



Telecommunications (Jersey) Law 2002

Case T-050 - Final Notice: Licence for Starlink Internet Services Limited

Document No: JCRA 24/23

Date issued: 3 April 2024

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1. Issuing of Licence

- 1.1 On 16 January 2024 the Jersey Competition Regulatory Authority (the **Authority**), issued an [Initial Notice](#) of its intention to exercise a specified regulatory function to grant a Class II Licence pursuant to Article 14(1) of the Telecommunications (Jersey) Law 2002 (**Telecoms Law**) to Starlink Internet Services Limited (**SIS**) a company incorporated in Ireland under registration number 677409 the registered office of which is at Floor 3, Block 3, Mieisan Plaza, Dublin 2, Ireland D02 Y745. The form of the proposed licence (**Licence**) was annexed to the Initial Notice.
- 1.2 One set of representations was received prior to the expiry of time allotted in the Initial Notice, from Sure (Jersey) Limited (**Sure**). Such representations are set out the Annex to this Final Notice.
- 1.3 In accordance with Article 11(4) of the Telecoms Law, the Authority has considered the representations and is giving this Final Notice in relation to the exercise of the specified regulatory function.
- 1.4 In accordance with Article 11(5), set out below is a summary of the representations and Authority's response to them.

Sure's representation

It is unfair and discriminatory to omit from the Licence, the requirement that '*the administration and management of the business associated with the running (including establishment, maintenance and operation) of the Licensed Telecommunications System shall be conducted from the Bailiwick of Jersey*'

Authority's response

The requirement is not imposed by the Telecoms Law.

This provision applies to all licensees which own and operate telecoms infrastructure in Jersey. The 'Licensed Telecommunications System' of SIS consists only of receiving terminals which are owned by the subscribers and are subject only to limited remote telemetric control from Starlink satellites and earth stations. These receiving terminals are not, and cannot be, operated from Jersey.

The provision does not require the incorporation of a Jersey-based entity. SIS will be the contracting party with Jersey subscribers, and is incorporated in Ireland. Support will be provided from its parent in the US.

As regards regulatory communications with SIS, the Authority has effectively served notices by email and has received prompt and helpful responses to communications.

Authority's conclusion

The Authority has concluded that the omission from the Licence is not unfair or discriminatory but is proportionate and pragmatic and will have no practical consequences.

Sure's representation

The Authority did not take sufficient steps to draw the attention of stakeholders, including current licensees, its intention to grant the licence to SIS.

Authority's response

The Telecoms Law provides that notice should be served on the proposed licensee, as was done, and 'by taking reasonable steps to bring the proposed exercise [of a specified regulator function] to the attention of the public'.

Article 11(12) specifies that such requirement is satisfied by publication in the Jersey Gazette, as indeed was done.

It is not the invariable practice of the Authority to supply initial and final notices to stakeholders directly. However, in future the Authority will ensure that this is done.

- 1.5 Accordingly, this Final Notice confirms the exercise by the Authority of the said specified regulatory function and the issuing of the Licence.

ORDER

The Jersey Competition Regulatory Authority (**Authority**), having considered the representations received in relation to its Initial Notice of 16 January 2024, hereby issues a Class II licence under the Telecommunications (Jersey) Law 2002 to Starlink Internet Services Limited.

Such licence will come into effect on 3 May 2024 and will be published on the Authority's website.

By order of the Authority

27 March 2024

Annex: Sure's Representations



PROPOSED LICENCE FOR STARLINK – INITIAL NOTICE (JCRA 24/06, CASE T-050)

1. Sure (Jersey) Limited (“Sure”) notes the JCRA’s intention to issue a licence to Starlink Internet Services Limited (SIS), however we are concerned about a particular proposed deviation in the licence wording.
2. At Sure, we hold a Class II telecoms licence, which, as per condition 2.11 (a), requires us to ensure that ‘the administration and management of the business associated with the running (including establishment, maintenance and operation) of the Licensed Telecommunications System shall be conducted from the Bailiwick of Jersey’. This requirement has implications for the location of a senior member of Sure’s staff, along with the manner in which the Sure Group runs and manages our Jersey based operations.
3. It appears that because Starlink is an international company (the same could be said of Sure and Airtel), the JCRA intends to void the obligation for local administration and management. This appears to be unfair and discriminatory and therefore does not sit well with us. We would expect all licensees of the same class to be treated consistently, unless there is good reason to do otherwise. That does not appear to be the case here (except to the extent that Starlink does not intend to provide voice services). We therefore request that the JCRA reconsiders its proposals in relation to the licence wording to be applied to Starlink.
4. On an associated aspect, it appears that the JCRA did not make stakeholders (including local operators) directly aware of its intention to issue such a licence. Whilst the notice was published on the JCRA’s website, there is a chance that not all relevant stakeholders will have seen it. If that’s the case, it may be appropriate for the JCRA to re-publish its proposals and allow for a further period for comment.

Sure (Jersey) Limited

15 February 2024