



## **PUBLIC NOTICE 2022-8**

# **Telecommunications Network Licence Review Consultation Document**

**issued by the**

**Turks and Caicos Islands  
Telecommunications Commission**

**issued on**

**November 23, 2022**

# 1 Purpose of the Consultation

The Telecommunications Commission (the “Commission”) is hereby initiating a public consultation process to review and update Cable & Wireless (TCI) Limited’s (“Flow”) and Digicel (Turks and Caicos) Limited’s (“Digicel”) Telecommunications Network Licences (the “Licence(s)”). Flow’s existing Licence was issued on 25 January 2006. Digicel’s existing Licence was issued 31 March 2006 and was subsequently amended on 4 March 2009 and 15 June 2011. Both Licences in force period apply for a term of 15 years from their respective initial issue dates and, therefore, were due for review and renewal in 2021.<sup>1</sup>

The Commission began an informal process to update and renew the Licences in 2021, which included preparing proposed revised versions (the “Proposed Revised Licences”). In drafting the Proposed Revised Licences, the Commission took into consideration Government telecommunications sector policy announcements, Commission consultations undertaken and decisions issued, and market developments since 2006 when the existing Licences were issued. In addition, the Commission also sought to simplify and harmonise the Licences to the greatest degree possible, so that all Licensees, including Flow and Digicel, would be subject to uniform Licence conditions to the greatest extent possible.

The purpose of this consultation is to seek Flow, Digicel and any other interested parties’ input and comments on the Commission’s Proposed Revised Licences. For this purpose, **Annex 1** includes a table comparing each section and annex of Flow’s existing and Proposed Revised Licences along with a description of and rationale for the Commission’s proposed revisions. **Annex 2** does the same for Digicel’s existing and Proposed Revised Licences.

In each case, the fourth column of the tables in Annexes 1 and 2 provide space for interested parties to include their comments on the Proposed Revised Licences on a section-by-section basis. The Commission encourages parties to include any suggested changes to the Proposed Revised Licences, along with supporting rationale, in the fourth column of the Annexes or in a separate document.

## 2 Consultation Process

The Commission is initiating this Consultation Document pursuant to the *Telecommunications (Administrative Procedure) Regulations 2008* (the “Administrative Regulations”). The Commission invites interested parties (“Respondents”) to provide their input and comments (“Responses”) with respect to the Proposed Revised Licences in the format described above. At the conclusion of this consultation process, the Commission intends to issue a decision which will include final versions of the Revised Licences.

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<sup>1</sup> For the avoidance of doubt, the Commission notes the Flow’s and Digicel’s existing Spectrum Licenses are outside the scope of this consultation.

This Consultation Document, along with all referenced Government and Commission documents, is available on the Commission's website at <http://www.telecommission.tc/>.<sup>2</sup> Respondents who wish to provide comment on this Consultation Document are invited to do so in written form. Responses should be submitted to the Commission in electronic form to facilitate further distribution and posting on the Commission's website.

The Consultation Process is structured in two phases. In the first phase, Respondents may submit Initial Responses to the Consultation Document. In the second phase, Respondents may submit Reply Responses on the Initial Responses of other Respondents, as necessary.

The filing deadlines for Initial Responses and Reply Responses are as follows:

- **Initial Responses** must be received by the Commission no later than 3:30 p.m. local time on **December 21, 2022**, four (4) weeks from date of issue.
- **Reply Responses** must be received by the Commission no later than 3:30 p.m. local time on February 6, 2023, two (2) additional weeks.

Responses to this Consultation Document may be submitted to one or more of the following addresses:

- a) E-mail to: [consultations@tcitelecommission.tc](mailto:consultations@tcitelecommission.tc)
- b) Delivery (paper and electronic copy) by hand or by courier to:  
Mr. Kenva Williams,  
Director General  
Turks and Caicos Islands Telecommunications Commission  
872 Leeward Highway  
Business Solutions Bldg  
Providenciales,  
Turks and Caicos Islands  
TKCA 1ZZ

The Commission welcomes all Responses on the Consultation Document. The Commission may give greater weight to Responses supported by appropriate evidence and rationale. The Commission is under no obligation to adopt in whole or part positions advanced by any Respondent.

Copies of all Responses submitted by Respondents in relation to this Consultation Document will be published on the Commission's website. With a view to having as open a public consultation process as practical, the Commission encourages Respondents to structure their Responses not to include any confidential information. If necessary, Respondents may submit Responses that include claimed confidential information in the form of two Responses:

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<sup>2</sup> Note that exceptions in this regard include the C&W Agreement of January 26, 2006 and operator-specific license agreements and inter-carrier interconnection agreements which include confidential information.

- **Redacted Response** – In this document any claimed confidential information would be excluded. All other comments and information, not claimed as confidential, would be included in this version. This public version document would be posted on the Commission’s website.
- **Confidential Response** – This document would be identical to the Redacted Response except that this version would also include the claimed confidential information for the use of the Commission. This document would not be posted on the Commission’s website and all confidential information in the document would be held in strict confidence by the Commission and its Consultants.

Claims of confidentiality will be determined by the Commission on a case-by-case basis, and in compliance with the requirements set out in section 19 of the Administrative Regulations.

Table 1 summarizes the timeline for this consultation process, including the estimated timing of the related Commission decision and the Licences implementation process.

<b>Table 1: Timeline for Consultation Process</b>	
<b>Event</b>	<b>Date</b>
Commission issues Consultation Document	January 20, 2023
Initial Responses from Respondents	+ 4 weeks
Reply Responses from Respondents	+ 2 weeks
Commission Decision	March 2023*
Implementation of the Revised Licences	April 2023*

*Note: \* = or as soon as possible thereafter*