

**TELECOMUNICAITIONS BILL 2012
(Bill No. 13 of 2012)**

Amendments to be moved by the Honorable Prime Minister

The Clauses of the Bill mentioned in the first column are amended in the manner specified in the corresponding entries in the second column.

Clause	How Amended
Clause 2(1)	<p>(1) for the definition of “consumer”, substitute --</p> <p align="center">“consumer,” in relation to an operator or a service provider, means a person who is an end-user of a telecommunications service provided by the operator or service provider;’</p> <p>(2) by the insertion immediately after the definition of “regulations”, of the following definition:</p> <p align="center">“retail” means the sale of a telecommunications service by a service provider to a consumer;’</p> <p>(3) by the insertion immediately after the definition of “value added service”, of the following definition:</p> <p align="center">“wholesale” means the sale or resale of telecommunications services or telecommunications networks by a service provider or an operator to another service provider or another operator;’</p>
<p>Clause 28</p> <p>subclause (1)(i)</p> <p>subclause (1)(m)</p>	<p>substitute --</p> <p align="center">“(i) without prejudice to an operator’s or service provider’s right to require and utilise security deposits from consumers and other users as provided for in this Act and the regulations, develop, implement and publish procedures, consistent with the regulations, for responding to user complaints and disputes related to quality of service, billings, services and prices, and respond promptly and adequately to such complaints;”</p> <p>for the amendment to subclause (1)(m) circulated on 7th August 2013, substitute --</p>

<p>subclause (1)(s)</p>	<p>“(m) refrain from impairing or terminating the interconnection, access or telecommunications services provided to another operator or service provider, or the access to facilities granted to another operator or service provider or a public utility, and from ceasing to perform an agreement for interconnection or access, during a dispute, without the prior written approval of the Commission, except that the operator or service provider may --</p> <p>(i) in respect of a billing dispute, collect from such other operator or service provider, or from such public utility, amounts that are not in dispute; and</p> <p>(ii) require such other operator or service provider to provide, during the dispute, any security for the performance of an agreement for interconnection, access or telecommunications services that is provided for in such agreement;”</p> <p>for the amendment to subclause (1)(s) circulated on 7 August 2013, substitute --</p> <p>“(s) in the case of a dominant or jointly dominant operator or service provider, not cease operating any public telecommunications network or providing any public telecommunications service authorised in its licence, or deprogramme or dispose of any facility or other asset where such deprogramming or disposal would affect access or operation of such public telecommunications network or provision of such public telecommunications service, without the prior written consent of the Minister:</p> <p>Provided that, upon one year’s written notice to the Minister issued subsequent to the date that is two years after the appointed day, a dominant or jointly dominant operator or service provider may cease operating a public telecommunications network or providing a public telecommunications service authorised in its licence;</p> <p>Provided further that, during the first three months after a dominant or jointly dominant operator or service provider has issued a notice to the Minister under the previous <i>proviso</i>, such operator or service provider shall provide the Minister with a written justification for its planned</p>
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	<p>cessation of the operation of such public telecommunications network or the provision of such public telecommunications service, and during the three months following such operator's or service provider's provision of such written justification, the Minister shall schedule a public hearing at which the operator or service provider shall explain its justification to the public; and</p> <p>Provided that this subsection (s) shall not apply to the disposal of assets in the ordinary course of the operator's or service provider's maintenance, replacement or upgrading of its public telecommunications network or public telecommunications services."</p>
<p>Clause 29 subclause (2)</p>	<p>by the substitution for the word "users" of the word "consumers".</p>
<p>Clause 38</p>	<p>(1) by the substitution for subclause (8) of the following --</p> <p>“(8) The pricing provisions of this Part and Part VI shall apply to wholesale prices and to retail prices for telecommunications networks, telecommunications services, facilities, interconnection and access:</p> <p>Provided that wholesale prices shall be those prices agreed between service providers and operators, as the case may be, and the Commission shall set such wholesale prices only in the event of a dispute between such service providers and operators regarding such wholesale prices;</p> <p>Provided further that every service provider and operator shall submit to the Commission for prompt resolution, in accordance with the procedures provided for in this Act and the regulations, any dispute that may arise between itself and any other service provider or operator relating to the wholesale price for any telecommunications service or telecommunications network; and</p> <p>Provided further that service providers and operators that are able to reach agreement on wholesale prices shall promptly submit to the Commission a copy of any agreement or other arrangement between them with regard to such prices.”</p> <p>(2) by the insertion immediately after subclause (8) of the following as subclause (9) --</p>

	<p style="text-align: center;">“(9) The Commission shall maintain the confidentiality of --</p> <p style="text-align: center;">(i) retail prices until such prices go into effect in accordance with the regulations or that are not subjected to a price regulation regime; and</p> <p style="text-align: center;">(ii) wholesale prices that are not the subject of a dispute resolution procedure by the Commission.”</p>
<p>Clause 40</p> <p>subclause (4)</p>	<p>substitute --</p> <p style="text-align: center;">“(4) The provisions of section 38(5) shall <i>mutatis mutandis</i> apply to the procedure that shall be followed by the Commission in determining that a telecommunications undertaking is dominant, or has lost its dominance, with respect to a telecommunications network, a telecommunications service, a type of facility, or a market:</p> <p style="text-align: center;">Provided that the Commission shall make a decision on whether a telecommunications undertaking is dominant, or has lost its dominance, within one year of the submission of an application by such telecommunications undertaking under subsection (3), on the basis of the information then in the possession of the Commission.”</p>
<p>Clause 43</p> <p>subclause (2)</p>	<p>substitute --</p> <p style="text-align: center;">“(2) The public telecommunications networks and public telecommunications services referred to in subsection (1) shall include, at a minimum --</p> <p style="text-align: center;">(a) universal access to a high quality public telephone service, including, as may be further provided for in the regulations, free on-line or printed telephone directories for consumers of such services and operator directory assistance;</p> <p style="text-align: center;">(b) twenty-four hour free access to emergency telecommunications; and</p> <p style="text-align: center;">(c) as the Minister may specify, special arrangements for persons who are blind or otherwise differently-abled:</p> <p style="text-align: center;">Provided that no service provider shall be required, as a condition of its authorisation to provide public telecommunications services, to publish a free printed</p>

	telephone directory for consumers.”
Clause 52	
subclauses (1)(a) and (5)(b)	by the substitution for the word “user” of the word “consumer”.
subclauses (8)(a) and (b)	by the substitution for the word “users” of the word “consumers”.
subclause (9)(b)	by the substitution for the word “user’s” of the word “consumer’s”.
Clause 82	by the insertion of the following as subclause (5) -- “(5) The Agency shall publish the fees charged to licensees, exemption holders and authorisation holders pursuant to subsections (1) and (2), and the Commission shall publish the fees charged to telecommunications undertakings pursuant to this Act and the Public Utilities Commission Act, and the status of the payment of such fees by each such licensee, exemption holder, and authorisation holder and each such telecommunications undertaking.”