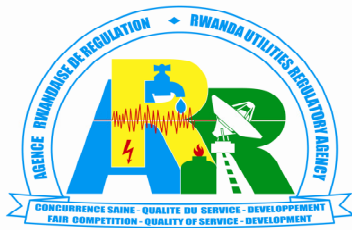


REPUBLIC OF RWANDA



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INTERCONNECTION GUIDELINES

Contents

PART I: DEFINITIONS.....	3
1 DEFINITIONS.....	3
PART II: INTERCONNECTION.....	5
2 PURPOSE OF THESE GUIDELINES.....	5
3 GENERAL RESPONSIBILITIES OF THE AGENCY.....	5
4 DEFINITION OF INTERCONNECTION.....	6
5 RIGHTS AND OBLIGATIONS FOR INTERCONNECTION.....	7
6 ESSENTIAL REQUIREMENTS FOR INTERCONNECTION.....	7
7 INTERCONNECTION REQUESTS.....	8
8 REQUESTS FOR NEW SERVICES AND SYSTEM CHANGE.....	8
9 GOOD FAITH NEGOTIATIONS.....	9
10 INTERCONNECTION AGREEMENTS.....	10
11 APPROVAL OF INTERCONNECTION AGREEMENT BY THE AGENCY.....	11
12 AMENDMENT TO INTERCONNECTION AGREEMENTS.....	11
PART III: DOMINANCE.....	11
13 DOMINANT MARKET POSITION.....	11
14 INTERCONNECTION OBLIGATIONS IMPOSED ON DOMINANT OPERATORS.....	12
15 INTERCONNECTION CHARGES AND COSTING OPERATORS.....	13
16 NOTICE OF PLANNED CHANGES.....	16
17 ACCOUNTING SEPARATION.....	16
18 POINTS OF INTERCONNECTION.....	16
PART IV: MISCELLANEOUS PROVISIONS.....	17
19 SHARING OF INFRASTRUCTURE AND COLLOCATION.....	17
20 QUALITY OF INTERCONNECTED SERVICES.....	17
21 NETWORK SPECIFICATIONS.....	18
22 NUMBERING.....	18
23 PUBLICATION OF INFORMATION BY THE AGENCY.....	19
24 PUBLICATION OF INFORMATION BY OPERATORS.....	19
25 INTERCONNECTION DISPUTE RESOLUTION.....	20
26 INABILITY TO REACH AGREEMENT DURING NEGOTIATIONS.....	21

In exercise of the powers conferred upon the Regulatory Board under the law 44/2001 of 30/11/2001 and Presidential Order nº 04/01 of 15/032003 determining specific duties of the Regulatory Board in telecommunications matters, the Regulatory Board hereby makes the following Interconnection Guidelines:

PART I: DEFINITIONS

1 DEFINITIONS

Collocation	Facility-sharing in which an operator houses equipment of its competitor to allow the access by end users to their respective networks
Customer	a person who receives and pays for a telecommunication service over a period of time under an agreement with or pursuant to terms and conditions established by the operator with approval of the National Regulatory 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 Regulatory Board.
End user	the individual or organization that originates or receives information carried via a info-communication network
Information and Communication Technologies or ICT	refers to the technologies, including computers, telecommunications and audiovisual systems, that enable the collection, processing, transportation and delivery of information and communications services to end users
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.

Non-discrimination	a condition by which an operator, engaged in the provision of telecommunications 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 service provider who is providing a public telephone service and/or a public network and/or a telecommunications 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
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	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 Infrastructure or Network	refers to technical equipment or systems utilized for telecommunications (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.

PART II: INTERCONNECTION

2 PURPOSE OF THESE GUIDELINES

- 2.1 These Guidelines provide the framework for the regulation of interconnection by the Rwanda Utilities Regulatory Agency, otherwise referred to as "Agency" for all licensed public telecommunications operators (hereinafter referred to as "operators") seeking interconnection.
- 2.2 The Guidelines also define the role the Agency is expected to play in order to facilitate interconnection negotiations between the parties involved and to establish a proper environment for interconnection in Rwanda.
- 2.3 The regulatory framework for interconnection, as defined in this document, shall include only those situations where a telecommunications network is used for the commercial provision of publicly available telecommunications services. It shall not cover instances where a telecommunications network is used for the provision of telecommunications services only to a specific end-user or to a closed user group and where the infrastructure of the telecommunications networks which are interconnected may be owned by the parties involved or are based on leased facilities owned by third parties.
- 2.4 These Guidelines :
- are an addendum to the Ministerial Order N° 5/DC/04 Of 07/06/2004 on the general conditions and pricing principles to be respected in interconnection agreements and are to be read in conjunction with the licence conditions, the Telecom Law, and any other relevant laws and regulations that may be stipulated by the Agency 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 markets and any amendment in any laws on interconnection of telecommunications networks
- 2.5 These Guidelines are intended to:
- a. encourage the orderly development of Telecommunications Systems and Telecommunications Networks in Rwanda;
 - b. promote and maintain any-to-any connectivity and safeguard against any abuse of market power in the provisioning of Telecommunications Services ;
 - c. prevent discrimination in the provision of Telecommunications Services ;
 - d. promote and maintain co-operation and fair competition between Licensees in the telecommunications sector and
 - e. safeguard the interests of consumers by ensuring that Telecommunications Services are reasonably accessible to all citizens of Rwanda;
- 2.6 These Guideline are not intended to limit the matters which may be dealt within an Interconnection Agreement but to provide a minimum set of issues which should be addressed;

3 GENERAL RESPONSIBILITIES OF THE AGENCY

- 3.1 The Agency shall have the primary role of ensuring an effective interconnection regime in Rwanda.
- 3.2 The Agency 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 Regulation 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 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 Telecom law and these guidelines on Interconnection;
 - i) have the right to require a telecommunications operator that has not interconnected its facilities, to interconnect such facilities in order to protect essential public interest; where appropriate, the Agency may set the terms and conditions of the interconnection.
- 3.3 The Agency may:
- a) on its own initiative, intervene in negotiations on agreements for interconnection where no agreement is brought about between the negotiating telecommunications operators within **twelve 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 Agency shall take steps to facilitate the conclusion of the interconnection agreement under the procedures laid down by the Agency in these guidelines
 - c) also intervene if so requested by either party, in order to specify issues that shall be covered in the interconnection agreements

4 DEFINITION OF INTERCONNECTION

- 4.1 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 networks to which they are connected or the telecommunications services they use.

- 4.2 The definition in paragraph 3.1 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 networks to both the calling and the called parties.

5 RIGHTS AND OBLIGATIONS FOR INTERCONNECTION

- 5.1 A licensed operator has, irrespective of the supporting technology employed, a basic right to demand interconnection from other licensed operators and an obligation, when requested, to negotiate interconnection with other interconnection demanding operators, subject to compliance with the Telecom Law, the Ministerial Decree on interconnection and these guidelines;
- 5.2 The services to which interconnection rights and obligations in paragraph 4.1 apply are those which secure the interconnection and interoperability of telecommunications networks for end-to-end services and the services covered involve the linking of telecommunications networks, but this does not include the provision of the complete end-to-end telecommunications service itself.
- 5.3 No operator shall enter into an interconnection agreement with another operator if, as determined by the Agency, in its reasonable discretion:
- a) such an agreement is prohibited by law; or
 - b) the licence issued to the other operator does not authorise 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 operator's property or hinder the quality of the services provided by the operator.

6 ESSENTIAL REQUIREMENTS FOR INTERCONNECTION

- 6.1 All telecommunications operators shall maintain the highest level of service and meet any priorities, set by the Agency, consistent with the Telecom Law.
- 6.2 The Agency shall take all necessary steps:
- a) to impose, including, where appropriate, conditions on interconnection, to ensure that the availability of the public telecommunications 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 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 network integrity are proportionate and non-discriminatory in nature and are based on objective criteria identified in advance.

- 6.3 The Agency 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.
- 6.4 Where the Agency 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 23 of these guidelines.

7 INTERCONNECTION REQUESTS

- 7.1 Where an operator who is the requesting party desires to interconnect its network with the telecommunications network of another operator 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 Agency by the requesting party.
- 7.2 The requested party shall inform the requesting party in writing within twenty-eight 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.
- 7.3 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 Agency shall be notified of the refusal and the reasons for the refusal.

8 REQUESTS FOR NEW SERVICES AND SYSTEM CHANGE

- 8.1 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.
- 8.2 All requests for new interconnection services shall be filed with the Agency by the requesting party.
- 8.3 The requested party shall inform the requesting party in writing within fourteen 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.
- 8.4 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.
- 8.5 Where the requested party rejects the interconnection request of the requesting party as unreasonable, the requesting party may appeal to the Agency and the Agency shall decide on the case in accordance with the dispute resolution procedure set out in the Ministerial Order on interconnection.

9 GOOD FAITH NEGOTIATIONS

- 9.1 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.
- 9.2 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 intentionally obstruct negotiations.
- 9.3 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 Agency, from time to time.

10 INTERCONNECTION AGREEMENTS

- 10.1 The terms and conditions of an interconnection agreement shall permit the interconnecting operators to exchange traffic over one another's telecommunications networks in the most efficient manner.
- 10.2 A service acquired as part of interconnection may be used for any lawful purpose.
- 10.3 All interconnection agreements between operators shall be made in writing and shall :
- a) comply with the terms and conditions of the licence of the interconnecting parties;
 - b) conform to all industry standards adopted by the Agency;
 - c) be transparent and objective;
 - d) be provided on a non-discriminatory basis.
- 10.4 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 service which a person is lawfully able to provide
- 10.5 The termination of interconnection arrangements shall strictly be in accordance with the terms of the interconnection agreements between parties and an operator providing interconnection shall give the other party a six months written notice of its intention to terminate the agreement, specifying the grounds of termination and where there is breach, the operator providing interconnection shall give the other party a three months notice for remedying the breach and if the party in breach fails to remedy the breach within the period of notice given, it may then terminate the agreement without giving further notice.
- 10.6 An operator shall not terminate an interconnection agreement without the Agency's written consent.

11 APPROVAL OF INTERCONNECTION AGREEMENT BY THE AGENCY

- 11.1 The requested party shall file with the Agency an application for the Agency's approval of each proposed interconnection agreement not later than thirty days from the date of the execution of the agreement.
- 11.2 The Agency may request from interconnecting parties 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 Agency in writing, if the interconnection as contemplated therein is inconsistent with the provisions of the Telecom Law in its successive legislation, Ministerial Order on interconnection and these guidelines.
- 11.3 If the Agency does not request additional information or modifications or rule on the interconnection agreement within thirty days of the receipt of the interconnection agreement, the interconnection agreement shall be deemed approved.
- 11.4 Where the Agency 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 Agency's decision under these guidelines.

The interconnecting parties shall submit a revised interconnection agreement to the Agency within fourteen days of the receipt of the Agency's request and where the Agency does not request additional modifications or rule on the revised interconnection agreement within fourteen days, the revised interconnection agreement shall be deemed approved.

12 AMENDMENT TO INTERCONNECTION AGREEMENTS

- 12.1 The parties to an interconnection agreement approved by the Agency may amend or modify such agreement by giving the Agency written notice together with a copy of the proposed amendment or modification and if the Agency does not request additional information or modifications or rule on the amendment or modification of the interconnection agreement within twenty-one days of the receipt of the notice, the amendment or modifications shall be deemed to be approved by the Agency.
- 12.2 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 Agency'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 days offer to or agree with the requesting party to amend the interconnection agreement so that its terms and conditions are reasonable.

PART III: DOMINANCE

13 DOMINANT MARKET POSITION

- 13.1 The Agency shall set out detailed criteria for determining market dominance in accordance with international best practices and shall determine, as required under Article 49 of the Law 39/2001

establishing RURA, and according to these criteria, if an operator has, in respect of interconnection services, a dominant market position.

13.2 In making such a determination, the Agency may:

- a) conclude that an operator which has a 50 per cent 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 an operator which has a more than 40 per cent market share of the relevant market segment has a dominant market position which shall be substantiated by further evidence.

14 INTERCONNECTION OBLIGATIONS IMPOSED ON DOMINANT OPERATORS

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

14.1 A telecommunications operator that has been determined by the Agency as being a dominant operator shall:

14.1.1 meet all reasonable requests for access to its public telecommunications network, in particular, access at any technically feasible point on its telecommunications network;

14.1.2 set cost-oriented interconnection charges;

14.1.3 adhere to the principle of non-discrimination with regard to interconnection offered to other telecommunications operators, in particular, it shall apply similar conditions in similar circumstances to interconnected telecommunications operators providing similar services and provide interconnection facilities and information to other telecommunications operators 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;

14.1.4 make available on request to other telecommunications operators considering interconnection with its public telecommunications 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 months, unless agreed otherwise by the Agency;

14.1.5 submit to the Agency 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

14.1.6 provide access to the technical standards and specifications of its telecommunications network with which another operator shall be interconnected.

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

- 14.3 The Agency may mandate or prohibit specified conduct by a dominant telecommunications 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 operator abuses its dominant position in the market.
- 14.4 Before taking the action in paragraph 14.3 of these guidelines , the Agency shall request the dominant telecommunications operator to refrain from the abuse to which the objection has been made.

15 INTERCONNECTION CHARGES AND COSTING OPERATORS

15.1 guidelines for Interconnection Charges and Costs

- 15.1.1 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 operators seeking interconnection with the telecommunications networks of the dominant operators.
- 15.1.2 Subject to any default interconnection charges that may be approved by the Agency, with a special focus put on the dominant operators providing interconnection to their telecommunications networks in accordance with these Regulations, the charges set by all operators shall be based on objective criteria and follow the principles of transparency and cost orientation.
- 15.1.3 The burden of proof that charges are derived from relevant costs, including a reasonable rate of return on investment, shall lie with the operator providing interconnection to their facilities and the Agency has the right to request operators to provide full justification for their interconnection charges and the dominant operators shall comply with any reasonable adjustment required by the Agency.
- 15.1.4 Dominant operators may set different tariffs, terms and conditions for interconnection for different categories of telecommunications services where such differences can be objectively justified on the basis of the type of interconnection provided. The Agency 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 for its own services or those of its subsidiaries or affiliates in accordance with the principle of non-discrimination.
- 15.1.5 The interconnection charges shall:
- a) be sufficiently unbundled to ensure that an operator 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 Agency.

15.1.6 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).

15.1.7 Interconnection charges that do not conform to these guidelines may be varied by a determination of the Agency in accordance with these regulations

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

15.2 Principles for interconnection charges and costing by dominant operators

15.2.1 A dominant telecommunications operator shall:

- a) give written notice of any proposal to change any charges for interconnection services in accordance with the procedure set out in these Regulations and the provisions of the operating licence;
- b) sufficiently unbundle charges for interconnection, so that the telecommunications 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 Agency is suitable to demonstrate that its charges for interconnection have been fairly and properly calculated, and provides any information requested by the Agency;
- 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 Agency

or any other competent body independent of the dominant telecommunications operator and approved by the Agency, shall verify compliance of the dominant telecommunications operator with the cost accounting system and the statement concerning compliance shall be published by the Agency annually.

15.3 Interconnection Principle of Transparency

15.3.1 The Agency'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 operators seeking interconnection and all operators providing interconnection.

15.3.2 Transparency of interconnection agreements is an effective means of discouraging anti-competitive behavior by dominant operators and interconnection agreements shall not be treated as strictly confidential between interconnecting parties.

15.3.3 To detect and remedy any anti-competitive behavior by operators, the Agency requires operators:

- 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 terms and conditions including prices; and
- b) to make interconnection agreements available for inspection by interested parties, but **may exclude those parts which contain commercially sensitive material**.

15.3.4 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 operators;
- 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.

15.3.5 The Agency shall:

- a) determine the issues to be addressed by the **operators** 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 Agency may direct to be kept confidential and another part containing those parts that are open for inspection by the public.

16 NOTICE OF PLANNED CHANGES

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

17 ACCOUNTING SEPARATION

- 17.1 If interconnection services are not provided through a structurally separated subsidiary, an operator shall keep separate accounts as if the telecommunications 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 Operator shall maintain separate accounts in respect of interconnection services and its core telecommunications services and the accounts shall be submitted for independent audit and thereafter published.
- 17.3 Operators shall supply financial information to the Agency promptly on request and to the level of detail required by the Agency and the Agency shall publish such information in order to contribute to an open and competitive telecommunications market, while taking account of considerations of commercial confidentiality.

18 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 operators 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 operators 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 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 Agency.

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

PART IV: MISCELLANEOUS PROVISIONS

19 SHARING OF INFRASTRUCTURE AND COLLOCATION

- 19.1 The Agency shall encourage collocation and facility sharing and develop guidelines for shared infrastructure use and collocation.
- 19.2 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.
- 19.3 Agreements for facility sharing and collocation shall be subject to negotiation and set down in the commercial and technical agreement between the parties concerned.
- 19.4 The Agency has the power to impose facility sharing arrangements between operators after a period of consultation and the parties shall be notified of the decision of the Agency which shall thereafter be published.
- 19.5 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.
- 19.6 Where a telecommunications 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 Agency shall encourage the sharing of such facilities and property with other telecommunications operators, in particular, where other telecommunications operators do not have access to viable alternatives.
- 19.7 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 Agency nevertheless may intervene to resolve disputes arising thereof, as provided for in paragraphs 24 and 25 of these Regulations.

20 QUALITY OF INTERCONNECTED SERVICES

- 20.1 An interconnecting operator 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.
- 20.2 The interconnecting traffic shall not be discriminated in relation to other comparable traffic in the telecommunications network of an operator and alternative routing shall be available in the event of equipment failure in either party's network or failure of a particular interconnect link.

- 20.3 The parties to an interconnection agreement shall comply with all relevant standards of the International Telecommunications Union and such other technical standards as the Agency may, from time to time, determine.
- 20.4 A **dominant operator** has a special obligation to provide a high quality of interconnection services and facilities and the Agency 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 operator; and

21 NETWORK SPECIFICATIONS

- 21.1 Interconnected networks shall be technically compatible and the Agency shall ensure that:
- a) provide access to the technical standards and specifications of the telecommunications networks with which the network of another operator shall be interconnected;
 - b) an operator *seeking* interconnection provides information on the technical characteristics of its telecommunications network;
 - c) a dominant operator and a new entrant, do not, on the 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 International Telecommunications Union.
- 21.2 The Agency shall encourage the interconnecting operators to establish technical committees and to develop specifications, protocols, and procedures for the interconnection of their telecommunications networks.

22 NUMBERING

- 22.1 The Agency shall, in exercising its functions under the Rwandan Telecom Law and the Ministerial Order on interconnection:
- a) ensure the provision of adequate numbers and numbering ranges for all publicly available telecommunications 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 operators.

22.2 The Agency 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 21 of these Regulations, subject only to limitations imposed on grounds of national security.

23 PUBLICATION OF INFORMATION BY THE AGENCY

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

23.2 The Agency shall keep an up-to-date list on its web site of all licensed operators.

23.3 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 Agency shall publish references to the publication of that information.

24 PUBLICATION OF INFORMATION BY OPERATORS

24.1 All operators shall provide to the Agency all specific information on interconnection as the Agency may reasonably require and the Agency shall ensure that any information provided to it in accordance with this paragraph which is recognized by the Agency to be confidential is maintained as such.

24.2 It is recognized that all have their own individual format for all of their documentation, unless otherwise requested by the Agency and where the Agency imposes no specific publication requirements on dominant operators, they may publish the relevant documents using their own individual format.

24.3 All publications shall be in the English language unless otherwise authorised by the Agency and the contents of such publications shall be the responsibility of the party publishing them.

24.4 A dominant operator shall:

- a) communicate to the Agency a single point of contact that can provide access to all publications and documentation to be made public;
- b) inform the Agency immediately of any change to the given contact details to ensure that they remain current;

- c) show in relevant publications and documents, contact details to enable users of the publications and documentation to contact them for the purposes of clarification or reporting errors in the publications or documents; and
 - d) provide a single "on-line" point of contact for information relating to accessibility of all their publications.
- 24.5 The Agency shall maintain an up to date list with the contact information from all dominant operators and make it available on request and directly on the Agency's web site and the dominant operators are encouraged to grant permission for the Agency to establish hyperlinks from their site to the relevant dominant operators' publications.
- 24.6 To minimise cost and complexity associated with the distribution of publications and documentation to be made publicly available, it is recommended that, wherever possible, the dominant operators shall make the required publications and documentation available "on-line" and where this is not possible, reasonable costs for reproduction and distribution may be levied by the publisher on an organisation or individual requesting a copy of a particular publication or documentation.

25 INTERCONNECTION DISPUTE RESOLUTION

- 25.1 Where an operator or operators refer to the Agency for determination of a dispute as to reasonableness or inability to negotiate, either party may request the Agency's assistance in resolving the dispute through mediation prior to an operator referring the dispute to the Agency for a final determination.
- 25.2 Any dispute between operators as to reasonableness of a request for interconnection shall be referred to the Agency for determination as to the reasonableness of the request.
- 25.3 Where an operator claims that another operator 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 Agency for determination.
- 25.4 Where an operator or any other person alleges that there has been a contravention or failure to comply with:
- a) the provisions of the Telecom Law or any successful legislation thereto;
 - b) the provisions of the Ministerial Order on interconnection;
 - c) these Regulations; or
 - d) an interconnection agreement,

the Agency shall investigate and make an appropriate determination in response to the allegation.

- 25.5 The Agency shall, in exercising its functions under this paragraph 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 services throughout the Republic of Rwanda;

- 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 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; and
 - k) the need to maintain universal access
 - l) the conduct of the parties.
- 25.6 The Agency shall in accordance with the Ministerial Order N° 5/DC/04 Of 07/06/2004 on the general conditions and pricing principles to be respected in interconnection agreements take steps to resolve the dispute within six months from the date of the request. Any direction made by the Agency to resolve an interconnection dispute shall represent a fair balance between the legitimate interests of both parties.
- 25.7 The parties shall be notified of any decision made by the Agency and be given detailed statements of the reasons on which it is based.
- 25.8 The decision of the Agency shall be published.

26 INABILITY TO REACH AGREEMENT DURING NEGOTIATIONS

- 26.1 Where in interconnection negotiations no agreement is reached between the negotiating telecommunications operators within ninety days of the commencement of the negotiations, either party may request to the Agency and the Agency shall decide on the case, taking into due consideration the interests of both parties.
- 26.2 A request for intervention by the Agency 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 network or service offerings were requested and on what issues agreement failed to be reached.
- 26.3 A request for intervention may be withdrawn.
- 26.4 The Agency may refuse to resolve the dispute in a case where none of the telecommunications operators involved is dominant in the relevant market.
- 26.5 Upon any of the interconnecting parties filing request for intervention:

- a) the Agency shall give the parties concerned the opportunity to state their case;
 - b) a preliminary enquiry phase shall be introduced when initial consideration is given, so that the Agency can decide if there is a case to answer or to proceed to a detailed investigation;
 - c) the Agency shall inform the complainant of the outcome of the preliminary enquiry phase within four weeks
 - d) the preliminary enquiry phase shall be followed by an investigation phase involving the gathering of analysis and assessment of more detailed information
 - e) the Agency may require written argument with supporting facts and research, if necessary, to assist in clarifying the issues in dispute;
 - f) where appropriate, the Agency may give representatives of business circles affected by the dispute the opportunity to state their case; and
 - g) the Agency may also consider inviting other interested parties to comment on the issues.
- 26.6 The Agency 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.
- 26.7 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 Agency be excluded from the proceedings or from any part thereof.
- 26.8 The Agency shall take into due consideration the interests of the users and the entrepreneurial freedom of each telecommunications operator in its decision.
- 26.9 The Agency:
- a) may, given the urgency of the case, issue an interim order before arriving at a decision;
 - b) shall decide the case within six months, beginning from the date of the appeal.
- 26.10 The parties to the dispute shall be:
- a) notified of the Agency's decision and the decision shall be published;
 - b) given the statement of the reasons on which the decision is based.
- 26.11 The Agency shall have the power to set the effective date of any determination retroactively to the date at which the dispute was referred to the Agency.
- 26.12 The Agency is without prejudice to the rights of the parties to appeal to the Law Court, provided that the Agency's decision shall remain binding until the final determination of the appeal.
- 26.13 A copy of the notice of appeal shall be lodged with the Agency within thirty days from the date of the decision.

CONFIDENTIALITY

The Agency shall ensure that a telecommunications operator that acquires information from another telecommunications 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.

EFFECTIVENESS

These guidelines shall become effective from the date of signature and publication in the official gazette

ISSUED BY

RWANDA UTILITIES REGULATORY AGENCY

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

Marie Claire MUKASINE

The Regulatory Board Chairperson