


From: Melesia M. Sutherland melesia.campbell@cwc.com 
Subject: Cayman: Flow Response to RFI on ICT Consultation 2016-2 Parts B and C
Date: 11 November 2022 at 4:58 pm
To: Daniel Ebanks daniel.ebanks@ofreg.ky
Cc: sonji myles sonji.myles@ofreg.ky, Susanna O'Sullivan Susanna.OSullivan@cwc.com, Drexel Woods Drexel.Woods@cwc.com, Ed Smith ed.smith@cwc.com, David Cox david.cox@cwc.com, Cristina Spratt Cristina.Spratt@cwc.com, Daniel Tatham daniel.tatham@cwc.com, Kecia Taylor Kecia.Taylor@cwc.com



Dear Daniel,

Please see table below and attachments for Flow’s response to the captioned RFI on ICT Consultation 2016-2, Parts B and C. The table contains the information requested by Ofreg and the responses. Attached is Flow’s pole sharing agreement and the spreadsheets referenced in the table:

<i>RFIs to all Parties (General):</i>	Status
101 Provide a copy of all pole sharing agreements currently in force. Advise, if applicable, whether a new pole sharing agreement is being negotiated.	See attached. A new agreement is being negotiated for Cayman Brac.
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.	Payment is made quarterly. The fee is charged per attachment. Current fee is CI\$6.84
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.	See RFI 201. Note rate for 2017 was CI\$6.91 per pole/attachment.
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.	Flow will defer responses to this section until the consultation document is published in accordance with Ofreg’s schedule to Flow, and other operators, dated September 22, 2022.
<i>RFIs to Flow</i>	
201 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 Flow’s fibre optic cables	
b) total amount related to Quarterly Attachment Fees paid by Flow to DataLink.	See spreadsheet RFI 201
202 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 Flow did not proceed with	See spreadsheet RFI 202
the attachment, between:	
a) “Green Poles” - poles that did not require strengthening (i.e., Make-Ready work was not required)	
b) “Red Poles with pole replacement” - poles that	

<p>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)</p>	
<p>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).</p>	
<p>203 Provide the following information for end of each quarter in the period Q1 2018 to Q2 2022:</p>	<p>See spreadsheet RFI 203</p>
<p>a) total amount paid as make-ready charges</p>	
<p>b) total amount included in a) which was paid as proportional make-ready charges previously invoiced to a prior attacher; and</p>	
<p>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.</p>	
<p>204 Provide total number of CUC poles occupied (attached) by Flow’s copper cables, for end of each quarter in the period Q1 2018 to Q2 2022.</p>	<p>See spreadsheet RFI 201</p>
<p>4. While the Office declined to determine the C3 DDR on procedural grounds, C3’s submissions nevertheless highlighted the following questions:</p> <p>a) Certain rights and obligations of attachers are connected to the issuance of a permit to attach.¹ In order to ensure the rights and obligations of the parties to a pole sharing agreement are clear, what is the appropriate process for the issuance of a permit, including when should a permit be considered to be issued such that an attacher is authorized to attach its communications facilities to its assigned spot in the communications space on the pole, and what form should that permit take?</p> <p>5. In addition to certain matters already under consideration in Consultation 2016-2, Logic’s submissions raised the following additional relevant matters:</p> <p>a) Should a permit to attach be limited to the specific type of communications equipment specified therein, or should it be deemed to allow other communications facilities the attacher may choose to attach in the future? What are the relevant considerations that should be taken into account when addressing this question?</p> <p>b) When should an existing pole which cannot accommodate up to four attachers be replaced by one which can? What are the appropriate events which should trigger such an event? Should replacement of existing communications facilities with new</p>	<p>Flow does believe the questions raised by Ofreg are relevant to Consultation 2016-2. Flow will defer responses to these questions until the consultation document is published in accordance with Ofreg’s schedule to Flow, and other operators, dated September 22, 2022.</p>

communications facilities (“swaps”) which do not require strengthening of the pole or other modifications to the pole be considered to be such a triggering event?

c) Should DataLink’s make-ready processes include a reimbursement process, such that an attacher who benefits from make-ready paid for by another attacher compensates that other attacher? If yes, what are the appropriate terms, conditions and limitations of such a reimbursement process?

Yours sincerely

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Subject: [EXT] ICT Consultation 2016-2 Parts B and C

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Afternoon All,

As indicated in our letter of 22 September 2022 the Office is continuing the work on ICT Consultation 2016-2 Parts B and C.

Please find attached a letter and two attachments.

The Excel files mentioned in “Instructions to the Parties” on page 12 of Attachment 2 will be sent out individually via separate emails.

Please note that the response time for the RFIs in Attachment 2 is **5PM on Friday 11 November 2022**.

Regards and Stay Safe

Cayman_Ofreg_ DataLink CWCI
Flow_R...22.xlsx Ltd Ma...DS.pdf