GUERNSEY COMPETITION
& REGULATORY AUTHORITY

RETAIL BROADBAND MARKET REVIEW

T1699G

FINAL DECISION

Date: 30/10/2026

Guernsey Competition & Regulatory Authority
Suite 4, 1st Floor,
La Plaiderie Chambers, La Plaiderie,
St Peter Port,
Guernsey, GY1 1WG
www.gcra.gg

Contents

1. **Executive Summary** 3
2. **Structure of this document** 6
3. **Background** 7
4. **Legal Framework** 14
5. **Market Definition** 17
6. **Three criteria test** 35
7. **Conclusion** 46
8. **Decision** 48

1. EXECUTIVE SUMMARY

1.1 In April 2024, the Guernsey Competition and Regulatory Authority ("GCRA") implemented a new wholesale broadband price control which substantially reduced the wholesale charges paid by retail broadband providers for access to Sure (Guernsey) Limited ("Sure") fixed broadband network. Those reductions were intended to strengthen competition at the retail level and improve outcomes for consumers by reducing input costs paid by all providers of retail broadband services using Sure's network. This was expected to increase the ability of, and incentives for, those retail providers to reduce prices or offer greater service differentiation and thereby compete more effectively – thus benefiting all residential consumers and businesses in Guernsey.

1.2 Following implementation of the price control, the GCRA became concerned that the expected benefits were not materialising to the extent anticipated. Retail broadband prices remained broadly stable (and, in some cases, increased) despite significant reductions in wholesale broadband charges, which constitute the largest input cost for many retail broadband providers. In the GCRA's view, an effectively competitive market would ordinarily be expected to flow through a significant proportion of such cost reductions to consumers through lower prices, improved products or enhanced service offerings. The failure of the retailers to respond in this way raised concerns regarding the effectiveness of competition between retailers in the retail broadband market.

1.3 Furthermore, consumer research undertaken by the GCRA in partnership with Island Group Research ("IGR") identified customer inertia, relatively low switching levels and limited engagement with broadband purchasing decisions. Once again, these are not outcomes normally associated with an effectively competitive market. Rather, they indicate weak demand-side constraints and suggest that providers may face limited competitive pressure to reduce prices or otherwise share efficiency gains with consumers.

1.4 The GCRA therefore commenced this review to determine whether further ex ante intervention was justified – in particular whether regulation at the retail level would be an appropriate mechanism to address its concerns and help secure the intended benefits for all broadband users in Guernsey.

Proposed Decision – January 2026

1.5 In January 2026, the GCRA consulted on a Proposed Decision which provisionally concluded that the retail broadband market was susceptible to ex ante regulation and that Sure held a dominant position within that market.

1.6 In response, both JT (Guernsey) Limited ("JT") and Sure disagreed with important aspects of that assessment. In particular, they challenged the GCRA's market definition, assessment of barriers to entry and application of the Three Criteria Test. Sure also contended that the GCRA had underestimated the competitive significance of satellite broadband services and had attached insufficient weight to evidence of actual and prospective market entry.

1.7 The GCRA has carefully considered those submissions and has since then undertaken a substantial programme of further evidence gathering before reaching a final view. This included obtaining further information regarding retail market costs, customer acquisition costs, wholesale access arrangements, actual and prospective market entry, switching and churn, mobile broadband services and satellite broadband services.

Market Definition

1.8 The GCRA has undertaken a reassessment of its market definition in light of the new evidence received. Following that reassessment, the GCRA has concluded that the relevant market comprises:

"Retail broadband connectivity services supplied to residential and business customers over copper, fibre and satellite broadband technologies, on a standalone or bundled basis, within the Bailiwick of Guernsey."

1.9 This differs from the provisional position on market definition adopted in the January 2026 Proposed Decision, in that it now includes satellite broadband services. In reaching this conclusion, the GCRA found that Starlink's residential satellite broadband services now exert a sufficient competitive constraint to be included within the market. This reflects the evolution of the market during 2026 and has regard to the additional evidence the GCRA has obtained in that regard following the previous consultation. However, the GCRA continues to consider that current mobile broadband and fixed wireless access services do not exert a sufficient competitive constraint, and they are therefore excluded from the market.

1.10 The GCRA further concludes that the relevant geographic market is the Bailiwick of Guernsey because the competitive conditions across the Bailiwick are sufficiently homogenous to justify a Bailiwick-wide geographic definition.

Three Criteria Test

1.11 Following reassessment, the GCRA concludes that the retail broadband market is not susceptible to ex ante regulation.

1.12 In particular, the GCRA concludes that the market is not characterised by high and non-transitory barriers to entry. Regulated wholesale access arrangements, broadly symmetric and scalable retail cost structures, the absence of material legal or regulatory barriers, and evidence of actual and prospective market entry since the Proposed Decision was published all indicate that participation in the retail broadband market remains feasible and that the market is not characterised by high and non-transitory barriers to entry to an extent that would satisfy the Three Criteria Test.

1.13 The GCRA again acknowledges that these conclusions differ from those reached in the January 2026 Proposed Decision. However, the consultation process and subsequent evidence gathering, including recent structural changes to the market, identified information that had not been available to the GCRA at that time, and which justifies a different outcome.

Conclusion and Next Steps

1.14 The GCRA has therefore concluded that the retail broadband market is not susceptible to ex ante regulation. Accordingly, it does not impose any dominance finding, nor impose any ex ante remedies.

1.15 The GCRA nevertheless remains deeply concerned about a number of features of the retail broadband market. In particular, the review identified continuing concerns regarding the extent to which consumers are benefiting from the wholesale broadband reforms introduced in 2024. Despite significant reductions in wholesale broadband costs, the benefits of those reductions have not flowed through to consumers to the extent the GCRA would ordinarily expect in an effectively competitive market.

1.16 The GCRA considers that this outcome reflects the combined effect of both supply-side and demand-side factors. On the supply side, the evidence suggests that retail providers have faced insufficient competitive pressure to pass a meaningful proportion of wholesale cost reductions through to consumers. On the

demand side, the review identified relatively low levels of switching, customer inertia and limited engagement with broadband purchasing decisions, reducing the extent to which consumers actively constrain providers through informed purchasing decisions. Taken together, these factors indicate that competitive pressures within the retail broadband market are not operating as effectively as the GCRA would expect and have resulted in poorer outcomes for consumers. The GCRA considers that stronger consumer engagement, greater awareness of available alternatives, strengthened consumer rights, and improved understanding of broadband products would increase competitive pressure on providers and strengthen their incentives to compete more actively on price, quality and service.

1.17 The fact that the market is not susceptible to ex ante regulation does **not** mean that these concerns have been resolved. Rather, it means only that retail SMP regulation is not a suitable or appropriate vehicle to address them.

1.18 The GCRA's focus remains firmly on securing fair outcomes for consumers and ensuring that consumers receive an appropriate share of the benefits generated by the wholesale broadband price reductions introduced in 2024. The GCRA will therefore continue to explore alternative measures aimed at improving the effectiveness of competition, strengthening consumer engagement and transparency, and empowering consumers to make informed purchasing decisions. In the GCRA's view, more active and engaged consumers are likely to impose stronger competitive discipline on providers and help ensure that the benefits of wholesale regulation are reflected more fully in retail market prices, products and services.

1.19 As set out in the GCRA's Work Plan, a number of these initiatives are already being explored and will be consulted upon during late 2026 and early 2027. The GCRA will continue to monitor developments in the retail broadband market and consider further measures where appropriate to improve competition and consumer outcomes across the Bailiwick.

2. STRUCTURE OF THIS DOCUMENT

2.1 This document is structured as follows:

Section 3	Explains the background to this market review and Final Decision
Section 4	Outlines the legal basis on which the GCRA conducts this market review
Section 5	Presents the GCRA's final broadband product and geographic market definition
Section 6	Presents the GCRA's consideration of the Three Criteria Test
Section 7	Conclusion
Section 8	Decision

3. BACKGROUND

3.1 Access to reliable internet connectivity is now essential for households and businesses across the Bailiwick. Internet services support an increasingly wide range of social and professional activities, including remote and hybrid working, education and skills development, access to government and commercial services, online shopping, banking, entertainment, communications, keeping in touch with family and friends, social networking, cloud-based applications, and the growing use of connected devices within homes and businesses.

3.2 The increasing importance of internet connectivity is reflected in how consumers use telecommunications services. Over the last five years, broadband subscriptions in Guernsey have continued to grow, increasing from approximately 25,300 subscriptions in 2020 to more than 27,300 subscriptions in 2025. Over the same period, broadband penetration has remained consistently high and above the OECD average. More importantly, the volume of data consumed by broadband users has increased significantly, with average monthly consumption increasing from approximately 258GB per connection in 2020 to approximately 446GB per connection in 2025, representing growth of over 70% during the period[1].

3.3 A similar trend can be observed in mobile markets. Mobile data consumption has continued to increase year-on-year, whilst traditional fixed and mobile voice usage has declined significantly. Fixed-line calling volumes have fallen substantially over the same period, indicating an ongoing shift away from traditional telecommunications services towards data-based communications (including voice calls provided over broadband) and online services.

3.4 Taken together, these trends demonstrate that internet connectivity is no longer supplementary to everyday life. Rather, it has become a critical service which underpins economic activity, social participation, education, communications and access to services across the Bailiwick. The GCRA therefore considers it important that the markets through which consumers and businesses access internet services operate effectively and deliver positive outcomes for end-users.

3.5 Retail broadband services remain the primary means through which households and businesses gain access to the internet from a fixed location. Broadband services provide an always-on connection between end-users and telecommunications networks, enabling users to access internet-based services, content and applications.

3.6 Broadband services may be delivered using a variety of underlying technologies, including copper networks, fibre networks, fixed wireless technologies and, now increasingly, satellite-based platforms. Regardless of the underlying technology used, the function of a broadband service remains the same: to provide end-users with reliable connectivity to the internet and the online services that increasingly form part of everyday life.

3.7 For most residential and business customers, broadband services are capable of supporting the full range of internet usage requirements. The availability, quality and affordability of broadband services therefore have a direct impact on the extent to which consumers and businesses can participate effectively in the digital economy.

[1] Telecoms Market Report 2025, prepared for the GCRA and JCRA, July 2026. See Fixed Broadband Market, Mobile Market and Market Statistics sections.

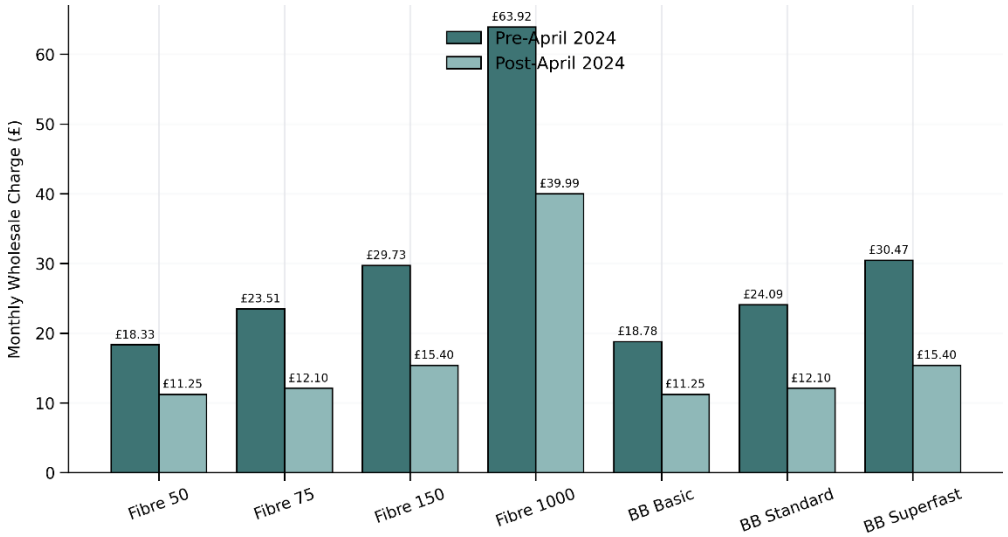
GCRA concerns about the retail broadband market

3.8 The GCRA's review of the retail broadband market forms part of a broader programme of work aimed at ensuring that telecommunications markets in the Bailiwick continue to deliver effective competition and positive outcomes for consumers.

3.9 In December 2023, the GCRA concluded its review of wholesale broadband prices and introduced a new wholesale broadband price control, which came into force on 1 April 2024. The price control reduced wholesale broadband charges across a wide range of fibre and copper broadband products, with reductions generally ranging between approximately 37% and 50% (see Figure 1). For example, the regulated wholesale charge for Sure's Fibre 75 services reduced from £23.51 per month to £12.10 per month, whilst the charge for Sure's Fibre 150 services reduced from £29.73 per month to £15.40 per month[2].

3.10 The GCRA estimated that the revised wholesale prices would reduce retailers' costs by approximately £19 million over the life of the control (four years). Wholesale broadband access charges also constitute the single largest input cost incurred by retail broadband providers that rely on access to Sure's fixed access network. Accordingly, the GCRA expected the reductions to create strong incentives for retail providers to compete more aggressively for customers.

Figure 1: Wholesale Broadband Price Reductions (April 2024)[3]



Note: The dark teal Sure Wholesale bar represents the pre-April 2024 wholesale broadband price. The grey Sure Wholesale bar represents the post-April 2024 wholesale price once a cost-based charge control had been implemented.

3.11 A key objective of the wholesale broadband price control was to create the conditions for stronger retail competition and improved consumer outcomes. In an effectively competitive retail broadband market, reductions in wholesale input costs would ordinarily be expected to result in lower retail prices and/or, improved or innovative service offerings, or other benefits for consumers. The GCRA expected this would drive greater competition, evidence by increased switching activity as customers seek out the best prices or the best offerings that most suit their needs.

3.12 However, following implementation of the wholesale price control, the GCRA became concerned that these outcomes were not materialising to the extent anticipated. Whilst alternative providers continued to compete through promotions, pricing initiatives and marketing campaigns, retail broadband prices

[2] Please note, these prices do not include the cost of wholesale line rental, which is sold on a bundled basis with wholesale broadband access.

[3] Sure (Guernsey) Limited notification: *"Changes to Wholesale Broadband and WLR Prices"*. 29th February 2024.

remained broadly stable and, in some cases, increased following annual inflation-linked adjustments and there was little sign of any changes in the market. The GCRA therefore became concerned that the benefits of wholesale regulation did not appear to be flowing through to consumers to the extent the GCRA would ordinarily expect following such a significant reduction in wholesale input costs.

3.13 To better understand these issues and what may be causing them, the GCRA commissioned independent consumer research from Island Group Research. The research investigated consumer attitudes and behaviours in the retail broadband market, and identified evidence of consumer inertia, relatively low switching levels and limited consumer engagement with broadband purchasing decisions. For example, whilst 64% of respondents reported making some change to their broadband service in the previous three years, only 15% had changed broadband provider. Amongst Sure customers who had migrated to fibre broadband, 71% had not considered competing offers before making the change. The research also found that 23% of respondents would not consider changing provider, whilst 44% of fibre broadband customers did not know the speed of their current broadband service.

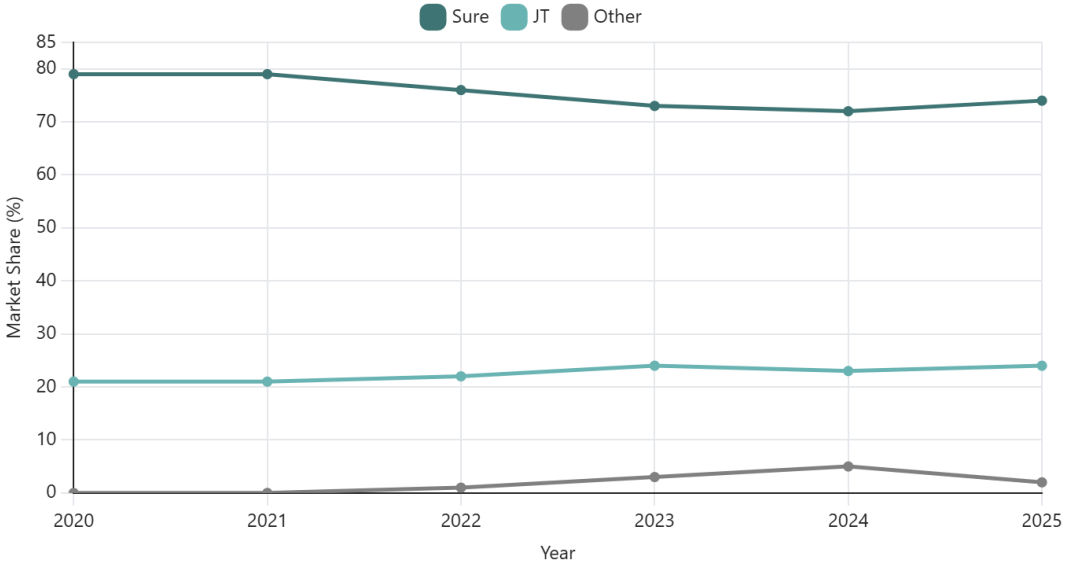
3.14 The consumer research also suggested that a significant proportion of consumers found broadband products difficult to compare and were uncertain about the broadband speeds required to meet their needs. Focus group participants frequently described the market as difficult to navigate, perceived there to be limited competition between providers and expressed concerns regarding pricing, switching and value for money.

3.15 The GCRA considered these findings relevant because customer engagement, switching and informed purchasing decisions are important mechanisms through which competition delivers benefits to consumers.

3.16 The GCRA also noted that the retail broadband market remained relatively concentrated. As shown in Figure 2, Sure continued to account for a substantial majority of retail broadband subscriptions throughout the review period, whilst JT's market share increased only modestly over time despite several keenly priced offers being made available during the period. At the time the review was commenced, fixed broadband services were supplied primarily by Sure and JT, whilst Starlink remained a relatively small provider. Whilst market concentration does not, of itself, establish dominance[4], concentrated markets are more likely to be associated with market power and, consequently, weaker competitive constraints and poorer consumer outcomes than markets in which competition is more effective. The GCRA therefore considered market concentration to be a relevant indicator when assessing whether retail competition was delivering effective outcomes for consumers.

[4] For the reasons set out in the GCRA's Final Decision on Wholesale Broadband Pricing of 18 December 2023 (Case T1652G) at paragraphs 1.6 – 1.14 of Annex 1), the GCRA considers that the concepts of dominance and Significant Market Power (SMP) are equivalent.

Figure 2: Retail Broadband Market Shares by Provider (2020-2025)[5]



3.17 Taken together, the available evidence suggested that consumer outcomes may not have been consistent with those expected in a well-functioning and effectively competitive market. The GCRA therefore considered that intervention may be necessary to improve competition and consumer outcomes within the retail broadband market.

3.18 A range of possible interventions could, in principle, be available to the GCRA, including implementation of additional wholesale measures, consumer-protection measures, transparency initiatives, switching remedies and other market interventions. However, the GCRA considered it appropriate to first assess whether any undertaking held a position of dominance within the retail broadband market. Assessing dominance first would also allow the GCRA to determine whether the concerns identified through the review were capable of being addressed through the existing ex ante regulatory framework. The GCRA's view was that, if market power existed, it could undermine the effectiveness of other interventions and therefore needed to be assessed before alternative measures were considered.

3.19 Accordingly, the purpose of this review is to determine whether the statutory and regulatory conditions for a finding of dominance are satisfied and whether ex ante intervention represents an appropriate and proportionate means of addressing the concerns identified by the GCRA.

Approach to assessing the market

3.20 In undertaking this review, the GCRA has sought to follow the market review framework established under the European Electronic Communications Code ("EECC") and the European Commission's market analysis framework for electronic communications markets[6]. The GCRA considers that this framework reflects established regulatory best practice and provides a structured and transparent methodology for determining whether ex ante regulation is justified. A detailed description of the framework was set out in Section 3 of the January 2026 Proposed Decision[7] and is not repeated in this Final Decision.

[5] Telecoms Market Report 2025 – Prepared for the GCRA and JCRA – July 2026 - telecoms-market-report-2025.pdf.
[6] Directive (EU) 2018/1972 establishing the European Electronic Communications Code; Commission Recommendation (EU) 2020/2245 on relevant product and service markets susceptible to ex ante regulation; and the European Commission SMP Guidelines (2018/C 159/01).
[7] T1699G – Retail Broadband Market Review – Proposed Decision – 15 January 2026

3.21 Consistent with that framework, the GCRA first defines the relevant market by considering the extent to which consumers regard different products and services as substitutes. The GCRA then applies the Three Criteria Test to determine whether the market is susceptible to ex ante regulation. Where the Three Criteria Test is satisfied, the GCRA proceeds to assess whether any undertaking holds a position of dominance within the relevant market[8].

3.22 In carrying out its assessment, the GCRA has considered both demand-side and supply-side substitution. The analysis is informed by product characteristics, prices, customer behaviour, switching patterns, consumer research, operator submissions and market data. As is often the case in smaller telecommunications markets, the GCRA does not have access to the type of empirical switching and demand elasticity data that would permit a wholly quantitative application of the Hypothetical Monopolist Test ("**HMT**"). Accordingly, the GCRA has applied a SSNIP-based analytical framework using the best evidence available and exercising regulatory judgement where necessary.

3.23 A central feature of the European framework is that competition concerns should, wherever possible, be addressed at the most upstream level of the value chain. The objective is to promote effective and sustainable competition in downstream retail markets through wholesale regulation, thereby reducing the need for direct retail intervention[9].

3.24 Historically, the GCRA has assessed wholesale and retail broadband markets through separate review processes. The GCRA recognises that established regulatory practice generally envisages a closer relationship between wholesale and retail market assessments, with retail market outcomes informing wholesale market analysis and regulatory intervention being applied, where possible, through upstream wholesale remedies.

3.25 The GCRA nevertheless considers it appropriate to complete this retail broadband review at this time. Given the Authority's intention to undertake a broader review of wholesale broadband markets before the end of 2028, this review adopts a shorter forward-looking assessment period covering the period from 2026 to the end of 2028. The GCRA currently expects that future broadband market reviews will assess wholesale and retail competition conditions together, consistent with established regulatory practice.

January 2026 Proposed Decision and Responses

3.26 In January 2026, the GCRA published a Proposed Decision setting out its preliminary assessment of the retail broadband market. Following its review of the available evidence, the GCRA provisionally:

- Defined the relevant product market as comprising broadband connectivity provided to end-users over copper and fibre networks, irrespective of speed;
- Concluded that the relevant geographic market was the whole of the Bailiwick of Guernsey;
- Concluded that the retail broadband market satisfied the three criteria test and was therefore potentially susceptible to ex ante regulation; and
- Provisionally found that Sure (Guernsey) Limited held a dominant position in the retail broadband market.

3.27 Whilst the Proposed Decision discussed potential remedies at a high level, no specific remedies were proposed at that stage.

[8] Commission Recommendation (EU) 2020/2245 and the European Commission SMP Guidelines (2018/C 159/01).
[9] Commission Recommendation (EU) 2020/2245, Recitals 1-3; Explanatory Note to Commission Recommendation (EU) 2020/2245; and European Commission SMP Guidelines (2018/C 159/01), paragraphs 31-34 and 46-49.

3.28 The consultation closed on 9 March 2026. The GCRA received responses from JT (Guernsey) Limited ("JT")[10] and Sure (Guernsey) Limited ("Sure")[11]. The GCRA is grateful to both respondents for engaging constructively with the review and for providing detailed submissions and supporting evidence in response to the Proposed Decision.

3.29 JT broadly submitted that the retail broadband market was not susceptible to ex ante regulation because existing wholesale remedies already provide effective mechanisms for addressing competition concerns. JT contended that the Three Criteria Test was not satisfied and that the European regulatory framework generally envisages retail concerns being addressed through wholesale regulation rather than retail-specific intervention. JT therefore considered that no further retail-specific regulation was required.

3.30 Sure challenged a number of aspects of the GCRA's preliminary assessment. In particular, Sure contended that the GCRA had not correctly applied the European market review framework, had underestimated the competitive significance of satellite broadband services, and had attached insufficient weight to evidence relating to actual and prospective market entry. Sure further submitted that the Three Criteria Test was not satisfied, that Sure did not hold a position of dominance and that concerns relating to transparency, switching, consumer engagement and digital literacy should be addressed through generally applicable consumer measures rather than operator-specific dominance regulation. Sure also proposed that, consistent with the European framework, any competition concerns should be addressed through wholesale remedies rather than direct retail intervention.

3.31 The GCRA carefully considered all substantive points raised by respondents. In a number of areas, respondents identified issues that warranted further investigation, including the treatment of satellite broadband services, the assessment of barriers to entry, the relevance of existing wholesale remedies and the application of the Three Criteria Test. The GCRA therefore undertook additional evidence gathering and analysis before reaching a final view.

3.32 The GCRA notes that consultation is an important part of the market review process. The purpose of consultation is not simply to invite comments on provisional conclusions, but also to test the assumptions, evidence and reasoning which underpin them. The January 2026 Proposed Decision was necessarily based on the evidence available at that time. The consultation process, subsequent market developments and additional evidence gathering enabled the GCRA to revisit a number of issues and, where justified by the evidence, to revise its assessment.

3.33 As explained later in this Final Decision, the additional evidence obtained following consultation resulted in a number of conclusions differing from those set out in the January 2026 Proposed Decision.

Subsequent Developments and Update Assessment

3.34 Following publication of the January 2026 Proposed Decision, the GCRA continued to monitor developments within the broadband market and carefully considered the consultation responses received from JT and Sure.

3.35 In June 2026, the GCRA published a Case Update Statement explaining that further work would be undertaken before a final decision was reached. In particular, the GCRA noted that a number of developments had occurred since publication of the Proposed Decision, including changes to retail products

[10] JT (Guernsey) Limited, Response to the GCRA's Retail Broadband Market Review Consultation, March 2026
[11] Sure (Guernsey) Limited, Response to the GCRA's Retail Broadband Market Review Consultation, 9 March 2026

and pricing, evidence of further market entry, and developments in alternative broadband technologies that may be relevant to the GCRA's forward-looking assessment of the market[12].

3.36 The GCRA also recognised that respondents had raised substantive questions regarding elements of the market definition, the assessment of barriers to entry and the application of the Three Criteria Test. In light of those submissions, the GCRA considered it appropriate to test the provisional conclusions reached in the January 2026 Proposed Decision against a broader and more comprehensive evidential record.

3.37 Accordingly, between June and September 2026, the GCRA undertook a substantial programme of additional evidence gathering and analysis. This included issuing further information requests to existing licensed operators, obtaining information from prospective market entrants and alternative broadband providers, reviewing updated market data and consumer behaviour evidence, and reassessing the market against the relevant European regulatory guidance.

3.38 The additional evidence obtained by the GCRA was material. In particular, it provided a more complete understanding of retail market entry and expansion, the costs and practical requirements associated with supplying retail broadband services, the availability and scalability of wholesale access products, and the competitive constraint exerted by alternative technologies, including satellite broadband services.

3.39 As explained in the sections that follow, this additional evidence led the GCRA to revisit a number of the conclusions reached in the January 2026 Proposed Decision. Whilst the GCRA's concerns regarding consumer outcomes remain, the updated evidence supports a different conclusion regarding ex ante regulation in the retail broadband market based on a designation of dominance.

[12] GCRA, T1699G - Case Update Statement, June 2026.

4. LEGAL FRAMEWORK

4.1 Pursuant to s.5(2), (3) of the Telecommunications (Bailiwick of Guernsey) Law, 2001 (the "**Telecommunications Law**"), the GCRA has the power to make a decision that a person has a dominant position in a relevant market:

"(2) The [Authority] shall publish notice of a proposed decision as to whether a person has a dominant position in a relevant market [….]
[….]

(3) Notice under subsection (2) of a proposed decision shall specify 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 decision may be made by interested parties; and the [Authority] shall –

(a) before making the decision, consider any representations or objections received from any interested party, and

(b) having followed the procedure set out in subsection (2) and in this subsection, make [its] decision and publish notice thereof.

4.2 If a person is found to have a dominant position in a relevant market, the GCRA may determine that the conditions in Part IV (conditions applicable to dominant operators) of that person's telecommunications licence apply.

4.3 Applying this definition, the GCRA will first determine the scope of the "relevant market". For the reasons set out below, and in line with international best practice, as an intermediate step between defining the relevant market and assessing dominance, the GCRA will assess whether the relevant markets are susceptible to *ex ante* regulation. Only if the GCRA determines that the relevant markets are susceptible to *ex ante* regulation will the GCRA proceed to an assessment of whether any person (or persons) has a dominant position on that relevant market.

The Relevant Market

4.4 Pursuant to s.31(1) of the Telecommunications Law:

*""**relevant market**" means any discrete market for telecommunications services or telecommunications networks which is defined by the [Authority] from time to time by reference to factors that may include products, services, territorial extent, universal service or such other economic factors as may appear to the [Authority] to be appropriate".*

4.5 The Telecommunications Law does not prescribe a methodology under which the GCRA must define a "relevant market". Accordingly, the GCRA adopts regulatory best practice for market analysis and assessment as set out in the European Electronic Communications Code ("**EECC**"), the SMP Guidelines and the Market Definition Recommendation (collectively the "**EU Regulatory Framework**") [13].

4.6 Under the EU Regulatory Framework, regulatory authorities must first define the relevant product and geographic markets before undertaking any assessment of dominance or significant market power. Product market definition involves identifying those products and services which exert sufficiently strong

[13] Article 63(2) of the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December establishing the European Electronic Communications Code, OJ L 321/36, 17.12.2018, p.36 (the "**EECC**"). This position is confirmed at paragraph 52 of the Guidelines on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services, OJ C 159/1, 7.5.2018, p.1 (the "**SMP Guidelines**").

competitive constraints upon one another, principally through an assessment of demand-side substitution and, where appropriate, supply-side substitution. The assessment is commonly informed by the HMT, or Small but Significant Non-Transitory Increase in Price ("SSNIP") framework, which asks whether a hypothetical monopolist could profitably impose a small but significant non-transitory increase in price. A relevant geographic market comprises an area in which competitive conditions are sufficiently homogeneous and can be distinguished from neighbouring areas where conditions of competition differ appreciably.

4.7 The purpose of market definition is to set the boundaries for the GCRA's dominance assessment. Market definition is not an end in itself. Rather, its purpose is to identify the competitive constraints faced by providers and establish the boundaries within which any subsequent assessment of market power is undertaken.

4.8 Consistent with the EU Regulatory Framework, market definition in ex ante regulatory proceedings is forward-looking and takes account of expected market developments over the relevant review period.

4.9 Under the EU Regulatory Framework, market definition and market analysis are normally undertaken using a Modified Greenfield Approach. This involves assessing competition in the relevant market in the absence of the hypothetical ex ante regulation under consideration, whilst taking account of any existing regulation that is expected to remain in force throughout the review period.

4.10 The GCRA notes that this review concerns a retail market only and is not accompanied by a reassessment of the upstream wholesale broadband market. Accordingly, for the purposes of this Decision, the GCRA has assessed the market on the basis that the existing wholesale broadband regulatory framework, including prevailing wholesale access and pricing obligations, remains in force throughout the review period.

Dominant Position

4.11 Pursuant to s.31(1) of the Telecommunications Law and s.22(1) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 (the "Regulation Law"):

*""**dominant position**", in relation to a relevant market, shall be construed as it would in the United Kingdom under the Competition Act 1998, but with the substitution, where appropriate, of references to the Bailiwick for references to the United Kingdom"*

4.12 There is no statutory definition of a dominant position under the UK Competition Act. Rather, the concept has been developed in EU and UK case law. According to that case law, a dominant position is a position of economic strength affording the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers, thus preventing effective competition.[14] EU and UK case law also establishes a rebuttable presumption that an undertaking with a market share that persistently exceeds 50% on a relevant market holds a dominant position on that market[15].

4.13 The concept of dominance is typically applied in the context of ex post competition law enforcement rather than in ex ante regulatory intervention. Significant Market Power ("SMP") is the regulatory counterpart to dominance, developed primarily within the EU as the basis for ex ante regulation in telecoms markets. The concept of SMP under EU law is equivalent to the definition of dominance under UK competition law, with the EU Framework Directive providing that:

---

[14] Case 1001/1/01 *Napp Pharmaceutical Holdings Ltd* v *Director General of Fair Trading [2002]* CAT 1 para 156, citing para 38 of Case *85/76 Hoffman La Roche* v *Commission* EU:C:1979:36.

[15] Case C62/86 *AKZO Chemie BV* v *Commission* [1991] ECR I-3359

"An undertaking shall be deemed to have significant market power if, either individually or jointly with others, it enjoys a position equivalent to dominance, namely a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers".

4.14 Since SMP and dominance are equivalent concepts and given that there is an established international (EU) framework within which SMP is assessed in telecommunications markets, the GCRA considers that it is appropriate to apply that framework in determining whether any person holds a dominant position in a relevant market.

SMP and the Three Criteria Test

4.15 As referenced above, in EU law, there is an established regulatory framework within which SMP in telecommunications markets and the appropriateness of regulatory intervention in those markets can be assessed (the EU Regulatory Framework) [16].

4.16 Under the EU Regulatory Framework, after defining the relevant market but before assessing whether any person holds a dominant position in that market, a regulatory authority should determine whether the relevant markets are susceptible to *ex ante* regulation at all.

4.17 The appropriateness of ex ante regulation is determined by application of the so-called Three Criteria Test, which assesses whether, in respect of the relevant market:

a. there are high and non-transitory barriers to entry;
b. the market structure tends towards effective competition within the relevant time horizon;
c. competition law would be sufficient to address the market failures identified[17].

4.18 The Three Criteria Test is cumulative. Only where all three criteria are satisfied should the regulatory authority proceed to assess whether any undertaking holds SMP within the relevant market. Where SMP is found, the regulatory authority may then consider whether the imposition of ex ante remedies is appropriate and proportionate.

4.19 The three-criteria test is therefore a preliminary step used to identify markets that may warrant ex ante regulation. It does not replace the assessment of dominance (SMP) or of regulatory remedies but rather helps to determine when those assessments should be carried out. As such, and because application of the three criteria test is consistent with international best practice, the GCRA proposes to apply it here, before considering whether it is appropriate to move to a dominance (SMP) assessment or to consider regulatory remedies.

[16] Commission Recommendation (EU) 202/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive (EU)2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code, OJ L 439/23, 29.12.2020, p.23 ("**Market Definition Recommendation**")

[17] Article 67(1) of Directive (EU) 2018/1972; Commission Recommendation (EU) 2020/2245, Recitals 15-16; and the accompanying Explanatory Note, Section 2. [eur-lex.europa.eu], [legislation.gov.uk]

5. MARKET DEFINITION

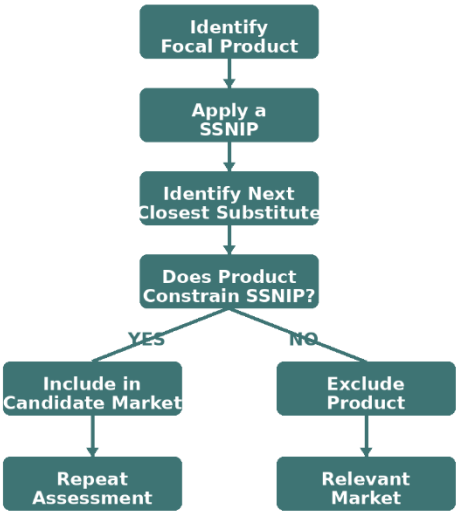
5.1 Market definition is the first step in the market review process established by the European framework[18]. Its purpose is to identify the competitive constraints faced by providers and establish the boundaries within which competition takes place. This is important because an accurate market definition is necessary to support any subsequent assessment of market concentration, market shares and, ultimately, whether any undertaking holds a position of dominance.

5.2 In practice, this involves considering whether a hypothetical monopolist could profitably impose a Small but Significant Non-transitory Increase in Price ("SSNIP"), or whether, faced with such an increase, consumers would switch to alternative products and services in sufficient numbers to make such a price increase unprofitable.

5.3 Under this approach, the GCRA first identifies a focal product and then considers whether a hypothetical monopolist could profitably impose a SSNIP. Where consumers would be expected to switch to an alternative product or service in sufficient numbers to make that price increase unprofitable, the alternative product or service is included within the candidate market. Products and services which do not exert a sufficient competitive constraint are excluded from the candidate market.

5.4 The assessment is iterative. Having identified the next closest substitute to the focal product, the candidate market is expanded, and the SSNIP assessment is repeated. The order in which products and services are considered is informed by the available evidence regarding likely customer substitution, including switching behaviour, consumer research and other available indicators of diversion. The process continues until the GCRA concludes that a hypothetical monopolist controlling all products and services within the candidate market could profitably impose a SSNIP. At that point, no additional products or services are included within the candidate market, and the boundaries of the relevant market have been established.

Figure 3: Market Definition Assessment Process



[18] European Commission Recommendation (EU) 2020/2245; Explanatory Note to Recommendation (EU) 2020/2245, Sections 2 and 3; and European Commission SMP Guidelines (2018/C 159/01), paragraphs 22-34.

5.5 As is often the case in smaller telecommunications markets, the data available to the GCRA is not capable of supporting a fully quantitative application of the HMT. In particular, the GCRA does not have access to the type of empirical demand elasticity, diversion ratio and switching data that would permit a precise econometric assessment of consumer substitution.

5.6 Accordingly, the GCRA has undertaken a qualitative assessment grounded in the HMT and SSNIP framework using the best evidence available and which it considers is proportionate, given the size of the Guernsey marketplace. This evidence includes product characteristics, retail and wholesale pricing, consumer research, switching and migration data, market statistics, operator submissions and information obtained directly from existing and prospective market participants (as described in Table 1). The GCRA considers that this evidence provides a sufficiently robust basis on which to assess likely substitution patterns and define the relevant market.

Table 1: Evidence considered by the GCRA

Evidence Category	Examples and Source
Product characteristics	Speeds, technologies, functionality information from Licensed Operators
Pricing evidence	Retail and wholesale prices from Licensed Operators
Consumer research and customer behaviour	IGR consumer research[19]
Switching evidence	Migration and churn data from Licensed Operators
Market evidence	Annual Telecoms Market Statistics Reports[20]
Operator submissions	Consultation responses and RFI responses
Forward-looking market developments	Planned products, entry and expansion from Licensed Operators and other organisations

Selection of the focal product

5.7 The market definition assessment begins by identifying a focal product and then assessing whether consumers would switch to alternative products and services in response to a SSNIP. The focal product serves as the starting point for the assessment and enables the GCRA to identify the competitive constraints acting on that product and define the boundaries of the relevant market.

5.8 The GCRA did not receive any comments from respondents regarding the selection of a focal product in response to its Proposed Decision.

5.9 In selecting a focal product, the GCRA considered which broadband service was most representative of prevailing market conditions and most suitable for assessing substitution across broadband products, providers and technologies. In doing so, the GCRA took account of:

5.9.1 the commercial significance of the product;

[19] IGR's Consumer Research report – Retail Broadband Market - IGR

[20] Telecommunications Statistics and Market Reports | The Guernsey Competition and Regulatory Authority

5.9.2 its representativeness of consumer demand and competitive conditions;
5.9.3 its suitability for assessing substitution to neighbouring products; and
5.9.4 its ability to support substitution testing across providers and technologies.

5.10 As explained in Section 3, the review was commenced to assess whether any undertaking held a position of dominance within the retail broadband market and whether ex ante regulation was justified. At the time the review commenced, Sure held a dominant position in the retail broadband market as a consequence of historic GCRA decisions in the retail broadband market[21]. The GCRA therefore concluded that an appropriate starting point is to consider retail broadband services provided by Sure.

5.11 The GCRA assessed all products within Sure's fibre broadband portfolio and identified the 75 Mbps and 150 Mbps fibre broadband services as the most appropriate candidate focal products.

5.12 Whilst the 150 Mbps product [✂], the GCRA considers that the 75 Mbps product provides the more appropriate analytical starting point. The product is [✂] of Sure's retail broadband subscribers in 2025, and is widely available and actively marketed by both Sure as a mainstream residential fibre broadband service. It also occupies a position within the portfolio that enables the GCRA to assess substitution in multiple directions, including to lower-speed services, higher-speed services, competing providers and alternative technologies.

5.13 The GCRA therefore concludes that **Sure's 75 Mbps fibre broadband product** is the most appropriate focal product for the purposes of the market definition assessment and uses that product as the starting point for the substitution analysis that follows.

Substitutability between speeds and a chain of substitution

5.14 The GCRA next considered whether a hypothetical monopolist controlling only the focal product could profitably implement a SSNIP, or whether sufficient numbers of customers would switch to alternative products to make the price increase unprofitable.

5.15 As a first step, the GCRA sought to identify the closest substitutes to the focal product (Sure's 75Mbps fibre broadband product). The GCRA does not have access to empirical diversion ratios showing how customers would respond to a SSNIP, or a comparable price increase, in practice. It has therefore relied on the best evidence available, including customer research, observed switching behaviour, product characteristics and pricing.

5.16 The IGR Consumer Research Report ("the IGR Report"), together with market share data and historic switching information, indicates that broadband customers in Guernsey exhibit relatively low levels of provider switching and a tendency to remain with their existing provider. Whilst 64% of respondents reported making some change to their broadband service during the previous three years, only 15% had changed provider. Amongst Sure customers who had migrated to fibre broadband, 71% had not considered competing offers before making the change. The GCRA considers this evidence to be indicative of customer inertia and consistent with customers initially considering alternative products within their existing provider's portfolio before switching provider entirely. **The GCRA therefore concludes that neighbouring Sure fibre broadband speed tiers are the most likely substitutes to the focal product and should be considered first in the substitution analysis that follows**.

[21] OUR 01/14 - Decisions under The Telecommunications (Bailiwick of Guernsey) Law, 2001 - Decision Notice and Report on the Consultation

5.17 The GCRA next considered whether those neighbouring speed tiers exert a sufficient competitive constraint on the 75Mbps product. As shown in Figure 4, a 10% SSNIP would increase the monthly price of the 75Mbps product from approximately £50 to £55. At that price, the 150Mbps product would cost only £5 more per month whilst providing significantly greater capacity. Conversely, the 30Mbps product would be approximately £16 cheaper and may therefore appeal to customers with more modest broadband requirements and budgets. The GCRA concludes that these pricing relationships would be likely to result in both upward and downward substitution and are therefore indicative of meaningful competitive constraints from neighbouring speed tiers[22].

5.18 The GCRA also considered whether differences in product characteristics would prevent such substitution. It does not consider that they would. Neighbouring Sure fibre products provide symmetrical upload and download speeds and are capable of supporting the principal uses identified in the IGR Report, including web browsing, online transactions, internet-based communications and streaming services[23]. The IGR Report also found that 61% of respondents described their household internet usage as "medium"[24]. Whilst higher-speed products provide greater capacity, the GCRA concludes that neighbouring speed tiers remain capable of meeting the requirements of a sufficient number of consumers and therefore exert a competitive constraint upon one another.

5.19 Taken together, the available evidence indicates that neighbouring Sure fibre broadband speed tiers of 30Mbps and 150Mbps constrain the focal product, and therefore are included within the candidate market.

Chain of Substitution

5.20 The GCRA next considered whether this substitution extends beyond neighbouring products through a chain of substitution. A chain of substitution may arise where adjacent products constrain one another, even though customers may not regard products at opposite ends of the range as close substitutes.

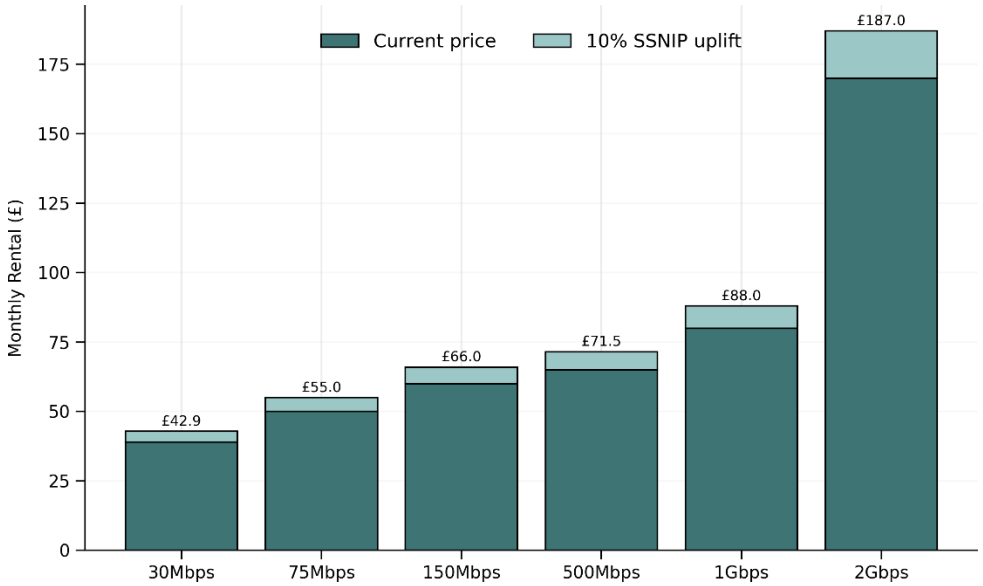
5.21 The GCRA concludes that such a chain exists across Sure's fibre broadband portfolio. The portfolio comprises 30Mbps, 75Mbps, 150Mbps, 500Mbps, 1Gbps and 2Gbps services. Each product is supplied using the same underlying fibre infrastructure and provides access to the same internet applications and services. The principal differences between the products relate to speed and price rather than their underlying functionality. The GCRA therefore concludes that the products are differentiated primarily by degree rather than by their underlying function or use.

[22] This assessment is consistent with the IGR Report, which found that 26% of respondents would consider a broadband product with a slower download speed to some extent. Of those respondents, 20% indicated that they would consider a slower-speed product if it were more than 10% cheaper.

[23] IGR's Consumer Research report – Retail Broadband Market – page 34

[24] Ibid

Figure 4: Relative Pricing of Sure Fibre Broadband Services and the Effect of a 10% SSNIP



Note: The dark teal portion of each Sure bar represents the prevailing retail broadband price. The lighter section represents the additional price resulting from a hypothetical 10% SSNIP.

5.22 The evidence on product characteristics, customer behaviour and the pricing relationships illustrated in Figure 4 indicates that customers are capable of moving between adjacent speed tiers in response to differences in price, capacity and individual broadband requirements. The GCRA therefore concludes that the same substitution dynamics identified between the 75Mbps product and neighbouring speed tiers apply more broadly across the range of fibre broadband services.

Possible break in the chain – 1Gbps and 2Gbps

5.23 The GCRA also considered whether there may be a break in the chain of substitution between the 1Gbps and 2Gbps products. The price differential between these services is materially larger than between other adjacent speed tiers. Sure's published prices show that the 2Gbps product costs £170 per month, compared with £80 for the 1Gbps product, representing an increase of approximately 113%. By comparison, price increases between all other adjacent fibre broadband tiers range from approximately 14% to 28%.

5.24 However, the GCRA does not consider that the available evidence supports treating the 2Gbps product as a separate market. Demand for the 2Gbps service remains extremely limited, accounting for [✂]subscribers, or approximately [✂]% of broadband connections. Furthermore, all fibre broadband speed tiers are supplied using the same underlying infrastructure and operational capabilities, such that supply-side substitution is effectively immediate. Given this [✂], the GCRA concludes that there is insufficient evidence to justify identifying a separate market for ultra-high-speed broadband services at this time.

5.25 The GCRA will continue to monitor demand for higher-speed broadband services as part of future market reviews.

Conclusion

5.26 The GCRA therefore concludes that a continuous chain of substitution exists across all Sure fibre broadband speed tiers. **Accordingly, all Sure fibre broadband services, irrespective of speed, are included within the candidate product market**.

Substitutability with other retail fibre broadband services

5.27 Having concluded that all Sure fibre broadband services form part of the candidate market through a chain of substitution, the GCRA next considered whether broadband services supplied by competing providers exert a sufficient competitive constraint to be included within the same candidate market.

5.28 The GCRA first sought to identify the next closest substitute to Sure's fibre broadband services. In the absence of direct diversion ratio evidence, the GCRA relied upon customer research, market data and observed switching behaviour.

5.29 The IGR Consumer Research Report indicates that JT is the provider most likely to be considered by consumers when purchasing broadband services. Approximately 70% of respondents identified JT as a provider they would consider for home broadband services, compared with approximately 28% who identified Starlink[25]. The GCRA considers this to be persuasive evidence that consumers regard JT as a materially closer substitute to Sure than other broadband providers or technologies. When considered alongside the customer inertia identified earlier in the assessment, the evidence suggests that consumers would be more likely to substitute to JT than any other provider in response to a deterioration in Sure's competitive offering.

5.30 The GCRA therefore concludes that JT's retail broadband services represent the closest substitute to Sure's fibre broadband services and next considered whether those services exert a sufficient competitive constraint to warrant inclusion within the candidate market.

5.31 JT's fibre broadband products are functionally comparable to those supplied by Sure. Both operators offer unlimited broadband services across a similar range of speed tiers[26], and both are capable of supporting the same core consumer uses, including streaming, communications, web browsing and online transactions[27]. In addition, most JT broadband services are primarily supplied using wholesale access to the same underlying fibre network used by Sure. The GCRA therefore concludes that JT's fibre broadband services are functionally equivalent to Sure's fibre broadband services from the perspective of most consumers.

5.32 Pricing evidence is also strongly consistent with JT exerting a competitive constraint on Sure's fibre broadband services. As illustrated in Figure 5, JT's broadband prices are broadly comparable to Sure's across the principal speed tiers. Excluding the 2Gbps product, where pricing strategies appear materially different, the average price differential between equivalent products is approximately 4%. The GCRA considers this to be indicative of a close competitive relationship between the two providers and consistent with both operators pricing in response to similar competitive constraints.

5.33 The closest comparison is the focal 75Mbps product. Sure's current price is approximately £50 per month compared with £52.50 per month for JT's equivalent product. Following a hypothetical 10% SSNIP, Sure's price would increase to £55 per month, making JT's product cheaper. Similar relationships exist across other mainstream speed tiers. JT's 150Mbps product is priced at approximately £57.50 per month compared with £60 per month for Sure's equivalent product, whilst JT's 500Mbps product is priced at approximately £62.50 per month compared with £65 per month for Sure's equivalent product.

5.34 The GCRA notes that it has not included Sure's 30Mbps product and JT's 50Mbps product in Figure 5. Whilst these products occupy a similar position within the respective providers' portfolios, they are not directly

[25] IGR's Consumer Research report – Retail Broadband Market – pages 16-18

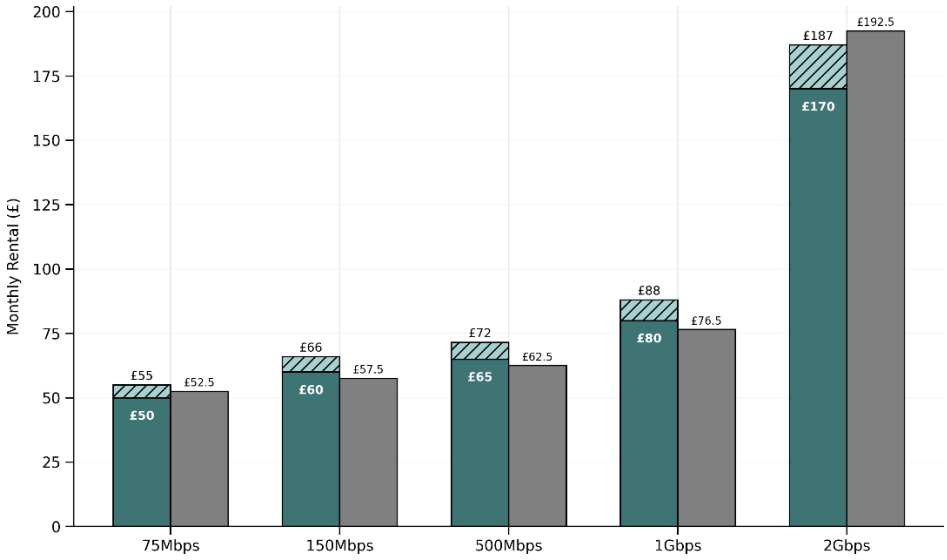
[26] Sure response to GCRA Request for Information, Questions 2 and 7; JT response to GCRA RFI-Retail Broadband Market, Questions 2, 5 and 7. These responses set out the speeds, product characteristics, availability and service features of the retail broadband products supplied by Sure and JT.

[27] IGR's Consumer Research report – Retail Broadband Market – page 68

comparable speed tiers and therefore do not provide a like-for-like comparison. Nevertheless, the GCRA notes that the prices of the two products are broadly similar, providing further evidence that the providers' retail broadband portfolios are similarly positioned.

5.35 Pricing evidence is also consistent with JT exerting a competitive constraint on Sure. As shown in Figure 5, JT's broadband prices are broadly comparable to Sure's across the principal speed tiers and, in a number of cases, are already lower. A 10% SSNIP applied to Sure's products would widen that differential further. The IGR Report found that approximately 52% of respondents would consider switching provider for a broadband service that was 10% cheaper, with this proportion increasing where larger savings are available. The GCRA therefore concludes that a sufficient number of customers would be likely to switch to JT in response to a SSNIP for JT to exert a material competitive constraint on Sure's broadband services.

Figure 5: Comparison of Sure and JT Retail Broadband Prices and the Effect of a 10% SSNIP



Note: The dark teal portion of each Sure bar represents the prevailing retail broadband price. The hatched section represents the additional price resulting from a hypothetical 10% SSNIP. Grey bars show JT's equivalent retail broadband prices.

5.36 The pricing evidence is reinforced by the findings of the IGR Report. The survey found that approximately 52% of respondents would consider switching provider for a broadband service that was 10% cheaper, with this proportion increasing further where larger savings are available[28]. The GCRA considers this evidence particularly relevant in the context of Figure 5, which demonstrates that a 10% SSNIP applied to Sure's fibre broadband portfolio would make a number of JT products cheaper than their Sure equivalents. Taken together, the consumer research and pricing evidence indicate that a sufficient number of customers would be likely to switch to JT in response to a SSNIP for JT to exert a material competitive constraint on Sure's fibre broadband services.

5.37 Furthermore, historic switching and migration data is consistent with this assessment. The data supplied to the GCRA by Sure Wholesale records [✂] and indicates that customers frequently migrate between comparable fibre broadband products offered by the two providers[29]. The evidence demonstrates that customers are willing to switch both provider and speed tier when alternative offers become attractive.

[28] IGR Consumer Research Report, willingness-to-switch analysis (approximately 52% of respondents willing to consider switching provider where a broadband service is 10% cheaper).

[29] Sure response to Q14 of the GCRA Information Request: customer migration and provider switching data for 2021-2026

Whilst this data does not provide direct diversion ratios, they are consistent with the conclusion that JT exerts a meaningful competitive constraint on Sure's fibre broadband services.

5.38 The GCRA also notes that JT is an established competitor with a substantial existing broadband customer base[30]. JT accounted for [✂] of retail broadband subscriptions in 2025, providing further evidence that Guernsey consumers already regard JT's services as a credible alternative to those supplied by Sure.

5.39 Finally, the GCRA considered whether the fact that broadband services are supplied both on a standalone basis and as part of bundled telecommunications packages affects the market definition.

5.40 The evidence indicates that bundled purchasing is an established feature of the Bailiwick telecommunications market. Information obtained by the GCRA from Licensees and the IGR Report indicates that a substantial proportion of broadband customers purchase broadband services as part of a bundle containing other telecommunications services (approximately [✂]%), particularly mobile services. The GCRA also notes evidence of switching between standalone and bundled broadband offerings over time, indicating that consumers move between these forms of purchase according to their circumstances and preferences.

5.41 The GCRA does not consider that broadband supplied as part of a bundle constitutes a separate product from broadband supplied on a standalone basis. In both cases, consumers purchase the same underlying broadband connectivity service and are able to access the same applications, content and online services. The principal difference relates to the manner in which broadband is purchased rather than the functionality of the service itself.

5.42 The GCRA further notes that both Sure and JT supply broadband services on a standalone basis and as part of bundled telecommunications packages. The availability of bundled offers therefore represents an additional dimension of competition between providers rather than evidence of a distinct product market. The GCRA has accordingly taken broadband services supplied on both a standalone and bundled basis into account throughout its assessment of substitution and competitive constraints.

5.43 Taking the evidence together, the GCRA concludes that JT's fibre broadband services, whether supplied on a standalone basis or as part of a bundle exert a sufficient competitive constraint on Sure's fibre broadband services. Accordingly, **JT's retail fibre broadband services are included within the candidate product market**.

Substitutability with satellite broadband services

5.44 The GCRA next considered whether satellite broadband services should also be included within the candidate product market.

5.45 The IGR Consumer Research Report indicates that consumers consider Starlink to be the next closest substitute to the candidate market following JT (and Airtel, which is now owned by Sure). Approximately 28% of respondents identified Starlink as a provider they would consider for home broadband services. In the absence of direct diversion ratio evidence, the GCRA considers this evidence sufficient to conclude that Starlink is the next closest substitute to the candidate market and therefore to assess whether it exerts a sufficient competitive constraint to warrant inclusion within that market

[30] Telecoms Market Report 2025, Table 3.

Proposed Decision and Responses

5.46 In the January 2026 Proposed Decision, the GCRA concluded that the inclusion or exclusion of satellite broadband services could be left open. Whilst some evidence of substitution between fixed broadband and satellite broadband existed, that substitution appeared limited and remained relatively nascent. At the time, Starlink offered a single residential broadband product priced at approximately £79 per month and required customers to purchase equipment costing between £179 and £299 upfront. The GCRA therefore considered that both the monthly price and upfront switching costs reduced the extent to which satellite broadband constrained mainstream fibre broadband services.

5.47 Sure disagreed with that assessment. In its consultation response, Sure argued that the GCRA had underestimated the competitive significance of satellite broadband services and submitted that Starlink should be included within the relevant product market. Sure also noted that Starlink was already included within the annual Telecommunications Statistics and Market Reports and invited the GCRA to reconsider its assessment in light of developments in the satellite broadband market.

Revised Assessment

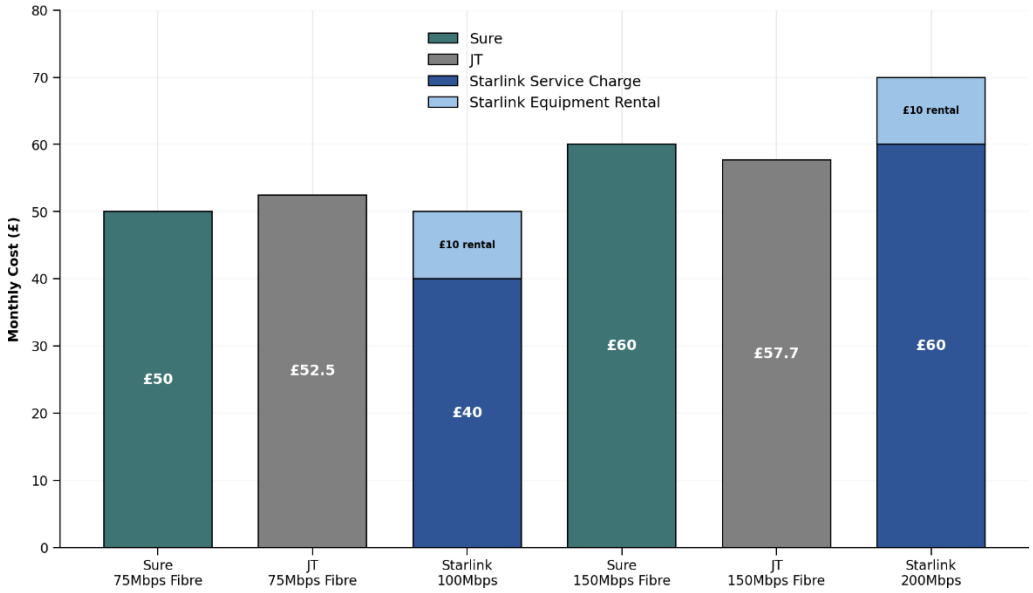
5.48 The GCRA carefully considered Sure's submissions and undertook further evidence gathering during summer 2026 to test the issues raised during consultation. This included obtaining updated information directly from Starlink regarding prices, equipment costs, installation requirements, customer growth, service characteristics and future developments. The GCRA also considered updated consumer research, market data and information relating to actual consumer behaviour.

5.49 The GCRA first considered the relative pricing and performance of Starlink's products.

5.50 Starlink's prices have reduced substantially since the January 2026 Proposed Decision. It currently offers residential broadband products priced at approximately £40 and £60 per month. Customers may either rent Starlink equipment for £10 per month or purchase equipment outright. Starlink's residential products therefore now have an effective monthly price of approximately £50 and £70 where equipment rental is selected. Figure 6 compares Starlink's pricing with the mainstream 75Mbps and 150Mbps fibre broadband products supplied by Sure and JT.

5.51 The GCRA considers these products to now be positioned within the mainstream segment of the broadband market rather than occupying a niche position. Approximately [✂]% of fixed broadband customers subscribe to products between 50Mbps and 150Mbps. Starlink's broadband products therefore compete directly within the range of speeds and prices where [✂].

Figure 6: Comparison of Mainstream Fibre Broadband[31] and Starlink Residential Prices



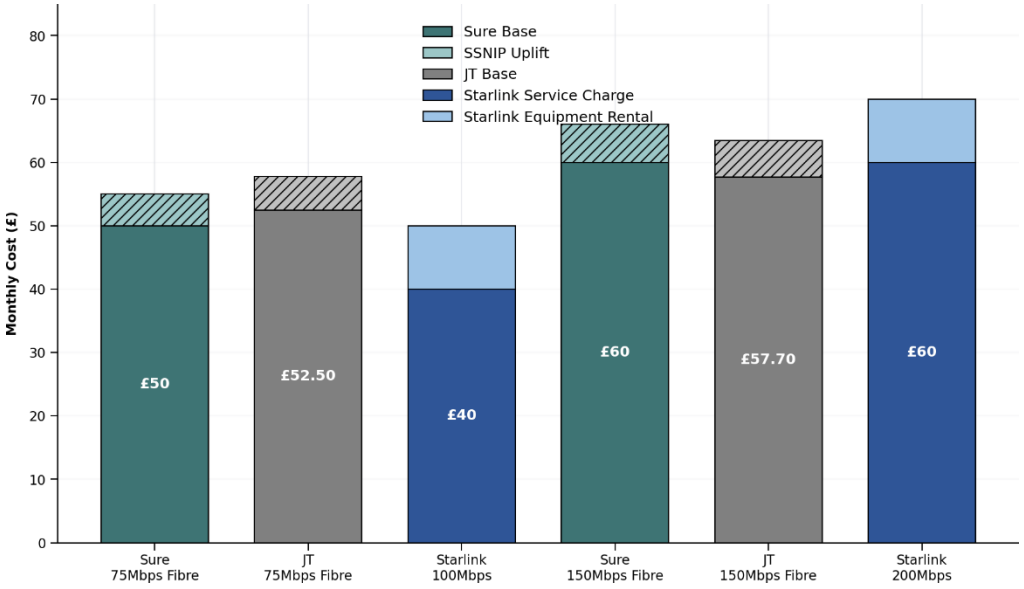
Note: The dark blue portion of each Starlink bar represents the monthly subscription charge. The lighter blue section represents the monthly equipment rental charge.

5.52 While a direct comparison is complicated by differences in technology and service characteristics, as illustrated in Figure 6, Starlink's pricing now compares favourably with many fibre broadband products. Its 100Mbps service is priced below most 75Mbps and 150Mbps products offered by Sure and JT, while its 200Mbps service is priced within the range of mainstream fibre broadband products despite offering materially higher download bandwidth than many products available at a similar monthly price. The GCRA therefore concludes that Starlink's products offer a compelling value proposition relative to a significant proportion of products within the candidate market.

5.53 The GCRA also considered the impact of a SSNIP applied to one or more products within the candidate market. As illustrated in Figure 7, Starlink's relative value proposition becomes stronger following such a price increase. A 10% SSNIP applied to mainstream fibre broadband products would increase the price differential between Starlink and a number of competing fixed broadband products whilst leaving Starlink's prices unchanged. The GCRA therefore considers that a SSNIP applied to the candidate market would be likely to increase the attractiveness of Starlink relative to fixed broadband services and encourage additional switching towards satellite broadband services.

[31] Please note, Sure and JT fibre broadband prices include landline services.

Figure 7: Comparison of Mainstream Fibre Broadband and Starlink Residential Prices Following a 10% SSNIP



Note: A hypothetical 10% SSNIP has been applied to products within the candidate market. Starlink prices remain unchanged.

5.54 This conclusion is reinforced by evidence of actual consumer behaviour. Following reductions in Starlink's monthly charges and the introduction of an equipment rental option during 2026, customer growth [✂]. As shown in Figure 8, average monthly net moves between March and July 2026 were approximately [✂] than between August 2025 and February 2026. The GCRA considers this evidence particularly significant because it demonstrates that consumers respond to improvements in Starlink's relative pricing and value proposition. In the GCRA's view, this is consistent with Starlink exerting a material competitive constraint on fixed broadband services when priced competitively.

Figure 8: Monthly Net Moves for Starlink Broadband Services in Guernsey (August 2025 to July 2026)[32]

[✂]

5.55 The GCRA nevertheless recognises that substitution between satellite broadband and fixed broadband is imperfect and considered a number of factors that may reduce consumers' willingness to switch.

5.56 First, Starlink does not offer symmetrical upload and download speeds in the same manner as fibre broadband services supplied by Sure and JT. Whilst this difference is unlikely to affect all consumers, it may reduce the attractiveness of satellite broadband for users with more demanding upload requirements, such as online gamers, content creators and users regularly transferring large volumes of data. The IGR Consumer Research Report found that approximately 37% of residential respondents undertook online gaming activities. However, the report also found that the most common uses of broadband services were internet browsing, online shopping, online banking, social media, streaming services and internet-based communications, with approximately 61% of respondents describing their internet usage as "medium". The GCRA therefore considers that customers with significant upload requirements represent a minority of broadband users and that Starlink's lower upload performance is unlikely to deter a sufficient number of customers to prevent satellite broadband from exerting a meaningful competitive constraint on fixed broadband services[33].

5.57 Secondly, the GCRA considered whether Starlink's equipment costs and installation requirements represent a material barrier to switching. Prior to February 2026, customers were required to purchase Starlink equipment outright at a cost of between £179 and £299. However, Starlink subsequently introduced an equipment rental option costing £10 per month, significantly reducing the upfront cost of switching. Whilst this rental charge is higher than the effective monthly equipment charges associated with some fixed broadband products, it does not represent a substantial cost when considered alongside the overall monthly cost of broadband services. Furthermore, many fixed broadband products are subject to minimum contract terms, installation requirements and equipment charges of their own. The GCRA therefore concludes that equipment costs may reduce substitution at the margin but are not sufficiently material to prevent Starlink from exerting a competitive constraint on the candidate market.

5.58 Thirdly, the GCRA considered Starlink's installation requirements. Starlink requires a suitable mounting location and a sufficiently unobstructed view of the sky. These requirements may make the service less attractive for some customers and may create practical difficulties for certain households, particularly those living in flats, apartment buildings or other multiple-dwelling units where external access, landlord consent or suitable mounting locations may be unavailable. However, Starlink advised the GCRA that [✂]. The GCRA therefore considers that installation requirements are likely to reduce substitution for some consumers but not to a degree that would prevent Starlink from exerting a meaningful competitive constraint on fixed broadband services.

5.59 Taken together, the GCRA concludes that these factors reduce, but do not eliminate, substitutability between satellite broadband and fixed broadband services. Whilst Starlink may not be an equally attractive alternative for all consumers, the evidence indicates that a meaningful proportion of broadband users are willing and able to switch where the relative pricing and value proposition become sufficiently attractive.

[32] Starlink customer additions supplied to the GCRA in response to a supplementary information request dated August 2026. [✂].

[33] IGR Consumer Research Report – Retail Broadband Market Review, page 68.

Conclusion

5.60 On balance, the GCRA concludes that Starlink's residential satellite broadband services exert a sufficient competitive constraint on the candidate market to warrant inclusion within it.

5.61 This conclusion is based not only on current market conditions, but also on the GCRA's forward-looking assessment of expected developments over the review period. Since publication of the Proposed Decision, Starlink has reduced monthly subscription charges, introduced equipment rental options and experienced [✂]. Starlink has also indicated that [✂]. The GCRA therefore expects satellite broadband services to become an increasingly important competitive constraint during the review period.

5.62 Whilst differences in upload performance, installation requirements and equipment arrangements reduce substitutability for some consumers, the available evidence demonstrates that a meaningful proportion of consumers regard satellite broadband as a viable alternative and respond to changes in its relative pricing and value proposition. Accordingly, **the GCRA concludes that Starlink's residential broadband services are included within the candidate product market**.

Substitutability with mobile broadband and fixed wireless access services

5.63 In the January 2026 Proposed Decision, the GCRA concluded that the inclusion or exclusion of mobile broadband and fixed wireless access ("FWA") services could be left open[34]. Whilst the assessment identified some evidence that consumers may regard mobile broadband services as an alternative means of accessing the internet, mobile broadband and FWA services did not appear to exert a sufficient competitive constraint on fixed broadband services to affect the outcome of the market review. The GCRA therefore concluded that it was unnecessary to reach a definitive view on their inclusion within the relevant market.

5.64 Neither JT nor Sure challenged that conclusion directly. However, respondents did comment on the potential impact of future 5G mobile broadband and FWA services and the extent to which such services may become more significant over the review period[35] [36].

Revised Assessment

5.65 The GCRA nevertheless considered it appropriate to revisit this part of the assessment. During summer 2026, the GCRA obtained additional information from Licensees regarding current mobile broadband services, existing FWA products and planned 5G developments over the review period[37] [38]. This included information regarding coverage, pricing, data allowances, speeds and future product launches.

5.66 The GCRA first considered whether mobile broadband services could, in principle, exert a sufficient competitive constraint on the candidate market.

5.67 Mobile broadband services provide access to many of the same internet applications and services as fixed fibre broadband and satellite broadband services. Consumers are therefore capable of using mobile broadband to access websites, streaming services, online communications, social media platforms and other internet-based services. Mobile broadband services are also materially cheaper than products currently

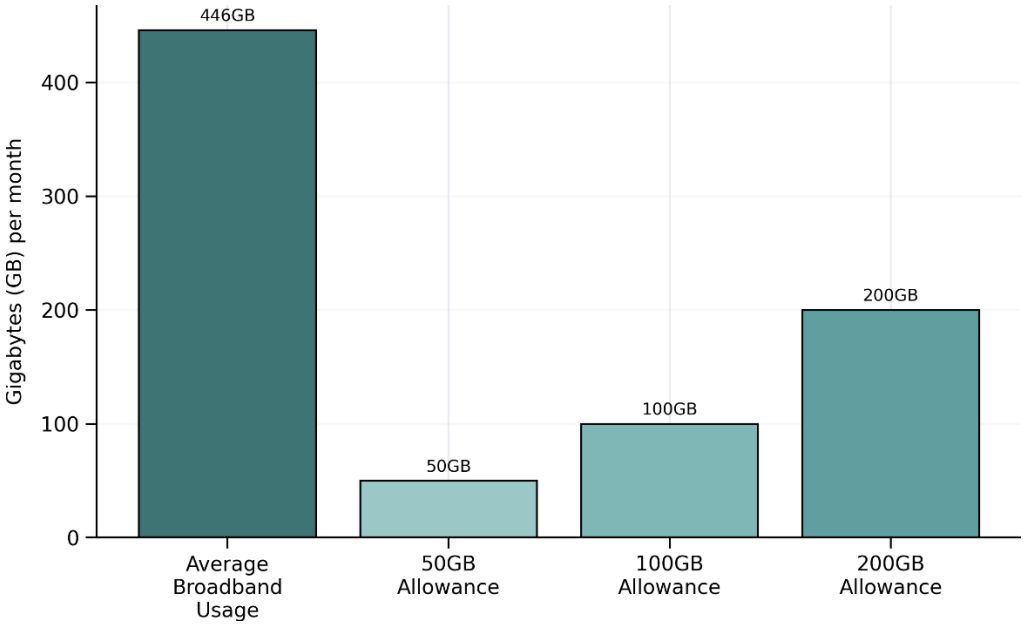
[34] T1699G – Retail Broadband Market Review – Proposed Decision (15 January 2026), paragraphs 1.5 and Section 4 (Retail Product Market)
[35] JT (Guernsey) Limited, Response to the GCRA's Retail Broadband Market Review Consultation, March 2026
[36] Sure (Guernsey) Limited, Response to the GCRA's Retail Broadband Market Review Consultation, 9 March 2026
[37] JT response to GCRA RFI-Retail Broadband Market.pdf. Information regarding current mobile broadband services and future 5G plans
[38] Sure response to GCRA Request for Information.pdf. Information regarding current mobile broadband products, 4G FWA services and planned 5G developments

included within the candidate market, with monthly charges generally ranging between approximately £13 and £49 per month compared with approximately £40 to £80 per month for mainstream fibre broadband and satellite broadband services.

5.68 On their face, these price differences suggest that mobile broadband may represent an attractive alternative for some consumers. However, price alone is insufficient to establish substitutability and the GCRA therefore considered whether current mobile broadband products are capable of meeting the same consumer requirements as products within the candidate market.

5.69 Current mobile broadband services are generally supplied with data allowances that are materially lower than the volume of data typically consumed by a broadband household. As illustrated in Figure 9, average broadband usage substantially exceeds the allowances available on the most commonly available mobile broadband products. The GCRA therefore concludes that current mobile broadband services are unable to support the usage patterns associated with a typical broadband household. Consequently, customers using broadband at or around average levels would be likely to exceed the allowances available on most mobile broadband products, limiting the extent to which those products can replicate the functionality of fixed fibre broadband and satellite broadband services.

Figure 9: Comparison of Average Monthly Broadband Usage and Monthly Mobile Broadband Data Allowances[39]



5.70 Mobile broadband services also differ from fixed fibre broadband and satellite broadband services in terms of performance and consistency. Mobile broadband is delivered using a shared wireless network and service quality can vary according to signal strength, network utilisation, indoor coverage and geographic location. The GCRA therefore considers that current mobile broadband services generally provide a less predictable broadband experience than fixed fibre broadband or satellite broadband services when used as a primary household connection.

5.71 The IGR Consumer Research Report is consistent with this conclusion. Approximately 28% of respondents indicated that they would consider switching to a 4G broadband service, whilst only 8% stated that they

[39] Telecoms Market Report 2025, Fixed Broadband Market section. Average monthly broadband usage approximately 446GB per connection during 2025.

would definitely consider doing so[40]. The GCRA considers this evidence indicative of relatively weak substitution between current mobile broadband services and the candidate market.

5.72 The GCRA also considered Sure's existing 4G FWA service. That product addresses one limitation of standard mobile broadband by offering unlimited data allowances. However, it remains subject to the same underlying wireless performance constraints as other mobile broadband services, including signal strength, indoor coverage, local capacity and network congestion.

5.73 The product is also priced broadly in line with mainstream fibre broadband services and therefore provides only a limited pricing incentive for consumers to switch away from products within the candidate market. The GCRA therefore concludes that current FWA services do not exert a sufficient competitive constraint on the candidate market.

5G Mobile Broadband and FWA

5.74 The GCRA has also considered whether this conclusion is likely to change over the review period following the introduction of 5G mobile broadband and FWA services in the Bailiwick of Guernsey.

5.75 [✂].

5.76 However, the GCRA considers that the evidence regarding future 5G products remains uncertain. Whilst future 5G and FWA services may be functionally closer substitutes to products within the candidate market, [✂]. The GCRA therefore does not consider there to be a sufficiently robust evidential basis on which to conclude that future 5G services will exert a sufficient competitive constraint during the review period.

5.77 The GCRA therefore concludes that there is currently insufficient evidence to determine that future 5G mobile broadband or FWA services will exert a sufficient competitive constraint on the candidate market during the review period.

Conclusion

5.78 Taking the evidence together, the GCRA concludes that current mobile broadband and FWA services do not exert a sufficient competitive constraint on fixed fibre broadband and satellite broadband services.

5.79 Whilst mobile broadband products are significantly cheaper than products included within the candidate market and provide access to many of the same internet applications and services, they do not currently provide an equivalent broadband experience for most consumers. In particular, data allowances, network characteristics and consumer preferences suggest that mobile broadband services are an imperfect substitute which would not attract a sufficient number of customers to undermine a SSNIP applied to the candidate market.

5.80 Accordingly, the GCRA concludes that **current mobile broadband and FWA services should be excluded from the candidate product market at this time**.

Substitutability between copper and fibre broadband

5.81 In the January 2026 Proposed Decision, the GCRA concluded that copper and fibre broadband services formed part of the same relevant product market. The assessment recognised that fibre broadband services generally offer higher speeds, greater capacity and improved performance than copper broadband services, but concluded that the two technologies continued to serve the same underlying customer need and that

[40] IGR Consumer Research Report – Retail Broadband Market Review – page 34

significant customer migration between the technologies was taking place. As a result, the GCRA considered that copper and fibre broadband services should be included within the same market during the transition to fibre.

5.82 Neither JT nor Sure challenged this conclusion during the consultation process. The GCRA has nevertheless revisited the assessment in light of the updated evidence and its broader review of the market definition.

Revised Assessment

5.83 The GCRA recognises that the substitutability analysis between copper and fibre broadband differs from the analyses undertaken elsewhere in this Decision. Unlike broadband speed tiers, competing providers or satellite broadband services, the relationship between copper and fibre broadband services is primarily transitional in nature.

5.84 In a strict application of the HMT, copper broadband services may not appear to exert a significant competitive constraint on fibre broadband services. Customers located in areas where fibre broadband is available are generally no longer able to purchase new copper broadband services due to stop-sell arrangements associated with the migration to fibre. As a result, copper broadband services are increasingly unable to constrain fibre broadband services in the same way that they may have done historically.

5.85 However, the GCRA considers that focusing solely on current switching opportunities would risk overstating the extent to which the transition from copper to fibre has already been completed. A material number of customers continue to receive broadband services over copper infrastructure and continue to migrate to fibre broadband services as fibre deployment expands.

5.86 The GCRA considers that the strongest evidence of substitutability is the substantial migration that has already occurred between the two technologies. As fibre broadband deployment has expanded across the Bailiwick, fibre subscriptions have increased significantly whilst copper subscriptions have declined. The GCRA considers this to be clear evidence that consumers regard fibre broadband as a replacement for copper broadband services and are willing to migrate between the two technologies where fibre services become available.

5.87 The GCRA also notes that copper and fibre broadband services continue to fulfil the same underlying customer requirement: the provision of fixed broadband connectivity. Whilst fibre broadband services generally provide higher speeds, greater capacity and improved reliability, both technologies enable consumers to access the same core internet applications and services.

5.88 The GCRA further notes that the migration from copper to fibre remains ongoing and that the retirement of copper infrastructure will occur progressively over time. The GCRA therefore considers that copper broadband services remain relevant to the market definition assessment during the review period, notwithstanding their declining importance.

Conclusion

5.89 Accordingly, the GCRA concludes that copper broadband and fibre broadband services **should be included within the same candidate product market**.

Geographic Market Definition

5.90 In the January 2026 Proposed Decision, the GCRA concluded that the relevant geographic market comprised the whole of the Bailiwick of Guernsey. The assessment was based on the availability of broadband services across the Bailiwick, common retail pricing and the absence of evidence suggesting materially different competitive conditions between Guernsey and the other islands[41].

5.91 Neither respondent challenged the proposed geographic market definition during the consultation process. The GCRA has nevertheless revisited the assessment in light of the updated evidence obtained during the review.

Revised Assessment

5.92 A relevant geographic market comprises an area in which the conditions of competition are sufficiently homogeneous, and which can be distinguished from other areas where those conditions are appreciably different. Conditions of competition do not need to be identical throughout the geographic market[42]. The GCRA has therefore considered whether conditions of competition differ sufficiently across the Bailiwick to justify the definition of separate geographic markets. The evidence does not support such a conclusion.

5.93 First, broadband services are available throughout the Bailiwick. Sure's broadband network is available across the Bailiwick and wholesale broadband products are supplied to retail providers on common terms, conditions and prices irrespective of location. Retail providers are therefore able to compete for customers throughout the Bailiwick using the same underlying wholesale inputs. Starlink's satellite broadband services are also available across the whole Bailiwick and do not depend upon the local fixed network. The GCRA therefore does not consider that coverage or service availability differs sufficiently across the Bailiwick to create separate geographic markets.

5.94 Secondly, the GCRA has not identified evidence of geographic price differences. Sure, JT and Starlink each apply common retail prices throughout the Bailiwick. Customers in different islands are therefore subject to the same pricing structures and retail offerings.

5.95 Thirdly, the GCRA has not identified evidence that market shares or other competitive conditions differ materially across the Bailiwick. The available evidence indicates that the same providers compete throughout the Bailiwick using substantially the same products, pricing strategies and commercial terms.

5.96 Taken together, the GCRA considers that the conditions of competition are sufficiently homogeneous across the Bailiwick for the purposes of geographic market definition.

Conclusion

5.97 The GCRA concludes that coverage and service availability, retail pricing and competitive conditions are broadly consistent throughout the Bailiwick. The available evidence does not indicate that customers in any part of the Bailiwick are subject to materially different competitive conditions.

5.98 Accordingly, the GCRA concludes that **the Bailiwick of Guernsey constitutes the relevant geographic market for retail broadband services**.

[41] T1699G – Retail Broadband Market Review – Proposed Decision (15 January 2026), Section 4 – Retail Geographic Market

[42] European Commission, Commission Notice on the definition of the relevant market for the purposes of Union competition law (2024/C 1645), paragraph 64.

Market Definition Conclusion

5.99 The GCRA therefore concludes that the relevant market definition is:

> *"Retail broadband connectivity services supplied to residential and business customers over copper, fibre and satellite broadband technologies, on a standalone or bundled basis, within the Bailiwick of Guernsey."*

6. THREE CRITERIA TEST

6.1 Following the market definition assessment, the next step under the European market review framework is to consider whether the market is susceptible to ex ante regulation through application of the Three Criteria Test. This is intended to identify those markets in which sector-specific regulation may be justified and acts as a threshold requirement before any assessment of dominance is undertaken[43].

6.2 The test requires a regulator to determine whether:

- the market is characterised by high and non-transitory structural, legal or regulatory barriers to entry;
- the market structure does not tend towards effective competition within the relevant review period; and
- competition law alone would be insufficient to adequately address the identified competition concerns.

6.3 All three criteria must be satisfied. The test is therefore cumulative. If any one criterion is not met, the market is not susceptible to ex ante regulation, and no further assessment of dominance is required[44].

Proposed Decision and Responses

6.4 In the January 2026 Proposed Decision, the GCRA provisionally concluded that all three criteria were satisfied and that the retail broadband market was therefore susceptible to ex ante regulation. In particular, the GCRA provisionally concluded that:

- high and non-transitory barriers to entry existed notwithstanding the availability of regulated wholesale access;
- the market was not tending towards effective competition; and
- competition law alone would be insufficient to address the identified concerns.

6.5 Both JT and Sure disagreed with those conclusions. JT submitted that regulated wholesale access materially reduces barriers to entry and that the retail broadband market is therefore not susceptible to ex ante regulation. Sure similarly submitted that the GCRA had not correctly applied the Three Criteria Test and had attached undue weight to market outcomes such as market shares, customer switching and consumer behaviour when assessing barriers to entry. Sure further contended that actual and prospective entry, together with the availability of wholesale access and alternative technologies, demonstrated that entry remained feasible.

6.6 The GCRA has carefully considered those submissions and has undertaken substantial additional evidence gathering since publication of the Proposed Decision. This included obtaining additional information concerning retail market costs, customer acquisition costs, switching and churn, and prospective market entry which was not known to the GCRA at the time of the Proposed Decision.

6.7 The GCRA's revised assessment is set out below.

[43] Commission Recommendation (EU) 2020/2245 on relevant product and service markets susceptible to ex ante regulation; Explanatory Note to Recommendation (EU) 2020/2245, Sections 2 and 3; and Directive (EU) 2018/1972 (EECC), Article 64.

[44] Commission Recommendation (EU) 2020/2245, Explanatory Note, Section 2.

Criterion 1: High and Non-Transitory Barriers to Entry

6.8 Criterion 1 considers whether the market is characterised by high and non-transitory structural, legal or regulatory barriers to entry. Under the European framework, the purpose of this criterion is to assess whether market entry is likely, timely and sustainable and whether potential entrants are capable of exerting an effective competitive constraint on existing market participants.

6.9 Structural barriers may arise where market characteristics create asymmetric conditions between incumbents and entrants, including substantial economies of scale, absolute cost advantages, significant sunk costs or non-replicable infrastructure. Legal and regulatory barriers may arise where legislation, licensing requirements or other regulatory obligations materially delay, restrict or prevent market entry[45].

6.10 The assessment is not limited to a consideration of individual barriers in isolation. Rather, the relevant question is whether the cumulative effect of structural, legal and regulatory factors materially impedes entry and expansion[46].

Proposed Decision and Responses

6.11 In the January 2026 Proposed Decision, the GCRA provisionally concluded that Criterion 1 was satisfied.

6.12 Whilst the Proposed Decision recognised that regulated wholesale broadband access was available, the GCRA considered that the small size of the Bailiwick, persistently high market concentration, relatively stable market shares, low customer churn and evidence of customer inertia may collectively impede entry and expansion by alternative providers. The Proposed Decision also noted that there was limited evidence that new entrants had achieved significant scale and therefore concluded that high and non-transitory barriers to entry remained present notwithstanding the availability of wholesale access.

6.13 JT and Sure both disagreed with this conclusion.

6.14 JT proposed that the availability of regulated wholesale access materially reduces barriers to entry and enables providers to enter the retail broadband market without constructing a competing access network. JT further submitted that the wholesale remedies already in place remove the principal barriers that might otherwise exist within the retail market.

6.15 Sure similarly contended that the GCRA had not assessed barriers to entry consistently with the European framework. Sure submitted that the Proposed Decision had attached undue weight to market shares, customer switching and consumer behaviour, and insufficient weight to structural, legal and regulatory barriers. Sure also advanced that the availability of regulated wholesale access, the scalable nature of retail market costs, the existence of actual and prospective entry, and the emergence of alternative technologies demonstrated that entry remained feasible.

6.16 The GCRA carefully considered these submissions and undertook substantial additional evidence gathering before reaching a final view.

[45] European Commission, SMP Guidelines (2018/C 159/01), and Commission Recommendation (EU) 2020/2245, Explanatory Note.

[46] European Commission, Commission Recommendation (EU) 2020/2245, Explanatory Note. The assessment of Criterion 1 requires regulators to consider the overall structure of the market and the cumulative effect of barriers rather than relying on any single factor or market outcome in isolation.

Revised Assessment

6.17 In response to the issues raised during consultation, the GCRA undertook a detailed reassessment of Criterion 1. This included obtaining substantial additional information regarding wholesale access arrangements, retail market cost structures, customer acquisition costs, switching and churn, actual and prospective market entry, and alternative routes to market. The GCRA also revisited the criterion against the requirements of the European framework and associated guidance.

6.18 In assessing Criterion 1 (whether the market is characterised by high and non-transitory structural, legal or regulatory barriers to entry), the relevant question is not whether entry and expansion are commercially challenging, nor whether incumbents currently enjoy high market shares. Rather, the question is whether the cumulative effect of structural, legal and regulatory factors creates high and non-transitory barriers that materially impede timely, likely and sustainable market entry.

6.19 The GCRA has therefore considered:

- access to the fixed network and wholesale access arrangements;
- retail-specific costs and economies of scale;
- customer acquisition costs;
- customer churn, switching and scalability (demand-side conditions);
- evidence of actual and prospective entry; and
- legal and regulatory barriers to entry.

Network Access and Wholesale Arrangements

6.20 The GCRA does not consider access to the fixed broadband network to constitute a high and non-transitory barrier to entry in the Bailiwick of Guernsey.

6.21 Under the European framework, barriers to entry may arise where entrants must incur substantial sunk costs to construct a network, where important infrastructure cannot be replicated economically, or where incumbents enjoy absolute cost advantages as a result of control over essential facilities. The GCRA does not consider these conditions to be present in the retail broadband market.

6.22 A provider is not required to construct its own broadband access network in order to supply retail broadband services in Guernsey. Instead, retail providers may obtain access to Sure's broadband network through the regulated wholesale broadband products established and maintained by the GCRA. These products are available on reasonable request, at regulated cost-based prices, and on non-discriminatory terms. Importantly, these obligations apply equally to existing providers, prospective entrants and Sure's own retail division.

6.23 The significance of these arrangements is that retail providers are able to purchase the same wholesale broadband access products, on the same prices and non-price terms, and use those products to provide broadband services with broadly equivalent speeds, reliability and geographic coverage. The GCRA therefore does not consider that entrants face materially different conditions to existing providers when accessing the network

6.24 The GCRA also notes that wholesale broadband access products can be purchased on a per-customer basis. Providers are therefore able to enter the market and expand incrementally as customers are acquired rather than needing to incur substantial network investment in advance of entry. This materially reduces the significance of any economies of scale associated with network infrastructure and avoids the need for entrants to incur substantial sunk costs before entry can occur.

6.25 These arrangements are the product of the GCRA's wholesale broadband regulatory framework, including the access, non-discrimination and cost-oriented pricing obligations imposed on Sure[47]. In the GCRA's view, those obligations materially reduce the structural barriers that would ordinarily be associated with entry into a broadband market and make it less likely that incumbents benefit from enduring asymmetric conditions arising from control of network infrastructure.

6.26 The GCRA therefore concludes that the wholesale access framework materially reduces the structural barriers that would otherwise be associated with entry into the retail broadband market and that access to the fixed network does not constitute a high and non-transitory barrier to entry.

Retail-specific and customer acquisition costs

6.27 The GCRA has also considered whether the costs associated with entering and operating in the retail broadband market create high and non-transitory structural barriers to entry.

6.28 Under the European framework, structural barriers may arise where entrants face significant sunk costs, substantial economies of scale or absolute cost advantages enjoyed by incumbents. The GCRA therefore examined whether prospective entrants are required to incur materially different costs from existing market participants and whether those costs are sufficiently significant to impede timely, likely and sustainable entry.

6.29 The evidence obtained from existing providers and prospective entrants indicates that the principal retail cost categories are broadly similar across market participants. In particular, providers identified substantially the same categories of cost associated with operating a retail broadband service, including:

- ISP connectivity and international transport;
- IP core infrastructure and broadband network gateways;
- billing, CRM and IT systems;
- DNS and RADIUS infrastructure;
- hosting and maintenance;
- product management and development;
- customer service and support;
- sales, marketing and customer acquisition; and
- customer premises equipment.

6.30 The GCRA did not identify evidence that new or prospective entrants are required to incur materially different categories of cost from existing providers. On the contrary, the evidence indicates that entrants, established access seekers and incumbents face broadly similar cost structures. This is important because it suggests that the market is not characterised by asymmetric conditions that place new entrants at a material disadvantage relative to incumbent providers.

6.31 The GCRA additionally considered the scale and scalability of these costs. Information provided by retail service providers indicates that many of the principal operational costs are either variable or scalable with customer numbers. For example, ISP connectivity, international transport and certain hosting costs generally increase as customer numbers grow rather than requiring substantial expenditure in advance of entry. Similarly, the costs themselves were [✂].

6.32 Whilst some upfront investment is required, the evidence does not indicate that these investments are unusually large in the context of telecommunications markets. For example, the costs reported by [✂] for

[47] T1652G – Wholesale Broadband Pricing – Final Decision – Section 6 Remedies, page 24

broadband network gateways, billing and CRM systems, hosting and related support infrastructure were [✂].

6.33 The comparative cost information obtained by the GCRA is summarised in Table 2.

Table 2: Illustrative Comparison of Retail Broadband Cost Categories

Cost Categories	[✂] (£)	[✂] (£)
ISP Connectivity & International Transport	[✂]	[✂]
Broadband Network Gateways	[✂]	[✂]
Billing/CRM/IT Systems	[✂]	[✂]
Hosting	[✂]	[✂]
Maintenance	[✂]	[✂]
Customer Support	[✂]	[✂]
Sales, Marketing & Acquisition	[✂]	[✂]
Corporate / Regulatory	[✂]	[✂]

Note: Cost information supplied by [✂] and [✂] in response to the GCRA's information requests. The figures are illustrative only and should be interpreted with caution because operators categorised costs differently. Nevertheless, the evidence provides a useful indication of the scale and nature of retail broadband costs.

6.34 Whilst the GCRA recognises that direct comparisons should be treated with some caution given differences in cost categorisation between providers, the evidence does not suggest that entrants face materially higher operating costs than existing providers. Nor does the evidence suggest the existence of substantial economies of scale that would prevent efficient market entry. Rather, the majority of costs appear capable of scaling broadly in line with customer growth.

6.35 The GCRA therefore concludes that retail-specific costs and customer acquisition costs do not create substantial economies of scale, significant sunk costs or other asymmetric conditions that would constitute a high and non-transitory structural barrier to entry.

Demand-side conditions

6.36 The GCRA also considered whether demand-side conditions create high and non-transitory barriers to entry.

6.37 Under the European framework, barriers to entry may arise not only from structural, legal or regulatory factors, but also from market conditions that materially impede an entrant's ability to acquire customers, achieve sufficient scale and sustain participation in the market over time. In assessing Criterion 1, the GCRA therefore considered whether customer switching, customer inertia, market size and broader demand-side conditions constitute barriers of sufficient magnitude to prevent timely, likely and sustainable entry[48].

[48] European Commission, Commission Recommendation (EU) 2020/2245, Explanatory Note, Section 2; and SMP Guidelines (2018/C 159/01).

6.38 The GCRA recognises that several aspects of the retail broadband market may make entry and expansion more challenging than would otherwise be the case.

6.39 First, customer switching and churn remain relatively low. Information provided by market participants indicates annualised churn of approximately [✂]% to [✂]%, which is lower than levels often observed in larger and more mature telecommunications markets[49]. Market shares have also remained relatively stagnant over time (see Figure 2)[50]. Taken together, these factors indicate that only a relatively small proportion of customers are willing to switch provider in any given year.

6.40 Secondly, the IGR Consumer Research Report – Retail Broadband Market identified evidence of customer inertia and limited customer engagement, particularly amongst Sure customers. As discussed in Section 5, many customers do not actively compare broadband products or providers and 71% of Sure customers who migrated to fibre broadband did not consider competing offers before doing so[51]. These conditions may increase the time and cost required for an entrant to acquire customers and achieve scale.

6.41 Thirdly, the GCRA recognises that the Bailiwick is a relatively small market. By definition, a smaller market provides a more limited customer base over which fixed costs may be recovered and may therefore make entry less attractive than in larger jurisdictions. The GCRA therefore accepts that market size may represent an additional challenge for entrants seeking to establish a sustainable customer base.

6.42 However, the GCRA does not consider these factors sufficient, either individually or collectively, to constitute high and non-transitory barriers to entry.

6.43 The evidence indicates that customer switching continues to occur and remains sufficient to facilitate entry and expansion. Furthermore, whilst customer inertia is present, there is also evidence that consumers respond to meaningful differences in price and value. The IGR Consumer Research Report found that a substantial proportion of consumers would consider switching provider in response to meaningful price savings[52]. The GCRA notes that this is particularly significant in a market where wholesale access is available on regulated and scalable terms and where retail-specific costs appear relatively modest and scalable. The available evidence therefore suggests that providers retain the ability to compete for customers through pricing, product differentiation and commercial strategy.

6.44 The GCRA also notes that demand-side conditions represent only one category of potential barrier identified under the European framework. Criterion 1 requires the GCRA to consider barriers in the round rather than placing undue weight on any single factor. Whilst customer inertia, relatively low churn and the small size of the Bailiwick may make entry and expansion more challenging, these factors must also be considered alongside the above-mentioned considerations.

6.45 Finally, the GCRA considers that the likelihood of demand-side conditions constituting a high and non-transitory barrier is undermined by evidence of actual and prospective entry. As discussed below, multiple providers have successfully entered the market using different business models and a further entrant is currently seeking to enter the market. The existence of actual and prospective entry is difficult to reconcile with a conclusion that demand-side conditions prevent timely, likely and sustainable market participation.

[49] Customer churn and attrition information supplied by Licensees in response to the GCRA's June 2026 Requests for Information.

[50] Telecoms Market Report 2025, Table 3. Historic retail broadband market shares

[51] IGR's Consumer Research report – Retail Broadband Market, pages 14-16. Customer switching behaviour and fibre migration decisions

[52] IGR's Consumer Research report – Retail Broadband Market, page 28. Willingness to switch in response to meaningful price savings

6.46 Accordingly, the GCRA concludes that customer churn, customer inertia and the size of the Bailiwick represent moderate constraints on entry and expansion, but do not constitute high and non-transitory barriers to entry for the purposes of Criterion 1.

Evidence of Actual and Prospective Entry

6.47 Finally, the GCRA considered whether there was evidence of actual and/or prospective entry into the retail broadband market in the Bailiwick of Guernsey.

6.48 Under the European framework, evidence of actual and prospective entry may be relevant when assessing whether barriers to entry are sufficiently high and enduring to satisfy Criterion 1[53]. Whilst evidence of entry does not, by itself, demonstrate that barriers are low, successful entry and expansion may indicate that the barriers identified elsewhere in the assessment are not preventing timely, likely and sustainable market participation. In this regard, evidence of actual entry can provide a useful practical test of whether the barriers identified by a regulator are sufficiently material to impede participation in the market.

6.49 The evidence available to the GCRA indicates that there has been a continuing pattern of actual, attempted and prospective entry into the retail broadband market over the review period rather than a single isolated example of market entry.

6.50 First, Airtel entered the retail broadband market in 2021 and subsequently expanded its customer base before being acquired by Sure[54]. Whilst Airtel already operated a mobile network and therefore benefited from the ability to offer bundled services, its entry nevertheless indicates that participation in the retail broadband market was feasible and that consumers were willing to switch to a newly established broadband provider, whether as part of a bundle or on a standalone basis.

6.51 Secondly, Starlink entered the Bailiwick in 2022 using satellite broadband services rather than regulated wholesale access. Since entering the market, Starlink has continued to acquire customers and expand its presence. The GCRA notes in particular that [✂]. This increase in customer acquisition indicates that consumers are willing to adopt alternative broadband providers and technologies on a standalone basis where the relevant value proposition is sufficiently attractive.

6.52 Thirdly, Business Telecoms Limited (now trading as HomeNet) indicated its intention to enter the retail broadband market using regulated wholesale access products supplied over Sure's network. At the time the GCRA undertook its assessment, this entry remained prospective and had not yet occurred. Nevertheless, the fact that a new provider was actively pursuing entry into the market provides further evidence that participation in the retail broadband market remains commercially viable and that the barriers identified elsewhere in this assessment are not preventing potential entrants from seeking to enter the market[55].

6.53 The GCRA considers this particularly relevant because Business Telecoms Limited proposed to enter the market using the same regulated wholesale access products available to existing providers. This indicates that entry remains feasible for providers without their own access network and supports the conclusion that the wholesale access regime materially reduces the structural barriers that would otherwise be associated with participation in the retail broadband market.

---

[53] European Commission, Commission Recommendation (EU) 2020/2245, Explanatory Note, Section 2; and SMP Guidelines (2018/C 159/01).

[54] Airtel-Vodafone's launch Fixed Line Broadband services in Guernsey | Digital Greenhouse

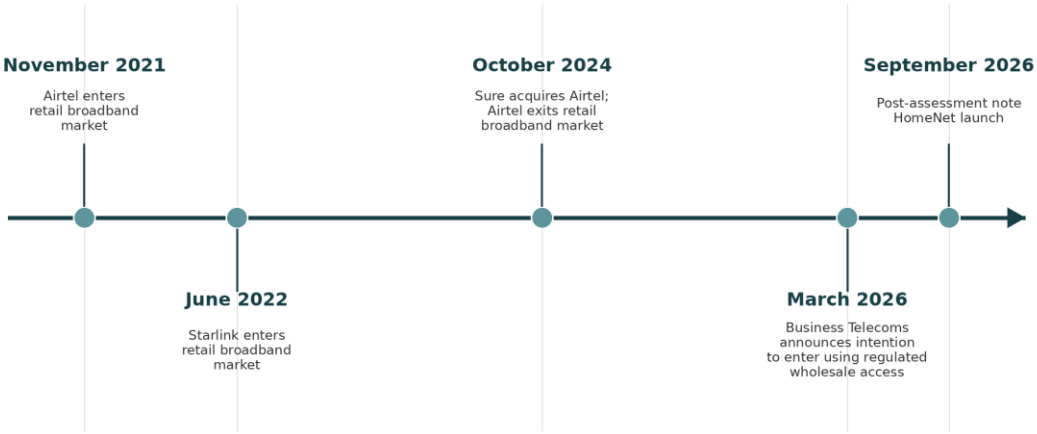
[55] At the time the GCRA completed its assessment, Business Telecoms Limited's proposed entry remained prospective. Following completion of the assessment, Business Telecoms Limited launched retail broadband services in Guernsey under the HomeNet brand. See: https://www.homenetci.com/guernsey/

6.54 The GCRA also notes that these examples represent different routes to market. Retail participation has occurred through:

- the expansion of an existing telecommunications operator into broadband services;
- entry using independent satellite broadband infrastructure; and
- entry using regulated wholesale access products.

6.55 The existence of multiple routes to market reduces the likelihood that a single structural bottleneck is preventing entry and expansion.

Figure 10: Actual and Prospective Retail Broadband Market Entry (2021-2026)



6.56 The GCRA accepts that each example has limitations. Airtel benefited from an established telecommunications presence, Starlink benefits from significant international scale, and Business Telecom Limited remains a relatively recent entrant whose long-term commercial performance is not yet established. However, Criterion 1 requires the GCRA to consider barriers in the round. The evidence demonstrates that entry has occurred repeatedly during the period under review and continues to occur notwithstanding the challenges identified elsewhere in this assessment.

6.57 The GCRA therefore considers that evidence of actual and prospective entry is inconsistent with a market characterised by high and non-transitory barriers to entry. When considered alongside the availability of regulated wholesale access, the absence of substantial retail-specific cost asymmetries, and the limited legal and regulatory requirements applicable to market entry, the evidence indicates that participation in the retail broadband market remains feasible and that barriers are not sufficiently significant to prevent timely, likely and sustainable entry.

Legal and Regulatory Barriers

6.58 The GCRA has also considered whether legal or regulatory requirements create high and non-transitory barriers to entry.

6.59 The GCRA has not identified any material legal or regulatory barriers to participation in the retail broadband market. The authorisation process for telecommunications providers is relatively straightforward and there are no restrictions on the number of providers that may participate in the market. Similarly, the licensing

and regulatory requirements applicable to retail broadband providers are relatively light-touch and apply equally to existing providers and prospective entrants.

6.60 The GCRA also notes that the market operates within a broader regulatory framework that facilitates, rather than restricts, retail competition. In particular, regulated wholesale broadband access products are available on reasonable request, at regulated prices and on non-discriminatory terms, thereby reducing barriers that might otherwise arise from control of the underlying access network.

6.61 The GCRA therefore concludes that the retail broadband market is not characterised by high and non-transitory legal or regulatory barriers to entry.

Conclusion

6.62 The GCRA therefore concludes that the retail broadband market is **not characterised by high and non-transitory legal or regulatory barriers to entry**.

6.63 The GCRA acknowledges that certain market characteristics may make entry and expansion more challenging than would otherwise be the case. In particular, customer switching remains relatively low, and the IGR Consumer Research Report identified evidence of customer inertia and limited customer engagement. The GCRA also recognises that the Bailiwick is a relatively small market, which may make it more difficult for entrants to achieve scale than in larger jurisdictions.

6.64 However, Criterion 1 requires the GCRA to consider barriers to entry in the round and to assess whether the cumulative effect of structural, legal and regulatory factors materially impedes timely, likely and sustainable market entry. Having undertaken that assessment, the GCRA does not consider that the evidence supports such a conclusion.

6.65 Accordingly, the GCRA concludes that, whilst certain conditions may make entry and expansion more challenging, the retail broadband market is not characterised by high and non-transitory structural, legal or regulatory barriers to entry for the purposes of the European framework.

6.66 The GCRA therefore concludes that **Criterion 1 is not met**.

Criterion 2 and 3: Market Tending Towards Effective Competition and Sufficiency of Competition Law

6.67 In the January 2026 Proposed Decision, the GCRA provisionally concluded that Criteria 2 and 3 were satisfied.

6.68 With respect to Criterion 2, the GCRA provisionally concluded that the structure of the retail broadband market did not tend towards effective competition during the review period. In reaching that conclusion, the GCRA considered a range of indicators including market shares, customer switching, evidence of customer inertia and retail pricing developments, including the extent to which reductions in regulated wholesale broadband prices appeared to flow through to consumers.

6.69 With respect to Criterion 3, the GCRA provisionally concluded that competition law alone would be insufficient to adequately address the concerns identified in the market and that ex ante intervention may therefore be justified.

6.70 Sure disagreed with those conclusions. In particular, Sure put forward that the GCRA had relied upon inappropriate evidence when assessing Criterion 2 and had not applied the European framework correctly. Sure submitted that consideration should be limited primarily to wholesale access arrangements, existing wholesale agreements and technological developments and convergence. Sure contended that market

shares, retail pricing outcomes, customer switching and customer inertia were not relevant factors when assessing whether a market tends towards effective competition[56].

6.71 Sure also disagreed with the conclusion that competition law alone would be insufficient, contending that existing wholesale remedies already address potential competition concerns and that any future retail competition issues could be addressed through the ordinary application of competition law[57].

Revised Assessment

6.72 The GCRA notes that the Three Criteria Test is cumulative. All three criteria must be satisfied before a market may be considered susceptible to ex ante regulation.

6.73 Having concluded that Criterion 1 is not met, the GCRA does not consider it necessary to reach definitive conclusions on Criteria 2 and 3. Whether those criteria are satisfied would not alter the outcome of the Three Criteria Test.

6.74 The GCRA nevertheless considers it appropriate to comment briefly on Sure's interpretation of Criterion 2.

6.75 The GCRA does not agree with Sure's submission that indicators such as market shares, customer switching, customer inertia and pricing developments are irrelevant when assessing whether a market tends towards effective competition.

6.76 In the GCRA's view, this interpretation is not supported by the European framework. Whilst the European Commission's Recommendation identifies the availability of wholesale access arrangements, existing wholesale agreements and technological developments as relevant considerations, it does not suggest that these factors should be considered in isolation or to the exclusion of other evidence. Rather, the Recommendation makes clear that wholesale access arrangements and technological developments are relevant considerations when assessing whether a market tends towards effective competition. It does not suggest that those factors should be considered to the exclusion of other evidence relating to market structure, market outcomes and competitive dynamics[58].

6.77 The GCRA therefore considers that assessments of whether a market tends towards effective competition necessarily require a broader consideration of market conditions and competitive outcomes. This includes matters such as market structure, market shares, pricing developments, customer switching and customer behaviour, alongside wholesale access arrangements and technological developments. These are all relevant indicators of whether competitive constraints are strengthening, weakening or remaining unchanged over time.

6.78 Accordingly, the GCRA does not accept Sure's submission that market shares, pricing developments, customer switching and customer inertia should be disregarded when assessing Criterion 2. Whilst such indicators should never be considered in isolation, they remain relevant factors when assessing whether a market structure tends towards effective competition.

[56] T1699G - Sure response to GCRA Retail Broadband Market Review, paragraphs 77-82, 95-105 and 128-130.
[57] T1699G - Sure response to GCRA Retail Broadband Market Review, paragraphs 107-110
[58] European Commission, Commission Recommendation (EU) 2020/2245, paragraphs 15-16 and the accompanying Explanatory Note. The Recommendation explains that NRAs should take account of wholesale access arrangements and technological developments when assessing whether a market tends towards effective competition, but does not suggest that these are the only factors that may be considered. The assessment remains a broader evaluation of competitive conditions and market developments

Three Criteria Test Conclusion

6.79 The GCRA concludes that the Three Criteria Test is not satisfied.

6.80 The Three Criteria Test is cumulative, and all three criteria must be satisfied before a market may be considered susceptible to ex ante regulation. Having concluded that Criterion 1 is not met, the GCRA does not consider it necessary to reach definitive conclusions on Criteria 2 and 3 because doing so would not affect the outcome of the assessment.

6.81 Accordingly, the GCRA concludes that the retail broadband market is not susceptible to ex ante regulation under the European market review framework. The GCRA therefore does not proceed to an assessment of dominance or the consideration of ex ante regulatory remedies.

7. CONCLUSION

7.1 The primary purpose of this review has been to assess whether the retail broadband market is delivering effective outcomes for consumers and whether intervention under the ex-ante regulatory framework is justified.

7.2 The review was initiated because the GCRA was concerned that significant reductions in wholesale broadband prices introduced in April 2024 were not translating into the type of retail market outcomes that would ordinarily be expected in a well-functioning and effectively competitive market. In particular, the GCRA remains concerned that consumers may not be receiving a sufficient share of the benefits generated by those wholesale price reductions and that retail market outcomes may not fully reflect the substantial regulatory intervention undertaken at the wholesale level.

7.3 In January 2026, the GCRA provisionally concluded that the retail broadband market was susceptible to ex ante regulation and that Sure (Guernsey) Limited held a dominant position within that market. Following consultation, however, both JT and Sure challenged important aspects of the GCRA's analysis. The GCRA carefully considered those submissions and accepted that a number of the issues raised warranted further investigation. In response, the GCRA undertook substantial additional evidence gathering and reassessed the market.

7.4 Following that reassessment, the GCRA concludes that the relevant market comprises:

"*Retail broadband connectivity services supplied to residential and business customers over copper, fibre and satellite broadband technologies, on a standalone or bundled basis, within the Bailiwick of Guernsey*."

7.5 The GCRA further concludes that the retail broadband market is not susceptible to ex ante regulation because the Three Criteria Test is not satisfied. In particular, the GCRA concludes that the market is not characterised by high and non-transitory barriers to entry. As the Three Criteria Test is cumulative, there is therefore no basis to proceed to an assessment of dominance or to consider the imposition of ex ante SMP remedies.

7.6 The GCRA acknowledges that this conclusion differs from the provisional conclusions reached in the January 2026 Proposed Decision. The January 2026 Proposed Decision was necessarily based on the market conditions then pertaining and the evidence available at that time. Consultation responses, updated market evidence and substantial additional information gathering materially strengthened the evidential basis for the review and, in several important areas, provided information that had not been available to the GCRA when the Proposed Decision was published. The GCRA considers that revisiting provisional conclusions in light of better evidence is an important feature of good regulatory decision-making and consistent with the purpose of the consultation process.

7.7 The GCRA nevertheless remains concerned about several features of the retail broadband market. In particular, the review identified continuing concerns regarding the extent to which consumers have benefited from the wholesale broadband reforms introduced in 2024. Despite significant reductions in wholesale broadband costs, the benefits of those reductions do not appear to have flowed through to consumers to the extent the GCRA would ordinarily expect in an effectively competitive market.

7.8 The GCRA considers that this outcome reflects the combined effect of both supply-side and demand-side factors. On the supply side, the evidence suggests that retail providers have faced insufficient competitive pressure to pass a meaningful proportion of wholesale cost reductions through to consumers. On the demand side, the review identified relatively low levels of switching, customer inertia and limited engagement with broadband purchasing decisions, reducing the extent to which consumers actively

constrain providers through informed purchasing decisions. Taken together, these factors indicate that competitive pressures within the retail broadband market are not operating as effectively as the GCRA would expect and have resulted in poorer outcomes for consumers

7.9 The fact that the market is not susceptible to ex ante dominance regulation does not mean that these concerns have been resolved. Rather, it means that the concerns identified by the GCRA should not be addressed through retail SMP regulation.

7.10 The GCRA considers that stronger consumer engagement, greater awareness of available alternatives, strengthened consumer rights and improved understanding of broadband products would increase competitive pressure on providers and strengthen their incentives to compete more actively on price, quality and service. The GCRA will therefore focus on measures aimed at improving the effectiveness of competition, strengthening transparency and empowering consumers to make informed purchasing decisions.

7.11 The GCRA's focus remains firmly on ensuring that consumers receive fair outcomes from the telecommunications market. In particular, the GCRA considers it important that consumers receive an appropriate share of the benefits generated by wholesale regulation and that competitive pressures are sufficient to translate lower wholesale costs into improved retail outcomes which benefit Guernsey residents and Guernsey businesses.

7.12 The GCRA will therefore continue to monitor developments in the retail broadband market and will consider further measures where appropriate to support more effective competition and better consumer outcomes across the Bailiwick.

8. DECISION

8.1 Pursuant to section 5(2), (3) of the Telecommunications Law, the GCRA may make a decision that a person has a dominant position in a relevant market.

8.2 Before making such a decision, the GCRA must:

(a) Publish notice of that proposed decision, specifying the time within which written representations or objections in respect of the proposed decision may be made by interested parties;[59] and

(b) Before making the decision, consider any representations or objections received from any interested party[60].

8.3 Having followed the above procedure, the GCRA must make its decision and publish notice of that decision[61].

8.4 On 15 January 2026, the GCRA published and gave notice of a proposed decision that Sure (Guernsey) Limited, had a dominant position on the retail broadband market in Guernsey. Interested parties were given until 9 March 2026 to make written representations or objections.

8.5 Written representations were received from Sure (Guernsey) Limited and from JT (Guernsey) Limited. These have been considered by the GCRA.

8.6 Having followed the procedure set out in section 5(2), (3) of the Telecommunications Law, the GCRA is proceeding to make this final decision pursuant to section 5(3)(b) of the Telecommunications Law. For the reasons set out in the full above, the final decision of the GCRA is that:

(a) There is a relevant market comprising retail broadband connectivity services supplied to residential and business customers over copper, fibre and satellite broadband technologies, on a standalone or bundled basis, within the Bailiwick of Guernsey (the "**Retail Broadband Market**").
(b) The Retail Broadband Market is not susceptible to ex ante regulation because the Three Criteria Test is not satisfied.
(c) Because the Retail Broadband Market is not susceptible to ex ante regulation, the GCRA makes no finding as to whether Sure has a dominant position on the Retail Broadband Market.

8.7 Notice of this final decision has been given to Sure (Guernsey) Limited and will be published in La Gazette Officielle. A copy will also be published on the Authority's website: www.gcra.gg.

[59] Telecommunications Law, s.5(2)(a), (3)
[60] Telecommunications Law, s.5(3)(a)
[61] Telecommunications Law, s.5(3)(b)