



ECTEL NEWS

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NEW PRICE CAP PLAN COMING SOON!

A regional workshop held by the ECTEL Directorate focused on a detailed review of the consultant's recommendation for a new Price Cap Plan for regulating fixed line services offered by Cable & Wireless in the ECTEL States. The current Price Cap Plan is set to expire on November 30, 2009, and the new proposed Price Cap Plan is due to be implemented on December 1, 2009.

The workshop was facilitated by an independent consultant, Mr Bion Ostrander. Mr Ostrander was

engaged by the Directorate to provide technical assistance on the review of Price Cap Plan currently in place; the review of the current Access Deficit Charge scheme and to make recommendations on a new retail tariff regulatory regime to be implemented in the ECTEL States from December 1, 2009.

The proposed new Price Cap Plan discussed at the workshop has also been forwarded to Cable & Wireless for their review and comment as part of the process of finalizing the plan. Following discussions

between the ECTEL Directorate and Cable & Wireless the finalized plan will be submitted to the NTRCs for consideration and approval.

The workshop was hosted on

Wednesday 19 August, 2009 at the Bay Garden Hotel in Saint Lucia. Participants at the workshop included Commissioners, Staff of the NTRCs and staff of the ECTEL Directorate.



Mr. Bion Ostrander in discussions with ECTEL Directorate

ECTEL/NTRC CONSULTATIVE FORUM

The Commissioners and staff of the NTRCs of the five ECTEL Member States and the senior staff of the Directorate met in St. Vincent and the Grenadines on July 28th and 29th 2009 for the discussions on current issues in the regulation of telecommunication in the region.

The occasion was the 10th ECTEL/NTRC consultative Forum, which was established to provide the platform for discussions on regulatory and operational matters. At the opening ceremony, chairman of

NTRC St. Vincent and the Grenadines, Mr. Kenneth Douglas called for regulators to be more pro-active. ECTEL Director Isaac Solomon who also delivered remarks stated that all stakeholders must ensure that ECTEL becomes an outstanding model of multi-island regulation.

Presentations were made by ECTEL and NTRC staff on the status of implementation of Universal Service, the report of the review of the current price cap plan and the recommendations for a new plan and the harmonization

of licensing practices in the ECTEL Member States.

This was the first Forum hosted by the commissioners and staff of an NTRC. The St. Vincent and the Grenadines Commission also hosted a reception where guests included the members of the National ICT Advisory Committee, representatives of telecommunications service providers, the Minister and staff of the Ministry responsible for ICT and telecommunications, Hon. Jerrol Thompson.

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REGULATORS REVIEW LICENSING PROCEDURES

On the 29th and 30th of June 2009, ECTEL hosted a training workshop to deal with the issue of the licensing of telecommunications networks and services. The workshop brought together approximately twenty-six persons consisting mainly of NTRC Commissioners and staff whilst other attendees were drawn from the Ministry of Communications and Works in Saint Lucia.

Over the two-day period, ECTEL staff made presentations on topics such as the individual licensing process, class licences, frequency authorization, spectrum and billing, general licensing principles and post grant licensing issues. To ensure active participation and to further distill the

principles and guidelines in the main presentation, attendees were given exercises at the conclusion of each topic. These exercises ranged from the consideration of a mock application for an individual license to case studies.

In the ensuing discussions, participants obtained clarity on licensing procedures.

Indeed, the session on post grant licensing issues proved to be of particular utility in light of the fact that the procedures for modification and suspension of a licence or frequency authorization were unclear to some. Also of utility, was the session on licensing principles, which not only explained the principles of transparency,

non-discrimination, objectivity and proportionality in the licensing process but also touched on the basic judicial review principles.

However, attendees did not only receive information but also identified deficiencies in the current approach to licensing. Indeed, one NTRC noted that there was no provision in the current legislative framework for the temporary testing of frequencies and made recommendations to rectify the same. Others noted some shortfalls in the Spectrum Fee Regulations.

The Directorate, in an ongoing effort to achieve a harmonized approach to the management of the

telecommunications sector, noted the concerns and will carefully review the comments and prepare specific measures to the Board and Council on the matters raised.

In total, the workshop was a learning experience for all, participants and presenters and it is hoped that it would become an annual event.



Participants in discussion over licensing issues.

ACCESS TO FACILITIES REGULATIONS

ECTEL has drafted new Access to Facilities Regulations. The decision was influenced by the doctrine of essential facilities and have made provisions for telecommunications providers and networks to share infrastructure. The Regulations thus specifies the various elements, which constitute a telecommunications facility or part of a network.

Section 6 of the regulations imposes a clear obligation to provide access and denial will only be permitted where there is unavailability of space or for reasonable technical grounds. Where

parties are able to conclude an infrastructure agreement within the 60-day period outlined, the agreement must be approved by the Commission, which has the authority to regulate the rates, terms and conditions of access. It should be noted, that the Commission can even require a public network operator to publish the prices for access on the operator's website or in a publicly available document.

Additionally, ECTEL recognizes that in some circumstances it may be impractical for all providers to erect individual towers in optimal locations and as such

the regulations speak to co location. Therefore, in section 9 gives the Commission the authority to direct an operator to provide co location on the basis of commercially negotiated rates and other terms and conditions. In making a decision to impose co-location the Commission is mandated to consider factors such as the environmental impact of constructing several types of facilities by multiple operators, the cost of duplication of a facility, the cost of the initial investment of the owner of the facility and issues of public health and safety.

In *EU Electronic Communications Law* by Paul Nihoul and Peter Rodford, it is noted that rules are required to ensure that access to the resources controlled by a competitor under conditions that are satisfactory are necessary in the telecommunications sector. The authors reason that the activities of telecommunication providers cannot be carried out in isolation and to provide a service providers must be able to gain access to resources controlled by others even competitors. The reasoning is rooted in the doctrine of essential facilities.

TRAINING FOR ADMINISTRATIVE PROFESSIONALS

ECTEL held its Annual Administrative Professional Training on Thursday 17 through Friday 18 September 2009 at the Flamboyant Hotel in Grenada. This year's training was held under the theme *"Increasing the Effectiveness of the Regulatory System"*. A total of 14 participants representing all the National Telecommunications Regulatory Commissions (NTRCs) together with the Administrative staff of ECTEL were in attendance.

Dr. Spencer Thomas, Chairperson of the NTRC in Grenada welcomed the participants to Grenada and in his view thought that it was by no accident that the administrative staff of ECTEL and the NTRCs had been referred to as Administrative Professionals, since the work of the regulatory system had to be conducted in a professional manner.

In brief remarks by ECTEL's Managing Director, he said "I urge you to ask questions, and do research that would give you a better understanding of developments in regulation in other islands".

In addressing participants in the feature address, Director on ECTEL's Board, Ms. McPhail, remarked "As administrative staff you must feel honoured that ECTEL had such high regard for its staff to have brought you to another country for this training. From the training it is hoped that you will gain new knowledge, review old practices and share experiences, all of which would augur well for your personal development."

Presenters at the first day of the workshop included ECTEL's Legal Officer Ms. Ro Ann Wright who broke down the legal and institutional issues governing ECTEL and the NTRCs. Dr. Spencer Thomas facilitated an open discussion on



Administrative professionals and facilitators together with Grenada's Minister for Telecommunications, the Honourable Joseph Gilbert (first row, second from left).

Telecommunications, Consumer Prices and Economic Issues while Director of Technical Services, Mr. Sylvester Vital helped participants understand the principles governing frequency modulation, GSM networks and other related technical issues.

The first day was brought to a close with an open discussion facilitated by the Human Resource/Administrative Officer, Ms. Pearl Lake on, common administrative issues faced by the NTRCs and ECTEL Administrative staff. This discussion highlighted a number of areas regarding licensing, legislation, documentation and record keeping, to name a few.

Day two was facilitated by Ms. Jo Ann Georges, Records Manager at the University of the West

Indies, St. Augustine Campus, in Trinidad. She thrilled participants with her dynamic delivery on Records Management concepts and definitions. She was able to help participants view records management as one of the fundamental functions in any organization once it was done correctly. Participants were given hands-on training in and working knowledge of how to work with active, electronic and inactive records.

To culminate the 2-day training session, the Honorable Joseph Gilbert, Minister of Works and Council Member for Grenada on ECTEL's Council of Ministers addressed participants and officially declared the workshop closed. Participants were awarded tokens of appreciation and certificates of attendance.



Ms. Jo Ann Georges, Records Manager - UWI St. Augustine explaining the importance of records management in the daily operations of an organisation.

ECTEL REVIEWS TELECOMMUNICATIONS LEGISLATION

The workshop on the review of the Draft Communications Bill was conducted at the Bay Gardens Hotel on August 20 and 21 in Saint Lucia. During the workshop, the legal drafting consultant hired by ECTEL under the TICT Project presented a draft communications bill.

Workshop participants included NTRC

Commissioners, Directors/Coordinators and Legal Drafters from the Government departments of the ECTEL Member States.

The draft bill was presented thematically and all sections were revised in detail. In the sometimes energetic discussions several recommendations to clarify and better expound the

objectives of the Draft Bill were made. Among the issues discussed included the expansion into the management of information and communications technology the structure and organization of the NTRCs, the liability of Commissioners and the imposition of criminal liability for various offences.

The Consultant is to take Commissioners for the failure to perform certain specified duties in the Draft Bill. In view of the several contributions made by participants, ECTEL in keeping with its mandate to provide quality regulation will take the comments into consideration and prepare revised draft bill by the end of September 2009.

STAFF MOVEMENTS

◆ Ms Cheryl Hector, Senior Financial Analyst represented ECTEL at OOCUR Executive Committee Meeting in Barbados on 3rd July 2009.

◆ Mr. Embert Charles, Managing Director, represented ECTEL at CANTO's 25th Annual Conference and Trade Exhibition on 14th July in Trinidad.

◆ Mr. Embert Charles attended the 5th annual ICTFEST, a modern technology festival in Antigua on September 15, 2009.

◆ Mr. Embert Charles met with the Minister for Telecommunications of Antigua in an effort to discuss the liberalisation of Telecommunications in Antigua and Barbuda and thoughts on the relationship between the Government of Antigua and ECTEL.

◆ Mr. Sylvester Vital, Director of Technical Services attended the inaugural meeting of the Caribbean Knowledge and Learning Network (CKLN) and C@ribNET Technical Advisory Committee on 17th September 2009 in Grenada.

Appointments:

- ◆ Mr. Glenn Wilson has been appointed the post of Documentation Assistant at ECTEL.

UPCOMING

- ◆ Promotion of US Pilot Project in Dominica.
- ◆ 7th OCCUR Conference in Tobago.
- ◆ 49th ECTEL Board of Directors meeting slated for November 19, 2009 in Grenada.

10th ANNIVERSARY

ECTEL will be celebrating its 10th Anniversary commencing February 2010. To date, the Board of Directors has approved funding and proposed activities for the commemoration. Activities include school presentations, public outreach programmes, publications and productions. Committees comprising representatives from both ECTEL and NTRC staff will be established to coordinate the execution.



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Our Mission

To create a fully liberalised telecommunications environment, by promoting competition amongst service providers for the delivery of efficient and affordable telecommunications services to the people of the ECTEL Member States, by implementing applicable laws, treaties and agreements through fair, transparent and independent processes.

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