

DIRECTIVE

Directive to Cable & Wireless Jamaica Limited (“C&WJ”) to inter alia submit the Interconnection Service Schedule and the Tariff Schedule corresponding to each item of the Service Schedule offered to Digicel in respect of National Wireless Broadband Voice Terminating Access Service and International Wireless Broadband Voice Terminating Access Service.



OFFICE OF UTILITIES REGULATION

June 12, 2007

DOCUMENT TITLE AND APPROVAL PAGE

DOCUMENT NUMBER: TEL. 2007/08

1. DOCUMENT TITLE:

Directive to Cable & Wireless Jamaica Limited.

2. PURPOSE OF DOCUMENT

Directive to Cable & Wireless Jamaica Limited (“C&WJ”) to Submit the Interconnection Service Schedule and the Tariff Schedule corresponding to each item of the Service Schedule offered to Digicel in respect of National Wireless Broadband Voice Terminating Access Service and International Wireless Broadband Voice Terminating Access Services with C&WJ Mobile Service.

3. RECORD OF REVISION

Reference Document Tel. 2007/08

4. APPROVAL

This Directive is approved by the Office of Utilities Regulation and becomes effective on June 12, 2007.

By Order of the Office:



**J. Paul Morgan
Director General**

June 12, 2007

OFFICE OF UTILITIES REGULATION

DIRECTIVE

Tel. 2007/08

(Issued pursuant to Section 10 of the Office of Utilities Regulation Act, 1995 as Amended)

IN THE MATTER OF:

- (i) THE TELECOMMUNICATIONS ACT, 2000
- (ii) THE OFFICE OF UTILITIES REGULATION ACT 1995, AS AMENDED
- (iii) NON-COMPLIANCE WITH DIRECTIVE NO. TEL. 2007/03 DATED APRIL 12, 2007
- (iv) CABLE & WIRELESS JAMAICA LIMITED AND MOSSEL JAMAICA LIMITED (TRADING AS DIGICEL) CONCLUDING INTERCONNECTION ARRANGEMENTS FOR DIGICEL'S WIRELESS BROADBAND SERVICE
- (v) CABLE & WIRELESS JAMAICA LIMITED OPENING AND ACTIVATING THE ASSIGNED CENTRAL OFFICE CODES IN ALL OF ITS SWITCHES TO FACILITATE THE PASSING OF TRAFFIC

TO: Cable and Wireless Jamaica Limited

WHEREAS the Office of Utilities Regulation (“the Office”) is mandated to:

- (i) regulate specified services and facilities pursuant to Section 4 of the Telecommunication Act, 2000 (“the Act”) and
- (ii) “promote competition among carriers and service providers” pursuant to Section 4- (1) (e) of the Act
- (iii) regulate the provision of prescribed utility services by licensees and specified organizations pursuant to Section 4 of the Office of Utilities Regulation Act 1995 as amended (“the OUR Act”)

WHEREAS the Minister with portfolio responsibility for Telecommunications, pursuant to Section 75-(3), 76- (2), and 78- (2) (b) (iv) of the Telecommunications Act, 2000 granted to Cable and Wireless Jamaica Limited (C&WJ) a Licence cited as “The Cable and Wireless Jamaica Limited Carrier Licence 2000” (“the Licence”) **AND**

WHEREAS the Grant of Rights provision in the said Licence provides that:

“The Licensee is licensed to own and operate the Licensed Facilities in accordance with the terms of this Licence (including but not limited to Schedules 1 and 2 hereof) the Telecommunications Act, 2000.” **AND**

WHEREAS the Licence obligation imposed by General Provision 19 of the license provides that:

“The Licensee shall comply with the Regulations made pursuant to the Telecommunications Act, 2000 and the Laws of Jamaica.” **AND**

WHEREAS Section 29 of the Act provides:

“29.- (1) Each carrier shall, upon request in accordance with this Part, permit interconnection of its public voice network with the public voice network of any other carrier for the provisions of voice.

(2) A public voice carrier shall provide interconnection in accordance with the following principles-

- (a) any-to-any connectivity shall be granted in such manner as to enable customers of each public voice network to complete calls to customers of another public voice network or to obtain services from such other network;
- (b) end-to-end operability shall be maintained in order to facilitate the provision of services by an interconnecting carrier to the customer notwithstanding that the customer is directly connected to a different network;
- (c) interconnecting carriers shall be equally responsible for establishing interconnection and doing so as quickly as is reasonably practicable.” **AND**

WHEREAS the Office issued a Clarification Notice and Directive **Document No. Tel. 2006/07** dated December 8, 2006 (“The C&D”) reiterating the principles governing interconnection as outlined in the Act and the Determination on the Assessment of Cable & Wireless Jamaica Limited (“C&WJ”) Reference Interconnection Offer (RIO) 5A **AND**

WHEREAS Digicel has stated that it has offered separately two fixed termination services, namely, National Wireless Broadband Voice Terminating Access Service (NWBB) and International Wireless Broadband Voice Terminating Access Service (“INTWBB”). **AND**

WHEREAS the Office directed Digicel and C&WJ to proceed and conclude an Interconnection Agreement consistent with the Act and the Office’s RIO 5/5A Determination and Clarification

set out in the C&D in order to allow connectivity between Digicel's Wireless Broadband network and the networks of C&WJ **AND**

WHEREAS the Office has been informed that such an agreement has not been concluded in its totality **AND**

WHEREAS the number ranges for the Wireless Broadband services has not been opened in C&WJ's switches in order for traffic to pass between the two networks **AND**

WHEREAS C&WJ and Digicel have reached agreement on terms and conditions for the termination of NWBB **AND**

WHEREAS there has been no agreement on the terms and condition for the INTWBB **AND**
WHEREAS pursuant to:

1. Sections 4 (2) of the Office of Utilities Regulation Act, 1995 as amended ("OUR Act")

"The Office may, where, it considers necessary, give directions to any licensee or specified organization with a view to ensuring that-

- (a) the needs of the customers of the services provided by the licensee or specified organization are met
- (b)
 - (i)
 - (ii)
 - (iii) afford to its consumers economical and reliable service

2. Section 4 (4) of the OUR Act

"The Office shall have power to determine in accordance with the provisions of this Act, the rates which may be charged in respect of the provisions of a prescribed utility service" **AND**

WHEREAS pursuant to Section 34 of the Act, the Office has the authority to resolve disputes as to the terms and conditions on interconnection rates between all carriers if such disputes are referred to the Office for resolution. **AND**

WHEREAS Section 4- (4) of the Act provides:

"Where the Office has reasonable grounds for so doing, it may for the purpose of its functions under this Act, require a licensee to furnish, at such intervals as it may determine, such information or documents as it may specify in relation to that licensee's operations and the licensee shall be given a reasonable time within which to furnish the information." **AND**

WHEREAS Section 10 of the OUR Act provides:

- “(1) The Office may require a licensee or specified organization to furnish such information or submit such returns at such intervals as the Office may require in relation to the operations of this licensee or specified organization.
- (2) A licensee or specified organization which fails to comply with subsection (i) shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars.” **AND**

The Office **HEREBY REQUIRES** in accordance with the powers conferred on it by Section 4 of the Act and Section 10 (1) of the OUR Act that C&WJ:

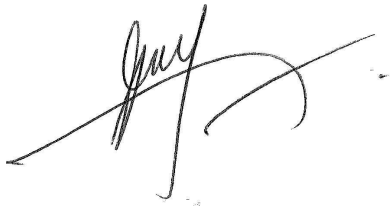
Submit to the Office in writing within five calendar days of the effective date of this Directive:

- (1) the interconnection Service Schedule and the Tariff Schedule corresponding to each item of the Service Schedule offered to Digicel, and to include in particular:
 - a. all specifications and conditions agreed on by C&WJ and Digicel with regard to interconnection of Digicel's:
 - i. National Wireless Broadband Voice Terminating Access Service
 - ii. International Wireless Broadband Voice Terminating Access Service with C&WJ's mobile service
- (2) all other terms and conditions with respect to the services specified at (1) a. (i) & (ii) above on which the parties have not been able to agree
- (3) a report as to compliance or noncompliance with each of the three items enumerated below pursuant to the Directive No. Tel. 2007/03 dated April 12, 2007 in which Mossel Jamaica Limited trading as Digicel and Cable & Wireless Jamaica Limited (C&WJ) were required to do the following:
 - “(A) Within 30 days of this Directive and upon terms consistent with the Act, the Fair Competition Act and all Determinations by the Office and Clarifications of such Determinations and the principles contained in Clarification Notice No.Tel. 2006/07:
 - (1) C&WJ and Digicel proceed to conclude interconnection arrangements on the agreed terms for the passing of traffic between Digicel's NWBB service and C&WJ's fixed and mobile networks.
 - (2) C&WJ proceed to activate the assigned Central Office Codes in all of its switches to facilitate the passing of the said traffic.

- (3) C&WJ and Digicel proceed to conclude interconnection arrangements for Digicel's INTWBB service." **AND**

AND FURTHER TAKE NOTICE that your failure to comply with this requirement renders you liable to the provisions of Section 10 (2) of the OUR Act.

BY ORDER OF THE OFFICE:

A handwritten signature in black ink, appearing to read 'J. Paul Morgan', with a long horizontal stroke extending to the right.

J. Paul Morgan
Director General