



SAINT LUCIA

NATIONAL TELECOMMUNICATIONS REGULATORY COMMISSION

2ND Floor, Rajana Group of Companies Bldg, P. O. Box GM 690, Bois D'Orange, G. I. , St. Lucia (W.I.)

August 3, 2011

OUR REF: 405.03.02/AUG.03/NC.01

Mr. Embert Charles
Managing Director
Eastern Caribbean Telecommunications Authority
Vide Bouteille
P.O Box 1886
Castries

Dear Mr. Charles,

The Commission has been in receipt of ECTEL's Consultative Documents on Confidential Aspects of Approved Interconnection Agreements, Cable & Wireless/LIME proposed Reference Interconnection Offer (RIO) and Number Portability for its Member States which has been reviewed. The Commission hereby submits its contribution on the same.

Consultation on Confidential Aspects of Approved Interconnection Agreements Document

"Confidentiality" in the context of telecommunications is very significant as it allows the protection of providers as commercial entities. However, it is imperative that the appropriate balance is achieved to facilitate thriving, competitive markets by the publication of information which could only redound to the benefit of customers.

This current consultation has focused on the publication of the Interconnection Agreements as it relates to "confidentiality"; the Commission submits that it is also necessary for other related issues to be addressed. For instance, a comprehensive definition or a gauge/mechanism to determine the actual commercial sensitivity of information is lacking in our legislative framework. Although, regulation 8 of the Interconnection Regulations 2009 makes provisions for "confidentiality", its effect is limited as it mainly specifies the categories of information which may be deemed confidential and should not be published without written authorisation.

Presently, providers determine the sensitivity of information on a subjective basis. This may allow for the process to be abused and by extension thwart competition; consequently a more objective approach is required to determine the confidential nature of information.

Further, the Commission wishes to suggest that consideration be given to the implementation of "Confidentiality Agreements" between providers. The Commission believes that if providers are allowed to agree on the information that is confidential, related disputes may be minimal as providers would be cognisant of the repercussions.

Further, the Commission wishes to submit the following comments to the specific requests posed in the consultative document.

1. **ECTEL invites views on its recommendation that all currently approved interconnection agreements should be made available for download on ECTEL and NTRC websites.**

The Commission supports this recommendation and wishes to add that the Interconnection Agreements should be published in a secured format and with the capability of being easily downloaded in consideration of the size of the document.

2. **ECTEL invites views on its recommendation that all parts of currently approved interconnection agreements should be published.**

The current Interconnection Agreements were submitted for approval without any request for confidentiality; thus, the Commission submits that all parts of the currently approved Interconnection Agreements should be published.

Consultation on Reference Interconnection Offer of Cable & Wireless (St.Lucia) Limited trading as LIME

Preliminary Matter

In regulation 3 of the Interconnection Regulations No. 72 of 2009 (the Regulations), "Reference Interconnection Offer" (RIO) is defined as, ***"a document setting out the terms on which the dominant interconnection provider proposes to offer interconnection to a public network operator requesting interconnection"***. The proposed RIO is referred to as emanating from the provider, Cable & Wireless (St.Lucia) Limited trading as LIME; the Commission is not cognisant or in possession of any documentation on the designation of dominance or consent of being treated as dominant as it relates to said provider (in accordance with Regulation 10 of the Regulations). By corollary, we hold the view that in the absence of such a designation or consent to be treated as dominant, the production and consideration of the LIME's RIO is premature. In the event that such a process as specified by Regulation 10 has occurred, the Commission would be grateful for any information in that regard.

Consultation on Cable & Wireless/LIME proposed Reference Interconnection Offer (RIO) Document

- 1. ECTEL invites views on whether the RIO submitted by LIME is consistent with the requirements of the Telecommunications (Interconnection) Regulations currently in effect in ECTEL states.**

The Commission submits that the RIO appears to generally conform to regulation 13 of the Interconnection Regulations No. 72 of 2009 (the Regulations).

- 2. ECTEL invites views on whether the RIO contains all of the contents specified in the Regulations as being required for interconnection agreement.**

The contents of the RIO appear to generally reflect the provisions of the Regulations and by extension the matters to be addressed in Interconnection Agreements. In accordance with regulation 17, the Legal Framework makes provisions for regulatory change, including determinations by the Commission, duration and negotiation of Interconnection Agreements, forecasting, ordering, dispute resolution, confidentiality, intellectual property rights, call line identity, among other provisions. The Joint Working Manual provides for the technical aspects such as interconnection services, adequate service levels, geographical and technical specifications, standards, characteristics and location of points, quality of service levels, provision of transit facilities, among other provisions. The Service Description Schedule specifies the services to be offered and the Parameter Schedule provides the time period for fault restoration pertaining to the various interconnection services. In sum, the RIO inclusive of the Legal Framework and all the Schedules bears similarity to the currently approved Interconnection Agreements and comprehensively considers the provisions of the Regulations.

- 3. ECTEL invites views on ensuring compliance with the rule against non-discrimination contained in the Act and Interconnection Regulations.**

It is understood that the RIO will be used to facilitate negotiations for the finalization of Interconnection Agreements between providers and is expected to be standard and place all parties at the same level; as such the issue of non-discrimination should be addressed. In keeping with the practice which obtains, the Commission submits that all charges, terms and conditions offered for interconnection services should be indistinguishable within all agreements and any variation must be justified.

4. ECTEL invites views on whether the relationship between the RIO should once adopted and existing interconnection agreements.

The Commission submits that the existing Interconnection Agreements and the finalized RIO should be consistent.

5. ECTEL invites views on whether the proposed RIO should be approved and if not, what changes, if any, should be required in order to enable to be approved.

As previously stated, the proposed RIO complies with the provisions of the Regulations and bears significant resemblance to the currently approved Interconnection Agreements; consequently, the Commission submits that the proposed RIO can be approved in its current state.

Number Portability Consultation Document

Internationally, the drive toward Number Mapping (ENUM) particularly in relation to Number Portability has been observed. The Commission believes that ECTEL should consider moving in that direction. For instance, in the article "*ENUM based Number Portability in VoIP and IMS Networks*" the possibility of using for Number Portability in VoIP and IMS Networks has been discussed. In another article "*TRIP, ENUM AND Number Portability*", ENUM was referred to as providing a solution for Number Portability for numbers moving within the IP Network and solution for the PSTN. Both articles are attached for consideration.

1. ECTEL invites comments on its recommendation to adopt a framework focused on provider portability in the short term.

The Commission notes ECTEL's reference to "short term" as it pertains to adopting a framework focused on provider portability. The Commission deems it necessary that "short-term" is defined and an indication of the position that obtains subsequent to the expiration of the short-term period.

ECTEL's adoption of a framework focused on provider portability is applauded. The Commission agrees that geographic portability is available for fixed-line services in Saint Lucia; and hold the view that service portability should also be implemented, if not immediately, but in the near future. It will only be at this juncture that we can confidently declare that Number Portability has been fully implemented as customers will be allowed optimal opportunity to choose another operator providing a more superior service at a better price with a possible cost-saving element.

2. ECTEL invites comments on its recommendation to implement NP for fixed-to-fixed and post-paid mobile-to-mobile services.

-The Commission does not hold any objection to commencing the implementation of number portability for fixed and post-paid mobile services. However, it is believed that the true test of a network's capacity or ability to effectively provide Number Portability will be determined if the larger customer base of pre-paid mobile customers is used in the initiation of Number Portability. The Commission would like to draw reference to the situation involving a provider in which the implementation of a new service was effectively tested in a small town in Saint Lucia; however, when the service was implemented island-wide many unforeseen difficulties were encountered. In endeavouring to avoid recurrence of this situation, the Commission asserts that large scale implementation of Number Portability would be a more reliable approach in this instance.

3. ECTEL invites comments on its recommendation to defer the implementation of pre-paid NP pending further investigation and study.

As stated above, we do not believe that the implementation of pre-paid Number Portability should be deferred but agree that further investigation and study is required particularly as ECTEL has indicated at page nine (9) of this consultative document that "... the desirability or necessity of retaining numbers for subscribers on mobile pre-paid services is unclear."

4. ECTEL invites comments on centralized databases versus peer-to-peer options for NP.

In the main, the Commission supports the use of Centralized Databases for the ensuing reasons:

- its technical efficiency has been proven in jurisdictions similar in size to Saint Lucia;
- implementation costs could be shared by providers;
- its operation could be manned by an independent party or providers as a group;
- it involves a single reference for all ported numbers; and
- it is technology neutral and can be used to port numbers between any type of network

Prohibitive considerations include its significant implementation costs and its complexity as it pertains to the establishment of several operational databases. Notwithstanding the above-mentioned shortcomings, a Centralized database is generally preferred to the peer-to-peer option for Number Portability.

5. ECTEL invites comments on the most appropriate technical solution and related costs for implementing NP in ECTEL states

There is an initial cost in setting up a centralized system that is a spread between the database development and interfacing costs for each participating operator. Thereafter there are ongoing costs associated with the administration of the system and extra switching and networking costs necessary for ported numbers. The extent of the setup costs will depend on the solution adopted and the method implemented. The "Onward Routing" method has been known as the simplest routing method to implement with the least establishment costs and may be considered as one of the more suitable solutions. The document entitled; *"Implementing Number Portability in Mobile Communication"* is attached for consideration. The Commission is also cognisant of the fact that providers may have to incur additional costs to acquire equipment with Number Portability capabilities or modify their current networks.

6. ECTEL invites comments on participating in regional NP solutions for providers in ECTEL states.

In view of the "common space" initiative throughout the neighbouring states, a regional strategy for Number Portability may be ideal. In the case of providers, it might be more economical to implement Number Portability solutions at a regional level.

7. ECTEL invites comments on the issue of technology neutral options for implementing NP in ECTEL states.

Within the ECTEL Member States, liberalization of telecommunications services is centered around technological neutrality. Based on this premise, we are of the view that technological neutrality should obtain for Number Portability implementation.

8. ECTEL invites comments on the need to provide NP solutions capable of facilitating the transmission of SMS and other non-call related signaling.

All services currently offered to a consumer should be provided with Number Portability.

9. ECTEL invites comments on the proposal to undertake a further consultation focused solely on the technical solutions proposed by providers responding to the current consultation.

The Commission agrees with ECTEL's proposal to undertake a further consultation on technical solutions proposed by providers.

10. ECTEL invites comments on the time period proposed to implement a request to port a number.

The Commission is in agreement that the technical option for Number Portability should be capable of facilitating a port within a 24 hour period.

11. ECTEL invites comments on whether or the implementation costs of NP should be placed on providers.

12. ECTEL invites comments on whether providers should be required to contribute to the establishment and maintenance costs of a NP system or whether all providers should be required to bear their own.

(Response to 11 & 12)

The Commission supports the recommendation for costs to be equally borne by providers. In the event this option proves more prejudicial than beneficial, alternatively, the Commission suggests that each provider bears its own costs.

13. ECTEL invites comments on how costs should be distributed between donor and recipient networks.

In the absence of any specification of the "cost" in this item and in the light of the fact that "systems set-up" (implementation/establishment) costs has been addressed above, the Commission has treated the "costs" as being relevant to "call conveyance" and "transfer" as provided in the consultative document. It is the Commission's submission that the recipient network provider should bear the cost as it stands to benefit financially from the port.

14. ECTEL invites comments on whether providers should be permitted to charge subscribers any kind of fee for porting their number

It is a natural occurrence in a capitalist environment for customers to bear the costs for the provision of services and in this instance, providers as commercial entities will not deviate from this established principle. However, in some countries Number Portability is provided without any cost to the subscriber. In the absence of justification to the contrary, the Commission submits that porting should be provided free of charge.

15. ECTEL invites comments on the process proposed for implementing NP and the associated conditions on providers.

The Commission has considered and agrees with the (7) mandatory obligations provided in the consultative document and wish to suggest that the 24 hour limit for porting be included as a mandatory obligation.

16. ECTEL invites comments on the proposed deadline for implementing NP in the ECTEL States.

The Commission agrees with the stipulated deadline of September 1st 2012 for the implementation for Number Portability.

17. ECTEL invites comments on the process of validation or authentication to be utilized to facilitate a port request by a recipient network.

The Commission recommends the completion of a brief application with a copy of picture identification bearing the signature of the applicant be considered as part of the validation/authentication process.

18. ECTEL invites comments on the requirements for informing customers of the circumstances in which ported numbers may attract new or different charges.

The Commission submits that customers should be informed of the circumstances in which ported numbers may attract new or different charges. As suggested, customers could be informed through SMS notices or audible warnings prior to connection to a ported number.

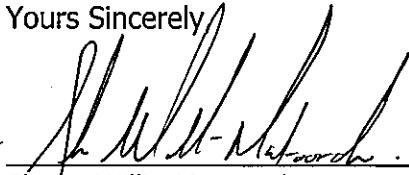
19. ECTEL invites comments on any other issues that may be considered relevant to the consultation.

It is the Commission's submission that consideration has to be given to the effect of Number Portability on:

- Promulgated Regulations
- Central Office Codes assignments and its associated fees
- The treatment of existing contracts between customers and providers

The Commission wishes to extend its appreciation for being granted the opportunity to partake in this consultative process.

Yours Sincerely,



Shana Willie-Matoorah
Director/Secretary