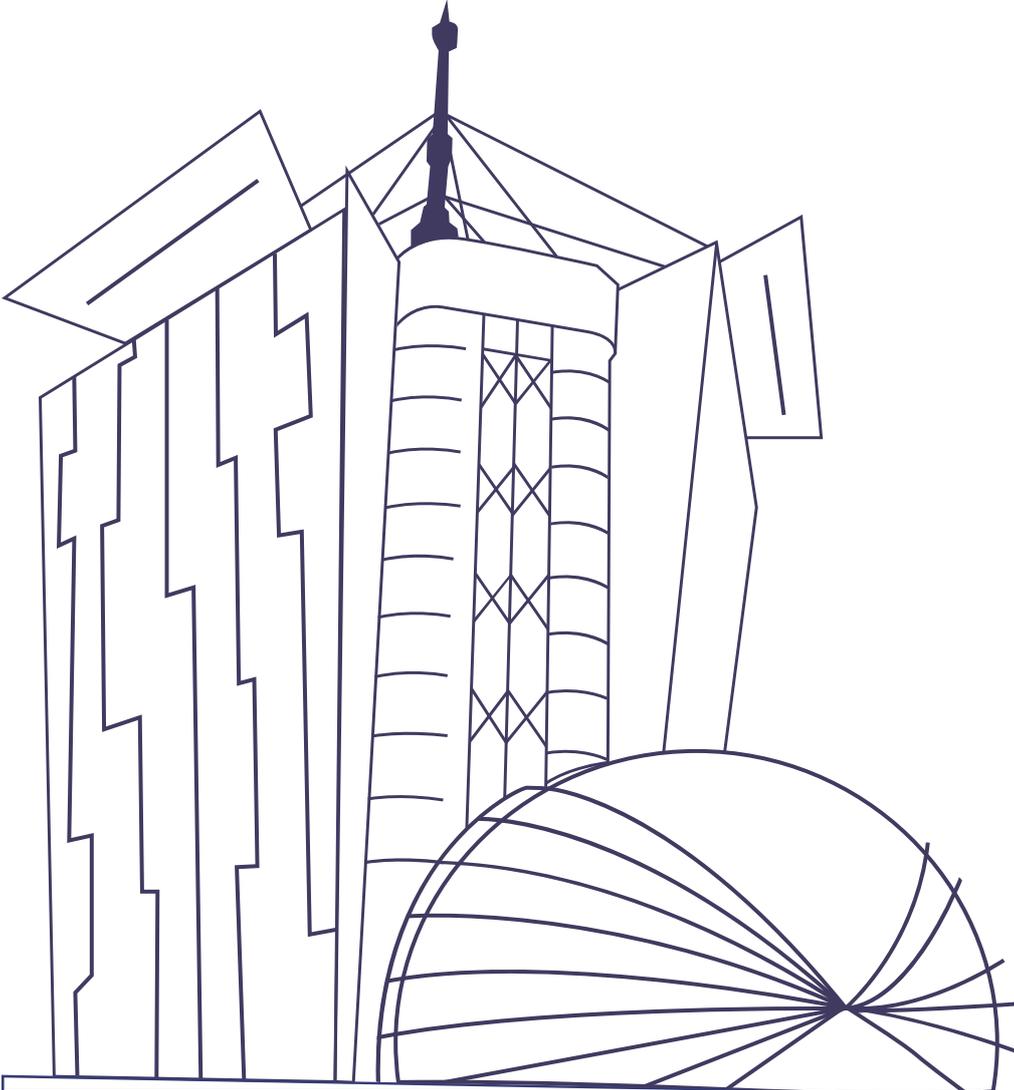


# Rules on Information and Communications Technology Infrastructure Deployment in New Developments







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## 1. Purpose and Scope

The Communications and Information Technology Commission (CITC) statutes set out the rules, rights and obligations of concerned parties for the construction and deployment of Information and Communications Technology (ICT) infrastructure in New Developments.

This document sets out the rules governing the provision of Passive Network Components used for the Telecommunications Networks in New Developments. Developers and FBPs must comply with these Rules.

Access to existing networks and joint construction during the deployment phase of networks would significantly reduce the amount and cost of civil works, as well as the social and environmental costs linked to them, such as pollution, public nuisance and traffic congestion. In particular for New Developments, civil works can be minimized when the installation of OSP infrastructure is finalized before surfacing of the roads.

The Act, the Bylaw, the Interconnection Rules, the Rules for Access to Physical Facilities and the Regulatory Framework on Information and Communications Technology Infrastructure Deployment in New Developments stipulate the requirements for:

- Provision of CIT networks and services to the public,
- Access to physical facilities and services of another Service Provider, and
- Access to private and public land.

### 1.1 The Purpose of the Rules

- To ensure the efficient provision of CIT infrastructure in New Developments.
- To ensure fair and non-discriminatory access for Service Providers to ICT infrastructure in New Developments.
- To ensure coordination with respect to the roll-out of ICT infrastructure in New Developments between owners of the land, Developers, Service Providers and other stakeholders such as utilities and public authorities.
- To promote technical and economic efficiency in the provision of high quality and High-speed-ready infrastructure, and thereby to help ensure that Users can be provided with a high quality of service.
- To pursue the objective of promoting infrastructure based competition and choice for Users. Users shall be free to choose a preferred Service Provider, while FBPs shall be entitled to provide networks and services in New Developments that they define.

### 1.2 The Scope of the Rules

- a) These Rules govern the rights and obligations of Developers and Facilities Based Providers (FBPs) for the construction of Outside Plant and In-building Physical Infrastructure in New Developments.
- b) These Rules also provide the basis for coordination between FBPs and Developers for the

construction of Outside Plant and In-building Physical Infrastructure in New Developments.

c) These Rules lay the grounds for the provision of standardized digital information on ICT infrastructure to public authorities for purposes of establishing and managing a central database of such infrastructures. Further, the Rules cover the access conditions for Service Providers, Licensees, and Developers of New Developments to such a database.

d) These Rules provide for the right of each FBP to terminate its network at the premises of the User, subject to agreement with the User, provided that it minimizes the impact on the private property.

## **2 Definitions**

The definitions from the Regulatory Framework on Information and Communications Technology Infrastructure Deployment in New Developments and in the Commission statutes shall apply throughout this document.

## **3 Access Rights and Obligations**

a) The Rules for Access to Physical Facilities govern the rights and obligations of Service Providers regarding Access to physical facilities of other Service Providers. These rules shall also be applicable to New Developments. The Access obligation, which includes the obligations for safeguarding availability of Access to new infrastructure (Rules for Access to Physical Facilities, Article 6.2), applies but is not limited to Developers and FBPs that deploy, construct, or install infrastructure for the provision of ICT services.

b) Any request for access to Physical Facilities in New Developments by FBPs shall be dealt with according to the stipulations laid down in the Rules for Access to Physical Facilities.

## **4 Deployment Rights and Obligations**

### **4.1 Deployment Obligations**

a) All New Developments and buildings shall be equipped with High-speed-ready physical infrastructures. New Developments and buildings shall have High-speed-ready Passive Network Components pre-installed during land preparation, development and construction.

b) The Land Developer shall be responsible for the provision of the Passive Network Components for Outside Plant (OSP) during the land preparation of the New Development. Upon agreement, such responsibility may be transferred to one or more FBPs.

c) The Building Developer shall be responsible for the provision of the Passive Network Components for In-building Physical Infrastructure (IPI) in buildings during the deployment phase of the New Development. Upon agreement, such responsibility may be transferred to one or more FBPs.

d) Any OSP design shall take into account the existing or planned infrastructure of FBPs. For Large Scale Projects, coordination shall be conducted in accordance with Article 4.6.2.

e) After completion of the construction works, the Developer must ensure that the installed OSP Passive Network Components are owned, maintained, and operated by one or more FBPs. This shall be done via contractual agreement, and a copy of the agreement shall be submitted to CITC within 15 days after signature.

## **4.2 Minimum Standards**

a) Any Passive Network Components of High-speed-ready physical infrastructures in New Developments shall be planned, designed and constructed according to the standards set out in Annex A and Annex B, in addition to, other relevant current national and international technical standards and specifications. In case the deployment obligation is transferred from the Developer to one or more FBP, this obligation shall be transferred too.

b) OSP and In-building Physical Infrastructure in New Developments must be able support at least high-speed broadband and voice services.

c) FBPs shall prepare a list of prequalified contractors to carry-out the design and implementation of ICT OSP works.

d) FBPs shall publish on their website a list of qualified contractors for the design of ICT OSP and keep the list up to date.

e) Developers shall implement ICT OSP works using the qualified contractors.

## **4.3 OSP Infrastructure**

a) New Developments shall be equipped with a High-speed-ready OSP infrastructure for fixed and mobile networks. OSP infrastructure shall be deployed according to the standards in Annex A.

b) OSP infrastructure shall be planned, designed and deployed by Land Developers utilizing qualified contractors, and in coordination with other utilities.

c) OSP infrastructure in New Developments shall be finalized before the initial road surfacing is done.

d) FBPs enjoy equal right of access to public and private properties in New Developments for the purpose of providing Telecommunications Services.

e) FBPs shall have access to all OSP Passive Network Components installed by any public or private Person to deploy their own Telecommunications Networks in New Developments for provision of Telecommunications Services to Users.

f) CITC may issue exemptions from the obligations provided for in this section 4 for specific New Developments for governmental use or other purposes.

g) For fixed networks, a point-to-point network architecture with four connections (such as fiber optics) per unit (dwelling or office) shall be the preferred technical solution. The Developer is not responsible for providing the cabling in the OSP but must design the OSP Passive Network Components to accommodate for the above requirements.

h) The central distribution point (e.g. manhole, distribution frame, street cabinet) at the bor-

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der of the New Development must be able to accommodate the needed cables for serving all customers in the New Development.

i) FBP's shall utilize the connections efficiently. FBP's shall install up to date technologies.

k) The linking of mobile communications sites to the public networks shall be realized with fiber connections.

## **4.4 In-building Physical Infrastructure**

### **4.4.1 Construction of In-building Physical Infrastructure**

a) New Developments shall be equipped by the Building Developer with a High-speed-ready In-building Physical Infrastructure including the cabling, between the building Access Point and the Network Termination Point(s). In-building Physical Infrastructure shall be deployed according to the standards in Annex B.

b) CITC may issue exemptions from the obligations provided for in this paragraph in cases where the fulfilment of those obligations is disproportionate, such as in terms of costs for individual or joint owners or in terms of type of building, such as specific types of monuments, or other buildings used for national security purposes.

### **4.4.2 Access to In-building Physical Infrastructure**

a) Any FBP has the right to access any existing In-building Physical Infrastructure with a view to deploying a public Telecommunications Network.

b) In the absence of sufficient High-speed-ready In-building Physical Infrastructure every FBP has the right to install and terminate its network at the premises of the User, subject to the agreement of the User, provided that it minimizes the impact on the private property of third parties such as other landowners and building owners. This Article shall be without prejudice to the right to property of the owner of the Access Point or the In-building Physical Infrastructure and to the right to property of third parties.

## **4.5 Usage and Access Conditions**

a) Land Developer that ensure the provision of OSP Passive Network Components in New Developments have the right to receive adequate financial compensation for the provision of such infrastructure. For FBP's, the Rules for Access to Physical Facilities shall apply.

b) Persons that ensure the provision of Passive Network Components in New Developments shall treat all FBP's equally on a non-discriminatory basis. In any case, Access shall be under fair and non-discriminatory terms and conditions.

## **4.6 Large Scale New Developments**

a) For Large Scale New Developments the following additional requirements shall be observed.

### **4.6.1 Technical Coordination Unit**

a) The planning and construction of the Passive Network Components in Large Scale New

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Developments shall be coordinated by the Developer between all FBPs and with providers of other infrastructures such as water, electricity, gas, sewage, and roads.

- b) For the purpose of this coordination, the Developer shall establish, during the planning phase and at least eight (8) months before the start of the implementation works of the Large Scale New Development, a Technical Coordination Unit within the qualified contractors, which is responsible for the coordination of all ICT OSP and In-building Physical Infrastructure work.
- c) The contact details of the Technical Coordination Unit shall be provided to MOMRA.
- d) The main tasks of the Technical Coordination Unit are:
  - Coordination of the civil works with other utilities.
  - Coordination of the design of ICT OSP and In-building Fixed and Mobile Communications Physical Infrastructure with fixed and mobile FBPs.
  - Single point of contact for the coordination during the planning and construction phase of the ICT infrastructure, for FBPs, and for MOMRA.

#### **4.6.2 Technical Planning Coordination**

- a) The draft project design for the new ICT OSP and In-building Physical Infrastructure of Passive Network Components in Large Scale New Developments shall be coordinated with all FBPs at least six (6) months before the start of the implementation works.
- b) The submission of the draft project design to the FBPs starts the technical coordination process. FBPs shall confirm receipt within seven (7) days. FBPs may provide comments on the technical project design within 30 days of receipt of the draft project design. The final ICT project design shall, as far as possible, take all comments received into consideration.
- c) This coordination process shall improve the quality of the design, facilitate coordinated construction and shared use of infrastructure.
- d) In case the Developer of a Large Scale New Development opts for transferring the deployment obligation to an FBP, the Developer is preferred to issue a tender and invite all FBPs to participate.
- e) Before the start of the construction work, at least one FBP shall sign a memorandum of understanding with the Developer of a Large Scale New Development that the FBP will serve the New Development with Telecommunications Services within three (3) month upon request by a User situated in the New Development. Such memorandum of understanding shall be submitted to CITC within 15 days after signature.

#### **4.6.3 Infrastructure for Mobile Networks**

- a) For Large Scale New Developments, the Developer shall coordinate with all Mobile Network Operators the need for indoor coverage, antenna sites, repeater sites, towers and masts for Mobile Services.

b) The Developer shall be responsible for the provision of Physical Infrastructure in the New Developments to support the rollout of mobile networks. This encompasses the provision of appropriate space for sites (land, rooftop), ducts, masts and towers, and In-building Physical Infrastructure. Upon agreement, such responsibility may be transferred to one or more Mobile Network Operators.

c) In case Mobile Network Operators announce the demand for Physical Infrastructure in the New Developments, they shall sign an Agreement with the Developer according to Article 4.1 e).

d) The Developer shall coordinate the demand of Mobile Network Operators for towers and masts in the area of the New Development to maximize sharing of towers and masts.

e) The Developer may coordinate with Mobile Network Operators for sharing of indoor coverage infrastructure to avoid duplication of installations.

#### **4.7 Transparency Concerning Physical Infrastructure**

To ensure clarity and transparency concerning the availability of existing physical infrastructure, a database of all Passive Network Components shall be established. All infrastructure that is built after the issuance of these technical standards must be available in electronic format as specified in Article 4.7.1 c) and d).

##### **4.7.1 Database**

a) Developers and FBP's shall upload directly to the database, within six (6) weeks after completion of the construction works, the data about the Passive Network Components of the OSP and In-building Physical Infrastructure in electronic format. .

b) Developers and FBP's shall update the information on regular at least semi-annual basis.

c) The data shall have at least the following information:

1. Location, and route with geo-referencing data;
2. Type and amount of infrastructure (e.g. duct, Manhole/Handhole, Access Point, cables, fibers);
3. Type and amount of reserve capacity according to the Rules for Access to Physical Facilities; and
4. Contact point(s).

d) CITC shall cooperate with other government entities and coordinate with them the hosting and management of the database.

##### **4.7.2 Access to Database**

a) Developers and FBP's have the right to access, upon reasonable request, the information specified in Article 4.7.1 c).

b) Developers and FBP's reasonably requesting access shall specify the area in which they envisage deploying elements of public Telecommunications Networks. Regarding Develop-

ers, the area is restricted to the close surroundings encompassing the New Development.

c) Access to the minimum information may be limited by CITC if necessary in view of the security of the networks and their integrity, national security, confidentiality or operating and business secrets.

d) Minimum information shall be made available and shall be accessible promptly, in electronic format and under proportionate, non-discriminatory and transparent terms.

## **5 Dispute Resolution**

All disputes shall be resolved quickly and fairly. Any disputes between Service Providers, Developers, owners, and Users on entering into an agreement, on the failure to reach an agreement within sixty (60) days, or on the interpretation of an agreement related to the obligations of one of the Parties under these Rules, may be referred to CITC for resolution in conformance to its statutes by either of the parties.

