

This draft intends to seek comments of all those interested on the subject, for the purpose of monitoring the information passing through the processing equipment and accessories associated with the networks of LDI, Access Providers, Landing station licensees for verification of authorized use, reconciliation of total traffic terminated on the network of the licensees, to measure and record for billing verification, detect & control grey traffic, and determine the quality of licensed services.

All interested are requested send their comments and views on this draft latest by 16th September, 2009.

Your comments may be sent in writing or through email to Deputy Director (Law & Regulations) PTA Headquarters F-5/1, Islamabad.

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In exercise of the power under sub- clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 (Act XVII of 1996) ("Act"), the Pakistan Telecommunications Authority, in order to monitor and enforce the accurate presentation of the total traffic terminated through networks of the licensees, is pleased to make the following regulations:

Part- I Preliminary

1. Short Title and Commencement. __ (1) These regulations shall be called as "Monitoring and Reconciliation of Telephony Traffic Regulations, 2009".

(2) They shall come into force from the date of gazette notification.

2. Scope and Applicability. __ For the purpose of monitoring the information passing through the processing equipment and accessories associated with the licensee(s) and Access Providers networks for verification of authorized use, reconciliation of total traffic terminated on the network of the licensees to measure and record for billing verification, detect & controlling grey traffic, and determine the quality of licensed services, these regulations shall apply on all licensees and Access Providers.

3. Definitions. __ (1) In these Regulations unless there is anything repugnant in the subject or context:

(a) "Act" means the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);

(b) "Authority" means the Pakistan Telecommunication Authority established under section 3 of the Act;

(c) **“Access Provider”** means a local loop (fixed and wireless) and cellular mobile licensees;

(d) **“Landing Station License”** means an authorization granted by the Authority to establish, maintain and operate private or public landing station whether on land, sea or satellite in Pakistan;

(e) **“Licensee(s)”** for the purpose of these regulations the licensee means LDI, Infrastructure and /or Landing Station license where applicable;

(f) **“Long Distance and International (LDI)”** means a person licensed under the Act to establish, maintain and operate a public fixed switched network for the provision of nation-wide long distance and international telephony service;

(g) **“Monitoring System(s)”** means a system which includes such equipment and/ or accessories to be installed and deployed for the purpose of monitoring traffic links and also differentiating between type of information streams (voice or data), essential for regulating all telecom landing station licensees and services to be provided by the landing station licensee;

(j) **“Probe”** means a device used to monitor, detect and segregate traffic (voice and data) with respect to speed, links, formats, signaling information and protocols and be able to control undesired traffic;

(k) **“PTA”** means Pakistan Telecommunication Authority;

(l) **“Rules”** means the rules issued by the Federal Government under section 57 of the Act;

(m) **“Regulations”** means all regulations issued by the Authority from time to time which includes these regulations; and

(n) **“System(s)”** means a system which includes but not limited to hardware, software, firmware, peripherals, cables, connectors and internal and external interfaces to be installed and deployed for the monitoring, aggregating, measuring and reconciling of traffic, monitoring and controlling of grey traffic, removal of asymmetry, billing and quality of the licensed service.

(2) Words and expression used but not defined herein shall bear the meaning given thereto in the Act or the Rules.

Part- II

Establishment, Administration and Feature of Monitoring System(s) and System (s)

4. Establishment and Administration of a System by Licensee(s).__ (1)
Each LDI licensee and Access Providers shall establish the System on its own cost in

accordance with these regulations as determined and required by the Authority from time to time at the PTA designated premises.

(2) Subject to the mutual consent in writing of all, operational and non-operational LDI licensees or Access Providers or some operational LDI licensees or Access Providers as the case may be, for procuring, establishing, deploying and maintaining of the System, the Authority may allow deployment of such System collectively on the basis of a cost effective solution.

Provided that the term collectively shall not include the mutual arrangement amongst LDI and Access Providers for deployment of the System.

(3) Subject to the approval of the Authority of mutual arrangement given in sub-regulation (2) above, the LDI licensees or Access Providers not part of the arrangement shall be allowed to enter in that agreement or arrangement at any stage with the terms and condition agreed among them.

(4) Any dispute amongst the LDI licensees or the Access Providers on the terms and conditions of the system referred to in sub-regulation (2) above, which may adversely effect the operation of the System, shall be referred to the Authority for decision, which shall be binding on them.

(5) All landing station and infrastructure licensee(s), shall establish a Monitoring System with its interface to the Authority, on its own cost for the purpose of monitoring of telecommunication traffic (voice and data) within one hundred and twenty days of the notification of these regulations.

(6) Any Monitoring system or System deployed under sub-regulation (2) and sub-regulation (5) above shall comprise the mandatory feature of monitoring and controlling grey traffic with the minimum of the following features and shall ensure compatibility to provide such information as required by the Authority, where applicable:

- (a) Capability to monitor, control, measure and record traffic in real-time;
- (b) Capability for complete signaling record, including but not limited for billing;
- (c) Capability to accurately measure the quality of service;
- (d) A complete list of the Pakistani customers; and
- (e) Complete details of capacity leased by the licensee(s) to their customers.

PART-III **Obligation on the licensees**

5. Obligations on the licensee(s). — (1) LDI licensees shall ensure full accounting of international traffic terminated on all Access Providers' networks.

(2) The Monitoring system(s) and the System(s) shall be capable of identifying, analyzing and reconciling all data and voice signaling information in a clear and transparent manner for identification of the total traffic irrespective of the path taken in each direction by the traffic in such format and with such features as required by the Authority.

(3) All circuit switched and packet switched networks shall have probes placed on all links carrying telephony traffic.

(4) The Authority may provide the LDI licensee and the Access Provider their relevant traffic details of communication through their networks, if deemed appropriate.

(5) The Licensee(s) and Access Provider shall be responsible to maintain, repair, upgrade system (hardware, system software, cables, internal and external interfaces, application software, firmware, etc), modify and enhance the capability of the Monitoring system or the System (s) promptly and efficiently and insert or add such other system as and when required by the Authority.

(6) The Licensee(s) and Access Provider shall ensure that signaling information is uncompressed, unencrypted, and not formatted in a manner which the installed monitoring system is unable to decipher using installed capabilities.

(7) In case it is not possible to monitor the signaling information of some traffic at the Probe and the Authority has agreed to let the traffic pass through, the required signaling information shall be extended from the Licensee(s) and Access Provider(s) network's premises, at their own cost, including but not limited to the required format conversions, hauling of data to the Authority designated location, and installation of additional equipment to achieve information as specified in sub-regulation (6) above.

(8) The Licensee(s) and Access Provider(s) shall provide access to the authorized representatives of the Authority for obtaining information directly through the system of any telephony traffic routed through their network as and when required by the Authority.

(9) All information provided by the Licensee(s) and Access Provider(s) shall be in original form and without any modifications, and information passed on should be readable by the installed Probes in the manner prescribed by the Authority from time to time.

(10) All Licensee(s) and Access Provider(s) shall provide a scalable Monitoring System or the System(s) to ensure modifications to meet the evolving policies, standards, formats, directions, Rules and Regulations of the Authority.

(11) Failure to fulfill financial obligations arising out of the mutual arrangement under sub-regulation (2) of regulation 4 or under sub-regulation (5) of

regulation 4 of these Regulations, the following actions may be initiated by the Authority:

- (i) Restriction of future upgrade/expansion of the system/ traffic links of the Licensee(s) and Access Provider(s);
- (ii) Suspension of the switches/circuits/ traffic links of the Licensee(s) and Access Providers proportionate to the relative financial obligation; and
- (iii) Suspension of the facilitation extended to the Licensee(s) or Access Provider(s) under sub-regulation (2) of regulation 4, following which a separate System shall be established under sub-regulation (1) of regulation 4 within sixty (60) days of suspension of facilitation shall be established separately.

8. Repeal. - The Monitoring and Reconciliation of International Telephony Traffic Regulations, 2008 are hereby repealed.