

Comments on Consultative Documents: Dominant Public Voice Carriers No. 2

- Q 3.1 Following the discussion as presented on sections 3.36 – 3.49, the Ministry supports the view that each mobile carrier be declared dominant in relation to the provision of call termination, at present. However, it is not clear what are the implications of this. Also, the arguments presented refer specifically to the fact that the mobile operation are not directly connected. This position may change in the near future, and the new act may then take a different stance assuming the existence of a national market for mobile call termination.
- Q3.2 There are always alternatives, but what the Ministry would benefit from is a more detailed discussion on the implications of the deployment of VOIP technologies both in the domestic and international markets. Also, at present, there is a legal barrier to subscriber television operators, apart from NS systems which has a national license, using their network to provide voice except in their authorized zone. Should this legal impediment be removed, these operators would be able to provide a viable alternative to the incumbent as they already possess a substantial network, albeit needing some upgrade.
- Q3.3 The real question is not the extent to which Cable and Wireless Jamaica (C&WJ) vertically integrated structure enhances its position of dominance, but what mechanisms are being put in place by the Regulator to ensure that abuse is being monitored and exposed. For example, it is currently being tested in the courts whether C&WJ Limited is violating competitive practices in their provision of DSL capacity to competitors in this market. And similarly, since C&WJ competes in retail markets it is necessary that they provide bandwidth to competitors at the same price that they provide to their own subsidiaries. Is this being enforced?
- Q3.4 The Ministry is not aware of any other markets at present, but as new technologies reduce costs, new services and markets will emerge. The

issue of whether C&WJ should be allowed to compete in the cable provider market, or even the ISP market will certainly re-emerge.

Q4.1 While it may be adequate as a platform or starting point, it is certainly not comprehensive. It needs a section on emerging technologies and implications, and a section on mechanism or practices to ensure that services are being provided as stipulated in the Act.

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