



“local Internet traffic” means Internet traffic that originates and terminates in the Virgin Islands;

“public suppliers” has the meaning set out in the Act;

“users” has the meaning set out in the Act.

Scope.

4. This Document applies to a public supplier who:

- (a) provides an Internet access service; and/or
- (b) operates an Internet network.

## PART II

### OBLIGATIONS

5. (1) A public supplier shall exchange local Internet traffic between its users and users of other public suppliers via a Facility established in the Virgin Islands, without sending such traffic abroad. Public suppliers shall also exchange local Internet traffic via the Facility between its users and other persons connected to the Facility.

Obligations of public suppliers.

(2) No compensation shall be paid or requested by public suppliers or any other person connected to the Facility for Internet traffic exchanged in accordance with the obligation set out in subsection (1).

6. (1) A Facility shall be established in the Virgin Islands through the collaboration of public suppliers at a mutually agreed site. Every public supplier shall have an obligation to effectively and in good faith cooperate in establishing a Facility.

Establishment of Facility.

(2) Public suppliers shall devise a mutually agreed method of governance and rules under which the Facility shall operate.

(3) The Facility shall be operated in a manner that is fair, reasonable and non-discriminatory to all and must be open to all interested parties, including persons that are not public suppliers that meet fair, reasonable and non-discriminatory minimum requirements for participation.

(4) The Commission may, in its absolute discretion, issue such instructions to ensure conformation with subsections (1), (2) and (3) above as it may deem necessary and may resolve disputes arising out of or in connection with the Facility.

(5) The Facility shall be implemented and become operational no later than one calendar month after this document comes into effect.

(6) Public suppliers, to which this Document becomes applicable after the Facility is established or which failed to cooperate in establishing the Facility as per requirements of subsection (1) above, shall connect to the Facility, established as per this section, and adhere to the relevant rules and agreements applicable to its operation. Such public suppliers shall, however, have fair, reasonable and non-discriminatory rights to participate in further development of the Facility and the relevant rules and agreements.

7. The capital and operating costs of the Facility established in accordance with section 6 (1) shall be borne by all public suppliers and other persons connected to the Facility and determined in accordance with the mutual agreement of public suppliers and other persons

Facility Costs.

connected to such a Facility. The Commission may determine such rules for sharing costs as the Commission may deem necessary from time to time and may resolve disputes arising out of or in connection with the costs of a Facility.

**8.** In the event of a natural disaster or other case of force majeure affecting: Force majeure.

(a) the operation of the Facility; or

(b) a public supplier's ability to send Internet traffic to the Facility,

the Commission reserves the right to exempt a public supplier from the requirements of this document for a period specified by the Commission.

### **PART III**

### **COMPLIANCE**

Compliance and Enforcement.

**9.** (1) A public supplier who is providing services pursuant to section 4 at the time of this Document coming into effect shall ensure the implementation of the requirements of section 5 within one month from when this Document comes into effect.

(2) A public supplier who commences activities pursuant to section 4 after this Document comes into effect shall ensure the implementation of the requirements of section 5 at the commencement of the activities.

(3) A public supplier who:

(a) fails to comply with subsections (1) and (2) herein;

(b) fails to comply with sections 4-7; or

(c) fails to comply with any other requirement of this Document;

shall commit an offence and shall be liable to the enforcement measures in sections 75-77 of the Act.

Relationship with licenses.

**10.** The provisions of this Document do not replace, but rather supplements the requirements of a public supplier's license.

Issued by the Telecommunications Regulatory Commission this \_\_\_ day of \_\_\_\_\_ 2010.

COLLIN SCATLIFFE  
Chairman of the Board