



Case T-083

Telecoms Market Review

Final Decision

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1 Executive summary

- 1.1 This document is the Jersey Competition Regulatory Authority's (the **Authority**) Final Decision for the Telecoms Market Review (the **Review**).¹ Telecoms services and the regulatory framework governing the supply of these services is critical to the Island's economy. Under the Telecommunications (Jersey) Law 2002 (the **Law**), the Authority has a duty to protect and further the interests of telecoms users through the promotion of competition.
- 1.2 This Final Decision takes full account of stakeholder responses to the Authority's Draft Decision (published in February 2025). It balances different views and interests and is framed by the Government Telecoms Policy.² Through it, a refined regulatory framework is established, which will enable the continued development of competition and the effective regulation of the telecoms sector in the future.
- 1.3 The markets considered by the Authority are the fixed broadband, fixed voice, leased lines and mobile services markets. For each market, this Final Decision sets out the market definitions; assesses significant market power (**SMP**) in markets considered to be susceptible to economic regulation; and, where appropriate, sets out specific regulatory measures (remedies) designed to address any market failures. Alongside these remedies, the Final Decision confirms further work on key areas of telecoms policy.
- 1.4 Table 1 summarises the Final Decision by market and the planned future workstreams to implement the remedies and wider policy work. The Authority's formal Final Decision is presented in full in Chapter 8.

Table 1: Outline summary of the Authority's Final Decision

Market	Stage	Final Decision	Further detail
Fixed broadband	Market definition(s) & SMP	Retail and wholesale fixed broadband connectivity provided over any technology, for any speed, within the Bailiwick of Jersey. JT has SMP in the defined wholesale market.	Chapter 4
	Remedies	Continuation of a wholesale access obligation, combined with a cost-based price control.	
	Planned future and related workstreams	Wholesale broadband price control (project launch in Q3 2025). To include consideration of a broadband line only product. Modification of licence condition 37 (to be progressed in 2026).	
Fixed voice	Market definition(s) & SMP	Retail and wholesale provision of voice services from a fixed location within the Bailiwick of Jersey. JT has SMP in the defined wholesale market. Wholesale voice call termination services on each operator's network, and each operator has SMP on their own network.	Chapter 5

¹ All case documents can be found at: [T-083 – Telecoms Market Review](https://www.jcra.je) (jcra.je)

² [Telecoms strategy for Jersey: final Oxera report](https://www.gov.je) (gov.je) and [Telecoms Strategy action plan](https://www.gov.je) (gov.je)

Market	Stage	Final Decision	Further detail
	Remedies	Continuation of a wholesale access obligation, and the provision of Wholesale Line Rental (WLR). For fixed termination, the Authority will progress work to update and amend current policy on fixed termination rates.	
	Planned future and related workstreams	Fixed Number Portability (project launch in Q3 2025). Fixed and mobile termination rates review (to be progressed in 2026). Work on consumer policy to be commenced in 2026.	
Leased Lines	Market definition(s) & SMP	Retail and wholesale market for high quality dedicated capacity private circuits, comprising all bandwidths, used for connection between two fixed locations within the Bailiwick of Jersey. JT has SMP in the defined wholesale market.	Chapter 6
	Remedies	Continuation of a wholesale access obligation, combined with a price control. Dark fibre to be maintained as a regulatory option.	
	Planned future and related workstreams	Wholesale leased line price control (to commence in Q4 2026).	
Mobile services	Market definition(s) & SMP	Retail and wholesale mobile voice and data services provided over any mobile technology generation, within the Bailiwick of Jersey. Wholesale call termination services on each mobile operator's network.	Chapter 7
	Remedies	No remedies are proposed for mobile retail and wholesale voice and data services. For wholesale mobile termination, the Authority will progress work to update and amend current policy on mobile termination rates.	
	Planned future and related workstreams	Fixed and mobile termination rates review (to be progressed in 2026).	

- 1.5 The table highlights that JT (Jersey) Limited (**JT**) holds SMP in a series of telecoms markets. The Authority's Final Decision confirms that JT continues to be subject to certain obligations, such as the provision of regulated wholesale products and services to Other Licensed Operators (**OLOs**). Consistent with best practice, the Review imposes remedies at a high-level, and it will further specify in more detail as required through related follow up projects.
- 1.6 In addition, the Final Decision confirms further work on key areas of telecoms policy. This includes Fixed Number Portability (**FNP**), the development of a wholesale broadband line only product and consumer policy work. These will be taken forward as separate programmes of work in 2025 and beyond.

2 Introduction

2.1 This chapter is split into three sections:

- Background;
- The review process; and
- Structure of this document.

Background

2.2 In this Review the Authority considered the full range of telecoms services provided in Jersey to residential and business customers (and the wholesale inputs that support those services). The main retail services include:

- For residential customers: telephony (both fixed and mobile) and broadband; and
- For business customers: telephony (both fixed and mobile), broadband and managed high-capacity services based on dedicated access and end-to-end connections (leased lines).

2.3 In November 2023, the Authority initiated the Review with a Call for Information. This closed in February 2024. In August 2024 the Authority issued an Information Note summarising the Call for Information and set out next steps. These steps included the issuing of formal Requests for Information to Licensees, and engagement with key stakeholders to better understand the different markets within the Review.

2.4 In February 2025, the Authority published a Draft Decision containing analysis and proposals in respect of the fixed broadband, fixed voice, leased lines and mobile services markets. The Draft Decision followed a well-established approach, reflecting best practice, and drawing on the approach used in the EU (EECC)³ and other jurisdictions. In applying this framework to markets in Jersey, account was also taken of any relevant and specific on-Island market characteristics.

2.5 For each market, the Draft Decision set out the Authority's proposals for:

- Market definition;
- Three criteria test;
- SMP assessment; and
- Remedies.

2.6 Nine non-confidential responses were received to the Draft Decision from the following respondents: Cenerva Limited (**Cenerva**), Clear Mobitel (Jersey) Limited (**Clear**), Guernsey Competition & Regulatory Authority (**GCRA**), Jersey Consumer Council (**JCC**), JT (Jersey) Ltd (**JT**), Newtel Ltd (**Newtel**), PXS B.V. (**PXS**) and Sure (Jersey) Limited (**Sure**). In addition, there were two confidential respondents. Where available, non-confidential versions of all the responses are available on the Authority's website and the Authority would like to thank all stakeholders for their input.

³ See: [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018](#) (europa.eu)

The Review process

- 2.7 Annex 1 of the Draft Decision provided a full description of the legal and regulatory framework (and related processes). It outlined the process to be undertaken before carrying out certain regulatory functions under the Law, in accordance with the required statutory process.
- 2.8 Initially, there is a non-statutory process that consists of a Call for Information, a Draft Decision and a Final Decision. As set out in the background section above, the Authority has carried out the non-statutory process. This document is the conclusion of this process, the non-statutory Final Decision.
- 2.9 Before carrying out certain regulatory functions, following the non-statutory process, the appropriate Jersey statutory process is followed. This document constitutes the Authority's Final Decision on market definition and SMP. Under the Law a decision as to whether a person has a dominant position in a relevant market does not require the statutory process to be followed as it is not the exercise of a specified regulatory function. This means this Final Decision on market definition and SMP is final and binding.
- 2.10 Consistent with regulatory practice in the EU and elsewhere, remedies/policy interventions are set out at a high-level in this document and will be further specified in more detail as required in follow up projects. These projects will follow the required non-statutory and statutory steps, consistent with the Law.

Structure of this document

- 2.11 This document broadly follows the structure of the Draft Decision and is organised as follows:
- Approach to the Review (Chapter 3);
 - Fixed broadband (Chapter 4);
 - Fixed voice (Chapter 5);
 - Leased lines (Chapter 6);
 - Mobile services (Chapter 7); and
 - Final Decision (Chapter 8).
- 2.12 Within Chapters 3 to 7 a consistent approach is adopted to the different subsections, where each subsection refers to an aspect of the Draft Decision - for example market definition. The structure is as follows:
- Draft Decision proposals;
 - Draft Decision responses;
 - Authority analysis; and
 - Authority conclusion.
- 2.13 Chapter 8 then brings together the conclusions of these chapters in the form of a Final Decision. This document also includes one Annex (Annex 1) which provides a glossary.
- 2.14 Note that this document does not repeat all the background and reasoning for proposals set out in the Draft Decision. A high-level summary is provided within each section, and cross-reference is made to additional analysis and information where relevant.

3 Approach to the Review

- 3.1 The Authority has adopted a well-established approach to this market review, reflecting best practice, and drawing on the approach used in the EU (**EECC**) and other jurisdictions. In applying this framework to markets in Jersey, account has also been taken of on-Island market characteristics.
- 3.2 Consistent with Chapter 3 of the Draft Decision, this chapter contains the following subsections:
- Approach to market definition;
 - Assessing whether markets are susceptible to regulation;
 - Assessment of SMP; and
 - Approach to remedies.

Approach to market definition

Draft Decision proposals

- 3.3 The Authority explained that defining a market's boundaries is the first step towards assessing whether any market should be subject to regulation, and within that, the competitive dynamic and any direct and indirect competitive constraints. Given the interconnected nature of the markets, the approach starts by defining the retail market and then defining the corresponding wholesale markets.
- 3.4 In the first instance, markets are defined using two dimensions: the products and services in the market, and the geographic extent of the market. In each case, the Authority's analysis is forward-looking, taking account of market and technology trends, and any foreseeable market and technology developments.
- 3.5 In terms of defining the product and services market, the Authority adopts a standard approach to assessing demand and supply-side substitutability of products and services - the hypothetical monopolist test, also known as the Small but Significant Non-transitory Increase in Price (**SSNIP**) test. This enables the identification of market boundaries and the relevant product market.⁴

Draft Decision responses

- 3.6 Where comments were made, respondents to the Draft decision were supportive of the Authority's methodology and approach to market definition.

Authority analysis

- 3.7 The Authority notes there was consensus on the proposed approach.

⁴ The test assesses whether a hypothetical monopolist of the narrowest possible focal product is able to impose a small but significant non-transitory increase in price (5-10%) for a product or service without reducing its profits. Note, the Authority considers that a formal test is only necessary when there is some doubt as to whether an alternative product would act as an economic constraint on a hypothetical monopolist.

Authority conclusion

- 3.8 In light of the analysis in the Draft Decision and stakeholder responses, the Authority has decided to adopt the methodology and approach to market definition summarised above, and set out in full in the Draft Decision.

Assessing whether markets are susceptible to regulation

Draft Decision proposals

- 3.9 The Authority explained that in addition to the market definition process, it has also assessed which markets are susceptible to ex-ante economic regulation (prior to assessing SMP) by use of the three criteria test. This follows best practice in the EU (Article 67 of the EECC Directive) and other jurisdictions.
- 3.10 The three criteria are:
- Criterion 1: High and non-transitory structural, legal or regulatory barriers to entry are present;
 - Criterion 2: There is a market structure which does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based competition and other sources of competition behind the barriers to entry; and
 - Criterion 3: Competition law alone is insufficient to adequately address the identified market failure(s).
- 3.11 The application of the three criteria test helps to identify those markets in which structural characteristics may warrant economic regulation, and where general competition law is likely to be insufficient to address any market failures. For a market to be considered susceptible to economic regulation, all three criteria must be met in the market - it is a cumulative test.
- 3.12 Further, the Authority explained that it adopted the 'modified greenfield' approach, under which it first considers whether retail markets would be competitive in the situation where there is no economic regulation (generally in the form of wholesale access).

Draft Decision responses

- 3.13 The majority of respondents indicated broad support or provided no specific comments on the Authority's methodology and approach to assessing susceptibility to regulation.
- 3.14 Whilst noting their general support for the approach, JT and Sure both queried the Authority's application of the three criteria test. It was noted that in applying the 'modified greenfield' approach, with the presence of remedies in the corresponding wholesale markets, the three criteria test would not be passed for the associated retail markets. That is: the presence of wholesale remedies reduces entry barriers in the retail market, which suggests that Criterion 1 of the three criteria test would not be passed.
- 3.15 Both JT and Sure indicated that, if the Authority were to maintain the position set out in the Draft Decision, further information and analysis on the Authority's application of the three criteria test for retail markets would be required. Sure and JT also noted that the Authority's approach did not align with other jurisdictions and past Authority precedent (in the 2022

Business Connectivity Market Review). It may also set a precedent resulting in an unnecessary burden on those holding SMP.

Authority analysis

- 3.16 The Authority has given careful consideration to respondents' comments on the application of the three criteria test. The Authority notes that on-Island retail markets are supported by wholesale (access) remedies. In each of the retail markets reviewed – and in the context of each separate three criteria test – the Authority notes that JT's retail market shares remain high (>60% in retail broadband, >70% in retail voice and >80% in retail leased lines). This suggests that despite remedies in corresponding wholesale markets, there would still appear to be high and non-transitory barriers in retail markets.
- 3.17 Further, taking one step forward in the process, the Authority notes that European Guidelines⁵ suggest that a market share in excess of 50% is considered evidence in its own right of market power. This means it is important to consider how effective competition is in retail markets in determining the approach to this area.
- 3.18 The Authority also acknowledges respondents' views on the relationship between wholesale (access) remedies and the three-criteria test. Some respondents suggest that demand for wholesale access indicates a reduction in barriers to retail market entry.⁶ However, it remains unclear whether wholesale (access) remedies alone are sufficient to address all existing and potential barriers in the on-Island retail market(s). For example, Jersey Airtel Limited did not manage to gain a competitive foothold in retail broadband and other fixed services (despite holding a sizeable mobile market share).⁷
- 3.19 Nonetheless, taking the above points into consideration, the Authority recognises the importance of wholesale (access) remedies in addressing entry barriers in the retail market. Consistent with this, the Draft Decision did not propose any regulatory intervention or remedies in retail markets at this time, but rather a continuation and development of wholesale (access) remedies to facilitate access and competition in retail markets.
- 3.20 Therefore this Final Decision maintains the approach set out in the Draft Decision, albeit the role of wholesale (access) remedies and their likely bearing on Criterion 1 of the three criteria test in retail markets is more explicitly recognised. Therefore, in each retail market, the Authority has weighted analysis toward the current and potential future impact of wholesale (access) remedies (in reducing retail entry barriers) and has not therefore assessed SMP in any of the defined retail markets.⁸

⁵ See: [Guidelines on market analysis and the assessment of significant market power](https://ec.europa.eu/economic-affairs/competition-policy/guidelines-market-analysis-and-assessment-significant-market-power_en) (europa.eu)

⁶ Indeed, the Draft Decision noted how OLOs were utilising JT's wholesale access products for retail entry.

⁷ Jersey Airtel Limited entered the fixed broadband market in 2021, the latest Telecoms Statistics Market Report (2024) showed it held market a share of 2.9%, based on number of subscriptions.

⁸ The Authority noted this is consistent with practice and precedent in other jurisdictions. For example, in Annex 2 of the Draft Decision, which reviewed current regulatory practice, it was noted: *"the aim in many of these jurisdictions is to focus regulation as far upstream as possible (e.g., at the wholesale/infrastructure/access level). This is also consistent with regulatory practice in Jersey, with its focus on economic regulation at the wholesale level. In addition to the trend in other jurisdictions to market reviews, regulation has been removed from markets that tend towards competition, and from so-called legacy markets where regulation may no longer be required."*

- 3.21 The Authority will continue to monitor retail markets, and the development of the retail market in the context of current – and future – wholesale remedies. Further, as set out in later chapters, the Authority will be taking steps in related (non-SMP) policy areas to support retail competition (see for example, the discussion of FNP and consumer policy in chapter 5).

Authority conclusion

- 3.22 In light of the analysis in the Draft Decision and stakeholder responses, the Authority has decided to adopt the broad approach to assessing whether markets are susceptible to regulation summarised above and set out in further detail in its Draft Decision.
- 3.23 Note, for Criterion 1, for each retail market, the Authority has weighed analysis toward the current and potential future impact of wholesale (access) remedies (in reducing retail entry barriers). Consistent with this, the Authority does not assess SMP in any of the defined retail markets (fixed broadband, fixed voice and leased lines). The Authority will continue to monitor retail markets in the context of current – and future – wholesale remedies.

Assessment of SMP

Draft Decision proposals

- 3.24 The Authority explained that consistent with the established approach on market definition and application of the three criteria test, the Authority considers each market with a view to determining whether any licensee holds SMP. The assessment of SMP examines whether a licensee (or licensees) – in a market considered to be susceptible to economic regulation – hold market power (and therefore, whether the licensee(s) should be subject to some form of economic regulation).
- 3.25 Assessment of market power usually starts with the licensee's market share in the relevant product and geographic market. In the EC SMP Guidelines (the **SMP Guidelines**)⁹, a market share in excess of 50% is considered evidence in its own right of market power. Where an undertaking's market share is high but below 50%, the SMP Guidelines state that other structural criteria should also be assessed to determine whether an operator has SMP. These criteria include, among others, barriers to entry and expansion, size of the operator (licensee), control of key infrastructure, low countervailing buying power and technological or financial advantages.

Draft Decision responses

- 3.26 The majority of respondents did not supply detailed comments on this issue, indicating broad support of the Authority's methodology and approach to assessing SMP. JT did not contest the Authority's approach to the assessment of SMP but did challenge the findings of SMP in the retail markets for fixed broadband, fixed voice and leased lines. As this was in the context of its critique of the approach to the three criteria test, JT suggested it would be inappropriate for the Authority to find that JT held SMP in retail markets.

⁹ See: [Guidelines on market analysis and the assessment of significant market power](https://ec.europa.eu/competition/mergers/smp_guidelines_en.pdf) (europa.eu)

Authority analysis

- 3.27 The Authority notes respondents' broad support for its approach and methodology on the determination of SMP. Respondents' comments in respect of SMP designations in retail markets are focused on the application of the three criteria test and not the methodology adopted. These comments are addressed in the discussion of the three criteria test above and referenced in the relevant chapters of this document.

Authority conclusion

- 3.28 In light of the analysis in the Draft Decision and stakeholder responses, the Authority has decided to adopt the methodology and approach to the assessment of SMP summarised above, and as set out in full in the Draft Decision.

Approach to remedies

Draft Decision proposals

- 3.29 The Authority explained that should a licensee have SMP in a market found to be susceptible to economic regulation, the Authority must then consider appropriate remedies to support competitive outcomes. The EECC provides for a set of behavioural obligations or remedies to be imposed by regulatory authorities.
- 3.30 Regulatory practice in the EU has been to impose remedies at a high-level, and to further specify in more detail as required. For example, following a market review, a regulator might propose a price control and may impose the price control in principle, then consult with operators and stakeholders on the detail of how it should be implemented.
- 3.31 The remedies applied by the Authority would be consistent with the EECC framework (and best practice elsewhere) and proportionate to the competition problems likely to arise from the potential exploitation of SMP.
- 3.32 The Authority considers that the general approach to remedies in the EU should be adapted for use in Jersey. For example, the Authority has regard to the SMP Guidelines, and to the remedies listed under the EECC. However, the Authority is not limited in the remedies that it can impose which means it can consider others, if these would be effective and proportionate.

Draft Decision responses

- 3.33 The majority of respondents did not supply detailed or specific comments on the Authority's methodology and approach to remedies.
- 3.34 JT's response reiterated that remedies should not be implemented at the retail market level, absent a finding of SMP. JT stated that remedies should only be adopted in the wholesale market, and that this approach would be consistent with the EECC and Government policy.
- 3.35 Sure commented that if the Authority finds SMP in a retail market, the Authority should propose remedies in the retail market. This is to ensure alignment with regulatory best practice and should there be market failures in the retail broadband, fixed voice, or leased line markets, these will be addressed.

Authority analysis

- 3.36 Respondents' comments on the Authority's proposed approach to remedies largely reflect the analysis and proposals in the Draft Decision. The Authority notes that one respondent suggested that a finding of SMP (in the retail market) should be accompanied by remedies to address retail market failures. The Draft Decision did not propose any remedies in retail markets as it was noted that the imposition of remedies at both the retail and wholesale level may be disproportionate and may distort competition (in the retail market). This approach is consistent with Government telecoms policy and the Authority's previous determinations and focus being on regulation of wholesale access.

Authority conclusion

- 3.37 In light of the analysis in the Draft Decision and stakeholder responses, the Authority has decided to adopt the methodology and approach to remedies summarised above, and as set out in full in the Draft Decision.

4 Fixed broadband

- 4.1 Fixed broadband access services allow end users to obtain internet access at a fixed location. Services can be purchased on a stand-alone basis or as part of a service bundle, for example, with fixed voice or subscription TV. While fixed broadband services may be provided using a variety of technologies¹⁰, connectivity and services in Jersey are predominantly supplied by Fibre to the Premises (**FTTP**) via JT wholesale connections.
- 4.2 Consistent with Chapter 4 of the Draft Decision, this chapter contains the following subsections:
- Market definition;
 - Three criteria test;
 - SMP assessment; and
 - Remedies.
- 4.3 Question 1 of the Draft Decision sought respondents' views on the Authority's Draft Decision across these four areas for fixed broadband. Question 2 sought views on the Authority's proposals with respect to JT's SMP obligations.
- 4.4 It was also noted that the Authority's previous decision with respect to market definition and SMP was taken in the 2019 Broadband Market Review (**2019 BMR**).¹¹

Market definition

Draft Decision proposals

- 4.5 The Authority's Draft Decision concluded that demand substitutability between fixed broadband and mobile data services is limited, and that there are not separate markets for different speeds or access technologies. In addition, competitive conditions were found to be substantially the same across the Island, representing a geographic market within the Bailiwick of Jersey.
- 4.6 The Authority's Draft Decision defined separate wholesale and retail markets for fixed broadband, and the Authority applied the same product market definition for wholesale and retail fixed broadband as connectivity provided over any technology, and for any speed, within the Bailiwick of Jersey.

Draft Decision responses

- 4.7 Respondents were generally supportive or provided no specific comments on the Authority's market definitions for fixed broadband. While some respondents queried the application of the three criteria test to the retail fixed broadband market (see Chapter 3), they accepted that there are separate retail and wholesale fixed broadband markets.

Authority analysis

- 4.8 The Authority notes respondents' broad support for the methodology and approach set out in the Draft Decision, and the proposed market definitions in respect of fixed broadband. This

¹⁰ Including physical connectivity via copper or fibre, and wireless options with terrestrial and non-terrestrial methods i.e. satellite.

¹¹ Document reference: CIRCA 19/01

includes the Authority's assessment of the scope of each market - for both the product and geographic market. The Authority did not receive any further information or evidence on the proposed scope of each market, and no further analysis is required to inform the Final Decision.

Authority conclusion

4.9 The Authority's Final Decision is to define the following markets for fixed broadband:

- Retail fixed broadband connectivity provided over any technology, and for any speed, within the Bailiwick of Jersey.
- Wholesale fixed broadband connectivity provided over any technology, and for any speed, within the Bailiwick of Jersey.

Three criteria test

Draft Decision proposals

4.10 The Authority's analysis of the three criteria test showed that fixed broadband markets in Jersey are characterised by high and non-transitory barriers to entry, and there are unlikely to be material changes in the technology, or deployment of alternative fixed broadband networks within the period considered by the review. The Authority's Draft Decision found that the three criteria test was met in respect of retail and wholesale fixed broadband, with both markets considered to be susceptible to economic regulation.

Draft Decision responses

4.11 The majority of respondents did not comment in detail on the Authority's application of the three criteria test to the fixed broadband markets.

4.12 JT's response was supportive of the Authority's assessment of the wholesale fixed broadband market. However, consistent with its comments on the application of the three criteria test to retail markets (see Chapter 3), JT argued that the three criteria test is not passed for the retail fixed broadband market.

Authority analysis

4.13 As noted above and in Chapter 3, both JT and Sure questioned the assessment of the three criteria test in the context of retail markets (suggesting that the retail fixed broadband market should not be considered susceptible to economic regulation). Other respondents did not submit detailed comments on the matter.

4.14 The Authority's views and Final Decision on the three criteria test is set out in Chapter 3. For Criterion 1, the Authority has weighted analysis toward the current and potential future impact of wholesale (access) remedies (in reducing retail entry barriers) and therefore the Authority has not assessed SMP in the defined retail broadband market.

4.15 In terms of the wholesale fixed broadband market, the Authority's Final Decision is that the three criteria test is met and that the wholesale fixed broadband market continues to be susceptible to economic regulation.

Authority conclusion

- 4.16 The Authority's Final Decision does not apply the three criteria test to the retail fixed broadband market. In respect of wholesale fixed broadband, the three criteria test is applied and met, and the wholesale fixed broadband market is susceptible to economic regulation.

SMP assessment

Draft Decision proposals

- 4.17 The Authority's Draft Decision noted that JT is the largest provider of retail fixed broadband services by a significant margin, when measured by share of subscribers and share of revenue. Data indicates that JT's share of the retail market has remained around 60% for some time, a level of market share consistent with JT having SMP. Further, JT's share of the wholesale market is higher than its share of the retail market; nearly all fixed broadband connections are supported by JT wholesale services. The Authority's Draft Decision found that JT holds SMP in the retail and wholesale fixed broadband markets.

Draft Decision responses

- 4.18 The majority of respondents indicated broad support or provided no specific comments on the Authority's assessment of SMP for the fixed broadband markets.
- 4.19 While JT does not challenge the Authority's assessment of SMP in the wholesale fixed broadband market, it does not support an assessment of SMP in the retail fixed broadband market, nor that an assessment of SMP in this market is necessary.

Authority analysis

- 4.20 Consistent with the Authority's refined approach to the assessment of the three criteria test (in the context of retail markets), the Final Decision does not undertake an assessment of SMP in the retail fixed broadband market.
- 4.21 The Authority notes respondents' agreement with the Authority's Draft Decision that JT continues to hold SMP in the fixed wholesale broadband market and that JT's enduring dominance of the wholesale fixed broadband market is very unlikely to change in the period covered by the review. Indeed, absent material and/or structural changes in the market and telecoms policy developments, JT's dominance of the wholesale fixed broadband market is likely to endure beyond the period of this review.

Authority conclusion

- 4.22 The Authority's Final Decision is that JT has SMP in the wholesale fixed broadband market.

Remedies

Draft Decision proposals

- 4.23 The Draft Decision stated that the Authority was firmly minded to continue with the existing regulatory policy: a wholesale access obligation on JT combined with a cost-based price control. The Authority's Draft Decision also noted that, while JT holds SMP in the retail fixed broadband market, the imposition of remedies at both the retail and wholesale level may be disproportionate and may distort competition (in the retail market).

- 4.24 Box 3 of the Draft Decision also set out a discussion on the possible introduction of a wholesale broadband line only product.¹² It was noted that the technical configuration of wholesale broadband is based on JT's network and related systems, these currently require a landline service (Wholesale Line Rental) to be simultaneously provisioned and linked to the broadband service. The Authority indicated it was minded, consistent with regulatory practice in the UK and with the current and likely future nature of demand, to take work forward on the regulatory framework for a wholesale broadband line only solution.
- 4.25 The Draft Decision also contained a discussion of the wider policy considerations with respect to JT's SMP obligations. This included a review and proposed amendment of Licence Condition 37 (price notifications); a consideration of the licence conditions in Part IV of JT's licence with respect to the trading relationship between JT Retail and JT Wholesale; and the effect of any changes to the regulatory framework on JT's regulatory financial reporting obligations.

Draft Decision responses

- 4.26 Respondents were broadly supportive of the Authority's assessment of appropriate remedies for the fixed broadband markets. It was noted that cost-based charging should be continued and that it provides transparency on the costs of the service.
- 4.27 In respect of a broadband line only service, the majority of respondents were broadly supportive, with several commenting on its importance in light of changing consumer demand. JCC commented that the introduction of broadband line only should be accompanied by clear consumer messaging on any related charges and relationship with a landline.¹³
- 4.28 JT stated that it is exploring the implementation of a broadband line only service, while also highlighting potential impacts on Wholesale Line Rental and what it considers to be a minimal cost saving for consumers. JT committed to working with the Authority on the renewal of the wholesale broadband price control to support the segmentation of costs allocated to the various service options.
- 4.29 Sure's response made similar observations on the limited cost savings for consumers, proposing that customers should be informed of the likely outcomes from introducing a broadband line only service. Sure stated that it is not able to support the proposal to implement a broadband line only service citing technical challenges and the time required to address these. Sure considered fixed number portability to be a pre-requisite and request the implementation of broadband line only be further considered by the Authority.
- 4.30 As regards to the Authority's consideration of wider SMP obligations, respondents were also broadly supportive, highlighting the importance of regulatory oversight, transparency and effective separation between the wholesale and retail functions of SMP providers. In the same context, Newtel commented on ensuring that 'tools' and functions are available to OLOs on

¹² Discussion of broadband line only is included in this chapter for ease of reference (the discussion of broadband line only was set out in Chapter 5 of the Draft Decision in the context of fixed voice, given the link to Wholesale Line Rental).

¹³ JCC also raised the issue of limited product comparability between providers' services, presenting challenges for consumers trying to make decisions and potentially leading to negative consumer outcomes.

equivalent terms to JT Retail, along with enhancing functions associated with wholesale services and enforcing service level targets.

- 4.31 JT's response set out its view that it was not appropriate to notify competitors of retail price changes, and that this requirement reduces its incentive to compete on retail pricing. That said, JT did consider it still appropriate to notify the Authority in advance of retail pricing changes and it was supportive of an increase to a 28-day period.
- 4.32 JT's response also noted possible changes in the scope of its regulatory financial reporting obligations given this review and sought clarifications on the scope of these.

Authority analysis

- 4.33 Further to the Authority's refined approach to the assessment of retail markets, and consistent with the position in the Draft Decision, the Authority's Final Decision does not propose any remedies in the retail fixed broadband market at this time. Instead, competition in this retail market will be supported by the wholesale remedies and work in related policy areas.
- 4.34 The Authority notes respondents' support for the continuation of a wholesale access obligation on JT combined with a cost-based price control. The Authority's view remains that an access obligation on JT combined with cost-based price control are essential to the continued development and support of competition in the retail fixed broadband market.
- 4.35 The Authority also notes there is significant stakeholder support for the development of a broadband line only service. As JT is now exploring the development of such a product, the Authority will progress work on a broadband line only service alongside work on the wholesale access obligation and wholesale broadband price control. This work will consider the technical challenges of implementation noted by Sure. The Authority notes the underlying wholesale service in respect of both (wholesale bitstream and broadband line only) are very similar (if not the same) and this is likely to be reflected in the future costs.
- 4.36 In line with the JCC response, it is recognised that future changes in this area will require clear messaging and this will be one of the Authority's considerations on developments in this area. The Authority also notes the wider points made by the JCC around areas of consumer policy. These will be taken into consideration in the context of future policy work in this area, as set out in paragraphs 5.38 to 5.47.
- 4.37 With respect to JT's SMP findings, the Authority notes the range of views expressed. It is giving further consideration to the scope and application of Licence Condition 37 of JT's Licence and remains minded to extend the notification period to 28-days. Work on this and other matters related to this area will be progressed separately as a follow up project to the Review.¹⁴ This will seek to ensure there is an appropriate level of transparency and scrutiny while maintaining incentives to compete (in retail markets) and will draw on the analysis carried out for the Review, alongside further consideration of best practice.
- 4.38 In terms of JT's obligations with respect to regulatory financial reporting, the Authority does not envisage material changes to the scope or applicability of the current obligation (or the existing Final Notice and Direction which gives effect to JT's obligation). That said, the Authority

¹⁴ Any change in Licence Condition 37 would require the Jersey statutory process to be followed.

recognises that updates to the market definitions and SMP findings in this document will have an impact on reporting requirements and it will agree an updated approach with JT for the 2025 financial year data.¹⁵

- 4.39 The Authority has given further consideration to the matter of transparency between JT's retail and wholesale operations; this issue was raised by several respondents to the Draft Decision. There has been significant work in this area in recent years, including the introduction of an updated statement of requirements process¹⁶, JT's own wholesale charter and casework on disputes between OLOs and JT. Further, across the regulated products, JT is obliged not to show undue preference to its own retail operation or exercise unfair discrimination against, any OLO regarding the provision of regulated products and services.
- 4.40 At this stage, there is no clear rationale for further regulatory requirements to be introduced, in particular given the wide set of obligations in respect of JT's SMP. Nevertheless, the Authority will continue to monitor this area and in the event of any formal complaints with respect to JT's behaviour and practices, it will ensure JT's continued and effective compliance with its regulatory obligations.

Authority conclusion

- 4.41 The Authority's Final Decision is to maintain the wholesale access obligation on JT combined with a cost-based price control. Work on the access obligation and price control is being taken forward separately and, where appropriate, this will also consider broadband line only.
- 4.42 On the broader proposals set out in the Review, the Authority intends to commence work on modification of Licence Condition 37 in 2026. At this time, the Authority is not intending to carry out further policy work on the trading relationship between JT Retail and JT Wholesale.

¹⁵ This is due to submitted by 31 May 2026.

¹⁶ The statement of requirements process was introduced in 2022 by [jt-statement-of-requirements-final-notice.pdf](#) (jcra.je), the process is detailed in [jt-statement-of-requirements-information-note.pdf](#) (jcra.je).

5 Fixed voice

- 5.1 Fixed voice services are defined as telephony services provided at a fixed location. A fixed voice service entails the rental of either analogue or digital telecommunication exchange lines and the supply of PSTN (**Public Switch Telephone Network**) telephony services, including the provision of managed VoIP services over internet protocol (**IP**) based connectivity. Fixed voice services are supplied to the majority of premises using FTTP via wholesale connections provided by JT.
- 5.2 Consistent with Chapter 5 of the Draft Decision, this chapter contains the following subsections:
- Market definition;
 - Three criteria test;
 - SMP assessment; and
 - Remedies.
- 5.3 Question 3 of the Draft Decision sought respondents' views on the Authority's Draft Decision across these four areas for fixed voice. Question 4 sought views on the Authority's proposals with respect to Fixed Number Portability.
- 5.4 It was also noted that the Authority's previous Decision with respect to market definition and SMP was taken in the 2010 Telecommunications Market Review (**2010 TMR**).¹⁷

Market definition

Draft Decision proposals

- 5.5 The Authority's Draft Decision identified several fixed voice related markets. This included retail voice, and the provision of wholesale voice services from a fixed location (within the Bailiwick of Jersey). In terms of the retail voice market, substitutability analysis in the Draft Decision found that mobile services and fixed voice services were not in the same market, and while the retail voice market includes managed VoIP services, it does not include unmanaged VoIP services (so-called Over the Top (**OTT**) services, such as WhatsApp).
- 5.6 In terms of wholesale voice services from a fixed location, the Draft Decision noted that wholesale services are supplied by means of Wholesale Line Rental (**WLR**), which supports the provision of single line retail fixed voice services to JT's retail customers through self-supply and by other telecoms providers as a wholesale product. The Draft Decision stated that competitive conditions in the fixed voice market are effectively the same Island-wide, and that the relevant geographic market is the Bailiwick of Jersey.
- 5.7 The Draft Decision also defined wholesale voice call termination markets (call termination is carried out separately on each operator's network).

Draft Decision responses

- 5.8 Respondents indicated broad support or provided no specific comments on the Authority's market definitions for fixed voice.

¹⁷ Document reference: T09J - Decision

- 5.9 JT's response stated that the proposed market definitions were outdated and not reflective of the approach taken by other regulators - for example wholesale voice services were removed from the European Commission's list of Relevant Markets in 2014. It also cited reducing user demand for fixed voice services seen in other jurisdictions which is mirrored in the data it holds for Jersey, highlighting increased use of mobile services by users for convenience and OTT service substitution.

Authority analysis

- 5.10 JT was the only respondent to query the Authority's approach to the market definition in respect of fixed voice markets. The Authority's Draft Decision (Annex 2) contained a detailed review of the policy approach in other jurisdictions, and the Authority carefully considered regulatory practice in other jurisdictions (which includes defined voice markets). Further, on-Island market conditions and characteristics are relatively singular and in some areas manifestly different from the UK and elsewhere), and these have also been taken account of in the Authority's analysis.¹⁸
- 5.11 While the Authority recognises the market trends in fixed voice services – i.e., the gradual decline in fixed voice usage – there remains a significant proportion of fixed voice customers on-Island (and fixed voice only customers). The analysis set out in the Draft Decision highlighted that these services are not substitutable with mobile (see paragraphs 5.18 to 5.20 of the Draft Decision) or non-managed VoIP services (see paragraphs 5.7 to 5.12 of the Draft Decision).
- 5.12 The Authority's market definitions in respect of retail and wholesale fixed voice services properly reflect the conditions of demand and supply and provide an accurate definition of each product and geographic market.

Authority conclusion

- 5.13 The Authority's Final Decision is to define the following markets for fixed voice:
- Retail voice services from a fixed location within the Bailiwick of Jersey;
 - Wholesale provision of voice services from a fixed location within the Bailiwick of Jersey; and
 - Wholesale voice call termination services on each operator's network.

Three criteria test

Draft Decision proposals

- 5.14 The Authority's Draft Decision found that fixed voice markets were characterised by high and non-transitory barriers, and that technological developments were unlikely to significantly disrupt this market or erode the barriers to entry. The Authority's Draft Decision found that the three criteria test is met, with both retail and wholesale fixed voice markets being considered susceptible to ex-ante regulation.

¹⁸ The Authority notes that even in the UK; with significant infrastructure competition, multiple competing operators across the supply-chain and a variety of fixed voice services, Ofcom continues to regulate certain retail and wholesale fixed voice services. <https://www.ofcom.org.uk/phones-and-broadband/telecoms-infrastructure/2021-26-wholesale-voice-markets-review> (ofcom.org.uk)

Draft Decision responses

- 5.15 The majority of respondents indicated broad support or provided no specific comments on the Authority's application of the three criteria test for the identified fixed voice markets. Clear commented that it agreed with the Authority's assessment of high and non-transitory barriers to entry.
- 5.16 JT's response was supportive of the Authority's assessment of the wholesale voice call termination market. However, consistent with its comments on the application of the three criteria test to retail markets (see Chapter 3), JT argued that the three criteria test is not passed for the retail fixed voice market.

Authority analysis

- 5.17 As noted above and in Chapter 3, both JT and Sure questioned the assessment of the three criteria test in the context of retail markets (suggesting that the retail fixed voice market should not be considered susceptible to economic regulation). Other respondents did not submit detailed comments on the matter.
- 5.18 The Authority's views and Final Decision on the three criteria test is set out in Chapter 3. For Criterion 1, the Authority has weighted analysis toward the current and potential future impact of wholesale (access) remedies (in reducing retail entry barriers) and therefore the Authority has not assessed SMP in the defined fixed voice market.
- 5.19 In terms of wholesale fixed voice markets, the Authority's Final Decision is that the three criteria test is met and the wholesale fixed voice markets continue to be susceptible to economic regulation.

Authority conclusion

- 5.20 The Authority's Final Decision does not apply the three criteria test to the retail fixed voice market. In respect of wholesale fixed voice markets the three criteria test is met, the markets are susceptible to ex-ante regulation.

SMP assessment

Draft Decision proposals

- 5.21 The Draft Decision found that JT – as the largest provider of retail fixed voice services by a significant margin – holds SMP in the fixed retail voice market. While JT's share of the fixed retail voice market has declined since 2020, it remains above 70%. Further, as the retail market is dependent on wholesale services provided only by JT, the Draft Decision found that JT has SMP in the fixed wholesale voice market. In addition, the Draft Decision found that each fixed voice operator holds SMP in call termination on its own fixed network.

Draft Decision responses

- 5.22 The majority of respondents indicated broad support or provided no specific comments on the Authority's assessment of SMP for the identified fixed voice markets.
- 5.23 JT's response was supportive of the Authority's assessment of the wholesale voice call termination market. Notwithstanding JT's comments on the application of the three criteria test (in the context of retail), JT also set out a view that if it is found to have SMP in the wholesale

broadband connectivity market and is required to supply a service to enable retail competitors to offer voice services at fixed locations, then there is no basis for making a further finding of SMP in a discrete retail market for voice calls in a fixed location.

Authority analysis

- 5.24 Consistent with the Authority's refined approach to the assessment of the three criteria test (in the context of retail markets), the Final Decision does not undertake an assessment of SMP in the retail fixed voice market.
- 5.25 The Authority notes respondents' agreement with its Draft Decision that JT continues to hold SMP in the fixed voice markets and that each operator has SMP on its own network with respect to wholesale fixed call termination.
- 5.26 The Authority notes JT's suggestion with respect to using the wholesale fixed broadband market to enable competition in retail voice. As set out in the Draft Decision there are several interrelated policy areas, including FNP, WLR and broadband line only, which would need to be implemented fully to enable a broader change in the approach to regulation in this area. Therefore, and consistent with the Decisions set out in this document, a broader consideration of the Authority's approach to regulation of fixed voice would be in the scope of the next market review.

Authority conclusion

- 5.27 The Authority's Final Decision is that JT has SMP in the wholesale voice market. Further, each fixed voice operator holds SMP in call termination on its own fixed network.

Remedies

Draft Decision proposals

- 5.28 The Authority's Draft Decision proposed that regulation should continue to focus on the wholesale level with a view to promoting sustainable competition at the retail level. The Draft Decision noted that a key mechanism for this would be the continuation of the obligation on JT to supply WLR.
- 5.29 The Draft Decision recognised that as demand for fixed voice only services continued to decline, there may be scope to review the WLR obligation on JT in the future. Indeed, subject to the development of a wholesale broadband line only product and the implementation of FNP, it may be possible in future to remove the requirement on JT to supply WLR.
- 5.30 Consistent with this, Box 4 of the Draft Decision set out the Authority's considerations of FNP - a policy area related to fixed voice. It discussed the further analysis performed, including a review of other jurisdictions and regulatory precedent, and noted important aspects to be taken into consideration when determining its potential implementation.
- 5.31 With respect to wholesale voice call termination, the Authority's Draft Decision stated that it will further consider whether the conclusions of the 2017 Fixed Interconnection Rates Review¹⁹ require updating or amendment.

¹⁹ Document reference: CICRA 17/25

Draft Decision responses

- 5.32 Respondents indicated broad support or provided no specific comments on the Authority's assessment of appropriate remedies for the fixed voice markets. Clear noted that in its view, and considering the market conditions, enabling retail competition through remedies in the wholesale market was the most appropriate approach for Jersey.
- 5.33 The comments received on broadband line only are set out in Chapter 4.
- 5.34 With respect to FNP, this policy area received significant comment. The majority of respondents indicated clear support for further work in this area.
- 5.35 Newtel, Sure and Confidential Respondent 1 and Confidential Respondent 2 all strongly support the introduction of FNP, noting the value to business consumers with direct experience of consumer demand in the Island, and highlight that a lack of FNP presents a barrier to meeting customer demand and service innovation.²⁰ Cenerva, GCRA, and PXS also provided supportive comments more generally highlighting the benefits of FNP with the precedent set by other comparable jurisdictions and noting the importance of a solution being implemented in parallel for both Jersey and Guernsey.
- 5.36 PXS - the provider of the Mobile Number Portability (**MNP**) solution for Jersey - provided its view as to the steps required to implement FNP for the Island and noted that the existing MNP solution can be readily enhanced to support FNP.
- 5.37 While not directly opposed to FNP, Clear commented that the potential cost of implementing FNP may not outweigh the benefits. JT shared a similar view, noting previous assessments and highlighting changing vendor support for legacy features and functions associated with fixed voice. JT further suggested that the costs and barriers to businesses associated with changing fixed line numbers are reduced given evolving approaches to customer engagement and points of contact. It also noted that WLR includes the geographic number (allowing single line customers to effectively port their number with WLR) and that it assumed that demand for FNP must relate to multiline voice.

Authority analysis

- 5.38 The Authority notes the broad support from respondents on its proposed approach to remedies in fixed voice - this includes widespread support for the continuation of the wholesale access obligation. It should be noted that the requirement on JT to supply WLR is given effect through JT's Licence (Licence Condition 17.10). Therefore, no additional measures or specific Directions would be required to facilitate the continuation of JT's obligation to supply WLR.
- 5.39 The Authority notes respondents' broad support for the development and introduction of FNP. Given FNP's interrelationship with broadband line only and the future opportunity it offers to remove the WLR obligation on JT, the Authority recognises the broader benefits it could bring to the market, which go beyond the direct benefits of implementation - for example, this includes providing opportunities for greater retail competition. It would also ensure that Jersey is aligned with best practice on numbering policy.

²⁰ As an important component of FNP, Newtel comment 'the exchange of Direct Dial-In (DDI) ranges must take place at the core network level between Other Licensed Operators (OLOs).'

- 5.40 The Authority further notes the support of the GCRA and the potential for the implementation to be pan-Channel Islands, which would help further increase the benefits and help ensure consistency for operators in both jurisdictions.
- 5.41 Consistent with this, the Authority intends to progress work on FNP with a view to developing a regulatory framework to support its introduction. As set out in the Draft Decision, this will be subject to an analysis of the cost-benefits, technical feasibility and related matters, to help address the concerns raised by some respondents. The Authority intends to launch this project in Q3 2025.
- 5.42 The Authority notes that, since the publication of the Draft Decision, JT has amended prices across its retail portfolio and there is a continued upward trajectory on pricing. While the Draft Decision stated that the Authority was not minded to regulate retail fixed voice markets, it seems clear that further consideration of certain market segments and services is likely to be required.
- 5.43 To support this the Authority intends to recommence work on consumer policy.²¹ This will likely have two strands, the first relates to consumer related issues such as contract terms, compensation schemes and support for elderly/vulnerable consumers. The second relates to price comparisons and the ability to switch services (and supplier). The Authority notes that in the first strand, the role of fixed voice services, is likely to be an area of focus. For the second strand, it is envisaged this work will help support retail competition across the telecoms markets and complement the wholesale SMP remedies, such as price controls and access obligations.
- 5.44 This work will also build on previous work carried out by the Authority. A key reference point is the Telecoms Retail Pricing Market Study.²² This highlighted that while Jersey's telecoms services are broadly competitive from a price perspective, a key focus of regulators in other jurisdictions has been on consumer policy. The Authority intends to commence this project in 2026.

Authority conclusion

- 5.45 The Authority's Final Decision is to maintain the wholesale access obligation and the provision of WLR.
- 5.46 As separate follow-up projects the Authority will take forward work on the implementation of FNP, to commence in Q3 2025. Work on consumer policy will commence in 2026.
- 5.47 In terms of call termination, the Authority will take work forward on reviewing and, where required, updating fixed termination rates. This work will be initiated in 2026 with a view to complete in 2027.

²¹ This was in the original scope of this Review and was included in the call for information. After considering the responses the Authority set out this would be a separate project, given it is broader than the market definition, SMP and remedies framework of a market review.

²² See: [M-005 - Telecoms Retail Pricing Market Study](#) (jcra.je)

6 Leased lines

- 6.1 Leased lines provide dedicated transmission capacity between fixed locations. They can be provided using a range of approaches, including fibre links and wireless technologies. Leased lines are typically used by enterprises and organisations to support business-critical activities.
- 6.2 Consistent with Chapter 6 of the Draft Decision, this chapter contains the following subsections:
- Market definition;
 - Three criteria test;
 - SMP assessment; and
 - Remedies.
- 6.3 Question 5 of the Draft Decision sought respondents' views on the Authority's Draft Decision across these four areas for leased lines. Question 6 sought views on dark fibre, with Question 7 seeking stakeholder feedback on data centre availability and connectivity in Jersey.
- 6.4 It was also noted that the Authority's previous Decision with respect to market definition and SMP was taken in the 2022 Business Connectivity Market Review (**2022 BCMR**).²³

Market definition

Draft Decision proposals

- 6.5 The Authority's assessment of leased lines markets in the Draft Decision established separate retail and wholesale product markets for leased lines, defined as high quality dedicated capacity private circuits, comprising all bandwidths, which are used for connecting two fixed locations within the Bailiwick of Jersey. The provision of retail services is dependent to a significant extent on the availability of wholesale products provided by JT - a separate market for wholesale leased lines reflects the provision of wholesale services to support the retail market.
- 6.6 With respect to the geographic scope of the markets, while there is limited alternative network infrastructure deployed in the St Helier area, these network operators and others generally rely on wholesale inputs from JT to supply retail leased lines. Further, it was noted that JT's retail leased line pricing remains uniform across the Island, supporting the view that competitive conditions do not change materially across Jersey.

Draft Decision responses

- 6.7 Respondents indicated broad support or provided no specific comments on the Authority's market definitions for leased lines. Newtel commented that it is supportive of the market definition being limited to connections within Jersey and market definitions that are not speed based (noting speed is not a differentiator for SMP/competition).

Authority analysis

- 6.8 For the market definitions, the Authority maintains the approach and methodology that is consistent with the approach adopted for all other market definitions (and the Draft Decision).

²³ Document reference: JCRA 21/18

Authority conclusion

6.9 The Authority's Final Decision is to define the following markets for leased lines:

- Retail market for high quality dedicated capacity private circuits, comprising all bandwidths, used for connection between two fixed locations within the Bailiwick of Jersey.
- Wholesale market for high quality dedicated capacity private circuits, comprising all bandwidths, used for connection between two fixed locations within the Bailiwick of Jersey.

Three criteria test

Draft Decision proposals

6.10 Based on past trends and JT's ongoing share of both leased lines markets, the Authority's Draft Decision considered it unlikely that the retail or wholesale leased lines markets were trending towards effective competition. It noted there are barriers to entry, and relatedly, limited evidence or information that operators – other than JT – have plans to significantly expand their networks. The Authority's Draft Decision therefore was that the retail and wholesale leased lines markets are susceptible to ex-ante regulation.

Draft Decision responses

6.11 The majority of respondents indicated broad support or provided no specific comments on the Authority's application of the three criteria test for leased line markets. For example, Clear indicated it agreed with the Authority's assessment of high and non-transitory barriers to entry.

6.12 JT did not challenge the Authority's assessment of the wholesale market. However, it highlighted that the 2022 BCMR found that the retail market did not pass the three criteria test and that this position remains valid. This view was consistent with its wider comments on the application of the three criteria test to retail markets (see Chapter 3), and JT argued that the three criteria test is not passed for the retail leased line market.

6.13 Sure noted its broad support, subject to its comments in respect of the Authority's approach to the three criteria test.

Authority analysis

6.14 As noted above and in Chapter 3, both JT and Sure questioned the assessment of the three criteria test in the context of retail markets (suggesting that the retail leased line market should not be considered susceptible to economic regulation). Other respondents did not submit detailed comments on the matter.

6.15 The Authority's views and Final Decision on the three criteria test is set out in Chapter 3. For Criterion 1, the Authority has weighed analysis toward the current and potential future impact of wholesale (access) remedies (in reducing retail entry barriers) and therefore the Authority has not assessed SMP in the defined retail leased line market.

6.16 In terms of wholesale leased line market, the Authority's Final Decision is that the three criteria test is met and that the wholesale leased line market continues to be susceptible to economic regulation. This is supported by stakeholder feedback and the Authority did not receive any information or evidence to the contrary and considers that JT's dominance of the wholesale leased lines market is unlikely to change in the period covered by the Review.

Authority conclusion

- 6.17 The Authority's Final Decision does not apply the three criteria test to retail leased line market. In respect of the wholesale leased lines market the three criteria test is met and it is susceptible to ex-ante regulation.

SMP assessment

Draft Decision proposals

- 6.18 The Draft Decision stated that JT's share of the retail and wholesale leased line subscriptions was above 80%, while JT's revenue share of the same market was also above 80% (and appeared to have increased since 2020). The Authority's Draft Decision considered JT's high and stable market shares as clear evidence that JT continues to hold SMP.
- 6.19 Supporting this, it was noted that JT operates the only Island-wide leased line network, and this suggests it has control of infrastructure that is not easily replicated. It is also likely to enjoy substantial economies of both scale and scope when compared to competitors.

Draft Decision responses

- 6.20 The majority of respondents indicated broad support or provided no specific comments on the Authority's assessment of SMP for the leased line markets.
- 6.21 In its response, JT notes the findings from the Authority's 2022 BCMR where SMP was not assessed for the retail market. However, it does not disagree with the finding of SMP in retail and wholesale markets as proposed in the Draft Decision (based on the modified greenfield approach), although it considers the assessment of SMP in the retail leased lines market is 'misdirected'.

Authority analysis

- 6.22 Consistent with the Authority's refined approach to the assessment of the three criteria test (in the context of retail markets), the Final Decision does not undertake an assessment of SMP in the retail leased line market.
- 6.23 The Authority notes respondents' agreement with the Authority's Draft Decision that JT continues to hold SMP in the wholesale leased lines market and that JT's enduring dominance of the market is unlikely to change in the period covered by the Review. Indeed, absent material and/or structural changes in the market, and any telecoms policy developments, JT's dominance is likely to endure beyond the period of this Review.

Authority conclusion

- 6.24 The Authority's Final Decision is that JT has SMP in the wholesale on-Island leased lines market.

Remedies

Draft Decision proposals

- 6.25 The Authority's Draft Decision stated it was minded to continue with existing regulatory policy on leased lines. This includes a wholesale access obligation on JT combined with a future wholesale cost-based price control. The Draft Decision noted the current leased lines price

control has only recently been re-calibrated (BCMR 2022) and it was set on a retail-minus basis. The Draft Decision noted that the next price control would be cost-based²⁴, consistent with the Authority's approach to wholesale broadband, and would be taken forward at a future date.

- 6.26 The Draft Decision also noted that dark fibre would be retained as a regulatory option. It was noted this reinforces JT's incentives and provides the Authority additional regulatory scope to intervene to support effective competition in the market. Stakeholder input and comment was sought on the feasibility and circumstances under which dark fibre might become necessary.
- 6.27 In a related policy area, Box 5 of the Draft Decision set out the Authority's considerations with respect to the role of data centres in Jersey. It summarised the Authority's understanding of the data centre facilities and operations in the Island and noted the comments received and concerns raised by stakeholders through the Review call for information process and as part of the Authority's wider work. Stakeholder input and comment was sought in this area to help inform the Authority's approach to potential further work.

Draft Decision responses

- 6.28 There was a wide set of responses on the appropriate remedies for the leased line markets and on the related policy area of data centres.
- 6.29 Several respondents supported the move to a cost-based wholesale control, and some called for further interventions - for example Confidential Respondent 1 stated that it would recommend further additional benchmarks and service level expectations to improve the market. JT commented that moving to a cost-based price control on wholesale leased lines would only be appropriate if the Authority can demonstrate the current retail-minus approach is not enabling effective competition in the retail market. JT also set out a view that the Authority's Draft Decision had a finding of SMP in the retail market, in order to support the change from a retail-minus to a cost-based (price control).
- 6.30 The option of dark fibre received a number of comments:
- Clear's response agreed with the Authority's approach of maintaining dark fibre as a potential regulatory remedy, highlighting the potential benefits for OLOs, including cost reductions. This was echoed by the Confidential Respondent 2, who noted the wider benefits with respect to technical flexibility and operational resilience.
 - Confidential Respondent 1 agreed it should remain available as a regulatory option, citing the potential benefits of flexibility and innovation, especially for high bandwidth services and the potential for greater service diversity. Its response requested clear triggers and potential conditions for when it could be implemented.
 - JT's response set out that for dark fibre to be considered further, the Authority would need to assess whether intervention is necessary and proportionate, and consistent with Government policy focused on retail competition (noting in the UK context this was introduced to support infrastructure competition). It would expect the Authority to

²⁴ Under this approach, wholesale prices are set on the basis of the cost of providing the service, and ensures that operators can recover efficiently incurred costs, including an appropriate return on capital.

demonstrate that the current suite of remedies is not sufficient to ensure the market is trending towards effective competition.

- Newtel's response strongly supported the introduction of dark fibre now, to allow operators to offer service differentiation and innovation with equal access and to provide resilience to meet customer needs. Its response noted that dark fibre is essential for network diversity, resilience and independence, and further called for duct access to be introduced.
- Sure was supportive of dark fibre as a potential regulatory remedy - albeit the primary driver for its introduction would be mobile backhaul, which Sure does not consider to be an active requirement at this time.

6.31 The role of data centres in Jersey also received a number of comments. The majority of respondents indicated broad support for further work in this area. Several raised concerns about access to JT's facilities not being on a carrier neutral basis, as well as the limits this places on connectivity and resilience (for customers using these facilities). Sure contrasted this position to the carrier-neutral approach adopted in its Jersey data centre, while other respondents considered JT's position to be anti-competitive and not reflective of customer demand. Confidential Respondent 2 made reference to the recently introduced EU Digital Operational Resiliency Act (DORA) its resilience requirements, and so the likely challenges for businesses wishing to demonstrate effective compliance.

6.32 JT indicated that, should the Authority progress work in this area, it must consider facilities operated by organisations not necessarily included as part of this Review. JT further suggests that the Authority would be required to undertake a market definition and SMP assessment, and noted the lack of regulatory precedent.

Authority analysis

6.33 The Authority notes the broad support from respondents on its proposed approach to remedies for leased lines, which includes support a move to cost-based wholesale price control. This approach reflects both best practice and precedent – both in the EU and UK. It would also align leased lines with wholesale broadband, which has been subject to a cost-based price control since 2021.

6.34 That said, the Authority notes JT's concern around the change from a retail-minus approach and it requests that this be assessed in the context of the effectiveness of the current control. In this context the Authority notes that JT's retail market share has marginally declined²⁵, and given the current control only came into effect in 2022, the Authority will continue to monitor the effectiveness of the current retail-minus control ahead of confirming a change to a wholesale cost-based control. This consideration would be taken forward as part of a separate programme of work on the price control, which is planned to commence in late 2026 (after the completion of the Wholesale Broadband Price Control).

6.35 The Authority welcomes stakeholder feedback on the role of dark fibre, noting that in general there was a broad consensus on maintaining it as a regulatory option. The 2022 BCMR

²⁵ For example, the Telecommunications Statistics Market Reports show that between 2023 and 2024, JT's retail market share fell by circa 3% (from 76 to 73%).

introduced a package of remedies for leased lines, including obligations on transparency, non-discrimination and pricing. There was also related follow up work on the statement of requirements process (completed in 2022).

- 6.36 As set out in the 2022 BCMR, the role of dark fibre as a regulatory option is to reinforce JT's incentives and provides the Authority additional regulatory scope to intervene to support effective competition in the market. With this in mind, the Authority's view is that a number of the benefits offered can be secured through the current set of remedies, which have been in place since the 2022 BCMR.
- 6.37 This does not preclude industry initiatives and innovation - for example the industry could take work forward on a dark fibre access trial, whether in the context of mobile backhaul, or more generally. Indeed, the Authority would support industry processes and engagement geared toward greater innovation, competition and growth. Where appropriate (or necessary) such a trial could potentially be initiated through the statement of requirements process.
- 6.38 As such, a proposed dark fibre remedy remains as a potential future regulatory option and could be invoked at a later date if JT failed effectively to meet its obligations consistent with market requirements and the Authority's ongoing objectives. Within this context, the Authority's view is that it would not be appropriate to set a defined trigger for introducing dark fibre, as instead the Decision would have to be taken in the context of market developments and within the impact of other regulatory interventions.²⁶
- 6.39 The Authority also welcomes the wide range of stakeholder views provided on local data centres. The Authority is mindful of the rights of data centre owners to commercially manage their own infrastructure, facilities and systems, albeit consistent with the ability of other licensed operators to access facilities necessary for effective competition, service resilience and wider connectivity. In this context, the Authority notes that regulatory intervention in this area would require an additional formal process and possibly a change in the legislation governing the regulatory framework.
- 6.40 Nevertheless, the Authority notes the concerns raised and, in the first instance, encourages industry initiatives to help overcome the issues and concerns. For example, the Authority encourages JT to constructively engage with all OLOs and other interested parties with a view to jointly developing a refined commercial framework for access based around the principles of carrier neutrality and service resilience. The Authority notes the carrier neutral approach that Sure adopts for its data centres, and reciprocal arrangements in respect of JT's data centres could provide a suitable platform for a refined commercial framework for all on-Island data centres.
- 6.41 Consistent with this, the Authority will continue to keep this area under close review and consider whether there is a requirement for future work, possibly in consultation with Government and related to legislation and policy on infrastructure connectivity and wider matters.

²⁶ A respondent also stated that JT should be obliged to supply duct access on regulated terms. This issue was initially reviewed in the 2022 BCMR, and the Authority concluded that duct access is outside the relevant (leased lines) market. This remains the case - duct access does not fall within the wholesale leased lines market.

Authority conclusion

- 6.42 The Authority's Final Decision is to maintain the wholesale access obligation on JT combined with a price control. Work on the price control including the format of the price control, will be taken forward separately in late 2026.
- 6.43 Dark fibre will be maintained as a regulatory option and it will reinforce JT's incentives and provides the Authority additional regulatory scope to intervene to support effective competition in the leased lines market.
- 6.44 With respect to the related policy areas, the Authority will continue to keep data centres under close review.

7 Mobile services

- 7.1 Mobile services are used to provide end users with access to voice telephony, text messaging and mobile data. This category of services includes retail services provided to end users, as well as wholesale services that are required to enable retail service provision, including mobile network access, mobile call origination and mobile call termination.
- 7.2 Consistent with Chapter 7 of the Draft Decision, this chapter contains the following subsections:
- Market definition;
 - Three criteria test;
 - SMP assessment; and
 - Remedies.
- 7.3 Question 8 of the Draft Decision sought respondents' views on the Authority's Draft Decision across these four areas for mobile services.
- 7.4 It was also noted that the Authority's previous Decision with respect to market definition and SMP was taken in the Telecommunications Market Review (**2010 TMR**).²⁷

Market definition

Draft Decision proposals

- 7.5 The Authority's Draft Decision identified and defined several product markets for mobile services. Having assessed the different types of mobile service (post and pre-paid), the features of mobile services and different technologies (e.g., 3G, 4G and 5G), the Draft Decision defined separate product markets for retail and wholesale mobile services. In terms of wholesale mobile services, the Draft Decision noted that mobile operators provide retail services using their own mobile networks ('self-supply'), but that it is possible for an entrant operator, or Mobile Virtual Network Operator (**MVNO**), to supply retail mobile services using wholesale inputs from one of the mobile network operators.
- 7.6 In respect of the geographic scope of the markets and mobile coverage and services, the Draft Decision noted that the mobile networks establish service and pricing on an Island-wide basis, and that each network has very similar coverage – the Draft Decision determined the relevant geographic market to be within the Bailiwick of Jersey.
- 7.7 In addition, and consistent with the findings in respect of the fixed wholesale voice market, the Draft Decision identified separate markets for mobile termination services. As is the case with fixed voice services, there is no substitutability between different operators' networks, and therefore, there are separate markets for termination on each mobile operator's network.

Draft Decision responses

- 7.8 Respondents indicated broad support or provided no specific comments on the Authority's market definitions for mobile services.

²⁷ Document reference: T09J - Decision

Authority analysis

7.9 The Authority notes that the majority of respondents did not comment on the its approach and methodology on mobile market definition. The Authority notes that since the publication of the Draft Decision, JT has announced the launch of its 5G network²⁸, which was already in scope as it was identified that the market spans different technological generations (i.e. 2G, 3G, 4G and 5G). Therefore, the process and methodology remain consistent with best practice and the process adopted for other market definitions, and no further analysis is required to inform the Final Decision.

Authority conclusion

7.10 The Authority's Final Decision is to define the following markets for mobile services:

- Retail mobile services, comprising mobile voice, messaging and data services, provided within the Bailiwick of Jersey.
- Wholesale mobile services used to supply retail mobile voice, messaging and data services, within the Bailiwick of Jersey. The wholesale market is technology-neutral and includes MVNO access, service provider access and self-supply.
- Wholesale call termination services on each mobile operator's network.

Three criteria test

Draft Decision proposals

7.11 The Authority's Draft Decision noted the changes in market share since the previous review of the mobile markets in 2010, with JT's market share in retail declining from 71% in the 2010 TMR to 51%.

7.12 The merger of Sure and Jersey Airtel Limited (**Airtel**) – which was conditionally approved by the Authority in August 2024 – was also discussed.²⁹ A specific condition of the merger decision was the introduction of an MVNO, and the Draft Decision noted the potential for continued competition in retail mobile services. Consistent with this and the wider framework for monitoring the implementation of the merger conditions, the retail and wholesale mobile services markets were not currently considered susceptible to ex-ante regulation.

7.13 In respect of termination services, the three criteria test is met and the Authority's Draft Decision found that these markets are susceptible to ex-ante regulation. Each mobile operator has a monopoly in the provision of termination services on its own network, and each mobile operator has SMP in the provision of mobile termination services.

Draft Decision responses

7.14 The majority of respondents indicated broad support or provided no specific comments on the Authority's application of the three criteria test to the mobile services markets.

²⁸ [Jersey's new 5G network goes live](https://www.jtglobal.com/news/jersey-5g-network-launch) (jtglobal.com)

²⁹ [C-042 Sure, Airtel](https://www.jcra.je/news/c-042-sure-airtel-merger) (jcra.je)

- 7.15 Clear's response noted that it was not convinced that the entry of a MVNO into the local market would have any significant effect on competition or add consumer benefit, as the merger will result in a duopoly and consumer harm.
- 7.16 Confidential Respondent 1 submitted similar comments, expressing concern that a 'third operator' may not successfully join the market. Newtel provided views on the importance of the MVNO being distinct from mobile network operators, to enable them to differentiate services and prices to the benefit of competition and consumers.
- 7.17 JT noted that the market has previously been found to be competitive in the 2010 TMR, with the exception of call termination, and believes this is still the case.

Authority analysis

- 7.18 The Authority's Draft Decision stated that neither the retail nor the wholesale mobile services markets was susceptible to economic regulation. A key issue being the prospect of MVNO entry and the scope for continued competition - this remains the case.
- 7.19 In the context of the Draft Decision and the Authority's recent Sure-Airtel merger decision, careful consideration and analysis has been given to this issue and related matters. This included a full consideration of the Final Commitments Package against the competition concerns identified in the Provisional Findings. This assessment concluded *'the Authority considers that the pro-competitive effect of the Upfront MVNO Remedy, in combination with Conditions 2 to 5 within the Final Commitments Package submitted by Sure, is sufficient to outweigh the likely competition concerns identified.'*³⁰
- 7.20 Consistent with the merger decision, the Authority remains of the view that there is scope for continued competition. The Authority will continue to monitor developments in the mobile market with a view to promoting and maintaining competition, in the event of a material market change the Authority would review policy.³¹

Authority conclusion

- 7.21 The Authority's Final Decision is that the three criteria test is not met and the retail and wholesale mobile services markets are not considered susceptible to ex-ante regulation. The wholesale provision of call termination services fulfils the three criteria test and is susceptible to ex-ante regulation.

SMP assessment

Draft Decision proposals

- 7.22 The Authority's Draft Decision did not assess SMP in the retail and wholesale mobile services markets; consistent with the Draft Decision findings that the three criteria test for each is not met. For mobile termination services, each operator has SMP on their own network.

³⁰ See paragraph 12.12 of the C-042 Decision document

³¹ The prospective MVNO will be key to any future assessment of the mobile services market (both retail and wholesale).

Draft Decision responses

- 7.23 The majority of respondents indicated broad support or provided no specific comments on the Authority's assessment of SMP for the mobile services markets. Where comments were made with respect to competition in the markets (Clear, Confidential Respondent 1), these have been considered under the three criteria test above.

Authority analysis

- 7.24 The Authority notes there was consensus on the SMP assessment for mobile termination services.

Authority conclusion

- 7.25 The Authority's Final Decision is consistent with the analysis and rationale set out in the Draft Decision; SMP is not assessed for retail and wholesale mobile services. For mobile termination, each operator has SMP on their own network.

Remedies

Draft Decision proposals

- 7.26 The Authority's Draft Decision stated that further consideration would be given to mobile termination rates, and whether the 2017 Mobile Termination Rates³² requires updating or amendment.

Draft Decision responses

- 7.27 Respondents indicated broad support or provided no specific comments on the Authority's assessment of appropriate remedies for the mobile services markets.
- 7.28 Clear suggested that given changes in telecommunications, there are opportunities for other services to be provided to specific to user groups, which cannot be achieved via a wholesale MVNO product. It also suggested the forming of a jointly owned wireless network company, which would reduce the environmental impact on the Island and enable competition through independently configurable service providers. This could enable future technologies by freeing up spectrum.
- 7.29 Newtel's response sought greater clarity on the MVNO arrangement and models supported by the Authority's licensing framework. The response sought clarity on the type of licence used and whether this sets a precedent for others.

Authority analysis

- 7.30 The Authority notes respondents' comments on possible 'structural remedies' in the mobile services markets. However, imposition of structural remedies would have a material and significant impact on the market (and an operator's business), and in view of the scope for continued competition in the mobile services markets, it is not clear that structural remedies are either required or necessary.

³² Document reference: CICRA 17/28

- 7.31 With respect to the MVNO arrangement, the MVNO was granted a Class II Licence under the Telecoms Law in August 2024.³³ In considering the appropriate type of licence, the Authority's analysis identified various operating models for MVNOs; however, it determined that the MVNO must be licensed. The Authority has concluded that issuing a Class II Licence is in the best interests of both consumers and the MVNO, and is consistent with the terms imposed on other providers of mobile telecommunications services to the public.

Authority conclusion

- 7.32 In line with the analysis above and the Draft Decision, the Authority's Final Decision does not propose any remedies in the retail and wholesale services markets. In terms of call termination, the Authority will take work forward on reviewing and, where required, updating mobile termination rates. This work will be initiated in 2026 with a view to completion in 2027.

³³ See: [Case TL-17 Offshore Leisure Limited - Class II Licence](#) (jcra.je)

8 Authority Final Decision

8.1 This chapter sets out, under the relevant headers, the Authority's Final Decision for market definition, SMP and remedies for each market considered as part of the Review. The Authority's policy approach to related areas is also set out.

Fixed broadband

8.2 The appropriate market definitions are:

- Retail fixed broadband connectivity provided over any technology, and for any speed, within the Bailiwick of Jersey.
- Wholesale fixed broadband connectivity provided over any technology, and for any speed, within the Bailiwick of Jersey.

8.3 The retail fixed broadband market is not currently susceptible to ex-ante regulation.

8.4 The wholesale fixed broadband market fulfils the three criteria test and is susceptible to ex-ante regulation. JT has been found to have SMP in this market as defined.

8.5 This Decision replaces the Authority's Decision on market definition and SMP set out in the 2019 Broadband Market Review (**2019 BMR**).

8.6 With respect to remedies, there will be a continuation of the existing wholesale access obligation, combined with a wholesale cost-based price control. To note, where appropriate, work on the wholesale broadband access obligation and cost-based price control will also consider broadband line only.

8.7 With respect to related policy areas, the Authority will take forward work on modification of Licence Condition 37 and its approach to price notifications. At this time, the Authority is not intending to carry out further policy work on the trading relationship between JT Retail and Wholesale.

Fixed voice

8.8 The appropriate market definitions are:

- Retail voice services from a fixed location within the Bailiwick of Jersey.
- Wholesale provision of voice services from a fixed location within the Bailiwick of Jersey.
- Wholesale voice call termination services on each operator's network.

8.9 The retail voice services market is not currently susceptible to ex-ante regulation.

8.10 The wholesale provision of voice services market fulfils the three criteria test and is susceptible to ex-ante regulation. JT has been found to have SMP in this market as defined.

8.11 The wholesale voice call termination services market fulfils the three criteria test and is susceptible to ex-ante regulation. Each operator has SMP on their own network.

8.12 This Decision replaces the Authority's Decision on market definition and SMP set out in the 2010 Telecommunications Market Review (**2010 TMR**).

- 8.13 With respect to remedies there will be a continuation of the existing wholesale access obligation, combined with the continuation of WLR. For fixed termination, the Authority will progress work to update and amend current policy on fixed termination rates.
- 8.14 With respect to related policy areas, the Authority will take forward work on the implementation of FNP and consumer policy.

Leased lines

- 8.15 The appropriate market definitions are:
- Retail market for high quality dedicated capacity private circuits, comprising all bandwidths, used for connection between two fixed locations within the Bailiwick of Jersey.
 - Wholesale market for high quality dedicated capacity private circuits, comprising all bandwidths, used for connection between two fixed locations within the Bailiwick of Jersey.
- 8.16 The retail market is not currently susceptible to ex-ante regulation.
- 8.17 The wholesale market fulfils the three criteria test and is susceptible to ex-ante regulation. JT has been found to have SMP in this market as defined.
- 8.18 This Decision replaces the Authority's Decision on market definition and SMP set out in the 2022 Business Connectivity Market Review (**2022 BCMR**).
- 8.19 With respect to remedies there will be a continuation of the wholesale access obligation, combined with a price control. Dark fibre will be maintained as a regulatory option.
- 8.20 With respect to the related policy areas, the Authority will continue to keep data centres under close review.

Mobile services

- 8.21 The appropriate market definitions are:
- Retail mobile voice and data services provided over any mobile technology generation, within the Bailiwick of Jersey.
 - Wholesale mobile voice and data services provided over any mobile technology generation, within the Bailiwick of Jersey.
 - Wholesale call termination services on each mobile operator's network.
- 8.22 The retail and wholesale mobile services markets are not currently susceptible to ex-ante regulation.
- 8.23 The wholesale provision of call termination services fulfils the three criteria test and is susceptible to ex-ante regulation. Each operator has SMP on their own network.
- 8.24 This Decision replaces the Authority's Decision on market definition and SMP set out in the 2010 Telecommunications Market Review (**2010 TMR**).
- 8.25 With respect to remedies for wholesale mobile termination, the Authority will progress work to update and amend current policy on mobile termination rates.

Annex 1 – Glossary

This glossary covers the key acronyms and terms used in this paper.

CICRA – Channel Islands Competition & Regulatory Authorities, the name given to the combined Channel Islands regulator encompassing the GCRA and JCRA and active between 2010 and 2020.

Dark fibre – A product/service offered in some jurisdictions where a network provider offers customers access to its fibre network without equipment attached, allowing the customer to utilise the physical medium with their own equipment, thereby lighting it, to deliver their desired throughput.

Data centre – A dedicated building or space providing enhanced power, cooling and connectivity services dedicated to the support of networking and computing infrastructure.

EC – European Commission, the executive arm of the EU, responsible for proposing and enforcing legislations.

EECC – European Electronic Communications Code, a 2018 European Union (EU) directive that updated the regulatory framework for communications services in the region.

FNP – Fixed Number Portability, is an arrangement with tools and process agreed between operators of telecommunications service providers in a jurisdiction that allows for customers to port (move) their telephone number between providers.

FTTP – Fibre to the Premises, the implementation of fibre optic connections to individual residential and business premises as a connection medium for the provision of telecommunications services.

GCRA – Guernsey Competition & Regulatory Authority, responsible for the regulation of the telecoms sector in Guernsey.

IP – Internet Protocol, a network layer protocol for routing and addressing packets of data so that they can travel across networks and arrive at the correct destination.

Leased Line – A dedicated high-speed private connectivity service offering an assured speed between two locations or the internet without being aggregated or shared across multiple customers.

Licensee – A holder of a licence granted under Article 14 of the Law.

MNO – Mobile Network Operator, a mobile services provider which offers services to users based on a terrestrial based wireless network that it operates.

MNP – Mobile Number Portability, equivalent to FNP but supporting the porting of numbers between mobile networks.

MVNO – Mobile Virtual Network Operator, a mobile services provider which offers services to users based on wholesale services taken from an MNO.

Ofcom – The regulator of telecommunications systems and services in the UK with responsibilities for managing numbering and spectrum allocations for Jersey.

OLO – Other Licensed Operator, a reference to a telecommunications provider other than the incumbent provider, in Jersey being providers other than JT.

OTT – Over the Top, communications services that require internet connectivity but do not rely on specific supporting network services to function i.e. can work on multiple networks irrespective of provider or infrastructure.

PSTN – Public Switched Telephone Network, a reference to the collection of interconnected voice-oriented public telephone networks provided by operators in jurisdictions that enable users to

contact one another based on phone numbers. Often used as a reference to the historic or legacy systems using circuit switched copper-based technologies.

SMP – Significant Market Power, this represents the ability to behave to an appreciable extent independently of competitors, customers and ultimately consumers. Note SMP is generally held to be equivalent to the concept of dominance under the Competition (Jersey) Law 2005.

SSNIP – Small but Significant Non-transitory Increase in Price, a theoretical test used in assessing market competition and market power. Based on the principle of a hypothetical monopolist and the outcomes of it increasing its prices by a notable amount, assessing the impact on the market.

Termination Rate – The call charge rate, levied by a terminating fixed or mobile network operator on an originating network operator for calls made by subscribers, charged in pence per minute.

WLR – Wholesale Line Rental, the provision of a wholesale service by the incumbent network operator – in Jersey JT via FTTP – to allow competing operators to offer equivalent voice service to consumers.