

BEFORE THE PUBLIC UTILITIES COMMISSION

ORDER No. 4 of 2023

In the matter of interconnection by and between public telecommunications service providers U-Mobile (Cellular) Inc. and E-Networks Inc. as prescribed by the Telecommunications (Interconnection and Access) Regulations 2020.

DECISION

Section 2 (b) of the Public Utilities Act No. 19 of 2016 makes provision for the Public Utilities Commission (PUC) hereinafter referred to as the 'Commission' which is a multi-sector regulator to have regulatory oversight of telecommunications undertakings. Telecommunications undertaking is defined by section 2 (1) of the Telecommunications Act No. 18 of 2016 as 'any operator, service provider or any other person whose activities are subject to the Act.'

Pursuant to individual licences issued to U-Mobile (Cellular) Inc. trading as Digicel and E-Networks Inc. on the 5th day of October 2020, the companies are authorized to install and operate fixed and mobile public telecommunications networks in addition to the provision of public telecommunications services.

Enshrined in the aforementioned licenses is the requirement for interconnection which is captured in paragraph 1 of the respective licences for the purpose of authorizing the companies to interconnect the Licenced Network to any other public telecommunications networks operated under a licence or exemption granted by the Minister in accordance with the Act. The tenets of the Telecommunications (Interconnection and Access) Regulations 2020 further prescribe the procedures/processes for negotiating, concluding and implementing interconnection agreements.

As part of the review and approval process for every interconnection agreement, the Commission is required to direct that all telecommunications undertakings cause the aforementioned Agreement to be '*executed by the relevant parties and come into force, and interconnection or access shall be effected, within the twenty-one-day period.*' It is further mandated in the Regulations that the parties must '*submit the executed agreement and written verification of the effectiveness of interconnection or access to the Commission within the seven days following such execution and the effectiveness of interconnection or access.*'

The Commission received *Digicel-E-Networks Domestic Interconnection Agreement* on the 12th day of July 2023, which was dated the 28th day of November 2022, and which agreement contains *Annex A (Definitions), Annex B (Services), Annex C (Pricing Schedule), and Annex D (Joint Working Manual)*.

By a Directive which was dated the 23rd day of December 2022, the Commission had determined that the charges for fixed and mobile termination rates as prescribed in the Commission's benchmark study must

be applied with effect from the 17th day of February 2023 to the 16th day of February 2024. It was therefore ordered and directed that the rate for termination shall be the following:

- (1) Fixed Termination Rate - \$8.71
- (2) Mobile Termination Rate - \$11.42


The Commission in its review of the of the Agreement noted that the rates contained in Annex C-Pricing Schedule were cited as \$12 for fixed termination and \$14 for mobile termination and which were not consistent with the Commission's Directive. On the 18th day of July 2023, the Commission in keeping with the provisions of regulation 14 (11) (a) (ii) of the Telecommunications (Interconnection and Access) Regulations 2020 requested that Annex C-Pricing Schedule of the Domestic Interconnection Agreement be modified to reflect the rates as ordered in the Commission's Directive. In compliance with the Commission's request, the modified Annex C-Pricing Schedule was submitted to the Commission on the 31st day of July 2023.


HAVING reviewed the *Digicel-E-Networks Domestic Interconnection Agreement* and the modified Annex C – Pricing Schedule of the Agreement, the Commission by virtue of the powers enshrined to it as contained in regulation 14 (11) (d) of the Telecommunications (Interconnection and Access) Regulations 2020 hereby grants its approval for the interconnection agreement. All other terms and conditions contained in the *Digicel-E-Networks Domestic Interconnection Agreement* shall become effective on/ before the 30th day of August 2023.

FURTHER pursuant to regulation 14 (12) of the Telecommunications (Interconnection and Access) Regulations 2020, **the parties hereto are ordered and directed to submit an executed Agreement inclusive of the rates as mandated by the Commission together with the written verification of the effectiveness of interconnection on or before the 16th day of August 2023.**


Dela Britton
Chairman


Verlyn Klass
Commissioner


Rajendra Bisessar
Commissioner


Dr. Nanda K. Gopaul
Commissioner


Maurice Solomon
Commissioner



Dated this the 9th day of August 2023.