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COMMUNIQUE ON PRINCIPLES AND PROCEDURES REGARDING CO-LOCATION AND FACILITY SHARING

PART I General Provisions

Purpose

Article 1- The purpose of this Communiqué is to set out the principles and procedures for facilitating the entries of new operators into telecommunications market, maintaining the efficient use of resources, minimizing the cost of investment and services, fostering the competitive market conditions, protecting the environment, mitigating the risks associated with public health and safety and taking urban and regional planning objectives into account.

Scope

Article 2- This Communiqué covers the rights and obligations of operators regarding Co-location and Facility Sharing and the principles and procedures applied in fulfillment of these obligations.

Legal Basis

Article 3- This Communiqué is prepared in accordance with the Access and Interconnection Ordinance published in Official Gazette dated 23.05.2003.

Definitions

Article 4- The terms used in this Communiqué shall have the following meanings.

The Board: Telecommunications Board,

The Authority: Telecommunications Authority,

Türk Telekom: Türk Telekomünikasyon Anonim Şirketi,

Operator: A capital-stock company including Türk Telekom, providing telecommunications services and/or operating the telecommunications infrastructure under an authorization agreement or a concession agreement entered into with, and/or a telecommunication license or a general authorization obtained from the Authority,

Co-location: Physical, virtual or distance co-location done with Türk Telekom or the operators having significant market power for the purpose of interconnection or access to local loop,

Operator obliged to provide Co-location: Türk Telekom and operators having significant market power,

Physical Co-location: Installation of equipment required for interconnection or access to the facilities of the operator obliged to provide Co-location,

Virtual Co-location: The case in which the maintenance and management of the equipment required for access and interconnection is fulfilled by the operator obliged to provide Co-location,

Distant Co-location: Installation of equipment of the operators to the adjacent building or space not owned by the operator obliged to provide Co-location in case there is not sufficient space for physical co-location in the facilities of the operator obliged to provide Co-location,

Facility Sharing: Use and share of facilities and equipment used in the provision of telecommunications services by the other operators,

Operator obliged to provide Facility Sharing: The operator who may install facilities on or under public or third parties' land or use of property or take advantage of a procedure for the expropriation,

Towers: Facilities on which antenna and other equipment used for wireless communication are placed,

Poles: Facilities used for transporting the cables over ground,

Ducts and Canals: Facilities used for transporting the cables under ground

Principles

Article 5- The following principles shall be taken into account in Co-location and Facility Sharing practices:

- a) Promoting sustainable competitive environment between operators,
- b) Evaluating all types of building, land and facility used by the operator obliged to provide Co-location and all types of facility used by the operator obliged to provide Facility Sharing in the framework of this Communiqué, under the conditions that support the purposes of fostered competition, efficient use of resources and public benefit,
- c) Charges for co-location and facility sharing to be based on cost,
- d) Costs to be documented by the operator obliged to provide co-location or facility sharing,
- e) Realizing the information exchange between the operators in the speediest and comprehensive way for the purpose of carrying out investment and operational plans effectively,
- f) Keeping the co-location applications relating to switching, routing and control elements other than the purpose of interconnection and access to local loop out of the scope of this Communiqué.

PART II Co-location

Co-location Obligation

Article 6- Türk Telekom and the operators with significant market power are obliged to provide co-location on their premises.

The Authority may lift the obligation of physical co-location with respect to specific case fully or partially in case the operator obliged to provide Co-location proves that physical co-location is not necessary or technically unfeasible and/or it does not have sufficient capacity. In such case, the Board may impose on the operator obliged to provide Co-location, the obligation of virtual co-location, the obligation of distant co-location or the obligation of co-location the terms and conditions of which have been modified for that particular case.

Evaluation of Co-location Requests

Article 7- In the evaluation of co-location requests, following principles and procedures shall be conformed to:

- a) Requests shall be evaluated in accordance with the order of application.
- b) In the co-location application of the operator, the purpose of request and the features of land and equipment shall be specified at minimum,
- c) Operator obliged to provide co-location shall answer the request within thirty (30) days. In case the request is accepted, the charges including the fees for preparation process

shall be specified. In case the request is not accepted, the reasons in detail shall be provided to the operator,

d) The operator shall notify the operator obliged to provide co-location that it accepts the space and the charges by doing the field study related to the application accepted within fifteen (15) days. The field studies shall be carried out under supervision of the personnel of the operator obliged to provide Co-location,

e) The operator obliged to provide Co-location shall make the field ready for installation of equipment within forty-five (45) days following the written consent of the operator,

f) Following the field made ready for installation, the operator shall begin to use the space by completing the installation of the equipment relating to co-location within ninety (90) days,

g) Each process shall begin following the date of receipt of correspondence made to the parties,

h) The requests not conforming the principles and procedures specified hereunder shall be regarded as invalid.

Reference Interconnection and Access Offer

Article 8: Minimum list of items regarding Co-location to be included in reference interconnection or access offers prepared by the operators within the scope of Access and Interconnection Ordinance shall be as follows:

Information and alternatives about all exchanges and facilities in cities and districts regarding Co-location points:

- 1) Total space (m²),
- 2) The space used by other operators for Co-location (m²),
- 3) The space reserved by the operator obliged to provide Co-location for its own use (m²),
- 4) The space which can be allocated to other operator's use (m²),
- 5) Availability of facilities such as energy, ventilation, generator,
- 6) Types of Co-location the building or the premise is suitable for,
- b) Physical and technical characteristic, and if available, limitations of equipment allowed for Co-location,
- c) Precautions taken to secure the points of Co-location,
- d) Access conditions to the equipment in Co-location points by the operators,
- e) Terms and conditions regarding the allocation of Co-location space between the operators,
- f) Principles and limitations regarding field study carried out by the operators as described in the Article 7 (d) of this Communiqué,
- g) Information and documents to be submitted by the operators to the operator obliged to provide Co-location for evaluation of Co-location requests,
- h) Principles regarding the charges including application fees and the tariffs based on metropolitan city center, city center and district center,
- i) Technical, physical and economic characteristics of a standard Co-location space and/or room.

PART III

Facility Sharing

Facility Sharing Obligation

Article 9- The operator who may install facilities on or under public or third parties' land or use of property or take advantage of a procedure for expropriation is obliged to provide Facility Sharing.

The Authority may lift the obligation of Facility Sharing with respect to specific case fully or partially in case the operator obliged to provide Facility Sharing proves that facility sharing is not necessary or technically unfeasible and/or it does not have sufficient capacity or capability of increasing capacity.

Evaluation of Facility Sharing Requests

Article 10- In the evaluation of facility sharing requests, following principles and procedures shall be conformed to:

a) Requests shall be evaluated in accordance with the order of application.

b) In sharing of mast and towers:

1) In the facility sharing application of the operator, the purpose of request and the features of space and the characteristics of equipment installed on this space shall be specified at minimum,

2) Operator obliged to provide facility sharing shall answer the request within thirty (30) days. In case the request is accepted, the charges including the fees for preparation process shall be specified. In case the request is not accepted, the reasons in detail shall be provided to the operator,

3) The operator shall notify the operator obliged to provide Facility Sharing that it accepts the facility and the charges by carrying out the field study of mast and towers related to the application accepted within fifteen (15) days. The field studies shall be carried out under supervision of the personnel of the operator obliged to provide Facility Sharing,

4) The operator obliged to provide Facility Sharing make the mast and towers ready for sharing within forty-five (45) days following the written consent of the operator,

5) Following the mast and towers made ready for sharing, the operator shall begin to use the space within sixty (60) days,

c) In sharing of duct and canals:

1) In the facility sharing application of the operator, the purpose of request and the features of space and the characteristics of equipment installed on this space shall be specified at minimum,

2) Operator obliged to provide facility sharing shall answer the request within forty-five (45) days. In case the request is accepted, the charges including the fees for preparation process shall be specified. In case the request is not accepted, the reasons in detail shall be provided to the operator,

3) The operator shall notify the operator obliged to provide Facility Sharing that it accepts the facility and the charges by carrying out the field study of duct and canals related to the application accepted within fifteen (15) days. The field studies shall be carried out under supervision of the personnel of the operator obliged to provide Facility Sharing,

4) The operator obliged to provide Facility Sharing make ready the duct and canals for sharing within sixty (60) days following the written consent of the operator,

5) Following the duct and canals made ready for sharing, the operator shall begin to use the space within sixty (60) days, Installation studies of the operator shall be done under supervision of the personnel of the operator obliged to provide Facility Sharing,

d) Each process shall begin following the date of receipt of correspondence made to the parties,

e) The requests not conforming the principles and procedures specified hereunder shall be regarded as invalid.

PART IV Common Provisions

Fees

Article 11- Fees for Co-location and Facility Sharing shall be determined according to the following principles:

a) The operator obliged to provide Co-location and Facility Sharing shall demand maximum two hundreds and fifty million (250.000.000) Turkish Liras as application fee without refund for each Co-location and Facility Sharing request as study and examination cost,

b) In co-location and facility sharing, all set-up costs including the cost related to preparation of space or facility and the cost related to arrangements for providing the facilities such as energy, ventilation and generator shall be paid by the first operator in advance, the succeeding operators shall pay to existing operators according to the following table in order to contribute to the set-up costs equally.

Operator (order)	Contribution to cost (%) Set-up Cost (A)	Existing operators receive (%)
1	A	-
2	A/2	A/2
3	A/3	A/6
4	A/4	A/12
5	A/5	A/20
6	A/6	A/30
7	A/7	A/42
8	A/8	A/56
9	A/9	A/72
10	A/10	A/90

c) Co-location space is the total space occupied by the equipment and the minimum space required to operate the equipment. Monthly fees for Co-location shall be determined according to co-location space measured in square meters (m²), fees for the use of masts shall be determined according to the type of cable, capacity of cable, the number of mast and the length of route, fees for the use of towers shall be determined according to the type and dimension of antenna or equipment, the fees for duct and canals shall be determined according to the number and length of inner ducts (inner ducts x meter), and in calculation of area fractional numbers are rounded to the integer,

d) Fees regarding the use of energy, ventilation, generator and similar facilities shall be paid separately. These fees shall be determined in proportional with real consumption power (watt) of the operators' equipment,

e) Rental fees for Co-location and facility sharing shall be paid in advance of the preparation of space or facility,

f) All fees relating to Co-location and Facility Sharing shall be specified in Turkish Lira; application fees and contributions to set-up costs may be revised at maximum in the proportion of Consumer Price Index (CPI) published by State Statistics Institution.

Capacity Increase and Use

Article 12- The operator obliged to provide Co-location or Facility Sharing shall make all arrangements for increasing the capacity such as rising and strengthening the mast and towers, adding inner ducts to duct and canals or for using existing capacity more efficiently. The costs incurred due to the execution of this Article shall be evaluated in accordance with Article 11 (b) of this Communiqué.

Refusal of Request

Article 13- The requests for Co-location or Facility Sharing may be refused in case of unavailable capacity or technical unfeasibility by providing necessary justifications. The occupancy of space by equipment which is no longer in use shall not be considered as adequate grounds for refusal of request. In case the conditions which result in refusal of the request for Co-location or Facility Sharing are removed, the applications of the operators relating to this space or facility shall be reevaluated.

Relocation of Space or Facility

Article 14- Development of networks due to the need resulted from technological progress may not be hindered due to Co-location or Facility Sharing. In case the operator obliged to provide Co-location or Facility Sharing asks for changing the space or facility used by Operator(s) for technological or other essential commercial reasons:

a) The Operator shall be notified within hundred and eighty (180) days in advance,

b) The costs related to the precautions taken by the operator to provide the service with minimum interruption and the costs of relocation within the building shall be equally shared between the parties. In case of relocation to another building, the costs associated shall be met by the Operator(s).

Reservation of Capacity

Article 15- The operator obliged to provide Co-location or Facility Sharing shall have the right to reserve maximum 50% (according to the criteria such as square-meter area, the number of canal or inner duct) of the available capacity that may otherwise be used for Co-location or Facility Sharing for a period of 2 years in order to use for its own investment and network plans. This period shall commence on the publishing date of reference interconnection or access offer.

Capacity Sharing

Article 16- Maximum one third (1/3) (according to the criteria such as square-meter area, the number of canal or inner duct of available capacity for Co-location or Facility Sharing) shall be allocated to a single operator.

Access to Co-location Space and Facilities

Article 17- The personnel of the operators authorized by the operator obliged to provide Co-location or Facility Sharing shall have a right of 24-hour access to the building or lands occupied by the equipment subject to Co-location or Facility Sharing under the supervision of the operator obliged to provide Co-location and Facility Sharing. The operators must indemnify any losses or damages resulted from the use of this right. The operator obliged to provide Co-location or Facility Sharing may access to the equipment of the operators to be able to examine the conformity of these equipment by notifying the operators fifteen (15) days in advance. In case of an emergency which may lead to an interruption of the public service, there is no need for such notification.

Catastrophic Events

Article 18- In case of catastrophic events, for the sake of sustainability of public service, undamaged and functioning facilities of the operators shall be used jointly throughout the emergency period within the scope of the principles described in Article 11 of this Communiqué, without taking into account whether or not they are obliged to provide co-location or facility sharing. ,

Safety and Security Measures

Article 19- The operator obliged to provide Co-location or Facility Sharing shall take the necessary measures to protect the space and facilities subject to co-location or facility sharing against external threats such as theft and sabotage for the sake of sustainability of public service. The operator must take the precautions for protecting the equipment against external interferences such as fire, power network, static electric and thunderbolt and for minimizing the damage resulted from these interferences. The operator obliged to provide Co-location and Facility Sharing and Operator(s) shall indemnify the damages given to equipment or facilities of each other.

Interconnection between the Equipment of Operators

Article 20- The operators shall have the right to make interconnection between their equipment subject to Co-location and Facility Sharing.

Evacuation of Space by the Operator(s)

Article 21- In case it is determined by the operator obliged to provide Co-location or Facility Sharing that the facilities or equipment of the Operator benefiting from Co-location or Facility Sharing does not conform the physical or technical characteristics or limitations, the facilities or equipment of the Operator causes interferences or hindrance of services or the facilities or equipment in question is not being, it shall give that Operator fifteen (15) days to remove the inconvenience. Any such notifications made to the Operator(s) shall at the same time be made to the Authority. In case the inconvenience has not been removed in this period, the operator obliged to provide Co-location or Facility Sharing shall have the right to shut off the equipment in question. However, evacuation of the Operator(s) equipment shall be subject to the Board's consent.

Liberty of Negotiating Contracts

Article 22- Operator(s) can freely negotiate the terms and conditions of and conclude Co-location or Facility Sharing agreements, provided that these terms and conditions do not conflict with applicable legislation, authorization and concession agreements, telecommunications licenses, general authorizations and the regulations of the Authority.

Settlement of Disputes

Article 23- In case of a disagreement between the operators about Co-location and Facility Sharing, the Authority shall initiate upon application the dispute settlement procedure within the scope of Article 21 of Access and Interconnection Ordinance.

Effective Date

Article 24- This Communiqué shall enter into force on the date of its publication.

Execution

Article 25- The Chairman of the Board shall execute the provisions of this Communiqué.