

Adrienne Downs

From: Pin, Ulises R. [U.Pin@bingham.com]
Sent: Wednesday, August 24, 2011 12:38 PM
To: James Ball
Cc: David Krech; Jodi Cooper; Mark Uretsky; Pin, Ulises R.
Subject: RE: TA Resources

Jim:

Enclosed you will find responses to your questions in the above referred matter. Please do not hesitate to contact us with any additional questions.

Best Regards,

Ulises Pin

1) Are there any regulatory requirements in Aruba regarding the provision of technical information by SETAR to competitive carriers? Or is the basis for SETAR providing its competitors with technical information limited to the terms of the interconnection agreement between SETAR and the competitive carrier?

Response: SETAR requires and has been issued licenses by the government of Aruba in order to operate as a fixed, mobile and international carrier. These licenses *inter alia* contain the obligation for SETAR to install and maintain its telecommunication infrastructure (network) in accordance with the (technical) norms, standards and specifications established to that effect by international telecommunication organizations. As a result, any competitive carrier in Aruba is aware of what technical information the infrastructure of SETAR conforms to. In addition, the licenses of SETAR obligate it to comply with requests of other telecommunication service providers, to grant facilities in connection with the provisioning of telecommunication services to third parties. Moreover, under Aruba law, SETAR may not discriminate against competitors and must apply reasonable rates. In providing the facilities SETAR in principle conforms to the request of the other telecommunication service providers. It follows that if technical information has to be exchanged in order to comply, SETAR shall reasonably have to comply with such exchange. These obligations are in addition to the terms of any interconnection agreement that may be concluded between SETAR and another carrier.

2) Are there any regulatory requirements in Aruba regarding the protection of proprietary customer and carrier information? Or is the basis for prohibitions on the use of proprietary customer and carrier information by SETAR limited to the terms of the interconnection agreement between SETAR and the competitive carrier?

Response: A distinction can be made between personal customer information and proprietary carrier information. The licenses of SETAR provide that it is obligated to comply with the laws applicable in Aruba in regards to protection of *inter alia* personal customer information and that SETAR, as far as needed for such protection, has to take measures to that effect. One of the laws applicable in Aruba that obligate SETAR to protection of personal customer information is the Ordinance regulating personal registration, regarding the protection of privacy. Moreover, Article 8 of the European Human Rights Treaty, which regulates the right to privacy, is fully in force and applicable in Aruba. Proprietary carrier information is protected in Aruba under the laws that protect property rights, including the Aruba Constitution and Article 1 of the First Protocol of the European Human Rights Treaty. Aruba, and in particular its independent judiciary as guaranteed by the Statute of the Kingdom of the Netherlands, has a strong tradition of awarding such protection to property rights.

3) Have any new competitors entered the international telecommunications market in Aruba since the Supplement to the Application was filed? See pages 4-5 of the Supplement.

Response: No new competitors have entered the international telecommunications market since the

9/21/2011

Supplement to the Application was filed.

4) Have there been any developments in the adoption of the telecommunications legislation discussed in the Supplement to the Application? See page 7 of the Supplement.

Response: The situation is unchanged. The ongoing economic downturn, including the rise in oil prices, subsequently a sharp rise in electricity charges and overall cost of living are of major concern for the government

From: James Ball [mailto:James.Ball@fcc.gov]
Sent: Monday, July 18, 2011 2:07 PM
To: Pin, Ulises R.
Cc: David Krech; Jodi Cooper; Mark Uretsky
Subject: FW: TA Resources

Ulises

Upon review and coordination of the draft within the Bureau, concern has been expressed about the apparent weakness in the record regarding certain aspects of the showing that Aruba meets the ECO test. It would be helpful if you were able to supplement the record on some issues with additional information, if possible.

1) Are there any regulatory requirements in Aruba regarding the provision of technical information by SETAR to competitive carriers? Or is the basis for SETAR providing its competitors with technical information limited to the terms of the interconnection agreement between SETAR and the competitive carrier?

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Please file your responses in IB Docket No. 10-288 via IBFS.

Thank you.
Jim

From: Pin, Ulises R. [mailto:U.Pin@bingham.com]
Sent: Tuesday, July 12, 2011 10:26 AM
To: David Krech
Subject: TA Resources

David:

I hope you are doing well. I am following up on the ECO test approval for TA Resources (Aruba). Please let us know how is this application proceeding.

Thank you,

Ulises

9/21/2011

Ulises R. Pin*

BINGHAM McCUTCHEN LLP | 2020 K Street, N.W., Washington, DC 20006
202.373.6664 - TEL | 202.373.6450 - DIRECT FAX | u.pin@bingham.com

* Also Admitted in Mexico

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