

JERSEY COMPETITION REGULATORY AUTHORITY ('JCRA')

Initial Notice of a Direction (issued under Article 11 of the Telecommunications (Jersey) Law 2002)

- (a) The JCRA proposes to modify the Telecommunications Licence for Jersey Telecom Limited ('JT') issued under the Telecommunications (Jersey) Law 2002 ('the Law'). The specific modification the JCRA proposes is the insertion of a new condition in this Licence, under Article 18(1) of the Law, requiring JT to negotiate and enter into national roaming agreements with one or more new providers of mobile telephony services in Jersey.
- (b) On 29 July 2005, the JCRA published an Invitation for Expressions of Interest in Radio Spectrum for Mobile Telephony Services in Jersey. That Invitation, and this Initial Notice, are parts of the JCRA's stated policy to introduce competition and innovation into Jersey's mobile telephony sector, where currently the only provider is JT.
- (c) National roaming is a temporary mechanism designed to offset some of the disadvantages faced by a new provider of mobile telephony services in Jersey. Specifically, a national roaming agreement between the new provider and JT seeks to ensure the new provider's customers consistent mobile telephone coverage throughout the Island, even if the new provider has yet to complete the infrastructure required to provide such service.
- (d) The JCRA's intention behind the proposed modification is to provide new mobile providers a high degree of certainty as to the availability of national roaming on reasonable terms. Similar means have been used in other jurisdictions to facilitate new entry into the mobile telephony sector.
- (e) The proposed Condition seeks to place the primary responsibility of negotiating and agreeing to national roaming agreements on JT and the new provider(s), with JCRA intervention only if the parties fail to agree on reasonable terms. JT's obligation to provide national roaming to any new provider runs for three years after the new provider acquires a licence for radio spectrum within Jersey, unless otherwise determined by the JCRA, thereby allowing the new entrant to build its own Jersey network in competition with JT.
- (f) The proposed Condition will take effect on 5 September 2005, unless the JCRA receives representations or objections about the proposal prior to that date, in which case the effective date will be specified in any final notice issued by the JCRA under Article 11(4) of the Law.

- (g) The proposed Condition may be inspected at the JCRA's office, the address of which is 6th Floor, Union House, Union Street, St Helier, Jersey JE2 3RF, and on the JCRA website www.jcra.je.
- (h) Any written representations or objections in respect of the proposed Condition may be made by **4 September 2005** to the JCRA at the above address.

3 August 2005

by Order of the Board of the JCRA