



**Sure (Guernsey) Limited response to CICRA 17/13:  
Decision Notice: Flo Connect Limited - Issue of Telecommunications  
Licence in Guernsey**

**13<sup>th</sup> June 2017**

## Introduction

Sure (Guernsey) Limited (“Sure”) is submitting this response to document 17/13 “Decision: Flo Connect Limited: Issue of Telecommunications Licence in Guernsey” (“Decision”), which was issued by CICRA on the 6<sup>th</sup> June 2017. We note that although the Decision stated that a copy of the proposed Licence was available for review on CICRA’s website, the proposed Licence was only placed on the website on the 8<sup>th</sup> June, following a request from Sure. The Licence states that it will allow Flo Connect Limited to offer 4G data services only.

## Objection to Proposed Decision

Sure wishes to object to this Decision and believes that the GCRA cannot proceed with this Decision until it has considered and addressed the following points:

- Why the GCRA has not undertaken a formal consultation on this proposed Decision but has decided it can grant this Licence with just one week’s notice to the market. We note that the proposed Licence states that Flo Connect Limited applied for the Licence in May 2017 so it seems that the GCRA has been very quick to reach its Decision. However, we have no information to say why it believes this is an appropriate decision for the Guernsey telecommunications market in general, and the provision of 4G data services in particular. We contrast this with the detailed and extensive process that the three operators (Airtel, JT and Sure) who currently hold 4G licences in Guernsey (and Jersey) had to undergo. This process formally started in July 2013 when CICRA issued a pan-Channel island consultation on the award of 800MHz and 2.6GHz spectrum. CICRA then issued formal 4G tender documents in April 2014, responses were submitted in June 2014, and licence awards were made on the 23<sup>rd</sup> July 2014.
- Why the proposed Licence for Flo Connect Limited contains no obligations and commitments of the nature contained in the 4G Licences of Airtel, JT and Sure. All 3 of the current 4G operators have had to commit to a series of commitments, which include:
  - Minimum coverage and speed (download and uplink) requirements, that have had to be met within specified timelines. We have been presented with no information from the GCRA to suggest that these requirements will not be relevant to, or appropriate for, the 4G services that Flo Connect Limited will be providing.
  - DTT interference mitigation. As CICRA is aware, at the time of their licence applications all 3 operators had to pay an upfront sum to fund potential DTT interference mitigation efforts, and then spent further significant amounts on addressing interference issues associated with their 4G rollouts. How is CICRA proposing to identify and address any interference caused by Flo Connect Limited’s 4G services? Sure will certainly not be prepared to fund any interference that may originate from Flo Connect Limited - and we cannot imagine either JT or Airtel will be prepared to either - unless Flo Connect Limited also becomes party to the current

arrangements whereby all mitigation costs are shared equally between the 4G operators regardless of which network is the source of the interference.

- Spectrum allocation refarming/defragmentation to ensure efficient use of spectrum, including contiguous allocations to enhance customer experience. The current three operators went to considerable combined efforts to meet this commitment. There are no details provided by the GCRA regarding the spectrum that it is proposing will be allocated to Flo Connect Limited and how this may affect the spectrum allocations of existing 4G licence holders.
  - Environmental impacts. All three operators had to commit to minimising the environmental impact of their 4G network rollouts, including sharing facilities (such as masts) wherever practicable, as well as complying with EU standards with respect to exposure to electromagnetic fields. What commitments are being asked of Flo Connect Limited?
  - Compliance with EU roaming regulations on prices for data services. Again, there is no reference to this in Flo Connect Limited's proposed licence and no explanation from the GCRA as to whether this will be relevant to the 4G data services that will be provided by Flo Connect Limited.
- In addition to the above, all three of the current operators had to pay significant licence application fees and were also required to provide financial performance bonds to guarantee their commitments.
  - Finally, no clarity has been provided by the GCRA on its intended position in relation to any MNP (Mobile Number Portability) requirements that may need to be placed on Flo Connect Limited. Condition 17.4 of its draft licence<sup>1</sup> states that 'The Licensee shall comply with any directions issued by the GCRA in respect of Number Portability', but understandably, the relevant Direction<sup>2</sup>, issued in April 2008, only applied to locally licensed mobile operators at that time. These were Cable & Wireless Guernsey (now Sure (Guernsey) Limited); Wave Telecom (now JT (Guernsey) Limited), and Guernsey Airtel Limited. We believe that the GCRA needs to consider the specific types of services that Flo Connect Limited intends to offer and whether any of them may be services that customers of a current mobile operator may wish to switch to; conversely, it also needs to consider whether any customers of Flo Connect Limited might wish to move their service to one of the current mobile operators. If either one or both scenarios are valid then the GCRA needs to include a specific requirement in Flo Connect Limited's mobile licence.

## Conclusion

Sure fails to understand how the GCRA believes it can proceed with this proposed Decision by issuing the proposed Licence to Flo Connect Limited on the 15<sup>th</sup> June, when there seems to have been a

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<sup>1</sup> [www.cicra.gg/\\_files/CICRA%2017%2013%20-%20Flo%20Connect%20Ltd%20Licence%20draft.pdf](http://www.cicra.gg/_files/CICRA%2017%2013%20-%20Flo%20Connect%20Ltd%20Licence%20draft.pdf)

<sup>2</sup> [www.cicra.gg/\\_files/OUR0810.pdf](http://www.cicra.gg/_files/OUR0810.pdf)

complete lack of transparency and consultation on the proposed Decision. We strongly suggest that the GCRA should not proceed until it has undertaken a full consultation that addresses all the above points and any other points that may be raised by any other respondents.

Sure is happy for this response to be published by CICRA on its website.

Submitted on behalf of Sure (Guernsey) Limited  
13<sup>th</sup> June 2017