

Public Utilities Commission of Anguilla

Telecom Decision PUC 2005-105

The Valley, Anguilla – 15 December 2005

In the matter of an interconnection agreement between Cable and Wireless (West Indies) Limited (C&W) and Wireless Ventures Anguilla Limited (WVA Ltd.).

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I Background

Scope of Proceeding

1. **Cable & Wireless (West Indies) Limited (C&W)** is a licensed telecommunications network operator in Anguilla. C&W is the incumbent operator and received a new license on 14 December 2004.
2. **Wireless Ventures (Anguilla) Limited (WVA Ltd.)** is a new mobile operator and their license was granted by the PUC on 5 November 2004.
3. The national regulatory framework provides for an ‘integrated’ public telecommunications service which requires that all public networks be interconnected. Section 5(1) of the Interconnection and Access to Facilities Regulations 2004 (IAF Regulations 2004) stipulates that every operator or service provider has a duty to interconnect with other service providers.

1. Section 11 (1) of the **IAF Regulations 2004** stipulates the timeframe within which a copy of an interconnection agreement is to be submitted to the Commission. It reads:

‘Within twenty-eight (28) days after the parties to a negotiation regarding interconnection have concluded an interconnection agreement, the operator or service provider that responded to the initial request for interconnection shall submit a copy of such agreement to the Commission for its approval’.

4. Pursuant to section 17(2)(e) of the **Telecommunications Act (2003) (the Act 2003)** licensees must make an application to the Commission for an interconnection agreement to be approved under the Act (2003) and the related Regulations.
5. The Telecommunications Administrative Procedure Regulation 2004 (Procedure 2004) s28(1) establishes the documentation required to be filed with the Commission–

*‘(a) a letter requesting approval and setting out fully—
(i) the circumstances leading up to the execution of the agreement;
(ii) the purpose and effect of the agreement;*

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- (iii) the proposed effective date of the agreement;*
- (iv) the reasons why approval would be in the public interest; and*
- (v) any other comments that may be of assistance in reviewing the application;*
- (b) a copy of the proposed agreement, as executed by the parties; and*
- (c) any supporting documentation required by the practice of the Commission.'*

The Proceeding

6. The Commission in **Telecom Decision PUC 2005-102** dated 22 November 2005, paragraphs 9 and 35, recommended certain prices be included in interconnection agreements.
7. C&W filed for approval with the Commission a proposed **Interconnection Agreement** between C&W and WVA Ltd. dated 23 November 2005. In addition, C&W filed with the Commission for approval a '**Variation Agreement**' between C&W and WVA Ltd. dated 24 November 2005. The 'variation' to the initial Interconnection Agreement of 23 November 2005 consisted of a revision in the 'Usage Charge for Emergency Services' from EC\$ 0.22 to 0.035.
8. The parties in a letter dated 23 November to the Commission submitted that the 'Agreement' was to be effective upon execution and submission to the Commission and that the 'Agreement' conforms to the Commission's **Telecom Decision PUC 2005-101 and 102**.

II Commission Analysis and Findings

Proposed Interconnection Agreement Approved

9. The Commission hereby approves of the proposed interconnection agreement dated 23 November 2005 and also the 'Variation Agreement' dated 24 November 2005 between C&W and WVA Ltd.

Issued by the Commission at the Valley, Anguilla on this 15 day of December 2005



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Executive Chairman, Public Utilities Commission