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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(INTERCONNECTION) REGULATIONS, 2018

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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP. 306)

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THE ELECTRONIC AND POSTAL COMMUNICATIONS (INTERCONNECTION)
REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Interconnection) Regulations, 2018.
- Application 2. These Regulations shall apply to all network service licensees in relation to termination of traffic into other licensees' networks.
- Interpretation 3. In these Regulations, unless the context requires otherwise:
- Cap.306 "Act" means the Electronic and Postal Communications Act;
- Cap.172 "Authority" means the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act;
- "co-location" means accommodation of two or more switches, transmission equipment, antenna or any other electronic communication equipment in, or on a single building a tower or any other structure for the purpose of interconnecting communications networks;

- “competitive market” means a market that ensures that a licensee achieves normal profit and normal return on investment;
- “contestable market” means a market that ensures a licensee charges prices that reflect the cost of supply in a market that can be entered by an entrant into the market using modern equivalent technology;
- “dominant licensee” means a licensee who has been determined by the Authority to have more than thirty five percent of the electronic communication or postal services market;
- “electronic communications services” means any transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user’s choice;
- ‘Forward-Looking Long Run Incremental Costs or in its acronym “FL-LRIC” means the cost recovery standard which considers that in the long run all costs will change given a change in level of output, therefore relevant cost to be recovered by service providers are the additional cost for provision of additional increment of output based on the current value of the assets used.
- “interconnection” means a physical or logical linking of one public electronic communications network to another for the purposes of allowing the persons using either of them to be able to communicate with users of the other network or, to make use of services provided by means of the other network;
- “interconnection charges” means the price charged by a network service licensee to another network service licensee for the purposes of terminating traffic into a network;
- “interconnection seeker” means a network services licensee seeking to be connected to another network service licensee for the purposes of termination of traffic;
- “interconnection provider” means any network services

licensee who is requested to provide interconnection or any licensee who is currently providing interconnection;

“network service licensee” means an entity licensed by the Authority to provide electronic communications network services;

“point of interconnection” means a physical or logical point where the system of one network service licensee is connected to the system of another network licensee for routing of calls and messaging from one system to the other;

“Reference Interconnection Offer” in its abbreviation “RIO” means a standardized interconnection offer that is consistent with interconnection agreement and contains the technical and commercial terms put in place by the Interconnection service provider.

PART II

INTERCONNECTION OF NETWORKS

Rights and obligations of the operators to the interconnection

4.-(1) A network service licensee shall have an obligation to interconnect with the network of any other network service licensee in the United Republic.

(2) A network service licensee shall have an obligation, on receipt of a request for interconnection from an interconnection seeker, to interconnect with the interconnection seeker at reasonable terms and conditions set out in the interconnection agreement.

(3) The interconnecting parties shall have the rights to get information from each party in order to plan, establish or maintain the licensee’s networks.

(4) Interconnecting parties shall use information obtained under this regulation solely for the purpose for which it was supplied and respect confidentiality of information transmitted or stored.

(5) The interconnection provider shall have in place a Reference Interconnection Offer (RIO) available at the request of the interconnection seeker.

(6) Interconnection provider shall prepare RIO and submit it to the Authority for approval.

Requests for interconnection

5.-(1) An interconnection seeker shall make a request in writing to the interconnection provider indicating the following-

- (a) the type of interconnection required;
- (b) the technical requirements based on the technical standard of the interconnection provider;
- (c) date of the request;
- (d) the date for which interconnection is required;
- (e) the suggested date for commencement of negotiations; and
- (f) the estimate of the interconnection capacity required.

(2) The interconnection seeker shall, subject to sub regulation (10), notify the Authority on the request made under this regulation.

(3) The interconnection provider shall respond to the request for the interconnection within seven days of receipt of the request.

(4) Interconnection negotiations shall commence where the interconnection provider is able to-

- (a) supply the form of interconnection requested by the interconnection seeker;
- (b) interconnect within the time frame requested by the interconnection seeker.

(5) Interconnection provider may reject the request for interconnection, where-

- (a) it is not economically or technically feasible;
- (b) the granting of request may prejudice the interconnection provider;
- (c) there is insufficient network capacity; and
- (d) there is any other reason as may be determined by the Authority.

(6) Where interconnection provider rejects the request for information, he shall notify the interconnection seeker and the Authority of the grounds for refusal in writing.

Intercon-
nection
negotiation
procedures

6.-(1) The interconnection parties shall negotiate on technical and commercial terms for the interconnection arrangements in a transparent manner.

(2) The interconnection negotiations shall be done freely and in good faith between the parties involved and each negotiating party shall not-

- (a) intentionally mislead the other party;
- (b) coerce the other party into entering into an agreement ; or
- (c) intentionally obstruct the negotiations.

(3) The interconnection seeker shall request the Authority's intervention in negotiation on agreements for interconnection where-

- (a) there is no agreement between the negotiating parties, within six weeks of the commencement of the negotiation;
- (b) after the expiry of a period of seven days from the date on which the interconnection seeker has confirmed in writing to the interconnection provider that he accepts the terms and conditions set out in the interconnection offer; and the interconnection provider has not executed the interconnection agreement on expiry of the seven days period.

Intercon-
nection
agreement

7.-(1) The interconnection negotiations shall base on the RIO and the parties may conclude an interconnection agreement after the negotiations.

(2) The interconnection agreement shall be in writing and shall comply with the following terms and conditions-

- (a) transparency;

- (b) non-discrimination;
- (c) fair competition;
- (d) access to interconnection information;
- (e) equality of access;
- (f) quality of services and standards;
- (g) service level agreements; and
- (h) confidentiality.

Points of
interconnect-
tion

8.-(1) The interconnection agreement shall provide for Points of Interconnection (PoI) that are economically and technically feasible between the network of the interconnection provider and the interconnection seeker.

(2) The interconnection parties shall agree on operations and maintenance expenses of the facilities necessary to reach the PoI(s) within the network of the interconnection provider.

(3) Locations for the PoI(s) shall include the following:

- (a) mobile switching centers;
- (b) media gateways;
- (c) local exchanges;
- (d) tandem exchanges; and
- (e) any other technical or commercial feasible point.

Interconnecti
on costs

9.-(1) The permitted costs for the interconnection provision shall be computed basing on, but not limited to the following:

- (a) Forward-Looking Long Run Incremental Costs (FL-LRIC)
- (b) the current costs of the modern equivalent technology;
- (c) levels of the costs that would occur in a competitive and contestable market; and
- (d) the relevant and efficient costs that would promote effective competition.

(2) The interconnecting parties shall be encouraged to use the FL-LRIC method for promoting effective competition and reducing the interconnection charges.

Interconnecti
on charges

10. The interconnecting parties shall agree to set interconnection charges basing on the following principles-

- (a) objective, transparency and reflect underlying costs;
- (b) FL-LRIC;
- (c) unbundled sufficiently to ensure that an operator requesting interconnection is not required to pay for network elements or facilities not strictly required for the service to be provided; and
- (d) compensation arrangement, which is reciprocal for the transportation and termination of traffic.

PART III GENERAL PROVISIONS

Arbitration
of
interconnecti
on dispute

11.-(1) Where the period of interconnection negotiation lapses and the agreement is not concluded or a dispute arises between the parties under the interconnection agreement, an aggrieved party may petition to the Authority to arbitrate any open issues.

(2) The aggrieved party shall submit his petition to the Authority with all relevant documentation concerning-

- (a) unresolved issues;
- (b) the position of each of the parties with respect to the issues; and
- (c) any other issue discussed and resolved by the parties.

(3) The respondent shall respond to the petition within twenty one days from the date of receipt of the petition.

(4) The Authority may ask for additional information related to unresolved issues from the parties where it deems fit to do so.

(5) The Authority shall within sixty days after receiving response from respondent, proceed to resolve each issue set forth in the petition, if any, by imposing appropriate conditions on implementation of the terms and conditions by the parties to the agreement and ensure that such resolution and conditions meet the requirements of these Regulations.

(6) Where any party refuses or fails to respond within thirty days from the date of request for additional information from the Authority, the Authority shall within fourteen days after the lapse of thirty days, proceed to resolve each issue set forth in the petition, if any, by imposing appropriate conditions on implementation of the terms and conditions by the parties to the agreement and ensure that such resolution and conditions meet the requirements of these Regulations.

Appeals

12.-(1) Where a party is not satisfied with the decision of the Authority, he may, within thirty days from the date of the decision, appeal to the Fair Competition Tribunal.

(2) Where the aggrieved party fails to lodge the appeal within thirty days from the date of the decision, he shall be deemed to have accepted the decision of the Authority.

Penalties

13.-(1) Any interconnection party which contravenes these Regulations commits an offence and shall be liable, on conviction to a fine of not less than Tanzanian shillings five million or to imprisonment for a period not less than twelve months or to both.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing

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compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence. -

Revocation
GN.No.425
of 2011

14. The Electronic and Postal Communications (Interconnection) Regulations, 2011 are hereby revoked.

Dar es Salaam,
3rd January, 2018

MAKAME M. MBARAWA,
*Minister for Works, Transport and
Communications*