

## The Public Consultation Process

The Information and Communications Technology (ICT) Authority was established by the Information and Communications Technology Authority Law, 2002 (ICTA Law, 2002).

### Functions of the ICT Authority

Some of the principal functions of the ICT Authority are to:

- Promote competition in the provision of information technology, telecommunication, broadcast, internet and commercial information services (ICT Services);
- License and regulate ICT Services and any network used in the provision of an ICT Service (ICT Network);
- Regulate the rate, prices, terms and conditions of any ICT Service and ICT Network where it is in the public interest to do so;
- Investigate and resolve complaints from consumers and service providers;
- Promote and maintain an efficient, economic and harmonized ICT infrastructure.
- Resolve disputes concerning the interconnection or sharing of infrastructure between or among ICT service providers or ICT network providers;
- Promote and maintain an efficient, economic and harmonized infrastructure.

To achieve its principal functions, the ICT Authority has been vested with various powers. In the exercise of its principal functions and powers, the ICT Authority will engage in public consultation. Public consultation enables the ICT Authority to ensure that the public in general, and telecommunication stakeholders in particular, are involved in its decision making process.

The materials which follow address the objectives for public consultation, the manner in which public consultation will take place and the identification of the preliminary matters on which the ICT Authority proposes to undertake public consultation.

At the outset, the ICT Authority invites the public to submit their views at any time as to the sufficiency and appropriateness of the consultative process. Written submissions may be forwarded to: The Managing Director, Information Communications Technology Authority, PO Box 2502 GT, Grand Cayman, Cayman Islands; by e-mail to [consultations@icta.ky](mailto:consultations@icta.ky); or by fax to 1-345-945-8284..

### Objectives of Public Consultation

The objectives of public consultation are:

1. to obtain input, information and feedback from the public and stakeholders so as to ensure that consumers have the best telecommunication services possible in terms of choice, quality and value for their money;
2. to acquire substantive information and knowledge from stakeholders, regulatory and industry professionals and other similar regulatory institutions so as to effect an orderly transition from a monopoly environment to a fully liberalized and competitive marketplace;
3. to ensure transparency of its decisions.

The ICT Authority wishes to obtain the widest possible range of views and the most informed of submissions. To achieve transparency, it is important that the public and stakeholders can make their views known, that they are confident that their views have been considered, and that everyone has access to all submissions. This will assist parties in knowing the views considered by the Authority and raise confidence in the Authority and its decisions.

### **Forms of Public Consultation**

Public consultation will take place in a variety of forms depending on the nature of the issue, the number of parties potentially affected by a decision, the impact on the marketplace and, most importantly, the consequences on the consumer. Public consultation may range from the very informal to more formalized and structured public proceedings. Some of the forms of consultation available to the Authority in achieving its objectives are:

- written submissions
- individual meetings with one or more interested parties
- meetings, seminars, and workshops with representative groups and other interested parties
- surveys
- consultation with independent advisers
- discussions and consultation with regulatory professionals and regulatory institutions in other jurisdictions
- public hearings
- issuing draft documents and soliciting comments from the public at large

The intent is not only to solicit public input and participation prior to taking decisions but also for the Authority to satisfy itself that it has investigated all aspects of an issue. Public consultation is as necessary for the soundness of the Authority's decisions as it is for the public to know the various views expressed on an issue.

Two of the above noted forms of consultation require further elaboration, namely public hearings and the issuance of draft documents.

## **Public Hearings**

Important regulatory issues affecting all stakeholders and/or the general public may require extensive debate. In such instances the ICT Authority proposes undertaking public hearings whereby parties will be invited to submit written comments and evidence. Further, all submissions will be placed on the public record. Further submissions may be made in response to the initial comments. The ability to make both initial comments and further submissions ensures that all views are fully expressed, full analysis takes place and that the Authority arrives at the best decision possible. In some instances, the ICT Authority may choose to compliment or substitute such paper proceedings with oral hearings open to the public, which involve testimony from interested parties and stakeholders.

## **Issuance of Consultative Documents**

In order to focus the debate, in some instances the Authority may issue a consultative document such as draft agreements, draft regulations or draft procedures and request comments. An example of the latter two would be draft dispute resolution regulations and procedures. A consultative document should be seen as being a preliminary view of the Authority which will be finalized on the basis of a completed record. The public would be invited to file submissions focused on such draft documents. The procedures for such a process will be similar to that of public hearings whereby submissions would be placed on the public record and parties given a further opportunity to comment.

## **Decisions**

The Authority will make decisions as promptly as reasonably possible given the nature of the issue at hand and the number of submissions received. Decisions will be made public with a summary of the views expressed and clear reasons expressed for the adjudication taken by the Authority.

## **Confidentiality**

The Authority recognizes that in some instance an individual or party may wish to submit data or evidence in confidence. The Authority considers that it may be appropriate to respect such a claim for confidentiality if the information is:

- a trade secret
- of a financial, commercial, scientific or technical nature and is normally treated as confidential
- if disclosed, reasonably certain to result in significant financial gain or loss
- if disclosed, likely to result in significant prejudice to competitive position
- if disclosed, affect confidential liabilities

However, the Authority may choose to disclose such information even where specific direct harm could occur if such disclosure does not outweigh the public interest in disclosing the document.

The Authority will issue separate public consultation proceedings on proposed rules for confidentiality

**Initial Matters for Public Consultation**

The Authority will engage in regular public consultations and on a variety of issues. At the outset, the Authority will publicly consult and invite comments from the public and stakeholders on the following:

- Consultative Process
- Licence Application Form (telecommunication)
- Confidentiality Rules

As to the public consultative process noted above, the ICT Authority requests written submissions from established and potential licensees, other stakeholders and the general public by the 1<sup>st</sup> day of June 2003.

Written submissions must be forwarded to:

Managing Director  
Information and Communications Technology Authority  
P.O.Box 2502GT  
Grand Cayman  
Cayman Islands

Or by e-mail to:

[consultations@icta.ky](mailto:consultations@icta.ky)

Or by fax to:

1-345-945-8284