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Subject: Consultation IXP License

Date: 25 November 2020 at 4:55 PM

To: consultations@ofreg.ky

Cc: Osbert Francis osbert.francis@salt.ky, Brian Hurley brian.hurley@salt.ky, Phil Benner phil.benner@salt.ky

BL

Good Afternoon,

We agree with most of the points in the consultation. There are however a few we would like clarification on: .

Section 23 - makes mention of local public DNS servers. Is this something the regulator is looking for the IXP to operate and maintain as part of there license ?

Section 40 - references other local services that could connect to an IXP such as content delivery networks, or government agencies but gives no indication how the cost for those types of connections would be allocated under a non-profit model

Section 46 –This indicates the operator of the IXP is expected to be an independent non-profit organization. This is a different model than operating the IXP as a non-profit model. The fiduciary commitments associated with registering and maintaining a registered non-profit organization are very different. We are therefor seeking clarity on Non-Profit Organization or not-for-profit and which one it is that the regulator is seeking to provision the license under.

Section 64 – Again, operating as a not-for-profit basis is different than having a registered non-profit organization as per section 46. Clarification on this is requested.

We not the consultation document does not mention “all local traffic” just local traffic. We would suggest that the wording reflect “all local Traffic”

Answers to question:

Question 1: Do you agree that, the IXPs established in the Cayman Islands should operate in a manner consistent with the 10 Basic Principles set out in APPENDIX 2 of this Consultation? **YES**

Question 2: Do you agree that, all persons who hold *Type 9 – Internet Service Provider* (‘ISP’) ICT service licences must connect their ISP services networks to at least one common licensed IXP in the Cayman Islands and must be obligated to exchange Local IP traffic, whether on a bilateral or multilateral basis? **YES**

Question 3: Do you agree that, persons other than ISPs should not be restricted from connecting to and providing services at an IXP, subject to compliance with such relevant laws, regulations, rules or reasonable terms and conditions as may be established by the operator of the IXP for such non-ISP connections? **YES**

Question 4: Do you agree that, the operator of an IXP must establish an advisory board consisting of representatives of each of the ISPs, and must give effect to the greatest extent practicable to the consensus of that board on any matters relating to the exchange of local Internet traffic, provided, however, that the operator of the IXP may submit for the Office’s review and

however, that the operator of the IXP may submit for the Office's review and approval alternative methods of determining the consensus of the ISPs on matters relating to the exchange of local Internet traffic? **NO OBJECTION**

Question 5: Do you agree that, 'Local IP Traffic' should be determined to mean 'Internet traffic which originates in the Cayman Islands on a network operated by an ISP and terminates in the Cayman Islands on a network operated by another ISP, irrespective of whether the networks in question are fixed wireline, fixed wireless or mobile wireless networks.'? **YES**

Question 6: Do you agree that, the IXP must be located in premises which are not owned or operated by an ISP or by an affiliate of an ISP. That ISPs must connect to the IXP equipment at Layer 2 of the ISO OSI stack; and that the IXP shall not access, interrupt or otherwise use the ISP's traffic for any purpose other than what is minimally necessary to facilitate delivery of IXP service? **YES**

Question 7: Do you agree that;

1. the operator of the IXP shall charge ISPs cost-based fees for connection to and use of the IXP for exchange of Local IP Traffic; **YES**
2. the ISPs shall be responsible for procuring, at their own expense, the necessary facilities to connect to the IXP; **YES**
3. the operator of the IXP may not make access to the IXP contingent upon the use of the services or facilities of any particular network or service provider; and **YES**
4. the ISPs may not charge each other for the exchange of local Internet traffic across the IXP? **YES**

Question 8: Do you agree that, IXPs should be allowed to obtain necessary licences to operate International Cable Landing Stations (ICLS) and that persons licensed and operating Type D2 International Fibre Optic Networks and Type 11a Provision of Dark Fibre Services, or otherwise authorised to operate a ICLS, must provide International Fibre cross-connects and ICLS co-location to IXPs? **YES**

Question 9: Do you agree that,

- a. IXP licensees should pay their share of Regulatory Fees; **YES**
- b. IXP licensees should be exempt from paying Royalty Fees for services related to the exchange of Local IP Traffic; **YES**
- c. The Application Fee for grant of Type 16 Internet Peering Service licence should be \$1500.00 **YES**
- d. No application fee should be applied to applications for Type G IXP network licence applications? **NO, there should be an application fee as it is an additional designation**

Question 10: Do you agree with the proposed Draft IXP Regulatory Framework? If not, why? **YES**

Kind Regards,

Blair S. Lilford

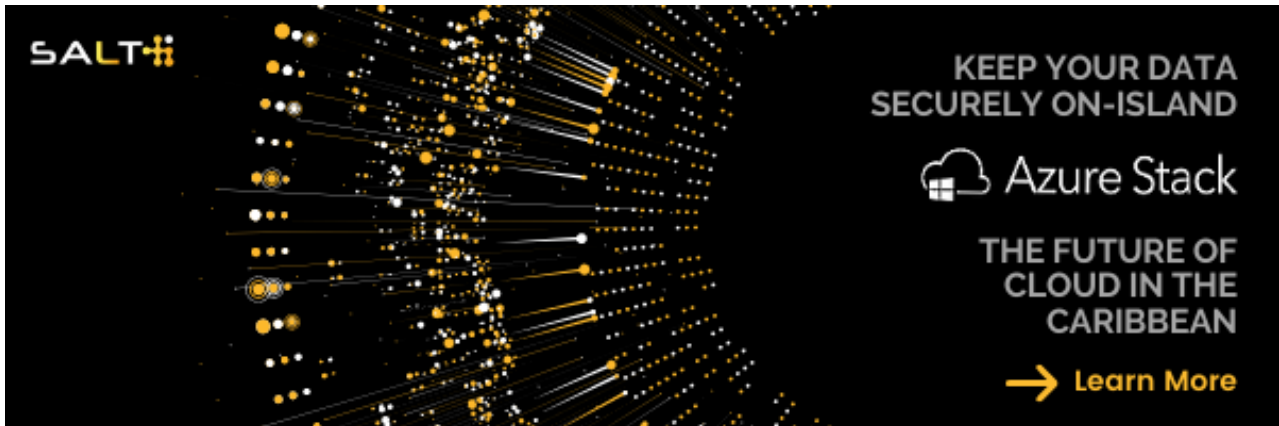
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