

TELECOMMUNICATIONS ACT 2009

INTERIM TELECOMMUNICATIONS LICENCE For SOLOMON ISLANDS SUBMARINE CABLE COMPANY LTD

Explanatory note

The company which will operate the Coral Sea undersea telecommunications cable system, linking Honiara with Sydney, Australia, and Honiara with certain Solomon Islands provincial centres, must have a telecommunications licence to carry on business. Because the cable system is being funded by grants, and the cable company controlled by the government, the Telecommunications Commission proposes to issue the company an individual telecommunications licence, with terms and conditions which are specific to it. However, permanent arrangements for the cable system's facilities access, service provision and wholesale pricing, have yet to be fully developed for regulatory purposes. Nevertheless, because it is in the public interest for commercial operations to commence on the cable system as soon as possible, the Commission is issuing this interim authorisation for the company's commencement of services.

IN exercise of its powers and functions under the Telecommunications Act, the Telecommunications Commission issues a telecommunications services licence to Solomon Islands Submarine Cable Company Limited, on the following terms and conditions:

1. COMMENCEMENT

- 1.1 This Licence commences on 1 February 2020 and shall remain in full force and effect until the date appointed for its revocation in a subsequent individual licence issued by the Commission, or on 30 June 2021, whichever is the earlier.

2. DEFINITIONS AND INTERPRETATION

2.1 In this Order:

“**Act**” means the Telecommunication Act 2009, (No. 20 of 2009) and “**Order**” means this Order;

“**cable system**” means the undersea optic fibre telecommunications cable, and associated cable landing facilities, linking Honiara, Solomon Islands, to Sydney Australia, and Honiara to the Solomon Islands provincial centres of Auki, Noro and Taro; the exclusive rights to the ownership or use of which are held by the Company;

“Capacity” means a quantity of telecommunications transport on the international or domestic sections of the cable system, defined by its particular service configuration, in units of Mbps or Gbps; and **“Leased Capacity”** means a specific Capacity, the rights to the use of which may be purchased from the Company;

“Commission” means the Telecommunications Commission established under section 6 of the Act;

“Gbps” and **“Mbps”** mean megabit per second and gigabit per second respectively; and **“GB and MB”** mean gigabyte and megabyte respectively;

“IP Transit service” means the deployment of the physical and commercial connections maintained by the Company in Sydney, to enable telecommunications traffic on the cable system, to be delivered to and received from the Internet;

“Licence” means this interim telecommunications licence;

“Licensed Services” means the telecommunications services which the Company is authorised to provide by this Licence;

“licensed service provider” means a person providing or entitled to provide telecommunication services to consumers and other users in Solomon Islands under an individual or class licence issued under the Act;

“SISCC” or **“Company”** means Solomon Islands Submarine Cable Company Limited, a company duly incorporated under Solomon Islands law;

- 2.2 Subject to subsection (1), words and expressions which appear in this Licence, and which also appear in the Act, have the meaning ascribed to them by the Act.
- 2.3 References to “clauses”, “subclauses” and other partitions of text, are references to the partitions of this Order.
- 2.4 This Licence is issued to SISCC on a non-exclusive basis, and nothing in this Order modifies any power of the Commission; any obligation or liability of the Company as a licensed service provider; or any effect or operation of the Act; which is not addressed in this Order.

3. APPROVAL TO OPERATE TELECOMMUNICATIONS NETWORK AND EQUIPMENT

- 3.1 This Licence authorises the Company’s construction, installation and operation of the cable system, providing international and domestic telecommunication connectivity to, from, and within Solomon Islands, including all related telecommunications network equipment and facilities, required for the provision of the telecommunications services authorised in clause 4.1.

4. LICENCE TO PROVIDE CERTAIN TELECOMMUNICATIONS SERVICES

- 4.1** This Licence authorises the Company to provide telecommunications services of the following kinds to licensed service providers:
- (a) International ethernet Leased Capacity;
 - (b) Domestic ethernet Leased Capacity;
 - (c) IP Transit service;
 - (d) The provision of Internet exchange and licensed service provider peering services and facilities.
- 4.2** This Licence authorises the Company to use the cable system to provide services to non-resident telecommunications service providers for the transport of telecommunications traffic to and from destinations outside of Solomon Islands.
- 4.3** This Licence does not authorise the Company to provide internet access or other telecommunications services to:
- (a) Consumers in Solomon Islands; or,
 - (b) Subject to clause 4.2, any other person, unless that person is licensed by the Commission to provide telecommunications services in Solomon Islands; or,
 - (c) Any licenced service provider who does not demonstrate to the Commission's satisfaction, the capability of maintaining the provision of internet access services to multiple consumers who are at arm's length from that licensed service provider.
- 4.4** This Licence does not authorise the Company to sell particular services on the condition that other services are also purchased from the Company, and any such condition may not be enforced by the Company and shall constitute a contravention of this Licence.
- 4.5** Nothing in this Order prevents the Company from acquiring, using, or reselling international telecommunications capacity supplied or contracted for by other service providers, and nothing in this Order or in any contract with the Company prevents licensed service providers reselling Leased Capacity acquired by them from the Company.
- 4.6** The Company shall provide the Commission with a copy of every contract which it enters into with any licensed service provider, within two weeks of its execution by the parties.

5. RESTRICTIONS ON TERMS OF SALE

- 5.1** During the term of this Licence, and the Company shall observe the following restriction in respect of the sale and purchase of the Company's services:
- (a) For international ethernet Leased Capacity, whether purchased in conjunction with IP Transit services or not, a minimum Capacity purchase of 100 Mbps;
- 5.2** Every agreement entered into by the Company for the provision of Licensed Services shall be deemed to be subject to the restrictions on the terms of the sale and purchase of Leased Capacity in clause 5.1, and any agreement or arrangement which contravenes any of the restrictions may not be enforced by the Company, and shall constitute a contravention of this Licence.

6. TRANSFER OF LICENCE AND TRANSFER OF CONTROL OF COMPANY

- 6.1** No transfer of any benefit of this Licence to another person, or the transfer of control of SISCC itself, shall have any legal force or effect without the prior approval by determination or order of the Commission, such approval not to be unreasonably withheld.

7. REPORT ON FIRST YEAR OF OPERATIONS

- 7.1** By 30 April 2021, the Company shall provide a report to the Commission, detailing the following information in relating to the Company's operations from 1 February 2020, to 1 February 2021;
- (a) The quantity, in Gbps and Mbps, of international and domestic Leased Capacity on the cable system under contract during the reporting period with licensed service providers, and non-resident telecommunications service providers, in aggregate and in respect of each provider;
 - (b) The quantity, in Gbps and Mbps, of international and domestic Leased Capacity on the cable system used during the reporting period by licensed service providers and non-resident telecommunications service providers, from month to month, in aggregate and in respect of each service provider;
 - (c) The quantity, in GB and MB, the transport direction, and transport time of day, of data transported on each of the domestic and international sections of the cable system, from month to month, in aggregate and in respect of each licensed service provider and non-resident telecommunications service provider;
 - (d) The monthly cable system network availability and network performance statistics for each section of the system.

MADE at **HONIARA** this 31st day of January 2020.

A handwritten signature in black ink, appearing to read 'Bernard M Hill', written in a cursive style.

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Bernard M Hill,
Interim Telecommunications Commissioner