

# Regulatory Framework on National Roaming for Mobile Facility Based Providers

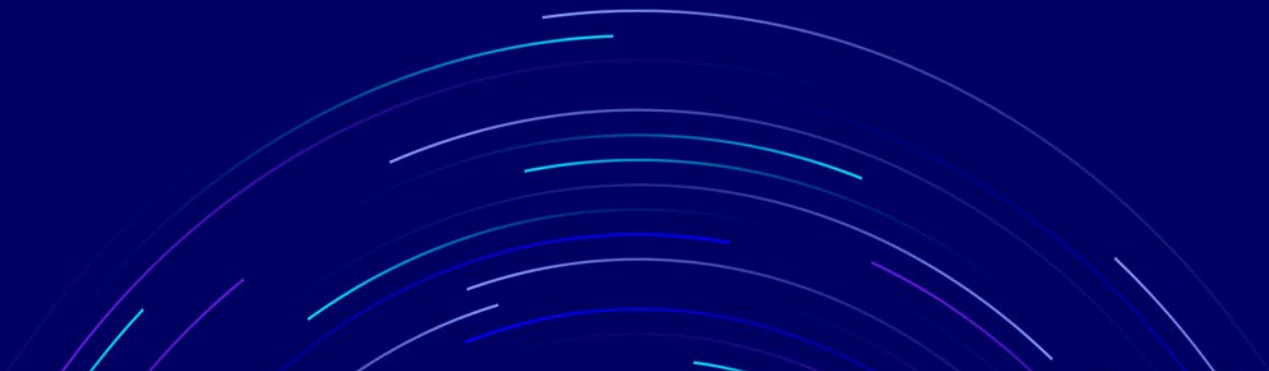
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## TABLE OF CONTENTS

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1.	<u>INTRODUCTION</u> .....	3
2.	<u>DEFINITIONS AND DESCRIPTIONS</u> .....	3
3.	<u>CONSIDERATIONS</u> .....	4
4.	<u>REGULATORY FRAMEWORK</u> .....	4



## 1. INTRODUCTION

- 1.1** The Telecommunications Act (the Act) provides the Communications and Information Technology Commission (CITC) with the power “to ensure creation of favorable atmosphere to promote and encourage fair competition in all fields of telecommunications” and to “establish the terms governing public networks access rights.”
- 1.2** National roaming based on fair prices and fair terms and conditions is a prerequisite for effective and fair competition in the Kingdom of Saudi Arabia (KSA).
- 1.3** In order to develop this fair competitive environment, the CITC is considering the requirements for national roaming for new mobile service providers. This “Regulatory Framework on National Roaming for Mobile Facility Based Providers” addresses the specific issues of national roaming.

## 2. DEFINITIONS AND DESCRIPTIONS

- 2.1** The words and expressions defined in the Commission Statutes shall have the same meaning when used in this regulatory framework. The following words and expressions shall have the meaning assigned to them below, unless the context requires otherwise.
- 2.2** “CITC” or “Commission” means the Communications and Information Technology Commission.
- 2.3** “Dominant Mobile Service Provider” means a service provider designated as such by the CITC.
- 2.4** “Facilities Based Provider” (FBP) means a service provider who builds, owns and operates a public telecommunications network.
- 2.5** “Mobile Services” are defined as radio communication services configured so as to permit full mobility of user terminals (radio stations), which permits a Subscriber within the mobile network to receive communications from or communicate with any apparatus or station. Mobile Services in this context shall exclude satellite Mobile Services.
- 2.6** “Hosted Mobile FBP” means a Mobile FBP who extends the coverage of its network by using the network of another Mobile FBP.
- 2.7** “National Roaming” means one FBP’s Subscribers may be hosted using the facilities and/or services of a second mobile FBP’s mobile telecommunications network where these Subscribers are out of range of their own mobile telecommunications network coverage.
- 2.8** “Subscriber” means any person or any entity that is a party to a contract or other similar arrangement that is in force with a service provider for the supply of ICT service(s).

### 3. CONSIDERATIONS

- 3.1** Provision of National Roaming helps to establish a level playing field for new Mobile FBP entrants and to maximize consumer benefit. Guaranteeing access to an existing Mobile FBP's network for a predetermined period of time will allow the new entrant to compete on a more equal footing with existing Mobile FBP's while providing the necessary commercial incentive to roll out its network.
- 3.2** Regulation of National Roaming is also necessary to ensure the benefits of the new entrant's services are available at realistic and affordable prices to the end users.
- 3.3** National roaming may require changes to the host Mobile FBP network which may in turn impose costs on the host Mobile FBP.
- 3.4** The CITC has issued a Decision (No. 48/1425) dated 12/07/1425H (12/07/2004) which directed the incumbent to offer national roaming to the new Mobile Service Provider.

### 4. REGULATORY FRAMEWORK

- 4.1** Any Dominant Mobile Service Provider shall provide national roaming to a newly licensed Mobile FBP subject to technical and commercial agreement based on negotiation. Such negotiations shall be completed within 60 calendar days from the date of the new Mobile FBP's request, The Dominant Mobile Service provider shall provide the Hosted Mobile FBP's Subscribers with roaming facilities at a mutually agreed upon effective date which in practice should be the date of the service launch of the Hosted Mobile FBP.
- 4.2** Parties to a National Roaming agreement shall file the agreement with the CITC within 15 calendar days from signing the agreement, for the CITC's review.
- 4.3** Other Mobile FBPs may provide national or regional roaming services to any other new Mobile FBP subject to commercial agreement based on mutual negotiation.
- 4.4** Any national roaming agreement made between FBP's shall not lead to any anti- competitive consequences.
- 4.5** National roaming services shall only be provided where such services are technically viable.
- 4.6** Coverage provided to a Hosted Mobile FBP shall not contribute towards any coverage obligations or minimum network deployment obligations of the Hosted Mobile FBP.
- 4.7** National roaming shall be provided for no more than five years following the service launch of the Hosted Mobile FBP's network unless the parties agree to an extension and provided that the parties obtain prior written approval from the CITC.
- 4.8** Service obligations contained in the Hosted Mobile FBP's license such as emergency calling,

legal interception, malicious call tracing and quality of service shall be supported under such roaming agreements and shall at all times remain an obligation of the Hosted Mobile FBP. The CITC will consider evidence of inadequate service performance by a hosting Mobile FBP to a Hosted Mobile FBP before taking appropriate remedial action.

**4.9** This regulation shall not be deemed to affect any international roaming agreements.



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