

Mobile Site Sharing Instruction

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1.	PURPOSE	1
2.	LEGAL AUTHORITY	1
3.	DEFINITIONS.....	2
4.	SITE SHARING AGREEMENTS	3
5.	SHARING AT NEW SITES	3
6.	SHARING AT EXISTING SITES.....	4
7.	MERGING EXISTING NEIGHBOURING SITES FOR SHARING.....	4
8.	TECHNICAL CONSIDERATIONS & REPORTING	5
9.	COMMERCIAL CONSIDERATIONS.....	5
10.	RESOLUTION OF DISPUTES	ERROR! BOOKMARK NOT DEFINED.

1. Purpose

Licensees are required by Article 112 of the Telecommunications By-Law (2009) to allow other Licensees to share and co-locate Telecommunications Facilities on their Sites, where such sharing and co-location is technically and economically feasible.

This instruction sets out requirements for sharing sites with which Licensees must comply, who, under their licences are required to meet national network coverage and quality of service. To date, Licensees have been able to share Sites and collocation facilities on a commercially negotiated basis.

2. Legal Authority

Article 17(5) of the CRA mandate as per the Emiri Decree (42) for 2014 the Technical Affairs Department to develop, and monitor implementation of technical standards for interconnection, access, telecommunications infrastructure and ensure sharing in telecommunications infrastructure;

In terms of the existing provisions under the Applicable Regulatory Framework, all holders of licenses for the provision of public Telecommunications Networks and services may be obliged by the Secretary General to provide access and interconnection to their telecommunications facilities, under Article 46 of the Telecommunications By-Law (2009).

The current provision under Article 47 of the Telecommunications By-Law (2009) requires all Licensees to negotiate in good faith to reach interconnection and access agreements. If the negotiating parties are unable to reach an agreement within 60 days, the Secretary General may issue a binding determination.

These provisions are entrenched in the Applicable Regulatory Framework to facilitate infrastructure sharing and efficiency in network deployment.

3. Definitions

Applicable Law: All applicable laws, enactments, regulations, regulatory policies, regulatory guidelines, industry codes, regulatory permits and regulatory licenses which are in force from time to time in the State of Qatar.

Applicable Regulatory Framework: All applicable laws, enactments, regulations, regulatory policies, regulatory guidelines, industry codes, regulatory permits and regulatory licenses governing the telecommunications sector of the State of Qatar.

Base Station Report: A comprehensive statement detailing all the mobile sites of a Licensee, the format of which has been agreed with CRA.

Beautification Principles: Those principles detailed as Beautification Criteria within the “Guidelines for Construction of Mobile Base Stations and Telecom Towers” issued by CRA.

Communications Regulatory Authority: The entity responsible for the regulation of telecommunications in Qatar.

CRA: Communications Regulatory Authority.

Dispute: A disagreement between any parties in relation to the deployment of network infrastructure and Site sharing.

Host: In the context of a Site or Sites the Licensee which has control of the Site or Sites.

ICNIRP: The International Commission on Non-Ionizing Radiation Protection is an independent scientific body which has produced an international set of guidelines for public exposure to radio frequency waves.

Individual Site Agreement: An executed agreement between the Licensees in relation to a specific Site the terms of which may vary on a Site by Site basis but shall fall within the framework of the Site Sharing Agreement.

Instruction: This Instruction on Mobile Site Sharing issued by CRA.

Licensee: A CRA licensed telecommunications service provider in the State of Qatar.

MMUP: Ministry of Municipality and Urban Planning.

Passive Telecommunications Infrastructure: Infrastructure which is necessary or desirable for the installation of telecommunications equipment at a Site including but not limited to towers, masts and equipment rooms.

Site Sharing Agreement: An executed agreement between Licensees in relation to the terms and conditions of Site sharing at all individual Sites that included operational procedures and.....

Site: A location at which Passive Telecommunications Infrastructure is located which is technically shareable.

Site Plan: A detailed design for a Site including at least the manufacturer’s data sheet, heat dissipation details, radio-communications profile, technical file demonstrating compliance with ICNIRP requirements, weight, dimensions, wind resistance, electrical loading and any other relevant technical details for any infrastructure or equipment located on the Site.

Telecommunications: The transmission, emission or reception of writing, signs, signals, images, sounds, data, text or information of any kind or nature by wire, radio, optical or other electromagnetic means of communications, or by any other telecommunications means.

Telecommunications Law: Decree Law No. 34 of 2006 on the promulgation of the Telecommunications Law.

Telecommunications Network Facilities: Any facility, apparatus, wire, radio, optical or electromagnetic systems for routing, switching and transmitting telecommunications services or for any operation directly connected with the transmission of telecommunications services. between network termination points including fixed and mobile terrestrial networks, satellite networks, electricity transmission systems or other utilities (to the extent used for telecommunications), circuit or packet switched networks (including those used for Internet Protocol Services), and networks used for delivery of broadcasting services (including cable television networks).

Working Day: A day other than a Friday or Saturday, on which banks are open for ordinary banking business in the State of Qatar.

4. Site Sharing Agreements

Licensees shall enter into a Site Sharing Agreements between themselves which shall detail the commercial and technical arrangements for Site sharing. A copy of each Site Sharing Agreement shall be sent to CRA within 5 Working Days of its execution.

5. Sharing at New Sites

When planning the development of a new Site, a Licensee (Host) shall inform all other Licensees in writing of the Site details including:

- a) Location of the planned Site (including GPS coordinates);
- b) Indication of the date of implementation;
- c) Type of infrastructure planned at the Site.

Any Licensee shall be able to request sharing at the proposed Site. The Site sharing request shall be sent in writing to the Host Licensee and contain the following information:

- a) Identification of the Site;
- b) Its proposed use of the Site;
- c) Details of the proposed equipment to be located at the Site;
- d) Any other information considered relevant.

A potential Host Licensee may request further reasonable information for clarification as appropriate.

All new Sites shall be constructed with sufficient capacity to allow sharing by all Licensees licensed at the time the Site construction is planned.

If a Licensee does not submit a request for Site sharing following the informing Licensee issuing the details of the proposed Site, all other Licensees are not precluded from requesting Site sharing at this Site at another time. All Site sharing requests can be done at any time with regard to the initial implementation of that Site.

Once a Site sharing request has been submitted, the Licensees shall then undertake the following steps to implement the Site sharing:

- 1) Licensees jointly develop a Site Plan;
- 2) Obtain landlord agreement of a lease agreement to allow sharing access (if applicable);
- 3) Licensees negotiate and sign an Individual Site Sharing Agreement;

- 4) Obtain necessary building and other permits;
- 5) Develop an implementation plan;
- 6) Undertake the installation of the equipment;
- 7) Obtain building certification;
- 8) Provision of final as-built documentation to relevant authorities.

Ongoing management and maintenance of the Site and the shared equipment shall be in accordance with the operational procedures detailed in the Site Sharing Agreement.

6. Sharing at Existing Sites

Licensees shall provide, on written request of another Licensee details, including Site drawings/plans, of any of their existing Sites. These Site details shall be provided within 10 Working Days of receiving such a request.

Any Licensee shall have the right to request Site sharing at any existing Site of any Licensee. The Site sharing request shall be sent in writing to the Host Licensee and contain the following information:

- a) Identification of the Site;
- b) Its proposed use of the Site;
- c) Details of the proposed equipment to be located at the Site;
- d) Any other information considered relevant.

A potential Host may request further reasonable information for clarification as appropriate.

The Licensees shall then undertake the following steps to implement the Site sharing:

- 1) Undertake a joint Site survey;
- 2) Obtain landlord agreement of a modified lease to allow sharing access (if applicable);
- 3) Develop a Site Plan;
- 4) Obtain necessary building and other permits;
- 5) Obtain landlord's approval of the Site Plan(if applicable);
- 6) Licensees negotiate and sign an Individual Site Agreement;
- 7) Develop an implementation plan;
- 8) Undertake the installation of the equipment;
- 9) Obtain Building Permit Certification , if applicable;
- 10) Host Licensee review of Site sharing installation;
- 11) Provision of final as-built documentation to relevant authorities and Host Licensee.

Ongoing management and maintenance of the Site and the shared equipment shall be in accordance with the operational procedures detailed in the Site Sharing Agreement.

7. Merging Existing Neighbouring Sites for Sharing

Where Licensees have constructed Sites in nearby locations, less than 200 metres from each other, they shall work together to merge the Sites. This ensures that the existence of the merged Site will be consistent with the Beautification Principles of the State of Qatar.

In order to merge Sites, the Licensees shall undertake the following steps:

1. Undertake an individual Site survey to identify Sites that could be shared;
2. Agree Sites that can be consolidated;
3. Develop a consolidation plan to merge Sites;
4. Agree which of the two Sites will be decommissioned;
5. Negotiate cost based charges for decommissioning and installation of infrastructure;
6. Install the telecommunications infrastructure at the shared Site;
7. Decommission the relevant Site.

Ongoing management and maintenance of the merged Site and the shared equipment shall be in accordance with the operational procedures detailed in the Site Sharing Agreement.

8. Technical Considerations

The construction of mobile Sites shall be undertaken in accordance with the principles detailed in the “Construction Procedures and Standards for Cellular Mobile Base Stations and Towers” as published by CRA.

It shall be the responsibility of the Licensee wishing to share an existing Site to ensure ongoing compliance with the ICNIRP Guidelines for public exposure and this Instruction. Prior to the installation of additional radio equipment at a Site, the last Licensee to share the Site must submit a new ICNIRP Declaration of Conformity for the Site to CRA.

In cases where Licensees agree to share a Site, the additive effects of simultaneous radio frequency exposure shall be calculated by the last Licensee according to Appendix I.3 of the ITU T Recommendation K.52 section “Simultaneous Exposure to Multiple Sources” to ensure that RF levels for the general public continue to be in accordance with ICNIRP guidelines.

9. Commercial Considerations

All charges and commercial arrangements for Site sharing shall be agreed between the Licensees and included within the Site Sharing Agreement.

Where the Licensees cannot agree on price terms and conditions in their Site Sharing Agreement, they may refer those terms and conditions to CRA for resolution in accordance with CRA’s Dispute Resolution procedures established pursuant to Chapter 12 of the By-Law.

10. Reporting

Licensees shall provide CRA with a regular monthly report with the details of the shared mobile Sites, and in addition shall provide updates in response to a request from CRA.

11. Violations

Licensees shall comply with the provisions outlined in this instruction. Any violation of this instruction will result in penalties imposed in accordance with the Telecommunications Law and its By Laws, the applicable Regulatory Framework and other relevant laws of Qatar.

12. Effective Date

This instruction shall be effective upon the date of issue.