

GOVERNMENT OF THE  
REPUBLIC OF VANUATU

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TELECOMMUNICATIONS  
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BUREAU POUR LE  
REGLEMENT DE  
TELECOMMUNICATIONS A  
VANUATU

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### ORDER No. 1 2010

## ORDER CONCERNING THE PROVISION OF AN OPTICAL FIBRE LINK AND THE EXCHANGE OF LOCAL INTERNET TRAFFIC BETWEEN TELECOM VANUATU LIMITED (TVL) AND CAN'L

### SCOPE

This Order is made by the Telecommunications and Radiocommunications Regulator (the **Regulator**) under Section 31(2) of the Telecommunications and Radiocommunications Regulation Act No 30 of 2009 (the **Act**).

Section 31(2) of the Act, gives the Regulator the power to make an order, if a dispute is referred to the Regulator in accordance with Section 31(1), requiring a service provider to provide interconnection on such terms and conditions as the Regulator determines.

The Order concerns the following services (the **Services**) which Can'l is seeking from TVL:

1. The provision of an optical fibre link comprising one pair of optical fibres and associated terminal equipment providing unrestricted bandwidth and linking Can'l's place of business on Walter Lini Highway to TVL's Internet Service equipment at Independence Park (the **Fibre Link**)
2. The exchange of local Internet (IP) traffic between Can'l and TVL's Internet systems at the above locations (the **Exchange of IP Traffic**).

The Fibre Link will, in the future, be used for other interconnection services between TVL and Can'l besides the Exchange of IP Traffic.

This Order instructs TVL to provide the Services within 7 days of the Order.

This Order sets out the terms and conditions that shall apply from the time when the Services are established and commissioned following the necessary commissioning tests (the **Starting Date**).

The Regulator has received the necessary information from TVL concerning the costs of provision of the Services. The final price (the **Final Price**) for the

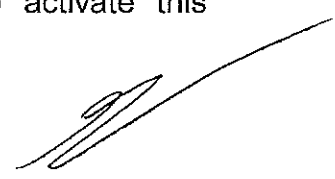
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Services will be established by the Regulator by determination under Section 31(1) of the Act.

When the Final Price is determined and promulgated by the Regulator there shall be an accounting adjustment (via credit or payment as the case may be) between TVL and Can'l such that the resulting position will be as if the Final Price had applied from the Starting Date.

## **RECITALS**

1. On 10 November 2009 Can'l made application to TVL for the Services (amongst other service requests) in accordance with Can'l's entitlement for interconnection under Section 26(1) of the Act.
2. Various negotiations have taken place between Can'l and TVL concerning the Services but the companies have been unable to agree on terms and conditions acceptable to both parties.
3. On 10 August 2010 Can'l referred their request for the Services to the Regulator under the terms of Section 31(1) of the Act, seeking a determination of the terms and conditions by the Regulator as provided under Section 31(2) of the Act.
4. Can'l's request to the Regulator was made more than 30 days after Can'l's request for the Services made under Section 26.
5. On 20 August 2010 the Regulator informed TVL by letter of Can'l's request for a determination and requested that TVL supply certain costing information that would enable the Regulator to establish pricing for the Fibre Link based on the direct costs.
6. The letter of 20 August 2010 requested that TVL provide the required information by 1 September 2010 but TVL did not provide any information by that date and has indicated on 21 September 2010 that it was unable to meet that request and asked for more time to provide the information.
7. On 15 October 2010 the Regulator received the required costing data from TVL.
8. The Regulator desires that the Services now be provided to Can'l without further delay and has therefore issued this Order as interim measure.
9. The Regulator has been informed by Can'l that the fibre cables and line terminating equipment for the Fibre Link are already in place, installation cost paid (at the time of installation) and that all that remains to be done to establish the Services is to activate this equipment.



## THE ORDER

1. TVL shall provide the Services ready for testing within 7 days from the date of this Order.
2. TVL and Can'l shall each provide such services as necessary for the testing and commissioning of the Services at their own cost.
3. The testing and commissioning of the Services shall be completed within 21 days of the date of this Order unless the Regulator agrees otherwise.
4. The monthly rental for the Fibre Link shall be determined and will apply retrospectively to the Starting Date.
5. There shall be no payment by either party in respect of the Exchange of IP Traffic.
6. The general terms and conditions that shall apply between TVL and Can'l in respect of the Services shall be the same as those in the Interim Interconnection Agreement between TVL and Digicel dated 13 March 2008. (A copy of the TVL/Digicel Agreement is attached).

Made at Port Vila this 1<sup>st</sup> day of November 2010

Alan Horne

**Rekuleta blong Telekomunikesen blong Vanuatu**

