

Notice of Licence Modification

The Commission hereby gives notice of its intention to make the following modifications to the Licence granted to Sure Isle of Man Limited to provide services under section 5 of the Telecommunications Act 1984.

1. The Licence shall be modified in the following ways:
 - a) Schedule 1 Part 1 is amended to add **Condition 1A: General Access and Interconnect** Obligations. This is to put an obligation on Sure to negotiate Interconnection.
 - b) Schedule 1 Part 4 is modified by inserting the following conditions **27A: Network Access, 28A: Carrier Selection and Pre-Selection** and **29A: Leased Lines**. These conditions replicate conditions in the Manx Telecom licence that are currently absent from Sure's licence, and thus provide a full set of Conditions in respect of Significant Market Power, to be incumbent on Sure in the event of such a designation.
 - c) In Schedule 1 Part 5, Condition 32.5 of the licence is amended to alter the Launch Date for 4G mobile services. Condition 35.2.1 is modified to read 'the Launch Date is on or before 31st March 2015'. This extension to the Launch Date is at the request of the operator. The previous deadline was 17th July 2014.
 - d) Condition 23.3 is modified to correct an omission; adding after 'Licence', 'for the financial year ending immediately before the due date for payment of the fee.'
 - e) A typographical error is corrected in Condition 30.2 so that '48.1' reads '30.1'.

This notice will be published on the Commission website (www.iomcc.im), and, as required under s.10(5) of the Telecommunications Act 1984, a copy sent to the Chief Secretary.

Any representations or objections to this change should be made to the Commission by 27 June 2014 for the Commission's consideration.

Dr Carmel McLaughlin

Director

A person duly authorised by the Commission

30 May 2014

Proposed Licence Modification

Telecommunications Act 1984

Licence granted to Sure Isle of Man Limited to provide services under section 5 of the Telecommunications Act 1984

Notice of Modification

2. In accordance with its powers under the Telecommunications Act 1984 ("the Act"), and having given notice in accordance with section 10 of that Act, the Communications Commission hereby modifies the Licence the for Running of Telecommunications Systems granted to Sure Isle of Man Ltd on 9 May 2006 under section 5 of the Act.
3. The Licence shall be modified in the following ways:
 - a) Schedule 1 Part 1 is amended to add **Condition 1A: General Access and Interconnect** Obligations.
 - b) Schedule 1 Part 4 is modified by inserting the following conditions **27A: Network Access, 28A: Carrier Selection and Pre-Selection** and **29A: Leased Lines**.
 - c) In Schedule 1 Part 5, Condition 32.5 of the licence is amended to alter the Launch Date. Condition 35.2.1 is modified to read 'the Launch Date is on or before 31st March 2015'.
 - d) Condition 23.3 is modified to correct an omission; adding after 'Licence', 'for the financial year ending immediately before the due date for payment of the fee.'
 - e) A typographical error is corrected in Condition 30.2 so that '48.1' reads '30.1'.
 - f) This document shall be construed as if it formed part of the Licence.

Signed on behalf of the Communications Commission

Dr Carmel McLaughlin

Director

30 May 2014

In Part 2

General Conditions, Paragraph 1A to be inserted before Paragraph 1.

1A.GENERAL ACCESS AND INTERCONNECTION OBLIGATIONS

Obligation to Negotiate Interconnection

1A.1 The Communications Provider shall, to the extent requested by another provider of a Public Electronic Communications Network in the Island, negotiate with that provider with a view to concluding an agreement (or an amendment to an existing agreement) for Interconnection within a period which is, in the Commission's opinion, reasonable.

1A.2 Paragraph 1A.1 applies to the Communications Provider only to the extent that it provides a Public Electronic Communications Network.

Information Obtained During Negotiations for Network Access

1A.3 Where the Communications Provider acquires information from another provider of an Electronic Communications Network or Electronic Communications Service before, during or after the process of negotiating Network Access and where such information is acquired in confidence, in connection with and solely for the purpose of such negotiations or arrangements, the Communications Provider shall use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored. Such information shall not be passed on to any other party (in particular other departments, subsidiaries or partners) for whom such information could provide a competitive advantage.

1A.4 Paragraph 1A.2 above does not apply to the passing of information to the Commission, where the Commission requires that information in order to carry out their functions.

In Part 4 Additional Obligations on Operators with Significant Market Power

The following paragraphs to be inserted:

27A: NETWORK ACCESS

27A.1 Where the Commission have made a determination that the Communications Provider has Significant Market Power in an identified market in accordance with Condition 27, the Communications Provider shall comply with such conditions as the Commission may from time to time specify by direction in accordance with Condition 27 and paragraphs 27A.2, 27A.3 and 27A.4 in respect of a Relevant Network.

27A.2 The Commission may specify one or more of the following conditions under paragraph 27A.1:

27A.2.1 conditions requiring the Communications Provider to give such entitlements as the Commission may from time to time direct as respects:

- a) the provision of Network Access to a Relevant Network; and
- b) the use of a Relevant Network.

27A.2.2 a condition requiring the Communications Provider not to discriminate unduly against particular persons, or against a particular description of persons or in relation to matters connected with Network Access to the Relevant Network;

27A.2.3 a condition requiring the Communications Provider to publish, in such manner as the Commission may from time to time direct, all such information as they may direct for the purpose of securing transparency in relation to such matters;

27A.2.4 a condition requiring the Communications Provider to publish, in such manner as the Commission may from time to time direct, the terms and conditions on which he is willing to enter into an Access Contract;

27A.2.5 a condition requiring the terms and conditions on which the Communications Provider is willing to enter into an Access Contract to include such terms and conditions as may be specified or described in the condition;

27A.2.6 a condition requiring the Communications Provider to make such modifications as the Commission may direct of any offer by that Communications Provider which sets out the terms and conditions on which he is willing to enter into an Access Contract; and

27A.2.7 conditions requiring the Communications Provider to maintain a separation for accounting purposes between such different matters relating to Network Access to the Relevant Network as the Commission may from time to time direct, as well as conditions imposing requirements about the accounting methods to be used in maintaining the separation.

27A.3 The Commission may not set any condition in relation to a Relevant Network under paragraph 27A.1 unless they consider this to be proportionate and appropriate, having taken into account, in particular, the following factors:

27A.3.1 the technical and economic viability, having regard to the state of market development, of installing and using facilities that would make the proposed Network Access unnecessary;

27A.3.2 the feasibility of the provision of the proposed Network Access;

27A.3.3 the investment made by the person initially providing or making available the network or other facility in respect of which an entitlement to Network Access is proposed;

27A.3.4 the need to secure effective competition in the long term; and

27A.3.5 any rights to intellectual property that are relevant to the proposal.

27A.4 The conditions specified by the Commission under paragraph 27A.2 may include provision for:

27A.4.1 securing fairness and reasonableness in the way in which requests for Network Access are made and responded to; and

27A.4.2 securing that the obligations contained in the conditions are complied with within the periods and at the times required by or under the conditions.

27A.5 This Condition applies to the Communications Provider only to the extent that it provides a Public Electronic Communications Network.

27A.6 For the purposes of this Condition:

27A.6.1 "Access Contract" means a contract for the provision by the Communications Provider to another person of Network Access to the Relevant Network;

27A.6.2 "Relevant Network" means a Public Electronic Communications Network provided by the Communications Provider.

28A: CARRIER SELECTION AND PRE-SELECTION

28A.1 Where the Commission have made a determination that the Communications Provider has Significant Market Power in an identified market relating to services for the provision of Public Electronic Communications Networks for use by means of connections at fixed locations, the Communications Provider shall comply with such

conditions as the Commission may from time to time specify by direction in accordance with Condition 27 and paragraphs 28A.2, 28A.3 and 28A.4 in respect of a Relevant Connection Facility.

28A.2 The Commission may specify one or more of the following conditions under paragraph 28A.1:

28A.2.1 a condition requiring the Communications Provider to make a Relevant Connection Facility available to every person to whom the Communications Provider provides a Public Electronic Communications Service; and

28A.2.2 a condition requiring the Communications Provider, for the purpose of complying with the condition specified in paragraph 28A.2.1, to make facilities for Interconnection available to a person providing an Electronic Communications Service.

28A.3 Where the Commission specify a condition in accordance with paragraph 28A.2.1, they may also specify such conditions as they consider appropriate:

28A.3.1 with respect to the relationship to costs of any prices fixed for the use of the Relevant Connection Facility; and

28A.3.2 to secure that prices and other charges for Public Electronic Communications Services provided by the Communications Provider do not constitute a disincentive to the use of the Relevant Connection Facility.

28A.4 For the purposes of this Condition:

28A.4.1 "**Relevant Connection Facility**" is a facility which:

a) allows a person to whom a Public Electronic Communications Service is provided by means of an Electronic Communications Network to select which Public Electronic Communications Service provided wholly or partly by means of that Network is the Service that he wishes to use; and

b) enables that selection to be made either: (i) by the use of a Telephone Number on each separate occasion on which a selection is made; or (ii) by designating in advance the selection that is to apply on every occasion when no such selection as is mentioned in (i) is made.

29A: LEASED LINES

- 29A.1 Where the Commission have made a determination that the Communications Provider has Significant Market Power in a market relating to the provision of Relevant Leased Lines identified in accordance with Condition 27, the Communications Provider shall comply with such conditions as the Commission may from time to time specify by direction in accordance with Condition 27 and paragraphs 29A.2 and 29A.3 in respect of Relevant Leased Lines.
- 29A.2 The Commission may specify one or more of the following conditions under paragraph 29A.1:
- 29A.2.1 conditions requiring the Communications Provider to adhere to the principle of non-discrimination when providing Relevant Leased Lines;
 - 29A.2.2 conditions requiring the Communications Provider to ensure that tariffs for Relevant Leased lines follow the basic principles of cost orientation;
 - 29A.2.3 conditions imposing such rules as Commission may make, for the purpose of securing the cost orientation of tariffs, about the use of cost accounting systems; and
 - 29A.2.4 conditions requiring the Communications Provider to publish such information as the Commission may specify regarding technical characteristics, tariffs and supply conditions with respect to Relevant Leased Lines.
- 29A.3 The Commission may not specify a condition under paragraph 29A.1 unless they consider that such a condition is proportionate and appropriate.
- 29A.4 For the purposes of this Condition:
- 29A.4.1 "**Leased Line**" means an Electronic Communications Service the provision of which consists in the reservation of a fixed amount of transmission capacity between fixed points on the same or different Electronic Communications Networks; and
 - 29A.4.2 "**Relevant Leased Line**" means any Leased Line as is for the time being identified by the European Commission in the list of standards published in the Official Journal of the European Communities.