



Under section 27 (3) Telecommunications (Bailiwick of Guernsey) Law 2001, the Authority proposes to issue the following Direction and the deadline to respond is 1600, on 25 August 2023.

Direction to Sure (Guernsey) Limited

Background

As part of its Business Connectivity Market Review (“BCMR”) completed in 2015, the Guernsey Competition and Regulatory Authority (“GCRA”) published a Wholesale On-island Leased Line Price Control (“**Price Control**”), which required Sure to comply with a number of conditions.¹

In July 2022, the GCRA wrote to Sure (Guernsey) Limited (“**Sure**”) requesting certified wholesale and retail leased lines data, to demonstrate compliance with the Price Control, in respect of the following periods:

1. 1 January 2021 to 30 June 2021;
2. 1 July 2021 to 31 December 2021; and
3. 1 January 2022 to 31 July 2022.

The GCRA subsequently engaged in correspondence with Sure to obtain the requested information. In early 2023 the GCRA’s analysis of that data found that Sure’s pricing of its leased line products did not comply with the conditions of the Price Control in relation to six wholesale leased lines products for each of the three periods under review.

The analysis found that there was a total overcharge for the three periods of **£113,817**. The average overcharge per period was **£37,939**. The findings are summarised in **Table 1**.

¹ <https://www.gcra.gg/media/2088/t1097gi-price-control-for-wholesale-on-island-leased-lines-guernsey-final-decision.pdf>

Table 1: Wholesale Leased Lines Non-Compliance: Overcharge Values

Period	No. of Non-Compliant W/S Leased Lines Products	Overcharge Value (£)
1 Jan 2021 to 30 Jun 2021	6	43,346
1 July 2021 to 31 Dec 2021	6	28,034
1 Jan 2022 to 31 Jul 2022	6	42,437
TOTAL OVERCHARGE FOR THE PERIOD 01 JAN 2021 TO 31 JULY 2022		113,817
AVERAGE OVERCHARGE FOR THE THREE PERIODS		37, 939

Legal basis

Under section 5(2)(b) of the Telecommunications (Bailiwick of Guernsey) Law 2001 (“**Telecommunications Law**”), the Authority has the power to publish a proposed decision to regulate the prices, premiums and discounts that may be charged or (as the case may be) allowed by a licensee which has a dominant position in a relevant market.

Section 27 of the Telecommunications Law provides that where the Authority is satisfied that a licensee has been in contravention of any provision of that law, it may give a direction to the licensee to correct the contravention.

Direction

Pursuant to section 27(2)(a) of the Telecommunications Law:

1. The GCRA directs Sure to reimburse all its leased line customers that were subject to the overcharges for leased line products identified in **Table 1**.
2. The GCRA directs Sure to provide evidence to the GCRA which confirms that those payments have been made.
3. Any reimbursement, if so determined, shall be paid within one calendar month of a final direction.

END.