



Telecommunications &  
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## **Determination 01 of 2014**

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### **The Telecommunications and Radiocommunications Regulator:**

### **Determination on the Broadband Speed Provisions as set out in the Government's Universal Access Policy, 2013**

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#### **Introduction**

The office of the Telecommunications and Radiocommunications Regulator (TRR) released a consultation document on 6<sup>th</sup> May 2014 and then, on 14<sup>th</sup> August 2014, released a further consultation document inviting the industry, service providers, Government and interested persons to comment on TRR's proposed interpretation of the broadband internet speeds of 21 Mbps download and 12 Mbps upload as contained in paragraph 1.1 of the Government's Universal Access Policy (UAP policy), 2013. During the consultation period, TRR received comments and feedback from service providers, which assisted the Regulator in the making of this Determination.

#### **Preliminary observations**

TRR expects that mass take-up of broadband services will be influenced heavily by the roll out of mobile networks. The 3G standard incorporates a theoretical design capacity which, under ideal conditions, will permit 21 Mbps data download speeds and 12 Mbps upload speeds to be delivered. The 3.5G standard clearly achieves the required speeds and players (under the 'play or pay' approach to the UAP) have committed to upgrade their networks with this standard in mind. However, the operating conditions encountered by licensees and customers in practice will result in them experiencing rates well below these speeds.

Noting that neither TRR nor industry has observed evidence of demand for broadband speeds in this range in the wider community at this time, the data speeds for broadband services in the UAP are important targets that industry must achieve, albeit over a period of time.

## The Determination

After consulting with industry, service providers, Government and the public at large, and in consideration of the relevant powers conferred to me under section 7 of the Telecommunications and Radiocommunications Regulation Act 2009, and to implement the UAP policy I, the Regulator, hereby make the following determinations:

1. That the provision of the services listed in the UAP policy is subject to the technology choices of the relevant service provider. However, in order to receive resources from the UAP Fund, or to be regarded and accepted in relation to proposed investments as a Player, the relevant service provider will need to:
  - (a) advise TRR on the actual technology mix proposed;
  - (b) demonstrate that the technology(ies) are neither obsolete nor obsolescent and will be supported by the manufacturer for the foreseeable future; and
  - (c) demonstrate that the technologies in the proposed mix, either at the time of rollout or through subsequent upgrading, are capable of meeting the broadband speeds specified in the UAP.
2. That network extensions that are part of the Universal Access Scheme shall be designed and operated to be available at least 99.9% of the time on a rolling 30 day average basis. For the avoidance of doubt, this availability standard does not take account of force majeure or other events outside the control of the network operator. It relates to a design level of availability taking account of the outages that might be required for maintenance or adding additional network capacity. In addition, in relation to sites nominated as remote by the relevant service providers, where there are special difficulties in the providers being able to respond to fault conditions, and these special difficulties are accepted as such by TRR, then TRR will excuse non-compliance with the 99.9% availability standard providing that the availability achieved is no lower than 98% on a rolling 30 day average basis. It is important that networks supporting universal access services should achieve availability standards that deliver services reliably as specified in TRR's Quality of Service Guideline ([www.trr.vu/attachments/category/94/quality\\_of\\_service\\_guideline.pdf](http://www.trr.vu/attachments/category/94/quality_of_service_guideline.pdf)).
3. That for broadband services for UAP purposes, the *minimum* download data rate shall be 2 Mbps and the minimum upload data rate shall be 1 Mbps and this shall be achieved at least 90% of the time on a rolling 30 day average basis.
4. That broadband service providers are at liberty to provide broadband services of any capacity on a commercial basis, provided that one of the options available to all customers is a service that meets the download and upload minimum speeds referred to in point 3 above.
5. That service providers shall be expected to closely monitor the quality of service they are providing to ensure that the minimum requirements set out in this Determination are met.
6. That TRR will require broadband service providers to report on a regular six monthly basis of compliance with broadband quality of service requirements in this Determination.
7. That TRR will continue to review the service provider's performance and operation for the implementation of the UAP policy in regards to this Determination and the related Quality of

Service Guideline and their adequacy in the light of Vanuatu broadband market developments.

This determination is effective on the day it is made and will be publish in the official gazette.

Made this 12<sup>th</sup> day of November 2014



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**Telecommunications and Radiocommunications Regulator**

