



April 04, 2005

Mr. Courtney Jackson
Deputy Director General
Office of the Utilities Regulation
36 Trafalgar Road
Kingston 10, Jamaica

Dear Mr. Jackson,

Re: Reconsideration by Office of Utilities Regulation on Classification of Dominant Voice Carriers

It is with great disappointed that we receive yet another notice of reconsideration of the determination of dominance. Furthermore, People's Telecom Jamaica would like to state for the record that we are confused as for the reason for the reconsideration in the first place taking full consideration of the source.

Here are our contentions:

1) Based on our information there are approximately 60 licensees. Hence, we find it hard to understand that only two participants have appealed on record whilst fifty-eight (58) carriers are in agreement. It seems odd that a reconsideration was granted with a request by the minority.

2) Digicel by its own words, asserts its dominance in the Jamaican marketplace. This quote is courtesy of their own website, dated March 29th, 2005: *"Digicel's customer base now stands at over 1 million customers and the company currently commands approximately 65% of the mobile market share in Jamaica."*

3) Digicel was reported in a recent newspaper to be the dominant mobile carrier not only in Jamaica but in the Caribbean. How can they be considered to be dominant in their public declarations (see news article excerpts below and attached), and "bigger better network" but the regulator accepts an appeal of dominance.

The Daily Observer, edition March 9th, 2005: *It (Digicel) is the largest GSM Mobile operator in the region with an average market share of 60 per cent."*

The Sunday Observer, edition March 6th, 2005 – *"The mobile company currently operates in seven Caribbean countries and claims an average market share of 60 per cent."*

Please advise which position the regulator will enforce or will Digicel claim to be dominant in public yet non-dominant with the regulator.

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4) If the labeling of "DOMINANCE" is a measure on the part of the OUR to fulfill its obligation to per The Telecommunications Act 2000 clause 3(a)(i), quote:

"...promote and protect the interest of the public by - (i) promoting fair and open competition in the provision of specified services and telecommunications equipment...."
and clause 4(1)(f) f), quote:

"promote competition among carriers and service providers;"

then we cannot understand the continued allowance delays as small competitors continue to go out of business. It is our position that further delays will make any eventual labeling of DOMINANCE useless as there may not be any carriers left to challenge a potential oligopoly.

We humbly suggest that the OUR advise the non-dominant carriers as to its goal of the label dominance because if it is to affect fair pricing, universal access and competition, the office may be conducting an exercise in futility as there may be no small carriers left to compete without the preservation of this label of dominance.

We look forward to receiving your reply on this issue.

Cordially,
People's Telecom Jamaica Limited

.....
Keecha Hamilton
Chief Operational Officer

Copy: Mr. Patrick Williams,
Economist, OUR

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