

Make the most of now



Jersey Competition Regulatory Authority,
2nd Floor,
Salisbury House,
Union Street,
St Helier,
Jersey,
JE2 3RF.

18th August 2009

For the attention of Mr Graeme Marett – Case Officer

Dear Graeme,

“Initial Notice of a proposed telecommunications licence for Clear Mobitel (Jersey) Limited” – Jersey Airtel Limited Response

With reference to the Initial Notice of a proposed telecommunications licence for Clear Mobitel (Jersey) Limited, issued by the JCRA on 27 July 2009, Jersey Airtel Limited (JAL) would like to respond as follows.

JAL has no objection in principle to the granting of a Class II licence to Clear Mobitel (Jersey) Limited and welcomes new competition into the Jersey telecommunications market. However, JAL is surprised at the short assessment period the JCRA has set between the deadline for interested parties to submit their responses (19 August) and the intended date for Clear Mobitel (Jersey) Limited's licence to become effective (21 August), a mere two working days. This timescale does not seem to be sufficient to enable the JCRA to fully consider the responses of interested parties. We would welcome the JCRA's assurances that suitable consideration will be given to the respondent's responses in the final decision whether to issue a licence to Clear Mobitel (Jersey) Limited or not.

Whilst JAL has no objection to the principle of granting a Class II licence to Clear Mobitel (Jersey) Limited, JAL has grave concerns about the potential allocation of 2.6GHz spectrum to Clear Mobitel (Jersey) Limited as a corresponding action resulting from the granting of the Class II licence.

On the 02 June 2009, the JCRA engaged in a consultation to interested parties about the allocation of 2.6GHz spectrum in Jersey. JAL was one of the respondents who confirmed a definite interest in securing an allocation of the available spectrum. To-date, the JCRA has not issued its findings or recommendations for the allocation of 2.6 GHz spectrum and thus JAL considers this important matter to be still pending.

Consequently, JAL would view seriously the potential unilateral allocation of 2.6GHz spectrum to Clear Mobitel (Jersey) Limited outside of the 2.6GHz spectrum consultation process and prior to the JCRA's publication of their findings and



Make the most of now

recommendations. JAL would consider the unilateral allocation of spectrum to Clear Mobitel (Jersey) Limited to be unfair, unjustified and not in the interests of competition in the Jersey telecommunications market. JAL seeks the JCRA's assurances that in granting the Class II licence to Clear Mobitel (Jersey) Limited, this action will; a) not automatically result in an allocation of 2.6GHz spectrum to Clear Mobitel (Jersey) Limited; and b) Clear Mobitel (Jersey) Limited's requirement for 2.6GHz spectrum will be included in the JCRA's assessment of the overall spectrum requirements resulting from the responses from all respondents/ interested parties and the final allocation to successful parties will be made on an transparent and equitable basis.

The JAL proposals are logical since the awarding of a Class II licence to Clear Mobitel (Jersey) Limited should be considered totally independently of any potential allocation of spectrum to Clear Mobitel (Jersey) Limited.

We trust our response and comments meet with your approval and we look forward to receiving the assurances from the JCRA we have requested.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James Wild', with a horizontal line underneath.

James Wild
Head of Regulatory Affairs – Channel Islands
Jersey Airtel Limited