

DETERMINATION

Determination amending Determination 1 of January 3, 2005 pursuant to section 57(g) of the Telecommunications Law

Determination 4 of 2005

**Issued by the Telecommunications Regulatory Authority
Amending Determination 1 of 2005 issued on 3 January
2005**

**To Bahrain Telecommunications Company B.S.C. and
MTC Vodafone (Bahrain) B.S.C. pursuant to section 57(g)
of the Telecommunications Law**

LAU/1105/324

21 November 2005



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DETERMINATION

Determination amending Determination 1 of January 3, 2005 pursuant to section 57(g) of the Telecommunications Law

Pursuant to Determination 1 of 2005, issued by the Telecommunications Regulatory Authority of the Kingdom of Bahrain (the "TRA") to the Bahrain Telecommunications Company BSC ("Batelco") and MTC Vodafone (Bahrain) BSC ("MTC") (jointly the "Parties") on 3rd January 2005, the TRA had determined the terms and conditions of interconnection between the parties as set out therewith.

The Parties jointly notified the TRA on 19th November 2005 that they have reached a preliminary commercial agreement in relation to their interconnection, which, with respect to certain of its aspects, is at variance with Determination 1 of 2005.

The Parties have requested that Determination 1 of 2005 be amended by the TRA in relation to those areas, so as to allow them to enter into a commercial agreement with such terms and conditions as they have preliminarily agreed without being in breach of the said Determination.

Section 3(c)(1) of the Telecommunications Law (the "Law") grants the TRA the power to issue such regulations, orders and determinations as may be necessary for the implementation of the Law, including determinations in connection with, amongst other things, interconnection, access to the network and its facilities, service tariffs, access to real property and promotion of competition.

Section 3(c)(13) of the Law grants the TRA the power to encourage, regulate and facilitate adequate interconnection arrangements, which, where necessary, include enforcing the sharing by public telecommunications operators of the benefits of facilities and property.

Section 3(c)(17) of the Law grants the TRA the power to examine complaints and resolve disputes between, amongst others, licensees, and the authority to take any necessary and proportionate measures in relation to such matters.

Section 57 of the Law deals with, among other things, interconnection and access, and provides in section 57(g) that the TRA may resolve disputes where no agreement between public telecommunications operators is reached with respect to interconnection or access disputes within one month of the commencement of negotiations between the parties.

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HAVING REGARD TO THE LAW AND THE REPRESENTATIONS BY BOTH PARTIES, THE TELECOMMUNICATIONS REGULATORY AUTHORITY HEREBY MAKES THE FOLLOWING DETERMINATION AS BETWEEN THE PARTIES:

1. Paragraph 1.2 of part B of Determination 1 of 2005 shall be amended as follows:

“1.2 This rate shall apply from Monday 31 January 2005 until 31 December 2005 inclusive, unless, before that date, the TRA has found MTC to be dominant and as a result has determined MTC’s termination rates. Should Batelco wish to amend its retail rate as a result of the revised termination rate to be applied by MTC, Batelco should do so by 5pm on 10 January 2005. The TRA will seek to examine, and, if appropriate, to approve such revised retail rates in time for them to become effective on 31 January 2005, so long as the tariff application contains all relevant and necessary information and the retail rates are appropriate.”

2. Paragraph 21 of part B of Determination 1 of 2005 shall be amended as follows by the insertion of the following subparagraph:

“21.2 The provisions of paragraph 21.1 shall cease to have effect as of January 15, 2006.”

3. Determination 1 of 2005 shall remain in effect with respect to all its other provisions, in accordance with the terms and for the periods provided therewith.
4. This Determination is without prejudice to the TRA’s powers under the Law and the outcome of any ongoing or future investigation, consultation or other regulatory process carried out pursuant to such powers, all or any of which may result in the application of different terms than those of this Determination.
5. This Determination is binding on the Parties.
6. This Determination shall come into effect from the date of its issue.

For and on behalf of the Telecommunications Regulatory Authority of the Kingdom of Bahrain

**A. Andreas Avgousti
General Director
21 November 2005**