

Licensed Operator (LO) Forum - Terms of Reference

Purpose

As stated in the Decision Notice issued by the Communications Commission (Commission) in November 2019¹, in accordance with Condition 43.1 of its Licence, Manx Telecom (MT) is obligated to meet all reasonable requests from Licensed Operators (LOs) for the provision of network access to a relevant network, and the use of a relevant network, in the Wholesale Local Access Markets where MT has been designated with significant market power (SMP).

In accordance with the above, the main purpose of the LO Forum (the Forum) is to facilitate the development of wholesale products by the Wholesale division of Manx Telecom (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).

Decision Notice 2019/01 relating to Wholesale Local Access requires in paragraph xxiii that:

xxiii. Without prejudice to the generality of this obligation, in the Wholesale Local Access Market MT is hereby directed to: share an updated roadmap of the likely network and service developments with LOs at each and every LO Forum (and not less frequently than every 6 months). The roadmap will be indicative and non-binding.

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

Membership

Membership in the Forum is open to telecommunications operators in the Isle of Man with a Full or Internet Service Provider (ISP) licence, a full list of which is published on the Commission's website². The Commission chairs the group as an impartial participant.

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.

¹ <https://www.iomcc.im/media/1349/response-to-consultation-and-decision-notice-fixed-market-review-2019.pdf>

² <https://www.iomcc.im/licensing/licence-holders/>

Attendance

The attendance of the Commission, MT from its wholesale division, and at least one other member (other than a representative of MT's retail division) 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 aims to meet bi-monthly, or as frequently as may be required. The schedule is distributed in advance by the Commission. The Commission will host the meeting at its office.

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 by tabling it at the meeting 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. Representatives attending meetings should have sufficient authority within their respective organizations to discuss, and agree to decisions and actions that may arise. 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 Chief Executive Officer of 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 to make a decision 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.

Date: 30 March 2020

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