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4 October 2018 [shall come into force from 5 April 2019].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

**Decision No. 1/12 of the Board of the Public Utilities Commission**

Adopted 14 July 2016

**Regulations Regarding the Access to Associated Facilities**

*Issued pursuant to*

*Section 8, Paragraph one, Clause 9, Section 19, Paragraph one, Clauses 19 and 24, Section 36, Paragraph three of the Electronic Communications Law and Section 25, Paragraph one of the law On Regulators of Public Utilities*

[*4 October 2018*]

**I. General Provisions**

1. The Regulation regarding the access to associated facilities (hereinafter – the Regulation) prescribe:

1.1. the procedures for the access to associated facilities and services (hereinafter – the associated facilities);

1.2. the procedures by which the access to cable ducts is ensured for the installation of the next generation access (NGA) cable networks;

1.3. the procedures by which additional capacity of cable ducts is ensured during construction or reconstruction of cable ducts or building of the electronic communications network lead-in in cases when building of back-up infrastructure is physically impossible or economically inefficient (in places where after performance of installation, construction or rebuilding works the surface of road carriageway or sidewalk needs to be restored, in places where asphalting is planned in the subsequent two years, or in places in which the protection zone along the cable ducts for laying of oneʼs own cable will make the creation of a parallel protection zone impossible for the electronic communications merchant, etc.);

1.4. the procedures by which additional capacity of cable ducts is ensured for the installation of the next generation access (NGA) cable networks by an electronic communications merchant if it constructs or reconstructs cable ducts or builds the electronic communications network lead-in in cases when building of back-up infrastructure is physically impossible or economically inefficient (in places where after performance of installation, construction or rebuilding works the surface of road carriageway or sidewalk needs to be restored, in places where asphalting is planned in the subsequent two years, or in places in which the protection zone along the cable ducts for laying of oneʼs own cable will make the creation of a parallel protection zone impossible for the electronic communications merchant, etc.);

1.5. the procedures for, scope of and the conditions based on which an electronic communications merchant provides the information on the location, available capacity, and other physical parameters of cable ducts which are necessary for other operators for the installation of the next generation access (NGA) cable networks;

1.6. the technical and operational provisions of the electronic communications network for the access to cable ducts and poles which are binding on operators the obligation of which is to ensure the access;

1.7. [4 October 2018].

2. The following terms are used in the Regulation:

2.1. **blocked cable duct channels** – the cable duct channels in which due to damage or clogging of the cable duct channel the cable installation works may be carried out only after performance of cable duct repair works;

2.2. [4 October 2018];

2.3. **owner** – the electronic communications merchant who owns the associated facilities;

2.3.1 **owner with significant market power** – the electronic communications merchant on whom the obligation to develop and publish the shared used reference offer of associated facilities has been imposed;

2.4. **cable duct manhole** – a structural element which is indented for the performance of the following functions:

2.4.1. pulling or blowing of cables;

2.4.2. placement of joint closures;

2.4.3. performance of line operating works of the existing electronic communications network; in some cases cable duct connection box is applied for ensuring of the abovementioned functions of the lines of the electronic communications network;

2.5. **cable duct block** – a structural element intended for the establishment of the cable duct route with specially established channels for the installation of cables or for the insertion of subducts of cable ducts;

2.6. **cable duct pipe** – a structural element in which it is intended for pulling or blowing of one or several cables;

2.7. **cable duct pipe branch** – a structural element which is used for the creation of a branch of the cable duct route;

2.8. **bend of the cable duct pipe** – a structural element of the pipe which is used for building of the turn or pipe-bend of the cable duct route; in certain cases the turn or branch of the cable duct route is made of the cable duct pipe itself;

2.9. **cable duct input** – a pipe placed in the external wall or foundation of the structure or a set thereof which is intended for the construction and placement of cable lines through the wall or foundation;

2.10. **cable duct channel**  – a cable duct pipe embedded in the cable duct route or a channel in the cable duct block which is intended for the insertion of cables;

2.11. **subduct of cable ducts** – an additional structural element for pulling or blowing of cables which in turn is inserted in another cable duct pipe;

2.12. **cable duct section** – a cable duct channel or a set of permanent number of cable duct channels from the cable ducts input in the building or house, from cable duct manholes or connection boxes, points of the cable duct pipe branch or pipe-bend of the cable duct route up to the building or house, cable duct manhole, or connection box, to the point of cable duct pipe branch or pipe-bend of the cable duct route, cable distribution cabinet or box, pole, tower, mast, the end of the cable duct pipe in the ground;

2.13. **cable duct jointing chamber** – a closed (publicly non-accessible) room existing in the basement or semi-basement of the technical building of the electronic communications merchant where it is intended to place cables, joint closures, and also to carry out installation and operating works in cable ducts;

2.14. **cable duct route** – a set of mutually related cable duct sections or one section between two terminals of freely chosen duct sections;

2.15. **lessee** – an electronic communications merchant which has entered into the contract for the access to associated facilities with the owner (hereinafter – the contract);

2.16. **applicant** – an electronic communications merchant which wants to obtain access to associated facilities;

2.17. **distribution point** – the cable distribution device for the public electronic communications network which is intended for the distribution of metallic or optical fibre cables.

[*4 October 2018*]

3. If cable ducts have several owners, the owners shall enter into a contract in which they agree on which of the owners ensures the access service to cable ducts in accordance with this Regulation. The owners shall inform the Regulator in writing of the entered into contract within 10 working days after entering into it.

4. If there is any disagreement on the property rights of cable ducts, the electronic communications merchants between which the disagreement exists shall enter into a contract in which they agree on shared use and maintenance of the cable ducts and which of the electronic communications merchants ensures the access service to cable ducts in accordance with this Regulation. The electronic communications merchants shall inform the Regulator in writing of the contract entered into within 10 working days after entering into it.

5. An owner shall publish on its website the conditions and tariffs by which the access to cable ducts is ensured.

**II. Procedures for the Access to Associated Facilities**

6. The types of associated facilities are as follows:

6.1. cable ducts, including a cable duct jointing chamber;

6.2. a pole;

6.3. a distribution point;

6.4. the internal installation of the building;

6.5. a frame, including the main distribution frame and the optical fibre distribution frame or a facility equivalent thereto;

6.6. an antenna mast and a tower or another structure serving the functions of the antenna mast or tower;

6.7. a technical building or a part thereof which is intended for the placement of associated facilities or equipment.

7. The types of cable duct technologies are as follows:

7.1. the cable ducts which are intended for the installation of cables with pulling technology (hereinafter – the cable ducts with pulling technology);

7.2. the cable ducts which are intended for the installation of cables with blowing technology (hereinafter – the cable ducts with blowing technology).

8. An owner shall publish the general technical regulations applicable for the access to associated facilities on the website thereof, including at least the following conditions:

8.1. for the cable ducts:

8.1.1. the cable duct technologies used;

8.1.2. the technical requirements for the pipes, bends, branches, blocks of the cable ducts used and for the channels, manholes, and connection boxes included therein;

8.2. for the pole:

8.2.1. the maximum mass of the aerial cables of the line pole;

8.2.2. the external diameter and mass of the aerial cables;

8.2.3. the requirements for the structure of the aerial cables – maximum tautness force, cover, shield, cable maximum slag;

8.2.4. the requirements for the cable fastening elements to the pole and to the wire rope;

8.2.5. the requirements for the performance of cable suspension works;

8.2.6. the requirements for earthing materials and the procedures for the installation of earthing;

8.2.7. the requirements for the placement of the distribution point on the pole;

8.2.8. the requirements for the labelling of the cable and distribution point;

8.3. for the facilities to be placed in the distribution point, antenna mast and tower:

8.3.1. electromagnetic radiation;

8.3.2. labelling;

8.4. for the facilities to be placed in the technical building, frame:

8.4.1. the maximum permissible dimension;

8.4.2. temperature;

8.4.3. electromagnetic radiation;

8.4.4. labelling;

8.5. for the internal installation of the building;

8.5.1. the types of internal installation of the building used;

8.5.2. labelling;

8.5.3. electromagnetic radiation;

8.6. specific safety requirements if any applicable.

[*4 October 2018*]

9. An applicant shall submit an application to the owner for the access to associated facilities in which at least the following information is indicated:

9.1. for the access to the cable ducts:

9.1.1. the planned cable duct route to be used for the provision of electronic communications services, the points of the route between which it is planned to use the route, the addresses and descriptions of the location, the planned technical solutions at the route points for the continuation of own route;

9.1.2. the planned cable duct technology of the owner to be used;

9.1.3. the planned number of cables for the installation in the cable ducts of the owner, the brand and diameter of the cables;

9.1.4. the planned number of cable joint closures for the installation in the cable ducts of the owner, the brand of joint closure and planned placement thereof;

9.1.5. if the planned cable duct route to be used for the provision of electronic communications services is intended for the backhaul – whether an application has been submitted to the owner for the unbundled access and the access to other associated facilities or a contract on the unbundled access and the access to other associated facilities has been entered into;

9.2. for the access to a pole:

9.2.1. the poles or pole line planned to be used for the provision of electronic communications services, the points of the line between which the pole line is planned to be used, the addresses and descriptions of the location, the planned technical solutions at the route points for the continuation of own route;

9.2.2. the planned type of cable to be used: optical, symmetric, or coaxial;

9.2.3. the number of cables;

9.2.4. the external diameter of the cables;

9.2.5. the cable mass;

9.2.6. the requirements for the structure of aerial cable: maximum tautness force of the cable, cover, shield;

9.2.7. the placement of the distribution points of the applicant on the pole, the manufacturer of the distribution point, and the name granted by the manufacturer of the distribution point, dimensions and mass of the distribution point;

9.2.8. if the pole line planned to be used for the provision of electronic communications services is intended for the backhaul – whether an application has been submitted to the owner for the unbundled access and the access to other associated facilities or a contract for the unbundled access and the access to other associated facilities has been entered into;

9.3. for the access to a distribution point:

9.3.1.the type and dimensions of the terminator or module;

9.3.2. for the distribution cabinet in the case of placement of other facilities – the dimensions of the facility, the parameters of electric power, and the parameters of electromagnetic radiation, where such requirements are applicable;

9.4. the type and dimensions of the terminator if there is access to the frame;

9.5. for the access to an antenna mast and tower:

9.5.1. the dimensions of the facility;

9.5.2. the mass of the facility;

9.5.3. the parameters of electric power and the parameters of electromagnetic radiation of the facility, where such requirements are applicable;

9.6. for the access to technical premises:

9.6.1. the dimensions of the facility;

9.6.2. the parameters of electric power and the parameters of electromagnetic radiation of the facility, where such requirements are applicable;

9.7. for the access to an internal installation of the building;

9.7.1. the type of the internal installation: cable, wire, or cable ducts;

9.7.2. the points between which installation is planned to be used, descriptions of the location thereof;

9.8. additional information on the planned access to associated facilities, where necessary.

[*4 October 2018*]

10. The owner is entitled to request only such information from the applicant which is necessary for the assessment of the technical possibilities of the access to associated facilities and for entering into a contract.

[*4 October 2018*]

11. The owner and the applicant may agree on the establishment of a joint working group for the assessment of the technical possibilities of the access to associated facilities.

12. The owner or the established working group shall inspect the technical possibilities of the access to associated facilities and draw up an inspection report in which the conformity of the access to associated facilities with the information indicated in the application for the access to associated facilities and the planned date for the commencement of provision of the access to associated facilities are indicated.

13. The owner shall, within the following time periods, provide a reply to the applicant on the access possibilities to associated facilities, appending the inspection report:

13.1. 15 working days after receipt of the application for the access to cable ducts with the route length up to 100 m and additional two working days for each subsequent 250 m;

13.2. 15 working days after receipt of the application for the access to pole with the route length which is comprised of up to six poles and one additional working day for each subsequent six poles;

13.3. 15 working days if the access to other associated facilities is requested.

[*4 October 2018*]

14. The owner may extend the time period specified in Paragraph 13 of this Regulation if it has objectively justified reasons on which the owner shall inform the applicant.

15. If the owner cannot ensure access to associated facilities due to objectively justified reasons, the owner shall provide a justified refusal to the applicant.

[*4 October 2018*]

15.1 The owner with a significant market power shall submit a derivative of the refusal for the access to cable ducts, poles, antenna masts and towers to the Public Utilities Commission (hereinafter – the Regulator) within five working days from the provision of the refusal to the applicant.

[*4 October 2018*]

15.2 The owner, except for the owner indicated in Paragraph 15.1 of this Regulation, shall, by 1 February, submit the number of refusals for the access to cable ducts, poles, antenna masts or towers to the Regulator for the previous calendar year.

[*4 October 2018*]

**III. Technological Solutions for Ensuring Access to Cable Ducts**

[*4 October 2018*]

16. The owner or the established working group shall indicate at least the following information in the inspection report on the cable ducts specified in Paragraph 12 of this Regulation:

16.1. if the cable duct route planned to be used for the provision of electronic communications services is intended for the backhaul – whether an application for unbundled access and access to other associated facilities has been submitted to the owner or a contract for unbundled access and access to other associated facilities has been entered into;

16.2. the available capacity of the cable ducts, indicating the cable duct channels, cable duct manholes, including cable duct jointing chambers or connection boxes in the development views of the relevant walls in requested direction by appending an assessment in accordance with Paragraphs 20 and 21 of this Regulation, and also development views of the walls of the cable duct manholes, including that of the cable duct jointing chambers and connection boxes;

16.3. the available capacity of the cable ducts or a part thereof reserved by the owner which is planned to be used for laying of own cables during the two subsequent years;

16.4. the solution for the prevention of the possible overloading of the cable ducts to increase the available capacity of the cable ducts if the available capacity of the cable ducts is not sufficient for ensuring of the requirements of the applicant and if the applicant has requested it:

16.4.1. removal of the cable which is not operating, including of the cable which is removed, of damaged or partly disassembled cable from the cable ducts;

16.4.2. switching from one cable to another, including by using the cable present in another cable duct route in order to remove the cable duct in accordance with Sub-paragraph 16.4.1 of this Regulation;

16.4.3. pulling out of non-used copper cable cores thus creating a place for laying of optical cables in the copper core cable covering;

16.5. the planned costs of the solution for the prevention of overloading of the cable ducts and the justification for such costs if the applicant has requested it;

16.6. the blocked cable duct channel if the requirements of the applicant cannot be ensured due to that;

16.7. the blocked cable duct channel if the applicant has requested it:

16.7.1. the blocked cable duct section, indicating the length of the section;

16.7.2. the distances from the blocked place to the ends of the cable duct section;

16.7.3. what are the projected costs for the repair of the blocked cable duct channels and the justification thereof;

16.8. clarified placement for the cable joint closure of the applicant if the cable joint closure cannot be placed at the place planned by the applicant and the justification thereof;

16.9. the justification if there is no place for the placement of a cable joint closure.

[*4 October 2018*]

17. The owner shall prevent overloading in the cable duct channel and repair the blocked cable duct channel if the applicant has requested it. The owner and the applicant shall cover the costs for the prevention of overloading of the cable duct channel and the repair of the blocked cable duct channel in proportion to the capacity of the place intended for the applicant and remaining for the owner in the cable duct channel.

[*4 October 2018*]

18. The applicant or the lessee may order the cable installation works from the owner, perform them itself, or choose any sub-contractor.

19. If a built-up additional cable duct capacity is included in the cable duct, the applicant, lessee or owner shall assess the capacity of the cable ducts to be leased in accordance with the technical requirements and provisions laid down in Paragraph 34 of this Regulation, afterwards, where necessary, assess in accordance with Paragraph 20 or 21 of this Regulation.

20. The applicant, lessee or owner shall assess the available capacity of the cable ducts in the case of cable ducts with pulling technologies in accordance with the methodology which is laid down in the Cabinet regulations regarding the Latvian Construction Standard in respect of electronic communications networks.

21. If the cable ducts with blowing technology are used, the owner shall publish its methodology for the detection of the available capacity for the cable ducts with blowing technology on its website. Upon a request of the applicant, the owner shall assess the available capacity for the cable ducts with blowing technology, assessing the possible amount of the works to be carried out additionally and the impact of the changes caused on the operation of the existing route.

22. The owner may reserve the available capacity of the cable ducts or a part thereof for its own needs, if it plans to use it for the laying of own cables during the two subsequent years.

[*4 October 2018*]

22.1 An owner with a significant market power shall, within five working days after provision of the refusal for the access to the cable ducts to the applicant in the case specified in Paragraph 22 of this Regulation, submit a derivative of the refusal to the Regulator. The Regulator has the right to verify the justification of the refusal and to request additional information and planning documents from the owner.

[*4 October 2018*]

23. Upon a request of the applicant, the owner shall ensure the access for the applicant to at least the following information on the requested cable duct direction:

23.1. the cable duct manholes, including cable duct jointing chambers, connection boxes and sections which are indicated in the relevant geospatial information file formats (\*dgn or \*shp file format) or in another format which ensures information on the location and placement of the manholes, boxes, and sections, indicating also the manhole numbers and the names of the nearby streets and motor roads;

23.2. the cable duct technology;

23.3. the number of the cable duct channels in each cable duct section, the development views of the walls of manholes, including cable duct jointing chambers, connection boxes which are displayed on a photograph or drawing of each wall by indicating the identifiers of the development view of the walls of the relevant manholes, including cable duct jointing chambers, connection boxes, the channels researched for the needs of installation, and the scale identifier (in centimetres) for each of the development views;

23.4. the internal diameter of the cable duct channel, the available capacity, also the address of the building in the case of the electronic communications network lead-in.

[*4 October 2018*]

**IV. Key Performance Indicators**

[4 October 2018]

24. [4 October 2018]

25. [4 October 2018]

26. [4 October 2018]

27. [4 October 2018]

28. [4 October 2018]

**V. Technical Information to be Included in the Contract**

29. The owner and the lessee shall enter into a contract. The owner which is an electronic communications merchant with significant market power shall, within five working days after entering into the contract or amending thereto, except for amendments which refer to the operating and repair of associated facilities, submit a derivative of the contract or amendment thereto to the Regulator.

[*4 October 2018*]

30. The owner and the lessee shall indicate at least the following information in the contract:

30.1. the type of the access to associated facilities in accordance with Paragraph 6 of this Regulation;

30.2. the address of the access to associated facilities and the description of the location;

30.3. for the access to the cable ducts – shall indicate the addresses of the terminals of the cable duct route and the descriptions of the locations;

30.4. for the access to the cable ducts – the technologies used for the cable ducts;

30.5. for the access to the cable ducts – the information on the application for the unbundled access, bitstream service or on the contract for the unbundled access, bitstream service if any has been already entered into, when the cable duct route to be used for the provision of the planned electronic communications services is intended for the backhaul;

30.6. the technical provisions in conformity with the type of the access to associated facilities;

30.7. the restrictions for use if any are applicable;

30.8. the provisions for the access to associated facilities and services, including for the time period for the provision of the access;

30.9. the period of validity of the contract;

30.10. the provisions for the reporting and rectification of faults if applicable;

30.11. the provisions for the operation of shared use facilities.

31. The owner and the lessee shall include in the contract at least the following minimum requirements for the operation of the access to associated facilities:

31.1. the responsibility of the owner for the operation of associated facilities used for the access and for the ensuring of the quality requirements, unless the owner and the lessee have agreed otherwise in the contract;

31.2. the time period for the prevention of faults of associated facilities used for the access which is shorter than the owner determines for its end-users;

31.3. the lessee shall ensure the operation of its cable which is laid in the cable ducts of the owner, coordinating the works with the owner, unless the owner and lessee have agreed otherwise in the contract;

31.4. the owner shall cover the costs for the rectification of damages to the cables of the lessee if the damage has been caused as a result of the activity of the owner or due to the damage to the cable ducts of the owner;

31.5. the lessee shall cover the costs for the rectification of damages to the cables of the owner and another lessee and the costs for the rectification of damages to the cable ducts of the owner if the damage has been caused as a result of the activity of the lessee.

32. The owner and the lessee shall append the inspection report specified in Paragraph 12 of this Regulation in annex to the contract.

**VI. Ensuring of Additional Capacity of Cable Ducts**

33. [4 October 2018]

34. When ensuring and using additional capacity of cable ducts, the owner shall comply with the following technical requirements and provisions:

34.1. when installing, constructing, and performing reconstruction works for the cable ducts with pulling technology:

34.1.1. between cable jointing chamber and manhole, between cable duct manholes, between cable duct manhole and connection box, it shall ensure additional capacity of the cable ducts for other electronic communications merchants for laying of not less than two cables with the diameter of 17 mm;

34.1.2. it shall ensure additional capacity of the cable ducts in the electronic communications network lead-ins for other electronic communications merchants for laying of not less than two cables with the diameter of nine mm;

34.2. it shall use one of the following solutions when installing, constructing, and performing reconstruction works for the cable ducts with blowing technology:

34.2.1. it shall ensure not less than two micro-pipes for cable blowing for other electronic communications merchants, using micro-pipe cartridge;

34.2.2. when laying a cable with blowing technology, it shall provide for the place for blowing of the micro-pipe cartridge which is carried out after receipt of the application from the applicant, and it shall ensure not less than two micro-pipes for blowing of cables for other electronic communications merchants;

34.2.3. it shall lay additional pipe with the diameter of 40 mm which is intended for other electronic communications merchants for laying of not less than two cables;

34.3. the owner may use the additional capacity of the cable ducts ensured and non-used if two years have passed after putting into service of the cable ducts.

35. The owner shall submit to the Regulator the information on the additional capacity of the cable ducts ensured as a result of construction, reconstruction of the cable ducts or construction of the electronic communications network lead-in, the addresses of the terminals of the cable duct route, and the descriptions of their location, and also the cable duct technology used each year by 1 August on the 1st half-year of the current calendar year and by 1 February on the 2nd half-year of the previous calendar year.

[*4 October 2018*]

**VII. Closing Provisions**

36. Decision No. 1/8 of the Public Utilities Commission of 9 April 2014, Regulations Regarding the Access to Associated Facilities and Services (*Latvijas Vēstnesis*, 2014, No. 75), is repealed.

37. This Regulation shall come into force on 15 October 2016.

Chair of the Board of the Public Utilities Commission R. Irklis