundamental interconnection principle which ensures in a multi-operator environment that a customer of one network can call any customer of another network and, which definition further includes the seamless transmission of calls across and within telecommunications/ICT networks to both the calling and the called parties.

6.3. There are different categories of Interconnection Services and they are as follows:

6.3.1. Call Conveyance Services

Services which involve the carriage of voice band calls over an interconnect route between Telecommunications Systems.

6.3.2. Transmission Link Services

The provision of network capacity by a Licensee to other Licensees to use as links between their network equipment.

6.3.3. Internet Link Services

The provision of an interconnect link capacity between the networks of Licensees.

6.3.4. Data Services

Services which involve the carriage of packet switched data between data networks and the termination of dial-up internet calls.

6.3.5. Collocation and Facilities Sharing

The provision by a Licensee of space in its premises or the use of part of its physical infrastructure, such as masts or towers, for the purpose of facilitating interconnection with other Licensees.

6.3.6. Operator Services

The provision of Operator services, for example directory enquiries and emergency services, operated by a Licensee to other Licensees.

6.3.7. Advanced Call Services

Associated with call conveyance services but with value-added, advanced or additional features such as Calling Line Identity, Ring Back When Free, and Divert on Busy.

7. RIGHTS AND OBLIGATIONS FOR INTERCONNECTION

7.1. It is recommended that each Licensee offering Interconnection Services provides a Technical Manager and a Commercial Manager to deal with Licensees using their services, to coordinate telecommunications/ICT on interconnection matters.

7.2. Licensees shall agree to meetings with another Licensee interested in interconnection with them, within ten (10) working days of meetings being formally requested by that Licensee.

7.3. A Licensee has, irrespective of the supporting technology employed, a basic right to demand interconnection from other Licensees and an obligation, when requested, to negotiate interconnection with other interconnection demanding Licensees, subject to compliance with the ICT Act, policy on interconnection and these Guidelines.

- 7.4. The services to which interconnection rights and obligations in Paragraph 6.3 apply are those which secure the interconnection and interoperability of telecommunications/ICT networks for end-to-end services and the services covered involve the linking of telecommunications/ICT networks, but this does not include the provision of the complete end-to-end telecommunications/ICT service itself.
- 7.5. No Licensee shall enter into an interconnection agreement with another Licensee if, as determined by the Authority, in its reasonable discretion:
- a. such an agreement is prohibited by law; or
 - b. the Licence issued to the other operator does not authorize the services for which interconnection is requested; or
 - c. the requested interconnection is rendered impossible as a result of technical limitation; or
 - d. such interconnection would endanger life or safety or result in injury or harm to the Licensee's property or hinder the quality of the services provided by the Licensee.
- 7.6. All Licensees are required to obtain the approval of the Authority within thirty (30) days before introducing a new Interconnection Service and such new Interconnection Services shall be adequately described in the RIO of the Licensees.
- 7.7. Licensees may offer Operator Assistance Services to each other subject to their Licence conditions. All Licensees may establish their own Operator Assistance Services but Licensees may allow other Licensees to offer relevant Operator Assistance Services via their network.
- 7.8. Licensees shall provide connection to the Public Emergency Services in accordance with their Licence conditions.
- 7.9. Licensees shall cooperate to achieve a technical solution that provides prioritised capacity to connect to Public Emergency Services.
- 7.10. Licensees shall provide Directory Enquiry Services to each other.
- 7.11. Licensees shall provide access to Supplementary Services such as Mass Calling to each other.

8. ESSENTIAL REQUIREMENTS FOR INTERCONNECTION

- 8.1. All telecommunications/ICT operators shall maintain the highest level of service and meet any priorities, set by the Authority, consistent with the IC Act 2009.
- 8.2. The Authority shall take all necessary steps:
- a. to impose, including, where appropriate, conditions on interconnection, to ensure that the availability of the public telecommunications/ICT network is maintained in the event of catastrophic network breakdown or in exceptional cases of force majeure, such as extreme weather condition, earthquakes, flood, lightning or fire;
 - b. to ensure that the integrity of the public telecommunications/ICT network is maintained and the need to maintain network integrity does not, however, constitute a valid reason for refusal to negotiate terms of interconnection;

- c. to ensure that all the conditions for interconnection relating to the protection of telecommunications/ICT network integrity are proportionate and non-discriminatory in nature and are based on objective criteria identified in advance;

8.3. The Authority may impose conditions in Interconnection Agreements in order to ensure:

- a. interoperability of services, including conditions designed to ensure satisfactory end-to-end quality and such conditions may include implementation of specific technical standards, specifications or codes of conduct;
- b. the protection of data, to the extent necessary to ensure compliance with relevant legal and regulatory provisions on the protection of data, including protection of personal data, the confidentiality of information processed, transmitted or stored and the protection of privacy;

8.4. Where the Authority imposes conditions in an Interconnection Agreement based on the essential requirements set out in these Guidelines, these conditions shall be published in accordance with Paragraph 28 of these Guidelines.

8.5. Licensees offering switched interconnection shall provide other Licensees with details of their exchanges that are available for interconnection. Licensees shall provide this information within their RIOs. The information should include, but not be limited to:

- a. Name of exchange
- b. Location (geographic address)
- c. Function (International/Tandem/Local)
- d. Manufacturer
- e. Model (Hardware/Software)

8.6. To reduce the requirement to update the main body of the RIO in response to network developments, Licensees should maintain details of these exchanges within an Annex to their RIOs, which may be available in an up-to-date electronic form.

8.7. Licensees should produce a list of interfaces and signaling protocols that they accept for interconnection to their network and define this within their RIOs.

8.8. The Authority accepts that fulfillment of the requirement to provide interconnection at all exchanges, may require Licensees to make modifications to their network architecture, routing and billing arrangements and that this process will take time and may involve additional costs.

8.9. Licensees providing switched interconnection services may specify technical rules to be followed by other Licensees using these services.

8.10. Examples of technical switched interconnection rules include (but are not limited to):

- a. Minimum number of interconnect links
- b. Maximum or minimum interconnect link capacity
- c. Requirements to interconnect to specific exchanges
- d. Signaling requirements

8.11. Licensees shall define any technical interconnection rules within their RIOs.

8.12. Technical interconnection rules shall not be anti-competitive nor shall they represent an unreasonable obstacle to interconnection. The Authority has the right to approve or withhold approval from any such rules. Where approval is withheld, the Authority shall give its reasons in writing.

8.13. Licensees may define a set of rules for handling calls routed incorrectly to one of its exchanges within their RIOs.

9. INTERCONNECTION REQUESTS

9.1. Where a Licensee who is the requesting party desires to interconnect its network with the telecommunications/ICT network of another Licensee who is the requested party, the request shall be made as follows:

- a. be made in writing to the requested party;
- b. contain sufficient information in relation to the form of interconnection, the suggested date for the commencement of negotiations, the date from which the interconnection is required and an estimate of the interconnection capacity required;
- c. be brought to the notice of the Authority by the requesting party;

9.2. The requested party shall inform the requesting party in writing within twenty-eight (28) days of the receipt of a request for interconnection, if:

- a. it is able to supply the form of interconnection requested;
- b. it shall be able to do so within the time frame requested by the requesting party.

9.3. Requests for interconnection shall be refused only on reasonable grounds and shall be justified in writing by the party requested to provide interconnection and the Authority shall be notified of the refusal and the reasons for the refusal.

10. REQUESTS FOR NEW SERVICES AND SYSTEM CHANGE

10.1. Where an operator who is the requesting party, requests for a new form of interconnection, it shall do so in writing and provide the other interconnecting party who is the requested party with reasonable information in relation to the following matters:

- a. the form of interconnection;
- b. the effective date the interconnection is required; and
- c. an estimate of the capacity required.

10.2. All requests for new interconnection services shall be filed with the Authority by the requesting party.

10.3. The requested party shall inform the requesting party in writing within fourteen (14) days of the provision of the information, if:

- a. it is able to supply the form of interconnection requested;
- b. it shall be able to do so within the time frame requested by the requesting party.

10.4. Where the requested party has informed the requesting party that it is able to provide the interconnection, it shall ensure that the system conditioning and the provisioning procedures required to provide that interconnection are undertaken within the time frame required by the requested party.

10.5. Where the requested party rejects the interconnection request of the requesting party as unreasonable, the requesting party may appeal to the Authority and the Authority shall decide on the case in accordance with the Authority's Procedure for Resolution of Complaints/Disputes.

11. GOOD FAITH NEGOTIATIONS

11.1. Interconnection Agreements shall be negotiated freely and in good faith between the parties involved and the parties to an Interconnection Agreement shall use their reasonable endeavours to resolve all disputes relating to interconnection.

11.2. Negotiation in good faith implies that each negotiating party shall not:

- a. intentionally mislead the other; or
- b. coerce the other into making an agreement that it would not otherwise have made or;
- c. intentionally obstruct negotiations.

11.3. The following actions shall be regarded as breach of the principle of negotiating in good faith:

- a. failure to provide the other party with all relevant information on a timely basis;
- b. the demand to sign non-disclosure agreements which are coercive or unnecessarily broad or restrictive;
- c. refusal to allow the insertion of clauses in an Interconnection Agreement which permit future amendment;
- d. attempt to tie terms and conditions contained in the agreement to the resolution of other unrelated issues;
- e. actions which are intended to delay negotiations, including, but not limited to, consistent refusal to designate a representative with authority to make binding commitments;
- f. requiring the other interconnecting party to commit to minimum periods of use before establishing a price for the service; and
- g. other issues as may be determined by the Authority, from time to time.

12. INTERCONNECTION AGREEMENTS

12.1. The terms and conditions of an Interconnection Agreement shall permit the interconnecting operators to exchange traffic over one another's telecommunications/ICT networks in the most efficient manner.

12.2. A service acquired as part of interconnection may be used for any lawful purpose.

12.3. All Interconnection Agreements between Licensees shall be made in writing and shall:

- a. comply with the terms and conditions of the Licences of the interconnecting parties;
- b. conform to all industry standards adopted by the Authority;
- c. be transparent and objective;
- d. be provided on a non-discriminatory basis.

12.4. An Interconnection Agreement shall not directly or indirectly:

- a. seek to preclude or frustrate the exercise of any statutory powers or prevent any person from exercising any statutory powers; or
- b. impose any penalty, obligation or disadvantage on a person for exercising any statutory powers; or

- c. prohibit a person from providing an Interconnection Service which he is lawfully able to provide; or
- d. frustrate the provision of a telecommunications/ICT service which a person is lawfully able to provide

12.5. The termination of interconnection arrangements shall strictly be in accordance with the terms of the Interconnection Agreements between parties and the Licensee providing interconnection shall give the other Licensee a six (6) months written notice of its intention to terminate the agreement, specifying the grounds of termination and where there is breach, the Licensee providing interconnection shall give the other Licensee a three (3) months notice for remedying the breach and if the Licensee in breach fails to remedy the breach within the period of notice given, it may then terminate the agreement without giving further notice.

12.6. A Licensee shall not terminate an Interconnection Agreement without the Authority's written consent.

13. APPROVAL OF INTERCONNECTION AGREEMENT BY THE AUTHORITY

13.1. The requested Licensee shall file with the Authority an application for the Authority's approval of each proposed Interconnection Agreement not later than thirty (30) days from the date of the execution of the agreement.

13.2. The Authority may request from interconnecting Licensees any additional information which it deems necessary to evaluate the terms and conditions and the charges set forth in the Interconnection Agreement and may request the interconnecting parties to revise the Interconnection Agreement as specified by the Authority in writing, if the interconnection as contemplated therein is inconsistent with the IC Act 2009.

13.3. If the Authority does not request additional information or modifications or rule on the Interconnection Agreement within thirty (30) days of the receipt of the Interconnection Agreement, the Interconnection Agreement shall be deemed approved.

13.4. Where the Authority does not approve the interconnection, it shall inform each party in writing of the reasons for its decision and where modifications to the Interconnection Agreement are requested, the parties shall negotiate and make what amendments are necessary to the agreement in order to comply with the Authority's decision under these Guidelines.

13.5. The interconnecting parties shall submit a revised Interconnection Agreement to the Authority within fourteen (14) days of the receipt of the Authority's request and where the Authority does not request additional modifications or rule on the revised Interconnection Agreement within fourteen (14) days, the revised Interconnection Agreement shall be deemed approved.

14. AMENDMENT TO INTERCONNECTION AGREEMENTS

14.1. The parties to an Interconnection Agreement approved by the Authority may amend or modify such agreement by giving the Authority written notice together with a copy of the proposed amendment or modification and if the Authority does not request additional information or modifications or rule on the amendment or modification of the Interconnection Agreement within twenty-one (21) days of the receipt of the notice, the amendment or modifications shall be deemed to be approved by the Authority.

14.2. Where modifications to the Interconnection Agreement is requested, the parties shall negotiate and make what amendments are necessary to the agreement in order to comply with the Authority's decision and where the terms and conditions of any agreement or amendment made cease to be reasonable, the requested party shall, within twenty-one (21) days offer to or agree with the requesting party to amend the Interconnection Agreement so that its terms and conditions are reasonable.

III. PART III: DOMINANCE

15. DOMINANT MARKET POSITION

15.1. The Authority shall set out detailed criteria for determining market dominance in accordance with international best practices and shall determine, as required under Part IV, Section 49 – 50 of the IC Act 2009, and according to these criteria, if an operator has, in respect of Interconnection Services, a dominant market position.

15.2. In making such a determination, the Authority may:

- a. conclude that a Licensee which has a 50 percent or a higher share of the relevant market, has a dominant market position, unless there are particular circumstances to the contrary; and
- b. presume that a Licensee which has a more than 40 percent market share of the relevant market segment has a dominant market position which shall be substantiated by further evidence.

16. INTERCONNECTION OBLIGATIONS IMPOSED ON DOMINANT OPERATORS

16.1. The Authority may impose a mandatory system of regulation on the Licensees that are determined to be dominant in their market

16.2. A telecommunications/ICT operator that has been determined by the Authority as being a dominant operator shall:

- a. meet all reasonable requests for access to its public telecommunications/ICT network, in particular, access at any technically feasible point on its telecommunications/ICT network;
- b. set cost-oriented interconnection charges;
- c. adhere to the principle of non-discrimination with regard to interconnection offered to other telecommunications/ICT Licensees, in particular, it shall apply similar conditions in similar circumstances to interconnected telecommunications/ICT Licensees providing similar services and provide interconnection facilities and information to other telecommunications/ICT Licensees under the same conditions and of the same quality as it provides for its own services or those of the group of companies or partners;
- d. make available on request to other telecommunications/ICT Licensees considering interconnection with its public telecommunications/ICT network, all information and specifications reasonably necessary, in order to facilitate conclusion of an agreement for interconnection, including information on changes planned for implementation within the next six (6) months, unless agreed otherwise by the Authority;
- e. submit to the Authority for approval and publish a Reference Interconnection Offer, sufficiently unbundled, giving description of the interconnection offerings broken down into components according to market needs, its licence obligations and the associated terms and conditions including tariffs; and

- f. provide access to the technical standards and specifications of its telecommunications/ICT network with which another Licensee shall be interconnected.

14.3 The Authority shall set out the requisite criteria for determining when the abuse of a dominant position arises.

14.4 The Authority may mandate or prohibit specified conduct by a dominant telecommunications/ICT operator, if the operator is violating the obligations imposed on it and declare Interconnection Agreements wholly or partially invalid to the extent that such dominant telecommunications/ICT operator abuses its dominant position in the market.

14.5 Before taking the action in Paragraph 14.4 of these Guidelines, the Authority shall request the dominant telecommunications/ICT operator to refrain from the abuse to which the objection has been made.

17. INTERCONNECTION CHARGES AND COSTING OPERATORS

17.1. Guidelines for Interconnection Charges and Costs

17.1.1. Pricing for interconnection is a key factor in determining the structure and the intensity of competition in the transformation process towards a liberalised market and interconnection charges account for a very significant part of the costs of new market entrants and therefore, the level and structure of interconnection charges are major determinants of the viability of the Licensees seeking interconnection with the telecommunications/ICT networks of the dominant operators.

17.1.2. Subject to any default interconnection charges that may be approved by the Authority, with a special focus put on the dominant operators providing interconnection to their telecommunications/ICT networks in accordance with these Guidelines, the charges set by all Licensees shall be based on objective criteria and follow the principles of transparency and cost orientation.

17.1.3. The burden of proof that charges are derived from relevant costs, including a reasonable rate of return on investment, shall lie with the Licensee providing interconnection to their facilities and the Authority has the right to request Licensees to provide full justification for their interconnection charges and the dominant operators shall comply with any reasonable adjustment required by the Authority.

17.1.4. Dominant operators may set different tariffs, terms and conditions for interconnection for different categories of telecommunications/ICT services where such differences can be objectively justified on the basis of the type of interconnection provided. The Authority shall ensure that such differences do not result in the distortion of competition and, in particular, that the dominant operators apply the appropriate interconnection tariffs, terms and conditions when providing telecommunications/ICT for its own services or those of its subsidiaries or affiliates in accordance with the principle of non-discrimination.

17.1.5. The interconnection charges shall:

- a. be sufficiently unbundled to ensure that a Licensee requesting interconnection is not required to pay for network elements or facilities not strictly required for the service to be provided;
- b. not include hidden cross-subsidies, particularly of an anti-competitive nature;

- c. reflect underlying cost categories;
- d. include a fair share, according to the principle of proportionality of joint and common costs and of the costs incurred in providing equal access and number portability and of the costs of ensuring essential requirements; and
- e. be approved or, if needed, set by the Authority.

17.1.6. Interconnection charges shall correspond to the services and facilities used and distinguish and separately price the following aspects of interconnection:

- a. fixed one-off charges for the establishment and implementation of physical interconnection;
- b. periodic rental charges for the on-going use of equipment and resources;
- c. variable charges for ancillary and supplementary services;
- d. usage-based charges for the conveyance of traffic to the interconnected network (originating traffic) and from the interconnected network (terminating traffic).

17.1.7. Interconnection charges that do not conform to these Guidelines may be varied by a determination of the Authority in accordance with these Guidelines

17.1.8. The Authority shall publish clear and appropriate studies and standards for any cost analyses required to support the development of equitable interconnection charges every forty eight (48) months period. Where adequate cost information is not readily available in the short term, the Authority may carry out its own cost studies or examine comparable interconnection pricing policies and price levels from international experience to fair benchmarks valid for a period not exceeding forty eight (48) months during which the Authority shall conduct appropriate cost analysis/studies for operator interconnection charges in The Gambia.

17.2. Principles for Interconnection Charges and Costing by Dominant Operators

16.2.1. A dominant telecommunications/ICT operator shall:

- a. give written notice of any proposal to change any charges for Interconnection Services in accordance with the procedures set out in these Guidelines and the provisions of the operating Licence;
- b. sufficiently unbundle charges for interconnection, so that the telecommunications/ICT operator requesting the interconnection is not required to pay for any item not strictly related to the service requested;
- c. maintain a cost accounting system which in the opinion of the Authority is suitable to demonstrate that its charges for interconnection have been fairly and properly calculated, and provides any information requested by the Authority;
- d. make available to any person with a legitimate interest, on request, a description of its cost accounting system showing the main categories under which costs are grouped and the rules for the allocation of costs to interconnection and the Authority or any other competent body independent of the dominant telecommunications/ICT operator and approved by the Authority, shall verify compliance of the dominant telecommunications/ICT operator with the cost accounting system and the statement concerning compliance shall be published by the Authority annually.

17.3. Interconnection Principle of Transparency

16.3.1. The Authority's processes in reaching decisions on interconnection issues shall be open, transparent and well documented and the transparency of terms and conditions for

interconnection, including prices, shall be assured to all Licensees seeking interconnection and all Licensees providing interconnection.

16.3.2. Transparency of Interconnection Agreements is an effective means of discouraging anticompetitive behaviour by dominant operators and Interconnection Agreements shall not be treated as strictly confidential between interconnecting parties.

16.3.3. To detect and remedy any anti-competitive behaviour by Licensees, the Authority requires Licensees:

- a. to publish a Reference Interconnection Offer, giving a description of the relevant offerings broken down into components according to market needs and the associated
- b. terms and conditions including prices; and
- c. to make Interconnection Agreements available for inspection by interested parties, but may exclude those parts which contain commercially sensitive material.

16.3.4. The publication of a Reference Interconnection Offer and the availability of Interconnection Agreements shall:

- a. facilitate interconnection with existing and potential new entrants and allow them to obtain basic interconnection terms and conditions without lengthy negotiations, delays or regulatory orders;
- b. facilitate comparisons of interconnection terms, conditions and rates among the Licensees;
- c. help avoid disputes regarding discriminatory practices; and
- d. assist in developing industry standards, benchmarks and best practices on commercial, operational and administrative issues for other market entrants when dealing with interconnection matters.

16.3.5. The Authority shall:

- a. determine the issues to be addressed by the Licensees in their Reference Interconnection Offer as well as the manner of its publication; and
- b. maintain a two-part registry for the Interconnection Agreements of which one part shall include parts of the Interconnection Agreements that the Authority may direct to be kept confidential and another part containing those parts that are open for inspection by the public.

18. NOTICE OF PLANNED CHANGES

A dominant operator shall provide three (3) months written notice to the interconnected operator of planned changes to its telecommunications/ICT network that may materially impact the telecommunications/ICT services of the interconnected operator.

19. ACCOUNTING SEPARATION

17.1. If Interconnection Services are not provided through a structurally separated subsidiary, a Licensee shall keep separate accounts as if the telecommunications/ICT activities in question were in fact carried out by legally independent companies, so as to identify all elements of cost and revenue with the basis of their calculation and the detailed attribution methods used.

17.2. A Licensee shall maintain separate accounts in respect of Interconnection Services and its core telecommunications/ICT services and the accounts may be submitted for independent audit and thereafter published.

17.3. Licensees shall supply financial information to the Authority promptly on request and to the level of detail required by the Authority and the Authority may publish such information in order to contribute to an open and competitive telecommunications/ICT market, while taking account of considerations of commercial confidentiality.

20. POINTS OF INTERCONNECTION

18.1. Points of interconnection shall be:

- a. requested after the conclusion and commencement of the Interconnection Agreement; and
- b. established and maintained at any technically feasible point in a dominant operator's network requested by another operator seeking interconnection.

18.2. The requesting party shall provide sufficient details to the requested party in relation to a point of interconnection to enable the requested party to assess what system conditioning may be required and to estimate the costs of establishing the points of interconnection.

18.3. The costs of interconnection incurred by both interconnecting Licensees may vary depending on the points of interconnection.

18.4. A dominant operator shall indicate in their Reference Interconnection Offer the standard of their networks at which the networks of other Licensees can interconnect with them; and where a new entrant desires to interconnect at points other than the standard points of interconnection, such interconnection shall be made available upon request and the requesting party may be required to pay charges that reflect the cost of construction of necessary additional facilities.

18.5. Points of interconnection shall be established as soon as practicable following a request and in any case not later than forty-five (45) days from the date of the request.

18.6. Calling Line Identification and all necessary signalling data shall be passed between the interconnecting parties in accordance with accepted international standards and the codes of conduct issued by the Authority.

18.7. The definition of what may constitute a technically feasible interconnection point is not static as telecommunications/ICT networks continue to evolve and it shall be open to interconnecting Licensees to propose to add additional points of interconnection when necessary or desirable.

IV. PART IV: MISCELLANEOUS PROVISIONS

21. SHARING OF INFRASTRUCTURE AND COLLOCATION

19.1. Collocation and facilities sharing services shall be defined as services where one Licensee provides space in their premises and facilities to another Licensee in order for them to install their own network equipment as required for interconnecting one network with another. The facilities provided may include electrical power, air conditioning and security, cable ducts and space on antenna masts or towers.

19.2. All Licensees must offer collocation and facilities sharing services subject to technical feasibility, provided however that such collocation requirements shall not infringe upon any

Licence condition. The price, terms, and conditions of such collocation and facilities sharing services, shall be mutually agreed upon by the parties provided that no Licensee shall be permitted unreasonable or unduly discriminatory pricing, terms or conditions for this service.

- 19.3. Licensees shall 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 use by such others, it being understood that the Licensee shall not be required to construct new facilities for lease to such other service providers hereunder.
- 19.4. The Authority shall encourage collocation and facility sharing and develop guidelines for shared infrastructure use and collocation.
- 19.5. The procedures to obtain access to sites shall be subject to the basic principles of transparency, non-discrimination and proportionality and based on objective criteria.
- 19.6. Agreements for facility sharing and collocation shall be subject to negotiation and set down in the Commercial and Technical Agreement between the parties concerned.
- 19.7. The Authority has the power to impose facility sharing arrangements between Licensees after a period of consultation and the parties shall be notified of the decision of the Authority which shall thereafter be published.
- 19.8. A dominant operator shall include in its Reference Interconnection Offer, sufficient information on the location of infrastructure and capacity available for sharing as well as a price list for access to key infrastructure components, for example, room space for interconnecting equipment, poles, ducts, conduits, tower space, etc.
- 19.9. Where a telecommunications/ICT operator has the right to install facilities on, over or under a private land or take advantage of a procedure for the expropriation or use of property, the Authority shall encourage the sharing of such facilities and property with other telecommunications/ICT operators, in particular, where other telecommunications/ICT operators do not have access to viable alternatives.
- 19.10. The terms and conditions for collocation or sharing of facilities shall be subject to a Commercial and Technical Agreement between the parties concerned and the Authority nevertheless may intervene to resolve disputes arising thereof, as provided for in Sections 29 and 30 of these Guidelines

22. SITE ACCESS PROCEDURES

- 20.1. Site access procedures shall be defined as the procedures used to arrange and control access by one Licensee to their network equipment collocated in the premises of a different Licensee.
- 20.2. Licensees providing collocation space and shared facilities shall define the site access procedures within their RIOs.
- 20.3. Licensees providing collocation space should be able to provide access, by prior notice, on a 24 hour, 7 days a week basis for planned work, and with minimal notice for unplanned work for service restoration.

- 20.4. The procedures for planned access may be different according to the purpose of the planned access including:
- a. Delivery and installation of equipment
 - b. Software or hardware upgrades
 - c. Planned maintenance
- 20.5. Site access procedures should specify any escort arrangements whereby staff of the Licensee owning a site, escorts the staff of the Licensee collocating their equipment at the site. Such procedures should be reasonable and not excessively onerous. The Licensee requesting collocation shall bear all reasonable costs of escort.
- 20.6. Licensees using collocation space shall ensure that their technicians (or sub-contractors) have adequate training for working on equipment collocated at a site belonging to another Licensee, and that these staff comply with all reasonable safety and security requirements of the Licensee owning the site.
- 20.7. It is the responsibility of each Licensee's member of staff to ensure that they work in a safe environment. The Licensee owning the site shall be prepared to accept any questions or comments regarding safety from Licensees using the site, and to take the appropriate action.
- 20.8. Licensees providing collocation space should offer the representative of the Licensee using the site, access to on site facilities e.g. power, lighting, water and toilets.
- 20.9. The Licensee requesting access shall be held legally liable for any damage caused through action, inaction or negligence on the part of its employees including physical damages. The accessing Licensee is required to have adequate insurance coverage and may from time to time be requested to provide proof of such insurance with appropriate coverage limits.

23. SYSTEM PROTECTION AND SAFETY

- 22.1. Licensees should define their respective obligations to protect each others' networks and define measures to protect the safety of all personnel and users.
- 22.2. Network integrity is a question of network management and the ability of the network to maintain certain characteristics with regard to performance and reliability. In order to maintain network integrity:
- a. the interfaces between the networks must conform to recommendations from international standards bodies and/or international standards. Those standards should be open and monitored by an independent body.
 - b. compatibility measures should ensure that networks or systems with different levels of performance work together correctly.
 - c. testing procedures should be carried out before interconnection and possibly after interconnection but before bringing equipment into service. Documentation of validity/conformity and interoperability should be submitted before the system is brought into operation.
 - d. special national and/or international technical solutions might be introduced for the interconnection of networks. These solutions may be made available to all potential interconnecting Licensees in a non-discriminatory manner.
 - e. all testing should be carried out within a reasonable period of time and subject to mutually-agreed principles, so as not to delay interconnection.

- 22.3. General requirements on reliability, performance and expertise in order to maintain network integrity:
- a. **Operation:** competent personnel and technical equipment available 24 hours per day. Each Licensee should be responsible for the safety and operation of its own system. There should be points of contact and escalation procedures to guarantee a rapid, non-discriminatory response in case of faults.
 - b. **Monitoring:** every Licensee should be informed at all times about the condition/status of his network and should pass on relevant information to other interconnected Licensees in order to be able to identify and clear faults and overloads rapidly.

24. QUALITY OF INTERCONNECTED SERVICES

- 23.1. An interconnecting Licensee shall include in its Interconnection Agreement, minimum standard service levels that reflect good interconnection practice and provide reasonable remedies for any failure to meet those service levels.
- 23.2. Licensees providing call conveyance services shall do so with the same quality of service as for calls carried wholly on their own networks. Licensees are required to convey interconnection calls at a quality no less favourable than that provided for their own like services.
- 23.3. The interconnecting traffic shall not be discriminated in relation to other comparable traffic in the telecommunications/ICT network of a Licensee and alternative routing shall be available in the event of equipment failure in either party's network or failure of a particular interconnect link.
- 23.4. The parties to an Interconnection Agreement shall comply with all relevant standards of the ITU, ETSI and such other technical standards as the Authority may, from time to time, determine.
- 23.5. A dominant operator has a special obligation to provide a high quality of interconnection services and facilities and the Authority has the power in this regard to:
- a. establish interconnection quality of service monitoring requirements;
 - b. monitor complaints and establish remedies in case of undue discrimination in service quality and significant penalties for the offending Licensee.
- 23.6. Licensees shall work jointly to ensure the overall quality of the calls which are made via an interconnection point and their own networks.
- 23.7. Licensees shall adopt general principles regarding standards, techniques and methods in order to guarantee the quality on telecommunication networks and in services, as stipulated in relevant ITU and ETSI recommendations.
- 23.8. Licensees shall work jointly to ensure the overall quality of the calls which are made via an interconnection point and their own networks.
- 23.9. Licensees shall adopt general principles regarding standards, techniques and methods in order to guarantee the quality on telecommunication networks and in services, as stipulated in relevant ITU and ETSI recommendations.

- 23.10. Licensees shall define a number of Quality of Service measures that they shall provide to and expect from, interconnected Licensees within their RIOs.
- 23.11. The Quality of Service measures shall include the Grade of Service during busy hour (blocking probability), either applied to individual interconnect links, or across all interconnect links.

25. FAULT MANAGEMENT

24.1. Contact Points

- 24.1.1. Licensees shall be required to provide 24-hour contact points for fault reporting (24-hours a day, 7 days a week and all days a year). All initial contacts on faults affecting the other Licensee shall be between each Licensee's nominated contact points.
- 24.1.2. Arrangements should be made for direct person-to-person connection between fault resolution functions of all interconnected Licensees.

24.2. Fault Detection

- 24.2.1. Licensees detecting a possible fault which may affect Interconnection Services shall inform interconnected Licensees immediately (within 15 minutes). This shall be done whether or not it is believed that the fault is within the detecting Licensee's network.
- 24.2.2. The Licensee that detects a possible fault shall process the fault report internally before requesting the assistance of interconnected Licensees in providing diagnostic support. Licensees shall make every effort to determine whether the fault is genuine and to identify the location of the fault.
- 24.2.3. Licensees should request an interconnected Licensee to process a fault, only when they are sure that the fault does not lie within their own network and is not their responsibility.
- 24.2.4. Following a fault report, interconnected Licensees shall agree ownership of the fault.
- 24.2.5. The fault owner shall then assume responsibility for restoration and the eventual report back of service restoration.

24.3. Fault Processing

- 24.3.1. Licensees shall provide sufficient information to other Licensees to enable both to carry out diagnostics and then progress the fault to restoration.
- 24.3.2. It is recommended that Licensees implement a fault management system as part of their Operational Support Systems.
- 24.3.3. Licensees should number fault reports in order to facilitate the management of individual faults, especially across two (or more) Licensees.
- 24.3.4. When either Licensee believes that a fault has been cleared, it shall give positive confirmation to the other Licensee immediately.

- 24.3.5. Licensees should prioritise the clearance of faults affecting service over the clearance of faults not affecting service.
- 24.3.6. A fault shall be considered to be cleared when the Licensee that reported the fault, has accepted the fault clearance information or confirms a successful test (e.g. traffic has been restored).
- 24.3.7. Licensees shall include indicative response times, restoration times and procedures for different fault conditions within their RIOs. These shall be subject to the approval of the Authority. The RIO shall also define the escalation procedures for fault management.

26. INTERCONNECTION PROCESSES

26.1. Interconnect Provisioning Processes

26.1.1. Definition

26.1.1.1. Interconnect provisioning processes shall be defined as those processes that are used to enable one Licensee to establish interconnection to other Licensees and to modify the physical interconnection. These processes shall be categorised as either planning, formal request for service or implementation processes.

26.1.1.2. The planning processes shall include:

- a. Planning of new points of interconnection
- b. Changes to interconnect link capacity
- c. Changes to the transmission capacity
- d. Changes to the signalling network
- e. Changes to call routing
- f. New numbering blocks
- g. All processes for requesting services

26.1.1.3. The implementation processes shall include:

- a. All civil engineering work
- b. Construction
- c. Installation
- d. Testing
- e. Commissioning

26.1.1.4. Licensees providing Interconnection Services shall fully define the Interconnect Provisioning Processes to be used by Licensees taking Interconnect Services from them within their RIOs.

26.1.2. Lead Times

26.1.2.1. The provisioning processes of Licensees shall include defined lead-time requirements and information exchange requirements for specific provisioning activities. For example, the lead-time to establish a new transmission interconnect will be longer than adding capacity to an existing interconnect link.

26.1.2.2. Licensees shall provide interconnection in a timely fashion. This means that any published lead-times shall be reasonable and it should be possible for Licensees to justify these to the Authority.

- 26.1.2.3. When defining lead-times, Licensees should aim to be as realistic as possible and provide sufficient time to overcome unforeseen implementation difficulties.
- 26.1.2.4. Licensees shall provide lead-times to other Licensees that are comparable with internal provisioning time-scales.
- 26.1.2.5. Lead-times may, for example, be given for the following:
- a. Connection of a new Licensee exchange or other network equipment
 - b. Implementation of a new transmission interconnect
 - c. Implementation of a new interconnect link
 - d. Provision of additional capacity on an existing interconnect link
 - e. Removal of capacity on an existing interconnect link
 - f. Removal of an interconnect link
 - g. Routing changes within the Licensee's network to interconnect to the interconnected Licensee
- 26.1.2.6. Any proposed changes to lead-times of Licensees shall be subject to the approval of the Authority and shall be justified by the Licensee.

26.1.3. Planning Processes

26.1.3.1. Interconnection of a new Public Exchange

- 26.1.3.1.1. It is recommended that Licensees define procedures to be followed by other Licensees wishing to interconnect a new public exchange to their network.
- 26.1.3.1.2. Licensees should define any such processes within their RIOs.
- 26.1.3.1.3. The procedures are likely to be more detailed in the event that the new exchange model, hardware build or software build is not one that has previously been interconnected to the Licensees network.
- 26.1.3.1.4. Licensees should consider developing an 'Exchange Questionnaire' to be completed by Licensees wishing to interconnect new exchanges to their network.
- 26.1.3.1.5. Licensees shall have the responsibility of assigning the SS7 Point Code(s) to new exchanges of other Licensees upon request.

26.1.3.2. Transmission Interconnection

- 26.1.3.2.1. Licensees offering Transmission Interconnection Services shall define a planning process for new transmission interconnects within their RIOs. This shall describe the processes to be followed by Licensees when planning new transmission interconnects.
- 26.1.3.2.2. The Authority encourages Licensees to share the use of existing cable ducts owned by any other Licensee.
- 26.1.3.2.3. Planning of transmission interconnections, including civil engineering works shall be the responsibility of the Licensee providing the transmission. However, both Licensees

should collaborate in the planning. In the case of In-Span interconnection, i.e. where the point of interconnection is located at a point between the premises of the interconnecting Licensees, the planning shall be considered to be a joint responsibility.

26.1.3.3. Planning of Interconnect Links

26.1.3.3.1. Planning of New Links

26.1.3.3.1.1. Licensees offering interconnection should define a formal process for the establishment of a new interconnect link within their RIOs. This process may then be supported by electronic forms attached to the RIO.

26.1.3.3.1.2. New interconnect links should normally be requested by the Licensee that plans to use the interconnection services provided by the other Licensee.

26.1.3.3.1.3. The information that a Licensee providing interconnection requires from a Licensee requesting a new link may include the following:

- a. Licensee A exchange
- b. Licensee B exchange
- c. Transmission path(s)
- d. Initial capacity
- e. Link direction (Incoming/Outgoing/Both-way)
- f. Link configuration - Fully-provisioned/High-Usage
- g. Utilisation Factor
- h. Grade of Service
- i. Purpose of link

26.1.3.3.2. Removal of Interconnect Links

26.1.3.3.2.1. Licensees offering interconnection should define a formal process for the removal of an existing interconnect link within their RIOs. This process may then be supported by electronic forms attached to the RIOs.

26.1.3.3.2.2. Such a process should include agreement on how to migrate traffic off the link which is to be removed.

26.1.3.3.2.3. Licensees offering interconnection may define a minimum period for which an interconnect link will be operational, especially if they have had to incur costs in establishing an interconnection link.

26.1.3.4. Capacity Planning on Interconnect Links

26.1.3.4.1. Interconnect Traffic Forecasts

26.1.3.4.1.1. Licensees offering interconnection may require Licensees using these Interconnection Services to provide forecasts of traffic over each interconnect link between their networks.

26.1.3.4.1.2. These forecasts should be given in terms of Erlangs during the peak and off-peak 'Busy Hours' for a period of not more than 2 years in advance. This forecast may then, for example, be updated every quarter.

26.1.3.4.1.3. Licensees, who choose to require traffic forecasts, shall explicitly define the exact requirements in the RIOs. Furthermore, it is recommended that the process should be managed by electronic forms to be used by the Licensee providing the traffic forecasts.

26.1.3.4.1.4. Licensees providing traffic forecasts shall endeavour to make these as accurate as possible. However, it is clearly understood that forecasting traffic is extremely difficult. Licensees shall not be penalised for any inaccuracy in their traffic forecasts.

26.1.3.4.1.5. Licensees providing Interconnection Services shall have the right to refer Licensees using the service to the Authority if traffic forecasts are either not provided or are believed not to have been provided in good faith.

26.1.3.4.2. **Interconnect Capacity Forecasts**

26.1.3.4.2.1. Licensees offering interconnection may require interconnected Licensees using their Interconnection Services to provide forecasts of capacity requirements over each interconnect link between their networks.

26.1.3.4.2.2. These forecasts should be given in terms of EIs for a period of not more than 2 years in advance. These forecasts may then, for example, be updated every quarter.

26.1.3.4.2.3. Licensees may require capacity forecasts without requiring traffic forecasts as described above in Section 25.1.3.4.1. However, if both are required, the capacity forecasts should be based on the traffic forecasts and the design Grade of Service.

26.1.3.4.2.4. On interconnect links designated as being fully-provisioned, it shall be the aim of both Licensees to provision, in advance, sufficient capacity to achieve the target Grade of Service.

26.1.3.4.2.5. Licensees may define a set of rules linking forecasts of required capacity to the capacity orders. For example, Licensees may require interconnected Licensees to order capacity within a certain percentage of their forecast capacity within 6 months.

26.1.3.4.3. **Reactive Capacity Planning**

26.1.3.4.3.1. Given that interconnected Licensees aim to maintain the target Grade of Service, the process described in this Section should be applied even if the pro-active planning

processes outlined in Sections 25.1.3.4.1 and 25.1.3.4.2 are being used, in the case that the capacity requirements have been under-forecasted.

- 26.1.3.4.3.2. It shall be the responsibility of both interconnected Licensees to measure traffic regularly on all interconnect links as described in Section 25.2 below. This being the case, both Licensees will be able to identify congestion and shall act to prevent it.
- 26.1.3.4.3.3. A period of the specified Utilisation Factor or Grade of Service being breached on a particular interconnect link shall not automatically trigger an increase of capacity on that interconnect link but should trigger a review of the network routing and interconnection capacity by both Licensees.
- 26.1.3.4.3.4. Licensees shall take all reasonable steps to prevent congestion through the ‘rebalancing’ of interconnection traffic. This means that either or both Licensees shall adapt the exchange routing in order to re-direct traffic away from a congested interconnect link onto an interconnect link(s) with adequate spare capacity. Such a rebalancing process should be coordinated, in advance, between both Licensees.
- 26.1.3.4.3.5. If one or both Licensees consider(s) that it is necessary to increase the capacity on one or more interconnect links in order to avoid or remove congestion, they shall have the right to call a meeting between the two Licensees.
- 26.1.3.4.3.6. A meeting shall be held within five (5) working days of it being called by either Licensee. The Licensee calling the meeting shall inform the Authority and may invite a representative of the Authority to attend.
- 26.1.3.4.3.7. At the meeting, both interconnected Licensees shall present their traffic measurements to each other.
- 26.1.3.4.3.8. The traffic measurements provided shall be as comprehensive as possible and should cover at least a seven (7) day period with the traffic profile over each day, in hourly intervals.
- 26.1.3.4.3.9. Both Licensees should be able to reach an agreement on the requirement for an increase in interconnection capacity and on the details of the number of E1 links and the type of interconnect links.
- 26.1.3.4.3.10. If an agreement cannot be reached during the meeting, either Licensee shall have the right to ask the Authority to intervene and make a determination on the requirement for additional capacity.

26.1.3.5. **Transmission Link Services Planning**

- 26.1.3.5.1. Licensees offering Transmission Link Services should define a formal process for the planning of such services, within their RIO. This process may be supported by electronic forms attached to the RIO.
- 26.1.3.5.2. The definition shall include the charges, provisioning, operations and maintenance processes and a Service Level Agreement for the quality of the service. The Service Level Agreement will include delivery and repair performance criteria and penalty payments for failure to meet the Service Levels.
- 26.1.3.5.3. Licensees offering Transmission Link Services shall use identical processes to provide such services to all Licensees.

26.2. Interconnect Operations Processes

26.2.1. General Principles

- 26.2.1.1. Interconnection operations processes shall be defined as those processes that are used to enable interconnected Licensees to operate Interconnection Services.
- 26.2.1.2. The operations processes shall include:
 - a. Network traffic management
 - b. Quality measurement
 - c. Traffic controls
 - d. Routing management
 - e. Fault reporting and resolution
- 26.2.1.3. Licensees offering Interconnection Services shall define the procedures used between themselves and Licensees using their services, to operate the Interconnection Services.
- 26.2.1.4. Licensees shall define the Interconnection Operations Processes within their RIOs.
- 26.2.1.5. Licensees are obliged to maintain and operate their networks to a targeted Quality of Service as defined in the Authority's Quality of Service Guidelines and to report on their performance against these targets.

27. NETWORK SPECIFICATIONS

- 26.1. Interconnected networks shall be technically compatible and the Authority shall ensure that;
 - a. Licensees provide access to the technical standards and specifications of the telecommunications networks with which the network of another Licensee shall be interconnected;
 - b. A Licensee seeking interconnection provides information on the technical characteristics of its telecommunication network;

- c. A dominant operator and a new entrant, do not, on grounds that the standards and specifications are proprietary, withhold information necessary to ensure efficient interconnection arrangements for both sides; and
- d. A dominant operator and a new entrant, take full account of the standards defined as being suitable for the purpose of interconnection, including the international standards and specifications adopted by the ITU and ETSI.

26.2. The Authority shall encourage the interconnecting Licensees to establish technical committees and to develop specifications, protocols, and procedures for the interconnection of their telecommunications networks.

28. NUMBERING

27.1. The Authority shall, in exercising its functions under PART V of the IC Act 2009 on Interconnection:

- a. ensure the provision of adequate numbers and numbering ranges for all publicly available telecommunications/ICT services;
- b. ensure that the procedures for allocating individual numbers or numbering ranges or both are transparent, equitable and timely and that the allocation is carried out in an objective, transparent and non-discriminatory manner and that the conditions for the use of certain prefixes or certain short codes, in particular where these are used for services of general public interest are clearly set out;
- c. encourage the earliest possible introduction of number portability facility whereby consumers who so request can retain their numbers on the fixed public telephone network at a specific location independent of the operator providing service;
- d. ensure that the corresponding charges to consumers are reasonable and that pricing for interconnection relating to the provision of the number portability facility is reasonable; and
- e. ensure that numbering plans and procedures are applied in a manner that gives fair and equal treatment to all Licensees.

27.2. The Authority shall ensure that the main elements of the National Numbering Plans and all subsequent additions or amendments to them are published in accordance with Paragraph 28 of these Guidelines, subject only to limitations imposed on grounds of national security.

29. PUBLICATION OF INFORMATION BY THE AUTHORITY

29.1. The Authority shall, from time to time, publish or ensure that there is published, adequate and up-to-date information on interconnection issues and agreements between Licensees.

29.2. The Authority shall keep an up-to-date list on its website of all licensed operators.

29.3. Any information published pursuant to this paragraph, shall be published in such a way as to provide easy access for users of that information and such information shall be made available to interested parties upon request and at no charge during normal working hours and the Authority shall publish references to the publication of that information.

30. INTERCONNECTION DISPUTE RESOLUTION

- 28.1. Where an operator or operators refer to the Authority for determination of a dispute as to reasonableness or inability to negotiate, either party may request the Authority's assistance in resolving the dispute through mediation prior to a Licensee referring the dispute to the Authority for a final determination.
- 28.2. Any dispute between Licensees as to reasonableness of a request for interconnection shall be referred to the Authority for determination as to the reasonableness of the request.
- 28.3. Where a Licensee claims that another Licensee is unwilling to negotiate or agree on any terms or conditions on which interconnection is to be provided, the issue shall be submitted to the Authority for determination.
- 28.4. Where a Licensee or any other person alleges that there has been a contravention or failure to comply with:
 - a. the provisions of the IC Act 2009 or any successful legislation thereto;
 - b. these Guidelines; or
 - c. an Interconnection Agreement,
- 28.5. The Authority shall investigate and make an appropriate determination on the allegation.
- 28.6. The Authority shall, in exercising its functions under this Section take account of:
 - a. the legitimate interests of all users;
 - b. the regulatory obligations or constraints imposed on any of the interconnecting parties;
 - c. the desirability of stimulating innovative market offerings and of providing all users with a wide range of telecommunications/ICT services throughout the Republic of The Gambia;
 - d. the availability of technically and commercially viable alternatives to the interconnection requested;
 - e. the desirability of ensuring equality of access;
 - f. the need to maintain the integrity of the public telecommunications/ICT network and the interoperability of services;
 - g. the nature of the request in relation to the resources available to meet the request;
 - h. the relative market positions of the interconnecting parties;
 - i. the public interest;
 - j. the promotion of competition;
 - k. the need to maintain universal access and;
 - l. the conduct of the parties.
- 28.7. The Authority shall in accordance with Part V (Access and Interconnection) of the IC ACT 2009 on the general conditions and pricing principles to be respected in Interconnection Agreements take steps to resolve the dispute within six (6) months from the date of the request. Any direction made by the Authority to resolve an interconnection dispute shall represent a fair balance between the legitimate interests of both parties.

- 28.8. The parties shall be notified of any decision made by the Authority and be given detailed statements of the reasons on which it is based.
- 28.9. The decision of the Authority shall be published.

31. INABILITY TO REACH AGREEMENT DURING NEGOTIATIONS

- 29.1. Where in interconnection negotiations no agreement is reached between the negotiating telecommunications/ICT operators within ninety (90) days of the commencement of the negotiations, either party may request to the Authority and the Authority shall decide on the case, taking into due consideration the interests of both parties.
- 29.2. A request for intervention by the Authority shall be made in writing, setting out the reasons on which it is based, in particular the areas of agreement and dispute, including but not limited to when interconnection was requested, what telecommunications/ICT network or service offerings were requested and on what issues agreement failed to be reached.
- 29.3. A request for intervention may be withdrawn.
- 29.4. The Authority may refuse to resolve the dispute in a case where none of the telecommunications/ICT operators involved is dominant in the relevant market.
- 29.5. Upon any of the interconnecting parties filing request for intervention: the Authority shall give the parties concerned the opportunity to state their case:
- a. a preliminary enquiry phase shall be introduced when initial consideration is given, so that the Authority can decide if there is a case to answer or to proceed to a detailed investigation;
 - b. the Authority shall inform the complainant of the outcome of the preliminary enquiry phase within four (4) weeks;
 - c. the preliminary enquiry phase shall be followed by an investigation phase involving the gathering of analysis and assessment of more detailed information;
 - d. the Authority may require written argument with supporting facts and research, if necessary, to assist in clarifying the issues in dispute;
 - e. where appropriate, the Authority may give representatives of business circles affected by the dispute the opportunity to state their case; and
 - f. the Authority may also consider inviting other interested parties to comment on the issues.
- 29.6. The Authority shall decide on the dispute based on oral or written submissions and public proceedings and subject to the agreement of the parties concerned, a decision can be reached without oral submission.
- 29.7. Where the presence of the public may pose a threat to public order, specifically to national security or to an important business or operating secret, the public may, at the request of one of the parties concerned or by a determination of the Authority be excluded from the proceedings or from any part thereof.
- 29.8. The Authority shall take into due consideration the interests of the users and the entrepreneurial freedom of each telecommunications/ICT operator in its decision.
- 29.9. The Authority:
- a. may, given the urgency of the case, issue an interim order before arriving at a decision;

b. shall decide the case within six (6) months, beginning from the date of the appeal.

29.10. The parties to the dispute shall be:

- a. notified of the Authority's decision and the decision shall be published;
- b. given the statement of the reasons on which the decision is based.

29.11. The Authority shall have the power to set the effective date of any determination retroactively to the date at which the dispute was referred to the Authority.

29.12. The Authority is without prejudice to the rights of the parties to appeal to the Law Court, provided that the Authority's decision shall remain binding until the final determination of the appeal.

29.13. A copy of the notice of appeal shall be lodged with the Authority within thirty (30) days from the date of the decision.

32. ARBITRATION

30.1. Where the said dispute or difference is submitted to arbitration, the Arbitrator or Arbitrators shall be appointed as:

If the matter in dispute is principally:

- a. a legal matter, an impartial practising lawyer(s) of not less than 10 (ten) years standing;
- b. an accounting matter, an impartial practising chartered accountant(s) of not less than 10 (ten) years standing;
- c. a technical matter, an impartial Telecommunications/ICT expert of not less than 10 (ten) years standing;
- d. any other matter, an independent person(s) agreed upon between the parties;
- e. If the parties fail to agree on an arbitrator within ten (10) working days after the arbitration has been demanded, the arbitrator shall be nominated at the request of either of the parties by the Authority

30.2. Any Licensee may demand that a dispute or difference in terms of Section 29 be referred to arbitration by giving written notice to that effect to the other Licensee.

30.3. The arbitration shall be held immediately and with a view to it being completed within fifteen (15) working days after it is demanded.

30.4. The submission to arbitration is subject to either Licensees right of appeal as provided for in Paragraph 28.7 below.

30.5. The arbitrator shall make an award in respect of the costs of the arbitration having regard to the substantial success of each party in the outcome of the proceedings.

30.6. The decision of the arbitrator shall be final and binding on the parties to the arbitration after the expiry of a period of thirty (30) working days from the date of the arbitrators ruling and provided that no appeal has been lodged by any party as provided for in Paragraph 28.7 below.

30.7. Either Licensee may appeal the decision of the arbitrator within a period of thirty (30) working days after the ruling has been handed down by the arbitrator by giving written

notice to that effect to the other Licensee. The appeal shall be submitted to the Court in accordance with the provisions of the Alternative Dispute Resolution Act 2005.

33. GENERAL CONTRACT PROVISIONS

31.1. General

There are a number of legal contractual issues that should be considered by each Licensee and included within the RIOs of Licensees. These should be adapted from international 'best practice' in line with The Gambian law.

31.2. Specific Clauses

31.2.1. Provision of Information

Licensees should include a clause in their RIOs, stating that certain network information will be supplied to interconnected Licensees in order to enable them to plan their networks and interconnection. However, the clause should also state that this information is not to be divulged to third parties.

31.2.2. Duration

The Interconnection Agreement shall not have a defined fixed duration. The agreement should be an ongoing one with periodic reviews and opportunities for renegotiation.

31.2.3. Review

There shall be a process for re-negotiation of defined issues e.g. changes in law or regulation. This process shall have defined timescales, e.g. minimum times for negotiation, review notices, etc. There shall also be an option to use arbitration to resolve disputes.

31.2.4. Confidentiality

Licensees should require other Licensees to sign a Confidentiality Agreement to protect its information from being divulged to any other party, subsidiary or partner. In particular there will be a need for data protection in respect of user details. However, this information shall be provided to the Authority upon request.

31.2.5. Intellectual Property Rights

Licensees should ensure that they safeguard their Intellectual Property Rights (IPR). This will include controlled use of its trademarks. However there is still a need to ensure 'open' interfaces between interconnected Licensees.

31.2.6. Liability

Licensees need to define events of liability and limits of liability (direct loss), together with any threshold below which claims will not be made.

31.2.7. Additional Provisions

Interconnected Licensees shall make provisions for the under-listed contractual issues in their Interconnection Agreements.

- a. Force Majeure
- b. Assignment
- c. Contract Variation

- d. Breach of Contract
- e. Termination
- f. Governing Law

34. CONFIDENTIALITY

The Authority shall ensure that a telecommunications/ICT operator that acquires information from another telecommunications/ICT operator during the process of negotiating Interconnection Agreements, use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of the information transmitted or stored; and the information shall not be passed to any other party, in particular, other departments, subsidiaries or partners for which such information may provide competitive advantage.

35. EFFECTIVENESS

These guidelines shall become effective from the date of signature.

ISSUED BY

PUBLIC UTILITIES REGULATORY AUTHORITY

DATED THIS.....DAY OF.....

DIRECTOR GENERAL