# Annex (2): Umniah's Responses to Licensee's Comments on the draft "KPIs for Wholesale Services Instructions"

| Zain Comments | Umniah Comments |
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| The TRC proposes 16 KPIs (A1 through A5, B1 through B4, C1 through C7) to be reported on for each "Service". This is, in effect, a n × 16 matrix, where 'n' is the number of services: We call this a "generic" matrix because the number of KPIs is the same for each "Service". Thus, a local loop unbundling "Service" will be required to have the same set of KPIs as a voice interconnection "Service". <br><br> If we take the proposed KPI Instruction literally, an 'Annex B' reporting format of the type above will have to be filled in and submitted for each type of "Service" order. And if we are right about that, dozens (maybe hundreds) of 'Annex B' formats will have to be filled in for the types of orders placed in any single service category. All that, without considering the other service categories. To further exacerbate the magnitude of this task, current and future market review decisions can be expected to add additional service categories, for example Leased Lines and Transmission Capacity. <br><br> A parameterised ("generic matrix") reporting might be appropriate for retail performance indicators, but retail services are not the topic of the Wholesale KPI Instruction. The TRC already collects and publishes on a quarterly basis a full range of market indicators in the telecoms retail market, indicators as perceived by end users who buy telecoms services such as mobile phones and broadband lines. | We agree with Zain that different services may have unique operational requirements, and it might be beneficial to consider service-specific KPIs for certain areas, particularly where the service characteristics differ significantly. For example, services like local loop unbundling (LLU) and voice interconnection may require different metrics due to their distinct nature and the impact on end-user experience. A more tailored approach could help address the specific needs of each service without compromising the overarching goal of promoting competition and quality. We suggest the TRC to consider refining the proposed KPIs to reflect the unique aspects of different services, which could improve the clarity and effectiveness of monitoring and reporting requirements while still achieving the objective of fostering competition and guaranteeing service quality. |
| Regarding publication, in most cases it will be sufficient for telecoms wholesalers to report to each other privately. In the relatively smaller number of situations in which international best | We believe that the transparency and accessibility of KPI data play a crucial role in promoting competition and ensuring accountability in wholesale markets. While it is acknowledged that in many |

practice suggests the regulator get involved, KPIs are not generally made public. Whilst there are examples of European markets where KPIs are published by the National Regulatory Authority (NRA) or operator itself, this is not the norm. It is typical for KPIs to be provided only to wholesale customers seeking the information, and occasionally to NRAs.

The service level offers (SLOs) of the Designated Operator already exist as annexes to ROs. As such, they are required to be incorporated into wholesale contracts between supplier (a Designated Operator) and customer (typically another Licensed Operator). The TRC can already request from the parties to such contracts reports on information exchanged between the parties regarding SLOs. Indeed, the TRC can expect to receive such information without requesting it as part of any dispute over SLOs that it arbitrates between the parties.

The important point is not data collection and publication as such. Much more important is the design of the wholesale KPIs so that they represent a manageable data set while at the same time assisting buyers (for example, Licensees who purchase wholesale broadband access from a Designated Licensee) to technically replicate the retail services of the Designated Licensee. Technical replication means, among other things, being in a position to promise end users similar lead times and fault repair times to those of the Designated Licensee. Buyers of wholesale broadband access from the Designated Licensee should be involved in a process in which a Jordan-specific manageable and relevant KPI data set is designed. The TRC's "generic matrix" is not such a set, and significant extra work is required.

international markets KPI reporting is primarily shared with wholesale customers or regulators, there are several examples—particularly in competitive and well-regulated markets like the EU—where publication of KPIs by either the NRA or operators themselves is considered best practice. Public KPI reporting helps establish market confidence, ensures non-discriminatory practices, and allows both wholesale and retail market players to make informed decisions. Public reporting of KPIs incentivizes compliance with non-discrimination obligations and encourages operators to maintain consistent quality standards across all customers. This proactive measure reduces the likelihood of disputes arising in the first place. Therefore, while private reporting has its place, the publication of selected, meaningful KPIs (e.g., service delivery times and fault resolution rates) could foster a healthier and more competitive wholesale market without imposing undue burdens on operators.

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| Before leaving the topic of publication, it is with noting that the TRC wants total discretion on which KPIs to publish. This is not reasonable: the decision on which KPIs to publish should be taken before the results are known. | |
| The introduction of the Instructions can be expected to generate a significant cost due to the required adaptation of IT systems for each of the (minimum) 10 services to fit whatever data they currently produce into the generic structure of the Instruction's 16 KPIs.<br><br>The TRC says (Paragraph 30) that it has taken into consideration "international best practice and the recommendations of international standards organisations". However, the TRC does not say which "best practice" countries, nor which "international standards organisations", it referred to. This is important, because the TRC seems to have copy-pasted some concepts without specifying what they mean (for example, "service credits" and "correct" billing amount). | We believe that the TRC should ensure that all terminology and reporting structures are clearly explained and justified, taking into account real-world feasibility and market-specific needs to ensure their relevance and applicability in the Jordanian context. In summary, while the concerns about costs and clarity are reasonable, the focus should remain on collaborative refinement of the instructions, ensuring that they are practical, well-documented, and aligned with global best practices to achieve the desired regulatory outcomes. The concerns raised by Zain regarding the introduction of the proposed wholesale KPI Instructions primarily center on the potentially significant costs associated with adapting IT systems for a standardized 16-KPI framework across services, alongside long-term maintenance and operational expenses for both Designated Licensees and access seekers. We believe that tailoring KPIs to specific services could mitigate costs, such an approach risks compromising consistency and comparability critical for regulatory oversight and ensuring non-discrimination. |
| The important point is not data collection and publication as such. Much more important is the design of the wholesale KPIs so that they represent a manageable data set while at the same time assisting buyers (for example, Licensees who purchase wholesale broadband access from a Designated Licensee) to technically replicate the retail services of the Designated Licensee. Technical | We agree with Zain point that the design of wholesale KPIs should focus on creating a manageable and relevant data set that directly assists licensees in replicating the technical and service quality of the Designated Licensee's retail offerings. This approach is essential for enabling competition on equal terms, ensuring that wholesale customers can deliver comparable services to end users. |

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| replication means, among other things, being in a position to promise end users similar lead times and fault repair times to those of the Designated Licensee. The Hungary example cited above is example of such a manageable and relevant data set. Of course, the Hungary examples cannot be copied and pasted onto the Jordan reality. Instead, buyers of wholesale broadband access from the Designated Licensee should be involved in a process in which a Jordan-specific manageable and relevant KPI data set is designed. The TRC's "generic matrix" is not such a set, and significant extra work is required. | However, while the Hungary example highlights the importance of tailoring KPIs to specific market realities, it also underscores the necessity of local stakeholder engagement and international benchmarking to ensure relevance. A collaborative approach, involving input from both wholesale buyers and the Designated Licensee, is crucial to developing KPIs that are Jordan-specific yet aligned with international best practices. This will mitigate the risk of creating a one-size-fits-all "generic matrix" that may not address the unique dynamics of the Jordanian market. We emphasize that KPIs must not only address technical replication but also contribute to the broader goals of the wholesale regulatory framework, such as guaranteeing service quality and fair treatment of wholesale customers. In this light, the proposed KPIs require refinement—not abandonment—through an iterative process that considers both operational realities and competitive objectives. |
| The introduction of the Instruction can be expected to generate a significant cost due to the required adaptation of IT systems for each of the (minimum) 10 services to fit whatever they currently produce into the straitjacket of the Instruction's 16 KPIs. Costs will also be incurred by access seekers as they manage the required mirroring process. The continuous collection of these KPIs and any required updates will generate long-term costs to both sides. In its consultation response to the European Commission, the European Telecommunication Network Operators' Associated noted that:<br><br>"Using KPIs generates costs to update, upgrade, and maintain them in parallel to the information system and operating system's costs. Using KPIs also puts under constraints the access seeker | The concerns raised by Zain regarding the introduction of the proposed wholesale KPI Instructions primarily center on the potentially significant costs associated with adapting IT systems for a standardized 16-KPI framework across services, alongside long-term maintenance and operational expenses for both Designated Licensees and access seekers. We believe that tailoring KPIs to specific services could mitigate costs, such an approach risks compromising consistency and comparability critical for regulatory oversight and ensuring non-discrimination. |

which must properly manage the mirroring processes: a fluid ordering system, a good and reliable diagnosis of the defaults incurred, and order qualification"
Defining tailored sets of KPIs for each service should minimise the set-up and maintenance costs incurred by the Designated Licensee and access seekers.

| Orange Comments | Umniah Comments |
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| Orange considers the proposed wholesale KPIs are disproportionate remedies given that:<br><br>• Current market conditions probably make the whole of the KPI proposals redundant. In 2025 (the earliest that these proposed remedies could be applied) the WLA and WBA markets are likely to be effectively competitive. The six years since the last determination of dominance in 2019 have seen major developments in the fixed broadband markets of Jordan. As a result it is highly likely that the proposed wholesale KPIs are now redundant. See Section 2 above for more details<br><br>• Orange Fixed already provides within its reference interconnect offer (RIO) service level targets and accompanying penalties payable by Orange Fixed in the event of its failure to achieve the stated KPI or SLA. The RIO has been reviewed and approved by the TRC.<br><br>• The number of WLA and WBA products that Orange Fixed provides to access seekers is small and is diminishing in the face of alternative competitive wholesale supply. | The WBA (Wholesale Broadband Access) and WLA (Wholesale Line Access) markets in Jordan have not been provided by Orange since the last market review four years ago, which raises concerns about the adequacy of competition and the protection of smaller market players. As a dominant operator in the market, Orange has a responsibility to ensure non-discriminatory access to wholesale services. Given the lack of significant developments in providing these wholesale services over the past four years, it is essential to maintain and enforce ex ante remedies, such as clear KPIs, to safeguard competition. |

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| • The Orange Fixed wholesale product ordering and assurance system is a manual one. To implement the KPI reporting proposed in the consultation would impose significant costs on Orange Fixed, and impose a material impediment to the wholesale operations, hampering its ability to compete. These costs would need to be recovered through charges on wholesale products with a resultant increase in prices to end- users. | |
| Quality of service and non-discrimination are at the heart of Orange's commercially offered Reference Interconnect Offer 2003 (RIO): | We strongly believe that it is crucial for the TRC to implement certain KPIs that ensure fair access to wholesale services, guarantee their quality, and foster effective competition in the market. This will be encouraging wholesale service demand, service quality assurance, non-discriminatory access and effective competition. |
| Orange Fixed has been providing wholesale products to access seekers since early 2000s. Over that time all product sales and repair requests have been raised and tracked through manual systems. These systems, developed to manage copper based wholesale products, are old and there are no plans or call for their refurbishment. Furthermore, the copper based products are nearing their end of life and are expected to be replaced over the coming years by fibre and wireless technologies. The TRC has correctly determined, that given the multiple infrastructure based competitors in the WLA and WBA markets utilising modern technologies, neither fibre nor wireless based services need or should be regulated on an ex-ante basis. | We believe the imposition of KPIs is essential in the Jordanian market, where the wholesale telecom sector is still dominated by a single operator. These KPIs are crucial to ensure that smaller operators can access wholesale services that meet quality standards and are offered on non-discriminatory terms. The proposed KPIs are not overly burdensome but are necessary to foster fair competition and prevent dominant operators from offering services to competitors. While cost considerations are valid, the costs of compliance should be seen as an investment in creating a more competitive, fair market, which will benefit consumers in the long run. We believe that these regulatory measures are specifically designed to address the current market conditions and encourage market competition, ensuring that all operators can compete on equal footing and improving service quality for end-users. |
| Article 1. Purpose and Scope of these Instructions | We believe the KPIs are essential for fostering transparency, promoting confidence among access seekers, and ensuring fair |

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| The TRC has cited no findings prompting these additional obligations<br><br>The article notes that these new proposals arise as a consequence of the TRC's 2020 Regulatory Decision on Fixed and Mobile Markets, in which it determined that Designated Licensees (an licensee found dominant within a specific market) would be required: | competition. Even if non-discrimination has been historically upheld, the dynamic nature of markets necessitates robust monitoring mechanisms to preempt potential issues. |
| Article 1.2 Scope of these Instructions<br>"These instructions apply to Designated Licensees"<br><br>Orange considers that once a new market review is undertaken, six years after the 2019 market review, it is unlikely that Orange Fixed or any licensees will be found dominant in any wholesale market and hence these Instructions will be redundant. See Section 2 above. | We believe that while market reviews are intended to assess dominance and the need for regulatory obligations periodically, it is premature to predict the outcome of a future review. Regulatory instructions, including these, should be an essential tool to ensure transparency and fair competition regardless of the market structure or potential changes in dominance status.<br>It is worth noting that the existence of these instructions provides certainty and predictability to access seekers and other stakeholders in the market, fostering an environment conducive to investment and competition. The mere possibility of a shift in market dynamics does not justify dismissing the relevance of these instructions at this stage. |
| Article 4.3 Key Principles<br>Orange supports the principles of quality of services in the overall user experience, and ensuring Designated Licensees fulfil their regulatory obligations. However, Orange considers the imposition of these proposed remedies has neither been justified on an evidentiary basis nor are likely to be relevant if a new market review is undertaken in 2025. Such a review is most likely to find no operator dominant in any fixed broadband wholesale or retail market in Jordan. | We agree with Orange comment and suggest of a balanced approach involving consultation with stakeholders on how KPI data is shared publicly while ensuring the overall benefits of transparency are preserved. . |

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| The TRC proposes to reserve itself the right to publish the KPI data. While Orange understands the principle and benefit of transparency, it is also mindful that depending on exactly what the TRC publishes, it might inadvertently reveal commercially sensitive information. Should these KPI Instructions proceed and if there was a Designated Licensees to whom the Instructions might apply, Orange requests that the TRC undertakes to consult with the Designated Licensee to agree how any of the KPI information is made public. It might be preferable to share selected KPI information with individual operators. | |
| Reporting and Monitoring: Orange considers that the probability that wholesale KPIs are needed is small. It suggests that, if such KPIs were introduced, then it propose that the TRC should allow a grace period for the initial reporting cycle, during which Designated Licensees can align their internal systems with the KPI requirements. This would ensure a smooth transition and minimize the risk of errors in the initial reports.<br><br>"Designated Licensees shall provide KPI reports to the TRC twice a year (every six (6) months)."<br><br>Orange considers reporting every 6 months would be an unnecessary burden, particularly given the low number of wholesale transactions. If these Instructions were to come into force, Orange suggests that the reporting period be amended to be once a year. | We agree with Orange comment that the proposed frequency of KPIs reporting every six months could impose an unnecessary burden. A more reasonable approach would be to adjust the reporting period to once a year, which would still allow for effective monitoring while reducing the strain on internal systems. |

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| "The TRC has the right to request the Designated Licensees to provide any additional information including the raw data."<br><br>Orange considers the TRC needs to amend this statement to include the recognition that a Designated Licensee can only be required to provide information it has available to it. | |
| Appendix A – Wholesale KPI definition and methodology<br><br>As noted previously, the TRC's proposals for imposing KPIs arise from the TRC's 2020 Regulatory Decision on the Fixed Markets Review, in which the TRC determined that where an operator had been found to be dominant in a market, regulatory remedies would be imposed including the requirement to "provide information to the TRC on a set of Key Performance Indicators (KPIs) to be specified by the TRC following a consultation". That obligation was determined for:<br><br>•     Wholesale Local Access (WLA) market as part of the non-discrimination and transparency remedy.<br><br>•     Wholesale Broadband Access (WBA) market as part of the non-discrimination and transparency remedy.<br><br>•     Wholesale Fixed Voice Call Termination market as part of the transparency remedy.<br><br>•     Wholesale Fixed Transit market as part of the transparency remedy. | We believe that a more tailored approach would ensure that the KPIs are both meaningful and applicable to the services being regulated, particularly considering the diversity of services covered under the regulations. |

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Clause 45 states that:

"For each relevant service provided in a market that has been identified …. as a market requiring ex ante regulation ….. the Designated Licensee is subject to the obligation to measure and report to the TRC KPIs covering the following activities."

In this Annex three classes of KPI are defined:

•       Service Ordering and Provisioning

•       Service Assurance

•       Service Administration

Without repeating the recommendations and requests made above in our response, Orange would just reiterate that the identification of specific tasks, their definition and specification, along with KPIs and target values, are best left to industry to define. Should these KPI Instructions proceed, Orange suggests that the TRC consult with the Designated Licensee to agree appropriate KPIs and target values, as it does today in approving the detail of a RIO.

We note that regulated KPIs are proposed for transparency reasons in the markets of Wholesale Fixed Voice Call Termination and Wholesale Fixed Transit markets. It is not clear what provisioning or assurance services are provided to wholesale customers separate to those provided contemporaneously to a Designated Licensee's own customers. How, therefore the proposed KPIs, developed to evidence non-discrimination, are expected to assist fulfilment of the

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| regulatory obligations of these two markets is a mystery. Orange requests that the TRC explain how the proposed KPIs are expected to work in these two voice interconnect markets.<br><br>Orange proposes that the Service Administration KPIs be removed for any proposed set of regulated KPIs. We can find no examples in other jurisdictions where services such as billing and commercial complaints are subject<br><br>to a requirement of non-discrimination. Service Administration, focused as it is on billing and complaints, is not an appropriate activity to ensure non-discrimination. While timely resolution of billing and complaints is important, it does not directly affect end-users and so is not an activity requiring a regulated non-discrimination mandate. It is more a commercial matter better addressed through the contractual arrangements of an interconnection agreement, a contract that is already subject to the TRC's scrutiny and approval. | |
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