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Office of Utilities Regulation

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# **DIRECTIVE**

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## **Directive to Cable & Wireless Jamaica Limited and Mossel (Jamaica) Limited (t/a Digicel) Regarding Interconnection for Providing Wireless Broadband Voice Terminating Access Services**

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**OFFICE OF UTILITIES REGULATION**

**April 12, 2007**

Interconnection Directive to Cable & Wireless Jamaica Limited and (Mossel)  
Jamaica (t/a Digicel)  
Document No. Tel 2007/3

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**DOCUMENT TITLE AND APPROVAL PAGE**

**DOCUMENT NUMBER: TEL. 2007/3**

**1. DOCUMENT TITLE:**

Directive to Cable & Wireless Jamaica Limited and Mossel (Jamaica) Limited (t/a Digicel) Regarding Interconnection for Providing Wireless Broadband Voice Terminating Access Services.

**2. PURPOSE OF DOCUMENT**

- (i) To direct Cable & Wireless Jamaica Limited and Mossel (Jamaica) Limited to conclude an Interconnection Agreement for the passing of Traffic between Digicel's Wireless Broadband Service and Cable & Wireless' Fixed and Mobile Networks
- (ii) Direct Cable & Wireless Jamaica Limited to activate assigned 6XX Central Office Codes in its switches

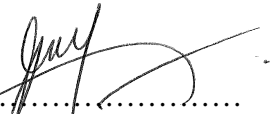
**3. RECORD OF REVISION**

Revision Number	Description	Date

**4. APPROVAL**

This Directive is approved by the Office of Utilities Regulation and becomes effective on April 16<sup>th</sup> 2007

By Order of the Office:

  
.....  
J. Paul Morgan  
**Director General**

Date: April 12<sup>th</sup> 2007

# OFFICE OF UTILITIES REGULATION

## DIRECTIVE

[Tel. 2007/03]

(Issued pursuant to Section 4 of the Office of Utilities Regulation Act)

### IN THE MATTER OF:

- (i) THE TELECOMMUNICATIONS ACT, 2000
- (ii) THE OFFICE OF UTILITIES REGULATION ACT AS AMENDED
- (iii) THE OFFICE OF UTILITIES REGULATION REAFFIRMATION OF NATIONAL AND INTERNATIONAL TERMINATION RATES(OUR Doc No Tel 2006/07
- (iv) CABLE & WIRELESS JAMAICA LIMITED & MOSSEL JAMAICA LIMITED (TRADING AS DIGICEL) CONCLUDING INTERCONNECTION ARRANGEMENTS
- (v) CABLE & WIRELESS ACTIVATING ASSIGNED 6XX CENTRAL OFFICE CODES IN ITS SWITCHES

**TO:** Mossel Jamaica Limited t/a Digicel; AND  
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 (“the OUR Act”)

**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 services.

- (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** it is a licence obligation of all Carriers and Service Providers to comply with the provisions of the Laws of Jamaica including the Telecommunications Act (2000) and Office of Utilities Regulation Act ( as amended) AND

**WHEREAS** the Office issued Central Office Codes in the range reserved for VOIP services to Mossel (Jamaica) Limited t/a Digicel (“Digicel”) in order to provide services on its Wireless Broadband Network AND

**WHEREAS** the Office issued a Clarification and Directive, Document No.Tel.2006/07 (“The C&D”) reiterating the principles governing interconnection as outlined in the Act and its Determination on the Assessment of Cable & Wireless Jamaica Limited (“C&WJ”) Reference Interconnection Offer (RIO5/5A) and underscoring its position that national and international termination rates for fixed network voice services is one and the same i.e. the rate for termination in the domestic/national network is the same irrespective of origination 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 that the Central Office Codes for the Wireless Broadband services have not been activated in C&WJ’s switches in order for traffic to pass between the two networks 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 has been informed that C&WJ and Digicel have reached agreement on terms and conditions for the termination of NWBB AND

**WHEREAS** the Office has been informed that there has been no agreement on the terms and condition for the INTWBB AND

**WHEREAS** the Office has determined that the request for clarification submitted by C&WJ and to which the Office responded by its clarification Document No: Tel.2006/7 did not constitute a request for arbitration of a pre-contract dispute pursuant to Section 34 of the Act AND

**WHEREAS** pursuant to Section 29 of the Act, all Carriers have the right to request interconnection of their international network to Digicel’s Wireless Broadband Network respectively AND

**WHEREAS** pursuant to:

1. Sections 4 (2) of the Office of Utilities Regulation Act as amended (“OUR Act”)  
“The Office may, where, it considers necessary, give directions to any licensee or specified organizing action with a view to ensuring that-
  - (a) the needs 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** the Office has consulted extensively with the parties through correspondence and meetings with regard to the issues contained herein

The Office **HEREBY REAFFIRMS** its position that the rate for termination on the domestic/national networks is the same irrespective of point of origination

**AND FURTHER DIRECTS THAT**

- A.** Within 30 days of the effective date 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.2006/7:
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.
- B.** The parties shall each provide evidence of compliance with the Directives set out at A, 1., 2. and 3. above as applicable within 35 calendar days of the effective date hereof.

By order of the Office:

.....  
J. Paul Morgan  
**Director General**

**Document No: TEL.2007/3**