



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

PO Box 3547
Port Vila
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11th April 2011

Mr. Bertie McCrory
Interim Chief Executive Officer
Telecom Vanuatu Limited
PO Box 146
Port Vila

Dear Bertie,

RE: Order 2 of 2011 for TVL to provide a 30 channel E1 Link to Can'I Holding Limited (Can'I) for Dial Up Access

Thank you for your letter dated 1st April 2011 with regards to Order 2 of 2011.

I do not see that this link and proposed services will undermine TVL's existing revenue streams as you had pointed out in your letter.

I now enclose Order 2 of 2011, effective as of today 11th April 2011 for your action.

Yours Sincerely,


Alan Horne
Telecommunication & Radiocommunication Regulator

cc. Nicolas Salvador, Director – Can'I Holding Limited



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ORDER No. 2 OF 2011

ORDER FOR TELECOM VANUATU LIMITED (TVL) TO PROVIDE A 30 CHANNEL E1 LINK TO CAN'L HOLDING LIMITED (Can'l) FOR DIAL UP DATA ACCESS

Scope

This Order is made by the Telecommunications and Radiocommunications Regulator (the Regulator) under Section 31(2) of the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009 (the Act).

Section 31(2) gives the Regulator the power to make an order, if a dispute is referred to the Regulator in accordance with Section 31(1), requiring a service provider to provide interconnection on such terms and conditions as the Regulator determines.

The Order concerns the following interconnection services which Can'l is seeking from TVL:

The Provision of the 30 Channel E1 Link for dial up customer access in order that any customer can call a TVL number to access Can'l's internet services via dial-up.

Can'l, as a Licensed Service Provider has requested these services from TVL since 2009 but which negotiations between TVL and Can'l did not lead to any of this service being provided.

Recitals

1. On 10 November 2009 Can'l requested TVL for various interconnection links in accordance with Can'l's entitlement for interconnection under Section 26(1) of the Act.
2. One of Can'l's requests was for TVL to provide the 30 Channel E1 Link and to supply Dial up access for Can'l's internet customers.
3. Both Parties negotiated and meet on various occasions to discuss this request but were not able to reach any agreed terms and conditions.

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4. On 17 November 2010, Can'l wrote again a letter to TVL regarding this particular request but TVL failed to respond to this letter.
5. TVL deemed to have refused to provide Can'l the 30 Channel E1 Link and to supply a Dial up access as requested by Can'l.
6. On 23 November 2010, Can'l had formally requested the Regulator to intervene according to Section 31(1) of the Act.
7. On 25 March 2011, the Regulator issued a Draft Order 2 of 2011 seeking comments from TVL before the Regulator issued the final Order 2.
8. On 1 April 2011 TVL provide comments on the draft insisting that internet dial-up traffic is treated as call terminating traffic, and TVL pays the network hosting the access number a terminating charge.
9. After reviewing TVL's comment, the Regulator is satisfied that the final Order be issued.

THE ORDER

After considering the law, Licences and the length of time of this request, I now make the following Orders:

1. TVL shall provide the 30 Channel E1 Link to Can'l **within 14 days** from the date of this Order.
2. TVL and Can'l shall provide such services as necessary for the testing and commissioning of the Services at their own costs.
3. The monthly rental for providing the 30 Channel E1 Link to Can'l shall be determined by Parties but if they fail to do so within 14 days then the Regulator will determined as provided for by the law.
4. The originating customers will pay the appropriate retail and rental call price to TVL and TVL will pay Can'l the Fixed Termination charges.

Made at Port Vila this 11th day of April 2011.


Alan Horne

Telecommunications and Radiocommunications Regulator

