



BACKHAUL SERVICES FOR WIRELESS SERVICE PROVIDERS

T1407GJ

FINAL NOTICE AND DIRECTION TO JT (JERSEY) LIMITED

Jersey Competition Regulatory Authority

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1. FINAL DECISION

1.1 On 4 October 2019, the Jersey Competition Regulatory Authority (the **Authority**)¹, pursuant to Article 11 of the *Telecommunications (Jersey) Law 2002* (the **Law**), gave Initial Notice that it intended to make a Direction to JT (Jersey) Limited (**JT**) to provide certain backhaul services for licensed wireless service providers.

1.2 At the same time, the Authority also issued a Statement of Requirements process which requires licenced operators to follow a defined process when requesting a new product or product variation, and the SMP operator to respond to any such request².

1.3 If representations are made to such an Initial Notice, the Authority will consider them and either decide not to issue the Direction, to issue a new Initial Notice, or to issue a Final Notice confirming the Direction.

1.4 A deadline of 21 October 2019 was given for written representations to be made. Two representations were received from Airtel and Sure.

2. RESPONSES TO THE INITIAL NOTICE

2.1 A response was received from Airtel welcoming the Direction, although the Statement of Requirements does not create a dark fibre product. Airtel has initiated a full review of its backhaul requirements and will submit a Statement of Requirement where required in both Jersey and Guernsey.

2.2 A response was also received from Sure with detailed comments on concerns about the provision of certain wholesale backhaul products. These comments will be better addressed through the forthcoming Business Connectivity Market Review.

¹ The Jersey Competition Regulatory Authority (JCRA) and Guernsey Competition and Regulatory Authority (GCRA) co-ordinate their activities in the Channel Islands. For the purposes of this document, the Authority refers to the JCRA as the Initial Notice refers to Jersey only.

² <https://www.cicra.gg/cases/2019/t1476gj-wholesale-access-statement-of-requirements/t1476gj-wholesale-access-statement-of-requirements-information-notice/>

2.3 The response from Sure also contained detailed comments about the Statement of Requirements Process. These comments do not relate directly to the Initial Notice, and will therefore be considered as part of a review of the Statement of Requirements Process itself in due course.

2.4 Sure also commented that the Statement of Requirements Process should only relate where Sure or JT have Significant Market Power. This point is covered in the Process itself, but this has been added to the Direction for clarity.

3. DIRECTION TO JT (JERSEY) LIMITED

3.1 The Authority has therefore decided to issue the Direction as stated in the Initial Notice.

DIRECTION

1. On submission of an appropriately completed Statement of Requirements, the Authority requires JT to enter into negotiations with Other Licensed Operators (**OLO**) with a view to concluding an agreement (or an amendment to an existing agreement) for a backhaul solution for that OLO, in line with Licence Condition 36.
2. This process outlined in *CICRA 19/39 – Statement of Requirements* should be followed for all future requests for new products or product variation, including JT's own retail division. This process applies where JT has Significant Market Power (**SMP**).

27 November 2019

By Order of the JCRA Board