



## Case T-036

Calling Line Identity (CLI) facilities:  
proposed telecommunications  
licence review and potential for  
limiting telephone-based fraud

Amended statutory Initial Notice to  
modify Class II and Class III licenses

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## 1 Overview and summary

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**) is presently reviewing the provision of Calling Line Identity (**CLI**) Facilities in Jersey with the important aim of protecting Islanders against CLI-based fraud.
- 1.2 Having carried out a non-statutory consultation process under the Telecommunications (Jersey) Law 2002 (the **Telecoms Law**) the Authority issued a statutory Initial Notice (the **Initial Notice**) in April 2022 proposing to modify the licences of all Class II and Class III operators to include a new CLI licence condition (the **CLI Licence Condition**) for the purpose of establishing expectation on the provision and handling of CLI in Jersey. This constitutes the exercise of a specified regulatory function for the purposes of Articles 10 and 11 of the Telecoms Law.
- 1.3 When issuing the Initial Notice, the Authority committed to providing supplementary CLI Guidance (the **Guidance**) alongside any statutory Final Notice (the **Final Notice**) modifying Class II and Class III licences. The Authority issued the proposed Guidance in January 2023 for consultation, which closed in February 2023. One respondent to the Guidance consultation referred to the definition of ‘Emergency Organisations’ within the proposed CLI Licence Condition, suggesting it may result in a conflict with the existing Licence Condition 14 contained in all Class II and Class III licences.
- 1.4 Accepting the respondent’s point, the Authority has decided to reissue the Initial Notice, which sets out our intention to carry out such specified regulatory function and to invite representations or objections before the consultation closing date, which is 3 May 2023, after which date the Authority may issue a Final Notice amending Class II and Class III licences to include the CLI Licence Condition.

## 2 Introduction and background

- 2.1 CLI facilities provide important protection to Islanders, allowing people receiving telephone calls to see the telephone number of the person calling before deciding to answer or not, and so potentially minimise unwanted fraudulent or nuisance calls, which can cause significant annoyance and, in some cases, distress for consumers.
- 2.2 On 27 April 2022, the Authority issued a non-statutory Final Decision (the **Final Decision**)<sup>1</sup> to create a new CLI Licence Condition and an Initial Notice<sup>2</sup> proposing to modify all Class II and Class III licences to include the CLI Licence Condition, which will increase regulatory obligations for

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<sup>1</sup> Document No 22/22, Calling Line Identity Review – Non-statutory Final Decision (27 April 2022) – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-non-statutory-final-decision/>

<sup>2</sup> Document No 22/23, Calling Line Identity Review - Statutory Initial Notice (27 April 2022) – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-statutory-initial-notice/>

protecting Islanders against the potential threat of CLI-based Fraud. Specifically, the affected licensees are:

- Clear Mobitel (Jersey) Limited
- Home Net Limited
- Jersey Airtel Limited
- JT Jersey Limited
- Newtel Limited
- Sure (Jersey) Limited

2.3 In response to comments received from the Final Decision consultation, the Authority agreed to provide Guidance on the provision of CLI Facilities prior to issuing the Final Notice, with the proposed Guidance issued for consultation in January 2023.

2.4 One respondent to the Guidance consultation<sup>3</sup> questioned the definition of ‘Emergency Organisations’ included within the proposed CLI Licence Condition. The concern expressed was that this definition went further than that used in Condition 14 of Class II and Class III telecoms licences to define ‘Emergency Organisations’, which may result in a future misunderstanding of or dispute over requirements. Having considered, the Authority has decided to modify the proposed CLI Licence Condition to remove part (b) of the definition shown in the Initial Notice, which extended the definition of ‘Emergency Services’ to include ‘any other organisation, as directed from time to time by JCRA as providing a vital service relating to the safety of life in emergencies’.

2.5 Annex A shows the modified CLI Licence Condition, with changes from the one contained in the previous Initial Notice shown in mark-up.

### 3 Legal and regulatory framework

3.1 The Telecoms Law requires the Authority to carry out its functions in such a manner considered as best calculated to ensure that (so far as is reasonably practicable) telecoms services are provided, both within Jersey and between Jersey and the rest of the world, as satisfy all current and prospective demands for them.

3.2 The Telecoms Law prohibits anyone using a telecoms system for the purpose of causing annoyance, inconvenience or needless anxiety to another, and sending a message that the person knows to be false.

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<sup>3</sup> Document No JCRA 23/01, Calling Line Identity Review - Draft Guidance for Consultation (5 January 2023) – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-draft-guidance-for-consultation/>

3.3 The Authority has granted Class II and Class III telecoms licences with specific conditions applicable to licensees providing telecoms services in Jersey. Article 18 of the Telecoms Law allows the modification of any condition contained in a licence, which includes inserting a new condition, as well as amending or deleting an existing condition.

## 4 Next steps

- 4.1 This is an amended Initial Notice of the Authority's intention to carry out a specified regulatory function, that is to modify the licences of Class II and Class III licensees listed in Section 2.2 of this document under the Telecoms Law to include the CLI Licence Condition set out in Annex A of this document, pursuant to the provisions of Article 18 of the Telecoms Law and in accordance with Article 11 of the Telecoms Law.
- 4.2 This amended Initial Notice, including the text of the CLI Licence Condition, is available for inspection at the JCRA offices at 2nd Floor, Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF, between the hours of 9.00 am and 5.00 pm Monday to Friday or on the JCRA website at [www.jcra.je](http://www.jcra.je).
- 4.3 Written representations or objections to the exercise of this specified regulatory function may be made by letter and delivered to 2nd Floor, Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF or by e-mail to [info@jcra.je](mailto:info@jcra.je) on or before 5.00 pm on 3 May 2023, after which date the Authority may issue a Final Notice modifying Class II and Class III licences to include the proposed CLI Licence Condition and final Guidance.

*By Order of the Jersey Competition Regulatory Authority*

*3 April 2023*

## Annex A: New licence condition

Class II and Class III telecoms licences will have the following additions:

### 1. DEFINITIONS AND INTERPRETATION

‘Calling Line Identification’ means data that enables identification of the number from which a call could be made or to which a return call could be made;

‘Calling Line Identification Facilities’ means facilities which enable the telephone number of a calling party to be presented to the called party prior to a call being established;

‘CLI Data’ means the contents of all signalling messages which can be used between Licensed Operators and/or between Licensed Operators and Subscribers to signal the origin of the call and/or the identity of the calling party, including any associated privacy markings;

‘Emergency Organisations’ means the police, the ambulance and fire services and the marine search and rescue services. ~~and~~

~~(a) any other organisation, as directed from time to time by JCRA as providing a vital service relating to the safety of life in emergencies;~~

### PART III: GENERAL CONDITIONS RELATING TO THE PROVISION OF TELECOMMUNICATIONS

#### X Calling line identification facilities

X.1 The Licensee must provide Calling Line Identification Facilities, and enable them by default, unless they can demonstrate that it is not technically feasible or economically viable to do so.

X.2 The Licensee must inform Subscribers if Calling Line Identification Facilities are not available on the service they are providing to those Subscribers.

X.3 When providing Calling Line Identification Facilities, the Licensee must:

- (a) ensure, so far as technically feasible, that any CLI Data provided with and/or associated with a call includes a valid, diallable number which uniquely identifies the caller; and
- (b) respect the privacy choices of Users.

X.4 The Licensee must not charge Subscribers any additional or separate fee for access to or use of standard Calling Line Identification Facilities.

X.5 Where technically feasible, the Licensee must:

- a) take all reasonable steps to identify calls, other than calls to Emergency Organisations, in relation to which invalid or non-diallable CLI Data is provided; and
- b) prevent those calls from being connected to the called party, where such calls are identified.

X.6 This Condition applies subject to the requirements of relevant data protection legislation.