



# Interconnection Regulations

2009

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Republic of Liberia

Liberia Telecommunications Authority

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## PART I: PRELIMINARY

### 1.1 Preamble

These Regulations have been developed by the Liberia Telecommunications Authority (the “LTA”) pursuant to the Telecommunications Act, 2007 of the Republic of Liberia (the “Act”).

### 1.2 Purpose

The purpose of these Regulations is to provide further definition and direction regarding interconnection of telecommunications networks and telecommunications services in Liberia, to encourage the conclusion of interconnection agreements on transparent, fair and reasonable terms.

### 1.3 Scope of Application

These Regulations apply to all licensed service providers requesting interconnection, or from whom Interconnection Services are requested.

### 1.4 Terms and Definitions

As used in these Regulations the defined terms shall have the following meanings and shall refer to both the single and plural:

“**access**”, in the context of interconnection between service providers, means the making available of telecommunications facilities and equipment, services or both facilities and services by one service provider to another service provider, for the purpose of providing interconnection, and includes access to network elements and associated facilities, access to physical infrastructure including buildings, ducts and masts, and access to network software systems including operational support systems;

“**call origination**” means connectivity from a network termination point which may be an end user, to the Point of Interconnection;

“**call termination**” means connectivity from a Point of Interconnection to a network termination point which may be an end user;

“**Calling Line Identification (CLI)**” means the information generated and processed by a service provider that identifies the number of the calling party;

“**Co-location**” means accommodation of two or more switches, transmission equipment and antennas or other electronic communications equipment, or power generation equipment in, or on a single building tower or other structure for the purposes of interconnecting communications networks or for other telecommunications purposes;

**“Dominant Service Provider”** means a service provider designated to have Significant Market Power in one or more telecommunications markets relevant to interconnection in accordance with Section 4 of these Regulations;

**“Essential Facility”** means a telecommunication facility owned by a service provider (including an Interconnection Provider) which cannot feasibly, whether economically or technically be substituted. The Authority may declare certain facilities to be essential facilities;

**“financially feasible”** shall have the meaning given to it by the LTA and published in guidelines from time to time;

**“interconnection”** means the physical and logical linking of telecommunications networks used by the same or a different service provider in order to allow the users of one service provider to communicate with the users of the same or another service provider, or to access the facilities of another service provider and “interconnection” includes “access” and for the avoidance of doubt, interconnection includes call origination, call termination and transit services;

**“Interconnection Charges”** means any fees or other amounts charged by an Interconnection Provider to an Interconnection Seeker in exchange for the provision of interconnection;

**“Interconnection Information”** shall have the meaning given to it in section 3.2;

**“Interconnection Link”** means a transmission path connecting the Point of Interconnection with the Network of an Interconnection Seeker;

**“Interconnection Provider”** means a service provider that provides, or that has an obligation to provide, Interconnection Services to an Interconnection Seeker;

**“Interconnection Seeker”** means a licensed service provider that requests or receives Interconnection Services from an Interconnection Provider;

**“Long Run Incremental Costs”** for the purposes of these Regulations, means the forward looking costs of providing Interconnection Services calculated over an appropriately long duration and on the basis of specific increments in facilities, resources or volume of production;

**“LTA”** means the Liberian Telecommunications Authority;

**“Network Termination Point”** means the physical location at which end user telecommunications equipment is connected to the service provider’s network;

**“not reasonable”** means that a request for interconnection is not technically and financially feasible, as these terms are defined by the LTA from time to time;

**“Point of Interconnection”** means a physical or virtual point between the Interconnection Provider's network and the Interconnection Seeker’s network where control of

the facilities and the conveyance of calls over those facilities passes from the one service provider to the other;

**“Reference Interconnection Offer” or “RIO”** means the statement of terms and conditions on which a Dominant Service Provider which is obliged to provide a RIO offers Interconnection to Interconnection Seekers, including a full list of services to be supplied to the Interconnection Seeker and charges for each of such services, prepared and approved pursuant to Section 4.4;

**“Regulations”** means these Interconnection Regulations, 2009;

**“Section”** unless otherwise identified, means a section of these Regulations;

**“Significant Market Power”** means a position of economic strength, acting either individually or jointly with others, permitting a service provider to act to an appreciable extent independently of customers or competitors, or otherwise constituting a position of dominance in one or more identified telecommunications service markets;

**“technically feasible”** shall have the meaning given to it by the LTA and published in guidelines from time to time;

**“telecommunications equipment”** means equipment intended to be connected directly or indirectly to a telecommunications network in order to send, transmit or receive telecommunications services;

**“telecommunications facility”** means any facility, apparatus, or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications;

**“traffic data”** means any data processed for the purpose of the conveyance of telecommunications on any interconnected telecommunications network, or for the billing thereof; and

**“transit services”** means Interconnection that delivers traffic from the Point of Interconnection on one telecommunications network to the Point of Interconnection on another telecommunications network.

## PART II: FUNCTIONS AND POWERS OF THE LTA

### 2.1 Interconnection Functions and Powers

The LTA shall have the functions and powers in relation to interconnection as set out in the Act, which are:

- (a) promoting adequate, efficient and cost-oriented interconnection of telecommunications networks by service providers to telecommunications

facilities of other service providers in order to permit interoperability of telecommunications services that originate or terminate in Liberia and to promote the development of competitive telecommunications service markets;

- (b) establishing and maintaining an open, transparent, non-discriminatory and commercially viable regulatory framework for interconnection with a view to minimizing regulatory and other barriers to entry into telecommunications markets;
- (c) promoting interconnection arrangements, including by facilitating negotiations between the parties to reach interconnection agreements;
- (d) ensuring that interconnection agreements otherwise meet the objectives of the Act and these Regulations;
- (e) determining which service providers have Significant Market Power in any telecommunications market relevant for interconnection;
- (f) regulating the prices for interconnection and access by Dominant Service Providers in a telecommunications market for interconnection;
- (g) ensuring that Dominant Service Providers in a telecommunications market for interconnection publish a reference interconnection offer in accordance with Section 4.4 of these Regulations, and any regulations, rules and orders applicable to the interconnection;
- (h) resolving disputes related to interconnection in a timely and impartial manner; and
- (i) making decisions or orders specifying the terms of interconnection that shall be provided by one or more service providers in accordance with these Regulations, rules and orders.

## 2.2 Stakeholder Consultation

The LTA may consult in the course of implementing these Regulations as provided for in the Guidelines for Consultation Process to Develop Regulations.

## PART III: RIGHTS AND OBLIGATIONS OF ALL NETWORK OPERATORS

### 3.1 Right to Interconnect and Obligation to Negotiate

3.1.1 All licensed service providers shall have a right to request interconnection from service providers, in the manner provided for in these Regulations.

3.1.2 Upon receipt of a written request by an Interconnection Seeker an Interconnection Provider shall enter into good faith negotiations to enter into an interconnection agreement to:

- (a) connect and keep connected the telecommunications networks of both service providers;
- (b) provide access as is reasonably requested in order for the Interconnection Seeker to provide telecommunications service; and
- (c) agree that interconnection is to be facilitated by the installation of appropriate telecommunications equipment, with each service provider responsible for its own equipment to facilitate interconnection, and provided that the equipment and infrastructure is such that the LTA can monitor calls originating from Liberia and terminating in Liberia, as required by section 34(1)(c) of the Act.

3.1.3 The following actions or practices shall be deemed to violate the duty in Section 3.1.2 of this Regulation to negotiate in good faith:

- (a) obstructing or delaying negotiations, or failing to make reasonable efforts to resolve outstanding disputes;
- (b) refusing to provide information about an Interconnection Provider's own telecommunications services or telecommunications network or other facilities that are necessary for the interconnection arrangements;
- (c) misleading or coercing an Interconnection Seeker into reaching an agreement it would not otherwise have made;
- (d) interfering in any way with an Interconnection Seeker's ability to communicate with the LTA, including having an Interconnection Seeker sign a non-disclosure agreement that precludes it from providing information requested by the LTA; or
- (e) refusing to permit amendment of the interconnection agreement to take into account changes in circumstances, including changes to the Act, these Regulations, or any applicable regulation or rule.

3.1.4 Notwithstanding any other provision of these Regulations, service providers shall not be obliged to provide Interconnection or to enter into any form of interconnection agreement that is sought by an Interconnection Seeker where the LTA has made an order confirming that the requested interconnection or access will:

- (a) cause or be likely to cause material danger, damage or injury to any person or to any property;
- (b) cause material damage or otherwise interfere with the operation of the Interconnection Provider's telecommunications network, telecommunications facilities or the provision of its telecommunications services; or



- (c) place a technical or financial burden on the Interconnection Provider which is not reasonable.

3.1.5 Service Providers and other interested parties may at any time request the LTA to issue an order that clarifies or interprets the interconnection rights or obligations set out in the Act, these Regulations, or any applicable regulations or rules.

### 3.2 Access to Interconnection Information

3.2.1 Interconnection information for purposes of this Regulation means information relevant to Interconnection that is in the possession or control of the Interconnection Provider and that may assist the Interconnection Seeker to:

- (a) formulate a request for interconnection; or
- (b) plan, establish, or maintain its telecommunications service, or its telecommunications network or both for the purpose of interconnection, and includes but is not limited to technical specifications of the Interconnection Provider's telecommunications network, switching, routing and transmission equipment used in the network, signalling protocols used, traffic volumes, and any material changes to Interconnection Information, including actual and planned changes by the Interconnection Provider over the following twelve (12) months that can be expected to affect the Interconnection Services or the telecommunications services or telecommunications networks of the Interconnection Seeker, and any other information identified by the LTA.

3.2.2 Upon request in writing, Interconnection Providers are required to publish sufficient Information about Interconnection to ensure Interconnection Seeker's network and services can achieve compatibility for the purposes of interconnection, alternatively provide Interconnection Information to Interconnection Seekers on request.

3.2.3 Subject to Section 3.2.4, the information referred to in Sections 3.2.1 and 3.2.2 shall be supplied within thirty (30) calendar days of the written request or within such other time period as is specified by the LTA. The Interconnection Provider may request an extension in writing from the LTA, with sufficient justification for the extension, not later than five (5) calendar days before the due date, and the LTA shall issue a response to the extension request within five (5) working days following submission of the request, on good cause shown.

3.2.4 An Interconnection Provider seeking to deny a request for disclosure of any Interconnection Information on the basis that the requested information is confidential shall submit a request in writing to the LTA identifying the specific information that it wants protected and explaining the commercial or other basis of the request under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations. The LTA shall issue a response to the confidentiality request and any conditions applicable to the disclosure of confidential information as may be provided for under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

### 3.3 Sharing and Co-location

3.3.1 Interconnection Providers with existing telecommunications facilities shall allow Co-location by Interconnection Seekers where such Co-location is technically and economically feasible and where no additional construction work is required.

3.3.2 The party requesting Co-location shall compensate the party required to provide co-location for such an amount as the parties may agree or, where the parties are unable to agree, as may be determined by the LTA.

3.3.3 Where the parties are unable to agree on the conditions of Co-location, either or both of the parties may apply to the LTA for dispute resolution under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

3.3.4 New telecommunications facilities shall be installed by an Interconnection Seeker in a manner that does not create an undue adverse effect on existing telecommunications facilities or other existing installations (including but not limited to, installations used to maintain public ways, water and gas lines, oil pipelines, and electrical installations). Any Interconnection Seeker installing new telecommunications facilities shall compensate persons incurring actual and reasonable costs for the relocation, modification or protection of existing facilities or installations which result from the installation of the new facilities (which are verifiable on request).

### 3.4 Non-compliant Interconnection Agreements

If the LTA decides that an interconnection agreement is not in compliance with the Act or these Regulations, or any regulation, rule, order or term of licence, it may issue an order requiring one or more of the parties to the agreement to amend the agreement within a specified time.

## PART IV: OBLIGATIONS OF DOMINANT SERVICE PROVIDERS

### 4.1 Designation of Dominance

4.1.1 The obligations set out in this Part IV apply to those service providers that the LTA has designated as being Dominant Service Providers in one or more telecommunications markets relevant to interconnection, and describes the obligations that will apply where a service provider is Dominant in the market for interconnection, meaning that the service provider is Dominant in all of the markets determined for the time being to form the interconnection market by LTA.

4.1.2 The LTA may issue an order designating a service provider as being Dominant in one or more telecommunications markets relevant to interconnection taking account of:

- (a) the relevant product and service markets including their geographic scope and territory;

- (b) criteria and methodology to determine the degree of market power in a relevant market; and
- (c) control of essential facilities within the relevant markets;
- (d) price trends and pricing behaviour; and
- (e) any other factor that LTA determines may be relevant under Part VII of the Act.

4.1.3 A service provider which has been declared to be Dominant by LTA may at any time request LTA to review the declaration by making a written application supported by evidence to indicate that the declaration is no longer applicable, in the form prescribed by LTA from time to time, or if no form is prescribed, then in accordance with the provisions of the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations (“Dominance Review Request”).

4.1.4 LTA shall review the declaration and advise the service provider of its decision within a period of no longer than sixty (60) calendar days from the date of the Dominance Review Request, provided that no further market study is required to confirm the evidence provided by the service provider in the Request. If a further market study is required, then LTA shall not be bound by this time period until such time as the market study has been completed.

## 4.2 Response to Requests for Interconnection

4.2.1 Every service provider which is Dominant in all markets for interconnection shall respond to a request for interconnection within a period of no more than thirty (30) calendar days of receipt of the request, and ensure that:

- (a) its terms and conditions of interconnection are no less favourable than any Reference Interconnection Offer that has been approved by the LTA pursuant to Section 4.4;
- (b) it applies the same terms and conditions to all Interconnection Seekers, except where differences can be justified by reference to the distinguishable circumstances of certain Interconnection Seekers;
- (c) it offers interconnection to all Interconnection Seekers of the same quality and functionality as it provides for its own telecommunications service operations or those of its affiliates, and in accordance with any standards or specifications determined by the LTA; and
- (d) it only uses information received from Interconnection Seekers for the purposes for which it was supplied and does not disclose the information or otherwise use the information for any anti-competitive purpose.

### 4.3 Publication of Interconnection Agreements

4.3.1 Every service provider which is Dominant in all the markets for interconnection shall, within ten (10) calendar days after execution of an interconnection agreement, file a copy of the agreement with the LTA.

4.3.2 Subject to Sections 4.3.3, the LTA shall place a copy of all interconnection or access agreements filed with it in accordance with Section 4.3.1 on its website, and shall make copies of filed agreements available on request by any Interconnection Seeker.

4.3.3 An Interconnection Provider may request that information contained in an interconnection agreement be protected as confidential information, pursuant to Section 3.2.4 and 3.2.5, and that such confidential information be excluded from the interconnection agreement published by the LTA pursuant to Section 4.3.2. However:

- (a) interconnection offered by any Dominant Service Provider shall not be considered confidential; and
- (b) the LTA shall determine what information will be treated as confidential, and shall resolve any disputes regarding disclosure of information designated as confidential in interconnection agreements filed with it, in accordance with Section 3.2.5 of these Regulations.

### 4.4 Reference Interconnection Offers

4.4.1 Dominant Service Providers meaning service providers which are Dominant in all the markets for interconnection shall prepare and submit for approval by the LTA a RIO within the time period identified in any order or direction of the LTA and in any event within ninety (90) calendar days of the date of these Regulations coming into force, unless otherwise agreed by the LTA on good cause shown. The RIO shall comprise all services provided by the service provider in the interconnection market or markets in which it has been designated as Dominant.

4.4.2 Subject to any order or direction issued by the LTA, a RIO prepared by a Dominant Service Provider shall include in addition to Interconnection Information:

- (a) the scope, form, specification and technical requirements of interconnection, and a description of all Interconnection services provided by the Interconnection Provider;
- (b) the terms and conditions of access to any Essential Facilities that might be controlled by that service provider, and the terms and conditions of access to all ancillary or supplementary services, facilities, premises or other property needed in support of interconnection;
- (c) service level commitments, and applicable remedies for non-performance;
- (d) all Interconnection Charges;

- (e) billing and settlement procedures;
- (f) ordering, forecasting, provisioning, testing and other service management procedures;
- (g) identification of all available Points of Interconnection and Interconnection Links, and the processes and options for obtaining additional Points of Interconnection and Interconnection Links;
- (h) the exchange of information regarding changes to telecommunications networks or telecommunications services relevant to interconnection;
- (i) technical specifications, standards and interoperability requirements and processes;
- (j) signalling, routing and other traffic data requirements, including the enabling of Calling Line Identification and other signalling features;
- (k) information handling and confidentiality;
- (l) term, termination, renewal and amendment procedures;
- (m) any applicable security arrangements, including performance bonds;
- (n) dispute resolution procedures; and
- (o) any other terms, conditions or information required by the LTA.

4.4.3 RIOs shall not take effect until approved by the LTA, on the basis that the RIO meets the requirements of the Act as set out above, and this Regulation and any later orders or rules made by LTA in this regard, having regard also to the express purpose of this Regulation in section 1.2. The LTA shall approve a RIO or reject it within ninety (90) calendar days of its submission to the LTA by the Dominant Service Provider.

4.4.4 Where the LTA does not approve a RIO or rejects it, it shall issue a written determination providing reasons for not approving the RIO and identifying specific changes or improvements to be made by the Dominant Service Provider to the RIO to ensure compliance with the Act, these Regulations or other related regulations, decisions or orders. The Dominant Service Provider shall make the required changes without delay, and in any event within a period of time identified by the LTA, and re-submit the RIO for approval.

4.4.5 Once a RIO has been approved by the LTA, it shall be published by the Dominant Service Provider not later than fifteen (15) calendar days from the date of approval by:

- (a) filing a copy with the LTA, who shall publish the RIO on the LTA's official website;
- (b) making a copy available to the public at its principal business offices;

- (c) publishing the agreement on the Dominant Service Provider's website; and
- (d) sending a copy to any Interconnection Seeker on request at no charge.

4.4.6 A Dominant Service Provider shall periodically review and update its RIO but:

- (a) not less than once every 3 years; or
- (b) in any event, as directed by the LTA from time to time, provided that LTA shall not unreasonably require changes that are not in conformance with these Regulations, the Act or an order or decision of the LTA.

#### 4.5 Determination of Interconnection Charges

4.5.1 Interconnection Charges of all service providers designated to be Dominant in any one or more markets for interconnection shall be cost-based.

4.5.2 Notwithstanding any other exercise of authority by the LTA relating to tariffs, the Interconnection Charges of any Dominant Service Provider shall be submitted by the Dominant Service Provider to the LTA for approval prior to their taking effect. The LTA may require the Dominant Service Provider to provide information, to establish the basis of all Interconnection Charges and related costs. The LTA may require a Dominant Service Provider to make changes to its Interconnection Charges as necessary to meet the requirements of these Regulations and any finding of Significant Market Power in the relevant market under the Act in accordance with Part IX of the Act.

4.5.3 In establishing cost-based Interconnection Charges, Dominant Service Providers shall use efficient forward looking Long Run Incremental Costs (LRIC) or such other costing methodology as may be prescribed by the LTA. The LTA may issue further Regulations, decisions, orders or notices regarding the determination of Interconnection Charges and appropriate application of LRIC or other costing methodologies.

4.5.4 Pending the implementation of any costing methodology pursuant to Section 4.5.3, the LTA may establish Interconnection Charges by benchmarking them against relevantly similar charges in countries designated by the LTA, and otherwise as the LTA may from time to time prescribe.

4.5.5 Interconnection Charges shall not exceed the retail charges of the Dominant Service Provider for the provision of any equivalent services to retail or end user customers. Interconnection Charges shall also be stated clearly and unbundled, so that an Interconnection Seeker does not have to pay for anything that it does not require as part of its interconnection request.

4.5.6 The Interconnection Charges of Dominant Service Providers shall be calculated in such a way that they distinguish and separately price at least the following aspects of Interconnection:

- (a) installation or set-up charges for the initial implementation of interconnection or related telecommunications facilities access sufficient only to cover costs where these are actually incurred;
- (b) periodic lease or rental charges for the use of facilities, equipment and other identified resources if necessary;
- (c) any other charges.

4.5.7 For the purposes of reconciling interconnection traffic measurements, all operators shall regularly synchronize their clocks to Coordinated Universal Time (CUT).

#### 4.6 Changes in Interconnection Charges

4.6.1 A Dominant Service Provider shall not increase or add to Interconnection Charges without the prior written authorization of the LTA. LTA's approval or rejection of the change in Interconnection Charges shall be given within a period of sixty (60) calendar days of the request with such data and information supporting the request as required by LTA. In requesting such authorization, Dominant Service Providers shall notify all other service providers that may be affected by the increase and the LTA shall not authorize the increase without permitting affected service providers to have an opportunity to comment on the proposed increase, provided that comments from affected service providers shall be sought and obtained within the sixty (60) calendar day period referred to in this Section.

4.6.2 Where the LTA authorizes a Dominant Service Provider to increase Interconnection Charges, the Dominant Service Provider shall give Interconnection Seekers at least thirty (30) days notice in writing before the new charges come into effect.

4.6.3 A service provider may, upon written notice to the LTA, decrease its Interconnection Charges at any time without prior approval from the LTA, provided that in the case of a Dominant Service Provider, they remain cost-based and sufficiently unbundled or otherwise compliant with the requirements of the LTA in relation to the charges of Dominant Service Providers.

#### 4.7 Accounting and Financial Information

4.7.1 A service provider which is Dominant in all of the markets for interconnection may be required by the LTA to maintain a cost accounting system which, in the opinion of the LTA, is suitable to demonstrate that Interconnection Charges have been determined in accordance with Section 4.5. Dominant Service Providers shall implement and maintain their cost accounting systems in accordance with any decisions, orders or notices issued by the LTA pursuant to these Regulations, and in the time provided.

4.7.2 If and as required pursuant to any decision, order or notice issued by the LTA, Dominant Service Providers shall maintain separate statements of accounts in respect of Interconnection Services and all other telecommunications services, sufficient to identify all applicable elements of costs and revenues, the basis of their calculation and the detailed allocation and attribution methods used.

4.7.3 Any statements of accounts maintained pursuant to Section 4.7.2 shall also be sufficient to demonstrate that the Dominant Service Provider provides interconnection to Interconnection Seekers on substantially the same conditions as it provides those services or facilities for its own telecommunications operations or those of its affiliates, and so shall specifically identify the costs allocated to services and facilities that are equivalent to Interconnection and provided for its own business units, and all applicable transfer prices or other charges for equivalent services or facilities provided to affiliated companies.

4.7.4 The statements of accounts maintained pursuant to Sections 4.7.1 or 4.7.2 shall be submitted for review on request by the LTA and, if the LTA so orders, may be independently audited by an auditor chosen by the LTA.

#### 4.8 Further Obligations of Dominant Service Providers

4.8.1 Upon request from an Interconnection Seeker, made in accordance with Section 6.1.1 of these Regulations, a service provider which has been designated as being Dominant in one or more of the markets for interconnection shall provide:

- (a) services that enable telecommunications across the network of the Interconnection Provider, including but not limited to:
  - i) call origination;
  - ii) call termination; and
  - iii) transit services;
- (b) sufficient Interconnect Link capacity to enable transmission, switching and routing of telecommunications, in accordance with the capacity forecasts and estimates provided by the Interconnection Seeker;
- (c) access to identified telecommunications facilities, equipment, services and other resources relevant to interconnection or identified by the LTA may from time to time identify;
- (d) access to any Essential Facility owned by that Dominant Service Provider as specified by the LTA from time to time;
- (e) access to bundled or unbundled network elements in accordance with an Interconnection Seeker's request, any applicable RIO and any decisions, orders or notices issued by the LTA pursuant to these Regulations; and
- (f) operator services such as directory enquiries, operator assistance and emergency calling services, in this case only, if required by the LTA.



## PART V: POINTS OF INTERCONNECTION

### 5.1 Technically Feasible Points

5.1.1 Points of Interconnection shall be established and maintained at any technically feasible point in an Interconnection Provider's telecommunications network.

5.1.2 An Interconnection Seeker shall provide sufficient information to the Interconnection Provider in relation to a requested Point of Interconnection which does not otherwise exist in the Interconnection Provider's network or which requires change in that network to enable the Interconnection Provider to assess all provisioning requirements and to estimate the costs of establishing or changing the Point of Interconnection.

5.1.3 Where an Interconnection Seeker requests interconnection at points other than those that have either been established by an Interconnection Provider or specified in a Dominant Service Provider's RIO, or requests additional Interconnection at any Point of Interconnection and provided that the requested points are technically feasible points, such interconnection shall be made available except where the LTA has issued an order pursuant to sub-section 3.1.5.

### 5.2 Costs and Provisioning of Points of Interconnection

5.2.1 An Interconnection Seeker that makes a request under Section 5.1.3 shall be responsible for the costs of establishing the Point of Interconnection, the costs of additional Interconnection Links or Interconnection Services and other costs of establishing the requested interconnection.

5.2.2 Points of Interconnection shall be established as soon as practicable following a request and in any case not later than thirty (30) calendar days from the date of the request unless:

- (a) the request is not technically or financially feasible; or
- (b) the Interconnection Provider seeks an order of the LTA extending the provisioning period on good cause shown.

## PART VI: REQUESTS FOR INTERCONNECTION

### 6.1 Written Request and Reply

6.1.1 Where an Interconnection Seeker requests Interconnection from an Interconnection Provider, the Interconnection Seeker's request for Interconnection shall be made in writing to the Interconnection Provider and shall include:

- (a) information in relation to the form and technical requirements of Interconnection;
- (b) the date(s) the requested Interconnection is to be operational;

- (c) an estimate of the interconnection capacity required, including Interconnection Link capacity ; and
- (d) where the Interconnection Provider is a Dominant Service Provider which is obliged to provide a RIO, such other information as is required pursuant to that Dominant Service Provider's RIO.

6.1.2 Within thirty (30) calendar days from receipt of the Interconnection Seeker's request for interconnection, the Interconnection Provider shall deliver a written reply to the Interconnection Seeker stating:

- (a) stating whether the Interconnection Provider can provide the requested interconnection and related telecommunications facilities;
- (b) requesting any additional information reasonably required to assess the request for interconnection and any related facilities access; and
- (c) identifying any other requirements for providing the requested interconnection or facilities access.

6.1.3 If the Interconnection Provider does not respond to the Interconnection Seeker's request in accordance with Section 6.1.2, or determines that it cannot provide the interconnection or related facilities access requested by the Interconnection Seeker, the Interconnection Seeker may apply to the LTA for assistance in accordance with Part VIII of these Regulations and the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

## 6.2 Resulting Interconnection Terms

6.2.1 If the Interconnection Provider determines that it can provide the requested interconnection and related facilities access, the Interconnection Provider's supply of Interconnection Services will be subject to:

- (a) where the Interconnection Provider is a Dominant Service Provider which is obliged to provide a RIO, the RIO of that Interconnection Provider; or
- (b) if the Interconnection Provider is not a Dominant Service Provider, the parties shall negotiate in good faith and enter into an interconnection agreement in accordance with these Regulations.

6.2.2 Except as otherwise authorized by the LTA in any particular circumstance, an interconnection agreement shall be entered into as soon as practicable but not later than forty-five (45) days after the Interconnection Provider has received a request for interconnection.

## PART VII: OTHER TERMS OF INTERCONNECTION

### 7.1 Service Standards

7.1.1 Interconnection Providers shall provide Interconnection in accordance with any service level commitments or other service standards included in an interconnection agreement as concluded with the Interconnection Seeker.

7.1.2 The quality of the Interconnection Services provided by Service Providers shall also comply with any standards set by the LTA from time to time. Dominant Service Providers which are obliged to offer a RIO shall include appropriate remedies for failure to meet applicable service standards or commitments in their RIO.

### 7.2 Technical Compatibility

7.2.1 Interconnection Seekers and Interconnection Providers shall take all reasonable steps to maintain the technical compatibility and interoperability of their interconnected telecommunications networks by, amongst other things:

- (a) exchanging sufficient information on the technical characteristics of their telecommunications networks, both in the initial implementation of interconnection and in the continued delivery of Interconnection; and
- (b) taking full account of, and establishing their networks in accordance with, internationally recognized standards relevant to interconnection, including the international standards and specifications adopted and/or recommended by the International Telecommunications Union.

7.2.2 Interconnection Seekers and Interconnection Providers shall also comply with any technical standards or specifications set by the LTA from time to time.

### 7.3 Requests for New Services and Network Changes

7.3.1 Where an Interconnection Seeker requests a new form of interconnection or change to Interconnection, it shall submit its request in writing to the Interconnection Provider in accordance with Section 6.1 of these Regulations, and the request shall be processed in accordance with the provisions of Parts V and VI of these Regulations and the terms of the applicable interconnection agreement.

7.3.2 Interconnection Providers shall provide:

- (a) at least six (6) months prior written notice to Interconnection Seekers of planned changes to their telecommunications networks that may have any significant effect on the Interconnection Services or the telecommunications services or telecommunications networks of the Interconnection Seekers;

- (b) at least ten (10) days' prior written notice to Interconnection Seekers of any planned interruption of Interconnection Services for upgrading, maintaining or repairing the Interconnection Provider's network or facilities that may have any significant effect on the Interconnection Services or the telecommunications services or networks or the Interconnection Seeker, subject always to the provisions of Article 7.7.2; and
- (c) in both (a) and (b), the Interconnection Provider and Interconnection Seeker(s) shall, if necessary, negotiate any related commercial terms, including the time it will take to restore service which shall be as short as possible, and the reasonable sharing of the costs resulting from the identified change or any changes to the Interconnection Charges. If the parties are unable to agree on the commercial terms, either party may request the assistance of the LTA in resolving the matter.

#### 7.4 Cost Sharing of Interconnection Links

7.4.1 Unless otherwise agreed by the parties or directed by the LTA, or as otherwise provided in these Regulations, the Interconnection Provider and the Interconnection Seeker shall each be responsible for the cost of provisioning Interconnection Links, arising from an Interconnection request, as follows:

- (a) in the case of equipment related to the links, each party shall be responsible for its own equipment; and
- (b) in the case of the links themselves, each party shall be responsible for the cost of provisioning links up to an agreed demarcation point between the networks of each party, on the basis that neither party should be liable for the cost of an entire link in order to achieve Interconnection.

7.4.2 Where the Interconnection Provider has supplied the Interconnection Link, its charges to the Interconnection Seeker shall be based on the actual costs to the Interconnection Provider of the Link, arising from the Interconnection request, and shall, at a minimum, be separated into initial installation or set-up costs, if any, and periodic lease or rental costs.

#### 7.5 Numbering

Interconnection Seekers and Interconnection Providers shall ensure that all Interconnection complies with any national numbering plan and any numbering practices prescribed by the LTA.

#### 7.6 Traffic Data

No person shall suppress, modify or otherwise change any traffic data where such change has the purpose or effect of misrepresenting the source, routing or other characteristics of the related telecommunications, or in any other way would result in a change to applicable Interconnection Charges. For the avoidance of doubt, "change any traffic data" shall include

changing or removing calling line identification or other identifying information for calls originated on one service provider's network (whether within Liberia or outside it) and terminated on another service provider's network, so as to present that call to the Interconnection Provider as having been originated within Liberia, or on a network other than the Interconnection Seeker's network, and no person may use equipment that in any way causes or contributes to this outcome.

## 7.7 Termination and Suspension of Agreements

7.7.1 An Interconnection Provider may not terminate an interconnection agreement unless:

- (a) the termination is due to:
  - i) material and unremedied breach of the interconnection agreement and a material breach will include repeated failure to make payment of interconnection fees and charges by an Interconnection Seeker despite reasonable notice having been given to remedy the breach by making payment; or
  - ii) liquidation or insolvency of the Interconnection Seeker; or
  - iii) agreement between the parties; and
- (b) the Interconnection Provider gives the Interconnection Seeker and the LTA sixty (60) days prior written notice of its intention to terminate and specifying the grounds of termination; and
- (c) the Interconnection Seeker has been given not less than thirty (30) days to remedy the identified grounds for termination and has failed to do so; and
- (d) the Interconnection Provider has obtained the LTA's written authorization for the interconnection agreement to be terminated, and complies with any subscriber notification or transition requirements identified by the LTA.

7.7.2 Interconnection Providers shall not suspend the provision of Interconnection except as set out in 7.7.1 above, or where authorized in writing by the LTA or where necessary to prevent or remedy any material damage or interference to the operation of the Interconnection Provider's telecommunications network or Interconnection Services, anticipated or actual, or any immediate risk of injury or other danger to any person or damage to property. The Interconnection Provider shall give as much notice as possible to the Interconnection Seeker, and use its reasonable endeavours to minimise the interruption and its effect on communications, and shall where possible, provide alternative routing or transmission at no extra cost to the Interconnection Seeker. The LTA must be informed immediately (and in any event within one hour, in the manner specified by the LTA) of any interruption or suspension of Interconnection and may determine whether such interruption or suspension is reasonable or justified in all the circumstances of the case and issue appropriate instructions to the parties concerned including regarding cessation, modification or resumption of Interconnection.

PART VIII: DISPUTE RESOLUTION

8.1 LTA Procedures

8.1.1 Any dispute that arises regarding the proper application of these Regulations, the terms of interconnection or related telecommunications facilities access or the provision of Interconnection Services may be referred for dispute resolution in accordance with the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

PART IX: COMPLIANCE AND ENFORCEMENT

9.1 Submission of Information

9.1.1 The LTA may require a service provider or any other person to submit, at that person's expense, any information that the LTA considers necessary for the purposes of exercising its responsibilities, functions and powers under the Act or these Regulations. The information shall be submitted in such form, manner and time specified by the LTA under the Confidentiality, Dispute Resolution and Compliance and Enforcement Regulations.

PART X: APPLICATION

10.1 Short Title and Date of Entry Into Force

These Regulations shall be known as the *Interconnection Regulations, 2009* and shall come into effect on the date on which they are adopted by the LTA.