

The Register of Interconnect Agreements Regulations, 1999

CONTENTS

SECTION I TITLE, EXTENT AND COMMENCEMENT

| <i>Regulations</i> | <i>Pages</i> |
|---|--------------|
| 1. Short title, extent and commencement | 40 |
| SECTION II | |
| 2. Definitions | 40 |
| SECTION III | |
| 3. Contents of the Register | 42 |
| 4. Confidential portion of the Register | 42 |
| 5. Registration of Interconnect Agreement | 42 |
| 6. | 43 |
| 7. | 43 |
| 8. Access to the Register | 43 |
| 9. | 43 |
| 10. | 43 |
| 11. | 43 |
| 12. Levy of fees and other charges | 43 |
| 13. General | 43 |

The Register of Interconnect Agreements Regulations, 1999¹

[2 of 1999]

In exercise of the powers conferred upon it under Section 36 read with clauses (l) and (m) of sub-section (1) of Section 11 of the Telecom Regulatory Authority of India Act, 1997 in regard to Maintenance of Register of Interconnect Agreements and matters connected therewith, the Telecom Regulatory Authority of India hereby makes the following Regulations:—

SECTION I

TITLE, EXTENT AND COMMENCEMENT

1. Short title, extent and commencement.—(i) These Regulations shall be called “The Register of Interconnect Agreements Regulations, 1999”.

(ii) These Regulations prescribe the modalities for the maintenance of the Register of Interconnect Agreements between service providers and matters connected therewith.

(iii) These Regulations shall be applicable to:

- (a) All service providers who are required to furnish information pertaining to Interconnect Agreements to the Authority as per these Regulations or any other Rule/Regulation/Order issued under the TRAI Act, 1997;
- (b) Interconnect Agreements between all service providers of telecommunication services throughout the territory of India;
- (c) All Interconnect Agreements between service providers whether entered into before or after these Regulations come into effect.

(iv) These Regulations shall come into effect from the 1st day of September, 1999.

SECTION II

2. Definitions.—In these Regulations, unless the context otherwise requires:

- (i) “Act” means the Telecom Regulatory Authority of India Act, 1997;
- (ii) “Authority” means the Telecom Regulatory Authority of India;
- (iii) “Fee” means any charge(s) prescribed by the Authority from time to time for inspection of the Register of Interconnect Agreements, or for copies thereof;
- (iv) ²[Interconnection means the commercial and technical arrangements under which service providers connect their equipment, networks and

1. Telecom Regulatory Authority of India, Noti. No. F. No. 409-1-98-TRAI(Comm.), dated August 31, 1999, published in the Gazette of India, Extra., Part III, Section 4, dated 1st September, 1999, pp. 7-11 [A/III/IV/142/99]

2. Subs. by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to substitution it read as:
“Interconnection” means the commercial and technical arrangements under which service providers connect their equipment, networks and services to enable their customers to have access to the customers, services, and networks of other service providers;

services to enable their customers to have access to the customers, services and networks of other service providers.]

- (v) "Register" means the Register of Interconnect Agreements maintained by the Authority either in the print form as a Register and/or maintained as a data base in electronic medium or in any other form as the Authority may prescribe from time to time;
- (vi) "Regulations" mean the Register of Interconnect Agreements Regulations, 1999;
- (vii) "Consumer" means any individual, group, public/private company, any other organisation or body who is/are subscriber of any telecom service(s) in the country;
- (viii) "Quality of Service" means the collective effect of service performance, which determines the degree of satisfaction of a user of the telecom services. The quality of service being characterised by the combined aspects of service support performance, service operability performance, serveability performance, service security performance and other factors specific to each service;
- (ix) ³[* * *]
- (x) ⁴[* * *]
- (xi) ⁵[* * *]
- (xii) ⁶[* * *]
- (xiii) ⁷[* * *]
- (xiv) ⁸[* * *]

3. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

“(ix) “cable operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;”

4. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

“(x) “cable service” means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;”

5. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

“(xi) “cable television network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable services for reception by multiple subscribers;”

6. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

“(xii) “broadcasting service” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed accordingly;”

7. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

“(xiii) “broadcaster” means any person including an individual, group of persons, public or a body corporate, firm or any organization or body who/which is providing broadcasting service and includes his authorised distribution agencies;”

8. *Ins.* by Noti. No. 11-11/2004/B&CS, dt. 3-2-2004 (w.e.f. 3-2-2004). *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

⁹[(ix)] Words and expressions used in these Regulations and not defined here shall bear the same meaning as assigned to them in the Act.

SECTION III

3. Contents of the Register.—The Register shall be maintained in three parts:

- (i) Part I containing a list of all Interconnect Agreements with the names of interconnecting service providers, service areas of their operation, and the dates of the execution of such Agreements;
- (ii) Part II containing portions of the Interconnect Agreements, which the Authority may direct to be kept confidential;
- (iii) Part III containing the contents of Interconnect Agreements other than those directed by the Authority to be kept confidential. This part shall be open for inspection by the public.

4. Confidential portion of the Register.—¹⁰[Where any party to an Interconnect Agreement requests the Authority to keep the whole or any part of the agreement as confidential, the Authority shall take a decision thereon in accordance with the relevant provisions of the Telecom Regulatory Authority of India (Access to Information) Regulation, 2005.]

5. Registration of Interconnect Agreement.—All service providers shall register with the Authority any Interconnect Agreement to which they are parties:

- (a) Where such Agreement had been entered into earlier than these Regulations, within 30 days of the coming into effect of these Regulations; and
- (b) In all other cases within 30 days of the execution or modification of such Agreements:

11[* * *]

“(xiv)“multi-service operator” means any person who provides cable service generally through a cable operator and whose service area extends across a state/ district/ city/ town/ area, as the case may be.”

9. *Renumbered* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005).

10. *Subs.* by Noti. No. 306-3/2005-QOS, dt. 4-3-2005 (w.e.f. 4-3-2005). Prior to substitution it read as:

- “(i) The Authority may, on the request of any party to an Interconnect Agreement, direct that any part of such Interconnect Agreement be kept confidential.
- (ii) Any request for keeping a part of the Interconnect Agreement confidential must be accompanied by a non-confidential summary of the portion sought to be kept confidential.
- (iii) If the Authority is satisfied that there are good grounds for so doing, it may direct that any part of such Interconnect Agreement be kept confidential. The non-confidential summary of such part shall, however, be incorporated in Part III of the Register.

(iv) If the Authority declines the request of any service provider to keep any portion of the Interconnect Agreement confidential, it shall record its reason for doing so and furnish a copy of its order to the service provider concerned. In that event the service provider shall have the right to make a representation and/or to be heard by the Authority against such order.

(v) The Authority may at any time disseminate confidential information in Part II of the Register if in its opinion the disclosure of the information would be in public interest. Before making such disclosure, the Authority shall afford an opportunity of hearing to service provider at whose request such information had been kept confidential.

(vi) Where a service provider requests that any part of the Interconnect Agreement be kept confidential, such portion of the Agreement shall remain confidential until the matter is determined by the Authority.”

11. *Deleted* by Noti. No. 11-11/2004/B&CS, dt. 31-12-2004 (w.e.f. 17-1-2005). Prior to deletion it read as:

6. All service providers shall furnish to the Authority two copies each of the Interconnect Agreements along with modification(s), if any, thereto in print form, duly authenticated, along with a soft copy of it in a floppy/diskette of 3.5" size in Microsoft Word software and also in such other form as may be prescribed from time to time.

7. The Authority may from time to time prescribe the format(s) for seeking disaggregated information of such parts of the Interconnect Agreements having bearing on inter alia technical standards/specifications relating to interconnection, quality of service, fault resolving procedures, downtimes, access charges, port charges, revenue sharing arrangements, area of operation and consumer related information such as range of services and the like also to be included in the Register.

8. Access to the Register.—The Register shall be open for inspection by any member of the public on payment of prescribed fee and on his fulfilling such other conditions as may be provided for in these Regulations or may be notified by the TRAI from time to time.

9. Any person seeking inspection of the Register shall apply to the Under Secretary (Commercial), TRAI or any other Officer, who may be designated for the purpose by the Authority, detailing therein the information he/she seeks.

10. The designated officer shall allow inspection of the Register and also make available extracts of the relevant portions of the Register on payment of such fee as may be prescribed from time to time.

11. The Authority may also allow access to the Register through the website maintained by the Authority on the same conditions and on payment of such fee as may be prescribed from time to time.

12. Levy of fees and other charges.—(i) There shall be levied a fee of Rs 50 per hour for inspection of the Register.

(ii) A fee of Rs 20 per page shall be charged for copies of extracts from the Register.

13. General.—If any dispute arises with regard to the interpretation of any of the provisions of these Regulations, the decision of the Authority shall be final and binding.

“Provided that in respect of Broadcasting and Cable Services, the Broadcasters including their authorized distribution agencies and Multi-service Operators will register with the Authority any interconnect agreement to which they are parties.”