

REPORT – PUBLIC CONSULTATIONS AND HEARINGS

**TELECOMMUNICATIONS REGULATORY COMMISSION
VIRGIN ISLANDS**

**TELECOMMUNICATIONS CODE (PART 3) (QUALITY OF SERVICE)
REQUIREMENTS, 2010**

REPORT ON THE CONSULTATION

January 6, 2011

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REPORT – INTERNET TRAFFIC EXCHANGE

1. Introduction

On 8th June 2010 the Telecommunications Regulatory Commission of the Virgin Islands (“TRC”) published for public consultation (the “Consultation”) its draft Quality of Service document (the “Document”). The purpose of this document (the “Report”) is to explain the outcomes of the Consultation. The final Document is published separately.

In the draft Document the TRC establishes a framework for the provision of information to assist users with their selection of services and to assist in the maintenance and the improvement of the Quality of Service provided by public suppliers. The Document specifies which services are affected, defines exemption conditions, and presents the Schedules containing the parameters to be reported upon. Additionally, the Document describes how the measurements gathered should be published and the retention period for Quality of Service data and related records. The Document goes on to address the issue of force majeure and planned and unplanned interruptions. Finally, the Document deals with compliance and enforcement.

2. Responses

During the consultation period, the TRC received a single response which was submitted by the public supplier Cable and Wireless (BVI) Limited (“LIME”). LIME generally agrees that Quality of Service is a major determinant of market share in a competitive market and that LIME continues to strive to continuously improve the quality of service to all its services and customers. In its response LIME made the following points (TRC’s views on LIME’s input are provided next to a summary of each point:

i) Process of Implementation of the Document

LIME LIME will prepare itself to measure and report on the Quality of Service parameters where it does not already do so. Nevertheless, LIME reserves the right to revert to the TRC where, in execution, it encounters difficulties with any of the parameters.

TRC The TRC will work closely with all public suppliers during the initial measurement and reporting periods to ensure that submissions meet the requirements. In exception cases, paragraph 5 of the Document gives the TRC the right to grant time-limited exemptions to public suppliers from providing information and/or publishing results based on an application.

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ii) Implementation Schedule

LIME LIME proposes that the TRC provides adequate time for public suppliers to equip themselves to measure and report on the parameters.

TRC Paragraphs 17 (1) and (2) of the Document allows for three to six months (depending on which month in the quarter either the Document comes into effect for existing services, or which month the services is launched for new services) for public suppliers to begin measuring Quality of Service parameters. The TRC, however, made slight adjustments to the Document to ensure the unambiguous understanding of the above. The TRC also included an implementation schedule for the requirement to provide the user with information on Quality of Service in order to ensure that public suppliers are able to properly prepare to implement such an obligation.

iii) Notification of Intention to Launch a Service

LIME LIME contends that the period of three (3) months for a public supplier to notify the TRC of the intention to launch a service is unworkable in practice. LIME further proposes that the TRC can be updated quarterly, on any new services that are introduced into the market.

TRC The TRC agrees with LIME that the requirement is too restrictive and will therefore replace the requirement for advance notification of the launch of new services with the quarterly notification as suggested by LIME.

The TRC also held a meeting with public suppliers on the Document. Only one public supplier (BVI Cable TV Ltd.) attended the meeting. The possibility of applying the Document to the services (in particular, cable television services) other than the ones included in the Document published for consultation was discussed.

3. Final measure

After reviewing the Document and the responses from Consultation and taking into account the input of the meeting referred to above, the TRC has decided to make the following modifications to the Document:

- i) Replace the original requirement of paragraph 4 (2) (renumbered to paragraph 4 (3) in the final Document) with a requirement to update the TRC on a quarterly basis of any new services.
- ii) Adjust the Scope of the Document (paragraph 4 (2) of the final Document) to identify the portions of the Document that applies to all public suppliers in order to ensure that

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all users enjoy the minimum level of user protection in the field of Quality of Services. The TRC has separately consulted on such adjustment with the only public supplier that will be affected by it (BVI Cable TV Ltd.). No comments were received.

- iii) Amend the Compliance and Enforcement section of the Document (paragraph 17 (3) of the final Document) to include preparation time for all public suppliers to comply with the requirement to make available to users before concluding a contract, up-to-date and clear information on its Quality of Service for the services that the user is seeking. The TRC has adjusted paragraphs 17 (1) and 17 (2) of the Document to clarify the schedule of implementation.

The TRC does not consider that an additional consultation on the amendments above is needed.