



**Initial Notice re application from Cronus Consulting Limited for a Class I
Licence**

Response to document
issued by the Jersey Competition Regulatory Authority on 10 September 2009

6 October 2009



Introduction

Cable and Wireless Jersey Limited (C&WJ) welcomes the opportunity to respond to the Jersey Competition Regulatory Authority's (JCRA's) Initial Notice issued on 10 September 2009 (the "Initial Notice"), which calls for written representations or objections to its preliminary conclusion that a Class 1 Telecommunications Licence should be granted to Cronus Consultancy Limited ("CCL") with effect from 9 October 2009.

Proposed timing for grant of any licence to CCL

C&WJ notes that the JCRA intends to grant the licence to the applicant the day after the closing date for representations or objections. C&WJ is very concerned that this is the same truncated timeline and process as the JCRA sought to use for the recent application from Clear Mobitel (Jersey) Limited, in respect of which C&WJ replied on 19 August¹.

Regulaid Review

C&WJ notes that the question of access to wholesale for Class 1 licencees is considered in the Regulaid Review and questions the desire to issue further such licences at this stage. C&WJ comments on that recommendation in its response to the Regulaid Review.

There is no information or indication on the JCRA's website or the Initial notice as to what type or range of telecommunication service or services CCL plans or proposes to offer. Such information must be available to allow for informed response.

¹ C&WJ response to JCRA Initial Notice of 17 July 2009 dated 19 August 2009

Provisions of the Law²

The JCRA makes reference in its Initial Notice to the requirement to perform its functions in a manner consistent with its duties as set out in Article 7. C&WJ notes that Article 7 (2) (a) requires that the JCRA must consider long-term interests of users of telecommunications services within Jersey. C&WJ is of the view that rushing to grant a licence to CCL in the manner proposed has not considered such long term interests.

Summary

C&WJ strongly objects to the proposal to grant a licence to CCL effective 9 October 2009. The JCRA must:

- undertake full and rigorous due diligence on CMJ;
- consider all representations and objections received to the Initial Notice as required by Article 11 (4) of the Law;
- by 15 October (taking account of the timelines referred to in its procedures³) publish a statement on its website stating:
 - the number of responses received;
 - the identity of the respondents; and
 - an estimated time-table of when it intends to publish a Final Notice.
- If, as C&WJ believes it must, after consideration of all representations and objections, it wishes to change its proposal other than the date when it is to take effect, issue both a Final Notice closing this consultation process and a fresh Initial Notice.

C&WJ does not consider any part of this response and objection to be confidential and agrees to it being published in full.

Cable & Wireless Jersey Limited

8 October 2009

² Telecommunications (Jersey) Law 2002

³ Paragraph 17 of "Guideline on Procedures under the Telecommunications (Jersey) Law 2002" dated 20 April 2009