



United Arab Emirates



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# Response to Petition for Reconsideration

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## National Roaming

Case Number: NR/D/19Mar08

Issue Date: 12<sup>th</sup> November 2008

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Telecommunications Regulatory Authority (TRA)  
P O Box 26662, Abu Dhabi, United Arab Emirates (UAE)  
[www.tra.gov.ae](http://www.tra.gov.ae)

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**Response to Petition for Reconsideration, National Roaming,  
Issued 12<sup>th</sup> November 2008**

RESPONSE TO PETITION FOR RECONSIDERATION BY  
THE GENERAL AUTHORITY FOR REGULATING THE TELECOMMUNICATION  
SECTOR (TRA) IN THE UAE

CONCERNING AN INTERCONNECTION DISPUTE  
IN THE MATTER OF

**National Roaming**  
**Case Number NR/D/19Mar08**

BETWEEN THE REFERRING PARTY:

Emirates Integrated Telecommunications Company PJSC, 2<sup>nd</sup> floor, Building 14,  
Media City, Dubai Technology & Media Free Zone Authority, P.O. Box 73000,  
Dubai, United Arab Emirates **(du)**

AND THE RESPONDENT:

Emirates Telecommunications Corporation, P.O. Box 3838, Abu Dhabi, United  
Arab Emirates **(Etisalat)**



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## **1. Background**

- 1.1. On 26<sup>th</sup> October 2008, the TRA issued its Decision in Case NR/D/19Mar08. In its Decision, the TRA granted in part and denied in part the specific Requests made by EITC in its Direct Filing.
- 1.2. On 5<sup>th</sup> November 2008, Etisalat sent letter reference RGA/TRA-40/07/08-1392 to the TRA under cover of which Etisalat submitted a Petition for Reconsideration of the TRA's Decision wherein Etisalat requested that the TRA amend, suspend or wholly revoke its Decision.
- 1.3. As per Article 6.3.1 of the TRA's Interconnection Dispute Resolution (IDR) Procedures the TRA notes that after the issuance of a Decision, "...*either Party may submit a Petition for Reconsideration to the TRA within ten (10) Days after the date of the Decision.*"
- 1.4. In this regard, the TRA notes that Etisalat did file a Petition for Consideration which was received by the TRA on 5<sup>th</sup> November 2008, ten (10) days after the issuance of the TRA's Decision.
- 1.5. As per Article 6.3.4 of the TRA's IDR Procedures, based on the contents of the Petition for Reconsideration the TRA may, at its discretion, "...*either maintain its Decision or may issue a Reviewed Decision.*"

## **2. Requests**

In its Petition for Reconsideration Etisalat made the following Requests:

*"Emirates Telecommunications Corporation (Etisalat) requests the General Authority for Regulating the Telecommunication Sector in the United Arab Emirates (the TRA) to issue measures whereby:*

1. *The TRA revokes the decision set out in Article 6.1 of the final decision issued by the TRA on 26 October 2008 concerning an interconnection dispute in the matter of National Roaming (Case Number NRID119Mar08) (the Final Decision).*
2. *The TRA replaces the decision set out in Article 6.1 of the Final Decision with a decision which denies, in its entirety, request (1) made by Emirates Integrated Telecommunications Company PJSC (EITC) in its Direct Filing dated 19 March 2008 in relation to an interconnection*



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*dispute regarding provision of the national roaming service in the Western Region (the EITC Direct Filing).*

3. *If the TRA does not grant Etisalat's request (2) above, the TRA amends the decision set out in Article 6.1 of the Final Decision to make it clear that:*
  - a) *In order that Etisalat and EITC may successfully apply the provisions of Article 2.3 of Schedule 4 to the Interconnection Agreement in compliance with the TRA's Orders, EITC must provide Etisalat with a formal written request for the National Roaming Service in the area which is described as the "Western Region" in the EITC Direct Filing, which formal written request must be accompanied by a quarterly traffic forecast for EITC's anticipated roaming traffic in the Western Region for a period of one year from the date of the request and a detailed coverage map (i) clearly detailing the exact locations within the Western Region in which EITC currently has its own GSM Network and (ii) clearly showing the precise boundaries of the contiguous area within the Western Region in which EITC requests the National Roaming Service; and*
  - b) *Whilst national roaming in the Western Region shall be provided at the same prices, terms and conditions as the National Roaming Service is being provided by Etisalat in other regions of the UAE at the date of the Order, this Order shall not prevent the parties from negotiating and agreeing to revised prices, terms and conditions for the provision of the National Roaming Service in the UAE in accordance with Article 3.3 (b) of Schedule 4 to the Interconnection Agreement, which revised prices, terms and conditions the parties may commercially agree to be applied to other regions of the UAE where Etisalat currently provides National Roaming as well as to the Western Region.*
4. *The TRA suspends the application of the decision set out in Article 6.1 of the Final Decision from the date of this Petition for Reconsideration until the TRA has either issued a Reviewed Decision following acceptance of this Petition for Reconsideration, or formally determined to maintain its Final Decision.*
5. *If the TRA does not order one or more of the above requests, then the TRA shall order whatever other measures it considers appropriate.*<sup>1</sup>

<sup>1</sup> Etisalat Filing, 5<sup>th</sup> November 2008, Page 3



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**3. TRA Positions**

- 3.1. With respect to Etisalat's Request (1), the TRA considers that Etisalat's Petition for Reconsideration presented no evidence or arguments beyond those in its previous Filings which would substantiate the revocation of Article 6.1 from the Decision.
- 3.2. With respect to Etisalat's Request (2), the TRA considers that Etisalat's Petition for Reconsideration presented no evidence or arguments beyond those in its previous Filings which would substantiate the replacement of Article 6.1 of the Decision with a denial of EITC's respective Request in its Direct Filing.
- 3.3. With respect to Etisalat's Request (3)(a), the TRA considers that the specific provisioning protocols which were referenced in the Decision were derived from the Interconnection Agreement and that Etisalat did not substantiate its alternative protocols with a persuasive justification.
- 3.4. With respect to Etisalat's Request (3)(b), the TRA would note that the Parties are free to negotiate any interconnection matter and that Article 6.1 of the Decision should not be construed as a prohibition against future negotiations.
- 3.5. With respect to Etisalat's Requests (4) and (5), the TRA notes that both Requests necessarily become obsolete upon the TRA's reaffirmation of its Decision.
- 3.6. Ultimately, the TRA maintains its Decision in this Case and reaffirms the findings and determinations described therein.

**4. Publication**

At its sole discretion, the TRA reserves the right to make public this Response to Petition for Reconsideration, or any parts thereof.

**5. Acknowledgement of Receipt**

The Parties shall each notify the TRA in writing of its receipt of this Response to Petition for Reconsideration within one (1) day of the date thereof.