

**Information & Communications Technology Authority**  
**Public Consultation on Draft Interconnection and Access to**  
**Infrastructure Regulations**

*Submission by Cayman Islands Telecommunications No. 1 Ltd.*

1. Should the Authority extend the application of these regulations to networks other than public networks used for the delivery of ICT Services of Types 1 to 5, 9 (limited to ISP only) and 11?
2. Are the principles set out in Section 8 of the draft regulations appropriate for interconnection and access to infrastructure services? Are there other principles that should be added in order to promote effective competition and efficient utilization of public networks? Are the principles adequately reflected in the subsequent provisions of the draft regulations?

The principles set forth in Section 8 adequately capture the necessary standards to promote effective competition in the marketplace. Changes to the verbiage should incorporate, where appropriate the concept of *are just and reasonable*, in addition to non-discriminatory rates and services.

3. Should all public ICT Network Licensees be required to file a Legal Framework Document with the Authority, as proposed in Section 9 of the draft regulations? For example, should certain public Network Licensees (new entrants as an example) be required to provide a Legal Framework Document only upon request for interconnection services?

A proposed Legal Framework Document should be prepared and filed for by the Incumbent provider within 45 days; the document should be reviewed by the Authority and be open for comment by interested parties. New entrants should not be required to provide a Legal Framework Document, but should be given this ability if they so desire. New entrants should also be given the ability to "opt-in" to existing agreements on file with the Authority. While interconnection services go both ways, between incumbent providers and competitive providers, competitive providers should only be required to provide a Legal Framework Document to the extent they are on the receiving end of an interconnection request.

4. Are the time scales set out in Section 10 of the draft regulations sufficient for new entrants to negotiate interconnection agreements and to plan and commence operations in the Cayman Islands on a timely basis?

The time frames set forth in Section 10 should be sufficient for new entrants to enter into negotiations for an interconnection agreement. The more important aspect of this section will be reflected in the dispute resolution rules that are eventually adopted. These rules will be significant with respect to settling issues around the negotiations

of interconnection agreements. The Authority should be given power to arbitrate these disputes and resolve outstanding issues in a timely manner. Additionally, providing the ability for new entrants to opt-in to sections of existing agreements will expedite this process substantially.

5. Should the regulations contain a provision requiring an ICT network provider designated as an incumbent ICT network provider to publish a reference interconnect offer (RIO), setting out, among other things, the list of interconnection services to be provided by the incumbent network provider and the applicable rates? If so, what role, if any, should the Authority have in reviewing and approving the draft RIO?

The incumbent ICT network provider should be required to file with the Authority a schedule of rates, terms and conditions for interconnection services. This schedule should be reviewed and approved by the Authority to ensure compliance with the rules and regulations set forth in the interconnection and access to infrastructure regulations. Additionally, the ICT network provider justifying the rates and charges set forth in the schedule should file cost studies. These should also be reviewed and approved by the authority to determine compliance with the regulations set forth in the forward looking long run incremental cost rules. The RIO, its terms, conditions, services and rates should be established on a just, reasonable, and non-discriminatory basis in a manner consistent with the manner the Incumbent ICT provides itself, and its affiliates.

6. Should the requirement for sufficiently unbundled interconnection services and elements include unbundled local loops, number portability and/or other services.

Yes, unbundled interconnection services should include all network elements, including unbundled local loops and number portability. An incumbent ICT network provider should have a duty to provide, to any requesting carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on a unbundled basis at any technically feasible point on terms and conditions that are just, reasonable and nondiscriminatory in accordance with an interconnection agreement and the requirements of the regulations set forth in the Interconnection rules.

In determining what network elements should be made available the Authority should consider, at a minimum, whether, access to such network elements are proprietary in nature; and whether the failure to provide access to such network elements would impair the ability of the Requestor to provide the services that it seeks to offer. Network elements should also include any element the Authority determines can be, and that the public interest requires to be, unbundled consistent with the rules and regulation set forth by the Authority.

7. What other provisions, if any, should be reflected in the regulations in order to enable new entrants to gain access to the existing ICT network or infrastructure of the incumbent ICT network provider at cost fair rates.

The use of forward looking long-run incremental cost to determine the rates for unbundled network elements and interconnection services is an appropriate methodology to ensure fair and equitable rates and charges. The Authority should have the ability to review and propose changes to the cost studies filed by the Responder. Additionally, with respect to Section 8(1)(h), the interim use of fully allocated costs should be subject to a true up once the forward looking long run incremental cost studies are developed.

The Authority should consider "structural separation" of the Incumbent ICT, creating a separate corporate entity with ownership and control of the Incumbent ICT network element infrastructure to reduce the likelihood of anti-competitive behavior.

8. What modifications should be made to these draft regulations to reflect matters pertaining to access to infrastructure at fair rates? Is the definition of infrastructure sufficient in the manner in which it addresses tangibles and intangibles?
9. What access to infrastructure services are anticipated to be required? Provide the rationale for the need to access such infrastructure services?

Each Incumbent ICT and other utility service providers should provide access to poles, risers, conduits, ducts, unused facilities, excess facilities, and the like on a non-discriminatory basis on just and reasonable terms, conditions, and rates; and in a manner consistent with how the Incumbent ICT or utility provides itself, and its affiliates with such access.

10. Provide any other comments on interconnection, which are desired to be brought to the attention of the Authority.

Section 13 should be enhanced to include what technically feasible means so that the rules provide guidance on this issue. For example:

Technically feasible methods of obtaining interconnection or access to unbundled network elements include at a minimum:

1. Physical and virtual collocation at the premises of the incumbent ICT network provider;
2. Adjacent collocation where space is legitimately exhausted in a particular premises;
3. Meet-point interconnection agreements

Technically feasible points within the incumbent ICT network providers network include, at a minimum:

1. The line-side of a local switch or remote terminal device;
2. The trunk-side of a local switch or remote terminal device
3. The trunk interconnection points for a tandem switch;

4. Central office cross-connect point; out of band signaling transfer points necessary to exchange traffic at these points and access call related databases; and
5. The points of access to unbundled network elements

Technically feasible locations of interconnection include, at a minimum:

1. Serving wire centers;
2. Host and remote end offices;
3. Tandem offices;
4. Controlled environmental vaults (including cabinets and buildings);
5. Any point within the incumbent ICT network providers loop plant (e.g. distributor-feeder interface, remote terminal)