Submission

In Response to the

Consultation on Extraterritorial Use of

ITU-T E.212 "MCC+MNC Codes"

July 19 2010

Official statement

The succeeding comments are not exhaustive and Digicel's decision not to respond to any particular issue raised by the Office of Utilities Regulation (OUR) in respect of its Consultation on Extraterritorial Use of ITU-T E.212 "MCC+MNC Codes does not necessarily represent agreement, in whole or in part with the OUR's position on these issues; nor does any position taken by Digicel in this document mean a waiver of any sort of Digicel's rights in any way.

Digicel expressly reserves all its rights.

Any questions or remarks that may arise as a result of these comments by Digicel may be addressed to:

Digicel (Jamaica) Limited

Legal and Regulatory Department

Richard Fraser

Head of Legal and Regulatory

10-16 Grenada Way

Kingston 5, Jamaica

Fax: +1 (876) 920 4626

Tel: +1 (876) 878 0409

Email: richard.fraser@digicelgroup.com

Response to the Consultation on Extraterritorial Use of ITU-T E.212 "MCC+MNC Codes"

Overall Comments

There are numerous benefits to consumers and competition from permitting the shared use of MCC+MNC resources. The intensive examination of the policy of shared usage by regulators and the ITU over the last few years has confirmed the significant upsides. Furthermore, there is a successful track record of applying a policy of shared usage in the Caribbean.

The benefits springing from the shared use of MCC+MNC resources underline in our view that shared usage is a successful regulatory strategy, and is one that should be applied going forward. Consequently Digicel strongly supports the Office's proposal to adopt ITU Recommendation E.212.

In Digicel's view a policy of enabling shared MCC+MNC usage clearly supports the objectives of the Telecommunications Act 2000. We look at the relevant objectives of the Telecommunications Act below in turn.

Objective: Promotion of Fair and Open Competition

Enabling shared MCC+MNC usage gives competitors more of a chance against established incumbents. This is because a set of roaming services which are competitive with the incumbent can be provided within a shorter period of time than would otherwise be the case. This is very important to mobile competition as many customers, and especially business customers, will not take service from a network that has only a limited number of partner roaming networks and therefore which offers only a limited ability to roam abroad.

In other words enabling shared MCC+MNC usage can help reduce barriers to entry and the growth of competitors.

Objective: Promoting Access to Specified Services

Enabling shared MCC+MNC usage can enable consumers of a competitor to roam in other countries sooner than might otherwise be the case since a complete new set of roaming agreements do not need to be set up in every country with hundreds of foreign roaming partners. Hence access to roaming services is promoted.

Further, because sharing MCC+MNC resources can lead to a more efficient use of network infrastructure and lower priced handsets, the policy of sharing can assist efficient development and promote price competition, and therefore boost domestic access to mobile services.

Objective: Protecting Customers

All the evidence from investigations both regionally and at the ITU level has shown to the best of Digicel's understanding that shared MCC+MNC usage only benefits consumers. Suggestions that there were some downsides have proved groundless.

Objective: Promoting the Telecommunications Industry in Jamaica by Encouraging Economically Efficient Investment in, and use of, Infrastructure to Provide Specified Services in Jamaica.

Enabling shared use of MCC+MNCs may enable network providers to rationalise their use of assets, and the administration of them, and therefore to provide services more cost effectively in Jamaica and elsewhere.

Digicel's Answers to The Specific Questions From The Office

1. Do you agree with the Office's adoption of extraterritorial use of Jamaican MCC+MNC resources as prescribed in Annex E to Recommendation ITU-T E. 212.

Digicel supports the Office's proposal. The Office has set out some of the major benefits arising from the shared use of MCC+MNC resources including the standardisation of equipment, consequential cost savings and benefits to consumers, wider and quicker availability of roaming services, and increased revenue to local governments.

Furthermore there are no technical or other issues associated with the extraterritorial use of the Jamaican MCC+MNC as has already been evidenced by the successful application of this approach in the Caribbean for a number of years. In fact the region has reaped the substantial benefits from the application of the sharing policy.

2. Should the Office permit the use of foreign MCC+MNC resources in Jamaica?

Digicel sees only benefits for consumers and competition from permitting foreign MCC+MNC resources to be used here and consequently we agree that it should be permitted.

3.   Should reciprocity be a condition for the use of foreign MCC+MNC resources in Jamaica?

We envisage that if one administration is open to sharing MCC+MNC resources then another would be likely to reciprocate.

However, even if there is no reciprocity, we do not think this should prevent one country permitting the shared use of part of its MCC+MNC resources. The success of sharing is not dependent on reciprocity. One country's policies may differ from another's for a variety of reasons. If, for example, one country believes that a policy of sharing will provide competitive benefits, then it should not be restricted by the fact that one country might not wish to reciprocate. Of course the other country is entitled to refuse to allow the use of a foreign MCC+MNC by an operator in its territory if it wishes to do so.

4.   What technical, commercial, legal or other important impediment is there that should preclude any application of the provisions of Annex E to Recommendation ITU-T E.212 in Jamaica?

Digicel is not aware of any impediment to the application of Recommendation E.212. The entire area of MCC++MNC sharing has been thoroughly ventilated in numerous regional and international fora and to the best of our knowledge no substantive basis for objecting to the implementation of E.212 has been found.

5.   In light of the notification, approval and cancellation requirements of Rec. E.212 for extraterritorial use of MCC+MNC resources, and the jurisdictional control over those resources, do you agree with the Office's approach to not grandfather existing extraterritorial uses of MCC+MNC resources?

We believe that where the Jamaican MCC+MNC resource has been permitted up until this point it should continue to be permitted subject to the continued agreement of both affected jurisdictions.

As the Office recognises in its consultation, ITU Recommendations have never prevented the shared use of MCC+MNC resources. The original version of ITU recommendation E.212 did not treat with the issue. The latest version expressly allows for it. Consequently we do not see this so much as a case of "grandfathering" existing uses. We see "grandfathering" as a term which is relevant to a case where for example a law has in the past prohibited one action, but then was changed to allow it. That is not the case here since sharing was always permitted (or as a minimum never expressly prevented).

6.   Which is preferred or more appropriate or convenient for local industry use and why – the term "MCC+MNC" or "HNI"?

Digicel prefers the use of the term HNI for the sake of brevity.

7.   Why should extraterritorial use of the Jamaican MCC+MNC resources not be restricted to the geographic region served by the North American Numbering Plan?

We do not see the North American Numbering Plan geographic area as an important dividing line in the case of shared MCC+MNC usage. The MCC+MNC number is not visible to customers and therefore restricting its use to the NANPA area confers no benefits on consumers, but instead merely serves to constrain operators' ability to make use of MCC+MNC sharing in other countries, and therefore constrains their ability to provide services more effectively and competitively.

8.   Do you think there is a need for any formal regional coordination for extraterritorial use of MCC+MNC resources?

Digicel believes the existing approach, as set out in the ITU Recommendation, works reasonably well. We believe however that the region would benefit significantly from a general policy to permit shared MCC+MNC usage. We would welcome any opportunities to promote such a policy regionally in co-operation with the Office, other national jurisdictions and other operators.

9.   What MSIN allocation scheme would you recommend to best conserve MCC+MNC resources? Please provide justification for your recommendation?

As the Office states, there are one billion numbers available behind each MCC+MNC combination. We believe therefore that this provides great flexibility to devise an overall MSIN number which is best applicable to the operator in question. Consequently we cannot say at this moment in time that there is a particular need for a co-ordinated approach.

One could consider whether particular countries should be identified by particular initial MSIN digits. Population size and scope for future growth could also be taken in to consideration if the Office wanted to look to arrive at a particular system for setting MSINs. Digicel will provide whatever assistance it can to the Office should the Office wish to devise a plan in this respect.

10.   What other concerns do you have regarding extraterritorial use of the Jamaican MCC+MNC resources?

Digicel has been using the Jamaican MCC+MNC extraterritorially successfully for a number of years already and this has benefited Jamaican consumers and the economy, as well as the citizens and economies of many other Caribbean nations. Consequently we do not have any concerns about the continuation of this successful policy.