

On grounds of the Decision of the Prime Minister no.234/2006 regarding the appointment of Mr. Dan Cristian Georgescu as President of the National Regulatory Authority for Communications and Information Technology,

On grounds of the provisions of art.7 paragraphs (1), (3) and (5) of the Government Emergency Ordinance no.134/2006 on the establishment of the National Regulatory Authority for Communications and Information Technology, as well as of art.5 of the Government Ordinance no.34/2002 on the access to the public electronic communications networks and to the associated infrastructure, as well as their interconnection, approved, with amendments and completions, by the Law no.527/2002, with the subsequent amendments and completions,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY

issues the following:

DECISION ON THE INTERCONNECTION WITH THE PUBLIC TELEPHONE NETWORK OPERATED BY S.C. „RCS & RDS” S.A., FOR THE PURPOSE OF CALL TERMINATION AT FIXED LOCATIONS

Art.1. – S.C. „RCS & RDS” S.A., hereinafter referred to as the *Operator*, has, under the provisions herein, the obligation of transparency, the obligation to provide certain services and grant access to certain facilities and the obligation regarding price control, with respect to the interconnection of the public telephone network operated by with the public electronic communications networks installed, operated, controlled or made available by other providers, hereinafter referred to as the *Beneficiaries*, for the purpose of call termination at fixed locations.

Art.2. – (1) Within the meaning of this decision, the terms below are defined as follows:

- a) *call* – the call for publicly available telephone services;
- b) *Operator's access point*, respectively *Beneficiary's access point* – the physical interface (the main distribution frame) within the *Operator's* network, respectively the *Beneficiary's* network, where interconnection can be achieved;
- c) *interconnection link* – the physical link between the *Operator's* access point and the *Beneficiary's* access point;

- d) *interconnection point* – the physical point located on the interconnection link, where the *Operator's* network interconnects with the *Beneficiary's* network;
- e) *Operator's space* – the building of the *Operator*, where the switch available for interconnection is located.

Art.3. – The *Operator* has the obligation of making public, including on its website, the tariffs charged for all services that are necessary in order to achieve interconnection with the public telephone network which it operates, for the purpose of call termination at fixed locations, as well as the tariffs charged for the facilities associated to the interconnection, within 3 days from the communication of the present decision and, respectively, should the *Operator* amend or complete its commercial offer, at least 15 days before the entry into force of the new tariffs.

Art.4. – The *Operator* has the obligation of making public, including on its website, the number and addresses of all switches available for interconnection with the public telephone network it operates, for the purpose of call termination at fixed locations, within 3 days from the communication of the present decision.

Art.5. – (1) The *Operator* shall offer to the *Beneficiaries* at least the interconnection service for the purpose of call termination at fixed locations, according to the conditions set out hereby.

(2) Through the interconnection service for the purpose of call termination at fixed locations, the *Operator* shall ensure the taking over of calls from the interconnection point and their termination at any number allotted to the *Operator* for the publicly available telephone services provided at fixed locations, if call termination to the respective number is technically possible.

(3) For the interconnection service for the purpose of call termination at fixed locations, only the conversation time for the calls that were successfully established and answered shall be charged.

(4) Conversation time starts with the answering signal and ends with the first line release signal generated either by the calling party or by the called party.

(5) The *Operator* shall ensure the interconnection of the public telephone network it operates, for the purpose of call termination at fixed locations, to the extent that the requests are reasonable and technically feasible. The *Operator's* refusal shall be justified and shall be communicated in writing both to the requesting party and to the National Regulatory Authority for Communications and Information Technology, hereinafter referred to as *ANRCTI*.

(6) The *Operator* shall provide the *Beneficiaries* access to all necessary services in order for the latter to be able to exploit under normal conditions the interconnection with the *Operator's* public telephone network for the purpose of

call termination at fixed locations, by providing their own electronic communications services.

Art.6. – (1) The *Operator* has the obligation to offer to the *Beneficiaries* the interconnection service for the purpose of call termination at fixed locations at any of its access points, according to their request.

(2) Should a physical link exist between the *Operator's* space and an intermediary point where the interconnection is technically feasible, the *Operator* shall provide interconnection at that respective point, upon the *Beneficiaries* request.

Art.7. – (1) The maximum negotiation term for concluding an interconnection agreement shall be 2 months from the date when the *Operator* receives a request in this respect.

(2) The *Operator* has the obligation to transmit to *ANRCTI* a copy of each interconnection request and, respectively, of each subsequent request for amending, completing or withdrawing the initial request, within 2 days after receiving them.

(3) The *Operator* shall ensure the implementation of the provisions of the interconnection agreement so that the provision of the interconnection services starts within 3 months from the date when the agreement is concluded.

(4) As regards the requests for the conclusion of an interconnection agreement transmitted to the *Operator* until June 20, 2007, the maximum negotiation term is 15 days from the communication of the present decision.

Art.8. – The tariff charged by the *Operator* for the provision of interconnection services for the purpose of call termination at fixed locations shall not exceed the amount of 1.15 Eurocents/minute, excluding VAT.

Art.9. – The provisions herein are without prejudice to *ANRCTI's* power to establish other conditions or obligations or to withdraw or modify all or part of those imposed hereby, as a result of completing the analysis of the wholesale market for call termination on individual public telephone networks provided at a fixed location.

Art.10. – The present decision shall be communicated to S.C. „RCS & RDS” S.A.

**PRESIDENT,
DAN CRISTIAN GEORGESCU**

Bucharest, August 6, 2007
No.2849