



Office of Utility Regulation

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

Application of the Code to
Wave Telecom Ltd's 2G and 3G Mobile Licences

Document No: OUR 03/35

November 2003

Office of Utility Regulation
Suites B1 & B2, Hirzel Court, St Peter Port, Guernsey, GY1 2NH
Tel: [0]1481 711120, Fax: [0]1481 711140, Web: www.regutil.gg

1. Introduction

In November 2003, the Director General (DG) issued an invitation to comment¹ on her proposal to apply The Code to Wave Telecom Ltd (Wave Telecom) 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 in order to allow an operator have access to the Code.

In accordance with those provisions, the DG has determined that it is necessary to include a condition in Wave Telecom's mobile licences applying the Code to that licensee, in order to allow them have access to and use of land to facilitate the establishment and operation of the mobile telecoms networks that the company is obliged to roll out. This will ensure that the licensee has, as far as is practicable, similar rights, entitlements and obligations as the existing mobile operator, Cable & Wireless Guernsey (C&WG). The application of the Code does not obviate the need to comply with planning laws.

2. Consultation on Proposal to Apply the Code

In accordance with section 9 of the Telecoms Law, the DG published notice of her intention to apply the Code, as set out in Schedule 1 of the Telecommunications Law by publication of an invitation to comment (OUR 03/33) on 14th November 2003. 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. No representations or objections were received from any party on the application of the Code to Wave Telecom.

3. Decision to Apply the Code to Wave Telecom Ltd

Therefore 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 3G Mobile Telecommunications Licence and Wave Telecom Ltd's 2G Mobile Telecommunications Licence. The condition currently in Wave Telecom's licences will remain as currently set out in both licences, the relevant extract of which is set out in Annex 1 to this document. For the avoidance of doubt the Code will not apply to Wave Telecom Ltd's Fixed Telecommunications Licence.

¹ OUR 03/33 Proposed Decisions under the Telecommunications (Bailiwick of Guernsey) Law 2001: Proposed Application of the Code to Wave Telecom Ltd.

Decision

In accordance with Section 9 of the Telecommunications (Bailiwick of Guernsey) Law, 2001, the Director General hereby publishes notice of her Decision to apply the Code, as set out in Schedule 1 to that Law, to Wave Telecom Ltd with respect to that company's 2G Mobile Telecommunications Licence and its 3G Mobile Telecommunications Licence, granted on 25th March 2003.

**/ENDS
26th November 2003**

**Licence Condition included in Wave Telecoms Ltd's
3G & 2G Mobile Licences in respect of The Code**

21. ACCESS TO LAND

- 21.1. Nothing in this Licence shall absolve the Licensee from any requirement in law to obtain such additional consents, permissions, authorisations or licences as may be necessary for the provision of Licensed 3G Mobile Telecommunications Network and Licensed 3G Mobile Telecommunications Services and for the exercise of its rights or discharge of its obligations under this Licence.
- 21.2. 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 the requirement in law to obtain such additional consents, permissions, authorisations or licences as may be necessary for the provision of the Licensed 3G Mobile Telecommunications Network and the Licensed 3G Mobile Telecommunications Services and for the exercise of its rights or discharge of its obligations under this Licence.