

MINISTRY OF SCIENCE AND TECHNOLOGY

PUBLIC CONSULTATION COMMENT SUBMISSION FORM

Consultation Documents

- **Draft Policy Document on Proposed Amendments to the Telecommunications Act Chap. 47:31; and**
- **Proposed Amendments to the Telecommunications Act Chap. 47:31.**

In the information submitted below, please indicate what information should be considered as confidential by the Ministry.

1. Respondent Category

- (a) Regional regulatory or governmental agencies
- (b) Existing service and/ or facility providers and affiliates
- (c) Potential service and/ or facility providers and affiliates
- (d) Service provider associations/ clubs/ groups
- (e) Consumers/ consumer groups
- (f) General public

2. Interest

(Provide details of any relationship with/ interest in any of the above respondent categories):

The Trinidad and Tobago Computer Society (TTCS ; <http://www.ttcsweb.org/>) is a computer user group based in Trinidad. Operating since 1997 and incorporated as a non-profit organisation in 2004, we:

- are a forum where computers, related technologies and related social issues are discussed.
- keep current with the events in the local Information Technology (IT) and telecommunications industries.
- “Network local computer users” so that they can share knowledge and improve upon their experiences with modern technology.

3. Contact Information:

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**4. Comments: Proposed Policy to Amend the Telecommunications Act- Consultation Document ;
Proposed Telecommunications Amendment Act-Consultation Document**

Policy/Section	Comments	Recommendations
<p>Page 10, Section 7.13 in “Proposed Policy to Amend the Telecommunications Act-Consultation Document”</p> <p>“Section 18 is amended by clarifying the role of the Authority in an number of matters: II. The amendment of subsection (j) is enabling in nature to facilitate the widening of the Authority’s function in coordinating the addressing schema used by forms of telecommunications other than telephony.</p> <p>This does not suggest that the Authority will forthwith assume this role upon the promulgation of such amendments, as there is considerable groundwork that is to be completed in connection with interacting with international agencies, before the performance of this function is actualized. The statement of intent</p>	<p>- It is not clear as to the overwhelming public good that would arise from an expansion of the Authority's function to all forms of telecommunications other telephony.</p> <p>Many of these other forms are transnational, and currently already coordinated by international and regional bodies.</p> <p>A more fitting concern for the public good would be for the Authority to be responsible for regulating neutrality of data by service providers. The public good would be well served by providers not discriminating or charging differentially by user, content, site, platform, application, type of attached equipment, and modes of communication.</p>	<p>Areas that are already coordinated in a global manner should not be considered as available for the Authority or the Government to be given powers by local law to override those international assignments.</p>

Policy/Section	Comments	Recommendations
<p>however would provide strategic and policy guidance in relation to the Authority's function in this sphere."</p>		
<p>Page 15, Section 7.37 in "Proposed Policy to Amend the Telecommunications Act- Consultation Document"</p> <p>"7.37 Section 44 is amended by:</p> <p>* defining the National Numbering Plan to be developed by the Authority, its applicability to both public telecommunications network operators and service providers and the considerations applicable in its development; and</p> <p>* providing the Minister with the discretion to delegate the Authority as the administrator/ coordinator of any other form of telecommunications addressing relevant in the global converging telecommunications environment"</p>	<p>It would cause confusion were the Minister to be abrogated the discretion to delegate administrative or coordination rights to the Authority, especially in cases where there are already international organizations with that right.</p> <p>In particular, we refer to:</p> <p>1) IP addressing, the rights of delegation which are the province of the Regional Internet Registries (RIRs). For the Caribbean, the RIRs responsible are LACNIC and ARIN.</p> <p>Inserting the Authority as another level in the coordination process would reduce, not improve, the service.</p>	<p>- domain names and IP addressing should not be included in addressing schemes.</p>

Policy/Section	Comments	Recommendations
	<p>2) Domain Name addressing, for which the global rights to coordination and delegation belong to ICANN. To have the Minister , under local law, possess the right to delegate the administration of domain names to the Authority, would lead to confusion and potential instability in the global Internet, as ICANN will still retain the exclusive ability to make any technical changes necessary to implement such changes in the global root. ICANN has not, in the past, been amenable to implementing such national delegations, on the rare instances that it has been attempted.</p>	
<p>Page 16, Section 7.38 in “Proposed Policy to Amend the Telecommunications Act- Consultation Document”</p> <p>“7.38 In the latter instance, the general principle behind this amendment is the recognition of the convergence of voice, data and broadcast services and the technological systems by which they are delivered.</p> <p>Accordingly, for equity of regulation across</p>	<p>With regard to concerns of equity of regulation, Domain Name regulation would be equitably managed by a global regulatory environment, such as the multi-stakeholder regulatory model as practiced by ICANN.</p> <p>The recommended model for the country code top level domains (ccTLDs) such as .tt, is the .ke or Kenya model:</p> <p>http://www.kenic.or.ke/files/ke_redele</p>	<p>Domain names and numbers should not be included in this legislation.</p>

Policy/Section	Comments	Recommendations
<p>these segments of the telecommunications sector, there needs to be equal consideration of addressing mechanisms across these forms of telecommunications.</p> <p>As numbering is the form of addressing in telephony, Domain Name administration is the addressing scheme associated with websites and web resources, and IP addresses constitute the addressing scheme associated with physical locations of networked resources.</p> <p>The identification of the telecommunications sector regulator as an appropriate fit for Domain Name administration is not without precedent in the wider telecommunications regulatory environment: this practice has precedent regionally (in the OECS NTRC's under the ECTEL umbrella) and even further afield such as in Singapore, where the regulatory agency IDA has statutory responsibility to regulate the registration, administration and management of domain names."</p>	<p>gation_paper.pdf</p> <p>This was the overwhelming preference of the participants in a series of multi-stakeholder consultations facilitated by the Ministry of Public Administration several years ago.</p> <p>The global trend in ccTLD management in recent years is away from government control and towards the multi-stakeholder, community based model.</p> <p>Additionally, given the implementation of the new gTLD program by ICANN, it is even more important to focus on the stability and security of the Internet, and to not risk such by implementing legislation that will cause uncertainty or confrontation, which may lead to a splitting of the root.</p> <p>The current ICANN-approved and delegated ccTLD operator, TTNIC, has set up a organization that subscribes to global best practices, including a multi-stakeholder policy advisory board,</p>	

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	<p>(https://www.nic.tt/shc.shtml), and continues to take a leading role in the ICANN ccNSO.</p> <p>It is “a participatory, community-based non-profit organization....to manage both the administrative and technical aspects of the .tt ccTLD” and not “government run or controlled”</p> <p>It is also worth noting that there is no mention of collaboration as was mentioned in 7.39 regarding IP addresses</p>	
<p>Page 16, Section 7.39 in “Proposed Policy to Amend the Telecommunications Act- Consultation Document”</p> <p>“7.39 It must be acknowledged that LACNIC is the sole agency responsible for the assignment of IP addresses in Trinidad and Tobago. However, it should be noted that the amendment proposes TATT undertake the role of ‘IP address coordination’.</p>	<p>We believe that given that ISPs and other organisations obtain address blocks directly from LACNIC, and hence become members of LACNIC, there is no role for TATT in the RIR structure to coordinate IP addresses.</p> <p>Additionally, there is no global precedent for IP address coordination being managed by a telecoms authority. This is the exclusive province of the RIRs.</p>	<p>Domain names and numbers should not be included in this legislation.</p>

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<p>Coordination suggests a role that is based on partnership with stakeholders as opposed to being an arbitrator or gatekeeper to the resource. In this regard, it should be noted that there is an ongoing challenge in the coordinated migration of IP addresses across the global Internet from Internet Protocol Version 4 (IPv4) to Internet Protocol Version 6 (IPv6). In this regard, the opportunity for an agency to act as a central coordinating agency would be advantageous as it would facilitate the transition in a manner that is transparent to the end users within the country.”</p>	<p>We are unclear as to what research has been done to determine the barriers to IPv6 in T&T that can lead to the assumption that inserting the Authority into the non-role of "IP address coordinator" will solve the problem of IPv6 take up in Trinidad and Tobago.</p> <p>We do see a role for the Authority in terms of local support, education and as part of the multi-stakeholder institutions, but do not see any reason or place for it in a coordinating role in the Internet naming and numbering landscape.</p>	
<p>Page 13, Section 3, “Objects of the Act” in “Proposed Telecommunications Amendment Act-Consultation Document”</p> <p>“3. The objects of the Act are to establish conditions for -</p>	<p>We would like the Authority to be responsible for regulating the equitable transmission of data by telecommunication service providers.</p> <p>The public good would be well served by telecommunications service providers not discriminating or charging differentially by user, content, site, platform, application, type of attached equipment or any other</p>	<p>The Objects of the Act should be updated to include the regulation of equitable transmission of data by telecommunication service providers.</p>

Policy/Section	Comments	Recommendations
	criteria of communication.	
<p>Page 21 and 22, Section 18 (1) (j), “Functions and Powers of the Authority” in “Proposed Telecommunications Amendment Act-Consultation Document”</p> <p>“18 (1) Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular —</p> <p>.....</p> <p>(j) plan, administer, manage and assign telecommunications numbering and/ or addressing for telecommunications services in conformance with and subject to international rules and regulations where applicable;”</p>	<p>The definition of addressing schemes must be created and included, but specifically excluding Internet names and numbers, as the roles for planning, administering, managing, and assigning such are already under the province of global organizations.</p>	<p>- remove “and/ or addressing” unless “addressing” or “addressing schemes” are properly defined in the Act, excluding Internet names and numbers.</p>
<p>Page 45 and 46, Section 44 (7), “Numbering Plan” in “Proposed Telecommunications Amendment Act-Consultation Document”</p> <p>“(44) (7) The Minister may by regulation, designate the Authority as the agency responsible for the administration</p>	<p>DNS including ccTLD should not fall under telecommunications addressing schemes</p> <p>Telecommunications addressing schemes should be defined in the Act.</p>	<p>domain names and IP addressing should not be included in addressing schemes</p>

Policy/Section	Comments	Recommendations
of other relevant telecommunications addressing schemes as are necessary to support the objects of this Act.”		

The information and comments stated above can be published by the Ministry for the purposes of consultation except those which are considered confidential.

Agree

Do not agree

Signature:

Dev Anand Teelucksingh

Position of signatory: Vice chair, Trinidad and Tobago Computer Society
(This is only applicable for stakeholder categories **a** to **e**)

Instructions for Submission of Comments

All persons are kindly invited to submit their comments entitled “**Comments on Draft Policy Document and Proposed Amendments to the Telecommunications Act Chap. 47:31**” on or before **Monday 03, June 2013**.

- i. Comments may be submitted via email to: info.scitech@gov.tt
- ii. Comments submitted via hard copy may be sent via post or delivered to:

The Permanent Secretary

Ministry of Science and Technology
Level 19, Tower D
International Waterfront Centre
No.1A Wrightson Road, Port-of-Spain
Trinidad, West Indies.

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