



REGULATION ON COMMUNICATIONS INFRASTRUCTURE SHARING

FINAL

Communications Commission of Kiribati

10 SEPTEMBER 2024

Introduction

1. The Communications Commission of Kiribati (Commission) hereby issues the following Regulations in exercise of the powers conferred to it by Section 118 (Rules) of the Communications Act 2013 (Act).

Application

2. These Regulations shall be applicable to all licensees which have been issued an individual licence or class licence by the Commission in accordance with the Communications Act and any rules or regulations issued by the Commission pursuant to the Act.

Citation

3. These Regulations may be cited as the “Regulation on Communications Infrastructure Sharing 2024”.

Definitions

4. In this Regulations, unless the context otherwise requires –

‘access’ has the meaning as defined in the Act;

‘access charge’ means any price or fee charged for access to any facility of a communications network belonging to or controlled by an infrastructure provider;

‘access request’ means a request made pursuant to Section 8(1) for access to the facilities to an infrastructure provider;

‘co-location’ means the provision of space on the premises of an infrastructure provider for the use of an infrastructure seeker for the purpose of installing equipment in connection with the latter’s public communication network;

‘equipment’ has the same meaning as defined in the Act;

‘facility’ means any structure or equipment which makes up a communications network;

‘individual licensee’ means a holder of an individual licence issued under the Act;

‘infrastructure’ is used interchangeably with the word ‘facility’;

‘infrastructure provider’ means a holder of an individual licence who owns or is in control of infrastructure and offers these facilities to an infrastructure seeker;

‘infrastructure seeker’ means any licensee desirous of entering into an agreement with an infrastructure provider for the purpose of obtaining access to infrastructure for the purpose of providing communications services;

‘infrastructure sharing’ means the sharing of space or physical supporting infrastructure which does not require active operational coordination between network operators;

‘infrastructure sharing agreement’ means a binding agreement between an infrastructure provider and an infrastructure seeker permitting access by an infrastructure seeker to the facilities of an infrastructure provider;

‘tower’ means any structure that is designed and constructed for the purpose of supporting one or more equipment, including antennas and base transceiver stations for communication purposes.

5. General obligation to share facilities

(1) Upon written request made to an infrastructure provider by an infrastructure seeker, an infrastructure provider shall enter into negotiations with the infrastructure seeker to provide access to its facilities and the infrastructure provider shall not unreasonably withhold or delay such access.

(2) An infrastructure provider shall negotiate with an infrastructure seeker in good faith on matters concerning access to facilities and once already granted, shall neither withdraw nor impair such agreed access except in the following circumstances:

- a) where authorised by the Commission; or
- b) in accordance with
 - i. a dispute resolution process as determined by the Commission from time to time; or
 - ii. an order made by the appeals panel or a court of law.

(3) An infrastructure provider shall make available for negotiation of sharing the following facilities:

- a) masts and pylons;
- b) electronic communications towers;
- c) poles;
- d) trenches;
- e) ducts;
- f) physical space on towers, roof tops and other premises;
- g) other physical installations used for the support or accommodation of electronic communications equipment, including but not limited to in-building risers, cable trays and cable entry points into buildings and shelter, and support cabinets; and

- h) any services necessary and incidental to the building, place and premises in which electronic communications equipment is situated that are reasonably necessary or incidental to the sharing of any physical facility, including but not limited to electrical power supply, alarm systems and other equipment, air conditioning and other services;
- i) joint boxes;
- j) manholes;
- k) rights of way; and
- l) submarine cable landing stations.

(4) Where the sharing of a facility is dependent upon the obtaining of any legal right, licence or approval (including but not limited to rights of way, easements or contractual approval), the infrastructure provider shall use its best efforts to obtain such rights or approvals as soon as possible following its receipt of the access request.

6. Mandated infrastructure sharing without negotiation

- (1) Notwithstanding and without prejudice to any other requirement of these Regulations, where the Commission considers it to be in the public interest to do so or it is otherwise necessary to do so to achieve the objectives of the Act, it may direct an infrastructure provider in writing under these Regulations to provide an infrastructure seeker with access to a specific, identified facility which the infrastructure provider owns or controls.
- (2) In considering whether to issue a direction in the public interest to share a facility under Section 6(1), the Commission shall take into account relevant matters including, but not limited to the following:
 - a) whether the facility can be reasonably duplicated or substituted;
 - b) the existence of technical alternatives;
 - c) whether the facility is critical to the supply of services by the licensees;
 - d) whether the facility has available capacity. The Commission shall have regard to the current and reasonable future needs of the infrastructure provider;
 - e) whether joint use of the facility encourages the effective and efficient use of facilities; and
 - f) the cost, time and inconvenience to the licensees and the public of the alternatives to shared provision and use of the facility.
- (3) Prior to issuing a direction in the public interest under Section 6(1), the Commission shall provide a reasonable opportunity for the infrastructure provider that owns or controls the facility, and any other interested party, to make written representations on the matter and shall give consideration to all representations made before deciding whether or not to issue the direction.

7. General obligations of sharing infrastructure

- (1) An infrastructure provider shall provide access to its facilities to an infrastructure seeker under terms and conditions, inclusive of pricing, which are equivalent to and of the same quality as the terms and conditions under which it provides access to its own networks and services, and the networks and services of its subsidiaries, affiliates, partners or any other licensee to which it provides access.
- (2) Where an infrastructure provider fails or refuses to comply with Section 7(1), it shall upon request from the Commission, prove to the Commission's satisfaction that it is not technically feasible to replicate the level of quality of access or to provide access under the same terms and conditions as it provides for its own use, its subsidiaries, affiliates and partners or for other licensees.

8. Procedure for negotiating infrastructure sharing

- (1) An infrastructure seeker may make an access request to an infrastructure provider at any time and forward a copy of the access request to the Commission within two (2) business days of submitting the access request to the infrastructure provider.
- (2) An access request must be in writing and shall include, at a minimum, the following information:
 - a) the facility or facilities to which the sharing is requested;
 - b) details of the access required;
 - c) the date by which sharing is required;
 - d) the period for which sharing is required;
 - e) details of any equipment to be installed at the facility, together with details of the security, safety, environmental, loading and spatial requirements of such equipment;
 - f) the extent to which access is required by the infrastructure seeker's personnel to the facility to install, maintain or use the equipment to be installed;
 - g) power supply requirement;
 - h) general technical specifications; and
 - i) any other requirement which the Commission may from time to time prescribe.
- (3) Upon receipt of the access request, the infrastructure provider may request further information that is essential to its ability to respond to the access request within five (5) business days of receipt of the access request. The request for more information must be sent to the infrastructure seeker in writing, and must at the same time be copied to the Commission.

- (4) An infrastructure provider and infrastructure seeker shall use all reasonable endeavours and with utmost good faith to conclude an infrastructure sharing agreement within forty-two (42) calendar days of receipt of an access request or where additional information is requested, the date of receipt of all additional information requested of the infrastructure seeker, unless the Commission has expressly extended such period in writing.
- (5) Every infrastructure sharing agreement or modification thereto shall be submitted to the Commission by the infrastructure seeker within fourteen (14) calendar days of signature or amendment by the parties.

9. Infrastructure sharing agreement

- (1) The infrastructure sharing agreement shall:
 - a) include access charges for access to facilities as well as specify the technical, operational, billing and planning conditions for access.
 - b) provide for fair, cost-based, reasonable, competitive, transparent, non-exclusive, and non-discriminatory terms, conditions, fees, and charges;
 - c) be complemented by appropriate service level agreements compliant with global and domestic industry standards;
 - d) be subject at all times to the pertinent laws and regulations.
- (2) All infrastructure seekers shall be offered the same or reasonably equivalent terms, conditions, fees and charges for co-locating or sharing the same infrastructure.

10. Obligations of the infrastructure provider

- (1) The infrastructure provider must not:
 - a) obstruct or delay negotiations or resolution of disputes;
 - b) refuse to provide information relevant to an agreement including information necessary to identify the facility needed and cost data; or
 - c) refuse to designate a representative to make binding commitments.

11. Obligations for infrastructure safety and security

- (1) Infrastructure providers and infrastructure seekers are required to ensure that all provided or accessed infrastructure adheres to the highest safety and security standards. This includes compliance with the latest international safety regulations, best practices, and guidelines to prevent vulnerabilities and ensure the integrity of the infrastructure. The Commission may issue guidelines from time to time, as empowered under Part XVI of the Act, outlining such safety and security standards.

- (2) Both infrastructure providers and infrastructure seekers must employ equipment and materials that are rigorously vetted to avoid potential security risks. Equipment choices and sourcing should reflect a commitment to safeguarding critical infrastructure from potential vulnerabilities and ensuring that the sources of these materials and components are from regions or entities known for maintaining robust security and compliance frameworks.
- (3) Infrastructure providers and infrastructure seekers shall implement comprehensive risk assessment and mitigation strategies. The procurement process for equipment and materials must prioritize those from sources with a proven track record of reliability and security, ensuring that all components contribute to the overall resilience of the infrastructure.
- (4) Both infrastructure providers and infrastructure seekers must subject their infrastructure and any accessed systems to regular security audits and assessments, ensuring continuous compliance with the safety and security requirements outlined in this regulation. Any infrastructure or access arrangement identified as presenting a risk to the integrity of the infrastructure may be instructed by the Commission to be replaced or upgraded promptly.

12. Encouraging the shared use of fibre optic infrastructure

- (1) The Commission will facilitate the effective utilisation of fibre infrastructure, ensuring access to all licensees at fair and competitive prices, while promoting transparency, efficiency, and innovation.
- (2) Where possible, individual licensees are required to prioritise the use of submarine cable capacity for backhaul, rather than satellite links.
- (3) In cases where submarine cable capacity is not utilised in areas where the Commission deems to be technically and economically viable, individual licensees are required to provide a detailed justification on why the submarine cable capacity is not utilised. The Commission will review and approve alternative technologies on a case-to-case basis.
- (4) Individual licensees are encouraged to use submarine cable infrastructure for network deployments to maximise cost efficiency, reduce duplicate investments, and leverage existing and upcoming high-quality fibre networks.
- (5) The Commission will provide expedited approval processes for infrastructure deployments that utilise submarine cable infrastructure, facilitating quicker deployment and operational start.

- (6) Infrastructure deployments which incorporate submarine cable capacity will be eligible for additional financial incentives such as subsidies and grants which may be determined by the Commission from time to time.
- (7) Individual licensees must annually report to the Commission on their usage of wholesale submarine capacity, including data on performance metrics and utilisation.
- (8) The Commission will regularly conduct reviews and audits to ensure compliance with this Section. Non-compliance may result in penalties as defined in the Act.
- (9) This Section will be periodically reviewed by the Commission to assess their impact and ensure they remain effective and aligned with the latest technological advancements.

13. Special provisions for the construction, use and sharing of towers

- (1) An individual licensee must, prior to constructing a new communications tower within the Republic of Kiribati, demonstrate to the Commission's satisfaction that it is not economically and/or technically feasible to co-locate on an existing tower the communications equipment which it intends to install on the new tower. In considering a request to construct a new tower, the Commission shall consider the following factors:
 - a) the proximity of the proposed tower to any existing towers;
 - b) tower saturation in the area;
 - c) the impact that sharing on any existing tower would have on the desired coverage area of the electronic communications equipment to be placed on the proposed new tower and the overall coverage of the licensee's network;
 - d) the technical feasibility of sharing on any nearby existing towers;
 - e) the cost of any necessary modifications to existing towers that would be necessary to enable sharing;
 - f) health and safety considerations;
 - g) any likely adverse impact of the new tower upon the environment in the area surrounding the proposed new tower; and
 - h) the design of the proposed new tower.
- (2) A request for the Commission's approval of the construction of a new tower shall be made in accordance with the guidelines set out in Schedule A to these Regulations. Upon approval of a request to construct a new tower, the Commission shall issue a Certificate of Non-Objection to the construction of a communications tower.
- (3) Any licensee which owns or controls any electronic communications tower shall, within fourteen (14) calendar days following the coming into effect of these Regulations, submit to the Commission a complete inventory of all towers owned

or controlled by the licensee which inventory shall include, at a minimum, the following information regarding each tower:

- a) location of the tower (address, GPS coordinates, and elevation above sea level)
 - b) mechanical/structural tower specifications;
 - i. type (i.e., lattice, monopole and stealth characteristics if applicable);
 - ii. type; and
 - iii. maximum load;
 - c) site specification (size of site in square feet, characteristics such as fencing, and/or gates, shelters, equipment room, etc);
 - d) specification of electricity access (grid access, generator rating, etc);
 - e) current usage (tower load, number of antennas, square meters occupied by equipment, current electricity rating); and
 - f) current design spare capacity.
- (4) Prior to commencing construction of any new tower, the licensee shall submit to the Commission the information set out in Section 13(3) in respect of the proposed tower, and shall within fourteen (14) days of the completion of construction notify the Commission of the same, confirming that the information remains accurate.
- (5) The Commission shall establish and maintain a database containing details of all towers (both existing towers and newly constructed towers) notified to the Commission in accordance with Section 13(3) and shall provide a copy of the tower database to any licensee within fourteen (14) calendar days of the Commission's receipt of a written request for the same. The Commission may require a licensee to enter into a suitable confidentiality agreement prior to the release of the tower database by the Commission.
- (6) Both infrastructure seekers and infrastructure providers must also take necessary steps to prevent radiofrequency interference in accordance with the guidelines set out in Schedule C of the Rules.

14. Modification of existing communications towers

- (1) Where an infrastructure seeker submits an access request to the infrastructure provider to share a facility that is fully utilised, the infrastructure seeker may seek from the Commission an order to modify the infrastructure to accommodate the sharing.
- (2) The Commission shall take into consideration the presentation of both parties before deciding whether an infrastructure modification is necessary, efficient and appropriate.
- (3) Upon a decision to modify the existing infrastructure from the Commission, the infrastructure provider must remove from any space or facility that can be

shared any unnecessary, abandoned or obsolete equipment or facilities which is or will be no longer necessary for the business of the infrastructure provider.

- (4) The infrastructure seeker shall pay the infrastructure provider a one-time payment to compensate fully the costs efficiently incurred by the infrastructure provider in carrying out the modification works to the infrastructure requested for sharing. Such costs must be estimated by the infrastructure provider and agreed by the infrastructure seeker prior to being incurred.

15. Refusal of an access request

- (1) An infrastructure provider shall not deny an access request made by an infrastructure seeker except in the following circumstances:
 - a) where, notwithstanding the procedures in Section 14, the infrastructure provider does not have available capacity; or
 - b) where the access request, if granted, will compromise the safety, security or reliability of the facility or the infrastructure provider's network.
- (2) Where the infrastructure provider denies an access request, it shall notify the infrastructure seeker and the Commission in writing within ten (10) business days of receipt of the access request providing its reason for the refusal, unless such period has been expressly extended by the Commission in writing.
- (3) The Commission may direct the infrastructure provider to produce any records and documents in connection with its refusal of an access request and the Commission may enter the premises to inspect the relevant facilities to determine the reasonableness of the refusal of sharing.
- (4) The Commission may upon due consideration:
 - a) uphold the infrastructure provider's decision to refuse under this Section;
 - b) direct the infrastructure provider under these Regulations to reconsider its decision refusing access; or
 - c) impose infrastructure sharing arrangement on the parties under these Regulations.
- (5) In making a decision pursuant to Section 15(4), the Commission shall take into account relevant factors which may include but are not limited to the following:
 - a) the extent to which the sharing requested impacts on the networks or services of the infrastructure provider;
 - b) the availability and cost of alternatives available to the infrastructure seeker;
 - c) the cost of any required modifications; and
 - d) the reasonableness of the refusal.

16. Dispute resolution

- (1) Where a dispute arises under these Regulations with respect to any matter involving the sharing of infrastructure, the matter may be referred by either party to the Commission for resolution.
- (2) Prior to referral, the initiating party shall formally request consultation in writing, outlining the nature of the dispute. The other party must respond within 7 days, and both parties shall engage in good faith discussions to resolve the dispute within 14 days of the request.
- (3) If the dispute remains unresolved after the consultation period, either party may refer the matter to the Commission. The Commission shall acknowledge receipt of the referral within 7 days and initiate the dispute resolution process within 30 days of receiving the referral.
- (4) The Commission may, in relation to any dispute referred to it under these Regulations, direct that the parties implement an interim arrangement for access as the Commission considers appropriate having regard to the nature of the dispute.
- (5) An interim arrangement may include such terms and conditions for access as the Commission deems appropriate and will remain in force until such time as the dispute has been resolved.

17. Price setting

- (1) An infrastructure provider shall set commercially negotiated access charges based on its actual costs and in accordance with the following principles:
 - a) Charging should serve to promote the efficient use of assets and sustainable competition and maximize benefits for customers;
 - b) Access charges must reflect a reasonable rate of return on capital employed and take into account the investment made by the infrastructure provider;
 - c) Access charges must only reflect the unbundled components that the infrastructure seeker wishes to use. An infrastructure provider must unbundle distinct facilities and corresponding charges sufficiently so that the infrastructure seeker need only pay for the specific elements required;
 - d) Access charges must be transparent; and
 - e) Access charges must be impartial, non-discriminatory and must be no less favourable than those the infrastructure provider offers its subsidiaries, affiliates partners or any other licensee.
- (2) An infrastructure provider shall, within fourteen (14) calendar days of a written request from the Commission, supply the Commission with such data as the

Commission may require, for the purpose of determining that the infrastructure provider's proposed access charges are in accordance with Section 17(1), unless the Commission expressly extends this period in writing.

- (3) Where the parties are unable to come to an agreement on access charges, the Commission will issue a direction setting access charges based on the aforementioned principles at Section 17(1). The Commission will duly consult with all interested parties in advance of making a direction to share a specific facility.
- (4) The Commission shall periodically monitor the access charges imposed by the infrastructure providers.

18. Infrastructure registry

- (1) The Commission shall endeavour to maintain and periodically update, an accurate registry record of all infrastructure owned, constructed, managed or operated by the infrastructure providers.

19. Obligations for disaster recovery

- (1) Infrastructure providers and infrastructure seekers must collaborate to develop, implement, and maintain disaster recovery plans, compliant with the ISO/IEC 27031 standards for IT disaster recovery and ISO 22301 standards for business continuity management. These plans must be kept by both infrastructure providers and infrastructure seekers and must be produced to the Commission upon request.
- (2) Both infrastructure providers and access seekers must coordinate recovery efforts. This includes identifying critical infrastructure components, establishing recovery time objectives (RTOs) and recovery point objectives (RPOs), and agreeing on prioritized restoration sequences. RTOs shall not exceed 24 hours unless otherwise approved by the Commission.
- (3) Infrastructure providers and access seekers are jointly responsible for conducting annual risk assessments, covering potential natural, technological, and cyber threats. The findings of these assessments must inform disaster recovery plans, which must be updated accordingly.
- (4) Both infrastructure providers and access seekers must provide mutual assistance during a disaster. This includes sharing technical resources, personnel, and relevant information necessary for service restoration within the agreed RTOs. Each party must ensure that backup systems and redundancies, compliant with ISO/IEC 27031, are in place to support continued operations.

- (5) Non-compliance with disaster recovery obligations will result in penalties as applicable under the Act. In the event of a disaster, both parties must provide real-time updates on recovery progress every 4 hours until service is restored.
- (6) Disaster recovery plans must be reviewed and updated every 12 months, or within 30 days of any significant changes to the infrastructure.

SCHEDULE A

GUIDELINES FOR THE CONSTRUCTION OF ELECTRONIC COMMUNICATIONS TOWERS

1. General provisions

- (1) A licensee who intends to construct a tower anywhere in the Republic of Kiribati must declare that it has taken all reasonable step to investigate tower sharing before applying to the relevant permitting agencies to construct a new tower. The purpose of this process is to prevent the potential duplication of towers.
- (2) Where a licensee has declared that it is not economically and/or technically feasible to co-locate on an existing tower the communications equipment which it intends to install on a new tower, prior to applying to the relevant permitting agencies to construct a new tower, the licensee must submit an application to the Commission for non-objection to construct a new tower.
- (3) Where the Commission is satisfied that co-location is not economically and/or technically feasible, the Commission shall issue the licensee a Certificate of Non-Objection which indicates that co-location on an existing structure is not economically and/or technically feasible and that the application for a new tower should be processed by the relevant permitting agencies. The licensee shall submit the Certificate of Non-Objection to the relevant permitting agencies on application for construction of a new tower.
- (4) Upon submission of an application for a Certificate of Non-Objection, the applicant will be informed by the Commission in writing as to the decision made on the application within one (1) week of receipt of the application. Where the Commission objects to the construction of the tower, the Commission will inform the applicant of the reasons for the decision in writing. The timeframe for the decision may be extended depending on whether additional information is required from the applicant, and whether the Commission is required to conduct a detailed investigation of possible co-location sites.

2. Submission of an application

- (1) The following information must be submitted to the Commission as a complete application for construction of a new communications tower:
 - a) Location and a site plan;
 - b) A survey drawing of the site;
 - c) The architectural drawings of the tower, authenticated by a local registered architect, where applicable;
 - d) The structural drawings of the tower, authenticated by a local registered structural engineer, where applicable;
 - e) The mechanical and electrical drawings of the tower, authenticated by a local registered mechanical or electrical engineer, where applicable;
 - f) If the tower is located on private property, the name and telephone number of the landowner that resides on the property or is responsible for site access;

- g) Height of the proposed tower above ground and above sea level;
- h) Height of platforms for placement of equipment;
- i) Type and quantity of equipment to be placed on the proposed tower including timeframes for construction;
- j) Capacity of proposed tower, weight and quantity of equipment; and
- k) Radio Frequency (RF) Coverage Plan.

(2) Where there are existing towers in the area, the applicant must provide reasons explaining why co-location with another tower is not possible. For purposes of identifying towers for co-location, the Commission considers the following radii for search areas are appropriate for the applicant’s determination of possible co-location opportunities:

Height of tower for which approval is being sought	Radius of search ring for co-locatable towers
>50 m	700 m
20 – 50 m	600 m
<20 m	500 m

- (3) Where the applicant claims that co-location is not feasible due to technical reasons including those related to radiofrequency planning, traffic patterns and interference, the applicant must present this evidence clearly, using radiofrequency pattern analysis and maps where necessary to justify their claim. The evidence must cover scenarios whereby modification to existing towers may be able to accommodate the applicant’s equipment.
- (4) Upon receipt of all information, the Commission shall evaluate the application based on the criteria established by the Commission in the Regulations and these Guidelines. *See Section 3 of these Guidelines.*
- (5) Processing an application may necessitate a field inspection of the location for the proposed tower by the Commission. When a field inspection is deemed necessary by the Commission, the Commission shall notify the applicant within five (5) business days of receipt of its application. In the event that information gathered during the field inspection is not consistent with the information given on the application, the Commission shall so inform the applicant and the applicant shall be required to resolve the differences within two (2) weeks. In the event that the applicant has not resolved the differences within the timeframe specified, the Commission shall use the information gathered during the field inspection to process the application.
- (6) Where the Commission has determined that the co-location on an existing tower in the area is feasible, the Commission shall submit this recommendation to the applicant and object the application in accordance with Section 4 of these

Guidelines. The applicant shall be required to enter discussions on co-location with the owner of the existing tower in accordance with these Regulations. The Commission may facilitate discussions between the parties.

- (7) When the Commission has made a decision on an application, the applicant shall ordinarily be informed in writing of the decision and reasons of the decision within four (4) weeks of the application and all supporting and relevant documents being received by the Commission. The Commission's timeframe for deciding an application will commence when all relevant and supporting documentation is received by the Commission.

3. Criteria for evaluation of applications

- (1) The evaluation criteria are as follows:

- a) completeness of the application;
- b) the proximity of the proposed tower to any existing towers;
- c) tower saturation in the area;
- d) the impact that sharing on any existing tower would have on the desired coverage area of the electronic communications equipment to be placed on the proposed new tower and the overall coverage of the licensee's network;
- e) the technical feasibility of sharing on any nearby existing towers;
- f) the cost of any necessary modifications to existing towers that would be necessary to enable sharing;
- g) health and safety considerations;
- h) any likely adverse impact of the new tower upon the environment in the area surrounding the proposed new tower; and
- i) the design of the proposed new tower;
- j) feasibility analysis for co-location;
- k) proposed transmitter specifications;
- l) interference analysis; and
- m) appropriate authorisation for use of telecommunications or broadcasting equipment.

4. Commission's objection to application

- (1) Where the Commission has concluded that it objects to the construction of a new tower, the Commission will inform the applicant of the decision in writing stating the reasons for the objection.

5. Commission's non-objection to application

Regulation on Communications Infrastructure Sharing 2024

- (1) If the Commission does not object to the erection of a new tower, then the Certificate of Non-Objection will be sent to the applicant and copied to the Kiribati Urban Management and Planning Board (KUMPB) in accordance with the Building Act 2005 and any rules made by the competent authorities for building regulations. A Certificate of Non-Objection granted by the Commission shall expire within six (6) months of the date it was granted and will thereafter no longer be valid unless extended by the Commission in writing.

SCHEDULE C

GUIDELINES TO PREVENT RADIO FREQUENCY INTERFERENCE

1. To maintain the integrity of radiocommunication systems and ensure efficient use of the radio frequency (RF) spectrum, both infrastructure providers and infrastructure seekers have a shared responsibility to prevent RF interference. These obligations are highlighted in Sections 2, 3, and 4 below.

2. Obligations for infrastructure providers

- (1) Infrastructure providers must ensure that their infrastructure is designed and maintained to support the effective coexistence of multiple systems without RF interference. This includes ensuring that the physical layout and design of facilities (e.g., antennas, shielding) minimising the risk of signal overlap or degradation.
- (2) Infrastructure providers must coordinate frequency allocations and assignments to prevent overcrowding of the RF spectrum and potential interference between systems.
- (3) Infrastructure providers must ensure that their infrastructure complies with local and international spectrum management rules and technical standards, particularly those outlined by ITU-R and national regulatory authorities, including the Commission. They must also ensure that infrastructure seekers adhere to these requirements when accessing the facilities.
- (4) Infrastructure providers should maintain a formalised process for submitting and addressing interference complaints. This procedure should include clearly defined steps and timelines for acknowledging, investigating, and resolving interference reports. Both parties should be informed of their roles and expectations in the resolution process.
- (5) Infrastructure providers shall conduct periodic audits of the equipment and frequencies in use to proactively identify potential interference issues. This can be done in collaboration with infrastructure seekers to ensure that both parties are aligned in identifying and addressing potential risks before they lead to formal complaints.

3. Obligations for infrastructure seekers

- (1) Infrastructure seekers must ensure that all equipment installed at the provider's facilities complies with relevant national and international RF emission standards and specifications. This includes the use of certified and properly calibrated equipment that adheres to ITU-R regulations and local spectrum management policies.

- (2) Infrastructure seekers are required to take appropriate measures to minimize the risk of harmful RF interference. This may include the deployment of filters, shielding, and other mitigation technologies to limit emissions within allowable thresholds.
- (3) Prior to installation, infrastructure seekers must coordinate with the provider and other co-located entities to assess potential interference risks. This involves conducting compatibility studies to ensure that new installations do not cause harmful interference with existing systems.
- (4) Infrastructure seekers are responsible for the ongoing monitoring of their equipment's RF emissions and performance. Regular maintenance must be conducted to prevent equipment malfunction or degradation that could result in unintentional interference.

4. Shared obligations

- (1) Both infrastructure seekers and providers are required to collaborate promptly to resolve any interference issues that arise. This may involve technical assessments, modifications to equipment, or operational changes to mitigate interference.
- (2) Any unresolved disputes may be handled in line with the dispute resolution process as highlighted in Section 16 of the Rules.
- (3) Both parties must maintain detailed records of equipment specifications, frequency use, and interference mitigation actions. They should also be prepared to provide reports to the Commission in the event of an interference incident.