

DIGICEL CAYMAN ISLANDS

ICT 2016 – 2 – Consultation

Consultation on Pole Attachment Reservation Fees

11 November 2022

Friday, 11 November 2022

Mr. Daniel Ebanks
Manager ICT Infrastructure
Utility Regulation and Competition Office (“OfReg”)
PO Box 10189
Grand Cayman

Dear Mr. Ebanks,

Re: ICT Consultation 2016-2 | RFIs and Next Steps

Digicel welcomes the OfReg’s initiative to review and re-consider the Consultation on Pole Attachment Reservation Fees (Consultation) in light of the amount of time that has passed since submissions were first submitted by interested parties, and giving due consideration to any relevant market changes.

Digicel provides its comments, however, continues to reserve the right to submit further comments, and otherwise repeats its prior submissions in relation to this Consultation. In summary, Digicel’s engagement and interaction with Datalink, as well as experience as it relates to the subject matter in this Consultation is embryonic as we have only just begun to rollout Fibre services in the Cayman Islands. In summary, we have found Datalink receptive, supportive and engaging to work with, however the time it takes to rollout services dependent upon Datalink infrastructure is a challenge for Digicel, Datalink as well as all service providers. It would be premature for Digicel to specifically comment in detail on the issues raised in this consultation.

While we appreciate that OfReg, under paragraphs 4(a), and 5(a)-(c) of the Consultation document, has provided excerpts of submissions by C3 and Logic, and welcomes industry responses to the submissions, it is Digicel’s respectful view that it would be helpful, if not already done so (which Digicel does not have), to provide the industry with complete copies of all such submissions. This will allow the industry, including Digicel, to provide a response to any questions having full context and oversight.

With respect to C3’s question, which is set out under paragraph 4(a), Digicel welcomes OfReg’s response to what it believes would be the ‘appropriate process for the issuance of a permit’ and what ‘form that should that permit take’. OfReg’s response to these questions would allow Digicel to provide a properly thought out response.

The same applies to questions addressed by Logic under paragraph 5(a)-(c). Without having reviewed OfReg’s submission or responses to these relevant questions, it would be difficult for Digicel to provide a well set out or comprehensive response.

Digicel's response to the *Requests for Information*, as set out under Attachment 2, follows.

RFIs to all Parties (General)

- i. 101 - *Provide a copy of all pole-sharing agreements currently in force. Advice, if applicable, whether a new pole sharing agreement is being negotiated.*
Please see attached.
- ii. 102 - *Confirm the pole attachment fee currently (2022) paid or charged, as applicable. Specify the frequency of payment, and whether the fee is charged per pole or per attachment.*

Pole attachment fee - \$6.82 per pole and we pay quarterly

- iii. 103 - *Identify all changes to the pole attachment fee paid or charged, as applicable, between 2017 and 2022, inclusive, and the date(s) any changes came into effect.*
N/A

- iv. 104 - *Provide any additional information or documentation that may be relevant to the issues being addressed in this proceeding, including a detailed explanation of why they are relevant.*

N/A

RFIs to Digicel

- i. 401 - *Provide the following information for end of each quarter in the period Q1 2018 to Q2 2022:*
 - a. *total number of CUC poles occupied (attached to) by Digicel's fibre optic cables*
- 398
 - b. *total amount related to Quarterly Attachment Fees paid by Digicel to DataLink.*
- \$2714.36
 - ii. 402 - *Provide a breakdown of the total number of poles, per each quarter in the period Q1 2018 to Q2 2022, for which a permit application has been filed but Digicel did not proceed with the attachment, between:*
 - a. *"Green Poles" - poles that did not require strengthening (i.e., Make-Ready work was not required)*
- N/A
 - b. *"Red Poles with pole replacement" - poles that required strengthening (i.e., Make-Ready work was required), and which required pole replacement (i.e., a new pole was installed)*
- N/A
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- c. *“Red Poles without pole replacement” – poles that required strengthening (i.e., Make-Ready work was required), and which did not require pole replacement (i.e., an existing CUC pole has been used for attachment of communications cables).*
 - N/A

- iii. *403 - Provide the following information for end of each quarter in the period Q1 2018 to Q2 2022:*
 - a. *total amount paid as make-ready charges;*
 - \$28,564.00

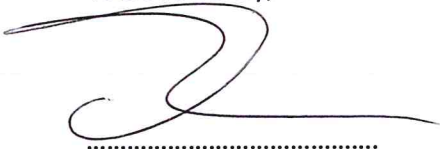
 - b. *total amount included in a) which was paid as proportional make-ready charges previously invoiced to a prior attacher;*
 - N/A

 - c. *total amount received as a refund of make-ready costs previously paid which became refundable as a result of a subsequent attacher attaching within the same communications space.*
 - N/A

Kindly note that you may find Digicel’s detailed response to your RFI data a bit light. This is because Digicel has just started to work with Datalink and does not have historic information to provide to The Office on this matter. However based upon the current output of Datalink as it relates to pole attachment permit requests, it could take years for a new entrant to deploy new Fibre based services in The Cayman Islands that could compromise investment because of the complexities and extended timelines.

Respectfully submitted for your consideration and thank you for giving Digicel the opportunity to respond to this consultation.

Yours sincerely,



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Ms. Diane McAuliffe
Chief Executive Officer
Digicel (Cayman) Limited