



DRAFT DECISION

CICRA 16/35

TELECOMMUNICATIONS (BAILIWICK OF GUERNSEY) LAW, 2001

Sure (Guernsey) Limited

This Draft Decision only sets out the start date of the Final Decision Retail Price Control 2016: Final Decision, Determination issued to Sure (Guernsey) Limited on 8 April 2016 (**CICRA 16/19**) and should be read in conjunction with that Final Decision (**CICRA 16/19**). It does not replace that Final Decision.

In CICRA 16/19 the GCRA determined that the basket of charges levied by Sure for its retail fixed line services shall be capped at RPI – 0% for the three year period of this price control.

It is proposed that the determination set out in CICRA 16/19 will take effect on **1 January 2017** and will remain in place until replaced or removed following a review. In the event that representations or objections are received in response to this Draft Decision, the effective date of the determination will be set out in a Final Decision.

Interested parties are invited to submit comments to the GCRA in writing or by email on the matter set out in this Draft Decision to the following address:

Suite 4, 1st Floor Plaiderie Chambers
La Plaiderie
St. Peter Port
Guernsey
GY1 1WF

Email: info@bicra.gg

All responses should be clearly marked “Draft Decision Retail Price Control Start Date” and should arrive by 5pm on **12 September 2016**

In line with GCRA’s consultation policy it intends to make responses to the consultation available on the GCRA website www.bicra.gg. Any material that is confidential should be put in a separate annex and clearly marked as such so that it may be kept confidential. The GCRA regrets that it is not in a position to respond individually to the responses to this consultation.

By Order of the Guernsey Competition and Regulatory Authority

1 September 2016



Annex 1: Legal Background and licensing framework

Legal background and regulatory duties in the Channel Islands

In Guernsey, Section 5(1) of the Telecommunications (Bailiwick of Guernsey) Law, 2001 (“the Telecoms Law”), provides that the AUTHORITY may include in licences such conditions as he considers necessary to carry out his functions. The Telecoms Law specifically provides that such conditions can include (but are not limited to):

- *Conditions intended to prevent and control anti-competitive behaviour¹, and*
- *Conditions regulating the price premiums and discounts that may be charged or (as the case may be) allowed by a licensee which has a dominant position in a relevant market².*

In accordance with these provisions in the Telecoms Law, both the “Fixed Telecommunications Licence Conditions”³ and the “Mobile Telecommunications Conditions”⁴ awarded to Sure (Guernsey) include the following text:

“The Director General may determine the maximum level of charges the Licensee may apply for Licensed Telecommunications Services within a Relevant Market in which the Licence has been found to be dominant. A determination may:

- a) Provide for the overall limit to apply to such Licensed Telecommunications Services or categories of Licensed Telecommunications Services or any combination of Licensed Telecommunications Service;*
- b) Restrict increases in any such charges or to require reductions in them whether by reference to any formula or otherwise; or*
- c) Provide for different limits to apply in relation to different periods of time falling within the periods to which the determination applies.”*

This condition allows the Authority to regulate the prices that a licensee charges for its telecommunications services in a way and for a time that he deems appropriate, where the licensee has a dominant position in the market.

Licence conditions and publications thereof

Article 5(2) of the Telecoms Law states that “*The Authority shall publish notice –*

- a) of a proposed decision as to whether a person has a dominant position in a relevant market and of the conditions, if any, proposed to be included in the*

¹ Condition 5(1) (c) of the Telecommunications (Bailiwick of Guernsey) Law, 2001

² Condition 5(1) (f) of the Telecommunications (Bailiwick of Guernsey) Law, 2001

³ Document OUR 01/18; Condition 31.2

⁴ Document OUR 01/19; Condition 27.2



licence granted or to be granted to that person in relation to the control of that dominant position,

- b) of a proposed decision to regulate the prices, premiums and discounts that may be charged or (as the case may be) allowed by a licence which has a position in a relevant market, and*
- c) of a proposed decision to include quality of service conditions in any licence.*

Article 5(3) of the Telecoms Law states that “*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 Guernsey Competition and Regulatory 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.”*