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GENERAL NOTICE

NOTICE 1494 OF 2002

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO PRESCRIBE SUPPLEMENTARY GUIDELINES FOR INTERCONNECTION OF UNDERSERVED AREAS IN TERMS OF SECTION 40A (6) and SECTION 43 OF THE TELECOMMUNICATIONS ACT ACT NO. 103 OF 1996 AS AMENDED ("THE ACT").

The Independent Communications Authority of South Africa (the Authority) hereby gives notice that it intends to prescribe supplementary interconnection guidelines for the purpose of interconnection for licensees who are granted licences pursuant to section 40A of the Act (hereinafter referred to as "Under-served Area Licensees"(USALs)) to the networks of public switched telecommunication service licensees and mobile cellular telecommunications service operators. The factor that necessitated the promulgation of these regulations pursuant to section 40A was the recognition of the high costs associated with providing services in more remote, lower teledensity areas. The supplementary guidelines will be effected in terms of section 96(1), (4) and 96(6) read with section 40A and 43 of the Act.

To give effect to the supplementary interconnection guidelines the Authority has attached under the schedule herein a copy of the supplementary interconnection guidelines.

Interested persons are invited to submit written comments or written representations in relation to the proposed guidelines, to the Authority **by no later than 16H00 on 19 September 2002.**

Written representations or queries may be emailed, faxed, posted or hand delivered for the attention of:

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SCHEDULE

AMENDMENT OF INTERCONNECTION GUIDELINES

THE PROVISIONS OF THE INTERCONNECTION GUIDELINES ISSUED BY THE AUTHORITY IN TERMS OF SECTION 43 OF THE TELECOMMUNICATIONS ACT (ACT NO. 103 OF 1996) ("THE ACT") WHICH WERE PROMULGATED BY THE MINISTER UNDER GAZETTE NO. 20993 NOTICE 1259 OF 2000 SHALL CONTINUE TO APPLY IN SO FAR AS THEY ARE NOT AMENDED BY THESE SUPPLEMENTARY GUIDELINES.

EXCEPT WHERE THE INTERCONNECTION GUIDELINES (GENERAL NOTICE 1259 OF 2000) ARE AMENDED BY THESE SUPPLEMENTARY GUIDELINES, IN ANY OTHER CASE WHERE THESE AMENDMENT GUIDELINES MAY CONFLICT WITH THE INTERCONNECTION GUIDELINES (GENERAL NOTICE 1259 OF 2000), THE LATTER SHALL PREVAIL.

1. Definitions

In these regulations words shall have the meaning assigned to them in the Act read in conjunction with the interconnection regulations (government notice 1259 of 2000).

"Public Operator" means a licensed provider of a public switched telecommunication service or a mobile cellular telecommunications service or an under serviced area licensee.

2. Application of these guidelines

- 2.1 These guidelines apply to under - serviced area licensees ("USALs") as referred to in Section 40A read in conjunction with section 43 of the Act.
- 2.2 These guidelines:
 - 2.2.1 apply between the public switched telecommunications service licensees and the mobile cellular telecommunications service licensees with whom the USALs may interconnect;
 - 2.2.2 set out additional rights and obligations applicable to such persons when entering into Interconnection Agreements.
- 2.3 For the purposes of these guidelines Telkom SA Limited, Vodacom (Pty) Ltd and Mobile Telephone Networks (Pty) Ltd are declared major operators of essential services in the Public Switched Telecommunication Service and mobile cellular telecommunication service markets respectively.

3. Obligations on Interconnecting Parties

- 3.1 The under - serviced area licensee is entitled to the following:
 - 3.1.1 **USAL to PSTN**
 - (i) asymmetrical termination charges with a minimum differential of 30% (thirty per cent) in favour of calls terminating on the under - serviced area licensee network for national long distance services.
 - (ii) symmetrical termination charges for telecommunication services within the licensed area.

3.1.2 USAL to MOBILE CELLULAR NETWORK

- (i) the termination charges between the under-serviced area licensee and the mobile cellular operators shall be symmetrical and shall not exceed the current corresponding call charge from Telkom (PTY) Ltd to the mobile cellular telecommunications service operators.

APPENDIX A

The value of the differential should satisfy the formula below:

$$\text{Diff} = ((C_{\text{put}} - C_{\text{upt}}) / C_t) 100 \geq 30\%$$

Subject to the following definitions:

Diff : Differential

C_{put} : interconnection charge by USAL for calls from a PSTN operator.

C_{upt} : interconnection charge by PSTN operator for calls from a USAL operator.

C_t : the applicable per minute fixed-to-mobile retail tariff as published by Telkom.