ARCEP's decision on "Implementation of a process for gathering information on the technical and pricing terms governing data conveyance and interconnection"

April 17, 2012



About ARCEP

- ARCEP is France's Electronic Communications and Postal Regulatory Authority.
- ARCEP is an administrative body, **distinct from the government**. Its independance is guaranteed by European directives and national law.
- ARCEP regulates an economic sector. It regularly gathers information from stakeholders and processes them with an adequate level of **confidentiality**. ARCEP is **not competent to set or collect taxes**.

ARCEP's policy on interconnection

- ARCEP has been addressing net neutrality since 2010. Interconnection is one of the main work streams within this topic.
- As a regulator, ARCEP considers it is important to understand interconnection's trends and dynamics (e.g. growing concentration of traffic, increase of some ISPs' market power, debates around NGA networks funding, etc.). ARCEP does not intend to regulate this market today and stated it in its recent decision: "the situation in data conveyance and interconnection markets today does not appear to warrant the introduction of ex ante regulation at this stage".
- However, when tensions arise, stakeholders can come and ask ARCEP to settle their dispute about interconnection and data conveyance conditions. ARCEP has already been informally contacted by some actors. If a formal request comes, ARCEP will have to take a fair and well-informed decision to settle the dispute.
- ARCEP got involved in several works to increase its understanding of the market (e.g. meetings with stakeholders, international workshops). It considers necessary to have a quantitative, accurate, up-to-date knowledge of interconnection conditions.

About the decision

- On March 29, 2012, ARCEP published a decision "on the implementation of a process for gathering information on the technical and pricing terms governing data conveyance and interconnection".
- This decision was preceded by a <u>public consultation</u> launched on December 23, 2011. The decision takes effect immediately.
- The questionnaire is about "data conveyance and interconnection relationships". It covers peering and transit relationships.
- ▶ Each respondant is required to list its most significant relationships (in terms of capacity), and provide for each:
 - the partner's name (AS);
 - the type of relationship (peering, transit...);
 - the capacity;
 - the actual incoming/out traffic over a period of time;
 - the pricing conditions.



About the decision – questionnaire to be filled in

| Questionnaire | on data conve | eyance and inte | erconnection | | | | | | | |
|---|---------------------------|--------------------------|-------------------------|--------------------------------------|-------------------------|-------------------------|-------------------------|--------------------------|---------------------|----------------------|
| | | | | | | | | | | |
| . Date: | | | | | | | | | | |
| . Respondent's name: | | | | | | | | | | |
| . Contact information | for the person in charge | of responding to the q | uestionnaire (main cor | ntact): | | | | | | |
| First name | | | · | | | | | | | |
| Last name | | | | | | | | | | |
| Title | | | | | | | | | | |
| e-mail address | | | | | | | | | | |
| Phone number | | | | | | | | | | |
| | | | | | | | | | | |
| . Individual agreemen | ts with other AS | | | | | | | | | |
| - for each AS owned | l, please provide inform | ation on each point of | interconnection/interne | et exchange point ("ind | ividual agreement") an | d on the cumulative va | lue, with the 20 main p | artners | | |
| and all partners | after the 20 largest with | AS marked "FR" or "E | U" and sharing a total | capacity of > 1 Gbit/s. I | Each point of interconn | ection/internet exchan | ge point, and the cumul | lative value, must be gi | iven a separate ro | w in the table. |
| | into column H are bidir | | | | | | | | | |
| - you are free to cho | ose the method used to | calculate traffic stream | ns entered in columns l | L and M, but ideally the | 95th percentile for the | period in question (ple | ase indicate the exact | calculation method use | ed at the end of th | ie questionnaire; (|
| | | | | D | | F | B | | Information | on the point of into |
| Identification No. | Name of AS #1/ASN | Name of AS #2/ASN | Start date | Partner's name & contact information | Type of relationship | Financial terms & | Pricing scheme (and | Capacity (Gbit/s) | | • |
| | | | | contact information | | conditions | rates) | | Country | City |
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| of which E:1 of which n:1 of which 1:1 of which 1:n of which 1:E | P Name of AS #1/ASN | Name of IX | Start date | IX contact information | Type of relationship | Financial terms & | Pricing scheme (and | Capacity (Gbit/s) | Information | on the internet ex |
| of which E:1 of which n:1 of which 1:1 of which 1:n of which 1:E Agreements at an IX | | Name of IX | Start date | IX contact information | Type of relationship | | | Capacity (Ghit/s) | | |
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Who is concerned?

- **Category 1.** Operators of electronic communications which:
 - are required to be declared to ARCEP (i.e. which operate a network open to the public in France),
 - and: own one AS connected to two AS at least,
 - → must respond to the questionnaire every six months.
- Category 2. Other stakeholders interconnected to a Category-1 operator, specifically:
 - operators of electronic communications,
 - or: undertakings providing an online communication service to the public which have actively taken steps to have their services used by end users in France,
 - → may receive a specific request from ARCEP which aims at checking or completing information given by Category-1 respondents; in this case they will have to respond within two months.

The way forward

- ▶ The information will help to further ARCEP's knowledge of data conveyance and interconnection markets.
- ARCEP will process it while being careful to respect trade secrets. In particular, it will enable the Authority to assess the existence or lack of competition in these markets over time.
- ▶ ARCEP wants to keep exchanging views with stakeholders. It will participate to OECD-BEREC workshop (Brussels, June 20) and remains open to discussion.

Useful links on ARCEP's website

- Press release
- Decision's translation
- Questionnaire to be filled in

Online soon