

# WORLD TRADE ORGANIZATION

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**Negotiating Group on Basic Telecommunications**

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## COMMUNICATION FROM THE DOMINICAN REPUBLIC

### Response to Questionnaire on Basic Telecommunications

The attached communication is circulated at the request of the Dominican Republic to Members of the Negotiating Group on Basic Telecommunications.

REPLIES BY THE DOMINICAN REPUBLIC TO THE QUESTIONNAIRE  
ON BASIC TELECOMMUNICATIONS OF THE  
WORLD TRADE ORGANIZATION

PART I

Definition and market structure

Definition

1. What are considered to be basic telecommunications under your regulatory regime? How does your regulatory regime define that which is not considered basic telecommunications?

There is no definition of basic telecommunications in Dominican legislation.

2. Does your regulatory regime distinguish between networks (facilities) and services in defining basic telecommunications? If so, how is this distinction made?

Not applicable, since there is no definition of basic telecommunications services.

3. Are there any networks or services which would be considered to be basic telecommunications within the scope of the GATS definition which would not be so considered by your national definition? If so, what are they?

Not applicable, since there is no definition of basic telecommunications.

Market structure

4. List any basic telecommunications subsectors or categories which are reserved to supply by monopoly or exclusive supplier(s).

No laws or regulations reserve the supply of telecommunication services to the State or any monopoly suppliers. However, telegraph services are not included in the concession agreements that the State has concluded with concession-holders.

5. Does your regime designate one or a limited number of monopoly/exclusive suppliers to supply any basic telecommunications nationally, on a geographical basis, or for particular market segments? How is it (or they) constituted (e.g. government ministry or agency, wholly government-owned corporate entity, company partly owned by the Government, privately owned)?

The only monopoly supplier is the State in respect of the telegraph service. This State service is offered nationally, through the General Directorate of Telecommunications (DGT). The other telecommunications services are offered by private companies.

6. Is foreign equity participation or ownership of monopoly or exclusive suppliers permitted? If so, what is the maximum percentage share allowed and what is the current level of identifiable foreign participation?

There are no monopoly suppliers, nor any restrictions on foreign participation in the equity of companies supplying telecommunications services.

7. If your regime is generally characterized as not permitting competition, please indicate:
- (a) If certain activities or categories of what could be considered basic telecommunications are not reserved to the monopoly, e.g. facsimile, telex, data transmission, mobile, satellite services;
  - (b) are there any other means through which foreign suppliers of basic telecommunications are or may participate in the supply of basic telecommunications, e.g. subcontract or build-operate-transfer arrangements with the monopoly suppliers.

Competition is allowed under Dominican law. Every concession contract contains a clause so stating. However, this became effective only in 1990. Before then, the Dominican Telephone Company (CODETEL), a GTE subsidiary, had a de facto monopoly.

In 1990, the Dominican State concluded a telecommunications services "concession" contract with the company Telepuerto San Isidro (TRICOM). In addition, CODETEL concluded an interconnection agreement with All America Cables & Radio which already held a concession contract with the State.

8. Please list and briefly describe any inter-governmental agreements, bilateral or otherwise, that your Government has entered into relating to the supply of basic telecommunications networks and services.

The Dominican Republic is a member of the International Telecommunications Satellite Organization (INTELSAT) which was established on 20 August 1971.

The Dominican Government designated CODETEL as the private entity to participate in the INTELSAT Operating Agreement as the country's representative, in a special contract of 7 October 1989. However, the DGT has provided that all concession holders may use INTELSAT services. Satellite access thus exists under an open skies system.

## PART II

### Competition

For the subsector and category headings in sections A and B, the five questions listed below should be addressed for each subsector and category that you describe. Recognizing that subsectors and categories may overlap, please keep in mind that it is the introduction of competition and the way it has been introduced that should determine how to select which subsectors and categories covered in your responses.

- (i) Overview. What are the main government policies and regulations regarding the competition in this subsector or category? Can foreign suppliers participate in the supply of basic telecommunications in this subsector or category?
- (ii) Modes of supply. In your view, how do the GATS modes of supply (cross-border, consumption abroad, commercial presence, and presence of natural persons) apply to this subsector or category? What kinds of requirements, conditions or limitations are applied in this subsector or category which relate to each mode of supply?

- (iii) Market access. What kinds of limitations on market access are applied? (i.e. are there any quantitative limitations on, or economic needs tests applied to, the number of suppliers? Are there any limits on the total value of transactions, total number of operations, quantity of output, or the total number of persons that may supply basic telecommunications or be employed by a supplier? Are there any restrictions or requirements regarding type of legal entity that may supply basic telecommunications? Are there any limits on foreign ownership or equity participation?)
- (iv) National treatment. What kind of limitations on national treatment are in place extending to foreign suppliers treatment less favourable than that for domestic suppliers? (e.g. are preferences given to domestic suppliers or restrictions or obligations imposed on foreign suppliers with respect to any procedures or regulations, including licensing? Are there any limitations on the nationality or residency of managers, directors, or board members? Are there any restrictions on foreign ownership of land or facilities?)
- (v) Licensing. If licensing is required in this subsector or category, briefly describe the procedures concerned and explain the main requirements, criteria and fees applied. What are some of the principle terms and conditions on licensees, once a licence is obtained?

A. Subsectors

For any subsector in which competition is permitted in your regime (i.e. which are not reserved to monopoly or exclusive suppliers) answer questions (i) through (v) above, as applicable. The following list of subsectors is considered illustrative and should be supplemented with any other subsectors or sub-activities which you may wish to describe:

- (a) Voice telephone services;
- (b) packet-switched data transmission services;
- (c) circuit-switched data transmission services;
- (d) telex services;
- (e) telegraph services;
- (f) facsimile services;
- (g) private leased circuit services; and
- (o) other

The following are some additional examples of basic telecommunications networks or services not explicitly listed in (a)-(g) and (o), above, for which responses may be relevant: voice/non-voice services using domestic/international private leased circuits; cable-TV-related voice telephone networks and services; domestic/international satellite services and satellite links/capacity; analogue/digital cellular mobile networks and services; PCs networks and services; paging services; mobile data services; fixed line/wireless local access; local/long-distance line links; local/long-distance switching; international switching and other international gateway facilities. Whereas some of these might be considered to fall under (o), above, some might also be considered to be activities falling within subsectors (a)-(g).

Before listing the various subsectors of the telecommunications service provided in the Dominican Republic, some explanation is necessary. The Telecommunications Act, No. 118, of 1 February 1996, stipulates that a "concession" is required for operating fixed service telecommunications stations, which will be granted by the Executive in the form of a contract laying down the requirements for such operation, which include commercial presence.

In accordance with existing practice and the provisions of the above Act, the Executive provides in the contract in question that the service supplier may provide all forms of the service except telegraphy which is still reserved to the State. In other words, a company that has obtained a concession will not have to seek any additional permit or authorization to operate a new telecommunications service.

The replies to the questions on the subsectors thus apply generally except for the specific cases expressly indicated.

- (i) The supply of services in all the subsectors is open to competition. The suppliers are CODETEL, TRICOM and All America Cables & Radio (AAC&R). The latter does not offer local call services.
- (ii) The existing legal regime is open to all modes of supply without limitations on national treatment and market access, other than the requirement of commercial presence for the supply of basic telecommunications local services. In effect, the majority shareholder of CODETEL is GTE, while Motorola owns 40 per cent of the share capital of TRICOM.
- (iii) Decree No. 2543 requires any foreign natural or legal person wishing to acquire premises of over 2,000 square metres (2,000 m<sup>2</sup>) to first obtain authorization from the Executive. Similarly, the Labour Code provides that 80 per cent of the staff employed by foreign companies must be Dominican nationals. Lastly, commercial presence is required for the supply of basic telecommunications services.
- (iv) There are no limitations on national treatment.
- (v) Once the company has obtained the "concession" from the Executive, it must obtain a permit or authorization from the authorities of municipalities concerned in order to provide the telephone service. Similarly, if a company wishes to establish networks or facilities of another type, it must obtain a permit from the Ministry of Public Works and from the authorities of administrative district concerned.

B. Categories

For each of the categories that follow in which competition is permitted, answer questions (i) through (v) above, as applicable, as well as the specific questions listed under a given category.

Local/long-distance/international

1. How are local and domestic long-distance distinguished or defined?

Both terms are closely linked to the tariff area. This is defined as the geographical area served by a telephone network, in which a single tariff is applied.

Thus, the local service comprises all services channelled through calls originating and terminating within one tariff area.

The domestic long-distance service comprises all the services channelled through calls originating in a given tariff area and terminating in another tariff area, both located within the national territory.

2. Are there any regulatory or other distinctions between domestic (local and long-distance) and international networks and services and between the suppliers of basic telecommunications in these market segments? If so, what are they?

There are no regulatory distinctions between these type of networks. The concessions granted so far enable the companies to participate in all forms of public telecommunications services, subject to the requirement of commercial presence in the country.

#### Wire-based

There are no distinctions. These services are regulated only by Article 2 of Regulation 84-93 implementing the Copyright Act.

#### Radio-based

*Note: Please address all types of relevant radio-based telecommunications including satellite links, access to satellite capacity, VSAT, mobile cellular communications, paging, mobile data services and other radio communications systems. Recognizing that wire-based or "fixed" networks can be radio-based in part, responses under this category should relate to any requirements specifically related to radio-based elements of networks or services.*

These services are covered by Title IV, Chapter I of the Telecommunications Act, No. 118, of 1 February 1966.

In the case of radiolocation, the company must apply to the DGT for allocation of a frequency channel to operate this service, in accordance with Article 9(f) of DGT Resolution No. 2.91 of 22 August 1991.

With regard to access to satellite transmissions, although CODETEL was designated as signatory of the INTELSAT Agreement to represent the Dominican Government, DGT Resolution 94-003 of 20 May 1994 requires CODETEL to facilitate the access of the other suppliers of the telecommunications service to INTELSAT circuits.

#### Resale basis

3. Do your regulations permit international resale of private-leased circuit capacity if connected to the public network? If so at one end? At both ends? Under what conditions? Is resale of switched-voice capacity permitted?

Private-leased circuits in the development of telecommunications in the Dominican Republic are "point to point" dedicated circuits, and as such are not connected to the public network.

4. Is resale private-leased circuit excess capacity permitted? If so, under what conditions? May basic telecommunications be resold to make them available to third parties? For which basic telecommunications is this permitted?

There are no provisions restricting resale.

Facilities-based

5. May basic telecommunications suppliers (foreign and domestic) construct and operate their own networks or invest in consortia to construct and operate such facilities? If not, what organizations are permitted to construct and operate basic telecommunications network infrastructures?

Yes.

Public/non-public supply

6. Does your regime make distinctions between suppliers of public switched and non-public basic telecommunications? If so, how?

There are no provisions in this area.

7. What basic telecommunications do your regulations require, explicitly or in effect, to be made available to the public generally?

There are no provisions in this area.

8. What basic telecommunications do your regulations permit to be supplied on a non-public basis (i.e. not required to be made available to the public generally)?

There are no provisions in this area.

9. What obligations or responsibilities are incurred by status as a public basic telecommunications supplier and under what conditions? E.g. what kinds of "common carrier"-like obligations are imposed (e.g. with regard to universal service), and on whom?

The existing legal regime provides that concession-holders of telecommunications services must ensure the supply of the universal service. To this end the cross-subsidy scheme was devised, whereby the construction of the local network and the supply of local voice services at a reasonable cost would be financed from the income from long-distance transmissions.

However, with the liberalization of long-distance rates and the arrival of new competitors in these services since 1990, the reform of the telecommunications regime will introduce a new concept of universal service without restrictions on free competition and the fixing of competitive prices across the board.

10. What, if any, restrictions are there on organizing and offering a private network by a telecommunications supplier?

There are no provisions in this area.

11. Is the operation of public pay-phones reserved to monopoly or exclusive suppliers?

No.

### PART III

#### Regulatory Issues

In responding to the questions in this section, participants are asked to provide specific references to the source or status of the measures concerned (e.g. where possible, a citation of the law, regulation, rule, guideline, decision or decree).

#### Relationship between regulatory and operational functions

1. Do any basic telecommunications suppliers become involved, directly or indirectly, in making regulatory policy? Enforcement of regulations? In formulating standards or enforcing standards?

There are no provisions in the legislation which stipulate that the regulatory body is required to allow service suppliers to take part in formulating standards or regulations. In practice, however, the authorities seek the opinion of service suppliers before adopting a standard or requesting technical assistance abroad. For example, the recent resolutions on interconnection were formulated by the DGT with the advice of the International Telecommunication Union (ITU), at the request of the private companies involved in the sector.

On 15 August 1995 work began on a reform of the country's legal, institutional and regulatory telecommunications regime with the technical assistance of the ITU and funding from the four companies authorized to operate in the country, under the coordination of the Technical Secretariat of the Presidency and with the active participation of the DGT. The objectives of the reform include:

- Updating of the Telecommunications Act;
- institutional planning of a new, decentralized and participatory regulatory body, to be self-financing and have total administrative autonomy;
- new standards on interconnection, type approval, numbering, user-protection, arbitration, authorization for supplying services, rates, service quality, issuance of licences for radio communication services and use of the radio spectrum;
- plans for transmission, tariffication, numbering, routing, signalling, synchronization, service quality, access, security and allocation of frequencies.

2. Is your regulatory authority (or authorities) also responsible for formulating standards? For enforcing standards?

Section 140 of Telecommunications Act, No. 118 of 1 February 1966, authorizes the DGT, which comes under the Department of Public Works (SEOPC), to take administrative measures to facilitate compliance with the law.

Similarly, the SEOPC issues resolutions setting standards for the sector. For their enforcement, Sections 129 and 130 of Act No. 118 empowers the DGT to impose sanctions.

3. How many levels of government (e.g. national, regional, state, local) have responsibility for regulation affecting basic telecommunications? Please identify and describe relevant levels of government authority. Are there any procedures enabling suppliers to resolve questions or disputes they may have or to appeal a decision with the regulatory body concerned? If so, please describe.



The government bodies empowered to regulate telecommunications are the SEOPC and the DGT. The jurisdiction of both is nationwide.

With regard to procedures, Act No. 1494 of 31 July 1947 establishes the Administrative Tribunal to which all decisions of the administration or any administrative body may be appealed. The appeal procedure is hierarchical; DGT decisions may be appealed to the SEOPC, its hierarchical superior, and SEOPC decisions may be appealed to the Administrative Tribunal.

In addition, on 20 May 1994 the DGT issued the Regulations on the Interconnection of Telecommunications Networks. They establish an arbitration procedure for any disputes that may arise in this area.

The Arbitration Commission is composed of the Director of the DGT, the Secretary of Public Works and a representative of the Technical Secretariat of the Presidency.

#### Frequency allotment or assignment

4. What are the procedures, requirements and criteria applied for the allotment or assignment of radio frequencies?

Section 9(f) of Act No. 118 empowers the DGT to assign frequencies to radio stations. Applicants must submit the following documents to the DGT:

- The document attesting their status as a natural or legal person in accordance with the procedures laid down in the Act;
- a project description , using the appropriate form supplied by the DGT;
- proof of economic capacity and good standing.

5. Do foreign telecommunications suppliers receive national treatment under these procedures and criteria?

Yes.

#### Numbering and identification codes

6. What are the procedures, requirement and criteria used to assign numbering and identification codes?

For the assignment of numbering and identification codes the Dominican Republic is in world area No. 1, together with the United States and the other Caribbean countries. Accordingly, it follows the procedures of BELLCORE, the United States company that controls areas codes (NPA) and "office" codes or the first three digits of the seven making up a telephone number.

7. Do foreign telecommunications suppliers receive national treatment under these procedures and criteria?

Yes.

Standards, type approval and equipment attachment

8. What types of mandatory standards are in place?

None. In practice BELLCORE standards are used.

9. When a standard is under review or a new standard is being developed by your standards authority, is there any opportunity for public review and comment prior to its adoption? May foreigners participate in this process? May the private sector participate in the development of standards? If so, how?

No standards or legal provisions require participation of the private sector or foreigners in the formulation of standards affecting the sector. See answer to Question 1.

10. What equipment is subject to type approval? Is self-certification allowed? Has your Government concluded mutual recognition agreements for telecommunications equipment certification? Are they required for foreign produced equipment?

In the Dominican Republic there are no provisions governing equipment certification. The standards that will result from the reforms now under way will be in line with existing international ones.

11. How is the ability to attach terminal equipment to the network regulated? What restrictions are there on terminal equipment that may be attached to the network?

DGT Resolution No. 4-91 of 29 November 1991 provides that telecommunications companies must make their equipment available to users. It also requires them to allow any other company to connect terminal equipment to the equipment of the other companies without restrictions as to the type of equipment to be used.

In accordance with above-mentioned Resolution No. 4-91, a telecommunications company connecting its terminal equipment to the equipment of another company is responsible for ensuring that the telephone lines comply with international telephony standards as regards both equipment and quality of service. In the event of dispute, the technical department of the DGT will issue the relevant certification and type approval.

12. May basic telecommunications suppliers connected to the public network use their own switches?

Yes, there are no restrictions in this area.

13. Does the Government require network-based suppliers to permit the attachment of customer-supplied terminal equipment?

Yes, under the provisions described in the answer to Question 11.

Interconnection

14. In general, how is interconnection regulated in your regime? What are the regulations applied?

The standards governing telecommunications company interconnection are set out in Resolution 94-003 of 20 May 1994 and Resolution 95-001 of 7 April 1995, both issued by the DGT.

The above Resolutions require operators to interconnect the telecommunications networks of which they hold the concession in order to provide services in the territory of the Dominican Republic, so that the traffic generated in one network may terminate in the terminal network of an interconnected operator.

The "SINGLE NETWORK" concept is being introduced, whereby subscribers to one network will be able to communicate with subscribers of another network, within the national territory.

15. Do your regulations require network-based suppliers to provide interconnection for other basic telecommunications network or services suppliers?

Yes.

16. Is interconnection between leased circuits and public data networks permitted?

Yes, under Article 1 of above-mentioned Resolution 94-003 which provides for interconnection for value-added services.

17. What are the rules and regulations regarding the pricing of interconnection? Are interconnection charges set in relation to any principles (e.g. cost oriented)? Is there a requirement to submit interconnection charges to a regulatory body for approval? Are these charges in the public domain? Are the same interconnection charges applied to all the suppliers requesting interconnection or are they negotiated on a case-by-case basis? What requirements or obligations exist to publish, make publicly available or to supply details of interconnection agreements to regulatory authorities?

Resolution 94-003 establishes the economic factors to govern the pricing of interconnection. They are: (i) access charge, subdivided into a charge for use and a local service subsidy charge; (ii) interconnection costs and; (iii) distribution of payments between companies.

Article 12 of Resolution 94-003 fixes the values to be applied to these access charges. For use of the local and/or national network, it establishes a charge of RD\$0.95 per minute of paid service; and for the local service subsidy, RD\$0.70 per minute of paid international service.

The rates are set by the DGT in accordance with its own cost calculations. As stated earlier, the DGT sets the interconnection cost, applying the same rates to all companies.

There are no provisions requiring publication of interconnection agreements. Their signatories have sole and exclusive knowledge of them.

#### Competitive safeguards

18. What kinds of safeguards does your regime have against anti-competitive practices of monopolies or dominant suppliers in situations where they may compete with other firms to supply certain basic telecommunications in the domestic market? In the international market?

There are no provisions on safeguards against anti-competitive practices of dominant suppliers with regard to the supply of telecommunications services, either in the domestic market, or in the international market.

19. Do your regulations distinguish between dominant and non-dominant suppliers? If so, what are the details and how are "dominant" and "non-dominant" defined? Are there any safeguards concerning suppliers who have monopoly or dominant control of access to certain market or network segments?

Article 1 of SEOPC Resolution 1-95 refers to the concept of "main carrier" in the context of international long-distance calls, defined as the telecommunications company having the most traffic in international calls on a given route. According to this definition there may be several suppliers acting as main carrier, depending on the route. Telecommunications companies operating in the country will negotiate an accounting rate equal to the one agreed by the main carrier. This system applies for purposes of clearing between concession holders and companies outside the country. There are no safeguards applying to monopoly suppliers.

20. Is there an industry-wide antitrust policy and/or any telecommunications-specific antitrust policy? What are the rules and regulations regarding mergers and acquisitions?

There is no antitrust policy. Nor are there any general provisions regarding mergers and acquisitions. However, the operating licence contracts granted to the telecommunications companies contain a clause stipulating that there are no restrictions on the transfer of the contract to private, national or foreign natural or legal persons, subject to authorization from the Executive. However, it is prohibited in the case of international legal entities.

It is planned to create a legal and institutional regime for competition in the country, taking as the basis the work done by UNCTAD in the area of protection against restrictive trade practices and consumer protection.

Similarly, the reform of the telecommunications regime in the country will include explicit provisions to protect free competition in the sector in both the new Telecommunications Act and the specific regulations which will be issued as the reform is implemented.

21. Are there any safeguards concerning basic telecommunications suppliers also engaged in the manufacturing of telecommunications equipment? If so, please describe the content and working of these safeguards.

There are no manufacturers of telecommunications equipment in the Dominican customs territory. Accordingly, there are no provisions in this area.

#### Pricing-related measures

22. What is the role of the Government or any related agency with regard to establishing prices (e.g., tariffs, access charges, accounting rates) or pricing policy? E.g., does the Government set prices or accounting rates, directly or indirectly (e.g., price caps or rate of return controls), or do basic telecommunications suppliers determine these themselves? What requirements or obligations does the Government set regarding prices charged by monopolies/dominant suppliers? Or other suppliers?

The SEOPC intervenes in setting the prices for the basic residential telephone service. The other modes of basic telecommunications, national long distance, international long distance, mobile communications etc., are set freely by the supplier of the service. Recently, in accordance with Resolution 2-95 issued by the SEOPC on 23 January 1995, the rates were fixed for the basic residential service, with a series of increases up to December 1996. Under the above Resolution, suppliers of the service are allowed to adjust the established prices in accordance with the exchange and/or inflation

rate, as from December 1996. However, the adjustment must first be submitted to the SEOPC for approval or refusal within 30 days.

With regard to access charges, these were fixed by the DGT for interconnections in Resolution No. 94-003 of 20 May 1994 amended by a new DGT Resolution of 7 April 1995.

As regards the accounting rate, the Government does not set prices directly. In accordance with Resolution No. 1-95 of 3 January 1995, telecommunications companies operating in the country will negotiate an accounting rate equal, for a given route, to the one agreed by the telecommunications company with the most outward traffic on the route (the main carrier).

23. Does the Government require tariff approval or notification and, if so, what are the procedures? What requirements regarding cost accounting are put in place to ensure transparency?

The only tariff fixed with direct government intervention is the one indicated above for the basic residential service.

24. To what extent is the principle of non-discrimination applied in pricing policy? E.g., is a tariff package such as a volume discount targeted for a special group allowed and, if so, what are the terms and conditions applied? Are accounting rates applied on a non-discriminatory basis between countries? If accounting rates applied in different agreements are not the same, what are the criteria used to arrive at different accounting rates? Are some of these criteria required or defined by the Government?

As indicated above, under Resolution 1-95, the accounting rate is set by the main carrier. The Resolution also provides that tariffs at a given point, for traffic originating in the Dominican Republic, may not be less than those applied to traffic towards the Dominican Republic originating at that same point.

25. Do any basic telecommunications suppliers get involved in setting industry-wide tariffs?

Existing telecommunications legislation does not provide for any mechanism for the participation of the private sector in setting sector prices. However, the DGT very frequently allows the sector to participate in its decisions.

26. On what basis are prices (e.g., tariffs, access charges, accounting rates) determined? What concepts are applied regarding costs? Is there a general principle applied regarding allocation of costs? Is cost-oriented pricing of basic telecommunications used or required by the Government? If not, do basic telecommunications suppliers use cost-oriented pricing?

Each company fixes its prices, except for the basic residential service described above, and the accounting rates and access charges in the case of interconnection, as indicated earlier.

27. To what extent is the principle of non-discrimination applied in pricing policy? E.g., do any specific groups benefit from tariff packages such as volume discounts? Is this allowed? What are the terms and conditions applied?

There are no limitations on the discounts that telecommunications companies may apply to their customers. Accordingly, companies offer different types of packages which may include volume discounts, a combination of different types of services and facilities, including vouchers which may be redeemed in exchange for minutes of use.

The packages offered are applied to special segments of the market such as the tourism sector, enterprises in the free zone and industrial groups. Thus, there is no discrimination in the application of packages.

Rights of way for the construction of infrastructure

28. Are basic telecommunications services suppliers permitted to build their own infrastructure or facilities? If so, what are the procedures and criteria for authorization to build infrastructure or facilities? What are the procedures, criteria, limitations or qualifications applied with respect to the granting or the availability of rights of way for the construction of infrastructure or facilities?

As a rule, the concession contract granted by the State to the service supplier includes a clause empowering the service supplier to construct its networks and infrastructure in general.

However, above-mentioned Act No. 118 stipulates that, to obtain a right of way for installation of the corresponding infrastructure, the company must obtain the approval of the Department of Public Works and the authority of the administrative district where the infrastructure in question is to be installed.

29. Is national treatment extended to foreign basic telecommunications suppliers under these procedures and criteria?

Yes.

New telecommunications services

30. Please describe any general regulatory processes or procedures that apply to dealing with the introduction of "new" telecommunications services. Prior to any relevant regulatory procedure having been completed is it not possible for such new services to be supplied?

As a rule, the concession granted by the Executive to the service supplier includes all types of services. Accordingly, no permit or authorization is usually required to develop a new type of telecommunications service once the concession has been obtained, except for services operating with frequencies, as is the case with mobile communications, as indicated in Part II.

31. When a new service becomes possible or available, who determines the status of the new service (whether it is basic or value added), and under what procedure and time-frame?

Not applicable.