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Subject: INDUSTRY WORKING GROUP - Provision of ICT Infrastructure to 3rd Parties – Final Position on Pole Attachment Consultation
Date: June 16, 2017 at 1:41 PM
To: consultations@ofreg.ky
Cc: Raul Nicholson-Coe Raul.Nicholson-Coe@digicelgroup.com



Dear OfReg Consultations Group,

Please be advised that Digicel has no comments in addition to those which have already been tendered in our submission of April 21, 2017.

In particular, we wish to reiterate the following points:

- The output of this Working Group and any decision made in relation to pole access and pole attachments must be guided by the principles set out in the **Interconnection and Infrastructure Sharing Regulations, 2003** (“the Regulations”).
- The Regulations require infrastructure sharing rates to be cost-oriented. Therefore, OfReg must adopt a pricing regime which is neutral to the electricity sector while not burdening the telecoms sector with costs which are unrelated to the provision of the wholesale pole sharing service i.e. allow CUC to only charge the direct incremental cost of the pole attachment.
- The Regulations make provision for infrastructure sharing services to be provided in a manner that enables the development of competition in the provision of public ICT networks and public ICT services in a timely and economic manner. The timelines proposed by CUC would result in undue delay and as such, are not consistent with the Regulations. We recommend that Datalink’s proposal to use FCC guidelines for process driven pole attachment should be set aside and a project based approach should be adopted instead.
- Operators should have the option of using 3rd parties to carry out the make ready work. However, if operators choose to use CUC for the purposes of make ready work, then make ready costs should be amortised over the lifetime of the resulting asset and recovered in the pole attachment charges.

Yours sincerely,

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Notice: As of 16 January 2017, the functions of the ICTA, ERA, and Petroleum Inspectorate have been merged into a new regulatory agency, the Utility Regulation and Competition Office ("OfReg"). See our new website at www.ofreg.ky for more information.