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Utility Regulation and Competition Office

BY EMAIL

22 September 2022

UTILITY REGULATION AND COMPETITION OFFICE – NOTICE TO ICT LICENSEES

Dear Licensees,

Re: ICT Consultation 2016-2 Parts B and C

1. The Office is guided by its statutory remit pertaining to Infrastructure Sharing, in particular as set out in the Information and Communications Technology Act (2019 Revision) (the '**ICT Act**').
2. On 27 April 2016 the Office published ICT Consultation 2016-2 -
 - A: Consultation on the appropriateness of the reservation fees relating to the attachment of communication cables to CUC's electricity poles.
 - B: Consultation on the permit application process for the attachment of communication cables to CUC's electricity poles.
 - C: Consultation on the charging principles relating to the attachment of communication cables to CUC's electricity poles.
3. The Office received responses from DataLink Ltd., Digicel Cayman Ltd., Cable & Wireless (Cayman Islands) Limited and Infinity Broadband Ltd.
4. With regard to Part A of ICT Consultation 2016-2 the Office published *ICT 2017-1-Determination – Pole Attachment Reservation Fees* on 11 July 2017 and, after ICT 2017-1 Determination was successfully judicially reviewed *ICT 2019-2-Consultation – Pole Attachment Reservation Fees* was published on 14 November 2019 and will be shortly concluded.
5. The Office has now recommenced work on ICT Consultation 2016-2 Part B and Part C.
6. Notably, subsequent to the issues under consideration in consultation 2016-2 being brought to the Office, other matters/disputes of similar nature relating to the pole attachment process and practices have also been brought to the attention of the Office. For reasons of efficiency and consistency, the Office is considering the material parts of those matters along with the matters under consideration in 2016-2.
7. The activity plan and current status is attached as Annex 1.

Annex 1 – Major Activities Status

Major Activities	Major Outputs	Status
Review all associated consultation documents – is the 2016 consultation still current?	Confirm current issues. Identify areas for contribution to report on Consultation 2016-2.	Completed
Review all submissions/cross submissions to the consultation – are the 2016 responses still current?	Confirm current issues. Identify areas for contribution to report on Consultation 2016-2.	Completed
Review all associated Pole Attachment Industry Working Group documents – are the 2017 responses still current?	Confirm current issues. Identify areas for contribution to report on Consultation 2016-2.	Completed
Review C3 2017 Datalink DDR documents.	Confirm current issues. Identify areas for contribution to report on Consultation 2016-2.	Completed
Review 2021 Logic DDR documents.	Confirm current issues. Identify areas for contribution to report on Consultation 2016-2.	Completed
Complete status report on 2016 consultation and submissions	Report on Consultation 2016-2- a) Still valid? b) Updates required? c) Is there an alternative and more efficient course of action?	Draft Report Completed a) Issues still valid b) RFIs required c) To Be Determined
Prepare and issue Requests for Information to better inform updated Consultation 2016-2 Parts B & C		Before Week # 3 October 2022
Prepare and issue updated Consultation 2016-2	Updated Consultation 2016-2 Part B and C.	Within two (2) weeks of receipt of RFI responses.
Review all submissions/cross submissions to the updated consultation.	Conduct analysis on submissions.	Within three (3) weeks of close of review period for cross submissions.
Prepare and issue Draft Determination.	Draft Determination Consultation 2016-2 Parts B and C.	Within three (3) weeks of review of submissions/cross-submissions to updated Consultation 2016-2.
Review all submissions/cross submissions to the Draft Determination.	Conduct analysis on submissions.	Within two (2) weeks of close of review period for cross submissions.
Prepare and issue Final Determination.	Final Determination.	Within four (4) weeks of close of review period for cross submissions.