

## SCHEDULE 3

### Condition 70

## PART K to the BT Cellnet Licence and the Vodafone Licence

### CONTROL OF INTERCONNECTION CHARGES

**70.1** The Licensee shall take all reasonable steps to secure that the Average Interconnection Charge shall not exceed the following amounts:

- (a) during the Year 1999-2000, 11.7 pence per minute.
- (b) during the Year 2000-2001, the amount in pence per minute that is the product of 11.7 multiplied by the sum of 100% and the Controlling Percentage (deducting that Percentage if it is negative).
- (c) during the Year 2001-2002, the amount in pence per minute that is the product of the amount calculated in accordance with paragraph 70.1(b) above multiplied by the sum of 100% and the Controlling Percentage (deducting that Percentage if it is negative).
- (a) (a) The Average Interconnection Charge shall be calculated as the average of the Interconnection Charges during the Year in question, weighted according to the profile of the Licensee's call minutes by charging period in the Base Year. Where any Interconnection Charges are in force during a part only of a Year (commencing or ending at a date in the course of the Year), the weighting shall be derived from the profile of call minutes by charging period in the corresponding part of the Base Year.
- (b) The Average Interconnection Charge shall be determined according to the Licensee's standard charges, and no account shall be taken of any discounts offered by the Licensee, whether in respect of any particular customer or any category of customers or any category of Calls.

**70.3** The Licensee shall not make any Interconnection Charge for:

- (a) a Call which terminates on a recorded announcement provided by the Licensee informing the caller of an inability to complete the Call so as to establish a two-way path where the mobile handset used by the called party is switched off, or rings and remains unanswered, or where coverage is not available from the Licensee's system.
- (b) an unanswered Call which is diverted in respect of the period before the Call is answered.
- (a) (a) If the Licensee has failed to secure that the Average Interconnection Charge has not exceeded the levels for the Years 1999-2000 or 2000-2001 specified in paragraph 70.1(a) or 70.1(b) above, the Licensee shall make such adjustments to its Interconnection Charges in the following Year as the Director may, after consultation with the Licensee, consider to be appropriate for the purpose of remedying that failure, and so direct the Licensee.
- (b) If it appears to the Director that the Licensee is likely to fail to secure that the Average Interconnection Charge for the Year 2001-2002 does not exceed the level specified in paragraph 70.1(c) above, the Licensee shall make such adjustments to its Interconnection Charge in that Year as the Director, after consultation with the Licensee, considers appropriate for the purpose of avoiding that failure, and so directs the Licensee.

**70.5** In this Condition unless the context otherwise requires—

“Average Interconnection Charge” has the meaning specified in paragraph 70.2 above;

“Base Year” means the year ending on 31 March immediately preceding the Year in question;

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Telecommunications (Licence Modification) (Mobile Public Telecommunication Operators) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“Call” means a circuit switched conveyance of a Message originating in a telecommunication system which is connected to any of the Applicable Systems of a fixed telecommunication system and intended to terminate on a handset connected to the system of the Licensee;

“Controlling Percentage” means in relation to any Year the amount of the change in the Retail Prices Index in the period of 12 months ending on 31 December immediately before the beginning of that Year, expressed as a percentage (rounded to two decimal places) of that Index as at the beginning of that period, reduced by nine;

“Interconnection Charge” means the standard charge made by the Licensee for the interconnection of a Call, and “interconnection” has the same meaning as in the Interconnection Regulations;

“Retail Prices Index” means the index of retail prices compiled by Her Majesty’s Government in respect of all items; and

“Year” means the period from 1 April to 31 March inclusive.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2003 c. 21 Sch. 19\(2\)](#)