

Mr. Maurice Charvis
Director – Research and Analysis
Office of Utilities Regulation
PO Box 593
36 Trafalgar Road
Kingston 10

**Subject: Notice of Proposed Rule Making
Competitive Safeguards to Address Anti-Competitive Practices
by Dominant Carriers**

Dear Mr. Charvis:

On behalf of Columbus Communications Jamaica Limited, dba Flow, herein is our preliminary response to the Office of Utilities Regulation (“OUR”) public consultation on the proposed rulemaking concerning competitive safeguards to address anti-competitive practices by the dominant carrier. Attached are specific answers in response to questions posed by the OUR in that consultation.

In general, Flow believes that it is in the best interests of Jamaica to promote and protect competition in data services, as the importance of data services will continue to increase over time. Flow is equally supportive of harmonizing regulatory issues with the World Trade Organization.

Thank you for the opportunity to participate in the above mentioned rulemaking process. We look forward to continuing constructive dialogue on this issue.

Yours truly,



Michele English,
General Manager



Responses to Questions

1. **Do you agree that the Office should seek to design and implement a framework to promote and protect competition in relation to data services?**

Data services are increasing in relative and absolute importance. Flow supports the direction of the Authority to design and implement a framework to promote and protect competition in relation to data services.

2. **Should the Office seek to modify the existing C&WJ RIO framework so that Service Providers are included in the application of the RIO?**

Service Providers require access to the essential facilities of the dominant operator in order to access customers and provide diversified and competitive services. The existing RIO framework should be expanded immediately to include Service Providers.

3. **Should the Office expand the information requirements that the dominant operators include in the RIO?**

The information provided in the RIO should be expanded to meet the broader scope of the RIO to include data services.

4. **Should dominant data carriers be required to lodge with the Office an offer document setting out matters relating to price and terms of condition under which the public data carrier will permit access to its public network?**

Interconnection between public data carriers and service providers should be transparent and unbiased. The Office should demonstrate that data interconnection with public carriers is problematic for other carriers and service providers before requiring public data carriers to publish costly and restrictive documents which are difficult and labour intensive to maintain.

5. **Should accounting separation apply to data markets?**

Yes, accounting separation should apply to data markets.

6. **Should the Office develop the regulatory framework to define Essential Facilities, to authorize the Office to determine specific essential facilities and to establish the terms and conditions for their provision by dominant operators?**

Yes, Flow supports implementing international standards within Jamaica.