

**Cross-submission to consultation – Draft Order issued by the Telecommunications Regulatory Authority on the Reference Offer of the Bahrain Telecommunications Company B.S.C, 15 December 2015 (ref: MCD/12/15/092)**

RESPONDENT
Mena Telecom WLL
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Non-confidential
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Exec/93/16

<b>CROSS-SUBMISSION STAGE: Mena Telecom WLL (“Mena”)</b>	
<b>Q1. Please provide any comments you may have in relation to the Authority’s premise of fair, reasonable and non-discriminatory terms, conditions and tariffs for regulated RO products and services.</b>	
<b>Comment (CROSS-SUMBISSION STAGE):</b>	Mena rejects Batelco’s suggested implementation timeframe as Batelco’s proposed timeframe is not justified and the reference offer review is, at any case, long overdue. Batelco had a long time to prepare for the changes that the RO requires as it had long discussions and review processes with TRA from a long while prior to the publication of the RO. Therefore, it is vital that Batelco publishes its pricing within 30 days and SLA within 60 days in order for OLO’s to take the appropriate measures required.
<b>Q2. Do you agree with the Authority’s proposed general amendments to be made to Batelco’s RO? Please explain your position. If you disagree, please propose an alternative.</b>	
<b>Comment (CROSS-SUMBISSION STAGE):</b>	Mena has no further comments at this stage
<b>Q3. Do you agree with the Authority’s proposal to mandate the introduction of Service Levels for the Wholesale Data Connection and the Bitstream products and services? Please explain and justify your position.</b>	
<b>Comment (CROSS-SUMBISSION STAGE):</b>	<p>Introducing Service Levels will allow competition to be more fair and effective. Although Batelco claims to be abiding by its non-discrimination contractual obligations, service levels would allow more reliability on this matter. Batelco has not provided reasonable justification as to why it wouldn’t provide Service Levels.</p> <p>Mena rejects Batelco’s claims that removing exceptional circumstances provisions to extend the delivery date as by not doing so OLO will suffer from late delivery and lose customers. When introducing new products to the market, it is a time sensitive process and if Batelco does not deliver within the time frame, it could have crippling results on OLO. Especially considering that there is not yet structural separation between Batelco’s wholesale and retail functions, Batelco retail can often win business that Batelco wholesale delays on for OLOs.</p>

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**Q4. Do you agree with the Authority’s proposed definition and description of the service request process? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena does not agree with Batelco’s claims that such practice is impractical. Batelco is solely responsible for providing service to OLO and the mere defense for not providing the service for reasons of missing the communication will affect OLO’s position in the market negatively. Due to Batelco’s position of being the sole service provider to OLO, Mena believes it should accept to be responsible for not missing service requests and ensuring that all the information is correct. Furthermore, Mena agrees with Zain’s submission regarding the lack of penalties for service request acknowledgment.

**Q5. Do you agree with the Authority’s proposed definition and description of the service delivery process? Do you agree with the proposed provisions that the Authority considers should apply in case an OLO cancels a Service Request during the delivery process? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena disagrees with Batelco and believes it is necessary to be informed of expected RFT and RFS dates as this will affect the service and Mena will need to keep its customers informed and to be able to monitor the progress closely. Mena believes that Batelco has enough experience to communicate an estimated time frame that is reasonable to OLOs.

**Q6. Do you agree with the Authority’s proposed definition and description of the fault management process? Please explain your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Batelco’s proposed restoration timeframe is unacceptable and its congested roads and restricted access reasoning is not valid.

**Q7. Do you agree with the Authority’s proposed process for the payment of Service Level Penalties? Do you agree that the corresponding rebate(s) shall not be claimed by OLOs but directly reflected by Batelco in the next invoice(s)? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**CROSS-SUBMISSION STAGE: Mena Telecom WLL (“Mena”)**

**Q8. Do you have any comments on the Service Level definitions proposed by the Authority? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q9. Do you agree with the Authority’s proposed creation of a Forum on Batelco’s RO? Please explain and justify your position. According to you, what should be the terms of reference of such forum to ensure its effectiveness?**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q10. Do you agree with the Authority’s proposed approach aiming at limiting the payment of one-off charges for the deployment of a fibre access? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q11. Do you agree with the Authority’s proposal to order Batelco to build a centralised database on fibre access and fibre usage in Bahrain? Do you agree that until such time as a database is made available, Batelco should introduce a 2-working-day presale process? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena does not understand how Batelco monitors its spare duct and spare fibre if it does not have an internal record database. Such technical information is not of low importance for Batelco to reject the TRA's proposal to create a centralized database that would benefit all OLOs and Batelco. OLO's access to the locations and availability of fibre access is critical for OLOs in order to be able to utilize it fully.

**Q12. Do you have any comments in relation to the speeds for which the WDC should be made available?**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**CROSS-SUBMISSION STAGE: Mena Telecom WLL (“Mena”)**

**Q13. Do you have any comments in relation to the proposed technical characteristics for the WLA and WDC Aggregation Links?**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q14. Would you be interested by the introduction of a synchronisation feature for the WLA? Please explain and justify you position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q15. Do you agree that Batelco should offer as an option the full end-to-end physical and logical protection of a WLA or WDC Connection for an additional 30% mark-up on top of the applicable MRC? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena disagrees with Batelco charging full price for the protection and such service should not be treated as a separate circuit. The suggested 30% mark-up is already too high and not commercially viable.

**Q16. Do you agree that Batelco should allow the use of a second ingress ports on a CPE provided for a WLA/WDC Connection or a WLA/WDC Aggregation Link? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q17. Do you agree that Batelco should provide a minimum set of information on CPEs used for WLA and WDC Aggregation Links and Connections? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena disagrees with Batelco and believes that Batelco should publish this information from time to time as it changes due to reasons such as evolving technology and change of supplier.

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**Q18. Do you agree that Batelco should continue to be subject to additional QoS reporting obligations for WLA and WDC? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena does not accept Batelco’s reasoning for not providing additional QoS. This is necessary to protect the consumer from Batelco’s inability to provide an adequate level of services and for OLO’s to be fully aware of any changes to the quality of service to notify the customer accordingly.

**Q19. Do you agree that Batelco should implement a test based on ITU-T Y.1564 test methodology and systematically provide a copy of test results to the OLO? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q20. Do you agree that OLOs should have access to Batelco’s BNV system? Should OLO’s customers (i.e. end-users) also have access to such system? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q21. Do you agree that penalties should be paid on a per fault basis for failure to meet a maximum restoration time rather than based on percentage of service availability? Explain and justify your position,**

**Comment (CROSS-SUMBISSION STAGE):**

Mena hopes to stay informed by Batelco’s review of this option and hopes Batelco will cooperate with the TRA to come up with a viable penalty system.

**Q22. Do you agree with the Authority’s proposed introduction of a ‘Premium Support’ service for an additional 20% premium on top of the applicable MRC? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

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Mena suggests that all OLOs to be allowed to participate on discussions of what will constitute as a fair percentage mark up for Premium Support services. However, the service should be delivered in a shorter time frame if the OLO decides to opt for such services.

**Q23. Do you agree with the Authority’s proposed Service Level Terms and Penalties for the WLA and WDC products and services. Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena does not understand the significance of forecasting in this context. Forecasting should not be the main focus but failure to deliver on time.

**Q24. Do you agree with the Authority’s proposed modifications of the Bitstream service description? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q25. Do you agree with the Authority’s proposed Service Level Terms and Penalties for the business Bitstream product and services. Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q26. Do you agree with the Authority’s proposal to freeze the charges applicable to the business Bitstream and business WDSL? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q27. Do you agree with the Authority’s proposal to freeze the charges applicable to the ISI and CSI link services? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**CROSS-SUBMISSION STAGE: Mena Telecom WLL (“Mena”)**

**Q28. Do you have any comments in relation to the Authority’s review of the other wholesale services (emergency call access, DQ assistance, inter-operator transit, and CPS services)? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q29. Do you have any comments in relation to the Authority’s decision to review the duct access product as part of a separate proceeding? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

Mena has no further comments at this stage

**Q30. Do you have any other additional comments with regard Batelco’s RO? Please explain and justify your position.**

**Comment (CROSS-SUMBISSION STAGE):**

The market at the moment is uncompetitive and Mena rejects Batelco’s suggested timeframe. It is of high importance for Batelco to publish its prices and SLA immediately. Due to the time Batelco had to prepare for this, Batelco’s argument for needing more time is unreasonable and it should not be an issue. Mena looks forward to the positive impact the RO will have on the market and hopes that the TRA will engage in further discussions with Batelco to ensure implementation and compliance.