

LEGAL NOTICE NO.

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT, 2001

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 78(1) OF THE  
TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (ACCESS TO FACILITIES) (AMENDMENT)  
REGULATIONS, 2009

1. These Regulations may be cited as the Telecommunications (Access to Facilities) (Amendment) Regulations, 2009.

## PART I

### PRELIMINARY

2. (1) In these Regulations, “the Regulations” means the Telecommunications (Access to Facilities) Regulations.

3. The Regulations are amended in regulation 2(1) –

- (a) in the definition of the term “access provider” by deleting the words “who provides access to its facilities to an access seeker” and substituting the words “to whom an access request is made in accordance with the Regulations”.
- (b) in the definition of the term “access seeker” by deleting the words “seeks access to the facilities of another concessionaire” and substituting the words “makes an access request in accordance with the Regulations”.
- (c) by inserting the following terms in the correct alphabetical order:
  - “line connection costs” means, in the case of access to a concessionaire’s local loop, the one-off cost of the relocation of the local loop to the access seeker’s switch or of the local loop connection to the access seeker’s Digital Subscriber Loop Access Multiplexor (DSLAM) as the case may be.

“reference unbundling offer” means a document setting out the terms on which an access provider proposes to disaggregate the local access loop to offer access to the local access loop to an access seeker

4. The Regulations are amended in regulation 11 –

- (a) by deleting subregulation (1) and substituting the following:

“(1) A concessionaire shall use all reasonable endeavours to conclude an access agreement as soon as possible following the receipt by an access provider of an access request but in any event shall conclude the agreement no later than –

- a) six weeks after the receipt by an access provider of an access request to the local access loop; or
- b) forty-two days after the receipt by an access provider of an access request in all circumstances other than that specified in paragraph (a),

unless such period has been expressly extended by the Authority in writing, or pursuant to regulation 9(9).”

(b) by inserting the following as subregulation (2):

“(2) Where the access request is made under regulation 10, it shall be deemed to have been received by the access provider on the date of grant of the concession.

5. The Regulations are amended by inserting after PART III the following Part:

#### “PART IV

#### REFERENCE UNBUNDLING OFFER

18. (1) An access provider to the local access loop shall prepare, publish and maintain a reference unbundling offer for local loop access substantially in the form published by the Authority on its website or in such other manner as the Authority may determine within sixty days of notice by the Authority to do so and annually thereafter and shall submit its reference unbundling offer to the Authority for approval.

(2) The Authority may, with reasons, require the access provider to the local access loop to effect changes to the reference unbundling offer prior to the Authority’s grant of approval and the access provider to the local access loop shall effect the necessary changes and resubmit the reference unbundling offer to the Authority for approval within twenty-one days of receipt of the Authority’s request.

19. Where a decision arising from a dispute resolution process modifies the terms and conditions on which access to the local access loop shall be offered, an access provider to the local access loop shall within twenty-one days notice from the Authority, amend its reference unbundling offer to comply with the decision and submit the amended reference unbundling offer to the Authority for approval.

20. Within fourteen days of receipt of approval by the Authority an access provider to the local access loop shall publish its reference unbundling offer by –

- a) posting on its website; and
- b) making printed and electronic copies available to any concessionaire or applicant for a concession, upon request.

21. An access provider and an access seeker of local loop access shall ensure that any interconnection agreement concluded between them is consistent with the reference unbundling offer.”

6. The Regulations are amended in regulation 18 by inserting after subsection (3) the following subsection:

“(4) An access provider and an access seeker of local loop access shall negotiate in good faith on matters relating to collocation and line connection costs.”

Made this            day of            2009.

Minister of Public Administration

Laid in the Senate this            day of            2009.

Clerk of the Senate

Laid in the House of Representatives this            day of  
2009.

Clerk of the House