



Office of Utility Regulation

**Decision under  
The Telecommunications (Bailiwick of  
Guernsey) Law, 2001**

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Application of the Code to  
Wave Telecom Ltd and modification of Wave  
Telecom's Licence

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**Office of Utility Regulation**  
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# 1. Introduction

In January 2008, the Director General (DG) issued an invitation to comment on his proposal to apply the Code to Wave Telecom Ltd (Wave) as provided for under the Telecommunications (Bailiwick of Guernsey) Law 2001 (the Telecoms Law).

The Code grants certain rights and powers and imposes corresponding duties and obligations on the licensee to which the Code is applied. The detail of the Code is set out in Schedule 1 of the Telecoms Law. Section 9 of the Telecoms Law sets out the details of the process to be followed when considering whether to allow an operator to have access to the Code.

Wave is currently continuing the roll-out of its fixed network, including the continuing build of and interconnection of its 'Liberty' sub-sea Cable installation. This includes arranging for a telecommunications cable to be laid across the foreshore at Pembroke Bay and across the Common at L'Ancrese. Following investigations by the company it determined that ownership of the L'Ancrese Common is unclear.

Wave applied to the DG for the Code to be applied to its fixed licence. This is in order to enable Wave to rely upon the Code to undertake works at L'Ancrese Common to facilitate and establish the operation of its fixed telecoms network and will also bring Wave's Fixed Licence in line with its 2G and 3G licences. The application of the Code does not obviate the need to comply with planning laws. The DG issued a statutory consultation (OUR 08/05) in January and received one response from Newtel Solutions Ltd.

In accordance with the provisions set out in the Telecoms Law, and following consideration of the response received to the consultation, the DG has determined that it is necessary to include a condition in Wave's Fixed licence applying the Code to that licensee, in order to allow them to have access to and use of land to facilitate the establishment and operation of the fixed telecoms network that the company wishes to roll out.

## 2. Consultation on Proposal to Apply the Code

In accordance with section 9 of the Telecoms Law, the DG published notice of his intention to apply the Code, as set out in Schedule 1 of the Telecommunications Law by publication of an invitation to comment (OUR 08/05) on 31<sup>st</sup> January 2008.

That document sets out the reasons for the proposed decision to apply the Code. In brief, the DG considered it reasonable to expect that Wave Telecom will require the rights in the Code to continue to establish, maintain and improve its network.

Section 9(4)(b)(i) further requires the DG to consider any representations received and under Section 9(4)(b)(ii) to publish a further notice stating whether the Code has or has not been applied.

One response to the Consultation was received by Newtel. Newtel fully supports the DG's proposed decision to apply The Code to Wave's Fixed Licence. It believes the development of new fixed and wireless networks is of critical importance in establishing a competitive telecommunications network in the Island.

The Director General welcomes Newtel's response and now intends to proceed with modifying Wave's Fixed Licence to enable it to exercise The Code in the roll-out of its fixed network.

### **3. Decision to Apply the Code to Wave Telecom Ltd**

The DG is, by this notice, confirming that the Code, as set out in Schedule 1 of the Telecoms Law will apply to Wave Telecom Ltd's Fixed Telecommunications Licence and will be included in its licence.

The text of the licence condition is set out in Annex 1 of this document.

#### **Decision**

**In accordance with Section 9 of the Telecommunications (Bailiwick of Guernsey) Law, 2001, the Director General publishes notice of his Decision to apply the Code, as set out in Schedule 1 to that Law, to Wave Telecom Ltd with respect to that company's Fixed Telecommunications Licence.**

**Licence Condition included in Wave Telecoms Ltd's  
Fixed Telecommunications Licences in respect of The Code**

**New Condition 21:**

The Licensee shall be entitled to all powers and rights and subject to all such obligations as are set out in the Code. Nothing in this Licence shall absolve the Licensee from any requirement in law to obtain such additional consents, permissions, authorizations or licences as may be necessary for the provision of the Licensed Telecommunications Network and the Licensed Telecommunications Services and for the exercise of its rights or discharge of its obligations under this Licence.