
Office of Utilities Regulation

Final Decision on Telecommunications Markets Information Requirements

Decision



OFFICE OF UTILITIES REGULATION

January 23, 2006

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DOCUMENT NUMBER: Tel 2006/01

**DOCUMENT TITLE: DECISION ON TELECOMMUNICATIONS
MARKETS INFORMATION REQUIREMENTS**

1. PURPOSE OF DOCUMENT

This document provides the Office's final decision on Telecommunications Markets Information Requirements.

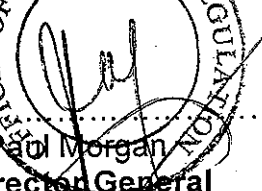
RECORD OF REVISIONS

Revision Number	Description	Date
1	Reconsideration of Telecommunications Markets Information Requirements	January 23, 2006

APPROVAL

This document is approved by the Office of Utilities Regulation and becomes effective on **January 23, 2006**.

On behalf of the Office:


.....
J Paul Morgan
Director General

January 19, 2006
.....
Date

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OFFICE OF UTILITIES REGULATION

Decision on Telecommunications Markets Information Requirements as of December 23 2005

1. BACKGROUND

The Office, pursuant to Section 10 (1) of the Office of Utilities Regulation Act 1995 as amended ('the OUR Act') and Section 4 (4) of the Telecommunications Act 2000 (the Act) issued a Consultative Document (Document No Tel 2003/08) on September 16, 2003. In the Consultative Document, the OUR stated its intention to formalize the collection, use and distribution of relevant information on the telecommunications industry.

The request for information is to:

- a. allow the OUR to execute its regulatory functions as stipulated in the Telecommunications Act 2000
- b. promote competition and
- c. protect the interest of consumers.

Responses to the Consultative document were received from four Companies:

- i. Reliant Enterprise Communications Ltd.
- ii Cable and Wireless Jamaica Limited
- iii Mossel Jamaica Limited (Digicel)
- iv Infochannel Limited

1.1 Responses to the Consultations

The responses from these companies are summarized below:

1. Information relating to revenues, volumes, costing and pricing are sensitive. The publication of such information in a competitive environment is viewed as a breach of confidentiality and could prove detrimental to the company.
2. The four-week time period to submit reports after the end of each quarter is too short especially for initial reporting. A six-week time period was suggested.

3. In addition to the concerns about the publication of commercially sensitive information there were also concerns about the notice time for reasoned corrections to calculations.
4. The costs in time and resources to produce information in the requested format are causes for concern.
5. Guidance as to how internet customers should be counted.

1.2 Reasons for requiring information

After giving careful considerations to the responses, the Office issued a Determination Notice on April 8, 2004 (Document No Tel 2004/04). In the document, the Office reaffirmed the reasons for the information request. These are:

1. To satisfy Section 16 of the Act – To impose an annual regulatory fee in relation to all Carrier and Service Provider licenses issued under the Act. The fee may be based on revenues and subscription to services.
2. To satisfy Section 11(1) (d) of the Act – Applicants for licenses must....satisfy the financial requirements for the construction and operation of the facility or the provision of the services to which the application relates.
3. To satisfy Section 42 of the Act which speaks to information required to enable the Office's recommendation for modification of universal service obligations. Universal Service levy may be applied to particular services and therefore the Office should be in a position to make recommendations to the Minister on the application and impact of any such levy.
4. To satisfy Section 8 of the Act – The Office is required to promote the efficient use of numbers. The Office therefore needs to know the utilization of numbers assigned.
5. To satisfy Section 28 of the Act – The Office shall determine which public voice carrier is to be classified as dominant This requires constant monitoring of the market for all services.
6. To satisfy Section 2 of the Mobile Service Provider License - “ the licensee must ensure that at all times the licensee satisfies any and all financial requirements as imposed by the Minister, the OUR and the Spectrum Management Authority.”

7. The Office must be in a position to determine the extent of penetration and price of supplying each service.
8. The Office is required to provide statutory bodies with information regarding sales volume and subscriber base and prices. In doing so, the OUR will endeavour to keep the individual licensee's identity confidential except where there is no basis for such confidentiality.

2. DETERMINATIONS

The decisions of the Office stated in the Determination Notice (Doc. No. Tel 2004/04) and published on April 8, 2004, are summarized below:

- 1.0 Each licensee is required to submit a complete set of quarterly financial statements including Profit and Loss, Balance Sheet, Cash Flow and notes to the accounts and statements.
 - 1.1. The Office intends to publish data on the telecommunications market in an aggregate form.
 - 1.2 The Office will only make a determination to publish information, that is deemed confidential where the interest of the public is considered to outweigh the need to maintain confidentiality. Such determination shall be consistent with the requirements of the Act.
 - 1.3 The principles outlined in the Information Requirements Document (Document No Tel 2003/08) also apply. (See Appendix 3).
 - 1.4 The quality of service information currently submitted by Cable and Wireless Jamaica Limited in its quarterly submission to the Office is to be supplied along with the new data requirements.
- 2.0 Before each half yearly publication, each licensee that has supplied relevant data will be allowed two weeks to make reasoned correction to the draft publication.
 - 2.1 Where the Office does not agree with a suggested amendment to the proposed half yearly publication, the licensee will be given fourteen days' notice of the proposed disclosure, as indicated in Section 7(3)(b) of the Act.

2.2 As per the format of the current quarterly data submission by C&WJ and in addition to the requirements of Determination 1.4, C&WJ is required to submit:

- (xi) Exchange capacity added
- (xii) Exchange pairs available
- (xiii) Usable pairs added
- (xiv) Installed lines by host
- (xv) Number of new customers by region
- (xvi) Working main lines by region
- (xvii) Net main line gain
- (xviii) Service order waiting list
- (xix) Held order status by customer type (residential and business), and
- (xx) Ceased lines

2.3 The data requirements report should be submitted six weeks after the end of each quarter.

2.4 All international licensees are required to submit:

- (i) Incoming voice minutes and revenues
- (ii) Outgoing voice minutes and revenues
- (iii) Transit minutes and revenues
- (iv) Data traffic volumes and revenues, and
- (v) Other revenues from specified services
- (vi) Tariffs, prices and other similar information of a financial nature
- (vii) Historical information and projections relative to the construction and operation of the specified carrier facilities.

2.5 The costing methodology and the methodology for regulatory accounts will be published at a later date, subsequent to which, the Office will require international carriers to submit costing information and regulatory accounts.

2.6 The details of the information required from each licensee are as stated in the Appendix to the Determination Notice (Tel 2004/04).

2.7 Corporate Internet Customer should be treated as one subscriber

2.8 The Office requires information on switch capacity, type of technology being used, the proportion of traffic that is VOIP, cable landing stations and other network features.

- 2.9 Given the dynamic nature of the various telecommunications markets, the data requirements of the Office may vary over time. Notification of any variation will be given in writing.

3. RECONSIDERATION REQUESTS

The Office having published its Determination on April 8, 2004 received two applications for Reconsideration of Telecommunications Markets Information Requirements on April 22, 2004. These were from Cable and Wireless Jamaica Ltd. and Mossel Jamaica Limited (Digicel).

3.1 Summary of Cable and Wireless' Application for Reconsideration

The C&WJ's Application for Reconsideration is based on Section 60 (5) of the Telecommunications Act 2000, whereby C&WJ asserts that the Office, in arriving at the Determination erred in its interpretation of Section 4(4) of the Telecommunications Act..... C&WJ stated that the OUR failed to provide a definition of reasonable grounds or define the public interest that is being served.

C&WJ also expressed concern that the Office has requested information solely from C&WJ's PSTN and has not required the same for any other fixed line operator. Reference was made to Determinations 1.4 and 2.2 where it was felt that whilst this data request was made and submitted under confidentiality prior to competition, this was no longer the scenario and thus publication of this information would compromise the competitive position of C&WJ.

3.2 The Office's response sent to C&WJ on May 17, 2005 reads in part:

"The Office has no intention of disclosing information that would compromise the competitive position of facilities based providers by making their information available to 'margin gatherers'.... Any disclosure deemed necessary will be carried out in exercise of the Office's functions pursuant to the Telecommunications Act 2000 due recognition being given to the confidentiality provision of the said Act.

Concerning asymmetric information requirements for fixed line operators, there is clear justification based on the fact that C&WJ was declared the dominant carrier and services provider in the fixed telephony access and associated domestic calling markets. This is consistent with the principle established in the Act in relation to interconnection, whereby specific information requirements are placed on dominant carriers".

3.3 Summary of Mossel Jamaica Limited's (Digicel) Application for Reconsideration

April 22, 2004:

Digicel sought reconsideration to Determination 2.3 – (*The data requirements report should be submitted six weeks after the end of each quarter*) on the grounds that, the Company is unable to configure its information systems to deliver the information retrospectively and certainly not in the format outlined. Digicel stated that “This inability to comply with the determination came to light only subsequent to the publication of the determination as a result of our efforts to comply with the requirements.”

Digicel asserts that, it “...was [led] to believe that this was a prospective requirement governing quarters occurring after the date of the Determination Notice and was not to be retrospectively applied.”

Relief sought

By way of this application for reconsideration of Determination 2.3, Digicel seeks the following relief:

Modification of the Determination so that its effect is made clear to be prospective and require that the first quarter for which ... the Determination applies is July to September 2004.

The Office in response to this correspondence requested Digicel to clearly state what problems exist and the data sets with which they are associated. The Office is of the view that the information requested retrospectively and prospectively is basic data that is required to prudently operate a telecommunications business and should therefore be readily available.

June 4, 2004: The following grounds for Reconsideration were added

The OUR should provide details of the policy it has for maintaining confidentiality of information; restrict this confidential information to a limited number of named employees in agreement with the licensees; provide a statement on receipt of such information from licensees that it will not be used for purposes other than that for which it was collected; agree with licensees in advance the format in which information should be published.

The OUR should ask for information when it is needed. Digicel is prepared to have a discussion with the OUR about what information Digicel can collect given its data assembly.

July 8 & 30, 2004

Additional details were submitted with respect to Digicel's Call Data Records (CDR); apportionment of interconnection traffic, revenue and cost; and calling number identification for incoming international calls.

In its submission, Digicel raised the following as matters of concern:

That no automatic correlation between the dollar-value of prepaid calling cards and minutes based on the standard rates charged can be presumed -

- In the apportionment of interconnection traffic, revenue and cost billed data may not be reconciled in the time required for submission
- In reporting the origins of international calls, calling number delivery is a constraining factor.

4. THE OFFICE'S REVIEW OF THE DETERMINATION AND DRAFT RECONSIDERATION DECISION

After deliberations on the concerns raised in the Requests for Reconsiderations, the Office reviewed the decisions taken in its Determination Notice of April 8, 2004 and proposed the following adjustments in the Draft Reconsideration Decision of March 31, 2005.

Determination 1.5 (Added)

- 1.5 The Guidelines for Dealing with Claims of Confidentiality Pursuant to Section 7 of the Telecommunications Act 2000 (the Act) will be adopted as at the adoption date of this Decision.

OUR Policy in Relation to the Treatment of Confidential information

The Office proposes the following in response to the issues raised about the treatment of confidential information submitted by licensees.

Information submitted in accordance with Determination Notice Tel 2004/04 should be delivered to the Director General and the Director of Research and Analysis. A soft copy of this information will be sent to the Information Systems Manager and the Network Administrator for storage.

Submissions or part thereof, with claims of confidentiality will be administered in accordance with the attached proposed Guidelines for dealing with claims of Confidentiality. These Guidelines were prepared in accordance with Section 7 of the Act.

Any Rules established by the OUR to address the treatment of confidential information shall supersede the attached Guidelines.

Determination 2.0 shall be amended to read:

Determination 2.0 (Amended)

2.0 Before each half yearly publication, each licensee that has supplied relevant data will be allowed two weeks to make reasoned correction to the draft publication. For the avoidance of doubt, the Office retains the discretion to reject or accept suggested amendment to the draft publication.

Determination 2.3 modified to:

2.3 The data requirements report must be submitted six weeks after the end of each quarter starting with the January to March quarter of 2006.

Determination 2.3.1 (Added)

2.3.1 Each licensee must provide data on a calendar year basis from 2001 to 2005. This data is to be submitted within six-weeks after the ending of the January to March quarter of 2006 and shall include the Company's annual financial statements.

Licensees are also required to submit (within six weeks after the ending of the first quarter of each calendar year) the company's annual financial statements for the previous year beginning with calendar year 2005 or fiscal year 2004/2005 plus 9 months financial data, i.e. April – December, 2005.

If any of the annual financial statements is not available by the specified time, the licensee should provide the Office with a specific commitment date by which the information will be made available.

Incoming International Calls

In relation to reporting the origins of international calls, Digicel indicated that calling number delivery is a real constraint. The Office, however, requires information on total international incoming and outgoing traffic and associated revenues on a country by country basis. As such the Office is willing to allow acceptable time for companies to examine and decide on how this data can be captured. The Timeline to compliance should be documented and submitted to the Office within fourteen (14) days of the effective date of this Decision.

Determination Notice Tel 2004/04 shall be modified to reflect the following:

Determination 2.9 (Added)

2.9 The Office requires disaggregated data on total incoming and outgoing traffic and the associated revenues.

NB: *The Office is prepared to consider granting additional time for Companies to examine and decide on how this data can be captured and reported. Within fourteen (14) days of the effective date of this Decision, Companies requiring additional time should indicate this to the Office with a proposed timeline for compliance.*

Lack of Correlation between the Dollar value of Prepaid Cards and Number of Minutes used

The Office is aware that the calling rates will vary because of promotional events and therefore, revenues calculated based on standard calling rates will not coincide with actual revenues. The Office requires the provision of information on promotional or seasonal events, indicating how these have led to perceived inconsistency in the data set.

Apportionment of Interconnection Traffic, Revenues and Costs

There are concerns that interconnect billed data may not be reconciled in the time required for the submission. Nonetheless, the Office expects that billed data would be submitted and marked provisional. After reconciliation, the Office expects that the revised data set would be submitted in the report for the subsequent quarter. The Office also notes that provisional data can be submitted in relation to other services (example, roaming and international calling services) and revised after reconciliation.

5. PUBLIC FORUM

The OUR decided to hold a public forum on May 17, 2005 with the objective of providing a final opportunity for parties to this proceeding to submit comments and information on the relevant issues, before the Office issues a decision on the reconsideration of the Determinations. A summary of the concerns expressed is presented below:

Cable and Wireless Jamaica Ltd.

C&WJ expressed concerns of the costs involved in getting the data in the format required by the OUR as well as the frequency of the reports. C&WJ explained that an entire unit was made redundant and is of the view that the OUR should phase its request starting with the basic data that can be had from their current IT systems, gradually getting into more detailed reports as they improve on their resources.

Digicel

Digicel is of the opinion that the OUR will not need all the data being requested on a regular basis. Their view is that the OUR should make a distinction between a regular data collection exercise and an individual data collection for a specific separate purpose.

Reliant Enterprise Communications

Reliant Enterprise asked the OUR to review the Companies Act 2004, as it relates to Accounting Disclosure for private companies. In relation to Universal Service, Reliant Enterprise is of the view that this Determination is premature, as in their opinion, there are no rules, procedures regulations, disbursement guidelines, qualifications requirements, bidding guidelines or oversight functions.

Reliant Enterprise noted its agreement with the information requested as in their opinion the Office has not asked for half of what is asked for by Regulators in the United Kingdom, United States of America and other countries. Reliant Enterprise is of the view that the industry needs to be informed in order for competition to work and have offered the following recommendations as additions to the information request.

- Separation of Accounts for Cable and Wireless as detailed in the Telecommunications Act
- Requirements for separate accounting inputs for every licensee
- Any affiliate, subsidiary or unit involved in the provisioning of services into or within the Jamaican market be identified and provide separate financial, cost and revenue information

- The Determinations need to address Transparency as competitive carriers do not have access to what happens with the two major carriers. The request is to have the OUR make information available to the industry at a high level detailing:
 1. The number of total minutes they terminate and originate on the networks
 2. The percentage of total minutes provided by third parties and local competitors
 3. The percentage of total minutes provided by affiliates, subsidiaries or joint ventures
 4. The percentage of total revenues provided by local competitors and third parties
 5. How many minutes does the PSTN transit to mobile traffic and the number of non-C&WJ mobile minutes transited by the PSTN
 6. Monthly or quarterly estimates of revenue in minutes lost to bypass
 7. Dominant carriers should reveal their bilateral agreements.

Comments from the Public

Members of the public including representatives of the Consumer Advisory Committee on Utilities also voiced the need for information to be public and transparent so that they can be in a position to make intelligent choices.

Office's Response to Public Hearing

It is not the desire of the Office to place unnecessary demands on Companies in the Telecommunications industry or to unreasonably add costs to their operations. The Regulator has a responsibility to promote competition as well as to ensure that the public is allowed to make informed choices. The Office is guided by the Telecommunications Act and so the reasons for requesting the information are stated clearly in all the documents published. Therefore to assert that the OUR has not explained the purpose for the request nor has it stated the public interests to be served is incorrect.

In relation to both Digicel's and C&WJ's comments, the Office maintains that the information requested is basic data that all reasonably efficient carriers or Service providers should have on record. The information requested is needed on a regular basis for the OUR to properly and fairly regulate the industry. Constant monitoring of the market is necessary to carry out the functions of the Office and sometimes historical information is needed at the time of making a decision. If systems are not in place to gather this information, then, as Digicel suggested it is difficult to obtain information retrospectively. The Office is bemused by the reluctance of Companies to

admit to the availability of the information required as such data should be considered as important for any company to operate in the competitive market.

With regard to confidentiality, the Office understands the concerns of each Company and will use the guidelines as stated in the Reconsideration Document – (Determination 1.5)

Regarding confidentiality of a small company as per the Companies Act 2004. The Companies Act states that private Companies shall not be obliged to file accounts. However the Office of Utilities Regulation Act in Section 4 (3) gives the Office powers to undertake measures as it considers necessary or desirable to encourage competition, and protect the interests of consumers. Regulatory fees apply to all carriers and service providers and therefore the Office must have accurate information in order to apply fees that are fair to all parties.

With respect to universal service, the Office acts on the direction of the Minister in this matter. The body formed to manage the proceeds of the universal service levy is answerable to the Minister and not the Office.

The Office wishes to note that it's Determination Notice "Accounting Separation for Cable and Wireless Jamaica" that is now being drafted should satisfy some of the concerns raised here in relation to the transparency of dominant carriers. Further, most of the information requested in points 1 – 7 of Reliant's recommendations was also requested by the Office. However, because some of this information is deemed to be commercially sensitive, the Office will not pursue the publication of this information. Nonetheless, if the Office receives a request for disclosure, this would have to be considered under the "Guidelines for Dealing with Claims of Confidentiality" pursuant to Section 7 of the Telecommunications Act 2000 (the Act)".

In relation to the monthly or quarterly estimation of revenues and minutes lost to by-pass, the Office will not at this time, seek to collect by-pass data on a routine basis. Each carrier has an incentive to minimize by-pass of its network in order to maximize revenue and profit. Further, to the extent that by-pass activity is significant, carriers have the option of applying to the Office (under Section 51 of the Act) for the disconnection of service to the alleged 'by-passer'. In this application, the carrier should supply the OUR with estimates of minutes and associated revenues lost, thus, since carriers have a strong incentive to report by-pass activities, there is no need to mandate it.

6. FINAL DECISION

The Office having considered all the arguments and recommendations has made changes to some Determinations as shown in Appendix 2. The final Decisions for Telecommunications Markets Information Requirements are listed in Appendix 2 and become effective upon issue. The information requested for current Year's data becomes due six-weeks after the first quarter of Calendar Year 2006. i.e. **15-May-2006**. and for retrospective data, within twelve-weeks of the first quarter i.e., **26 – June - 2006**.

APPENDIX I

Proposed Guidelines for Dealing with Claims of Confidentiality Pursuant to Section 7 of the Telecommunications Act 2000 (the Act)

A. Background

Where a document is filed with the Office, by a party, in relation to any proceeding, the Office shall place the document on the public record unless the document bears a marking claiming confidentiality at the time of such filing.

Based on Section 7 (1) of the Act, "Every person having any official duty or being employed in the administration of this Act shall regard and deal with as secret and confidential all confidential information relating to applicants and applications for licences, and the management and operation of licensees and shall, upon assuming such duty or employment make and subscribe a declaration to that effect before a Justice of the Peace."

In accordance with this provision all employees of the OUR are required to sign and do in fact sign a "Confidentiality Agreement".

Parties may claim confidentiality on:

1. a complete document (s) filed with the Office
2. sections of a document filed with the Office

3. documents in the Office's possession that were not filed by the party claiming confidentiality
4. documents requested by the Office

B. Filing of Confidential Information

Information submitted asserting a claim of confidentiality should be delivered to the Director General and the Director of Research and Analysis.

The filing should include:

- 1) Two (2) separate hard copies addressed to the Director General and the Director of Research and Analysis. All documents to be filed with the Office shall be received at the Office by the Office Secretary or the Director of Research and Analysis.
- 2) At least one soft copy of this information should be sent addressed to the Director General. The Director General will direct the Information Systems Manager to securely store all such information.
- 3) Any party claiming confidentiality in connection with a document shall file with the Office an abridged non-confidential version of the document to be placed on the public record or the reasons for objecting to the filing of the abridged version thereof.

C. Access by Other Members of Staff

Each request (aforesaid) for disclosure from other employees of the Office of Utilities Regulation (OUR) will be treated as follows:

- 1) A written record of the requests shall be maintained by the Office
- 2) The record shall reflect the information requested, the delivery time and date, and the return date and name of the requesting party.
- 3) A person who, by reason of his capacity or office has by any means access to the confidential information referred to in Section 7 (1) of the Act shall not, while his

employment in or, as the case may be, his professional relationship with the Office continues or after the termination thereof, communicate any confidential information to any person, except in the instances specified in Section 7 (3) of the Act.

D. Claims of Confidentiality

Any claim of confidentiality made in connection with a document filed with the Office or requested by the Office or any party:

- 1) shall be placed on the public record and a copy thereof shall be provided on request to any party
- 2) shall be accompanied by the reasons and, where it is asserted that specific direct harm would be caused to the party claiming confidentiality or specific harm to a third party, sufficient details shall be provided as to the nature and extent of such harm.

Where a claim of confidentiality is made in connection with a document that has not been filed by a party, the Office may request the party to file the document and, after the document is filed, the document shall be reviewed by the Office in confidence and dealt with as follows:

- i. Where the Office is of the opinion that, based on all the material before it, no specific direct harm would be likely to result from disclosure, or where any such specific direct harm pursuant to the Access to Information Act is shown but is not sufficient to outweigh the public interest in disclosing the document, the document shall be placed on the public record
- ii. Where the Office is of the opinion that, based on all the material before it, the specific direct harm likely to result from the public disclosure justifies a claim for confidentiality, the Office may:
 - i. order that the document not be placed on the public record;
 - ii. order disclosure of an abridged version of the document, or
 - iii. order that the document be disclosed to parties at a hearing to be conducted in camera.

E. Disclosure of Confidential Documents

Any party wishing public disclosure of a document for which there has been a claim of confidentiality, may file with the Office:

- 1) a request for such disclosure setting out the reasons thereof, including the public interest to be served in the disclosure of all information relevant to the Office's regulatory responsibilities, and
- 2) any material in support of the reasons for public disclosure.

A copy of a request for the public disclosure of a document will be served on the party claiming confidentiality and that party may, unless the Office determines otherwise, file a reply with the Office within 10 days after the date of serving the request and shall, where a reply is filed, serve a copy thereof on the party requesting public disclosure.

Where the Office determines that a document labeled as confidential should be placed on the public record, the party claiming confidentiality shall have 14 days notice of the proposed disclosure and is entitled to apply to a Judge in Chambers for an order prohibiting the disclosure on the ground that it would be harmful to the interest of the applicant or licensee.

If the application does not succeed, the Office reserves the right to disclose the document.

F. Office Determination on Matters of Confidentiality

The Office may dispose of a claim of confidentiality:

1. on the basis of the content of the documentation filed,
2. by referring the matter to a conference,
3. by referring the matter to an oral hearing, or
4. require depositions where the Office is of the opinion that based on all the material before it, no specific direct harm would likely result from the disclosure or where any such specific direct harm is shown but is not sufficient to outweigh the public interest in disclosing the document; the document shall be placed on the public record.

G. Matters deemed Confidential by the Office

Where the Office is of the opinion that specific direct harm will likely result from the public disclosure justifies a claim for confidentiality, the Office may:

1. order that the document not be placed on the public record, or
2. order the disclosure of an abridged version of the document, or
3. give the party claiming confidentiality fourteen (14) days notice of the proposed disclosure to named parties at a hearing to be conducted in camera.

APPENDIX 2

Decisions:

- 1.0 Each Licensee is required to submit a complete set of annual financial statements, including profit and loss, Balance Sheet, Cash Flow and notes to the accounts and statements. The annual audited financial statements should also be submitted on an annual basis.

NB: Information Request changed to annual rather than quarterly

- 1.1 The Office intends to publish data on the telecommunications markets in an aggregate form.
- 1.2 The Office will only make a determination to publish information that is deemed confidential where the interest of the public is considered to outweigh the need to maintain confidentiality. Such determination shall be consistent with the requirements of the Act.

In relation to Decisions 1.1 and 1.2, the Office notes that the format of the proposed published information reports shall be subject to public consultation.

- 1.3 The principles outlined in the Information Requirements Document (Document No Tel 2003/08) also apply (Appendix 3)
- 1.4 The quality of service information previously submitted by Cable and Wireless Jamaica in its quarterly submission to the Office will continue to be supplied along with the new data requirements.
- 1.5 The Guidelines for dealing with claims of confidentiality pursuant to Section 7 of the Telecommunications Act 2000 (the Act) will be adopted as at the adoption date of this Decision. *(Added)*
- 2.0 Before each half yearly publication, each licensee that has supplied relevant data will be allowed two weeks to make reasoned correction to the draft publication. For the avoidance of doubt, the Office retains the discretion to reject or accept suggested amendment to the draft publication. *(Amended)*
- 2.1 Where the Office does not agree with a suggested amendment to the proposed yearly publication, the licensee will be given fourteen (14) days notice of the proposed disclosure, as indicated in Section 7 (3) (b) of the Act.

2.2 As per the format of the current quarterly data submission by C&WJ and in addition to requirements at Determination 1.4, C&WJ is required to continue to submit the following information on a semi-annual basis:

- (xi) Exchange capacity added
- (xii) Exchange pairs available
- (xiii) Usable pairs added
- (xiv) Installed lines by host and Remote
- (xv) Number of new customers by Region, Parish and Exchange
- (xvi) Working main lines by Region, Parish and Exchange
- (xvii) Net main line gain by Region, Parish and Exchange
- (xviii) Service order waiting list by Region, Parish and Exchange
- (xix) Held order status by customer type (residential and business) and
- (xx) Ceased lines by Region, Parish and Exchange

For the avoidance of doubt, all quality of service data should be submitted on a quarterly basis.

2.2.1 Internet Service Providers are required to submit quarterly data on:

- 1. Number of dial-up customers per exchange and parish
- 2. Number of ADSL customers per exchange for each parish
- 3. ADSL capacity/DSLAM ports in use
- 4. Customers/bandwidth category 128k, 256k etc. *(Added)*

2.3 The data requirements report must be submitted no later than six weeks after the end of each quarter commencing with the Quarter ending March 2006. *(Amended)*

2.3.1 Each licensee must provide data on a calendar year basis from 2001 to 2005. This data is to be submitted no later than six weeks after the ending of the January to March quarter of 2006 and shall include the Company's annual financial statements. *(Added)*

If any of the annual financial statements is not available by the specified time, the licensee should provide the Office with a specific commitment date by which the information will be made available.

2.4 All international licensees are required to submit:

- (i) incoming voice minutes and revenues
- (ii) outgoing voice minutes and revenues
- (iii) transit minutes and revenues
- (iv) data traffic volumes and revenues

- (v) other revenue from specified services
- (vi) tariffs, prices and other similar information of a financial nature
- (vii) historical information and projections relative to the construction and operation of the specified carrier facilities

2.5 The costing methodology and the methodology for regulatory accounts will be published at a later date, subsequent to which, the Office will require international carriers to submit costing information and regulatory accounts.

2.6 The details of the information required from each licensee are as stated in the Appendix of Document No Tel 2004/04

2.7 Corporate Internet customer should be treated as one subscriber

2.8 The Office requires information on switch capacity, type of technology being used, the volume of traffic that is VOIP, cable landing stations and other network features.

NB: The Office is prepared to grant additional time for Companies to respond to this Decision providing these Companies state the reasons and timeframe for compliance.

2.9 The Office requires disaggregated data on total incoming and outgoing traffic and the associated revenues.

NB: The Office is prepared to consider granting additional time for Companies to examine and decide on how this data can be captured and reported. Within fourteen (14) days of the effective date of this Decision, Companies requiring additional time should indicate this to the Office with a proposed timeline for compliance.

2.10 Given the dynamic nature of the various telecommunications markets, the data requirements of the Office may vary over time. Notification of any variation will be given in writing.

APPENDIX 3

Principles

The following are the principles on which the programme for obtaining and using information on the telecommunications industry, markets and the performance of the Licensed Operators will be developed:²

- The requirement to collect and publish information will seek to minimize the burden on operators, and will be related to the regulatory needs of the OUR in respect of the requirements of the Act and public's interest.
- The definition of any quantitative parameters should be sufficiently exact to ensure comparability, but otherwise allow operators flexibility to use any existing systems and procedures for generating such measurements.
- Additional information may be required of dominant carriers, dominant service providers, and carriers designated as universal service providers, and in particular, information on the service provided to interconnection seekers and service providers should be separately identified from that provided to retail customers. Any other operators with specific obligations may be required to provide additional information relating to such obligations.
- Data and other information that are published should seek to enable the public to make comparisons between companies and between time periods. In cases where information is deemed confidential, the information will be published in an aggregate form.
- Data and other information relating to carrier's or service provider's effectiveness in keeping its promises to customers will also be published. This will be measured against the carrier's or service provider's terms and conditions of service and/or any quality of service standards established by the OUR and/or the carrier/service provider.

²The principles outlined here are based on those stated in the Irish Regulators consultation on "Measuring Licensed Operator Performance". See <http://www.ccreg.ie/docs/Toc473609855>

- Data and other information received by the OUR for specific regulatory purposes will not be considered as satisfying the needs identified in this document unless agreed on by the carrier/service provider and the OUR. Where calculations are required, these will be stipulated and agreed on.
- Carriers/service providers will have the opportunity to review and propose reasoned corrections to results prior to publication.

APPENDIX 4

Definitions:

Confidential information means any information classified as such and includes information that a reasonable person would regard as confidential having regard to the nature of the information.

Custodians mean those who the information is delivered to. The two custodians are the Director General and the Director of Analysis and Research.