



Telecommunications (Jersey) Law 2002

Case T-068: JT Statement of Requirements

Final Notice of directions to JT (Jersey) Limited

Document No: JCRA 22/82

Date: 05 December 2022

Jersey Competition Regulatory Authority
2nd Floor Salisbury House, 1-9 Union Street
St Helier
Jersey JE2 3RF
Tel 01534 514990
Web: www.jcra.je

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1. Executive summary

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**), is issuing this statutory Final Notice (**Final Notice**) of its intention to exercise specified regulatory functions in relation to JT (Jersey) Limited (**JT**) to implement a refined approach to the Statement of Requirements process (**SoR**) which applies to JT.
- 1.2 The SoR process is the means by which JT's wholesale customers, Other Licensed Operators (**OLOs**) and JT's own retail division can request a new wholesale product, or a change to an existing JT wholesale product and/or service. It is best practice in other jurisdictions and regulated markets for the SMP operator to be subject to an obligation to provide a SoR process (under which OLOs formally submit a requirement for a new wholesale product or product variation).
- 1.3 Ahead of issuing this Final Notice, the Authority has undertaken a non-statutory and statutory Consultation process.¹ No responses were received to the Initial Notice.
- 1.4 This document sets out the directions the Authority has issued to JT to implement the refined approach to the SoR process, in accordance with the Class III licence issued to JT by the Authority under Article 14(1) of the Telecommunications (Jersey) Law 2002 (**Telecoms Law**).² It is structured as follows:
 - Matters contained in the Initial Notice (see section 2); and
 - Final Notice and directions (see section 3).
- 1.5 Note, for brevity, this document does not repeat all the background material set out in the Initial Notice, though a high level summary is provided in section 2.

¹ All case documents are available at: <https://www.jcra.je/cases/2022/t-068-jt-statement-of-requirements/>

² See: <https://www.jerseylaw.je/laws/current/Pages/06.288.aspx>

2. Matters contained in the Initial Notice

- 2.1 Section 2 of the Initial Notice set out the background to the directions, including an overview of the Telecoms Law and the Licence granted to JT. Part IV of the JT Licence contains certain provisions only applicable to Class III licences, which enable the Authority to issue the directions to JT.
- 2.2 Section 3 of the Initial Notice set out the framework for the directions. It explained that the key licence condition was 'Network Access' and that the use of this condition was consistent with previous practice.
- 2.3 Section 4 of the Initial Notice, then set out set out the next steps, including the submission of representations. The proposed directions were presented in the Annex to the Initial Notice.

3. Final Notice and directions

3.1 No representations were received to the Initial Notice, therefore the Authority makes the following directions to JT.

DIRECTIONS

JT holds Significant Market Power (**SMP**) in certain markets on Jersey, and Other Licensed Operators (**OLOs**) are reliant on access to the SMP operator's network and products to be able to provide services to their own (retail) customers. JT retains effective and complete control of the access product designs and what wholesale access products are available to wholesale customers in markets where it holds SMP.

To plan effectively and manage resource and commercial strategies, JT's wholesale customers should have greater clarity and certainty as to the SoR process, the information requirements, and timescales applicable to any new wholesale product or service request. Therefore, the Authority's proposed Direction will establish a refined SoR process, applicable to all OLOs, including JT's own retail divisions, in the markets in which JT has SMP.

In accordance with its powers under the Telecommunications (Jersey) Law 2002 (**Telecoms Law**) and the provisions of the licence granted to JT under the Telecoms Law and dated 4 August 2021 (**Licence**), the Authority has determined that the provisions of Part IV of the Licence apply as follows.

DIRECTION 1: Implementation of an updated Statement of Requirements process

This process outlined in JCRA 22/69 – JT Statement of Requirements: Information Note 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).

The above direction supersedes direction 2 of the Final Notice made by the Authority in November 2019 (CICRA 19/53).

These Directions shall come into effect from 1 January 2023.

BY ORDER OF THE AUTHORITY