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Mr Patrick K Williams
Office of Utilities Regulation
PO Box 593
3rd Floor, PCJ Resource Centre
36 Trafalgar Road
Kingston 10

Dear Mr Williams

**Reconsideration Decision on Determination Notice (TEL 2004/04) –
Telecommunications Markets Information Requirements**

Further to the Office's Advance Notice of Reconsideration Decision in this matter, please find below Digicel's comments.

1. In general, Digicel supports the Office's desire to gather market information. However, any such initiative has to be tempered by the fact that the provision of such information inevitably involves for the information providers unwelcome cost implications and the diversion of valuable resources. Therefore, there is a careful balance to be struck between the desire to collect and compile the most comprehensive set of data and the practical costs of doing so. Digicel's reconsideration request, in this light, was simply a detailed exposition of our view that the Office had not achieved the right balance with its proposals.
2. Digicel welcomes the fact that the Office has now decided to modify its proposals in response to some of the comments put forward by Digicel in its reconsideration request. Digicel believes that these modifications are a good start in striking a more reasonable balance between the demand for information and the practical costs of supplying such information. However, Digicel believes that, even with these modifications, the cost of providing the information requested is still too high compared with the benefits which will be generated.

3. In particular, Digicel continues to question the Office's proposal (Determinations 1.0 and 2.3) that each licensee should submit a complete set of quarterly financial statements and provide quarterly returns of the data requirements report. The benefits of providing data at such a frequency are not clear, as even the Office's original statement of 8 April 2004 and its consultation document of 16 September 2003 show no clear rationale for providing quarterly returns other than the very broad general aims set out in paragraphs 1.3 to 1.6 of the April 2004 statement.
4. Therefore, Digicel must repeat the statements made in its letter of 27 October, cited in the Office's recent statement, that:

“... Digicel feels that to provide the level and detail of information requested in the proposed OUR format would be highly disruptive, onerous and costly to Digicel's telecommunications business. Therefore, without further clarity as to the purpose for which the OUR requires the data and as to the urgency and importance of that purpose, it would be unreasonable to expect Digicel to prioritise the activity and resource which will be required to provide the level of detail proposed by the OUR.”
5. Digicel reiterates its suggestion that the Office should seek to have an open discussion with all affected operators in the Jamaican telecommunications market so that an early agreement can be reached which strikes the right balance between the Office's specific needs and the practical demands to be made on operators.
6. Finally but very importantly, Digicel believes that it is critical that the Office should consult at the earliest possible opportunity on the precise format of any proposed publication of the market information data and the procedure to be followed for such publication. While the allowance for operators to correct data set out in Determination 2.0 is welcome, this does not explicitly permit for discussion on the format of the publication or the degree of aggregation performed.

Yours sincerely

Peter Dunn
Group Regulatory Director