



Office of Utility Regulation

Information Note
for holders of Licences granted by the States
Telecommunications Board

Document No: OUR 01/21

October 2001

Office of Utility Regulation
Suites B1 & B2, Hirzel Court, St Peter Port, Guernsey, GY1 2NH
Tel: [0]1481 711120, Fax: [0]1481 711140, Web: www.regutil.gg

1. Background

The States Meeting of September 2001, approved the commencement of the Telecommunications (Bailiwick of Guernsey) Law, 2001. This law, along with the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 provides for the establishment of the Office of the Director General of Utility Regulation ('Director General') and assigns a range of powers and functions to the Director General in relation to the telecommunications sector in Guernsey.

Among the functions reserved to the Director General under the Telecommunications Law is the licensing of organisations or individuals to provide telecommunications services and networks. In accordance with certain directions issued by the States of Guernsey the Director General has granted to Guernsey Telecoms Ltd a licence with effect from 1st October 2001 and has determined the dates upon which further competition will be introduced to the telecommunications market in Guernsey; service based competition will be introduced on 1st July 2002, network competition on 1st December 2001 and mobile competition on 1st April 2003.

However, prior to the establishment of the Office of Utility Regulation, the licensing of organisations and individuals had been carried out by the States Telecommunications Board (Guernsey Telecoms). The Director General is aware that a number of licences have been awarded for the provision of a range of services under the old arrangements. Under the new regime, the future licensing of such organisations or individuals falls to the Director General.

2. Transitional Arrangements

The Telecommunications Law makes provision for a transitional period within which licensees, previously licensed by Guernsey Telecoms, must make themselves known to the Director General and apply for a licence.

Section 25 of the Telecommunications Law states that any licence in force on the commencement date of the law (1st October 2001) shall be deemed to be an individual licence or a class licence granted by the Director General. Such licences shall further be considered to be valid for a period of 6 months from that date (i.e. valid until 30th March 2002) or earlier should the licence have expired before that date.

Section 25 (3) of the Law places an obligation on licence holders to inform the Director General of the fact that they hold any such licence and apply for an individual licence within two months of the commencement date (i.e. by 30th November, 2001) in accordance with the Law. In the event that a current licence holder does not comply with this provision, its licence will be deemed to have expired and the provision of service under the licence may be in breach of the Telecommunications Law.

3. What Should I do?

If you are the holder of a licence issued by the States Telecommunications Board, you are advised to contact the Office of Utility Regulation in writing by 30th November, 2001. To assist this Office in determining whether you require a further licence under the new regime the following information should be provided:

1. Application for renewal of the licence;
2. Copy of Licence awarded by the States Telecommunications Board;
3. Details of the nature of service provided under the licence;
4. Details of the infrastructure/equipment operated by you;
5. Details of any other authorisations held by you in connection with the service provided (e.g. licence from the Radiocommunications Authority);

4. Application Procedure

Applications should be made in writing, enclosing the information set out in Section 3, before 5.00pm on November 30th to:

Office of Utility Regulation
Suite B1 & B2,
Hirzel Court,
St. Peter Port,
Guernsey GY1 2NH

All applications should be clearly marked "Application for Telecommunications Licence".

5. Next Steps

Following receipt of any applications, the Office of Utility Regulation will review the information provided and determine whether a further licence is required, taking account of the new regulatory regime. Certain services that have been licensed heretofore may now be exempt under the legislation or by order of the Director General. In any event, any licence holder that applies on or before 30th November may continue to operate under their existing licence for a further period ending on 31st March 2002.

The Director General is currently developing a licensing framework for new applicants and shall communicate this to the market generally in due course.

/END