

Notice

Proposed Declaration of Bottleneck Facilities

December 22, 2021

Section 302(f) of the Telecommunications Act (the Act) gives the Authority the power to declare certain communications facilities to be bottleneck facilities. Section 2 of Schedule 1 of the Interconnection and Access Rules (the Rules) gives the Authority the power to amend the list of bottleneck facilities identified in that Schedule or to identify additional bottleneck facilities by written order issued following a consultation pursuant to section 321 of the Act.

For the reasons set out in the Bottleneck Facilities Draft Determination Consultation Paper, which is available on the Authority's website (www.tra.fm), the Authority considers the following communications facilities to be bottleneck facilities, and proposes to exercise its powers to declare them to be bottleneck facilities and to include them in Schedule 1 of the Rules:

- All submarine fiber optic cable facilities that have been built as of the date of the decision, and
- All fiber to the premise (FTTP) network facilities on islands where FTTP network facilities have been built as of the date of the decision.

The Authority considers that declaring these communications facilities to be bottleneck facilities will promote liberalization, competition and the interests of consumers, and will minimize or avoid, as much as possible, unnecessary duplication of such facilities. This, in turn, will help achieve the objectives of "*providing conditions for effective competition among service providers in the Federated States of Micronesia and encouraging efficient and sustainable investment in and use of communications networks and services*" and "*providing efficient use of communications facilities and providing for cost-based interconnection and access on an equitable and non-discriminatory basis for operators of communications networks...*" set out in sections 303(1)(c) and 303(1)(g) of the Act, respectively.

In accordance with section 321 of the Act, the Authority invites written comments and feedback on the Bottleneck Facilities Draft Determination Consultation Paper. Responses may be submitted in person at the Authority's offices in Pohnpei, or sent to consultations@tra.fm, and are **due by February 4, 2022**.

The Authority intends to hold a public conference to allow interested parties, including those who did not submit written responses to this consultation, to provide additional feedback. We invite persons who submit written responses to this consultation to express a view in their submissions as to whether they wish to participate in this conference. Failure to advise will not preclude you from attending the conference if the Authority holds the conference, but if we do not receive any advice of interest in attending a conference, then that might be a factor in the Authority determining not to proceed with the intended conference.