

INTERCONNECTION REGULATIONS 2004

BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION

(As amended up to 10 February 2008)

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**THE BANGLADESH TELECOMMUNICATION REGULATORY
COMMISSION (INTERCONNECTION) REGULATIONS 2004**
[BTRC Regulations No. 2 of 2004]

Dated the 20th May 2004

No. **BTRC/sec/regulation/2004-212**--In exercise of the powers conferred under section 99 of the Bangladesh Telecommunication Act 2001 (Act No. XVIII of 2001), the Bangladesh Telecommunication Regulatory Commission is pleased to make the following Regulations to ensure uniform, neutral and transparent interconnection arrangements between the Telecommunication Networks of the Operators.

1. Short Title and Commencement

These Regulations may be called the Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations 2004. These Regulations shall come into force on and from the date of its publication in the official Gazette.

The Commission reserves the right to withdraw, vary, change or amend the Regulations from time to time without prior notice.

2. Purpose and Scope

The purpose of these Regulations shall be to -

- (a) encourage orderly development of the Telecommunications systems.
- (b) prevent and abolish discrimination in the provision of services, ensuring fair competition.
- (c) encourage the introduction of new services.
- (d) promote and safeguard the interests of consumers by ensuring reliable and fairly priced modern services with reasonable accessibility.

The scope of these Regulations shall be to ensure effective telecommunication services in the territory of the People's Republic of Bangladesh, in accordance with section 47 of the Bangladesh Telecommunication Act 2001 through mutual agreements between the operators and/or interconnection access providers.

1[3. Interpretations

The following words and expressions in these Regulations shall have the meaning assigned to them, unless there be anything in the subject or context repugnant to such construction, that is to say,-

- (1) **“Access Network Service (ANS) Operator”** shall mean PSTN, Cellular, Cable Service Provider, Data Service Provider and Internet Service Provider who have a direct access with the subscribers or end users;
- (2) **“Access Provider”** shall include IGW Operators, ICX Operators, IX Operators and such licensed operators whose network shall have the provisions to provide interconnection with the networks of other operators.
- (3) **“Act”** shall mean the Bangladesh Telecommunication Act, 2001 (Act No. XVIII of 2001);
- (4) **“Call Detail Records (CDR)”** shall mean the detail records generated by all types of switches and HUB in binary or any other form or file that includes all types of records of outgoing or incoming calls or calls in transit with caller and called party number, origin and destination of calls, call duration, calling time, location, etc.
- (5) **“Commission”** shall mean the Bangladesh Telecommunication Regulatory Commission established under section 6 of the Act;
- (6) **“Interconnection”** shall mean the physical or virtual or logical linking of more than one telecommunication network in order to enable the users of one network to communicate among themselves or to communicate with the users of another network or to avail themselves of the service of the other network, as defined in section 2(2) of the Act;
- (7) **“Interconnection Exchange (ICX)”** shall mean switching system which provides interconnection among telecommunication networks of operators and allows monitoring, lawful interception (LI) facilities and roaming number portability;
- (8) **“Interconnection Guidelines”** shall mean the guidelines issued by the Commission, prescribing the requirements and provisions for interconnection between the telecommunication operators from time to time;
- (9) **“Interconnection Network”** shall mean any form of installation or group of installations as well as transmission links which ensure the

transmission or reception and/or routing of telecommunication signals and exchange of operational information, between two or more network termination points;

- (10) **“Interconnection Services”** shall mean the services which consist of wholly or partly the transmission or reception and/or routing of signs, signals, texts, images, sounds, data or any other intellectual expression through the telecommunication networks;
- (11) **“International Gateway (IGW)”** shall mean switching systems through which international voice traffic is sent and received, with provisions for allowing physical monitoring of the traffic flow;
- (12) **“International Private Leased Circuit (IPLC)”** shall mean international point to point leased circuit.
- (13) **“Internet Exchange (IX)”** shall mean switching system which connects all the Internet Service Providers (ISPs) and equivalent service providers to an exchange having two parts, to wit- (1) International Internet Gateway (IIG) providing for global internet connectivity and (2) National Internet Exchange (NIX) providing for connectivity with domestic Internet Service Providers and equivalent service providers.
- (14) **“IP Telephony”** shall mean the telephone system allowing voice to travel over data networks using Internet Protocol.
- (15) **“Licence”** shall mean a licence issued or deemed to have been issued by the Commission under the Act for establishing or operating a telecommunication system or for providing telecommunication service or for operating or maintaining such system or service or for using a radio apparatus as defined in section 2(29) of the Act;
- (16) **“Next Generation Network (NGN)”** shall mean packet based network capable of providing services including telecommunication services and capable of using multiple broadband, QoS-enabled transport technologies where related functions are independent of underlying transport related technologies, can offer the users unrestricted access to different service providers and also can support generalized mobility allowing consistent and ubiquitous provisions of services to users.
- (17) **“Number Portability”** shall mean the capability of individuals and organizations to retain their telephone number(s) and the same quality of service when switched to another local service provider.
- (18) **“Operator”** shall mean a person licensed for establishing or operating a telecommunication system or providing telecommunication service or

operating a system which is the combination of more than one of those facilities as defined in section 2(19) of the Act;

- (19) **“Point of Interconnection (PoI)”** shall mean a physical location at which two or more networks interconnect through switches, nodes or other devices, offering access to operators or service providers;
- (20) **“Point of Presence (PoP)”** shall mean setting up of switching centre and transmission centre of appropriate capacity to provide on demand service of prescribed quality and grade of service in a non-discriminatory manner.
- (21) **“Regulation”** shall mean the Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations, 2004 (Regulation No. 2 of 2004);
- (22) **“Requested Party”** shall mean an operator or a group of operators requested by another operator to provide interconnection to the telecommunication network of the other operator;
- (23) **“Requesting Party”** shall mean an operator who requests another operator to interconnect its telecommunication networks with the telecommunication networks of the requested operator;
- (24) **“Reference Interconnection Offer (RIO)”** shall mean offers which an operator is to provide to the requesting party for entering into interconnection agreements between them;
- (25) **“Telecommunication”** shall mean transmission and reception of any speech, sound, sign, signal, writing, visual image or any other intellectual expression by way of using electricity or electro-magnetic or electro-chemical or electro-mechanical energy through cable, pipe, radio, optical fibre or other electro-magnetic or electro-chemical or electro-mechanical or satellite communication system, as defined in section 2(11) of the Act;
- (26) **“Telecommunication Network”** shall mean a combination of a set of nodes and links that establish telecommunication between two or more points as defined in section 2(14) of the Act;
- (27) **“tElephone Number Mapping (ENUM)”** shall mean mapping of telephone numbers to Uniform Resources Identifiers (URIs) using the Domain Name System (DNS) in the domain e164.arpa. and enabling convergence between PSTN/PLMN and Internet; and
- (28) **“User”** shall mean a person or any entity, including an operator, reseller or value-added service provider, who has entered into a contract with an

operator for the provision of telecommunication services on the operator's terms and conditions approved in accordance with relevant conditions of the operator's licence.

4. Rights and Obligations of the Operators

- (1) All licensed Operators shall abide by the provisions of the Act, Regulations, terms and conditions of the respective licence and the directives issued by the Commission from time to time in respect of Interconnection.
- (2) Each licensed Interconnection Exchange (ICX) Operator, except Bangladesh Telegraph and Telephone Board (BTTB), shall establish, at the start, minimum three Interconnection Exchanges of which at least one shall be at Dhaka and two at two other locations as per the direction of the Commission and shall establish more such Exchanges at different locations of the country as and when directed by the Commission.
- (3) All Interconnection Exchanges (ICXs) of Bangladesh Telegraph and Telephone Board (BTTB) shall continue to operate subject to obtaining of necessary licence(s) within the time to be stipulated by the Commission.
- (4) Each licensed Interconnection Exchange (ICX) Operator shall establish and maintain, at its own expense, physical interconnection with all the International Gateways (IGWs) located at Dhaka.
- (5) All licensed Interconnection Exchange (ICX) Operators shall establish and maintain, at their own arrangements, interconnection among all Interconnection Exchanges (ICXs), through necessary backbone.
- (6) All licensed Interconnection Exchange (ICX) Operators shall make necessary arrangements to render their respective Interconnection Exchanges to serve as the point of presence (PoP) for the neighbouring areas and make necessary provisions for the licensed Access Network Service (ANS) Operators of the neighbouring area to connect at their PoPs.
- (7) Each licensed Interconnection Exchange (ICX) Operator shall make necessary provisions for supporting number portability, International Mobile Equipment Identification (IMEI) number, tElephone NUmber Mapping (ENUM) and other Next Generation Network (NGN) services as and when directed by the Commission.
- (8) It shall be mandatory on the part of all licensed International Gateway (IGW) Operators to have primary backbone connection towards international

network through the existing submarine cable owned by Bangladesh as share of SEA-ME-WE-4 and maintain backup connectivity through Satellite Earth Station or Very Small Aperture Terminal (VSAT) till availability of more than one submarine cable connecting Bangladesh with international submarine cable network.

- (9) All licensed International Gateway (IGW) Operators shall allow all licensed Interconnection Exchange (ICX) Operators to establish and maintain physical connections of their respective Interconnection Exchanges with the International Gateways (IGWs).
- (10) No International Gateway (IGW) Operator shall bypass licensed Interconnection Exchange (ICX) in the process of terminating incoming international voice calls.
- (11) Each licensed International Gateway (IGW) Operator shall arrange for executing end-to-end service level agreements (SLA) and determine tariff by negotiation with corresponding overseas carriers for call origination and termination, Provided that such agreements shall be subject to vetting of the Commission.
- (12) Each licensed Internet Exchange (IX) Operator shall establish and maintain-
 - (i) initially at least two Internet Exchanges (IXs) of which one shall be at Dhaka and the other at Chittagong;
 - (ii) interconnection between International Internet Gateways (IIGs) and existing submarine cable owned by Bangladesh as share of SEA-ME-WE-4 and maintain backup connectivity through Satellite Earth Station or Very Small Aperture Terminal (VSAT) till availability of more than one submarine cable connecting Bangladesh with international submarine cable network;
 - (iii) interconnection among International Internet Gateways (IIGs);
 - (iv) interconnection among International Internet Gateways (IIGs) and National Internet Exchanges (NIXs);
- (13) All licensed Internet Exchange (IX) Operators shall establish and maintain necessary points of presence (PoPs) at different locations of the country, as may be directed by the Commission from time to time, to provide connectivity to intending Internet Service Providers (ISPs) and Data Service Providers (DSPs).
- (14) Each licensed domestic VSAT HUB shall establish and maintain interconnection with suitable Internet Exchange and the use of such

interconnection shall remain limited to communication of data only, and not voice.

- (15) Each licensed Internet Service Provider (ISP) and Data Service Provider (DSP) shall establish and maintain interconnection with suitable Internet Exchange and the use of such interconnection shall remain limited to communication of data only, and not voice.
- (16) No Internet Service Provider (ISP) and Data Service Provider (DSP) shall bypass licensed Internet Exchange (IX) in transmitting international incoming and outgoing data.
- (17) Each licensed Access Network Service (ANS) Operator shall make necessary arrangement to get its network connected with the PoP of suitable Interconnection Exchange (ICX).
- (18) No Access Network Service (ANS) Operator shall bypass Interconnection Exchange (ICX) while transmitting international outgoing voice call.
- (19) No Interconnection Exchange (ICX) shall by-pass International Gateway (IGW) while transmitting international outgoing voice call.
- (20) No International Gateway (IGW) Operator shall by-pass Interconnection Exchange (ICX) while transmitting international incoming voice calls to the networks of any Access Network Service (ANS) Operator.
- (21) No Access Network Service (ANS) Operator shall by-pass Interconnection Exchange (ICX) while transmitting a domestic call to the networks of any other Access Network Service (ANS) Operator.
- (22) There shall be no bi-lateral agreement between two Access Network Service (ANS) operators regarding interconnections.
- (23) To maintain balance flow of traffic-
 - (a) Each Interconnection Exchange (ICX) shall route at least 20% (twenty percent) of its outgoing international traffic through each of the International Gateways (IGWs);
 - (b) Each International Gateway (IGW) shall route at least 30% (thirty percent) of its incoming international traffic through each of the Interconnection Exchanges (ICXs);
 - (c) Each Access Network Service (ANS) shall route at least 30% (thirty percent) of its outgoing international traffic through each of the Interconnection Exchanges (ICXs);

- (d) Each Access Network Service (ANS) shall route at least 30% (thirty) percent of its domestic inter-operator call through each of the Interconnection Exchanges (ICXs) located at Dhaka;
 - (e) Each Access Network Service (ANS) shall route at least 40% (forty) percent of its domestic inter-operator call through each of the Interconnection Exchanges (ICXs) outside Dhaka;
- (24) It shall be mandatory on the part of all operators to ensure logical interconnection among their exchanges and/or networks enabling the subscribers or consumers or users of one operator to communicate with the subscribers or consumers or users of other operators as and when required.
- (25) A licensed operator when requested for interconnection by another licensed operator, shall-
 - (a) meet all reasonable requests of the requesting party for access to its network at the points of presence or network termination points other than the network termination points of the consumers;
 - (b) adhere to the principles of non-discrimination with regard to interconnection offered or provided to other operator or access provider in similar conditions or circumstances providing similar services;
 - (c) provide interconnection facilities and services of the same quality as it provides for its own services or for those of others; and
 - (d) make available on request of the requesting party relating to interconnection, all relevant information and specifications reasonably necessary to facilitate conclusion of agreement for interconnection, including information on charges.
- (26) The negotiating operators shall be entitled to use the information acquired during the process of negotiation on interconnection solely for the purpose for which the same is disclosed, shall ensure confidentiality of such information and shall not pass the whole or any part of such information to anybody else without express consent of the concerned party to the negotiation and the concerned parties, prior to commencement of negotiation, may enter into a mutual non-disclosure agreement on confidential information and submit a copy thereof to the Commission for record and reference.

- (27) The Interconnection Exchange (ICX) Operators, the International Gateway (IGW) Operators and the Internet Exchange (IX) Operators shall, as and when so directed by the Commission, publish Reference Interconnection Offers (RIO) citing the terms and conditions required for the other operator seeking interconnection, including full list of interconnection circuits, facilities and associated charges sufficiently unbundled so that the party seeking interconnection is required to pay only for the service it will use.
- (28) The Interconnection Exchange (ICX) Operators, the International Gateway (IGW) Operators and the Internet Exchange (IX) Operators shall not-
- (a) exploit their position in a market to their own benefit and to the detriment of others, by way of imposition of conditions relating to interconnection charges or operating on anti-competitive practices; and
 - (b) abuse their position by denying the requesting party to provide interconnection or pressing for inclusion in the agreement any clause or provision which may be technically or economically not feasible or contrary to the principles as laid down in the Act or Regulations or Guidelines.
- (29) During operation of the service, parties to each interconnection agreement shall abide by the terms and conditions of the agreement, ensure speedy clearance of faults, if any, ensure smooth flow of interconnection traffic through their respective networks and shall not indulge in limiting or blockading of calls or flow of data or resort to any anti-competitive practice.
- (30) All licensed International Gateway Operators, Interconnection Exchange Operators, Internet Exchange Operators, Access Service Network Operators, IP Telephony Operators and VSAT HUB Operators shall provide necessary connections including necessary equipments and software and, where applicable, IPLC monitoring facilities, to the Commission and to the National Monitoring Centre (NMC) for online and offline monitoring and analyzing of Call Detail Record (CDR), Call Accounting, Signaling, Quality of Service (QoS) and other systems as may be directed by the Commission from time to time.
- (31) All licensed International Gateway Operators, Interconnection Exchange Operators, Internet Exchange Operators, Access Network Service Operators, IP Telephony Operators and VSAT HUB Operators shall render their respective systems lawful interception (LI) compliant.
- (32) All existing interconnection agreements or arrangements related to interconnection issues entered into between two or more operators will

remain valid to the extent that those are not inconsistent with these Regulations and in case, if there is any inconsistency, the concerned parties shall modify and adjust the respective agreement or arrangement to remove the inconsistencies in the light of these Regulations within the time to be prescribed by the Commission.

- (33) All Operators shall follow the standards for telecommunication services to be determined by the Commission in pursuance of section 54 of the Act and paragraph 4.2.14 of the Telecommunication Policy, 1998 and maintain the quality of service (QoS) as per the guidelines to be issued by the Commission in accordance with the provisions of paragraph 13.1 of the International Long Distance Telecommunication Services (ILDTS) Policy, 2007.
- (34) Any violation or failure on the part of an operator to comply with the provisions of the Act or these Regulations or any standard or any directive or any guideline of the Commission shall render the concerned operator liable to penalties as per the relevant provisions of the Act.]

5. Powers and Responsibilities of the Commission

- (1) The Commission shall encourage and take action for adequate interconnection and interoperability of services, exercising its responsibility in a way that promotes efficiency, sustainable competition, and gives the maximum benefit to the users.
- (2) The Commission may take necessary measures to remove impediments, which prevent the operators from negotiating interconnection agreements between themselves and with the access providers.
- (3) The Commission may intervene in negotiations on interconnection agreements, if no agreement is brought about between the negotiating operators or access providers within 3 (three) months of request by any party, giving directions particularly on the issues that are unresolved in the interconnection agreement.
- (4) The Commission may, on its own initiative at any time in public interest intervene in negotiations, if it considers that the interconnection agreement is delayed and monopoly situation is prevailing. It may also set time limits within which negotiations on interconnection are to be completed. If agreement is not reached within the time set, the Commission may take steps to facilitate the conclusion of an interconnection agreement.
- (5) Where the operators enter into an interconnection agreement with other operators and access providers, the Commission shall have the right to

review such interconnection agreement in its entirety or part of it and direct them to incorporate changes in the interconnection agreement to ensure conformity with the Act, Regulation or Interconnection Guidelines.

- (6) If an operator fails to interconnect its network as agreed upon within the specified time, the Commission may direct the operator concerned to interconnect its facilities in order to protect public interests and, where appropriate, may set the terms and conditions for providing interconnection.
- (7) The Commission may impose conditions in interconnection agreements in order to ensure -
 - (a) the interoperability of services, including the conditions designed to ensure satisfactory end-to-end quality, which may include implementation of specific technical standards, specifications or codes of conduct or directives issued by the Commission.
 - (b) the protection of data, to the extent necessary for compliance with relevant legal and regulatory provisions on the protection of data/ personal data, the confidentiality of information processed, transmitted or stored, and the protection of privacy.
- (8) The Commission shall publish a directory of model Interconnection agreement and Guidelines for all operators.
- (9) In order to prohibit all anti-competitive practices, non-compliance of the interconnection obligations or non-fulfillment of the instructions/directions, issued by the Commission during or after the interconnection negotiations or dispute resolution, the Commission may impose penalty.

6. Interconnection Principles and Requirements

- (1) The requested party shall take all necessary steps to finalise the interconnection agreement with the requesting party on mutually agreed terms and conditions within the specified time and implement the provisions of the interconnection agreement as expeditiously as possible.
- (2) The interconnecting parties shall –
 - (a) maintain the highest level of service and meet any priority as laid down by the Commission, so that the service is available on regular basis in normal circumstances and as far as practicable in the event of catastrophic network breakdown or in exceptional situations, such as extreme weather, earthquake, flood, lightning or fire;
 - (b) take all necessary steps to ensure that the integrity and security of the

network is maintained. The need to maintain network integrity and security shall not, however, constitute a valid reason for refusal to negotiate terms of interconnection.

(3) Interconnection agreements-

- (a) shall be transparent, fair and reasonable, non-discriminatory in nature and debar any anti-competitive practice;
- (b) shall promote and safeguard the customers' interest with reasonable accessibility;
- (c) shall not deter any healthy competition and maintain a congenial atmosphere to encourage development and promotion of investment in the Telecommunication sector.

(4) Collocation and facility sharing:

- (a) Where an operator has the right to install facilities on, over or under private land and/or where the facilities exist with other operators, the Commission may direct the parties for sharing of such facilities and/or property with other operators, in particular where the operator does not have access to viable alternatives.
- (b) Terms and conditions for collocation or facility sharing shall be subject to commercial and technical agreement between the parties concerned, with permission from the Commission for such facility sharing. However no permission will be required for sharing of space (land and/or building), tower, mast, pole, duct, tunnels and manholes, power supply or any other ancillary facilities.

(5) Technical standards and quality of service:

- (a) The operators shall provide technical interfaces for interconnection as per Act and Regulations and take full account of the directives issued from time to time by the Commission and follow the standards currently in force or adopted in Bangladesh on the basis of international (e.g. ITU, ETSI etc) standards.
- (b) Interconnection facilities shall be provided to ensure smooth flow of traffic between the operators, with level of traffic congestion, call completion ratio etc. in the network not below the accepted standard of the Licensee operators. Fault clearance at the POI shall be done immediately but not later than 24 hours at the extreme circumstances.

- (c) Both parties to the interconnection agreements shall record and analyse traffic data periodically to measure the quality of service in their respective networks. The parties shall meet regularly and exchange traffic data to find ways to improve standards and where required shall provide and install new circuits and facilities within a time frame.
- (d) The operators shall supply to the Commission the quality of service information that are related to the performance of services and facilities on a quarterly basis.

(6) Availability and access to information:

- (a) All information on interconnection agreements except the confidential part, shall be made available for the public with easy access.
- (b) All operators shall from time to time provide to the Commission all such technical, operational and accounting information as the Commission may require.

7. Agreements on Interconnection

- (1) Terms and conditions of interconnection of telecommunications networks shall be set on the basis of agreements between the interconnecting operators and access providers. The interconnection agreements shall comply with the -
 - (a) provisions of the Act, Regulations & Interconnection Guidelines; and
 - (b) principles of neutrality, transparency, non-discrimination, fair competition, universal coverage, access to information and equal terms & conditions.
- (2) ²[* * *] The requested party shall commence negotiations within 15 (fifteen) days of the receipt of the request and the negotiating parties shall finalise the interconnection agreements within 3 (three) months. If no agreement is reached within the stipulated period, the either party shall have the right to apply to the Commission to resolve the matter and seek for direction, specifying clearly the issues that are remaining unresolved. The Commission in such case may give instructions/directions, as it thinks fit to facilitate the conclusion of the interconnection agreement.
- (3) The Commission in appropriate cases, may on its own initiative in the public interest, intervene at any time during negotiations on interconnection agreement or thereafter and give instructions/ directions.

- (4) Interconnection agreement shall contain the interconnection circuit capacity, the quality of service requirement, network standards, maintenance and operation aspect, charging and billing principles and other related matters. Provision shall also be kept for increasing the circuit capacity, if the network congestion due to increased traffic exceeds the standard level.
- (5) If an interconnecting operator decides to increase its network capacity, requiring the increase in interconnection circuit capacity, it shall inform the concerned operators at least 6 (six) months before the proposed increase.
- (6) On conclusion of the interconnection agreements or any amendments thereof by the operators and access providers, the same shall be submitted to the Commission not later than 7 (seven) days from the date of execution of the interconnection agreement. The parties to an interconnection agreement shall furnish to the Commission any additional information that the Commission may require in respect of but not limited to the terms and conditions, circuit capacity and the charges set out in the interconnection agreement.
- (7) Where the Commission considers that the terms and conditions to the agreement are not fair and/or contrary to the provision of the Act, Regulations or Guidelines, it may consult with the parties concerned to review the agreements and may engage its representative to inspect such agreements and direct the interconnection parties to incorporate changes in whole or part in the agreement as may be necessary.
- (8) Termination or suspension of the agreements between the parties cannot be done without the consent of the Commission. However, modification or amendment of the agreements may be done with mutual consent of the parties or if directed by the Commission.

8. Issues to be included in the Interconnection Agreement

The Interconnection agreements may include, but not limited to the following:

- (1) Description of interconnection services including transit services, if offered.
- (2) Interconnection and POI requirements and principles.
- (3) Procedures for provisioning of interconnection services and facilities.
- (4) Network and transmission capacity requirement and standards.
- (5) Technical specification, standards and quality of services for interconnection.
- (6) Tests on interoperability and measures for effecting conformance with the requirements and non-discriminatory access.

- (7) Exchange and analysis of the traffic data for compliance with quality of service.
- (8) Network management and maintenance.
- (9) Network security, protection and related matters.
- (10) Provision of collocation and facility sharing.
- (11) Procedures in the event of alterations being proposed to the network or service offerings of one of the parties.
- (12) Access to ancillary, supplementary and advanced services.
- (13) Operational and maintenance procedures.
- (14) Operator assisted service, directory information and assistance.
- (15) Fixation of interconnection charges and terms of payment, including billing procedures.
- (16) Confidentiality of non-public parts of the agreements.
- (17) Limitation of liability and indemnity, where applicable.
- (18) Dispute resolution procedure between the parties before requesting intervention of the Commission.
- (19) Duration, re-negotiations and amendment of the agreements.
- (20) Termination or suspension of the agreement (only with the approval of the Commission.)
- (21) Intellectual property rights.
- (22) Force majeure situation.
- (23) Any other condition as necessary.

³**[9. Interconnection Charges and Revenue sharing**

(1) For international incoming call-

- (a) The Commission may declare, from time to time, minimum rate per minute for terminating each call in the country;
- (b) The IGW Operator may negotiate with the corresponding foreign carrier to fix any rate above the minimum rate mentioned at clause (a) and the rate so fixed shall be subject to vetting of the Commission;
- (c) The concerned IGW Operator shall pay to the concerned ICX Operator 15% (fifteen percent) of the balance of the call charge after deducting Value Added Tax, if any; and
- (d) The concerned IGW Operator shall pay to the concerned ANS Operator 20% (twenty percent) of the balance of the call charge after deducting Value Added Tax, if any.

(2) For international outgoing call-

- (a) The Commission may declare, from time to time, maximum rates per minute for transmitting call through different channels.
- (b) The IGW Operator may negotiate with the corresponding foreign carrier to fix any rate not above the maximum rate mentioned at clause (a) and the rate so fixed shall be subject to vetting of the Commission; and
- (c) Of the amount to be collected at the rate mentioned at clause (a) the concerned ANS Operator shall pay the amount of VAT, if any, to the Government, the settlement amount payable to foreign carriers to the concerned IGW Operator and out of the balance amount 15% (fifteen percent) to the concerned IGW Operator and 15% (fifteen percent) to the concerned ICX Operator.

(2) For routing or switching of inter-operator domestic call-

- (a) The Commission may declare, from time to time, interconnection charge per minute per call;
- (b) The concerned ANS Operator shall pay the amount of VAT, if any, to the Government and 10% of the prevailing interconnection charge to the concerned ICX Operator.

- (4) The extent of sharing of revenue of each IGW Operator, ICX Operator and IIG Operator with the Commission shall be determined through competitive bidding/auction of the intending parties whose offers for obtaining respective licence stand acceptable on scrutiny by the Commission.]

10. Dispute Resolution Process

- (1) Interconnection disputes between two operators or between an operator and an access provider on entering into new or maintaining an existing interconnection agreement, related especially to the capacity of circuits, provision of services/facilities, quality of services, standards, traffic recording/monitoring, hindrance to traffic flow, anti-competitive & discriminatory practices, charging and pricing of interconnection services/facilities, non-compliance of the terms & conditions of agreement, commercial & legal issues and provisions contrary to the Act, Regulations, Guidelines, orders & directives, issued from time to time by the Commission, may be referred to the Commission by any of the parties.
- (2) In a situation where one party to interconnection negotiations considers that it is not getting fair deal from the other party to reach an agreement within the specified time of 3(three) months or the other party fails to start interconnection negotiations within 15(fifteen) days, it may apply to the Commission. The concerned parties, if aggrieved, may apply anytime during operation of the interconnection services.
- (3) The concerned parties may employ an informal mediation process if agreed mutually and appoint a mediator to facilitate a compromise of the disputes, before bringing it to the Commission if it is unsuccessful.
- (4) The application for resolving the dispute shall contain the nature of dispute, the reasons on which it is based, points of disagreement, explanation of the view-points, reasoning for the claim and all related supportive documents.
- (5) On receipt of the complaint, the Commission shall examine whether sufficient information has been submitted and if necessary direct the complainant to furnish the required information to accept the dispute and commence the dispute resolution process. If it finds that the dispute does not fall within the jurisdiction of the regulator, the Commission shall not accept the complaint.
- (6) Once the dispute is accepted, the Commission shall notify both the parties of its initiative and start dispute resolution process and may take the assistance of technical, financial and legal experts at the cost of the disputing parties.

- (7) While resolving the interconnection dispute, the Commission may ask for any relevant information or data that is not available, carry out initial investigation on all technical, economic, commercial and legal matters take cognizance of the market position & capacity resources of the opposite party and circulate a draft determination paper, inviting responses from the concerned parties within a specified time.
- (8) After considering all matters provided in the draft determination paper and the responses and claims of defense by the concerned parties, the Commission shall complete the investigation and assessment of the dispute and give its decisions or final determination, which will be final and binding upon the parties.
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¹ Regulations 3 and 4 were substituted by THE BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION INTERCONNECTION (AMENDMENT) REGULATIONS 2008 [BTRC Regulation No. 1 of 2008] vide Notification No. BTRC/Regn./2004-210 dated the 7th February 2008 published in the Bangladesh Gazette Extra-ordinary dated 10th February 2008 at pages 973-984.

² The words "On receipt of license, the new operator shall initiate negotiations with the incumbent operators and access providers." were deleted, *ibid*.

³ Regulation 9 was substituted, *ibid*.