

**201[] ELECTRONIC COMMUNICATIONS (SUBMARINE CABLE SRO [-]
LANDING STATION) (INTERCONNECTION OR ACCESS) REGULATIONS
ARRANGEMENT OF REGULATIONS**

Regulation.

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ELECTRONIC COMMUNICATIONS (SUBMARINE CABLE LANDING STATION) (INTERCONNECTION OR ACCESS) REGULATIONS

Made by the Minister, on under section [-] of the Electronic Communications Act [20[-]

Part I PRELIMINARY

1. [Short Title] [Citations]

These Regulations may be cited as the Electronic Communications (Submarine Cable Landing Stations) (Interconnection or Access) Regulations, 201[-].

2. Commencement

These Regulations shall come into force on the date of publication in the “Gazette”.

3. Interpretation

(1) In these Regulations, unless the context otherwise requires—

“Act” means the Electronic Communications Act, 20[-]

“**access facilitation**” means the provision of access or interconnection or both, to the essential facilities, including landing facilities for submarine cable, at the submarine cable landing station of a licensee to a requesting licensee to enable the licensee to—

- (a) access capacity belonging to it on any one of the cables connected to the submarine cable landing station, or
- (b) access capacity held by third parties, including the submarine cable landing station, on any of the cables connected to the submarine cable landing station;

“**backhaul circuit**” means a domestic telecommunications link which connects a submarine cable landing station to the infrastructure or equipment of a requesting licensee at its premises;

“**capacity**” means the international submarine cable capacity;

- (a) in the submarine cable system landing at the submarine cable landing station in [ECTEL Contracting State];
- (b) acquired either on ownership basis or lease basis by a requesting licensee;
- (c) activated by the owner of the submarine cable system or a member of consortium of a submarine cable system;

“**co-location**” means provision of the facilities and resources, including building space, power, cooling, security and maintenance services at the premises of a submarine cable landing station licensee providing access to a licensee seeking to install its network equipment;

“**facility**” means a physical component of an electronic communications network, other than terminal equipment;

“**Indefeasible Rights of Use**” means the rights to use the capacity on a long term lease, for example for the period for which the submarine cable remains in effective use under an agreement entered into between the capacity owner and a requesting licensee in respect of which maintenance cost incurred becomes payable in any circumstances during the period of validity of such agreement;

“**specified international submarine cable**” means a submarine cable having international submarine cable capacity landing at a submarine cable landing station in [ECTEL Contracting State];

“**submarine cable landing station**” means technical installations for the landing and operation of a submarine cable;

“**Submarine Cable Landing Station Licensee**” means a licensee operating a submarine cable landing station;

“**Submarine Cable Landing Station-Reference Interconnection or Access Offer**” means a document containing the terms and conditions of access facilitation and co-location services at a submarine cable landing station for specified levels of capacity;

“**Submarine Cable System**” means a physical, signal bearing medium installed in a marine environment for the routing of electronic communications;

(2) A word or expression that is used in these Regulations and is also used in the Act shall have in these Regulations the same meaning as it has in the Act unless the contrary intention appears.

4. [Objective] [Purposes]

The [objective] [purpose] of these Regulations is to set out conditions for fair access to submarine cable capacity with the view to supporting the development of a competitive electronic communication market in [ECTEL Contracting State] and ensuring significant reductions in international communication charges in [ECTEL Contracting State].

Part II

**ACCESS TO SUBMARINE CABLE LANDING STATION AND RELATED
INTERNATIONAL SUBMARINE CABLE CAPACITY**

5. Obligations of Submarine Cable Landing Station Licensees

- (1) Every submarine cable landing station licensee in the [ECTEL Contracting State] shall—
 - (a) provide, on fair and non-discriminatory terms and conditions, at its submarine cable landing station, access including co-location to a requesting licensee in the [ECTEL Contracting State] requesting access to capacity on a submarine cable system;

- (b) interconnect specified international submarine cables landing at its submarine cable landing station in accordance with the provisions of these Regulations;
 - (c) provide landing facilities for submarine cables at its submarine cable landing station to a requesting submarine cable landing station licensee;
 - (d) in the event of failure of the submarine cable systems of any other submarine cable landing station, provide access to its submarine cable system.
- (2) A submarine cable landing station licensee in the [ECTEL Contracting State] shall provide requesting licensees access to capacity on an Indefeasible Right of Use basis or on a lease basis.

6. Transparency Obligation

- (1) Every submarine cable landing station licensee in [ECTEL Contracting State] shall prepare and submit to the Commission, within sixty (60) days from the date of commencement of these Regulations the Submarine Cable Landing Station Reference Interconnection or Access Offer in accordance with the provisions of these Regulations for the approval of the Commission.
- (2) Every Submarine Cable Landing Station Reference Interconnection or Access Offer shall include co-location services and shall be prepared in accordance with the Schedule.

7. Submission of Reference Interconnection or Access Offer to the Commission

- (1) The Commission shall ensure that the Submarine Cable Landing Station Reference Interconnection or Access Offer submitted under regulation 6 is compliant with the Act and these Regulations.
- (2) The Commission shall consult with ECTEL for its advice and recommendation concerning the Submarine Cable Landing Station Reference Interconnection or Access Offer before determining whether to approve the offer.
- (3) ECTEL shall undertake a public consultation prior to submitting its recommendation to the Commission.
- (4) The Commission shall approve the Submarine Cable Landing Station Reference Interconnection or Access Offer within thirty (30) days of the date of its receipt of the recommendation of ECTEL.
- (5) Where the Commission, upon the recommendation of the ECTEL, is of the opinion that —
 - (a) the Submarine Cable Landing Station Reference Interconnection or Access Offer requires modifications so as to protect the interests of licensees or consumers of the electronic communications sector, or to

promote or ensure efficient growth of the electronic communications sector; or

- (b) the Submarine Cable Landing Station Reference Interconnection or Access Offer has not been prepared in accordance with the provisions of these Regulations;

the Commission may, after giving the Submarine Cable Landing Station Licensee concerned an opportunity to be heard, require the operator to modify the offer submitted by it.

- (6) The Submarine Cable Landing Station Licensee shall make the modifications required by the Commission and submit, within fifteen days of receipt of requirement for the modifications, the said offer after incorporating the modifications, to the Commission for review and approval.

8. Publication of the Submarine Cable Landing Station Reference Interconnection or Access Offer

- (1) Within 7 days of approval of a Submarine Cable Landing Station Reference Interconnection or Access Offer, a submarine cable landing station licensee shall publish its offer —
 - (a) on its website;
 - (b) by making an electronic copy of the offer available to a requesting licensee upon request.
- (2) Every submarine cable landing station licensee, desirous of making modification to its Submarine Cable Landing Station Reference Interconnection or Access Offer published under these Regulations, shall submit the proposed modifications in the Submarine Cable Landing Station Reference Interconnection or Access Offer for the prior approval of the Commission.
- (3) The provisions of these Regulations, which govern the approval of the Submarine Cable Landing Station Reference Interconnection or Access Offer, shall, in the same manner, apply to the modifications of the Submarine Cable Landing Station Reference Interconnection or Access Offer approved by the Commission.

Part III

SUBMARINE CABLE LANDING STATION AGREEMENTS

9. Request for Access to Submarine Cable Landing Station and Related International Submarine Cable Capacity

- (1) Every requesting licensee desirous of accessing capacity on a submarine cable system, or submarine cable landing station facilities, including backhaul circuit if required, may make an application in writing to a submarine cable landing station

licensee, and which shall contain the following details—

- (a) name and address of the company;
 - (b) billing address;
 - (c) contact person (name, phone number, email;);
 - (d) licence date and number;
 - (e) reference capacity details including bandwidth, transmission interfaces and number of capacity units;
 - (f) Indefeasible Rights of Use or lease of circuits (including wavelengths);
 - (g) duration;
 - (h) if necessary, details of backhaul circuit provider and domestic link including local loop;
 - (i) any other details that the Commission may require.
- (2) Every submarine cable landing station licensee shall, within a period of ten days after receipt of the application for access to capacity and to submarine cable landing station facilities send to the requesting licensee confirmation of its ability to provide the access and details of required testing to be undertaken for provision of the access to the applicant.
 - (3) Where the submarine cable landing station licensee refuses access to capacity and submarine cable landing station facilities, the refusal shall be substantiated and communicated in writing to the requesting licensee and the Commission within ten days of receipt of the application specified in sub-regulation (2).

10. Access Facilitation Agreement

- (1) After receipt of confirmation for access to capacity and to submarine cable landing station facilities, a requesting licensee and the submarine cable landing station licensee shall negotiate an access facilitation agreement.
- (2) Where the submarine cable landing station licensee and the requesting licensee fail to negotiate and enter into an access facilitation agreement within two months of the application of the requesting licensee, either of the parties may refer the matter to the Commission, in accordance with regulation 25.
- (3) A submarine cable landing station licensee shall prepare and submit to the Commission, within two months of the application of the requesting licensee, a draft access facilitation agreement for the approval of the Commission.
- (4) A submarine cable landing station licensee and a requesting licensee shall not enter into an access facilitation agreement unless the agreement is approved by the Commission acting in accordance with the advice of ECTEL pursuant to the provisions of the Act and applicable Regulations.

- (5) Where the Commission, upon the recommendation of ECTEL, is of the opinion that the access facilitation agreement requires modifications so as to comply with the provisions of these Regulations or with the Submarine Cable Landing Station Reference Interconnection or Access Offer, the Commission may require the parties to the agreement to modify it and the parties shall make the modifications and submit, within fifteen days of receipt of requirement for the modifications, the agreement after incorporating such modifications, to the Commission for approval.
- (6) An access facilitation agreement with regard to access to international submarine cable capacity and to submarine cable landing station facilities which entered into force before the commencement of these Regulations shall be amended to comply with these Regulations by a process in which the submarine cable landing station licensee shall, after the publication of its Submarine Cable Landing Station Reference Interconnection or Access Offer, give an option to a requesting licensee already connected to its submarine cable landing station to make an application for access facilitation and co-location services in accordance with these Regulations.

11. Provision of Backhaul Circuit

- (1) A submarine cable landing station licensee shall provide a backhaul circuit between the submarine cable landing station and the premises of the requesting licensee if it is technically feasible to do so.
- (2) A submarine cable landing station licensee and the requesting licensee shall conduct necessary tests according to a mutually agreed testing procedure,
- (3) Where there is no agreement on a testing procedure, a testing procedure shall be approved by the Commission,
- (4) Nothing shall prevent a requesting licensee requesting access to capacity and to submarine cable landing station facilities from arranging the provision of a backhaul circuit by another licensee.
- (5) Where another licensee provides a backhaul circuit, the submarine cable landing station licensee shall facilitate the interconnection between the requesting licensee and the said licensee at the submarine cable landing station in providing and testing the backhaul circuit.

12. Testing of Capacity Proposed to be Acquired by Requesting Licensees

- (1) A submarine cable landing station licensee shall, upon successful testing of the backhaul circuit to the submarine cable landing station, complete all necessary steps for access to the capacity, which shall include –
 - (a) testing of links;

- (b) interconnecting the capacity to the backhaul circuit or equipment of the requesting licensee co-located at the submarine cable landing station or at a virtual co-location.
- (2) A submarine cable landing station licensee, and the requesting licensee who makes an application under regulation 9, shall conduct necessary tests, in accordance with the testing procedure for the provisioning of capacity from submarine cable landing station to the other country's submarine cable station, within ten days or such other time as may be mutually agreed upon by them.
- (3) A submarine cable landing station licensee shall—
 - (a) send a request, after taking the steps referred to in sub-regulation (2), to the requesting licensee for taking control of the required capacity; and
 - (b) declare the capacity as commissioned by the requesting licensee.

13. Access Facilitation Charges and Backhaul Circuit Charges

- (1) For the purposes of accessing the landing facilities at a submarine cable landing station, the access facilitation charges shall be—
 - (a) payable by the requesting licensee to the submarine cable landing station licensee ; and
 - (b) determined on fair and reasonable conditions to be agreed by the two parties and based on cost-orientated rates compliant with these Regulations and the Act.
- (2) Backhaul Circuit Charges shall be cost orientated, determined on the basis of the direct cost of network elements involved in its provision.
- (3) The access facilitation agreement, including, where appropriate, the provision of a backhaul circuit shall, subject to the payment of the operation and maintenance charges by the requesting licensee to the submarine cable landing station licensee, continue to be in force during the period of the Indefeasible Rights of Use or on an annual lease basis, as the case may be.

14. Guarantees of Service Quality Levels

- (1) The Submarine Cable Landing Station Reference Interconnection or Access Offer of each submarine cable landing station licensee referred to in regulation 6 shall contain—
 - (a) conditions on standard quality of services that are provided and enhanced quality of subscribable service options; and
 - (b) reasonable response times to requests for supply of services and resources.
- (2) The access facilitation agreement to be concluded between a submarine cable landing station licensee and a requesting licensee, referred to in regulation 10 shall include—

- (a) level of commitment,
 - (b) associated service incentive mechanisms and compliance; and
 - (c) penalties in case of default.
- (3) The Commission shall ensure that the submarine cable landing station licensee provides requesting licensees with a service level guarantee that is consistent with international best practices and equivalent to those applied to their own services or to those of their subsidiaries or partners.

15. Increase in Capacity Requirement by Requesting licensees

Where additional capacity is required at the submarine cable landing station by the requesting licensee, the submarine cable landing station licensee shall, subject to technical feasibility, on receipt of the request and related payment from the requesting licensee, facilitate the provision of the additional capacity in accordance with the provisions of these Regulations relating to access to capacity.

16. Termination of Access Facilitation Agreement

- (1) The access facilitation agreement, including, as the case may be, the provision of a backhaul circuit, may be terminated by the submarine cable landing station licensee —
- (a) where the requesting licensee ceases to hold a valid licence either by way of the termination or suspension of the licence;
 - (b) where the arrangement to acquire capacity by way of Indefeasible Rights of Use or on the basis of an annual lease, as the case may be, from the submarine cable landing station licensee or a member of the submarine cable system consortium or from a cable consortium, is terminated by the requesting licensee;
 - (c) where the operation and maintenance charges due and payable by the requesting licensee remain unpaid beyond the time period allowed by the access facilitation agreement, provided that a notice of not less than thirty days had been given to the requesting licensee and if there is no response by the requesting licensee to the notice by the fifteenth day.
- (2) Upon the termination of an access facilitation agreement, including, as the case may be, the provision of a backhaul circuit, at the request of a requesting licensee prior to the expiry of the access facilitation agreement term, the charges payable by the requesting licensee shall not exceed access facilitation and backhaul circuit charges payable for a three-month period in excess of any debts that the requesting licensee owes to the submarine cable landing station licensee.

Part IV
CO-LOCATION

17. Co-Location

- (1) Every requesting licensee who makes an application to access international submarine cable capacity on a submarine cable system under regulation 9 shall -
 - (a) make, simultaneously, another application to the submarine cable landing station licensee for co-location at the submarine cable landing station, if the co-location is required by the requesting licensee to access international submarine cable capacity on any submarine cable system from the submarine cable landing station licensee, and
 - (b) enclose with the application the following—
 - i. equipment layout plan at the co-location site at which co-location space is requested;
 - ii. purpose of accessing submarine cable capacity;
 - iii. details of co-location equipment proposed to be installed;
 - iv. details of space and power requirements;
 - v. floor loading of the co-location equipment;
 - vi. specification of the transmission tie-cable required;
 - vii. type of optical fibre cable to be used;
 - viii. address, phone number, fax and e-mail of applicant at which communications may be sent by the owner or operator of the submarine cable landing station; and
 - ix. any other requirement for co-location of equipment.
- (2) The submarine cable landing station licensee shall, within ten days after receipt of the application made under sub-regulation (1), acknowledge receipt and communicate the acceptance or rejection of the application to the requesting licensee referred to in sub-regulation (1).
- (3) A refusal of the requested co-location by the submarine cable landing station licensee shall be duly substantiated and communicated in writing to the applicant and the Commission within the same period of ten days of receipt of the application.
- (4) After receipt of acceptance from the submarine cable landing station licensee under sub-regulation (2), the requesting licensee referred to in sub-regulation (1) shall, within five days from the date of receipt of the confirmation, enter into a co-location agreement with the submarine cable landing station licensee.
- (5) Where the submarine cable landing station licensee and the requesting licensee fail to enter into an agreement within sixty days of the initial application of the requesting licensee subject to sub-regulation (1), either of the two parties may refer the matter to the Commission or to ECTEL in accordance with regulation 25.

- (6) A submarine cable landing station licensee and a requesting licensee shall not enter into a co-location agreement unless the agreement is approved by the Commission acting in accordance with the advice of ECTEL pursuant to the provisions of the Act and applicable Regulations.
- (7) Where the Commission, upon the recommendation of ECTEL is of the opinion that the co-location agreement requires modifications so as to comply with the provisions of these Regulations and with the Submarine Cable Landing Station Reference Interconnection or Access Offer, the Commission may require the parties to the agreement to modify it and the parties shall make the modifications and submit, within fifteen days of receipt of the requirement for the modifications, the agreement after incorporating the modifications, for approval to the Commission.

18. Allocation of Alternative Co-Location Space

- (1) Where the submarine cable landing station licensee is unable to offer, due to space limitations or any other valid reason, the physical co-location requested by a requesting licensee who makes an application under regulation 17 (1), the submarine cable landing station licensee shall take reasonable measures to give an option of virtual co-location to enable the submarine cable landing station licensee to have access facilitation services.
- (2) Where a requesting licensee who makes an application under regulation 17 (1) is offered, due to space constraints at a submarine cable landing station or any other valid technical reason, a virtual co-location facility by the submarine cable landing station licensee, the submarine cable landing station licensee shall make available required elements, including ducts within the building, for the purpose of running an interconnection cable within the submarine cable landing station for which the charges shall be payable and borne by the requesting licensee.

19. Additional Co-Location Space and Co-location Equipment

- (1) Where the requesting licensee intends to replace, modify or re-arrange any of its co-location equipment in the co-location space or install additional co-location equipment in the co-location space, it shall submit a request in writing to the submarine cable landing station licensee for the modification, rearrangement or additional co-location equipment or replacement.
- (2) Pursuant to sub-regulation (1), the submarine cable landing station licensee shall communicate, within ten days of receipt of the request, its decision for the replacement, modification or re-arrangement and, as the case may be, the amount of additional charges or other requirements related to the replacement, modification or re-arrangement.

20. Authorization for access for co-location space

- (1) Where the application made by the requesting licensee under regulation 9 has been accepted by the submarine cable landing station licensee, the requesting licensee shall have the right to access the equipment co-located at the submarine cable landing station or, as the case may be, at a virtual co-location point.
- (2) Pursuant to the access rights in sub-regulation (1), the requesting licensee shall communicate the names of its personnel to the submarine cable landing station licensee, which shall allow them access to the co-location space and issue the authorization for physical access under the rules of security and conditions of access agreed between the parties.

21. Co-Location Charges

- (1) For the purpose of accessing co-location services at the submarine cable landing station or, as the case may be, at the virtual co-location point, co-location charges shall be—
 - (a) payable by the requesting licensee to the submarine cable landing station licensee;
 - (b) based on cost-orientated rates.
- (2) The charges shall be determined on the basis of the cost of the facilities dedicated to the co-location service, the space and usage of the requesting licensee, and on fair and reasonable conditions, compliant with these Regulations and the Act, to be agreed by the two parties.

22. Termination of co-location agreement

- (1) The submarine cable landing station licensee may, in the event of the closure of a co-location site or the expiry of the lease of capacity, terminate the lease of co-location space after giving to the requesting licensee a notice, in writing, of not less than twelve months from such closure or before the expiry of the lease of capacity, as the case may be, and the termination of the lease of co-location space shall take effect from the date specified in the notice. In case of closure of the co-location site, the submarine cable landing station licensee shall work closely with the requesting licensee in order to find suitable alternatives that will allow the capacity service to continue to operate.
- (2) The submarine cable landing station licensee may, in addition to the circumstances specified in sub-regulation (1), terminate the lease of co-location space where—
 - (a) the submarine cable landing station licensee ceases to hold a valid license or required titles to the underlying property.
 - (b) the requesting licensee ceases to hold a valid licence;
 - (c) the requesting licensee uses or allows to be used the co-location space in contravention of the Regulations or directions issued under the Act or any

- other law for the time being in force or in contravention of the terms of the licence;
- (d) the requesting licensee removes or abandons its co-location equipment or keeps such space idle for a period of more than ninety days;
 - (e) in relation to paragraphs (b) and (c), a notice of not less than thirty days has been given to the requesting licensee.
- (3) Without prejudice to sub-regulations (1) and (2)—
- (a) the submarine cable landing station licensee shall provide a minimum period for co-location to ensure a reasonable balance between the need to encourage competition and that of safeguarding a reasonable return on the investments made for the co-location;
 - (b) the Commission shall ensure that the minimum period of commitment is not less than three years and the co-location offer can be extended beyond the initial period.
- (4) Upon termination of the lease of co-location space at the request of a requesting licensee prior to the expiry of the term of the lease, any charges payable by the requesting licensee shall not exceed co-location and backhaul circuit charges payable for a six-month period in excess of any debts that the requesting licensee owes to the submarine cable landing station licensee.
- (5) Upon expiry or termination of the lease of co-location space of the requesting licensee, the licensee shall remove its co-location equipment within a fixed time period agreed with the submarine cable landing station licensee and upon failure to do so the submarine cable landing station licensee may—
- (a) remove the co-location equipment and restore the co-location site to its original condition;
 - (b) charge the requesting licensee for the costs that it has incurred for the work done under paragraph (a).
- (6) Without prejudice to the rights of the submarine cable landing station licensee, the requesting licensee may negotiate with the submarine cable landing station licensee or another member of the consortium of the submarine cable system, as the case may be, for any restoration arrangement including alternate transmission medium, if necessary.

Part V
CONTROL BY THE COMMISSION

23. Tariff monitoring

- (1) Charges for access facilitation, co-location, backhaul circuit and related operation and maintenance fees shall be calculated in accordance with the principle of cost orientation set out in regulations 13 and 21 and the cost accounting methods defined by the Commission upon the recommendation of ECTEL.

- (2) On the basis of the cost calculation framework set out by the Commission, upon the recommendation of ECTEL, submarine cable landing station licensee shall determine the charges to be paid by the requesting licensees, taking into account direct costs involved in the provision of access facilitation, international capacity, co-location services and backhaul circuits, and submit them to the Commission.
- (3) In submitting the Submarine Cable Landing Station Reference Interconnection or Access Offer referred to in regulation 7 for approval to the Commission, submarine cable landing station licensee shall set out the details of cost for each network element, costing methodology and calculation sheets or any other element for calculation.
- (4) The charges to be paid by the requesting licensees shall be approved by the Commission on the recommendation of ECTEL on the basis of the cost accounting methods established and published by the Commission upon the recommendation of ECTEL in accordance with sub-regulation (1).
- (5) The charges payable under these Regulations shall be subject to the prior approval of the Commission to ensure transparency, fairness and reasonableness and to prohibit a submarine cable landing station licensee from adopting an arbitrary approach to setting various charges.
- (6) Where a submarine cable landing station licensee fails to provide the required documentation to facilitate the determination of costs that are payable, the Commission may make its own cost calculations in order to estimate costs on the basis of information at its disposal and determine tariffs of the charges to be paid by the requesting licensees, as the case may be.
- (7) Where the Commission and ECTEL lack sufficient information or have not yet implemented the cost accounting methods referred in sub-regulation (1), the Commission may, upon the recommendation of ECTEL and in a transitional manner, determine the tariffs of the charges to be paid by the requesting licensees on the basis of international benchmarks.
- (8) The Commission, upon the recommendation of ECTEL, shall impose on offers by submarine cable landing station licensee the rates which it has determined under sub-regulations (6).

24. Public consultation

ECTEL and the Commission shall undertake public consultations prior to setting the cost accounting methods referred to in regulation 23 and the cost oriented rates referred to in regulations 13 and 21.

25. Dispute resolution

- (1) A dispute involving the conclusion, the execution or the termination of an agreement related to access facilitation, including the provision of capacity, co-

location services or the provision of backhaul circuit between a submarine cable landing station licensee and a requesting licensee, shall be submitted to the Commission, subject to the requirement that the Commission is satisfied that the parties have made reasonable efforts to amicably settle the dispute prior to submitting the dispute.

- (2) Pursuant to a dispute specified in sub-regulation (1), the Commission may-
 - (a) refer the matter to ECTEL for an opinion; or
 - (b) with the consent of the parties, refer the matter to ECTEL for mediation.
- (3) Where the Commission refers a dispute to the ECTEL for an opinion, the provisions of the Dispute Regulations 200[-], the Interconnection Regulations 200[-] and any other relevant law shall be applicable.
- (4) Where the Commission, with the consent of the parties to the dispute, refers the dispute to ECTEL for mediation, the ECTEL shall, in consultation with the parties, ensure that mediation commences within 2 weeks of the referral and, upon its conclusion, provide the Commission and the parties to the dispute with a report within three months after the receipt of the request by the Commission for mediation.
- (5) The report specified in sub-regulation (4) shall include only—
 - (a) whether the mediation failed; or
 - (b) the parties came to an agreement; and
 - (c) where the parties came to an agreement, the terms of such agreement.
- (6) Where mediation fails, at the end of the period of three months referred in sub-regulation (4), any of the parties to the dispute may lodge a petition with the Commission to resolve the dispute under the conditions set out in the sub-regulation (3).

SCHEDULE
SUBMARINE CABLE LANDING STATION-REFERENCE INTERCONNECTION OR
ACCESS OFFER – REQUIRED PROVISIONS

PART I - Form of Application for Request to Access Facilitation at Submarine Cable Landing Station for International Submarine Cable Capacity and to Backhaul Circuit

PART II - Rates

1. Access Facilitation Charges :

- *Per unit capacity: per example STM-1, STM-4, STM-16, STM-64 or above (SDH), wavelengths etc.*
- *In relation to Indefeasible Rights of Use or lease of capacity, one time access facilitation charges per unit of capacity are payable on execution of the access facilitation agreement*
- *In relation to a lease, recurrent access facilitation charges per annum per unit of capacity are payable upon execution of the access facilitation agreement and thereafter before the due date (anniversary of commissioning date) of each subsequent year.*

2. Annual Operation & Maintenance (O&M) Charges

- *In relation to Indefeasible Rights of Use (not lease of capacity) charges per annum per unit are payable upon the execution of the access facilitation agreement and thereafter before the due date (anniversary of commissioning date) of each subsequent year;*
- *In relation to a lease, O&M charges are included in the price lease ;*

3. Co-location Charges:

- *Items and their corresponding charges should be separately specified i.e. building space charges per square feet, duct & cable runway charges, distribution frame, AC power including standby AC Power, DC power, air conditioning including other physical / environmental services, security and site maintenance etc.)*

4. Restoration charges one time per unit capacity in the event of termination or discontinuance of access facilities

5. Cancellation charges

6. Backhaul Circuit

7. Any other charges payable by the Access Seeker or details not already specified in serial numbers 1 to 6 of this Form

Note: The submarine cable landing station licensee shall provide the Commission with the costing elements considered, their costs and costing methodology employed along with a calculation sheet in arriving at all charges submitted above for international submarine cable capacity access, O&M charges, Restoration Charges, co-location facilities, cancellation charges, backhaul circuits etc., when the submarine cable landing station licensee submits the Submarine Cable Landing Station -Reference Access Offer as per regulation0 of these Regulations.

PART III - Time Period for Provision of Access Facilitation Services and Colocation Services by Owner of Submarine Cable Landing Station

1. Time period for provision of access facilitation services
2. Time period for provision of co-location services

PART IV - Form of Request for Co-Location Facility and Services

PART V - Service Level Agreement

PART VI - Co-Location Equipment Installation and Maintenance Guidelines

PART VII - Form of Letter of Authorization for Physical Access to Co-Location Space

PART VIII - Form of Name and Details of Personnel to be Authorized