



JazzTel Bahamas Limited

Response To

INFRASTRUCTURE SHARING REGULATIONS
CONSULTATION DOCUMENT
(ECS 17/2014)

Submitted: January 30, 2015

Executive summary

JazzTel takes this opportunity to respond to URCA's consultation on Infrastructure Sharing Regulations ECS 17/2014. It is our view that the consultation is timely and JazzTel welcomes and supports URCA's effort in this regard.

Infrastructure sharing has a number of benefits for the Bahamian public; it will increase the availability of telecommunication services, accelerate the paces of network rollout, and provide customers choices while reducing the cost of the service.

It is our view that the sharing of infrastructure helps stimulate competition by lowering the barrier of entry for new entrants. It will allow operators to enter at a much lower cost than compared if it were to construct its own network. And also helps to overcome barriers to competition such as the control of bottleneck facilities by dominant operators.

More so, sharing leads to a significant reductions in the cost of civil works. For instance, time taken in digging up roads to lay network equipment usually adds significantly to the chaos and disruption of traffic, particularly as the Government of the Bahamas has just invested more than 200 million dollars on road works in New Providence.

To this end, URCA has JazzTel's full support with the implementation of the Infrastructure Sharing Regulations.

Question 1:

a) Do you agree with the list at Part 2.3 of the types of facilities that may be shared?

If not, please give reasons for your position.

b) Do you agree with the proposed factors to be taken into account by URCA at Part

2.7 in considering to issue a direction for a licensee to share facilities with other

licensees? Should you disagree, kindly provide a detailed explanation for your

views and suggest additional or alternative factors.

c) Do you agree with the timeline at Part 2.11 for a Licensee that owns or controls

any electronic communications tower to submit a complete inventory of its

facilities to URCA?

d) Should any other provisions be included in Part 2 of the draft Regulations or any removed?

JazzTel's Response:

- a. While we agree with the types of facilities listed in Part 2.3 that may be shared, it is our view that the list may be extended to include:
 1. Joint boxes and Manholes.
 2. Right of ways
 3. Backhaul
 4. Submarine cable landing stations
 5. Dark fiber
- b. No comment
- c. The time line given in Part 2.11 is more than ample. Frankly, it should be reduced to two (2) months. As the information being requests is pretty much standard information. And such, most operators currently have the information being requested on files already.
- d. No comment

Question 2:

a) Do you agree with the information at Part 3.2 that must be included in an Access Request? If not, kindly explain.

b) Do you agree with the timeline at Part 3.7 for an Infrastructure Provider to conclude an Access Agreement? If you disagree, please give reasons for your position.

c) Should any other provisions be included in Part 3 of the draft Regulations or any removed?

JazzTel's Response:

- a. Yes, JazzTel agrees and supports the information in Part 3.2 and it must be included in the Access request.
- b. We agree with the timeline given in part 3.7. It is also our view that there should be penalties introduced if one finds that Infrastructure Provider was deliberate in not meeting the deadlines, or was deliberate in not providing infrastructure sharing.
- c. Often, big players in the market display a monopolistic behavior, by denying new entrants or small operators access to vital infrastructure and deliberately slow down new entrants' network deployments. As a result, we are of the view there should be some regulatory oversight by URCA initially as a means of safeguarding competition.

Question 3:

a) Do you agree with URCA's proposed costing principles at Part 4.1 for price setting for passive infrastructure sharing? If you disagree, please suggest alternative principles which URCA should consider.

b) Do you agree with URCA's proposals at Part 4.2 on the price setting methodologies for determining Access Charges for infrastructure sharing? If you disagree, please suggest an alternative method of cost allocation along with evidence to support the same.

c) Should any other provisions be included in Part 4 of the draft Regulations or removed?

JazzTel's Response:

No comment, other than the prices for infrastructure sharing should be non-discriminatory, reasonable, and based on the actual costs incurred by the owner of the facility. Determination of the costs underlying prices should be transparent.

Question 4:

a) What are your views on the proposed circumstances whereby an Infrastructure Provider may deny an Access Request by an Infrastructure Seeker?

b) Do you agree with the timeframe in Part 5.2 for an Infrastructure Provider to notify an Infrastructure Sharer of a denial of an Access Request? If you disagree, kindly suggest an alternative timeframe.

c) Should any other provisions be included in Part 5 of the draft Regulations or removed?

JazzTel's Response:

- a. We agree with the position arrived at by URCA in 5.1. We are also of the view, Infrastructure Providers shall not be allowed to:
 - Obstruct, delay negotiations in resolving disputes.
 - Refuse to provide information relevant to an agreement including information necessary to identify the facility needed.
 - Refuse to designate proper representative to expedite negotiation.

We would also advise that URCA should be vigilant in determining the accuracy and the legitimacy of the information provided to it by the Infrastructure Provider.

- b. We agree with the time frame in part 5.2 of fourteen (14) calendar days. We are also of the view there should be some form of penalty introduced for failure to meeting the time frame without an acceptable excuse.
- c. No comment.

Question 5:

a) Do you agree with URCA's proposals for dispute resolution and compliance with the Regulations? If not, kindly give reasons for your position.

b) Should any other provisions be included in Part 6 of the draft Regulations or removed?

JazzTel's Response:

No comment