



**National Telecommunications Regulatory Commission  
(Grenada)**

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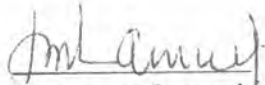
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**RE: Response to Consultation Document [No.2 of 2016]**

Dear Sir,

The enclose is the response to the Adoption in ECTEL States of Regulations Addressing Guidelines for Market Analysis, Access to Network Infrastructure and Wholesale Services, Infrastructure Sharing, Submarine Cable Access, Retail Pricing and Consumer Protection Regulation (Specific Rules for Consumer Protection in the Electronic communications Sector).

Regards,

  
Lawrence Samuel  
Coordinator

Response  
To Eastern Caribbean Telecommunications Authority ("ECTEL") To the National Telecommunications Regulatory  
Commission to consult

on

Adoption in ECTEL States of Regulations Addressing Guidelines for Market Analysis, Access to Network  
Infrastructure and Wholesale Services, Infrastructure Sharing, Submarine Cable Access, Retail Pricing and  
Consumer Protection Regulation (Specific Rules for Consumer Protection in the Electronic Communications  
Sector)

Consultation Document [No. 2 of 2016]

[Date: February 1, 2015]

Questions relating to Wholesale Access Regulations

1. The Wholesale Access Regulations identify the following Wholesale Network Infrastructure and Services, the provision of which may be imposed on a SMP Licensee. under ex ante regulation:
  - a) Wholesale Access provided at a fixed location;
  - b) Passive Backhaul Infrastructure;
  - c) Special Wholesale Service
  - d) Dedicated Connections and Capacity (wholesale leased lines)

What is your view of the type of infrastructure and services subject to potential access obligations noted in the draft regulation? In your view, are there any other components of infrastructure and/or services that should also be subject to wholesale access obligations where SMP is found?

NTRC Grenada agrees with the type of infrastructure indicated. However, we believe that the inclusion of some active infrastructure shared by mobile virtual network infrastructure and mobile network operators (i.e. antennas, radio access nodes, switching transmission equipment) should also be amended in the Wholesale Access Regulations.

If not included under the Wholesale Access regulation, NTRC Grenada recommends that some form of regulatory framework be developed especially for MVNO to provide protection and to safeguard them from SMP licence.

2. The main goal of this regulation is to provide that Licensees can obtain effective access to the infrastructure and services specified, where such obligations are imposed on a SMP Licensee. In your view, will the regulation provide sufficient clear and concrete obligations to make effective such access?

NTRC Grenada is in agreement that the proposed obligation to be imposed on a SMP licence and believes the regulation will provide clarity and should be effective by introducing enforcement tools and penalties.

For example:

a) With regard to Wholesale Access provided at a fixed location

i. What is your view of the relevance of imposing VULA instead of or in addition to traditional LLU, taking into account the evolution of networks toward NGA architecture?

NTRC Grenada agrees with the inclusion of VULA to LLU taking into account the evolution of technology or network architecture.

ii. The draft regulations provide that, the NTRCs on ECTEL Recommendation may mandate access to ancillary infrastructure (for example, dark fibre or ducts) in order to promote effective competition. Do you think this provision is useful? Insufficient? Do you have any suggestions to clarify these obligations?

NTRC Grenada agrees that mandate for access to ancillary infrastructure (for example, dark fibre or ducts) to promote effective competition is adequate.

NTRC Grenada recommend that regulation should obligate providers who own infrastructure or are rolling out infrastructure to provide detailed information on their network layout including information on dark fiber, ducts and other infrastructure all for the effective evaluating of the sharing of infrastructure.

It is also recommended that ECTEL/NTRC should develop an infrastructure pricing mechanism for clarity in evaluating infrastructure prices and ensure operators entering into agreement with SMP licensee are not exposed to anticompetitive practices.

b) The Wholesale Access Regulations provide that NTRCs may require an SMP Licensee to make available Special Wholesale Services (sometimes more commonly referred to as "White Label" services), provided at a discounted price from the retail prices at which the SMP Licensee offers such retail service. What is your view of this provision? Should the Regulations add further detail or specificity, for example as to how the price discount should be calculated?

NTRC Grenada agrees with the inclusion of special condition for SMP Licensee making available Special Wholesale Services under the Wholesale Access regulation to avoid discrimination.

SMP licensee discount price for any retail service should be equivalent across, discount price discrimination should not be allowed.

c) With regard to access to Passive Infrastructure:

i. The draft regulations provide the option to impose access to Underground Facilities such as ducts and dark fiber, or any other passive infrastructure belonging to an SMP operator and needed by other Licensees to provide broadband services. What is your view on these obligations? Which elements of such passive infrastructure should be included in these mandates, and how should they be specified?

NTRC Grenada agrees that the obligation for access to passive infrastructure in the regulation is adequate. NTRC Grenada do not have at its disposal a list of all the passive infrastructure but believes that all passive

infrastructure that are internationally shared by providers should be encourage in the ECETEL member states to encourage a competitive environment.

ii. What is your view of the proposed measures to ensure compliance and prevent undue refusal of access requests by SMP Licensees. Are the required justifications and technical details that SMP Licensees must provide in support of such refusal appropriate and sufficient?

NTRC Grenada believes that it is an adequate practice to impose measures to ensure compliance and prevent refusal of access. If refusal notice is given, the regulation should ensure that:

- ✓ the SMP provide detailed justification to support its refusal
- ✓ Provide the regulator with the necessary conditions to enable investigation.

iii. More generally, do you have any suggestions to improve the effectiveness of the proposed access obligations to passive backhaul infrastructure?

No suggestion

d) With regard to the provision of Dedicated Connections and Capacity (wholesale leased lines)

ECTEL considers that this type of access obligation is required to ensure competitive market development and encourage new entrants to the market, by making available affordable wholesale transmission capacity. What is your view of these obligations? Are they appropriate and necessary to support effective new competition? Are the provisions sufficiently detailed and specific to achieve the intended goal?

3. Do you have any other comments on the proposed Wholesale Access Regulations, for example, but not limited to:

- a) The mandatory content of Reference Access Offer which SMP operators may be obliged to published (section 10 of the draft regulations);
- b) The other obligations that may be imposed on SMP operators such as non-discrimination, accounting separation obligations, tariff control;
- c) The mechanism of dispute resolution, in order to improve the effectiveness of this process.

Grenada NTRC agree with the mechanism of dispute resolution and non-discrimination, accounting separation obligations, tariff control.

## 11.5 Questions relating to the Infrastructure Sharing Regulations

1. What is your view of the necessity and the applicability of a regulation requiring sharing of electronic communications infrastructure, recognizing that these obligations apply to all Licensees, not only SMP Licensees?

NTRC believes that standard infrastructure sharing regulation adopted by other recognized regulatory bodies around the world should be used as a best practice approach.

2. What infrastructure should be subject to such an obligation?

All infrastructure that are subject to infrastructure sharing

3. What is your view of sections 6, 7 and 8 of the Infrastructure Sharing Regulations, which provide that the Commission may require the establishment by Licensees of forward deployment plans and may require coordination of such deployment plans (including identification by the Commission of geographic areas where systematic sharing of new BTSs must be implemented by Licensees through measures including framework sharing agreements)?

NTRC Grenada is in agreement. However, we recommend that the regulation provide guidelines for the development of MOU's between the NTRC and Government agencies charged with the responsibility for the approval of the deployment of infrastructure. (For example in Grenada the Ministry of Physical Planning and the Ministry of Health) to be able to coordinate the deployment of new towers or other supported telecoms infrastructure. (Planning and Environmental Protection)

4. What is your view of Section 9, which specifies features required of any new BTS, in order to make possible the sharing of a new BTS with at least one third party operator.

Grenada NTRC is in agreement with the two options taken into account for additional investment but have limitation to determine if the specific margin proposed for increase in infrastructure sharing tariffs is satisfactory or not. The statement "Increase their infrastructure sharing tariffs by a specific margin not exceeding 15% and reflecting the additional costs incurred" should be transparent and the method of deriving the figures should be clearly explained.

## 11.6 Questions relating to the Submarine Cable Access Regulations

1. What is your view of the necessity and the applicability of a regulation mandating access and co-location to any submarine cable landing station?

NTRC Grenada agrees with the implementation of a regulation for mandating access and co-location to submarine cabling landing station. Submarine cabling landing station is the key element that provide international gateway.

2. What is your view of the obligation imposed on a CLS Licensee to provide operators seeking access the option to access capacity on an IRU basis and on a lease basis?

The NTRC thinks it is proper to impose an obligation on the CLS Licensee however there should be clear information available via a reference interconnect offer that is transparent and above board.

3. Regarding the proposed CLS Reference Access Offer:

- a) Do you have any comments on the time frame for submission of a draft CLS Reference Access Offer to the NTRC within sixty (60) days from the date of commencement of the Submarine Cable Access Regulations?

Given the CLS involvement in the consultation process Ninety (90) days may be more appropriate.

- b) Do you have any comments on the content of the CLS Reference Access Offer, as described in Schedule 1 of the Submarine Cable Access Regulations?

Comments deferred.

4. Provision of Backhaul Circuits:

- a. What is your view of imposing on a CLS Licensee the obligation to provide backhaul facilities and, where another service provider has requested provision of a backhaul circuit, the obligation to facilitate the interconnection between the operator seeking access and the said service provider at the CLS?

Grenada NTRC is in agreement with obligation imposed on CLS licence to provide backhaul facilities to other service provider

- b. Do you have any suggestions in order to improve the effectiveness of this obligation?

Ensure that the system is transparent and above board

5. Co-location: do you have any comments on the obligation imposed on CLS Licensees to provide co-location services as described in clause 17 to 22 of the Submarine Cable Access Regulations draft?

Grenada NTRC is in agreement with the obligation imposed on CLS licensee to provide colocation services and recommended that following:

- ✓ Details on network infrastructure and the availability of dark fiber should also be included.
- ✓ Allocation of alternative co-location space should not be limited to Virtual co-location only but should give the other providers an opportunity to collocate in any given facility or have access to land in the area where the CLS licensee is housing its equipment.

6. Tariffs: The EC Bill and the Submarine Cable Access Regulations provide that the CLS Licensees shall determine charges on the basis of cost oriented principles. Under this regulation, the NTRC has the authority to impose on offers by CLS Licensees the rates which it has determined by its own cost calculations on the basis of information at its disposal or, in a transitional manner, on the basis of international benchmarks.

c) Do you have any comment on these principles, or how they should be applied by the NTRCs?

NTRC Grenada is in agreement with the cost oriented principles to determining the cost of Submarine Cable Access.

As a result of lack of human resource and capacity at the NTRC's. NTRC Grenada is not in agreement with the proposed task assigned to the NTRC's to have the authority to impose on offers by CLS Licensees the rates which it has determined by its own cost calculations. It is recommended that ECTEL consider this role and provide the NTRCs' with recommendations and guidelines to make determination.

d) Do you have any suggestions on the key issues that should be addressed in the Regulations with respect to the cost accounting methods to be established by the NTRC?

It is recommended that the NTRC/ECTEL put in place a proper auditing structure to address the collect information from the CLS Licensees to ensure that information provided is candid to make proper determination.