



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

PO Box 3547
Port Vila
Vanuatu
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7th April 2011

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

Dear Bertie,

RE: Order 3 of 2011 for TVL to provide a 30 channel E1 Link to Can'l Holding Limited (Can'l) for Voice Interconnection

Thank you for your letter dated 1st April 2011 with regards to Order 3 of 2011.

We are pleased to note your willingness to provide this 30 channel E1 Link to Can'l. We do not agree that waiting for the RIO should be the reason to delay the provision of the Link. This link should be similar to the existing TVL and Digicel Interconnection Agreement model as interim until the new RIO/Agreement is available.

We enclose Order 3 of 2011, effective as of today 7th April 2011 for your action.

Yours Sincerely,


Alan Horne

Telecommunication & Radiocommunication Regulator

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



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ORDER No. 3 OF 2011

ORDER FOR TELECOM VANUATU LIMITED (TVL) TO PROVIDE 30 CHANNEL E1 INTERCONNECTION LINKS TO CAN'L HOLDING LIMITED (Can'l) FOR VOICE INTERCONNECTION.

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 Interconnection Links using C7 Signalling to TVL Fixed and Mobile switches for voice interconnection to include:

- a. Call termination to TVL Fixed numbers
- b. Call termination to TVL Mobile numbers
- c. Call origination from TVL Fixed and Mobile numbers to Can'l numbers
- d. Outgoing international transit.
- e. Incoming international transit.
- f. Customer Sited Interconnect Links

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

ORDER No. 3 OF 2011

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 interconnection requests was for TVL to provide the 30 Channel E1 Link to supply access for traffic from Can'l's voice customers and inbound international voice traffic to TVL's customers on fixed line and mobile services.
3. Both Parties negotiated and meet on various occasions to discuss this interconnection request but were not able to reach any agreed terms and conditions.
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 C7 Interconnection and associated Interconnection Links for Link 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. TVL has an existing Interconnection Agreement with Digicel.
8. TVL has a draft RIO which when agreed by the Regulator will result in a new Interconnect Agreements.

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 interconnection links for Voice Interconnection to Can'l **within 14 days** from the date of this Order.
2. TVL shall **within 14 days** of this Order enter into a temporary Interconnection Agreement based on the existing Digicel Agreement.
3. **Within 14 days** of this Order TVL and Can'l (subject to Can'l being ready) shall agree a joint testing and implementation programme for the provision of the services in this Order as necessary for the testing and commissioning of the Services at their own costs.
4. The set up charge and monthly rental for providing the 30 Channel E1 Interconnection Links for voice interconnection will be determined by the Regulator and shall be applied retrospectively.
5. Conveyance charges for the services shall be the same as those determined between TVL and Digicel by TRR and promulgated in Decision 01 2011 dated 31st January 2011.

ORDER No. 3 OF 2011

Made at Port Vila this 7th day of April 2011



Alan Horne

Telecommunications and Radiocommunications Regulator