

Order No. [●] of 2009

**DRAFT ACCESS ORDER RELATING TO UNBUNDLING LOCAL LOOP, BITSTREAM AND WHOLESALE DSL**

**Draft Access Order issued by the Telecommunications Regulatory Authority on [please insert the date]**

**Purpose: To set out the obligation of the Bahrain Telecommunications Company B.S.C (“Batelco”) to unbundle the local loop and to continue to provide Bitstream and Wholesale DSL as part of its Wholesale Reference Access Offer under the Access Regulation and pursuant to Section 57 (e) of the Telecommunications Law.**



هيئة  
تنظيم  
الاتصالات  
Telecommunications  
Regulatory  
Authority

## TABLE OF CONTENTS

<b>DRAFT ACCESS ORDER .....</b>	<b>3</b>
<b>1. PROVISION OF ACCESS SERVICES .....</b>	<b>3</b>
<b>2. REFERENCE ACCESS OFFER.....</b>	<b>3</b>
<b>3. TERMS AND CONDITIONS OF THE ACCESS SERVICES PROVISIONS .....</b>	<b>3</b>
<b>4. PRICE AND TARIFFS .....</b>	<b>4</b>
<b>5. COMPLIANCE .....</b>	<b>4</b>
<b>6. ENTRY INTO FORCE.....</b>	<b>5</b>
<b>7. LEGAL BASIS AND REASONING.....</b>	<b>5</b>

## **DRAFT ACCESS ORDER**

Pursuant to the Dominance Determination issued by TRA on [date] and for the reasons set out in the Study on the Regulation of Wholesale Broadband Markets (attached to this Draft Access Order as Schedule 1) and in the Appropriate Approach for the Implementation of Local Loop Unbundling in the Kingdom of Bahrain (attached to this Draft Access Order as Schedule 2) and in the exercise of its powers under Article 3(c)1, 3(c)13, 40 and Article 57 of the Telecommunications Law<sup>1</sup> (Legislative Decree No.48 of 2002), Articles 2, 3, 5, 6 and 8 of the Access Regulation issued on 30 April 2005 (“Access Regulation”), the Telecommunications Regulatory Authority ( “TRA”) hereby orders Batelco to perform the following:

### **1. PROVISION OF ACCESS SERVICES**

- 1.1 Implement local loop unbundling (“LLU”) by offering dedicated point to point Metallic Path Facility, providing physical connectivity between Batelco’s Main Distribution Frame at Batelco’s Service Node and Batelco’s Network Termination Point at the End User’s premises, in accordance with the document titled “Appropriate Approach for the Implementation of Local Loop Unbundling in the Kingdom of Bahrain” (attached to this Draft Access Order as Schedule 2) and continue to provide Bitstream Services and Wholesale DSL Services, subject to clause 1.2 of this Order.
- 1.2 Within 12 months from the date of issuance of this Order, TRA shall conduct a study to determine whether the Bitstream service is “fit for purpose”. Should TRA determine that the Bitstream service is “fit for purpose”, TRA shall remove the obligation on Batelco to provide Wholesale DSL no sooner than 6 months from the issuance of that determination. This determination may include specific provisions for the migration of end users to an appropriate replacement service or other terms including but not limited to Bitstream or LLU.

### **2. REFERENCE ACCESS OFFER**

- 2.1 Introduce LLU in its reference access offer within two months from [*please insert the date of being declared by TRA to hold a dominant position*] in accordance with Articles 3.3, 4.1 and 5.1 of the Access Regulation.

### **3. TERMS AND CONDITIONS OF THE ACCESS SERVICES PROVISIONS**

- 3.1 Ensure that all terms and conditions upon which the Access Services are offered are fair, reasonable and non-discriminatory, in accordance with Article 57 (b) and 57 (e) of the Telecommunications Law and Article 6.1 of the Access Regulation.
- 3.2 Take all necessary measures to make general information relating to Batelco’s local loop and copper access network available by one week from

---

<sup>1</sup> **Published in the Official Gazette of the Kingdom of Bahrain**

Annex to Issue No. 2553, Wednesday, 17 Sha’aban 1423 (h). (23 October, 2002)

the date of issuance of this Order, free of charge and subject to a confidentiality agreement to be signed by and between the OLO and Batelco, if reasonably required by Batelco. The information shall consist of the following:

*[information to be determined by TRA after the finalisation of the consultation].*<sup>2</sup>

- 3.3** Provide the following key ancillary services to LLU in its Reference Access Offer: *[list of key ancillary services to be determined by TRA after the finalisation of the consultation].*<sup>3</sup> This list can be amended by TRA from time to time after consultation with stakeholders and publication by an amending Order.
- 3.4** Provide the following minimum set of Service Level Agreements to LLU in its Reference Access Offer: *[minimum set of Service Level Agreements to be determined by TRA]*<sup>4</sup>.
- 3.5** Make all appropriate actions so that LLU field test experimentations can start no later than 15 July 2009 including but not limited to the release of an Access Network Frequency Plan<sup>5</sup>.
- 3.6** Publish on a monthly basis on its website, the minimum set of KPIs, which consists of the following:  
*[list of KPIs to be determined by TRA]*<sup>6</sup> This list can be amended by TRA from time to time after consultation with stakeholders and publication.

#### **4. PRICE AND TARIFFS**

- 4.1** Provide TRA with costing details for the proposed LLU and its ancillary services prices and tariffs by *[please insert the date]*
- 4.2** Ensure that the tariffs contained in the reference access offer are fair, reasonable, non-discriminatory and based upon forward-looking incremental costs **[● an interim pricing solution that will take into consideration the benchmark of LLU price may be referred to depending on the feedback to be received from the LLU Consultation]** as per the provisions of Article 57(b), 57(e) of the Telecommunications Law and Article 6.1 of the Access Regulation in order for the reference access offer to be approved by TRA.

#### **5. COMPLIANCE**

- 5.1** Comply with the provision of this Access Order as long as it is determined by TRA to be a Dominant Operator in the wholesale physical network infrastructure access market and in the wholesale market for broadband access in accordance with the Dominance Determination issued on *[● date]*, and as may be updated from time to time.

---

<sup>2</sup> Section 4.2 of the Appropriate approach for the implementation of LLU

<sup>3</sup> Section 2.5 of the Appropriate approach for the implementation of LLU

<sup>4</sup> Section 6.10 of the Appropriate approach for the implementation of LLU

<sup>5</sup> Section 4.3 and paras 109 and 110 of the Appropriate approach for the implementation of LLU

<sup>6</sup> Section 7.2 of the Appropriate approach for the implementation of LLU

**6. ENTRY INTO FORCE**

**6.1** This Draft Access Order is without prejudice to any further orders or determinations that TRA may consider necessary under Articles 3(c)(1), 3(c)(13) and 3(c)(14) of the Telecommunications Law with respect to the provision of Access, Article 5.3 of the Access Regulations with respect to TRA's powers to review the Reference Offers, and Articles 35 and/or 65 of the Telecommunications Law and Article 8.1 and 8.2 of the Access Regulation with respect to the enforcement of the Access Regulation.

**7. LEGAL BASIS AND REASONING**

The legal basis and reasoning for the issuance of this Access Order are outlined in the documents attached to this Order. For the avoidance of doubt these documents form a substantive part of this Order.

Schedule 1 Study on the Regulation of Wholesale Broadband Markets

Schedule 2 Appropriate Approach for the Implementation of Local Loop Unbundling in the Kingdom of Bahrain