

Media Release

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“Telecommunications Appeals Tribunal dismisses Digicel’s appeal against OUR decision”

The Telecommunications Appeals Tribunal has dismissed an appeal from Mossel Jamaica Limited t/a Digicel against a decision of the Office of Utilities Regulation dated September 02, 2004, which had sought to declare it and other mobile public voice carriers dominant in call termination services.

The Tribunal, in its ruling handed down on Monday May 31, 2010, said it had considered all the evidence and the submissions of both parties and has concluded that the determination made by the OUR that Digicel and other mobile public voice carriers were dominant was not made in error.

The Tribunal opined further that the Office of Utilities Regulation had come to the correct conclusion and “in the circumstances the Appeal is dismissed and the determination of the OUR is affirmed”.

The decision means the OUR, in exercise of its statutory functions dealing with dominant public voice carriers will now be better able to assess market behaviour to determine if these carriers have impeded the maintenance or development of effective and fair competition in the market.

Under Section 30 of the Telecommunications Act 2000, a dominant public voice carrier is required to provide, amongst other things, interconnection on a non-discriminatory basis with charges being cost oriented.

Section 33 of the Telecommunications Act 2000 also sets out the guidelines to be used by the Office of Utilities Regulation to determine the prices at which interconnection is to be provided by a dominant public voice carrier.

The mandatory requirements applicable to dominant public voice carriers are the filing of a Reference Interconnection Offer under Section 32 sub-section 1 of the Telecommunications Act in relation to the provision of voice services and the requirements for keeping of separate accounts.

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