

**[ECTEL CONTRACTING STATE]**

**STATUTORY INSTRUMENT 20[ ], No [ ]**

**MOBILE ELECTRONIC COMMUNICATIONS (ROAMING  
SERVICES) REGULATIONS 20[ ]**

**ARRANGEMENT OF REGULATIONS**



---

30 March 2017

Draft Roaming Bill and Regulations  
35COM 09-07/17 (c)

35<sup>th</sup> Meeting of ECTEL's Council of Ministers  
28<sup>th</sup> July, 2017, Saint Lucia

## **Mobile Electronic Communications (Roaming Services) Regulations**

---

1.	Citation	2
2.	Interpretation	2
3.	Roaming charges	2
4.	Wholesale roaming agreements	2
5.	Notifications	4
6.	Billing cap	4
7.	Information to be made available to customers	5
	Schedule 1: Retail Roaming Pricing Model	
	Schedule 2: Wholesale Roaming Pricing Model	
	Schedule 3: Roaming Services and Charges Information Key Model	

# Mobile Electronic Communications (Roaming Services) Regulations

---

## [ECTEL CONTRACTING STATE]

STATUTORY INSTRUMENT 20[ ], No [ ]

### MOBILE ELECTRONIC COMMUNICATIONS (ROAMING SERVICES) REGULATIONS

[ ]

In exercise of the power conferred under section [14] of the Mobile Electronic Communications (Roaming Services) Act, 20 [ ] No [ ] of 20[ ] the Minister responsible for electronic communications, makes these Regulations:

#### Citation

1. These Regulations may be cited as the Mobile Electronic Communications (Roaming Services) Regulations, 20[ ].

#### Interpretation

2. In these Regulations—  
“**Act**” means the Mobile Electronic Communications (Roaming Services) Act, 20 [ ] (No [ ] of 20[ ]); and  
“**signature**” includes an electronic and a telephonic signature.

#### Roaming charges

3. (1) Retail roaming charges referred to in section 5 of the Act shall be calculated by using the pricing model in Schedule 1.  
(2) Wholesale roaming charges referred to in section 8 of the Act shall be calculated by using the pricing model in Schedule 2.

#### Wholesale roaming agreements

4. (1) A wholesale roaming agreement referred to in section 8 of the Act must include provisions in regard to —
  - (a) the agreed wholesale roaming charges in accordance with the Act;
  - (b) the period of the agreement which shall be at least [six] months and not exceed [three] years;

## **Mobile Electronic Communications (Roaming Services) Regulations**

---

- (c)* fair use volumes agreed to between the parties to the agreement;
  - (d)* services being provided by each party to the agreement;
  - (e)* management and access to roaming services;
  - (f)* handling of data, charging, billing, accounting and confidentiality;
  - (g)* suspension of services to a customer;
  - (h)* the suspension or termination of the agreement;
  - (i)* liability of the parties to the agreement;
  - (j)* amendments or changes to the agreement;
  - (k)* fault detection and repair;
  - (l)* breach of agreement;
  - (m)* payments between the licensee and another licensee or provider; and
  - (n)* the law governing the agreement.
- (2) A licensee upon receipt of a wholesale agreement request shall
- 
- (a)* consider and analyze the request and acknowledge receipt within [seven/7] days;
  - (b)* forward the request and copy of the agreement to the Commission within [seven/7] days; and
  - (c)* notify the other licensee or provider whether any additional information is required within [fifteen/15] days.
- (3) Within [fourteen/14] days of receipt of the request and copy of the agreement from a licensee under subregulation (2) (b), the Commission shall request a recommendation from ECTEL.
- (4) A licensee —
- (a)* shall grant or refuse in writing a wholesale agreement request within [thirty/30] days of receiving the request, the additional information under subregulation (2)(c), or the recommendation from the Commission, whichever is the later date;
  - (b)* who is unable to respond to a request within the period under subparagraph (a), may request that the period

## **Mobile Electronic Communications (Roaming Services) Regulations**

---

within which a response is required be extended to [sixty /60] days; and

- (c) who is unable to respond to the request at the end of the [sixty/60] day period, shall provide in writing to the other licensee or provider, the Commission and ECTEL a statement of reasons for being unable to do so.

(5) A licensee or provider may make a complaint to the Commission where a wholesale roaming agreement negotiations fails.

(6) Part [ ] of the Telecommunications Act shall apply where a complaint is made under subregulation (5).]

OR

[ (6) Part 10 of the [Electronic Communications Act] shall apply where a complaint is made under subregulation (5).]

### **Notifications**

- 5. A notification referred to in sections 4, 5 and 6 of the Act shall—
  - (a) be free of charge;
  - (b) be in an electronic format such as a SMS;
  - (c) contain the time and date it is sent by the licensee; and
  - (d) automatically be sent to the customer upon the condition being met requiring notification.

### **Billing cap**

6. (1) In considering a billing cap under section 5 of the Act a licensee may make a credit check on the postpaid subscriber and have regard to the postpaid subscriber's—

- (a) account balance;
- (b) on-time bill payment;
- (c) average monthly bill;
- (d) deposit, or credit, if any, being held; and
- (e) duration of service with the licensee.

(2) A postpaid subscriber may request a licensee to review a billing cap and agree by signature to any changes to that cap.

(3) A postpaid subscriber may make a request to a licensee under subregulation (2) —

## **Mobile Electronic Communications (Roaming Services) Regulations**

---

- (a) in person at a customer service location of the licensee;
- (b) in writing or electronic form to the licensee;
- (c) over the telephone with a customer service representative of the licensee; or
- (d) in any other manner approved by the Commission.

(4) A licensee shall send a notification to a customer at the following thresholds of the billing cap or prepaid balance—

- (a) eighty percent; and
- (b) one hundred percent.

(5) A licensee may suspend all or some of roaming services provided to a postpaid subscriber when the billing cap is reached.

(6) If service is suspended under subregulation (5), the licensee may resume the service of a postpaid subscriber if the postpaid subscriber —

- (a) makes a payment to the satisfaction of the licensee; or
- (b) makes a request, subject to approval, for an increase of the billing cap.

(7) Subregulations (1) and (2) shall apply to a request made under subregulation 6(b).

### **Information to be made available to customers**

7. (1) A licensee shall make the information referred to in section 5(6) of the Act available to a customer in a format similar to Schedule 3.

(2) A licensee shall make the information referred to in subregulation (1) available to a customer through —

- (a) a customer service location;
- (b) the licensee's website; and
- (c) the licensee's social media sites.

(3) A licensee shall update information in the manner referred to in subregulation (2) immediately and without undue delay if any changes to charges are made.

(4) A licensee may give notice of where the information referred to in subregulation (1) may be obtained if it is unreasonable to provide the information in the manner referred to in subregulation (2).

# Mobile Electronic Communications (Roaming Services) Regulations

---

## SCHEDULE 1

*(Regulation 3)*

### RETAIL ROAMING PRICING MODEL

## SCHEDULE 2

*(Regulation 3)*

### WHOLESALE ROAMING PRICING MODEL

## SCHEDULE 3

*(Regulation 7)*

### ROAMING SERVICES AND CHARGES INFORMATION KEY MODEL

#### Roaming service

#### Maximum price (ECS)

**Prepaid**  
subscribers

**Postpaid**  
subscribers

Making call within the visited country

Making call to home country

Making call to another ECTEL Contracting State

Making call to non-ECTEL Contracting State

Receiving call from within the visited country

Receiving call from home country

Receiving call from another ECTEL Contracting State

Receiving call from a non-ECTEL Contracting State

## **Mobile Electronic Communications (Roaming Services) Regulations**

---

Sending SMS within the visited country

Sending SMS to home country

Sending SMS to another ECTEL Contracting State

Sending SMS to a non-ECTEL Contracting State

Receiving SMS from within the visited country

Receiving SMS from home country

Receiving SMS from another ECTEL Contracting State

Receiving SMS from a non-ECTEL Contracting State

Sending MMS within the visited country

Sending MMS to home country

Sending MMS to another ECTEL Contracting State

Sending MMS to a non-ECTEL Contracting State

Receiving MMS from within the visited country

Receiving MMS from home country

Receiving MMS from another ECTEL Contracting State

Receiving MMS from a non-ECTEL Contracting State

Data services in visited country

Made this      day of                      2017.

*Minister responsible for Electronic Communications.*