COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMISSION DETERMINATION ON ACCESS LIST

DETERMINATION No. 1 of 2001

In exercise of the powers conferred by sections 55 and 146 of the Communications and Multimedia Act 1998 [*Act 588*], the Commission hereby determines as follows:

Citation and commencement

1. This Determination may be cited as **Commission Determination on Access List, Determination No. 1 of 2001** and shall come into operation on 1 April 2001.

Interpretation

2. In this Determination, unless the context otherwise requires –

"Access Provider" means a network facilities provider who owns Facilities and/or a network service provider who provides Services, listed in this Determination, and includes a holder of a registered licence under section 278 of the Act;

"Access Seeker" means a network facilities provider, a network service provider, an applications service provider, or a content applications service provider who makes a written request for access to Facilities or Services, listed in this Determination, and includes a holder of a registered licence under section 278 of the Act;

"Any-to-Any Connectivity" means a connection which is achieved when an end user is able to communicate with another end user using the same applications service or a similar applications service, whether or not the end users are connected to the same network;

" 'A' party" means, in the context of communications between end users, the end user from whom the communication originates;

" 'B' party" means, in the context of communications between end users, the end user to whom the communication terminates;

"Call Communications" means communications involving a number used in the operation of each Network Operator's network;

"Centrex services" means a service offering the type of functionality associated with a PBX (Private Branch Exchange) from a central switch in the public switched telephone network, in which every extension is a direct line but intelligent functions are managed at the exchange;

"Customer" means, in relation to a Network Operator, a person having a contractual relationship with the Network Operator for the provision of communications by means of that Network Operator's Facilities and/or Services;

"Facilities" means network facilities and/or other facilities which facilitate the provision of network services or applications services, including content applications services;

"Fixed network" means the network facility comprising the public switched telephone network for the provision of communications;

"Interconnecting Operator" means the network facilities provider and/or network service provider to whom the relevant Interconnection Service is provided and includes a network facilities provider or network service provider who is seeking the relevant Interconnection Service;

"Interconnection Service" means Facilities or Services (including the physical connection between separate networks) to facilitate Any-to-Any Connectivity provided by a Network Operator to an Interconnecting Operator which involves or facilitates the carriage of communications between an end user connected to the network of the Network Operator and a POI;

"Mobile network" means the network facility comprising the public cellular mobile network for the provision of communications;

"Network Operator" means a network facilities provider and/or a network services provider;

"POI" or "Point of Interconnection" means a point at or between tandem switch(es) which demarcates the network of a Network Operator and the network of an Interconnecting Operator (collectively referred to as the 'Interconnecting Networks') and is the point at which communication is transferred between the Interconnecting Networks;

"POP" or "Point of Presence" means a point at which an Access Seeker has established itself for the purpose of obtaining access to network facilities or network services and is the point at which communication is transferred between the Access Provider and the Access Seeker;

"Services" means network services and/or other services which facilitate the provision of network services or applications services, including content applications services; and

"Tandem switch" means a switch which enables the trunk from a calling switch to connect to the trunk of a called switch through one or more intermediate switches or where the context allows, one trunk switch to another.

3. Any term used in this Determination shall, unless the context otherwise requires, have the same meaning as in the Act or the regulations made under it.

4. Unless the context otherwise requires, words in the singular includes the plural and vice versa.

Access list

5. (1) Fixed Network Origination Service

(a) A Fixed Network Origination Service is an Interconnection Service provided by means of a fixed network for the carriage of Call Communications over the voice bandwidth from customer equipment to a POI. The Fixed Network Origination Service comprises:

(i) single tandem origination (where the POI is at a tandem switch or associated with a tandem switch); and/or
(ii) double tandem origination (where the POI is at a double tandem switch or associated with a double tandem switch),

for fixed network-to-fixed network, fixed network-to-mobile network and fixed network-to-international outgoing calls in so far as they relate to freephone 1800 number services, toll free 1300 number services, and other similar services which require Any-to-Any Connectivity.

(b) The functionalities of the Fixed Network Origination Service include:

(i) circuit switching; and
(ii) the signaling required to support the Interconnection Service.

(c) An example of a technology used in the Fixed Network Origination Service would be integrated services digital network (ISDN).

(2) Equal Access (Fixed Network) Service

(a) The Equal Access (Fixed Network) Service is an Interconnection Service provided by means of a fixed network for the carriage of Call Communications over the voice bandwidth from customer equipment to a POI which allows an end user to select and use the services of a Network Operator other than the Network Operator of the network to which the Customer is directly connected. The Equal Access (Fixed Network) Service may be provided on a call-by-call basis (for instance, through dialing of an equal access prefix code) or on a preselection basis (for instance, via a semi-permanent switch recognition of Customer's choice).

(b) The Equal Access (Fixed Network) Service comprises:

(i) single tandem origination (where the POI is at a tandem switch or associated with a tandem switch) and/or
(ii) double tandem origination (where the POI is at a double tandem switch or associated with a double tandem switch)

for fixed network-to-fixed network calls (including Centrex services) and fixed network-to-international outgoing calls only.

(c) The functionalities of the Equal Access (Fixed Network) Service include:

(i) circuit switching; and
(ii) the signaling required to support the Interconnection Service.

(d) An example of a technology used in the Equal Access (Fixed Network) Service would be integrated services digital network (ISDN).

(3) Fixed Network Termination Service

(a) Fixed Network Termination Service is an Interconnection Service provided by means of a fixed network for the carriage of Call Communications over the voice bandwidth from a POI to customer equipment. The Fixed Network Termination Service comprises:

(i) local call termination;
(ii) single tandem termination (where the POI is at a tandem switch or associated with a tandem switch); and/or
(iii) double tandem termination (where the POI is at a double tandem switch or associated with a double tandem switch),

for fixed network-to-fixed network, mobile network-to-fixed network and incoming international-to-fixed network calls.

(b) The functionalities of the Fixed Network Termination Service include:

(i) circuit switching; and
(ii) the signaling required to support the Interconnection Service.

(c) An example of a technology used in the Fixed Network Termination Service would be integrated services digital network (ISDN).

(4) Mobile Network Origination Service

(a) A Mobile Network Origination Service is an Interconnection Service for the carriage of Call Communications over the voice bandwidth and/or over the digital signal from an 'A' party to a POI. The Mobile Network Origination Service supports mobile network-to-mobile network, mobile network-to-fixed network and mobile network-to-international outgoing calls in so far as they relate to freephone 1800 number services, toll free 1300 number services, and other similar services which require Any-to-Any Connectivity.

(b) The functionalities of the Mobile Network Origination Service include:

(i) circuit switching; and
(ii) the signaling required to support the Interconnection Service.

(c) Examples of technologies used in the Mobile Network Origination Service would be:

(i) Advanced Mobile Phone System (AMPS);
(ii) Global System for Mobile Communications (GSM); and
(iii) Extended Total Access Communications System (ETACS).

(5) Mobile Network Termination Service

(a) A Mobile Network Termination Service is an Interconnection Service for the carriage of Call Communications over the voice bandwidth and/or over the digital signal from a POI to a 'B' party. The Mobile Network Termination Service supports fixed network-to-mobile network and incoming international-to-mobile network calls.

(b) The functionalities of the Mobile Network Termination Service include:

(i) circuit switching; and
(ii) the signaling required to support the Interconnection Service.

(c) Examples of technologies used in the Mobile Network Termination Service would be:

(i) Advanced Mobile Phone System (AMPS);
(ii) Global System for Mobile Communications (GSM); and
(iii) Extended Total Access Communications System (ETACS).

(6) Interconnect Link Service

(a) An Interconnect Link Service is a Facility or Service which enables the physical connection between the network of a Network Operator and the network of an Interconnecting Operator for the purpose of providing an Interconnection Service. The Interconnect Link Service comprises:

(i) physical co-location, which refers to the provision of space at a Network Operator's premises to enable an Interconnecting Operator to install and maintain its own equipment necessary for establishing interconnect links where space exists and secure isolated facilities can be constructed. Physical co-location includes physical space, power, environmental services (heat, light, ventilation and air-conditioning), security, site maintenance and access for the personnel of the Interconnecting Operator;

(ii) virtual co-location, which refers to the provision of facilities or services at a Network Operator's premises to maintain interconnect links on behalf of the Interconnecting Operator, where equipment for maintaining the interconnect links is owned and maintained by the Network Operator;

(iii) in-span interconnection, which is the provision of a POI at an agreed point on a physical cable linking a Network Operator's network facilities to an Interconnecting Operator's network facilities.

(b) Due to physical constraints, Network Operators should jointly agree as to which Interconnecting Operator should be given the right to physically co-locate at each POI. The Interconnecting Operator that is granted co-location rights shall offer virtual co-location or in-span interconnection to other Network Operators.

(7) Private Circuit Completion Service

(a) A Private Circuit Completion Service is an Interconnection Service for the carriage of communications by way of a private circuit between a POI and an end user, available only at one end of a private circuit.

(b) The functionalities of the Private Circuit Completion Service include:

(i) circuit or packet switching; and
(ii) the signaling required to support the Interconnection Service.

(c) An example of a technology used in the Private Circuit Completion Service would be integrated services digital network (ISDN).

(8) Domestic Network Transmission Service

(a) A Domestic Network Transmission Service is a Facility or Service for the carriage of communications between transmission points (not being Customer transmission points) via network interfaces at such transmission rate as may be agreed between the Access Provider and the Access Seeker on a permanent basis.

(b) The Domestic Network Transmission Service transmission points are;

(i) a tandem switch and a tandem switch;
(ii) a tandem switch and a mobile group switch;
(iii) a mobile group switch and a mobile group switch; and/or
(iv) submarine cable and satellite links between a transmission point in Sabah and Sarawak, and a transmission point in Peninsular Malaysia

but excludes the carriage of communications between transmission points (not being Customer transmission points) in areas where there are three or more independent transmission networks to carry those communications.

(c) The functionalities of the Domestic Network Transmission Service include:

(i) circuit or packet switching;
(ii) signaling required to support the technology or to provide a service;
(iii) termination at either end by a port, router, network termination unit, switch or earth station; and/or
(iv) a digital protocol.

(d) Network interfaces referred to in paragraph 5(8)(a) above include elements such as copper wire, microwave, laser, fibre optic or satellite.

(9) Internet Access Call Origination Service

(a) An Internet Access Call Origination Service is a network service provided by means of a fixed network for the carriage of Call Communications over the voice bandwidth or digital signal from customer equipment to a POP being:

(i) a POI, via switched circuit;
(ii) at an agreed point of input to the Access Seeker's modem bank or router co-located at the Access Provider's local or tandem switch; or
(iii) at an agreed point of output from the Access Provider's modem bank or router located at the Access Provider's local or tandem switch.

(b) The Internet Access Call Origination Service comprises;

(i) local call origination (where the POP is at a local switch or associated with a local switch);
(ii) single tandem origination (where the POP is at a tandem switch or associated with a tandem switch); and/or
(iii) double tandem origination (where the POP is at a double tandem switch or associated with a double tandem switch).

(c) The functionalities of the Internet Access Call Origination Service are:

(i) circuit switching;
(ii) the signaling required to support the network service; and
(iii) dial-up to any mode of access including short codes.

Exemption by Minister

6. Subject to such exemptions as may be determined by the Minister by order published in the *Gazette*, an Access Provider shall provide access to its Facilities or Services listed in this Determination to an Access Seeker on reasonable terms and conditions.

Revocation

7. The following paragraphs of the Determination of Cost-based Interconnect Prices and the Cost of Universal Service Obligation, TRD 006/98 are revoked:

(a) paragraph 2.2.7; and
(b) paragraph 2.2.10

Made 24 March 2001

TAN SRI NURAIZAH ABDUL HAMID
Chairman,
Malaysian Communications and Multimedia Commission