

Licensed Operator (LO) Forum - Terms of Reference

Purpose

As stated in the Decision Notice issued by the Communications Commission (Commission) in February 2012, in accordance with Condition 43.1 of its Licence, Manx Telecom (MT) is obligated to meet all reasonable requests from LOs for the provision of network access to a relevant network, and the use of a relevant network, in the wholesale fixed markets where MT has been designated with significant market power (SMP).

In accordance with the above, the main purpose of the LO Forum (Forum) is to facilitate the development of wholesale products by MT Wholesale. This is to be achieved through discussion of current and potential wholesale products between MT Wholesale and potential purchasers of those products (i.e. other licensed operators). It was agreed at the Forum meeting of 14th February 2018 that it would be beneficial for LOs to have early engagement with MT Wholesale with regards to MT Wholesale led developments. To assist with this, MT Wholesale should make available an indicative, non-binding road map on a 12 month rolling basis, setting out plans which could impact in the regulated markets. This would allow LOs to engage early in the process of launching MTW-initiated product developments. This road map would be updated every 6 months at the LO Forum, where MTW would indicate any changes to the previous road map, and roll forward.

An additional purpose of the Forum is to act as a useful setting to discuss other matters that concern Forum members.

Membership

Membership in the Forum is open to representatives of licensed telecommunications operators on the Isle of Man. Current members are: MT Wholesale, MT Retail, Sure (Isle of Man), Wi-Manx, Domicilium, e-Ilan, BlueWave and Continent 8. The Commission chairs the group.

Conduct of Meetings

Forum meetings are chaired by a member of the Commission Executive. Meeting participants are expected to engage in open and productive discussions.

Attendance

The attendance of the Commission, MT Wholesale and at least one other member (other than MT Retail) is required to achieve a quorum. If a quorum cannot be achieved, the meeting will be rescheduled or cancelled. Attendance can be in person or via telephone or video conference.

Meeting Schedule

The Forum meets bi-monthly or as frequently as may be required. The schedule is distributed in advance by the Commission. Member organizations volunteer to host meetings. If no other venue is available, the Commission will host the meeting.

Agenda

The agenda for each meeting will be distributed in advance to all members. Participants will have the opportunity to add agenda items by noting these to the Commission ahead of the agenda being circulated, or under Any Other Business.

Minutes

The Commission will produce and distribute minutes for each meeting of the Forum. The Commission will endeavour to distribute the minutes to all members via email within 5 working days from the relevant meeting. Meeting attendees can request factual corrections to the minutes which should be tabled at the next meeting. All members are assumed to read the minutes, even if not regularly attending meetings. The meetings are confidential and information distributed or matters discussed in the meetings should not be distributed or discussed with outside parties without prior agreement.

Outputs

Discussions at the Forum are expected to lead to decisions and actions for Forum members. These decisions and actions will be documented in the minutes, and may also be directly communicated to interested parties if appropriate. People attending the Forum meetings should have sufficient authority within their respective organizations to discuss and agree to such decisions and actions. It is acceptable, and indeed necessary, for Forum members to communicate on related matters outside the meeting. Where agreement cannot be reached the issue will be referred to the Director and the Commission for final decision/arbitration.

Decisions

Where an item is included in the agenda and all LOs affected by that decision are present and willing, a decision may be made and implemented at an LO meeting. Where an item is raised under AOB and not all LOs are present or willing at the meeting, the details of a request or proposed decision should be circulated to all LO members with a minimum period of 5 working days to comment on that proposed decision. The time available for LO's input will be dependent upon the impact of the proposed decision/discussion.

Consultation

Consultation may be undertaken for any issue that the Commission and/or LOs consider requires time for considered response to be made. Any LO may raise a request for consultation either before the meeting, in writing to the Commission, or verbally at the meeting. Whether or not consultation is considered appropriate will be dependent upon the impact of the issue being considered and whether all relevant LOs are present and willing to proceed at the meeting where discussion takes place.

Term

These terms of reference are subject to review annually, or more often if required.

April 2018

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