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Autoriteti Rregullator i Telekomunikacionit
Telecommunications Regulatory Authority
Regulativni Autoritet Telekomunikacije



Nr. Prot 024/B/11

REGULATION

on

Full and Shared Unbundling of the Local Loop and Sub-Loop

This Regulation is issued based on the Chapter 1 , Section 1,point 1,2; Chapter 3 Section 10 and Section 16 of the Telecommunications Law No.2002/7 , and as amended Law on Telecommunications No. 03/L-085 (hereinafter referred to as the Law), point (3.8.4) of the document Telecommunications Sector Policy date 13.06.2007,action plan for European Partnership point (3.2.6) and implementation of the Directive 2002/140/EC which amends the Directive 2002/19/EC of the European Parliament and of the Council 7 March 2002.

Article 1 **Scope and aim**

- 1.1 This Regulation describes the Conditions for Publication of the Reference Offer of the Operator, Obligated to Provide Unbundled Access local loop (hereinafter referred to as the Regulation) shall establish the additional requirements for the reference offer to provide unbundled access to the local loop and the associated facilities (hereinafter referred to as the reference offer) and the procedure and conditions for provision of services and information, specified in the reference offer.
- 1.2 This Regulation is aimed at ensuring that undertakings are not discriminated and have equal possibilities to receive unbundled access to the local loop on fair, impartial and transparent conditions.

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- 1.3 This Regulation shall be applicable in regard to the undertakings, which, according to the procedure, established by legal acts are held undertakings, **holding significant power on the corresponding market** and which are obliged to provide unbundled access (including partially unbundled access) to the local loop, to the local sub-loop and, execute the obligations, established in Articles 44 of the Law.
- 1.4 The Operator, when publication the reference offer and providing the services, mentioned in the reference offer shall observe the provisions of this Regulation and the Regulation for the Provision of Access (hereinafter referred to as the Access Regulation), established by the Telecommunications Regulatory Authority (hereinafter referred to as the TRA).

Article 2 Definitions

For the purpose of this regulation:

- 2.1. The meaning or the definition of each word, phrase or term according to the law on Telecommunications will be also applicable for that word, phrase or term in this regulation.
- 2.2 Terms and phrases which follow will have this meaning:

Full unbundled access to the Local Loop or Sub-Loop means the provision to a beneficiary of access to the local loop or local sub-loop of the SMP operator allowing the use of the full capacity of the network infrastructure.

Shared Access to the Local Loop or Sub-Loop means the provision to a beneficiary of access to the local loop or local sub-loop of the SMP operator, allowing the use of a specified part of the capacity of the network infrastructure.

Local Loop means the physical circuit connecting the network termination point to a distribution frame or equivalent facility in the fixed public electronic communications network.

Local sub-loop means a partial local loop connecting the network termination point to a concentration point or a specified intermediate access point in the fixed public electronic communications network.

Physical location of common use means a location of common use, existing in the premises, in which the main or intermediate distribution frame of the Operator is installed, intended for installation of the Beneficiary's equipment of access to the specific local or sub-local loop and connection of the said equipment with the main, intermediate or optical distribution frame.

The Operator means an undertaking, to which the provisions of the present Regulation are applicable.

Beneficiary means an undertaking which has applied in writing with regard to provision of the information, mentioned in paragraph 8.3 and/or 8.6 of the Access Regulation and/or unbundled access to the local loop and/or a location of common use.

Hand-over distribution frame means the distribution frame, at which the corresponding equipment of the Beneficiary is connected to the main or intermediate distribution frame of the Operator.

External connecting cable means the connecting cable, used for connection of the corresponding access point of the Operator with the equipment (distribution frame) of the Beneficiary, in case of a remote location of common use (see the Annex).

Remote location of common use means a location of common use, which is located not in the premises of installation of the main or intermediate distribution frame, intended for installation of the Beneficiary's equipment of access to the specific local or local sub-loop and connection of the said equipment with the main or intermediate distribution frame.

Main distribution frame (MDF) means, the distribution frame, located at the point of the access network of the operator, most remote in regard to the network termination point, at which unbundled access to the local loop can be provided and which connects the network termination point with the network of the Operator.

Backhaul access means access to Operator's ducts, optical cables and/or leased lines connecting the access point in the Operator's network and backbone (core) network of Beneficiary.

Backhaul service means the service of transfer of traffic of the Beneficiary via the network of the Operator from the distribution frame of the Beneficiary to the point of access to the network of the Beneficiary or between the distribution frames of the Beneficiary, provided by the Operator.

Intermediate distribution frame (IDF) or Sub-distribution frame (SDF) means the distribution frame, located at the intermediate point of the access network of the Operator between the main distribution frame and the network termination point of the Operator, at which the unbundled access to the local loop can be provided.

Internal connecting cable means the cable, connecting the main or intermediate distribution frame of the Operator with the corresponding access point of the Operator or with the distribution frame of the Beneficiary or at a virtual location of common use (see the Annex of this Regulation).

Virtual location of common use means a location of common use, at which the equipment of the Beneficiary are installed nearby the equipment, operated by the Operator or at main or intermediate distribution frame and connected by an internal connecting cable.

Article 3

Specific Requirements to the Content of the Reference Offer

3.1 The Operator shall provide and specify in the reference offer the following specific services and information:

3.1.1 The conditions, procedure of usage and restrictions for the unbundled access to the local loop, including:

3.1.1.1 the conditions for provision of partially unbundled access to a local and local sub-loop and the associated facilities;

3.1.1.2 the conditions for provision of fully unbundled access to a local and local sub-loop the associated facilities;

- 3.1.1.3 the network elements, to which access is granted in the cases of provision of the services, listed in paragraphs 3.1.1.1 and 3.1.1.2 of this Regulation;
- 3.1.1.4 the technical conditions, related with access to a local loop and local sub-loop, its usage, in case of the twisted pair the technical characteristics of a twisted pair in a local loop should be provided;
- 3.2 Access to information systems services and the conditions for delivery and provision, procedure of usage and restrictions of the said services, including:
- 3.2.1 the conditions for access to operational support systems, information or databases of the Operator by presenting advance orders, performing maintenance and/or fault elimination works, submission of the settlement information to the Operator to the extent it is related with the provision of unbundled access to the local loop and the associated services (including fault elimination and end users support works);
- 3.2.2 information on the technical specifications and interfaces, sufficient to connect the corresponding information systems of the Operator with the systems, listed in Paragraph 3.2.1 of this Regulation;
- 3.3 The conditions for delivery and provision, procedure of usage and restrictions of the associated services, including:
- 3.3.1 the information and conditions, related with provision of internal and external connecting cables;
- 3.3.2 the information and conditions, related with provision of backhaul service;
- 3.3.3 paragraphs 7.1-7.3 of this Regulation provides the aim, procedure and conditions for submission of general information, Paragraphs 7.4-7.5 of this Regulation provides the procedure and conditions for submission of detailed information;
- 3.4 The Operator shall include the following general information, mentioned in Paragraph 8.4 of the Access Regulation and Paragraph 7.1 of this Regulation into its reference offer:

- 3.4.1 all the information, mentioned in Paragraphs 8.3.1 e), 8.3.4 and 8.3.5 of the Access Regulation and Paragraph 7.1.1 of this Regulation;
- 3.4.2 the information mentioned in Paragraph 7.0 of this Regulation, on the territory, serviced by the frame, specifying only the numbering blocks, serviced by each frame (at the accuracy of three first digits of the destination code and network termination point).

Article 4

Special Conditions for Provision of the Services Specified in the Reference Offer

- 4.1 The Operator, when providing the services, specified in Paragraphs 3.1.1.1 and 3.1.1.2 of this Regulation shall not apply additional restrictions for usage of local loop or local sub-loop services, not established in the applicable standards, including connection of unbundled local or local sub-loop with public telecommunication networks and restrictions for destination of local loop.
- 4.2 The Operator, when providing the services, specified in Paragraphs 3.1.1.1 and 3.1.1.2 of this Regulation shall ensure that the technical and quality parameters of the provided local loops and sub-loops are not lower than those, established by the Operator to itself when providing analogical electronic communication services.
- 4.3 In case the Operator cannot satisfy the Beneficiary's request to provide access at a specified location, since the Operator does not have a sufficient number of local loops or sub-loops of the required quality, specified in Paragraph 4.2 of this Regulation, the Operator shall, applying the provisions of Paragraphs 5.1 - 5.3 of this Regulation *mutatis mutandis*, satisfy the Beneficiary's request in the following priority order:
- 4.3.1 first, providing the inactive lines, specified in Paragraph 5.1.2 of this Regulation;
- 4.3.2 in case the Operator is not able to satisfy the requirement, provided in Paragraph 4.3.1 of this Regulation, the Operator shall fully install the partially installed loops, mentioned in Paragraph 5.1.3 of this Regulation at the expense of the Beneficiary;

- 4.4 The Operator shall commence provision of the services, specified in the request, mentioned in Paragraph 4.13. a) of the Access Regulation to the Beneficiary only upon the Beneficiary provides copies of written consents of the corresponding end users to receive the services, offered on the basis of the said services (hereinafter referred to as the confirmation) and the request, mentioned in Paragraph 4.6 of this Regulation, in case such request must be provided.
- 4.5 The confirmation shall include:
- 4.5.1 The data, identifying the end service user:
 - 4.5.1.1 forename, surname, signature of the natural person or;
 - 4.5.1.2 name, enterprise registration number, the seal, name, surname and signature of the manager of the legal person;
 - 4.5.2 the consent to receive the services, mentioned in Paragraph 4.4 of the Regulation;
 - 4.5.3 number and date of the agreement, concluded between the Beneficiary and the end user.
- 4.6 In case of provision of fully unbundled access to a local loop or sub-loop, where the end user has not refused fixed telephone communication services, provided by the Operator, the Beneficiary shall additionally provide the request to terminate the agreement regarding provision of the services of the form, established by the Operator, undersigned by the users. The end users shall not additionally apply to the Operator.
- 4.7 The Operator must satisfy the request of end users, mentioned in Paragraph 4.6 of this Regulation. The said provision shall not restrain the freedom of parties to establish conditions of the concluded agreements, to the extent they do not directly prohibit to refuse public fixed telephone communication services and do not release the end user from civil amenability for the infringement of conditions of the agreement.

Article 5

General Procedure and Conditions for Provision of Fully Unbundled Access to a Local Sub-Loop and Associated Facilities

- 5.1 The Operator, when providing fully unbundled access to local loops and sub-loops, shall provide the Beneficiary with access to local loops and sub-loops, which are:

- 5.1.1 active, i. e. fully installed local loops and sub-loops, which the Operator uses to provide electronic communication services to its end users at a real moment in time;
 - 5.1.2 inactive, i. e. fully installed local loops and sub-loops, by which the Operator does not provide electronic communication services to its end users at a real moment in time;
 - 5.1.3 partially installed, i. e. not laid up to the premises of the end user.
- 5.2 The time period for delivery of local loops and sub-loops, specified in Paragraphs 5.1.1 and 5.1.2 of the Regulation and the associated facilities (including laying of connecting cables) shall not be longer than 10 days from the date of conclusion of the access provision agreement, in case no other arrangement is foreseen by the parties in this regard.
- 5.3 In case of provision of local loops or sub-loops and the associated facilities, mentioned in Paragraph 5.1.3 of this Regulation, the Operator shall install the missing elements of local loops by laying loops up to the premises of end users not later than within the time period of 30 days from the date of conclusion of the access provision agreement, in case no other arrangement is foreseen by the parties in this regard:
- 5.3.1 in case the length of the infrastructure is shorter or equal to 30 meters, the infrastructure shall be installed at the expense of the Operator;
 - 5.3.2 in case the length of the infrastructure is shorter than 30 meters, the installation of the first 30 meters of the infrastructure shall be performed at the expense of the Operator, and the costs of the remaining infrastructure installation works shall be covered by the Beneficiary.
- 5.4 In case there is a lack of local and/or local sub-loops, specified in Paragraph 5.1 of this Regulation in a specific location, the Operator shall offer new loops and associated facilities installation services. In such case all the installation costs shall be covered by the Beneficiary. The Operator shall install the new loops and the associated facilities within the time period no shorter than three months from the date of conclusion of access provision agreement, in case no other arrangement is foreseen by the parties in this regard.

- 5.5 Upon providing the fully unbundled access to the corresponding local loops and/or local sub-loops to the Beneficiary, the Operator shall perform maintenance of the said loops, as prescribed in Article 9 of the Access Regulation.

Article 6

General Procedure and Conditions for Provisions of Partially Unbundled Access to Local Loops or Sub-Loops and the Associated Facilities

- 6.1 The Operator, when providing partially unbundled access to local loops and sub-loops shall provide to the Beneficiary access to local loops and sub-loops, mentioned in Paragraph 5.1.1 of this Regulation.
- 6.2 Partially unbundled access to a local or a local sub-loop service, a part of other services, includes installation and maintenance of a frequency distribution device (to the extent that is related with elimination of faults) at the access provision location and at the other end of unbundled local loop, in case no other arrangement is foreseen by the parties in this regard.
- 6.3 Starting from the moment of expiry of the agreement between the Operator and the end user on provision of public fixed telephone communication services, the Beneficiary of partially unbundled access to the corresponding local loop becomes a beneficiary of fully unbundled access to the loop. The Operator shall inform the Beneficiary immediately on the expiry of the agreement.

Article 7

The Scope of Provision of the Information, related with the Services Specified in the Reference Offer

- 7.1 The Operator, when providing to the Beneficiary the general information, mentioned in Paragraph 8.3 of the Access Regulation, shall additionally present the information on its operated access network and specify the detailed list of all the main or intermediate distribution frames, existing in its access network, specifying the following in regard to each frame:

- 7.1.1 the number of local loops or sub-loops, mentioned in Paragraph 5.1.1 of this Regulation, existing in the frame and their average length in meters;
 - 7.1.2 the number of local loops or sub-loops, mentioned in Paragraph 5.1.1 of this Regulation, existing in the frame, in regard to allocation of which Beneficiaries' requests have been received;
 - 7.1.3 the number of local loops or sub-loops, mentioned in Paragraph 5.1.2 of this Regulation, existing in the frame and their average length in meters;
 - 7.1.4 the number of local loops or sub-loops, mentioned in Paragraph 5.1.2 of this Regulation, existing in the frame, in regard to allocation of which Beneficiaries' requests have been received;
 - 7.1.5 addresses of access points, as prescribed in Paragraph 8.3.1 of the Regulation.
- 7.2 The Operator, when furnishing the general information, specified in Paragraph 8.3.3 of the Access Regulation, shall specify the addresses of the buildings connected to and numbering blocks, serviced by each frame.
- 7.3 The Operator shall present all the general information, specified in Paragraph 8.3 of the Access Regulation and Paragraph 7.2 of this Regulation to the Beneficiary as prescribed in Paragraphs 8.4 and 8.5 of the Access Regulation.
- 7.4 The Operator, when furnishing the detailed information, mentioned in Paragraph 8.6 of the Access Regulation shall provide additional information on the characteristics of the specific local loop, specifying the following:
- 7.4.1 length in meters;
 - 7.4.2 diameter in millimeters;
 - 7.4.3 the results of measurements of the corresponding technical and quality parameters;
 - 7.4.4 existence of active and/or passive equipment.
- 7.5 The Operator shall furnish the detailed information, mentioned in Paragraph 8.6 of the Access Regulation and Paragraph 7.4 of this Regulation to the Beneficiary in the manner, prescribed by Paragraph 8.7 of the Access Regulation.

Article 8
Final Provisions

- 8.1 Action or omission of the TRA related to application and implementation of this Regulation may be appealed against in the procedure established by the laws of the Republic of Kosovo.
- 8.2 In case no other provision is foreseen by the laws of the Republic of Kosovo this regard the management body of the Operator shall be responsible for the timely submission of the documents and data of the Operator and other information to be provided to the TRA according to this Regulation.
- 8.3 The Operator shall be responsible for the failure to observe this Regulation according to the procedure, prescribed by the legal acts of the Republic of Kosovo.

Article 9
Entry into force and validity

This regulation has entered into force after its approval with a decision No.023/B/11 on 18/04/2011 from the TRA Board and remains in force until another regulation is issued.

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Prishtina,

18/04/2011

Ekrem Hoxha
Chairman of the Board of TRA

Annex

Regulation on Full and Shared Unbundling of the Local Loop and Sub-Loop

Internal and External Connecting Cables

