



GUERNSEY COMPETITION
& REGULATORY AUTHORITY

Telecommunications Licence Modernisation

T1687G

Proposed Licence Modification

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1. Summary

- 1.1 On 25 April 2025, the Guernsey Competition and Regulatory Authority (**GCRA**) issued a final licence modification decision (**Final Decision**).
- 1.2 The Final Decision inserted a new definition of “Access” into the licence of each telecommunications licensee. The purpose of this modification was to include the definition of “access” contained in the Telecommunications (Bailiwick of Guernsey) Law, 2001 (**Telecoms Law**) in each telecommunications licence.
- 1.3 The Final Decision also made a number of changes to the definitions contained in each Fixed Telecommunications Licence.
- 1.4 Three issues have arisen:
 - a. The definition of “Access” in the Final Decision did not accurately replicate the definition of “access” contained in the Telecoms Law;
 - b. There is a missing comma in the definition of Fibre to the Premises, which makes the definition less clear than it could be (FTTP);
 - c. Certain global changes that were made to the definitions set out in licence condition 1 of all fixed licences were not appropriate for the fixed licence held by Starlink Internet Services Limited (“**Starlink**”) because that licence contains bespoke definitions relating to the provision of satellite telecommunications services, which need to be reflected consistently in its licence.
- 1.5 The GCRA therefore proposes to make the licence amendments set out below to address these issues.

2. Structure of this document

- 2.1 This document is structured as follows:

Section 3	Outlines the legal background to this proposed licence modification
Section 4	Sets out the reasoning that underpins the proposed licence modification
Section 5, Annex A	Set out the proposed licence modification decision and next steps

3. Legal background

- 3.1 Section 8(1) of the Telecommunications (Bailiwick of Guernsey) Law, 2001 (**Telecoms Law**) provides as follows:

“Having regard to the objectives set out in section 2 of the Regulation Law, and subject to the provisions of any States' Directions and the following provisions of this section, the [Authority] may modify a licence by amending or revoking any condition included in it or by adding any condition to it (including, subject to the provisions of section 9, any condition as to the application in relation to the licensee of the code).”

- 3.2 Before making any modifications to a licence, the GCRA must follow the procedure set out in section 8(2) of the Telecoms Law, which provides as follows:

“(2) Before making modifications under this section to a licence, the [Authority] shall publish, and (in the case of an individual licence) give to the holder of the licence, notice –

- (a) stating the modifications that [it] proposes to make,
- (b) stating the reasons why [it] proposes to make those modifications, and
- (c) specifying the time (not being less than 7 days from the date of publication of the notice) within which written representations or objections in respect of the proposed modifications may be made by interested parties.”

4. Reasons for the proposed modifications

Amendment to definition of “Access”

- 4.1 The Final Decision inserted a definition of “Access” into each telecommunications licence. The intention of this licence modification was to include “Access” as a defined term in each telecommunications licence, the text of which mirrored that of the definition of “access” in the Telecoms Law.

- 4.2 The definition of “access” contained in the Telecoms Law is as follows:

“**access**” means such facilities and services as may be necessary to obtain or facilitate the obtaining of access to telecommunications networks, telecommunications equipment, network termination points and associated facilities for the purposes of the provision of telecommunications services.

- 4.3 The definition of “access” contained in the Final Decision wrongly substituted the words “Mobile Telecommunications Services” for “telecommunications services” as follows:

“Access”: mean such facilities and services as may be necessary to obtain or facilitate the obtaining of access to telecommunications networks, telecommunications equipment, network termination points and associated facilities for the purposes of the provision of Mobile Telecommunications Services.

- 4.4 In order to ensure consistency with the legal definition of “access”, the GCRA proposes to make the following change to the definition of “Access” contained in each telecommunications licence as follows:

“Access”: mean such facilities and services as may be necessary to obtain or facilitate the obtaining of access to telecommunications networks, telecommunications equipment, network termination points and associated facilities for the purposes of the provision of ~~Mobile Telecommunications Services~~ telecommunications services.

Amendment to definition of Fibre to the Premises

- 4.5 The Final Decision made an amendment to the definition of “Fibre to the Premises” contained in each fixed telecommunications licence as follows:

“FTTP” (or “Fibre to the Premises”) means the transmission of communications down an optical fibre cable which connects a telecommunications network to a network termination point (with customer premises equipment) and which is dependent on mains battery back-up unit or other uninterrupted power source to function.

- 4.6 The GCRA considers that the definition would be clearer if there were a comma between the word “mains” and the word “battery” as follows:

“FTTP” (or “Fibre to the Premises”) means the transmission of communications down an optical fibre cable which connects a telecommunications network to a network termination point (with customer premises equipment) and which is dependent on mains, battery back-up unit or other uninterrupted power source to function.

and so proposes to make that amendment.

Amendments to Starlink’s telecommunications licence

- 4.7 The Final Decision made a number of global changes to all fixed telecommunications licences. Some of the modifications made are not appropriate for the Starlink licence, which licenses Starlink to provide satellite telecommunications services as well as fixed telecommunications services.

- 4.8 The GCRA therefore proposes to make the modifications to licence condition 1 of Starlink's licence as set out in Annex A to ensure that Starlink's licence reflects the fact that it also provides satellite telecommunications services.

5. Proposed modification decision and next steps

- 5.1 The GCRA hereby:

- a) gives notice to 5th Dimension (Guernsey) Ltd, BT Jersey Ltd (Guernsey), Business Telecom Limited, Flo Connect Ltd, Gamma Telecom Holdings Ltd (Guernsey), JT (Guernsey) Ltd, Richard Bird t/a Links Communications, Logicalis Guernsey Ltd, Starlink Internet Services Limited and Sure (Guernsey) Limited of its proposed decision to modify the definition of "Access" contained in the telecommunications licence of each of them, as described in paragraph 4.4 above.
- b) gives notice to BT Jersey Ltd (Guernsey), Business Telecom Limited, Gamma Telecom Holdings Ltd (Guernsey), JT (Guernsey) Ltd, Richard Bird t/a Links Communications, Logicalis Guernsey Ltd, Starlink Internet Services Limited, Sure (Guernsey) Limited of its proposed decision to modify the definition of "Fibre to the Premises" contained in the fixed telecommunications licence of each of them, as described in paragraph 4.6.
- c) gives notice to Starlink Internet Services Limited of its proposed decision to modify its telecommunications licence as set out in Annex A to this Proposed Decision.
- d) gives notice to the public of the above proposed licence modifications.
- e) requests any written objections or representations from any interested party to this proposed licence modification and its terms as set out in Annex 1, before 5pm on Wednesday 24 September 2025 in the manner and to the address indicated below.

- 5.2 Responses can be submitted by email to info@gcra.gg or alternatively in writing to:

GCRA, Suite 4, 1st Floor,

La Plaiderie Chambers, La Plaiderie,

St Peter Port, GY1 1WG

- 5.3 All written comments should be clearly marked 'Matter T1687G : Proposed Licence Modification'. The GCRA's normal practice is to publish responses on its website. If any part of a response is considered to be commercially confidential, it should be clearly marked (by highlighting the confidential sections in yellow) when the response is submitted.

- 5.4 The proposed licence modification and the reasons for it have been notified to holders of those licences to which the proposed modifications related. It will also be published on the GCRA website and in *La Gazette Officielle* for any public comment and/or objection.

Annex A

In addition to the proposed modifications of the definitions of “Access” and “Fibre to the Premises” in Starlink’s telecommunications licence, the GCRA proposes to:

- Insert a new definition of “Licensed Mobile Telecommunications Services”;
- Modify the definition of “Licensed Telecommunications Network”;
- Modify the definition of “Licensed Telecommunications Services”,

as set out below.

“Licensed Mobile Telecommunications Services”: means services (other than satellite services) the provision of which consists, wholly or partly, in the establishment of radiocommunications to Users, which makes use wholly or partly of a Mobile Telecommunications Network and which has the characteristics of of a pan-European, cellular, digital, land based, mobile telephony service compatible with the GSM standard. These services shall be provided in the 900MHz band in accordance with the Wireless Telegraph Act and the ETSI technical specifications;

“Licensed Telecommunications Network”: means the ~~Fixed~~ Telecommunications Network which the Licensee is authorised to establish, operate and maintain in the Bailiwick for the purposes of providing the Licensed Telecommunications Services, but excluding: the Licensed Mobile Telecommunications Network (used for the purpose of providing the Licensed Mobile Telecommunications Services) and any Licensed Satellite Telecommunications Network (save where the latter is additionally and specifically authorised and then regulated by way of a further Part VI to this licence);

“Licensed Telecommunications Services”: means the provision of Telecommunications Services to the public, but excluding: Mobile Telecommunications Services and Licensed Satellite Telecommunications Services (save where the latter is additionally and specifically authorised and then regulated by way of a further Part VI to this Licence), by the Licensee, as authorised by this Licence, of Fixed Telecommunications Services to third parties using the Licensed Telecommunications Network;