Fixed Telecoms Market Review

Zain Reply to Responses from Orange and Umniah

20 Feb 2020

1 Introduction

Zain has read with interest Orange's and Umniah's responses to the Fixed Telecom Market Review consultation documents issued by the TRC. Whilst we have some agreement with Umniah, we consider that Orange's response is disconnected from the realities of the market. Orange seems to consider that the TRC has got more or less everything wrong in its analysis of the market. It appears to Zain that Orange has taken a deliberate strategy to undermine all of the excellent research and analysis conducted by the TRC in a bid to delay implementation of the pro-competitive remedies proposed by the TRC that will help strengthen the very under-developed fixed markets in Jordan.

Orange is employing a quite deliberate strategy, deployed by dominant operators around the world, of seeking to delay implementation of *ex* ante remedies that promote competition, help develop the market and, most importantly, enhance consumer experience and welfare. We therefore urge the TRC to ignore Orange's plea in paragraph 20 of their response to put the review on hold and undertake further research. It is clear to us that only Orange will gain from such an action whilst competition and consumers will lose out.

It is Zain's view that if the TRC concedes to Orange's request then the TRC will be in breach of both Article 6 of the Telecommunications Law (no. 13) 1995[1] and Article 36 of the government's General Policy for the Information & Communications Technology and Postal Sectors, 2018[2] published by the Ministry of Digital Economy and Entrepreneurship.

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[1] *"The Commission shall undertake the following duties and responsibilities:*

To stimulate competition in the telecommunications and information technology sectors, relying on market forces, and so regulating them as to ensure the effective provision of telecommunications and information technology services and to ensure that its regulation is sufficient and effective to forbid or curtail illegal competitive practices or prevent any person with a dominant position in the market from abusing his position, and to take all necessary actions in this regard."

[2] "*Government requires market reviews to be undertaken by the Commission in a timely manner to ensure that the telecommunications market remains competitive. Market reviews have not been carried out for a considerable period of time yet market conditions have changed significantly. Government therefore requires the Commission, as a matter of great urgency, to carry out such market reviews. Specifically, Government requires that these market reviews identify*

2 Reply to Orange

This Section sets out our reply to Orange's comments. We shall rebut certain key arguments put forward by Orange: in particular:

i) That the market definition should be broadened to include local access provided by fixed and mobile wireless and because of this the market is not susceptible to *ex ante* regulation under the three criteria test;

ii) That there are sub-national geographic markets in Jordan, in particular in Amman;

iii) That the markets are not susceptible to *ex ante* regulation;

iv) That Orange is not dominant in the markets.

These comments will apply equally to the market at retail and wholesale level.

As we do not agree with Orange's description of the market and consider that Orange has consistently behaved in a manner that demonstrates its dominance, we shall not comment on Orange's views of the remedies proposed by the TRC. We explained our views on these remedies in our response to the consultation document and these comments still stand on the basis that we agree with the TRC that Orange is dominant in the market. We also expressed our view that the TRC should consider the separation of Orange if, as we expect, Orange persists with its previous behaviour and fails to implement the TRC's proposal properly.

Orange is a single economic entity with market power of essential facilities that gives it a strong incentive to discriminate in favour of its own business units. The vertical separation of Orange would remove its incentive and so help to create the competitive market needed in Jordan.

2.1 Product Market Definition

2.1.1 Retail Broadband

In answer to Question 2 of the TRC's consultation, Orange claims that mobile broadband should be included in the retail market broadband market definition. Its arguments are set out in paras. 58 – 67 of its response. There are two key problems with its argument.

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relevant product markets, determine the market power of individual operators within those markets, and specify remedies to mitigate the effects of dominance or significant market power. A specific issue to be covered in forthcoming market reviews will be telecommunications-like services provided over the Internet by service providers lying outside the domain of the current telecommunications law and by foreign companies that are difficult to regulate, Government requires the Commission to consider, amongst other factors determined by the Commission, whether particular regulation of licensees places them at a disadvantage in comparison with such service providers in particular product markets."

First, in seeking to make this claim Orange relies on a qualitative assessment of the characteristics of fixed and mobile broadband, attempting to show that they are equivalent. Orange does not at any point even frame its argument using the well-established economic test of determining if two products are in the same relevant market: the Hypothetical Monopolist Test (HMT). This test, well known to the TRC, examines whether a small but significant non-transitory increase in price (SSNIP) by a hypothetical monopolist of the focal product (in this case fixed broadband) would be profitable due to a lack of demand or supply substitution by an alternative product (mobile broadband).

Without such an economic analysis by Orange to demonstrate a SSNIP would be unprofitable, we do not believe that Orange has provided sufficient evidence to overturn the TRC's more rigorous market definition.

Secondly, Orange's technical arguments about the similarity of consumer experience on fixed and mobile broadband are, to say the least, optimistic. For example, in para. 63 it claims that mobile broadband speeds are comparable with ADSL at 18Mbps. A key problem with this argument by Orange is that it fails to recognise the fact that the download speed experienced by a mobile broadband user is dependent on where they are located within the cell. A user at the cell edge receives a much lower download speed than a user near the base station.

The table below shows the average throughput in a cell and the throughput at the cell edge for different network loads and geographies. A user at the cell edge experience a throughput of about 20% of the throughput of the average user in the same cell.

Figure 1: Sector Throughput: Average and Cell Edge

Network	Sector Average throughput (Mbps)	Cell Edge throughput (Mbps)	Network Load	Area type (Dense Urban/Sub-Urban)
L1800, 20MHz, 2x60W	26~30	6.5	100%	DU
	24~28	5.5	100%	SU
	21~25	5.4	70%~100%	DU
	19~23	4.5	70%~100%	SU
	17~20	4.1	50%~70%	DU
	15~18	3.5	50%~70%	SU

Source: Huawei

In recent years the roll out of fibre to the home (FTTH), means that consumers are trading up from ADSL to ultrafast FTTH broadband and can receive guaranteed download speeds of up to 1000Mbps. Orange's lowest advertised access speed on FTTH is 60Mbps[3], which twice as fast as the average speed available on mobile broadband. On this basis, a hypothetical monopolist of higher speed broadband would find a SSNIP profitable as consumers would not trade down from FTTH to the sort of speeds offered by mobile broadband.

Orange refers to the case of Austria where fixed and mobile broadband have been found to be in the same relevant market. However, it should be noted that in its most recent review of the broadband market, the Austrian regulator has found the competitive constraint on fixed broadband by mobile broadband to have weakened. Customer satisfaction with mobile broadband had declined due to the trend towards higher data consumption caused by streaming videos. In essence, mobile broadband cannot support the level of demand for data[4]. There is considerable doubt, therefore, if on a forward looking basis even Austria would consider mobile broadband to be in the same relevant market as fixed broadband.

Zain has its own experience of the difference in data consumption and quality of service. Our average mobile broadband customer consumes around [Confidential Figure] of data per month whilst fixed customers consume around [Confidential Figure]. This supports the view that the competitive constraint of mobile broadband is weak and thus it is not in the same relevant market as fixed broadband. [Confidential].

[Confidential Chart].

[3] Taken from Orange.jo on 16 February 2020.

[4] See: Case AT/2017/1987: Market for wholesale local access provided at a fixed location in Austria and Case AT/2017/1988:Market for wholesale central access provided at a fixed location for mass-market products in Austria

2.1.2 Wholesale Local Access

Orange claims that there is no need to define an "artificial" WLA market as the retail access market is sufficiently competitive. We will explain in our comments on the three criteria test below that the retail markets are not trending towards effective competition and that therefore there is a need to define such a wholesale market.

2.1.3 Wholesale Broadband Access

Orange claims that wholesale mobile broadband is a substitute for wholesale fixed broadband and therefore should be included in the market. Again, Orange has not used the normal economic test to demonstrate this. Further, for the reasons outlined above concerning the retail market, we agree with the TRC that mobile broadband is not a substitute for fixed broadband at the wholesale level. In particular, we consider that the difference in performance of FTTH and mobile broadband means that a SSNIP by a hypothetical monopolist of FTTH would be profitable as wholesale customers would not switch to mobile broadband.

2.2 Geographic Market Definition

Orange claims that the TRC has not conducted sufficiently detailed analysis to determine whether there are sub-national geographic markets.

Zain completely disagrees with Orange on this matter. It is Zain's view that the market conditions in Jordan mean that the TRC is correct to find that there are no sub-national geographic markets.

The European Commission SMP guidelines[5] explain how competitive conditions in geographic areas lead to different geographic markets:

> *"…the relevant geographic market comprises an area in which the undertakings concerned are involved in the supply and demand of the relevant products or services, in which the conditions of competition are sufficiently homogeneous, and which can be distinguished from neighbouring areas in which the prevailing conditions of competition are significantly different."* (para. 48)

Orange makes vague generalisations about competitive conditions in Amman (see for example para. 91) implying that market conditions in Amman would constitute a separate market.

[5] *"Guidelines on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services"* 2018

Amman is large city of some four million people. Other operators' infrastructure to support fixed services is not available across the whole city, whereas the Orange network is ubiquitous. If the TRC took Orange's advice of examining competitive conditions in Amman it would find that the area where there are sufficient alternative networks to create a competitive market is so small that it would inevitably find Orange to be dominant across the city. The same analysis in other governorates would find the same results and so support the TRC's finding that there is a single national market and that any alternative DC networks are too small to create separate geographic markets.

In addition, Orange states in para. 52 of its response that the TRC sees the fact that alternative networks as still being rolled out as an obstacle to finding geographic markets and goes on to say that it disagrees with the TRC on this point as this has not been found to be problem elsewhere. However, the European Commission's SMP Guidelines quoted above, also state that geographic markets should have "*have clear and stable boundaries over time"* (para. 49). Such boundaries cannot be clear and stable when networks are still being rolled out.

It is Zain's view, therefore, that Orange is wrong to say that the fixed telecoms market in Jordan could be sub-national rather than national. We therefore support the TRC's findings on this matter.

2.3 Susceptibility to Ex Ante Regulation

Orange claims that the WLA and WBA markets do not meet the conditions of the Three Criteria Test and therefore are not susceptible to *ex ante* regulation. Zain disagrees with this view. We consider that the markets fulfil all three criteria.

2.3.1 High and Enduring Barriers to Entry

It is well known that building a network is primarily a civil engineering project and that 70% - 80% of the costs of building a network are related to building the physical infrastructure (ducts and poles) that carry the fibre optic cables. These costs represent a major barrier to entry that make it uneconomic to build networks on the same scale as Orange's. Costs may vary from one part of the country to another, for example costs are lower in west Amman due to the street pattern, allowing some building of alternative networks. However, in other areas, street patterns make it very expensive to build a network and so precludes the possibility of competitive entry.

In addition, acquiring customers means that the network must not only pass households but must also be taken into the property

In para. 110, Orange refers to the Umniah/JEPCO joint venture and to agreements between Zain and the Irbid, Zarqa and Rusaifah municipalities. In most cases the final connection to the property and the internal wiring was established in the past by the owner of the building for the purpose of connecting the landline service (copper line wiring). This practice is still being done because it became the norm but is currently used for the fibre connection to the benefit of Orange.

Orange assumes that electricity infrastructure is a perfect substitute for telecoms infrastructure and so can be used to build fibre optic networks that can compete with Orange. This is not the case. In particular, the cost of having to pay rent to the electricity company means that Zain cannot mimic the Orange model of low cost roll-out of network on its own infrastructure.

In its review of the Physical Infrastructure Access Markets, Ofcom specifically considered whether non-telecoms infrastructure is a direct substitute for telecoms infrastructure[6]. They concluded that it was not for seven reasons, summarised below. Zain has experienced many of these same problems, which are noted against each of the relevant points highlighted by Ofcom.

i) *Lack of access points:* There are generally fewer access points to a non-telecoms network than to a telecoms network;

ii) *Restrictive rules of access:* Health and safety requirements make it difficult for telecoms to share networks and, in the event of a failure, the telecoms network will have a lower priority. Zain has found that the electricity company will not allow telecoms technicians to approach the electricity poles to fix any telecom faults in the event of a short circuit;

iii) *Construction incompatibilities:* The network designed for electricity, gas or water may not be compatible with fibre-optic cables. An example Zain has experienced is that electricity poles are not always on a continuous path as they were designed to serve electricity needs, while fibre optics design varies and need a continuous path from the central office to the customer premises;

iv) *Co-existence incompatibilities:* The environment for other infrastructure may be hostile to telecoms cables. Zain has found this to be the case with electricity cables;

v) *Lack of suitable sites for hosting technical facilities:* Non-telecoms physical infrastructure may not offer sites for hosting technical facilities which are sufficiently practical and cost-effective. By contrast, the physical infrastructure owned by Orange has such hosting facilities in every area of the country.

vi) *Contractual complexities:* Complex contractual arrangements may be needed for access to non-telecoms infrastructure. Zain has found that electricity companies' contracts include harsh technical and financial conditions that have to be abided by; and

[6] Ofcom (2019) '*Promoting competition and investment in fibre networks: review of the physical infrastructure and business connectivity markets' Vol. 1: Section 3.*

vii) *Civil works required to make ready for use:* additional work may be required to make the non-telecoms infrastructure ready for use by telecoms networks. For example, Zain has found that electricity cables often need to be rearranged to free up space for fibre optic cables.

In addition to these points highlighted by Ofcom, Zain's experience in Jordan is that the electricity company requires Zain to pre-arrange with them for every pole installation and requires that a supervisor must be present at each pole installation. Zain's telecom technicians also need to be certified by the electricity company to ensure they abide by electricity regulations and safety instructions.

All of these issues mean that the use of electricity and other infrastructure is very much a second best and an imperfect substitute for a physical network built for telecoms specifically. We do not agree, therefore, that either Fibertech or the arrangements Zain has with some municipalities are examples of low barriers to entry. There remain high barriers to entry for building perfectly substitutable alternative networks.

It is clear, therefore, that there are significant barriers to entry to build fixed broadband networks and so the market fulfils the first criterion, suggesting it is susceptible to *ex ante* regulation.

2.3.2 Not trending towards effective competition

Market share data are redacted from both the original consultation and Orange's response, so we are unable to comment on market shares. However, as we have demonstrated above, wireless broadband should not be included in the market definition and therefore Orange's market share should be based on DSL and fibre only. This would mean that in a wireline only fixed market, consisting of copper and FTTH, Orange would have a share comfortable above the 50% threshold at which dominance is presumed.

Orange claims, on the basis of Exhibit III.4 from the TRC consultation document that FBWA is replacing ADSL and therefore the market is effectively competitive. In fact, a closer examination of this exhibit shows that the number customers using FBWA (which we do not accept is a substitute for wireline access) appears to have peaked and that the growth now is in FTTH. Orange has by far the highest share of FTTH subscribers (we estimate about [Confidential Figure]) and so, on a forward-looking basis, the market appears to be trending away from competition and towards the continuing dominance of Orange.

The market therefore fulfils the second criterion for being susceptible to *ex ante* regulation.

2.3.3 Effectiveness of Competition Law

No country that has examined this market has found Competition Law alone to be an effective means of constraining the dominant operator. Competition Law is too slow and cumbersome to ensure adequate wholesale access to the dominant operator's network to create a vibrant competitive market.

The market therefore fulfils the third and final criterion for being susceptible to *ex ante* regulation.

In summary, Orange has not proven that the Three Criteria Test is not met and therefore we continue to agree with the TRC's conclusion that the wholesale fixed markets are susceptible to *ex ante* regulation.

2.4 Orange is the Dominant Operator

Our comments here refer mostly to the WLA and WBA markets.

Despite Orange's claims in para 130 of their response that the market is characterised by competition, we contend that Orange is dominant: that is Orange uniquely has the ability to control and affect the market. Market shares are redacted from both the original consultation and Orange's response. However, as we showed in our response to the market review, Orange is clearly dominant according to the other Impact Factors. In particular, Orange's structure and its recent behaviour clearly demonstrate that dominance and, therefore, that it needs regulating

Orange is a single economic entity, active in the fixed, mobile and dedicated capacity markets, and is fully vertically and horizontally integrated. However, much Orange likes to think of itself as divided into different business units, there is considerable co-ordination between these units.

At one level this co-ordination can be seen in Orange's responses to the market reviews and their strategy of seeking to delay and to undermine everything that the TRC has carefully argued in all three markets (fixed, mobile and dedicated capacity). Some text has been reused in all three of Orange's responses.

In the market, we can see that unlike any other operator, Orange is able to leverage its position both vertically and horizontally, to create anticompetitive bundles that exclude competition. Specifically, as an example, Orange's Bait al Aileh package[7] offers consumers the opportunity to combine all of their fixed, ADSL and mobile into one bill and, very importantly, "get discounts". Such horizontal bundling of products is not available to other operators. Specifically, Zain is unable to bundle in fixed products because Orange has blocked the 06 number range and so we rely on Orange to provide fixed calls to our customers.

Orange's exclusionary behaviour is another sign of its dominance in the market. We explained in depth in our response to the consultation how Orange has excluded Zain by not opening the 06 geographic number range *despite having been ordered to by the TRC* and the TRC itself told the story of Orange not providing LLU. The details of these behaviours need not be repeated here. However, we consider that they are classic examples of Orange controlling and affecting the market and so conclusive proof that it is the dominant operator.

[7] See https://eshop.orange.jo:250/en/bait-al-aileh-adsl-offers

2.5 Comments on Specific Paragraphs

Paragraph	Comment
4	• Zain contends that the reason for low penetration of fixed communications is a lack of competition as market is monopolised by Orange. More competition would increase penetration.
6	• Orange claims it is "not able to exploit incumbency". This is at odds with the evidence of its behaviour – LLU and 06 numbers. • Orange states: "the dominant mobile operator is subject to much less competitive pressure from fixed than in Europe". However, the TRC has not found any mobile operator dominant, therefore there is no dominant mobile operator in Jordan. Unless fixed and mobile are in the same relevant markets, then no mobile operator is subject to any competitive pressure from fixed operators. Orange seems to be confusing market definition and assessment of dominance. • Third bullet refers to the mobile market, which TRC has found to be a separate market and is therefore irrelevant.
9	Zain strongly disagrees with this comment. The growth of FTTH, and Orange's share of FTTH and its control of physical infrastructure means that competition is likely to reduce in the market.
12	Zain cannot comment on market shares as the data are redacted. However, as is well known, market share is only a starting point for analysis of market power. Examination of the other Impact Factors clearly shows Orange is dominant.
18	Ofcom operate in a more complex and developed market (in part because it is well regulated) and thus needs to undertake more detailed research. The state of the market in Jordan, and its relative simplicity, means that in the interests of proportionality the TRC need not undertake such detailed research.
20-21	Zain completely oppose this proposal. There is an absolute need for the TRC to press ahead with the pro-competitive regulation of the fixed market it has proposed in the consultation. If Orange's proposal is accepted there will only be one winner – Orange. It will continue to be able to slow down development of the market to the detriment of competition and consumers.
26	Orange appears to be confusing two markets: the market of access and the market for calls. The quote from the TRC refers to the market for calls and, not unreasonably suggests that on a forward-looking basis there is likely to be continuing substitution between calls over different access types. However, to make calls the user will need access and there will continue to be sufficient difference between narrowband, broadband and mobile to place these access types in different markets.
30-34	Orange confuses narrowband and broadband "services" with access. TRC clearly sets out a clear distinction between markets for access and calls in Sections 3.2, 3.3 and 3.4.

38	Orange states "For many years, the fixed telephony market has been in decline…" We could equally state "For many years Orange Fixed has enjoyed market power over fixed calls and must be considered a leading cause of this decline".
39 Figure 2-3	This chart does not make sense. It appears to suggest that the price of the basket of 260 calls/month has declined from ca. JOD140 to ca. JOD90, whilst the basket for 420 calls/month has remained consistent at ca. JOD60. How can this be? 260 calls is 62% of 420 calls, but the price appears to be 50% higher at the end of the period shown in the graph. Similarly, the basket of 100 calls is more expensive than the basket for 140 calls. This evidence is very weak and contradictory.
42	It is true that some NRAs have found fixed and mobile voice services to be in the same market. However, Orange quotes only two examples. In one of these examples, Austria, the competitive constraint of mobile on fixed broadband is acknowledged to be weakening and may lead to separate markets in future. Further, there are many more example where this is not the case. Specifically, when BT and EE merged, the Competition and Markets Authority (CMA) found that the merger between the UK's largest fixed and mobile operators would not result in a significant lessening of competition because BT and EE did not operate in the same relevant markets as each other. EE was active in the mobile market and BT in the fixed market, with only limited in each other's markets (See CMA *'BT Group plc and EE Limited: A report on the anticipated acquisition of EE Limited by BT Group plc'* January 2016).
50	Orange misinterprets Ofcom's finding. Ofcom set the distinction between geographic areas for *future* market reviews in which it intended to examine the market for all fixed access types. In the document quoted, Ofcom does not impose any regulation on any operators as this document only set out its future direction and did not impose regulation. In the more recent Ofcom Wholesale Fixed Telecoms Market Review (January 2020) Ofcom does indeed apply these three geographic markets. However, Ofcom finds that no area of the UK is competitive for fixed access and so there is no area where regulation is withdrawn. In business connectivity market (dedicated capacity) only the central London area and some other central business districts are found to be competitive.
51	Finland has a unique geographic market structure and is not comparable to any other market.
63	Orange states that "mobile broadband speeds are comparable to ADSL speeds". This may be true in perfect circumstances, but not when consumer is at cell edge and/or when cell is heavily used. Spectrum is a shared resource. Also, ADSL is yesterday's technology. Consumers increasingly want FTTP and mobile cannot compete with FTTP for speed.
67	This paragraph is contradictory. There cannot be competition from outside the market. If fixed and mobile are not in the same market, there is no competition between them.
78	Orange claims retail markets are competitive and therefore wholesale markets are artificial. As explained in the main body of our response, Zain rejects Orange's

	claim. The TRC has clearly demonstrated the presence of a competition problem at retail level. This can be resolved by effective regulation at wholesale level.
80	Orange states "Historically there was no demand for ULL on copper networks" We disagree. The reason there was no demand was because Orange refused to supply. Zain agrees that LLU is not a future product, but Orange's past behaviour suggests it will also block wholesale access to fibre, which must not be allowed to happen.
89/90	Orange is confusing geographic market definition and SMP analysis. In para 90 Orange would need to show how different market structures in different geographic areas results in different competitive conditions to create separate geographic markets.
97	• Orange implies that VOIP and traditional calls are substitutes and that this is why call origination was removed from the European Commission's list of recommended markets. This is misleading. The Staff Working Document accompanying the EC's Recommendation makes it clear that OTT voice services are not perfect substitutes for traditional calls and that "OTTs have only been found to exercise limited competitive constraints". Amongst the reasons for this are that both users have to have the same OTT application. (see '*Commission Staff Working Document accompanying the Commission Recommendation of Relevant Markets' SWD2014 (298), Section 3.1.* • We do not accept fixed and mobile calls are substitutes.
120 – 126	Orange claims the retail market is not susceptible to ex ante regulation and that wholesale regulation plays no part in competition at the retail level. Zain disagrees. Orange has in fact used its market power to prevent the development of competition but is blatantly flouting the regulations imposed on it. For example, its refusal to supply LLU lines and the blocking of 06 numbers.
162 – 163	Individual countries are all different and development of networks are path dependent. For example, Portugal had a strong cable broadband provider, but there is no cable network in Jordan. Therefore, it is risky to draw conclusions for one country based on conditions in another.

3 Reply to Umniah

Below we make some specific comments in reply to Umniah's comments.

In its **Introduction,** Umniah states that TRC's findings in this review are "inconsistent with the TRC findings published for consultation within its decision related to : "Instructions for telecommunications network facilities and infrastructure sharing and national roaming" that oblige all telecommunication infrastructures constructed or located within Jordan to negotiate and enter into sharing agreements."

We agree with Umniah on this point and, as we state in our response to these instructions from the TRC, propose that the TRC should withdraw these instructions until the market review process is completed to ensure there is no such inconsistency.

In response to **Question 3,** Umniah suggests that VULA should not be included in the market definition as it is premature to regulate fibre. We disagree with this suggestion. A lack of fibre regulation would allow Orange to extend its dominant position in ADSL into fibre. By the time regulation is introduced into fibre it may be too late to correct Orange's dominant position.

For the same reason, we disagree with Umniah's response to **Question 4.**

We agree with Umniah's response to **Question 11**, that the TRC should consider the impact of Orange's delay in the provision of LLU.

We agree with the concluding sentences of its answer to **Question 12**. Zain has itself pointed out the vertically integrated nature of Orange and its ability to leverage its dominance across markets.

In response to **Question 14,** Umniah proposes that the TRC should consider the impact of fixed termination rates being higher than mobile termination rates. We agree with the this and with Umniah's comment that this is not in line with best practice. In the EU, BEREC has found that the average fixed termination rate is 25% of the average mobile termination rate (€0.00192 per minute compared with €0.00774[8] per minute)[9].

4 Conclusion

On the basis of all the evidence presented by Zain above, we hope and expect that the TRC will not comply with Orange's blatant attempt to delay the implementation of its package of pro-competition regulations. It is our view that these regulations, if properly implemented, will deter and prevent Orange from exploiting its dominant position and the beneficiaries of this regulation will be Jordanian consumers and the economy more broadly.

[8] JOD 0.00151 and JOD 0.00609 respectively.
[9] See BEREC '*Termination rates at the European Level'* January 2019