Addressed to:

The Telecommunication Regulatory Commission

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ALMASAR
"A TASC Towers Company"

Date: 17 October 2024

Reference number :AS/17-10-2024/816

Attention to:

The Telecommunication Regulatory Commission
Amman- Jordan

Your Excellency,

In reference to the Public Consultation Document on Interconnection, Infrastructure Sharing and Mobile National Roaming Instructions, particularly Section II – Infrastructure Sharing Instruction, Al Masar Al Momtaz Li Anthemet Al Itisalat Company ("Al Masar") appreciates the opportunity to provide feedback on the same as we believe there are several key areas of concern that require further attention to ensure the framework aligns with the operational, technical, and commercial realities of infrastructure sharing.

As you are well aware, Al Masar's core business and financial returns depend entirely on providing and commercializing its infrastructure by offering it to all mobile network operators ("MNOs") and others that require passive infrastructure on commercial basis.

Below are the main areas where we have concerns or where clarifications would be beneficial:

- **Clarity of Roles:** It is crucial that the scope and purpose clearly define the rights and obligations of the licensees, ensuring there is no ambiguity regarding what is expected in terms of compliance with infrastructure sharing. It should balance the need for competition with the protection of the infrastructure owner's investments.
- **Interconnection:** It is acknowledged that Al-Masar does not own or operate a telecommunications network. Therefore, Al-Masar is unable to provide interconnection offers to hosted parties alongside its infrastructure sharing offer. This limitation should be reflected in the applicable regulations to align with Al-Masar's business model and operational capabilities.
- **Anti-Competitive Safeguards:** From Al Masar's perspective, more details may be necessary on how "anti-competitive consequences" will be monitored or mitigated.
- **TRC regulatory role:** The emphasis on the TRC's regulatory role raises concerns for the licensees. It is important that the enforcement process is transparent and includes opportunities for licensees to contest or appeal decisions, particularly if such sharing negatively impacts business operations or profitability.
- **Cost Recovery:** The general policy mentions "economically justifiable cost," which is essential. From Al Masar's perspective, it would be beneficial to specify how cost recovery mechanisms will be structured, ensuring that shared infrastructure costs are equitably

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distributed. There should be guarantees that licensees do not bear a disproportionate share of costs.

- **Incentives for Investment:** from our perspective, we might seek additional incentives or guarantees that our investments in infrastructure will be protected.
- **Capacity and Future Planning Considerations:** We acknowledge the importance of utilizing infrastructure efficiently and making space available for sharing. However, we have concerns regarding the provisions for capacity reservation and the obligation to remove unnecessary equipment. While we support the notion of reserving capacity for future use and the removal of unnecessary equipment, the one-year period mentioned does not align with the realities of long-term infrastructure development plans. We suggest extending the periods to the discretion of the licensee to account for the complexities of network rollouts and expansion strategies.
- **Escort and Site Management Costs:** The requirement for Owning Licensees to bear the costs of escorting requesting licensee staff may not be sustainable in the long run, especially for high-traffic sites. We propose introducing a cost-sharing mechanism for escort services, particularly for repeated or long-duration access requests.
- **Access and Security:** The guidelines on site access and security are clear, but we believe certain logistical and operational concerns could be better addressed. While we support the idea of providing 24/7 access for emergencies, it is critical to ensure that access procedures do not compromise site security or disrupt normal operations. We suggest implementing strict access controls and pre-clearance procedures for all technicians, especially in shared facilities where sensitive equipment is co-located.
- **Commercial and Pricing Considerations:** The draft mentions that charges for sharing facilities must be fair and reasonable but lacks clarity on how these charges will be regulated and determined.
- **Cost Recovery:** It is important that the pricing structure for sharing not only reflects the current operational costs but also considers the long-term investments made by Owning Licensees in building and maintaining infrastructure.
- **TRC Oversight:** While we appreciate the role of the TRC in regulating charges, this should not apply on Al Masar and further shall include provisions for appeals or reviews by licensees in case pricing adjustments are requested by the TRC that may undermine the financial viability of infrastructure investments.
- **TRC's approval on Agreements**: while the TRC plays an essential role in setting the regulatory framework for infrastructure sharing, the final approval of agreements between licensees should remain exclusively within the purview of the parties involved. Licensees should have the flexibility to negotiate terms that meet their unique commercial and operational requirements, without the need for TRC's final approval. This ensures efficiency, respects commercial autonomy, and prevents delays. Should disputes arise during

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negotiations, then TRC may provide oversight through a structured dispute resolution mechanism rather than directly influencing the approval process.

- **Dispute Resolution and Enforcement:** Given the complexities involved in negotiating sharing agreements, we recommend setting clear timelines for resolving disputes, with specific escalation procedures for unresolved issues. This will help avoid prolonged delays, which could negatively impact both the owning and requesting licensees.

Conclusion

In conclusion, the imposition of mandatory infrastructure sharing in Jordan serves a clear social purpose. Al Masar as a company primarily devoted to providing shared passive assets to the MNOs shares the TRC's goals in this respect. However, there is no need to impose any regulations surrounding infrastructure pricing on entities which are not MNO's. While it is recognized that MNO's may have competitive interests to discourage sharing through price discrimination or other means, companies such as Al Masar whose business models are based on infrastructure sharing are only incentivized to encourage sharing. Should mandatory infrastructure sharing be imposed on entities such as Al Masar at a regulated price— Infrastructure providers may face challenges in achieving a reasonable return, potentially discouraging further investment. Al Masar has been providing shared infrastructure in Jordan at market prices set through negotiations for almost three years and currently hosts all mobile operators on its infrastructure. Price regulation of tower company services will potentially undermine and ruin the business model of tower companies defeating the purpose of their existence and thus should not be applied to infrastructure providers such as Al Masar.

Sincerely,

Mutaz Mardawi
General Manager

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