



Office of Utility Regulation

Cable and Wireless Guernsey: Reference Offer

**Information Notice with regard to proposal to issue a
Direction to Cable and Wireless Guernsey Ltd under
Section 27 of the Telecommunications (Bailiwick of
Guernsey) Law, 2001**

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1. Background

1.1. *Publication of Reference Offer*

In preparation for the opening of the Guernsey telecommunications market to competition, Cable & Wireless Guernsey (C&W Guernsey) (Guernsey Telecoms Limited at that time) has been required by the Director General of Utility Regulation to publish a Reference Offer (RO) for interconnection and access services. C&W Guernsey initially published a draft RO in December 2001. The Office of Utility Regulation (OUR) issued a public consultation on this draft document and undertook a review of the detailed text of the RO.

Resulting from the public consultation and the OUR review, the OUR required a revision of the draft RO. This was commented on by C&W Guernsey and final directions were issued to C&W Guernsey during June-July 2002 on the adjustments to the RO considered necessary by the OUR.

C&W Guernsey published a revised RO on 15th July 2002 and this document, with minor amendments, has been available as the basis for new entrants to negotiate interconnection with and access to C&W Guernsey networks and services. The full text of the RO is available from C&W Guernsey on its website at http://www.cw.com/guernsey/service_providers/reference_offer/

OUR information note OUR 02/20 published in July 2002 describes this process and the directions in more detail and is available from the OUR website www.regutil.gg.

1.2. *Direction Relating to Leased Lines in the RO*

One of the directions required the inclusion of leased lines (on-island leased lines, off-island leased lines and partial leased lines) in the RO. C&W Guernsey stated that it did not believe that these services should be included in the RO with the exception of Partial Leased Circuits.

C&W Guernsey accepted its obligation to provide leased lines to competing operators in the context of a wholesale offering and published its wholesale leased line offering in October 2002. The offer includes on-island and off-island leased lines. The document is available on the C&W Guernsey website at: www.cw.com/guernsey/service_providers/products_and_services/gsy_04_01.html

The relevant direction was issued on the 4th July 2002 (the “leased lines direction”) and was set out in Document OUR 02/20C issued under the Telecommunications (Bailiwick of Guernsey) Law, 2001 (the Law).

2. Breach of Direction and Notice of Proposed Direction under Section 27 of the Law

In July 2003, the OUR stated that it was satisfied that C&W Guernsey failed to comply with the leased lines direction and as it continued not to include the relevant services in the RO, the company was found to be in breach of the direction of 4 July 2002. A notice of a proposal to issue a direction under Section 27 of the Telecommunications Law was published by the Director General on 25th July 2003, in which the Director General proposed to direct the company to comply with the original direction (see document OUR 03/19). The proposed notice was published for comment. Comments were received from one party on the proposed direction.

3. Suspension

The original direction by the Director General is currently being appealed by C&W Guernsey to the Utility Appeals Tribunal (the Tribunal). In the context of that appeal, C&W Guernsey applied to the Tribunal under Section 15 (6) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 for a suspension of the Direction of the 4th July 2002, and offered an undertaking to the Tribunal. The undertaking offered was agreed by the OUR and the notice parties. The OUR regards the undertaking as adequate to reasonably protect the legitimate interests of affected parties pending the consideration of the appeal. Having considered the application and the proposed undertaking the Tribunal on the 6th of August granted the suspension sought pending the outcome of the appeal.

Having regard to the suspension granted by the Tribunal the OUR does not propose to take further action in relation to the proposed Direction pending the full outcome of the appeal.

The Director General reserves her right to review this position.

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