

## Order

### To Ooredoo Q.S.C.

Regarding C05-02 Consumer Fiber  
Broadband Services as per filings of  
August 10, 2016 and February 16, 2017

**CRARAC 2017/02/22**

February 22, 2017

Non-confidential version

FIG

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## 1 Background and Introduction

This Order refers to Ooredoo's modifications of Consumer Fiber Broadband (FBB) Services Tariff (C05-02) filed on February 16, 2017 ("FTTx 10Gbps Double and Triple Play" - OQ/Reg-4824/2017-02) and on August 10, 2016 ("New Consumer Fiber Broadband plans" - OQ/Reg-4571/2016-06).

With the filing of August 10, 2016 Ooredoo proposed the introduction of additional speed options (50 Mbit/sec, 75 Mbit/sec, 150 Mbit/sec and 200 Mbit/sec) and of an equipment return policy. This filing is still under CRA scrutiny having the Authority extended the evaluation period (CRA/RAC-T/096/2016) in order to improve its understanding of the cost model submitted by Ooredoo.

With the February 16, 2016 filing Ooredoo proposed the introduction of a further speed of 10Gbps for the price of QAR 7,500/month. The abovementioned price is charged for double play and triple play.

Both filings build on the Consumer Fiber Broadband (FBB) Tariff filed with letter June 19, 2016 (OQ/Reg-4571/2016-06) which essentially:

- Eliminates the price differentials between double and triple play services, which was previously QAR 17/subscriber/ month; and
- Doubles the upload speed for double play.

## 2 Legal Basis

Article (4) of the Emiri Decision 42 of 2014 gives to the Communications Regulatory Authority (CRA) the responsibility for regulating the ICT and the Post sector, as well as access to digital media, with the aim of providing advanced and reliable communication services across the State. The Authority shall have the powers necessary to undertake the above and, in particular:

- Setting regulatory framework for the communications, ICT, post sector, and access to digital media, in line with the General policies of the sector and to enable optimum performance (1);
- Securing access to services across the State and ensuring comprehensive access to basic services (5);
- Ensuring interconnection and access to all users by setting conditions for effective interconnection and access (6);
- Setting conditions and criteria for licensing and approval for communications and ICT services, access to digital media, the use of frequencies and the issuance of related licenses and approvals; and ensuring compliance with its conditions (9).

Further, Article (15) of the Emiri Decision states that, within CRA, the Regulatory and Competition Affairs department shall:

- develop appropriate tariff regulations, giving priority to the telecommunications market, or telecommunications services according to the market requirements, and determine fees for retail and wholesale (2);
- develop and identify policies and regulations for all services which will foster a competitive market and serve the interests of the consumers (7).

The Retail Tariff Instruction (“RTI”) for Individually Licensed Service Providers in Qatar (CRA 2015/05/07) sets forth the rules and processes for the approval of retail tariffs by the Communications Regulatory Authority (“CRA”). Section 4 contains the Specific Provisions for Dominant Service Providers.

Section 4.1 “Tariff Filing and Review” of the RTI contains that:

- DSPs must ensure that all Tariffs that contain any service or service elements that falls within a Relevant Market in which the SP has been designated as dominant are filed and approved by the Authority in advance of their proposed effective date.
- The Authority shall have five working days, from the date on which a Tariff filing is received, in which it may (a) approve or (b) object to the tariff and order its suspension, modification or withdrawal, or (c) extend the period for review.
- If the Authority decides that an extended review of a proposed Tariff is necessary, it shall notify the DSP in writing and shall specify the procedures and timetable for the Tariff review, including any consultation or other relevant process with respect thereto, in accordance with the Applicable Regulatory Framework or as determined by the Authority.

### **3 Competitive concerns**

The CRA is concerned that the filed tariff, according to the information provided for by Ooredoo, includes cross subsidization of IPTV by telecommunication services.

This cross subsidization, yet to be approved, may be in contrast to the regulatory framework, negatively impacting other telecommunications providers and potentially other providers of digital media by hindering or preventing access to broadband and IPTV services resulting in lower competition of the market.

This concern is aggravated by the absence of an approved wholesale input which would impede to alternative telecommunications providers to compete with Ooredoo on an equal footing.

*Handwritten signature/initials*

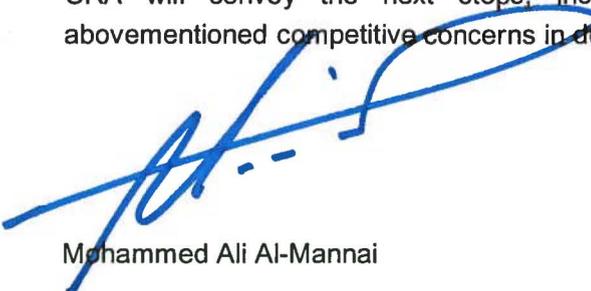
## 4 Order

Due to the above mentioned concerns and to enable a full investigation the CRA orders:

- a) Ooredoo not to launch the FBB offer as per filing of August 10, 2016 and/or February 16, 2017 in the market until it has been explicitly approved by CRA;
- b) Ooredoo to remove the Tariff Document from the Regulatory Part of its webpage and replace it with latest, explicitly approved version by the CRA with immediate effect; and
- c) an extension of the period of review to assess the impact of the filed tariffs on the involved sectors. To that end, Ooredoo is required:
  1. to meet with CRA by March 16, 2017;
  2. to provide the information discussed during the meeting by March 23, 2017;
  3. to provide all the clarifications required by CRA during the proceeding within five (5) working days from the request;

Once CRA will receive all the information and clarifications required and needed, it will assess the case within fifteen (15) working days.

CRA will convey the next steps, including the date of meeting to address the abovementioned competitive concerns in due course.



Mohammed Ali Al-Mannai

President of the Communications Regulatory Authority