



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1278/18 - 2003 මාර්තු 07 වැනි සිකුරාදා - 2003.03.07
No. 1278/18 -- FRIDAY, MARCH 07, 2003

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.—B5/91.

SRI LANKA TELECOMMUNICATIONS ACT, No. 25 OF 1991

RULES made by the Telecommunication Regulatory Commission of Sri Lanka, under section 68 of the Sri Lanka Telecommunications Act, No. 25 of 1991 as amended by Act, No. 27 of 1996, and approved by the Minister of Mass Communications.

Telecommunication Regulatory
Commission of Sri Lanka.

Colombo,
06th March, 2003.

Rules

1. These rules may be cited as the Interconnection Rules of 2003 and shall come into effect from March 07, 2003.
2. These rules shall apply to every connectable operator who is authorized to connect to any interconnected telecommunication system, in accordance with a licence issued under section 17 of the Act.
3. An interconnection service provided by an access provider to an access seeker shall be any one service or a combination of the following services :—
 - (a) access services :
 - (i) Fixed Network Originating Access Service being a service provided by means of a fixed local PSTN for the carriage of a call from a calling fixed local PSTN number to a point of interconnection; if the access seeker is an equal access operator ;

- (ii) Fixed Network Terminating Access Service being a service provided by means of a fixed local PSTN for the carriage of a call from a point of interconnection to a called PSTN number ;
 - (iii) Mobile Network Originating Access Service being an interconnection service for the carriage of a call over a mobile local PSTN from a calling mobile local PSTN number to a point of interconnection if the access seeker is a equal access operator ;
 - (iv) Mobile Network Terminating Access Service being a service for the carriage of a Call over a Mobile local PSTN from a Point of Interconnection to a called mobile local PSTN Number ; and
 - (b) incidental services by providing access to directory, operator and emergency services in accordance with these rules ;
 - (c) the provision of POI and collocation at cable stations and associated services if required ;
 - (d) the provision of equal access; and
 - (e) the provision of signaling links and Billing Information in accordance with these rules.
4. An interconnection service shall be mandatory among connectable operators and shall be provided on an efficient and non-discriminatory and cost oriented basis.
5. (1) Where an access seeker requests an access provider for an interconnection service such access provider shall make every endeavor to provide such service.
- (2) (a) Every access seeker who proposes to seek interconnection shall enter into an interconnection agreement with the access provider and for such purpose negotiate the terms of the agreement.
 - (b) For the purpose of commencing negotiations on an interconnection agreement such access seeker may issue notice to an access provider within seven working days from the date of coming into effect of these rules or any time thereafter.
- (3) Every access seeker and access provider referred to in paragraph (2) shall negotiate the terms and conditions to be incorporated in the interconnection agreement, in accordance with the terms and conditions of the respective licences and these rules.
- (4) An interconnection agreement entered into under paragraph (2) between the connectable operators (access seeker and access provider) shall be in accordance with the following : —
- (a) consumer connected to one network shall be able to call a PSTN number associated with another network ;
 - (b) calls between different networks shall be of the same standard and quality as calls which originate and terminate from the same network ;
 - (c) interconnection arrangements shall be efficient and non-discriminatory ;
 - (d) every connectable operator shall ensure that interconnection services are supplied on a non-discriminatory basis, as regards technical standards, features, quality of service, fault detection and repair, provisioning and notification of service changes ;
 - (e) the terms and conditions subject to which interconnection services are provided, price and non-price terms, shall represent world's best practice and subject to changes in respect of operating conditions required for providing such service in Sri Lanka ;
 - (f) interconnection services shall ensure the long term interests of consumers by extending the reach and affordability of telecommunication service in Sri Lanka and sustainable competition in the provision of such services.
- (5) On receipt of a request for an interconnection from an access seeker under paragraph (1) the access provider shall within five working days of the receipt of same acknowledge its receipt and provide the access seeker with the following : —
- (a) the terms and conditions subject to which the access provider provides access;
 - (b) the points at which interconnection is, technically feasible within the access provider's network ;
 - (c) all information, relating to the access provider's network, which is necessary for the purposes of negotiating an interconnection agreement ;
 - (d) the names of personnel who intend to participate at the interconnection negotiations on behalf of such access provider and the proposed date for the commencement of such negotiations.

(6) Where the access provider fails to comply with the provisions of paragraph (5) within the stipulated time period, the access seeker shall inform the commission of the access provider's failure and the commission shall make its determination under sub paragraph (b) of paragraph (14)

(7) (a) Every access seeker and access provider referred to in paragraph (2) shall sign prior to commencing the negotiations an agreement for the non-disclosure of confidential information.

(b) It shall be the duty of every access seeker and access provider referred to in sub paragraph (a), to maintain confidentiality as regards the information disclosed at the negotiations relating to the interconnection agreement. Such information shall not be utilized except to the extent necessary to give effect to interconnection agreement or for the purposes of the commission resolving any dispute over interconnection services.

(c) Any confidentiality agreement between the parties shall not prevent a party disclosing information received from the other party to the Commission.

(d) If the parties to the agreement are unable to reach agreement on the terms of a confidentiality agreement within five working days of the Access provider supplying a proposed agreement to the Access seeker, either party may refer the dispute to the Commission for determination. The parties shall continue to negotiate interconnection arrangements to the extent not dependent on confidential information pending the Commission's determination.

(8) The negotiations on the interconnection agreement shall commence not later than seven working days after receipt of the access seeker's request, unless the parties mutually agree to a later date.

(9) On reaching an agreement at the negotiations the conditions agreed upon may be approved by the Commission within 15 working days and shall be embodied in a written agreement and the Commission may publish the contents of the agreement.

(10) Where there is prima facie proof and the Commission is satisfied that the connectable operators who have entered in to agreement have resorted to anticompetitive practices in contravention of the conditions in the respective licence, the Commission shall forthwith inform the operator of this fact and commence investigations to ascertain the position.

(11) Notwithstanding any agreement reached between the operators, as regards the terms and conditions of the interconnection agreements, such agreement shall not come in to effect until a certificate of conformity, is issued by the Commission, to the effect that such agreement is in conformity with these rules.

(12) Each connectable operator, which enters into an interconnection agreement shall provide a copy of such agreement to the Commission within five working days of the execution of the interconnection agreement.

(13) An interim or a final Interconnection agreement as the case may be, shall be submitted to the Commission within thirty working days of the coming into effect of these rules by the connectable operators issued with a licence under Section 17 of the Act prior to coming in to effect of these rules.

Provided however, a connectable operator, issued with a licence under Section 17 of the Act, after the coming in to effect of these rules, and where such operator negotiate an interconnection agreement, such operator shall submit to the Commission an interim or final interconnection agreement as the case may be, not later than thirty working days of the issue of such licence.

(14) (a) Where any connectable operator fails to comply with the provisions in paragraph (13) or paragraph (a) of Rule 7, such access seeker shall communicate to the commission in writing that access seeker is unable to reach agreement in regard to the terms to be included in the agreement.

(b) On receipt of a communication under subparagraph (a) or subparagraph (6) of rule 5 the Commission shall inquire into such matter and within thirty working days from the receipt of that communication make its determination as regards the terms and conditions of the interconnection agreement including access to interconnection service and the charges in connection with same.

(15) (a) No amendment to such an interconnection agreement referred under paragraph (13) shall be made without the prior approval of the Commission. Such agreement may be amended in consultation with the commission by the operators who are parties to such agreement.

(b) No suspension or termination of an interconnection agreement shall take effect without the approval of the Commission. The Suspension or termination of such agreement shall be by mutual consent of the parties to such agreement or at the request of one operator who is a party to such agreement. The operators who are parties to such agreement who intend to suspend or terminate the agreement or the operator who requests such suspension or termination shall inform the commission of such suspension or termination.

(16) Any dispute arising between the connectable operators to an interconnection agreement shall be referred to the commission, by one party with notice to the other party for its determination. The Commission shall within thirty working days from the receipt of such communication, make its determination and communicate such determination to the parties to the agreement.

6. (a) Equal access operator, being an access provider shall open the Equal Access Codes in the secondary switching areas determined by such operator. Where the access provider or its affiliate provides international calls or other services which are similar to equal access calls the local PSTN operator shall bear the cost of installation of the system and also operational cost of equal access but recover the following cost from each equal access operator -

- (i) the opening of the equal access code in each exchange in the access provider's network; and
- (ii) the establishing of the signaling and other links between the parties operational and billing systems to support equal access.

(b) Where the access provider or its affiliates are not equal access operators, the access provider may recover the cost of installing the system and also the operational cost by mutual agreement between the equal access operators who originate equal access calls on its local PSTN.

(c) The access provider shall produce evidence, as regards the cost incurred and its proposed methodology for recovery of the cost, to the commission for its approval.

7. (1) An access provider as a condition to providing interconnection services shall require an access seeker to provide security by way of a bank guarantee for payment of interconnection charges having regard to the following :—

- (a) the financial stability of the access seeker ;
- (b) the expected level of interconnection services ;
- (c) any security if required by the access seeker from such access provider, where such seeker provides access.

(2) Where the access provider and the access seeker are unable to agree as regards the quantum of security, which is a condition of the interconnection agreement either party may refer the matter to the Commission for determination. Each party shall provide the Commission with all information requested by the Commission for the purposes of making its determination under subparagraph (a) of paragraph (4) of rule 5.

8. (1) An access provider shall agree to provide the access seeker an interconnection service at any technically feasible point in the access provider's network on a request by such access seeker, within fifteen working days of the request:

Provided however an interconnection at a technically feasible point shall not be considered as not being feasible for the reason that the access provider shall be required to make reasonable changes for the purpose of providing a POI.

(2) Where an access provider is of the view that the point of interconnection requested by an access seeker is not technically feasible, due to the reason that such provider shall be required to incur heavy additional expenditure in providing such service -

- (i) the access provider shall inform the access seeker in writing stating the reason for declining the request; and
- (ii) the access provider shall, also provide for an alternate proposal to establish a point of interconnection at an alternative point in its network for interconnection ;
- (iii) on receipt of the written refusal and the alternate proposal the access seeker shall within fourteen working days from the receipt of such written communication, communicate his decision to the access provider ;
- (iv) where the access seeker refuses to accept the alternate proposal put forward by the access provider such access seeker shall refer such matter to the Commission including details of any POI provided by access provider on a discriminative basis ;
- (v) The commission shall, after due consideration make its determination within thirty working days of the receipt of the communication as regards.
 - (a) the refusal to provide interconnection at the required point ; and
 - (b) the feasibility of the alternate proposal put forward by the access provider ; or
 - (c) any other matter as the Commission considers appropriate.

9. (1) Every connectable operator and its affiliate if any, when handing any traffic over to another connectable operator, shall ensure that it shall not engage in any activity which shall—

- (a) have the effect or result in concealing or misrepresenting the origin or nature of such traffic ;
- (b) be inconsistent with any direction or guideline issued by the commission from time to time as regards traffic hand over or bypass control measures ;
- (c) be inconsistent with any Bypass Control Code ; or
- (d) amount to avoiding or minimising any liability in respect of all payment due from such operator.

(2) Subject to the provisions of paragraph (1) an international inbound call transmitted into Sri Lanka utilising internet protocol format, shall not be handed over by an External Gateway Operator Licensee to an access provider without having first being translated from internet protocol format to switched minute format.

(3) For the purposes of ensuring that illegal bypass does not occur, each connectable operator shall provide the following information to the Commission :—

- (a) traffic handled by each connectable operator within a period of three months ; and
- (b) the connectable operator's interconnection arrangements with other parties (whether licensed operators or not), as may be specified in the Bypass Control Code or bypass information recording rules notified by the Commission to the connectable operator from time to time or requested by the Commission.

(4) Where the Commission is satisfied that a connectable operator or its affiliate—

- (a) has knowingly contravened the provisions of paragraph (1) ;
- (b) has failed to comply with the information reporting requirements in paragraph (3),
the Commission may, subject to the provisions of paragraph (5), in relation to that connectable operator direct :
 - (i) any connectable operator to suspend the availability of equal access to such operator or its affiliates;
or
 - (ii) any connectable operator to suspend the provision of specified interconnection services to such operator or its affiliates; or
 - (iii) that any payment due to such operator or its affiliates, from any fund maintained by the Commission or by the Government of Sri Lanka be withheld.

(5) The Commission shall within two working days of the receipt of any information as regards the contravention of the provisions of paragraph (1) issue notice to such operator to show cause within two working days of the receipt of the notice as to why any action under paragraph (4) should not be made.

(6) After due inquiry where the Commission is satisfied that a connectable operator or its affiliate has contravened the provisions of paragraph (1) the Commission may recommend to the Minister that the licence issued to such operator be cancelled.

10. (1) The interconnection charges for access services shall be determined by the Commission where connectable operators fail to reach agreement as regards the charges.

(2) The following charges shall be in force in respect of the access services for a period of six months from the date of coming into effect of these rules.

International Traffic terminated in the domestic connectable operators networks

Minute basis

United States Dollars equivalent to Sri Lankan Rupee

	Mobile Termination Rate	Fixed/WLL Termination Rate	
		Local	National
All day	US \$ 0.0155 equivalent to	US \$ 0.0062 Sri Lankan Rupees	US \$ 0.0155

Interconnection Charges applicable for domestic connectable operators

	Mobile Termination rate in Sri Lanka Rupees.	Fixed/WLL Termination Rate in Sri Lanka Rupees	
		Local	National
Peak	1.50	0.60	1.50
Off peak	0.75	0.40	0.75
Discount	0.38	0.20	0.38

(a) in the case of the Fixed Network Terminating Access Services -

- (i) the national transit and termination charges payable only in respect of a call that is handed over at a point of interconnection, located in one transit exchange area, which requires the access provider to haul it over its trunk network and terminate it in another local call area;
- (ii) a call that is hauled over the trunk network of the access seeker and handed over at a POI within a transit exchange area for termination in a local exchange in the same transit exchange area, will not be liable for national transit and termination charges as set out above but shall be liable for local termination charges specified therein.

For the purposes of this paragraph "transit exchange area" means an area equivalent to the Sri Lanka Telecom Limited Secondary Switching Center area.

(b) In the case of the Fixed Network Originating Access Service -

in respect of an out bound international voice call, from a customer connected to a local PSTN prefixed with an external gateway operators access code, the domestic connectable operator, shall recover its cost by charging and collecting from the customer the domestic retail tariff which the customer would have paid the operator where the POI at which the call is handed over by the fixed local operator to the external gateway operator or instead had been another fixed network customer number connected to the same fixed local PSTN and such call shall be deemed to be a domestic call between two domestic fixed customer numbers;

(c) In the case of Mobile Network Originating Access Service -

in respect of an outbound international voice call from a customer connected to a local PSTN prefixed with an external gateway operator's Access Code, the domestic connectable operator, shall recover it's cost by charging and collecting from the customer the domestic retail tariff, which the customer would have paid the operator if the POI at which the call is handed over by the mobile domestic connectable operator to the external gateway operator had instead been another mobile customer remember connected to the same mobile local PSTN and the call shall be deemed to be a domestic call between two domestic mobile customer numbers.

(3) (a) Interconnection charges in accordance with the reference interconnection offer shall be on the basis of local and national and within them peak, standard, economy or local, single tandem and double tandem.

(b) The Commission shall reserve the right to introduce cost oriented interconnection charging methodology in addition to the criteria specified in sub paragraph (a) and shall be based on volume and in the first instance on per second basis with a minimum charge of a call of thirty seconds.

(c) Interconnection charges shall be determined on the basis of International benchmarks and it may be replaced by a cost methodology approved by the Commission.

(d) Call charges shall be on the basis of conversation seconds and they shall not charge for unsuccessful call attempts.

(4) Where the Commission is satisfied that an access provider has not taken reasonable steps to ensure that the points of interconnection can be promptly and cost effectively established by access seekers at different levels within the access provider's network hierarchy, the Commission may, if required to determine interconnection charges in relation to that Access provider, continue to set those interconnection charges generally or in particular geographical areas in accordance with paragraph (2) until the Commission is satisfied that the access provider has taken the necessary action.

(5) Following provisions shall apply in respect of the calls referred to in subparagraph (b) and (c) of paragraph (2), and paragraph (6) -

(a) every operator shall be solely responsible for any bad debts arising from its retail charges billed to the customer for every international voice calls ;

(b) the external gateway operator shall pay the Network Contribution Levy in respect of such international voice calls as required by the relevant law ;

(c) although such international voice call are deemed to be, for the purposes of these interim charging arrangements, domestic calls, the domestic connectable operator shall not be required to pay a termination charge to the external gateway operator ;

(d) in the case of an customer using a calling card, the fixed or mobile connectable operator providing the originating access service shall allow a thirty second charge-free period for authentication when notified by the external gateway operator.

(6) Notwithstanding any thing contained in paragraph (2), on or after six months from the coming into effect of the rules —

- (a) in the case of Fixed Network Originating Access Service referred to in sub paragraph (b) a call from a customer connected to a fixed local PSTN, the domestic connectable operator shall provide the fixed originating access serviced to the external gateway operator at no charge to the customer.
- (b) in the case of a Mobile Network Originating Access Service referred to in subparagraph (c) a call from a customer, connected to a mobile local PSTN, the domestic connectable operator shall provide the mobile originating service to the external gateway operator at no charge to the customer.

11. (1) Every connectable operator shall —

- (a) ensure that any interconnection service it provides conform to technical and service quality standards specified by the Commission as regards quality of service;
- (b) take reasonable measures to ensure that interconnection does not cause any damage to the networks of the other connectable operators, and where any damage is so caused, the operator who caused such damage shall compensate or pay to the other operator such amount as mutually agreed between the parties.

(2) Every connectable operator shall submit quarterly service reports, as regards the quality of the interconnection services provided by such operator, in relation to the quality standard required to be maintained by such operator.

(3) The Commission may, where it considers it expedient in the public interest to do so, publish such quarterly reports having regard to matters of confidentiality, in the form and manner determined by the Commission.

(4) A dominant operator shall also report to the Commission as regards the quality of interconnection services provided by such operator which shall be of an equal quality of service provided to itself.

(5) Every connectable operator shall establish and maintain the internationally accepted signaling standard (common channel signaling system 7) for interconnection between networks, within a period of one year from the date of coming into effect of these rules, and every such operator shall bear the cost of establishing and maintaining the signaling system and synchronizing such system.

(6) Where any operator fails to establish and maintain such standard within the time period referred to in paragraph (5) such operator shall make an application to the Commission for an extension of the said time period.

(7) The maximum period of time that may be granted by the Commission in respect of a request under paragraph (6) shall be six months.

12. (1) Every connectable operator shall provide service quality reports to the Commission once in every six months.

(2) The service quality reports referred to in paragraph (1) shall include—

- (a) time to confirm acceptance of service request or order ;
- (b) time to provision of service ;
- (c) time to confirm fault report ;
- (d) time to repair fault ;
- (e) outage time (or bit error rate, as applicable) ;
- (f) call completion ratios ;
- (g) route congestion ;
- (h) time period of notifications of network changes which could affect interconnected parties ;
- (i) any other information required by the Commission from time to time ; and
- (j) where the reporting operator is a dominant operator, the equivalent performance measures of supply to itself.

(3) The Commission shall where it considers it necessary to do so in the public interest published such reports. The Commission may, on a request by an operator, exclude commercially sensitive information in relation to the quality of the standard required to be maintained by such operators from being published.

13. (1) The Commission shall—

(e) make every endeavor to make a determination as expeditiously as possible ; and

(f) for the purpose of achieving this objective determine the procedure to be adopted in conducting any inquiry in respect of any matter referred to it and the manner in which the determination may be communicated.

(2) Notwithstanding anything contained in these rules the Commission shall determine, all disputes referred to it relating to, terms and conditions in the interconnection agreement including information, security, POI link, charges and facilities access so as to enable the operators to arrive at a interim or final agreement within thirty working days of the coming into effect of these rules.

(3) The Commission shall prior to making any determination on any matter referred to it by any operator provide each such operator with an opportunity of presenting it's respective viewpoint.

(4) Where the Commission receives more than one request in respect of same matter the Commission shall decide to deal with such request together or for the purpose of protecting the confidentiality of the information that may be provided by the parties to deal with each matter separately.

14. (1) A reference interconnection offer (RIO) shall be submitted to the Commission for its approval by—

(a) the Sri Lanka Telecom Limited within six months from the date of coming into effect of these rules ; or

(b) by any other dominant operator within three months of the Commission declaring such operator to be a dominant operator.

(2) A dominant operator on obtaining approval from the Commission for its reference interconnection offer shall be referred to as a RIO operator in this rule.

(3) The reference interconnection offer shall be in accordance with, the provisions of the Fourth Protocol of General Agreement on Trade in Services of the World Trade Organization Reference Paper and these rules.

(4) A RIO operator shall supply interconnection services in accordance with the terms set out in the approved reference interconnection offer.

(5) The reference interconnection offer shall set out the terms and condition subject to which the RIO operator shall provide the interconnection services which shall include -

(a) interconnection charges at which the RIO operator undertakes to provide interconnection service to another connectable operator ;

(b) a comprehensive technical description of the interconnection services offered ;

(c) the procedure to be observed in providing the services of reporting and repair faults, and repairing such faults, individual customer charging between operators and the time frames that shall apply in respect of same ; and

(d) other non price terms including liability, termination and suspension of services and the requirements in respect of security.

(6) Any connectable operator may seek interconnection services from a RIO operator pursuant to conditions set out in its reference interconnection offer.

(7) After the coming into effect of the reference interconnection offer by the Sri Lanka Telecom Limited, any operator referred to in paragraph (6) may re-negotiate the agreement entered into by them taking in to account the terms of such offer and enter into fresh interconnection agreement which may be finalized within a period of thirty working days from the coming into effect of such offer.

15. (1) The Commission shall not grant approval for a dominant operator's interconnection agreement where -

- (a) such agreement does not conform to these rules ;
- (b) such agreement does not conform to the dominant operators' interconnection offer ;
- (c) such agreement demonstrates discrimination against other connectable operators who have entered into agreement with the dominant operator ; or
- (d) such agreement has the effect of substantially curtailing competition in the telecommunication market.

(2) (a) The Commission shall prior to making a determination to refuse approval under paragraph (1) provide the dominant operator and the other party to the agreement with an opportunity to respond to the Commission. The Commission may at the inquiry seek the views from other connectable operators as regards the contents of the proposed agreement.

(b) Subject to reasonable measures to protect the confidentiality of any commercially sensitive information of the parties to the dominant operator's proposed interconnection agreement, the Commission may release the contents of the agreement for comment.

(3) Notwithstanding any agreement reached between a dominant operator and another connectable operator, a dominant operator's interconnection agreement shall not come into effect until a certificate of conformity issued by the Commission to the effect that such agreement is in conformity with these rules.

(4) Every connectable operator who intends to seek access, from a dominant operator shall, for the purpose of commencing negotiations on interconnection agreement issue notice to such dominant operator providing such connection, within seven working days from the date of coming into effect of the reference interconnection offer.

(5) (1) Every operator prior to commencing the negotiations shall sign an agreement for the non-disclosure of confidential information.

(2) The negotiation on the interconnection agreement shall commence within seven working days of the receipt of the notice by the dominant operator.

(3) It shall be the duty of every operator referred to in sub paragraph (1) to maintain confidentiality as regards the information disclosed at the negotiations relating to the interconnection agreement. Such information shall not be utilized except to the extent necessary to give effect to such agreement.

(6) An interim or a final interconnection agreement, as the case may be, shall be submitted to the Commission within thirty working days of the coming into effect of the reference interconnection offer.

(7) (a) Where the parties fail to reach agreement as regards the interconnection agreement such operator shall communicate to the Commission in writing that such operators are unable to reach agreement as regards to the terms and conditions to be included in the agreement.

(b) On receipt of communications under sub paragraph (a) the Commission shall inquire in to such matter and within thirty working days of the receipt of the communication make determination as regards access to the interconnection service and the charges to be incorporated in the interconnection agreement.

(8) An amendment to an interconnection agreement shall not be originated without the prior approval of the Commission and any amended interconnection agreement shall not be valid.

(9) The Commission shall maintain a public register of all interconnection agreements received by it. The Commission may at the request of both parties to any interconnection agreement exclude commercially sensitive information from such public register.

(10) The suspension or termination of an interconnection agreement shall be by mutual consent of the parties to such agreement or at the request of one operator who is a party to such agreement. The parties to such agreement who intend to suspend or terminate the agreement or the operator who request such suspension or termination shall inform the Commission of such suspension or termination.

16. (1) The domestic connectable operator shall equally share with another domestic connectable operator the cost of establishing the POI links.

(2) (a) Where a domestic connectable operator who has a interconnection link established for a period of twenty four months intends to withdraw such link after a period of twelve months has lapsed such operator shall pay to the interconnection provider cost of establishing and withdrawing such connection proportionate to the remaining duration of the twelve month period.

(b) Where a domestic connectable operator—

(i) intends to relocate a POI, such operator shall bear the cost, which the other operator had to bear in relocating the POI;

(ii) decides to relocate, such operator shall have to bear any additional inter network capacity charges and an additional carriage charge for the purposes of relocation.

(3) In the event of traffic over a peak busy hour (60 minutes) measured during thirty consecutive days over a point of Interconnection link is out of balance by more than thirty per cent in a period of six months, the costs of such link should be shared in proportion to the traffic, which each party as interconnection seeker transmits or receives.

(4) Any domestic connectable operator may –

(a) refuse to directly interconnect with an external gateway operator where such operator proves to the satisfaction of the Commission, that the external gateway operator has a cost effective alternative of indirect connection across another network and that direct connection cost outweigh direct and indirect benefits;

(b) direct an external gateway operator requesting a point of interconnection to make an “initial traffic commitment” for a period of not more than eighteen months.

(5) (a) An external gateway operator who seeks connection from a domestic connectable operator shall bear the cost of establishing a POI link and the interconnection provider shall charge a rent for the port facilities taking in to consideration the duration of the connection and the availability of the market.

(b) Any matter arising as regards the quantum of rent under sub paragraph (a) shall be referred to the Commission for its determination.

(c) Any access provider who fails to establish the necessary POI link to commence interconnection service within one hundred and twenty days from the date of agreeing to provide POI link under rule 8, the access provider shall equally share the cost of POI link with the access seeker.

(6) (1) Notwithstanding anything to the contrary contained in these rules-

- (a) Every domestic connectable operator, shall provide the end users or subscribers of such domestic connectable operator, international outbound calls from Sri Lanka by dialing, a four digit code, whether such customer or subscriber has entered in to a contractual arrangement with the particular domestic connectable operator or not.
- (b) Every domestic connectable operator having its licence only for mobile call termination and origination shall not be required to provide Pre-selection and equal access facilities to any subscribers or users using prepaid services. The provisions of this paragraph may be reviewed by the commission depending on Technological Changes.

(2) Every external gateway operator shall take all reasonable measures to ensure access through it's gateway only to customers with whom such external gateway operators has entered into contractual arrangement.

(3) The domestic connectable operator shall charge the customers for denied access up to the POI link of the External Gateway Operator.

17. (1) (a) For the purpose of establishing POI or points of presence a connectable operator shall on request, by any other such operator who seeks access, provide access in such access provider's exchange building.
- (b) Any access provider who fails to comply with a request made under sub paragraph (a) shall within ten working days after the receipt of such request communicate to the Commission its inability to comply with such request with reasons and submit all relevant documents including the building plan of the premises and material in proof of same.
- (c) The Commission shall after considering all the material before it make its determination within a period of thirty working days in accordance with the provisions of these rules.

(2) Where any connectable operator provides access to a access seeker such access shall be provided at minimum cost and expeditiously in a demarcated enclosed area as provided to all operators.

(3) Every access seeker shall locate equipment required for interconnection at the space provided for point of interconnection (POI), The point of interconnection shall be provided at the access seeker's request either as area of floor space on which the access seeker can install its own racks or lockable space within the access provider's racks. The point of interconnection shall not be a physically separated space unless requested by the access seeker, in which case the access seeker shall pay the access provider cost in building the point of interconnection or the access provider elects to bear the cost itself for providing such physically separated point of interconnection.

(4) Every access provider shall provide---

- (a) power (including the use of any back up generators available at the access provider's exchange facility) and air conditioning for the point of interconnection ;
- (b) access ducts and cable chambers for transmission link to be installed by the access seeker between the point of interconnection in the access provider's exchange facility and the access seeker's exchange facility ;
- (c) roof top or external building space for the installation of radio equipment if the access seeker wishes to provide the transmission link to its exchange facility by means of radio communications ;
- (d) transmission capacity between the access seeker's equipment in the point of interconnection and the access seeker's side of the point of interconnection ;
- (e) access for the access seeker's personnel to the point of interconnection in accordance with the access provider's access and security rules which apply to its own employees.

(5) An access seeker shall elect not to construct its own transmission link between its exchange facility and the access provider's exchange facility where transmission capacity between the two exchange facilities are not of a sufficiently high level to carry the traffic as forecasted by the access seeker and the access provider. The transmission link shall be provided as a two way link to maximize efficiency unless otherwise agreed between the parties.

(6) Where an interconnection is established by means specified in paragraph (5), the connectable operators shall share the cost of establishing the link equally on the basis that the link shall be used to exchange traffic, in each direction between such operator's net works. The operator, which established the link may recover half of the cost from the other operator if such operator so agrees.

(7) Where an external gateway operator who has an interconnection link intends to withdraw POI with another operator (irrespective of which party requested the point of interconnection to be established) before the expiry of twenty four months from the date of establishment of the POI, such operator shall pay to the other operator cost for establishing its side of the point of interconnection (including half the cost of the transmission links) such operator shall pay to the interconnection provider cost of establishing and withdrawing such connection in proportionate to the remaining duration of the twenty four month period.

(8) Where a external gateway operator or a connectable operator---

(a) intends to relocate a POI, such operator shall bear the cost, which the other operator had to bear in relocating the POI ;

(b) relocates, such operator shall bear for a period of 24 months from the date of relocation any additional inter-network capacity charge and an additional interconnection charge which the other operator otherwise would have to bear by reason of the POI being located in a different place.

(9) In the event of traffic over a link between two operators' respective gateway exchanges is not up to the expected level in a period of six months, the operating costs of the portion of the link provided by the party with lower level of traffic during that period shall be shared in proportion to the traffic which each operator as access seeker sends or receives.

18. (1) A local PSTN operator shall provide, non-discriminatory access to police and other emergency numbers and to its own fault reporting numbers and other service number calls, to callers directly connected to other local PSTNs and from payphones of other connectable operators.

(2) A call referred to in paragraph (1) shall be treated in the same manner as any other call and the originating operator (as access-seeker) shall pay the relevant termination charge to the terminating operator (as access provider).

19. (1) The Sri Lanka Telecom Ltd. if requested by an access seeker which is a local PSTN operator or pay phone operator, shall, provide customers of such other operator non-discriminatory access to its directory assistance, telephone service, and other operator assistance services, which the Sri Lanka Telecom Limited provides to the consumers directly connected to its fixed local PSTN Directory Assistance and other assistance service.

(2) Where the Sri Lanka Telecom Limited offers both a standard Directory Assistance and other assistance service and an enhanced Directory Assistance and other assistance service which offers functionality and features additional to the standard service the Commission may exempt, on the request of Sri Lanka Telecom Limited, the enhanced Directory Assistance and other assistance service, the compliance with provisions of this paragraph and specify requirements as regards the continued availability and service quality of the standard Directory Assistance and other assistance service.

(3) All printed and electronic directories published by ---

(a) a fixed local PSTN operator or any person authorized by such operator ; or

(b) any person authorized by the Commission using the integrated public number database,

shall contain information about subscribers of other fixed Local PSTNs within the geographic or subscriber category covered by the relevant directory, other than the subscribers who direct that their particulars be omitted from such directory.

(4) The directory policies, including charges, shall not discriminate between subscribers of different network including as to the publication in a directory of fixed PSTN, subscriber's mobile number where such subscriber so requests

(5) The Commission may—

(a) establish and administer an integrated public numbering database containing the directory information of a fixed local PSTN subscribers and, subscribers of other communications services ; or

(b) authorized any other person in writing to establish and operate a database on its behalf.

(6) (a) The Commission, shall direct every connectable operator to provide directory information required for listing in the integrated public number database, including the telephone number, street address, customer name and whether the number is a private or unlisted number.

(b) Every operator shall grant the Commission a perpetual royalty free licence to utilize the directory information of that operator in accordance with these rules, and also grant permission to any publisher to directly access and utilize such information.

(7) Every operator and any non-operator which publishes a directory or intends to publish a directory or offer operator telephone service shall access the integrated public numbering database other than information which is listed as private or non-listed numbers, on payment to be determined by the Commission taking into consideration the cost of establishing and maintaining integrated public numbering database.

(8) Any database operator authorized by the Commission under sub paragraph (6) (a) may use the database for its own products and services, which may include publication of directories in competition with the operators or other publishers of directories. The Commission shall ensure that its arrangements with the database operator reflect the fair value to the database operator of the use of the directory information, which may be an offset against the costs of establishing and operating the database.

20. (1) Every access provider shall supply the access seeker with the following billing information in relation to access services—

(a) The called PSTN number;

(b) in the case of Mobile Originating Access Service or Fixed Network Access Service, the local PSTN number and, if requested by the access seeker, the billing name and address of the calling local PSTN number;

(c) the duration of the conversation time of the call;

(d) the interconnection charge for the call;

(e) Such other information as directed by the Commission from time to time to enable access seekers to bill customer charges and verify interconnection charges.

(2) The billing information referred to in paragraph (1) shall be provided in the form and manner determined by the access seeker.

(3) The access provider and the access seeker shall jointly by a process mutually agreed between the parties periodically monitor the accuracy of interconnection billing processes and systems and identify and resolve disputes relating to billing.

(4) Where such access provider or the access seeker referred to in paragraph (3) is of the view that there are systematic errors or mistakes in the billing system the party who is of such view shall inform the Commission.

(5) The commission shall after due inquiry, make such determination as regards such billing system as it considers appropriate.

21. (1) Every access provider shall provide, to the extent technically feasible on request from an access seeker, space, utility services and physical access in any cable station owned or under the control of the access provider.

(2) The access provider shall permit—

(a) an access seeker (if authorized to provide international services) to install and operate equipment and links required buy such seeker to connect its network to cable capacity acquired by such seeker ; or

(b) where an access seeker, so request to install and operate equipment for the purposes of such seeker providing external gateway operators with links from the cable station to their external gateway facility,

(3) Every access provider may charge, a fee from the access seeker for facilities so provided, on the basis the prevailing market prices of floor area provided by such access provider.

(4) Where any connectable operator proposes to establish a cable landing station or proposes that a new cable be landed at a existing cable station owned or controlled by it, the operator shall—

(a) submit for approval by the Commission design plans which depicts the position of the cable station which accommodates reasonable number of operators ; and

(b) construct or modify the cable station in accordance with the plans approved by the Commission.

(5) The Sri Lanka Telecom Limited shall within forty five days of the receipt of a direction from the Commission submit a plan for providing facilities access at its existing cable stations, including its proposed price and non-price terms. The plan shall conform to the specifications set out by the Commission and shall be subject to the Commission's approval, after providing other interested parties with a reasonable opportunity to comment on the draft plan.

(6) No connectable operator shall exercise any right, which the operator has under International Sea Cable Agreement to prevent an external gateway operator or other connectable operator from obtaining capacity on the cable from the cable consortium or any other operator and landing that capacity in Sri Lanka.

22. (1) Where any person has reasonable grounds to believe that a person is engaged in terminating International traffic in the telecommunication system with out a licence in contravention of the provisions of the Act or these rules he shall as expeditiously as possible inform the Commission of such contravention.

(2) The Commission shall, on receipt of such information call upon such person to produce an affidavit confirming such information and thereafter commence an inquiry within seven working days of the receipt of such information.

(3) After a due inquiry under paragraph (2) the Commission shall make its determination in accordance with the provisions of the Act and these rules.

23. In these rules unless the context otherwise requires –

“Act” means the Sri Lanka Telecommunications Act, No. 25 of 1991;

“Access Code” means the code issued to the access seeker, for use by the customers to make equal access calls using the access seeker's service.

“access provider” means the connectable operator that has been requested to provide an interconnection service to another connectable operator.

“access seeker” means the connectable operator that has requested another connectable operator to supply an interconnection service.

"affiliate" means

- (a) a subsidiary of a connectable operator or is another body corporate in which to connectable operator has a substantial interest ;
- (b) a holding company which controls the connectable operator ; or
- (c) a subsidiary of a holding company which owns or controls or has a substantial interest in the connectable operator ;

"Bypass Control Code " means a code of practice in respect of the handling and handover of traffic and matters relating to such handling and handing over ;

"Commission " means the Sri Lanka Telecommunications Regulatory Commission of Sri Lanka established under the Telecommunications Act, No. 25 of 1991 ;

"connectable operator " means an operator whose licence issued under section 17 of the Act authorizes the connection of his telecommunication system to other systems; other than where the licence issued to the operator of such system does not oblige the connection of that system to other systems ;

"domestic connectable operator " means a connectable operator who operates a telecommunication system other than the external gateway operator ;

"dominant operator " means—

- (i) the Sri Lanka Telecom Limited, unless the Commission determines that Sri Lanka Telecom Limited shall not be a dominant operator generally or in specified markets;
- (ii) a connectable operator which has been declared by the commission to be dominant in the relevant functional market in which the interconnection services are provided;

"equal access " means the capability within the telephone exchanges of a local PSTN directing connecting customers to select an equal access operator as their provider of international calls by means of ;

- (a) dialing the Access Code of an equal access operator; or
- (b) such other means of customer selection as may be required by the Commission;

"equal access call " means a call of the following type—

- (a) a call to an international location ; or
- (b) other call types designated by the commission from time to time ;

which is made by an customer directly connected to the access provider's network by dialing the access seeker's access code;

"equal access operator " means an access seeker which is -

- (a) an external gateway operator ; or
- (b) a connectable operator designated from time to time by the commission as a equal access operator;

"holding company " shall have the same meaning assigned to it under the Companies Act, No. 17 of 1982;

"interconnection agreement " means an agreement between connectable operators for the supply of interconnection services (whether or not the agreement relates to other matters);

"interconnection charges " means charges for the supply of interconnection services which these rules expressly authorize the access provider to charge the access seeker;

“local PSTN” means

- (a) a public switched telecommunications network in Sri Lanka, and includes a mobile network; and
- (b) any other network in Sri Lanka utilizing other technology, including IP, over which telecommunications services, including voice calls, are provided to the public utilizing PSTN Numbers;

“local PSTN number” means a number designated in the national numbering plan as a local PSTN number or if there is no such designation a number utilized within a local PSTN to provide public telecommunications services;

“local PSTN operator” means an operator who operates a PSTN network;

“POI” means the space and associated facilities which an access provider supplies at its exchange sites to an access seeker to install equipment required for interconnection purposes;

“reference interconnection offer” means an offer filed by a dominant operator with the commission which sets out the terms and conditions on which the operator will provide interconnection services to other connectable operators;

“subsidiary” shall have the meaning assigned to it under the Companies Act, No. 17 of 1982.