

**Before the
Office of Utilities Regulation
Kingston, Jamaica**

In the Matter of)
)
Quality of Service Standards)
For the Telecommunications Sector)
) Document No.: Tel. 2007/15
Consultative Document) October, 2007

Response by Columbus Communications Jamaica Limited

Columbus Communications Jamaica Limited, dba Flow (“Flow”) hereby submits its Response to the Office of Utilities Regulation’s (the “OUR”) referenced Consultative Document titled “Quality of Service Standards for the Telecommunications Sector” to assist in identifying basic quality issues which exist in the sector concerning the OUR Proposed Standards.

As a general matter, Flow does not agree that with respect to consumers that the OUR should be regulating at all quality of service standards. Flow believes that a competitive market self-regulates in this area, which certainly has shown to be the case in the country of Jamaica. Flow also asserts that Jamaican consumers are quite aware of service quality, savvy about competitive rates, as well as diversified services options and plans.

However, as is the case in other markets, the exception to quality of service regulation have been with respect to dominant incumbent dealings with competitive carriers and ensuring that such incumbents do not discriminate against new entrant competitive carriers in dealings with its own affiliated operators with respect to quality of service standards. We believe - - incumbent dominant carrier to new entrant competitive carrier dealings - - should be the main focus of any OUR proceeding in this area. The OUR is mandated to ensure competitive market practices and to prevent the dominant incumbent from continuing abusive discrimination and anti-competitive practices against new entrant competitive carriers. This is where the OUR should be promulgating appropriate regulation ensuring that the dominant incumbent does not use quality of service in a manner to discriminate and deny competitive access for all new entrant carriers to which it may be providing higher quality of service standards to its own affiliated operators.

Therefore, consistent with this theme, Flow briefly and generally responds below to the following points raised in the subject Consultative Document.

PROPOSED QUALITY OF SERVICE STANDARDS:

Chapter 1: Introduction and Background

Q 1.1 Should quality of service be regulated?

FLOW: With the exception of dominant and incumbent providers, consumer quality of service should be determined by the marketplace and certainly not be regulated.

Q 1.2 Do you believe that a regulatory approach to quality of service will have a significant positive or negative impact on consumers' choices?

FLOW: The cost of unnecessary regulation *vis a vis* the consumer will ultimately increase the costs to the consumer. This is counter-productive to marketplace economics.

Q 1.3 Is the information currently available to consumers sufficient for them to make the best decision on operator services?

FLOW: Yes. There is a vibrant formal and informal dissemination of information of the service levels delivered by competitive service providers to consumers.

Q 1.4 Do you believe that the benefits to consumers from the implementation of quality of service standards outweigh the cost to service operators to monitor and publish their performance on these standards?

FLOW: Yes, we agree that the costs far outweigh the benefits. Therefore, Flow believes that such implementation is not sustainable.

Q 1.5 Do you believe that a voluntary quality reporting scheme by service operators is adequate? If yes, explain.

FLOW: Not applicable.

Chapter 2: Quality of Service Standards

Chapter 3: The Guaranteed Standards

Q 3.1 How should the service providers promote the Guaranteed Standards?

FLOW: They should not. The market will determine the standards.

Moreover, the OUR references the Jamaica Public Service Company (JPS) and the National Water Commission (NWC) as examples to justify regulation in this

proceeding. These services and examples are not relevant here. These are monopolies and essential services subject to completely different market factors and indeed market distortions unlike the competitive market services that are the subject of this proceeding.

Q 3.2 Should the company automatically credit customers' accounts when a breach is identified?

FLOW: Should not be applicable whatsoever.

Q 3.3 How much time should a company be given to credit the amount to customers' accounts?

FLOW: Not Applicable.

Q 3.4 What should be the penalty if this "time to credit the account" standard is breached?

FLOW: Not Applicable.

Q 3.5 How much do you think is a reasonable compensation for other breaches?

FLOW: Not Applicable.

Chapter 4: Overall Standards Proposed for Fixed Line Telephone Service

Chapter 5: Overall Standards for Mobile/Wireless Network

Chapter 6: Quality of Service for Internet Service Providers

Chapter 7: Prepaid Calling Cards

Chapter 8: Force Majeure Conditions and Reporting Requirements

Q 8.1 What should the OUR's response be to below standard performance?

FLOW: Again, the market will determine. Given the OUR's already limited resources and other highly necessary dominant carrier safeguards and enforcement mechanisms sorely needed to ensure carrier market competition, any of this proposed OUR regulation is without merit and amounts to over-regulation in this competitive market and consumer area. Flow re-iterates that such proposed consumer services regulation is not a judicious use of valuable time and resources and therefore should be directed and better used elsewhere.

GOVERNMENT VERSUS MARKET PRIVATE SECTOR ROLES

Finally, less onerous and market driven consumer advocacy and other industry associations self monitor consumer market services naturally. It is not necessary to have redundant, heavy handed, and costly regulation in this area. Jamaican consumers are not naïve consumers.

CONCLUSION

Flow respectfully submits that the OUR immediately dismiss the subject proceeding as unnecessary, costly, and administratively burdensome without resulting tangible benefits. The Jamaican marketplace is robustly competitive for consumers at this time and the proposed quality of service standards with respect to consumer services should not be the subject of costly and unnecessary over-regulation. However, as referenced earlier, and that is the case for many countries, quality of service regulation for the dominant incumbent carrier are essential to ensure it does not continue its discriminatory and anticompetitive practices in this area.

Respectfully submitted,

ON BEHALF OF COLUMBUS COMMUNICATIONS JAMAICA LIMITED

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