



Sure's response to the JCRA's Draft Decision re Bitstream

Sure (Jersey) Limited ("Sure") is submitting this response to the JCRA's document: "Wholesale Access: Bitstream – Draft Decision" (Document No: 19/48), which was published by the JCRA on the 2nd October 2019.

Obviously it is unfortunate that the JCRA has needed to exert its pressure to maintain progress in relation to JT's development of bitstream services, as it would very much have been hoped that JT would have recognised the validity of our network access request and have compliantly¹ actioned it months ago, rather than seemingly doing all that it can to delay progress on this important matter.

We believe that we (and potentially others) will be able to bring material benefits to Jersey's retail broadband services, once bitstream is made available to underpin them. This will allow OLOs (along with JT Retail) to provide the broadband services that Jersey customers need, in place of those that JT Wholesale is defiantly forcing on the market. We are therefore grateful for the JCRA's continued involvement and for the support that it is showing to Jersey OLOs by trying to make JT release its grip on its excess broadband speed obsession.

We very much support the JCRA's stance and our views remain consistent with our previously published position². Below, we set out our considerations of certain specific aspects discussed in the JCRA's Draft Decision, using the numbering convention within that document:

4.13 We welcome JT's belated acknowledgement that 'a bitstream product would allow retail providers to offer a range of speeds and contentions to suit their needs'. This is the point that Sure has been making for years³. The fact that JT does not see speed as the key differentiator is irrelevant. JT's two wholesale broadband customers (Sure and Homenet) absolutely do and as our collective share of the Jersey broadband market has now reached 40%⁴, our relevance in the market can no longer be brushed aside by JT. Indeed, across the Channel Islands, we at Sure have materially more broadband customers than any other operator⁵ so we, rather than JT, are best placed to know what retail customers do or do not want.

4.15 The JCRA refers to us having sought information from JT to ascertain the actual speed requirements of Jersey broadband customers, with JT believing that a minimum speed of 250Mbps is relevant, whereas we believe that circa 50Mbps is much more appropriate. As we have previously stated, JT had reported to us in 2018 that less than 1% of Jersey broadband customers were using speeds greater than 100Mbps. Importantly, even after our specific request for JT to do so, it has still not been able to provide us with any more recent evidence that this 1% figure has significantly

¹ Re Condition 36 of JT's licence.

² www.cicra.gg/media/598116/t1452gj-bitstream-access-call-for-information-sure-response.pdf

³ As far back as 2010, as part of the CIWAP forums.

⁴ As per CICRA's most recent market stats - www.cicra.gg/media/598088/telecommunications-statistics-and-market-report-2018.pdf

⁵ ~32k Sure customers, ~27k JT customers & ~3k Homenet customers

increased. Thus, JT's assertions as to the relevance of a 250Mbps speed are as similarly irrelevant today as they were in 2018. Once bitstream is introduced, OLOs will finally be able to provide Jersey broadband customers with the much lower speeds that they do actually want and need.

4.22 JT has long since disengaged from progressing the 'reasonable request' that Sure submitted as a network access request for bitstream, with JT instead insisting that we be excluded from any costing (and therefore pricing) considerations – with only the JCRA being party to such matters. Even if this had ever been acceptable to us, this should have had no bearing on all other aspects of the development of bitstream, which should have continued regardless. This further reveals the level of JT's obstructiveness towards us and hence the need for the JCRA's involvement. For those of us involved in Sure's previous wholesale access request – for Wholesale Line Rental – there is a great sense of déjà vu in the level of JT's obstinance. Stakeholders should be under no illusion as to JT's strategy to delay the development of any wholesale services that might impact JT's own retail revenues. We would remind JT that it risks being in breach of numerous licence conditions unless it materially improves the way in which it interacts with OLOs and develops wholesale services.

4.24 We note that the JCRA is in the process of developing a more formal Statement of Requirements, which it suggests, may be used to support further bitstream related discussions. We are certainly not averse to using such a framework but would point out that our formal request for the development of bitstream was submitted to JT long before any Statement of Requirement framework was considered. As such, we will not have JT trying to further obstruct the due process, should it evasively seek to reset the process, so as to directly align with this newly proposed regulatory framework⁶.

4.40 We note JT's comment that if it had 'a clearly defined specification for a bitstream product that was agreed by Sure and there was no change to that specification during the implementation process, then it is JT's view that there should be no requirement for the JCRA to intervene'⁷.

Sure has requested the development of a bitstream service – the concept for which could not be much clearer – and yet, JT has suggested that it is for the requesting party to set out how it should be achieved on JT's network. Sure has no visibility of JT's network (unlike JT Retail) and it is not for us to tell JT how it should manage and use its wholesale broadband network equipment. It is evident that JT's equipment supports the provision of bitstream (as would very much be expected) and therefore it is for JT to propose how it believes it can best be achieved on its own network.

Should JT be trying to insinuate that the specific discussions on QoS (Quality of Service) have led us to change our specification, then let us be very clear that the only reason for us agreeing, in principle, to the removal of QoS from our network access request is because JT has assured us that the way in which it applies QoS should have no constraint on Sure's ability to provide data and any future voice related services. If this is not the case then JT needs to reconsider the advice it has given to Sure in this regard.

Setting aside any cynicism that we may have as to JT's view that no JCRA intervention should be required, we would request from JT that it seeks to act fairly, quickly and proactively to ensure that bitstream can be introduced without delay, such that thousands of Jersey broadband customers can access as quickly as possible the numerous benefits that bitstream will bring to the local market.

⁶ A framework for which we note that there is not intended to be an opportunity for stakeholders to comment on. We will separately discuss this aspect with CICRA.

⁷ Wording reproduced from JT's submission, rather than CICRA's paraphrased text.

We now look to JT to materially improve its level of engagement with us such that its hope for the successful development of bitstream, without the JCRA's involvement, can be achieved. In the meantime, we wish to once again thank the JCRA for its ongoing support on this matter.

Sure (Jersey) Limited

21st October 2019