

## Telecoms Market Review Draft Decision- Newtel Response (PUBLIC)

### Question 1

Do you agree with the Authority's Draft Decision for fixed broadband set out in Chapter 4 of this Draft Decision? If you do not agree with any aspect of this, you should provide all of your analysis and assessment.

Yes, we broadly support the Authority's Draft Decision on fixed broadband, particularly the continued recognition of JT's Significant Market Power (SMP) and the need for regulatory oversight to ensure fair access. However, we believe that bitstream access must be introduced without further delay to promote effective competition, especially in light of the completed fibre rollout. Access obligations should be technology-neutral and allow for flexible commercial models, including wholesale access at layer 2. Moreover, the Authority should ensure that pricing is cost-oriented and non-discriminatory, with an effective margin squeeze test in place.

In addition, we strongly recommend that the cost of the line (currently bundled with legacy voice services) should be removed, and a broadband-only wholesale product should be mandated. Other operators must be able to offer broadband services without being required to take or resell a legacy voice line. This will support innovation, reduce end-user costs, and reflect modern usage patterns where voice services are increasingly delivered over-the-top or via IP

### Question 2

What are your views on the Authority's proposals with respect to JT's SMP obligations set out in Box 2 of this Draft Decision?

We agree with the imposition of the SMP obligations outlined in Box 2. JT's dominant position, combined with limited infrastructure-based competition, warrants strong regulatory measures. We support the inclusion of transparency, non-discrimination, accounting separation, and price control.

The current wholesale products do not adequately support competition, and stronger access obligations — including bitstream and potentially virtual unbundling — are needed. Enforcement of KPIs and service level guarantees would also improve downstream service quality and ensure that alternative providers are not placed at a disadvantage.

It is essential that JT Wholesale provides genuinely equal access to all operators and does not grant preferential treatment to JT Retail. For example, JT Retail currently has direct access to tools that allow it to verify infrastructure status in real time and respond to customer queries faster than other operators. This asymmetry undermines competition and creates a perception — and often a reality — of better service from the incumbent. These tools and capabilities must be made available on an equal basis to all wholesale customers to level the playing field

### Question 3

Do you agree with the Authority's Draft Decision for fixed voice set out in Chapter 5 of this Draft Decision? If you do not agree with any aspect of this, you should provide all of your analysis and assessment.

While we broadly agree with the Authority's Draft Decision that managed VoIP products should be considered within the fixed voice market, we believe there are critical aspects that require further attention to ensure a truly competitive and functional market.

In particular, for managed voice services to be complete and viable alternatives to legacy voice offerings, **Full Number Portability (FNP)** is essential. Without the ability for customers to retain their numbers seamlessly when switching providers, the barrier to adopting alternative voice

services remains high. FNP is not merely a convenience—it is a foundational enabler of competition.

Additionally, we believe that the **exchange of Direct Dial-In (DDI) ranges must take place at the core network level between Other Licensed Operators (OLOs)**. Managed VoIP solutions typically rely on IP-based interconnection, and requiring DDI exchanges only at the access or retail level would compromise both efficiency and scalability. Core-level interconnection ensures that voice traffic is routed efficiently and reliably, supporting the full functionality expected from managed voice services.

In summary, while we support the inclusion of managed VoIP in the fixed voice market, this must be accompanied by:

- Mandatory Full Number Portability across all providers;
- Core network-level DDI exchange between OLOs.

These steps are necessary to ensure that managed VoIP services can function as genuine substitutes to traditional fixed voice, and to support healthy competition in the market.

#### **Question 4**

What are your views on Fixed Number Portability and the Authority's proposals set out in Box 4 of this Draft Decision?

The section on Fixed Number Portability (FNP) in the JCRA's 2025 Telecoms Market Review draft decision highlights a fundamental shortcoming in Jersey's regulatory approach to fixed telecoms services. FNP is not a luxury or a nice-to-have — it is a basic enabler of competition and innovation in a modern digital economy. With the rise of cloud telephony and other hosted communications services that require little to no physical infrastructure, the ability to retain a fixed number when switching providers is now more critical than ever.

The lack of FNP in Jersey places a significant barrier in front of businesses wishing to adopt modern, flexible telecoms solutions. Instead, many feel locked in by legacy providers who use the absence of FNP as a lever to maintain market dominance. In particular, the inability to port fixed numbers continues to act as a tool for incumbents to exert pressure on end clients, especially when bundled with AMP (Access and Maintenance Plans), which further complicate the switching process.

At Evolvedcoms, we receive constant feedback from clients expressing frustration over this issue. Businesses want choice. They want to engage with new providers who can offer not just basic connectivity, but value-added services, innovation, and responsive support. FNP is a crucial mechanism to enable this shift — allowing new providers to fully engage with customers from the outset and to offer complete, scalable solutions without legacy constraints.

The argument that FNP would be too costly to implement is one that closely echoes the rhetoric of the incumbent operator, JT. It is not a credible position. Jersey already has functioning processes and databases for mobile number portability, which could readily be adapted to support FNP with limited additional cost or complexity. Suggesting otherwise only reveals the extent to which regulatory decisions have, until now, reflected the interests of JT more than those of the market or consumers.

This is no longer a question of if, but when — and the answer must be as soon as possible. Jersey is already lagging behind comparable jurisdictions where FNP has long been the norm. Continued delay actively harms the business community, suppresses innovation, and entrenches monopolistic structures that are contrary to the goals of a fair and competitive market.

The JCRA now has an opportunity — and a responsibility — to demonstrate that it is aligned with the needs of the business community. Implementing FNP immediately would send a strong and overdue message: that Jersey is ready to embrace open competition, support digital transformation, and ensure that telecoms regulation works for everyone, not just the dominant operator

#### **Question 5**

Do you agree with the Authority's Draft Decision for leased lines set out in Chapter 6 of this Draft Decision? If you do not agree with any aspect of this, you should provide all of your analysis and assessment.

**Market Definition Should Focus Exclusively on Jersey:**

We believe that the leased lines market assessment should be limited to on-island services only. Off-island services serve a different function, operate under different cost structures, and involve international transit and wholesale arrangements that are not comparable to domestic connectivity. Including off-island leased lines in the same market definition risks distorting the analysis and overestimating the level of effective competition within Jersey.

**Speed-Based Market Segmentation Is Misleading:**

Segmenting leased lines based on speed tiers, particularly above 1Gbps, is unhelpful and potentially misleading. Speed alone is not a valid differentiator of market power or competition. In practice, JT sets disproportionately high prices for higher-capacity circuits—this acts as a barrier to entry and inhibits competition, especially for businesses or providers seeking to innovate or deliver new services. Speed-based differentiation therefore becomes a tool to sustain monopolistic pricing, rather than a meaningful market indicator.

**The Case for Introducing Dark Fibre:**

To ensure a genuinely competitive market, we strongly support the introduction of regulated dark fibre access. Dark fibre would enable all operators to:

Build their own services independently of JT's active product pricing strategies;

Innovate with service models tailored to different customer segments;

Compete fairly, on the basis of infrastructure and design, rather than being restricted by JT's commercial interests.

This is the only approach that levels the playing field and fosters real, infrastructure-based competition that benefits consumers and businesses alike.

#### **Question 6**

With respect to dark fibre, do you agree that this should be maintained as a regulatory option? If yes, please provide evidence and information on the circumstances in which dark fibre might become necessary?

With regard to dark fibre, its availability is not optional — it is a fundamental requirement for other local operators. The framing of the issue as a question of “need” is, frankly, misleading and reflects the continued influence of JT's entrenched position in the market. Dark fibre is essential for achieving true network diversity, resiliency, and independence — all of which are central pillars in any modern approach to Critical National Infrastructure (CNI).

The notion that data centre access alone is sufficient completely ignores the broader technical and operational needs of competitive service providers. Without dark fibre, it is impossible to design truly redundant and resilient networks, particularly in a small jurisdiction where

geographical limitations already pose challenges. The absence of dark fibre limits innovation, impedes scalability, and directly undermines service quality — not just for operators, but for the businesses and consumers who rely on them.

To even pose the question of whether dark fibre is required reveals a deeply concerning misunderstanding of the telecoms landscape — or worse, a regulatory posture overly influenced by the incumbent. It reinforces the view that JT continues to dominate the narrative, and that the regulator lacks either the independence or the technical confidence to challenge this dominance. The JCRA's role is to lead with evidence-based, forward-thinking policy — not to echo the arguments of a dominant market player whose incentives are directly opposed to increased competition.

Businesses will not tolerate these restrictions indefinitely. As connectivity becomes increasingly central to operations, especially with the rise of cloud services, cybersecurity, and international collaboration, organisations will begin to look elsewhere. Jersey risks reputational and economic damage if it cannot provide the infrastructure that growing, digitally-driven businesses expect as standard.

It is time for the JCRA to take a firm stance. Dark fibre access must be mandated — not just for fairness, but as a strategic priority for Jersey's digital future. The regulator must stop asking if it is necessary and instead focus on ensuring that no single provider has the ability to withhold it. Only then can Jersey claim to have a truly open and competitive telecoms environment.

#### **Question 7**

As set out in Box 5 the Authority is giving consideration to data centres, what are your views on data centre availability and connectivity in Jersey?

We welcome the Authority's consideration of data centre infrastructure in Jersey, particularly in the context of critical network infrastructure and the need for high availability. However, there are significant structural issues that currently limit the effectiveness and competitiveness of the data centre market.

##### **1. Lack of Fibre Access for OLOs Is Anti-Competitive:**

A major concern is that the incumbent operator, JT, does not permit Other Licensed Operators (OLOs) to install their own fibre infrastructure into JT-operated data centres, nor does it offer a viable cross-connect product. This represents a clear abuse of dominant position, aimed at concentrating connectivity-related revenue within JT rather than fostering a competitive, carrier-neutral data centre environment. It directly undermines the ability of OLOs to offer competitive or differentiated services to customers colocated in these facilities.

##### **2. Diversity and High Availability Are Being Compromised:**

High availability for data centres—particularly those supporting critical national infrastructure—requires full path and provider diversity, both at the physical and service levels. By restricting fibre access and cross-connects, JT is actively obstructing the creation of resilient, multi-operator environments. This puts both commercial and public sector users at increased risk of outages and service disruptions.

##### **3. Duct Access Into Properties Should Be Mandated:**

To support broader connectivity objectives, duct access into commercial properties, including data centres, must be regulated and opened to all operators. This would reduce the need for excessive and costly civil works, speed up deployments, and create a more dynamic, responsive telecoms environment. Open duct access is a proven enabler of competition in many jurisdictions and should be a foundational element of Jersey's digital infrastructure policy.

Currently JT can charge £50k for a piece

In summary, we believe the current arrangements give the incumbent an unfair advantage, stifle innovation, and expose the island's infrastructure to unnecessary risk. Intervention is urgently needed to mandate open access, enable fibre diversity, and ensure that data centres can support a truly competitive ecosystem.

#### Question 8

Do you agree with the Authority's Draft Decision for mobile services set out in Chapter 7 of this Draft Decision? If you do not agree with any aspect of this, you should provide all of your analysis and assessment.

We support the Authority's recognition of the importance of MVNOs in enhancing competition in the mobile services market. However, we believe the current approach requires clarification and a stronger emphasis on genuine market entry and innovation.

##### 1. Support for True MVNOs, Not Resale Models:

We welcome the introduction of MVNOs but stress that these should not be limited to **resale-type models** such as the one proposed in the merger of Sure and Airtel. Resale MVNOs do little to stimulate real competition or innovation, as they are constrained by the wholesale provider's infrastructure, pricing, and service limitations. What Jersey needs are **full or light MVNOs** with more operational independence—especially the ability to control customer experience, billing, and service differentiation.

##### 2. Concerns About COOP's MVNO Operation and Licensing:

We also question the current regulatory and licensing approach with respect to COOP's ability to operate an MVNO **without its own mobile core network**. If COOP is operating as a branded reseller or under a non-standard MVNO model, the Authority must clarify what **type of licence** is being used, and whether this sets a precedent for others. Transparency is essential to ensure fair market entry conditions and to avoid favouring specific entities through ad hoc regulatory interpretations.

We urge the Authority to:

- Distinguish clearly between different types of MVNOs in its regulatory framework;
- Ensure that MVNOs are licensed under transparent and consistent criteria;
- Encourage MVNO models that bring real differentiation and competition, not just market consolidation under different brands.

#### Other comments

None