

April 19, 2016

Mr. Embert Charles
Managing Director
ECTEL
P.O. Box 1886 Vide Boutielle
Castries
St Lucia
Email: consultation@ectel.int

Dear Mr. Charles

Re: Public Consultation on New Regulatory Instruments

This represents the initial comments from Columbus Communications Limited to the Consultation Document NO. 2 of 2016 - Adoption in ECTEL States of Regulations Addressing Guidelines for Market Analysis, Access to Network Infrastructure and Wholesale Services, Infrastructure Sharing, Submarine Cable Access, Retail Pricing and Consumer Protection Regulation (Specific Rules for Consumer Protection in the Electronic Communications Sector). The intention of this response is to address the overarching principles of these regulations and not to address the detailed recommendations to the various regulatory instruments at this point.

Columbus entered the market in Grenada in 2008, and St Lucia and St Vincent in 2013, and invested significant sums to upgrade the network, including expanding the footprint to serve new areas and customers. The investment trend continues in the post-merger entity. Subsequent to the merger, CWC has continued to invest in the ECTEL states. Most of this investment is in network development. Further investment in network infrastructure is needed to put in place the infrastructure necessary for the range of new services and applications that consumers use today. Access to information and communication technology is vital for social inclusion and economic development. An enabling and effective regulatory environment is essential to encourage the innovation

and investments in order to increase productivity levels and drive economic growth. An enabling and effective regulatory environment must strike an appropriate balance or ensure the right policy mix to encourage investments in infrastructure and services while promoting increasing and sustainable competition. The legal and regulatory developments marked by the proposed revisions to the Electronic Communication Bill and these accompanying regulations do not strike this balance.

The suite of regulatory instruments is intended to give regulators a toolkit of regulatory options. There are multiple layers of regulations, mandating access to wholesale network services as well as unbundled network elements, facility sharing as well as overly intrusive pricing regulations. While these policy prescriptions seek to promote service based competition, they will have the unintended consequence of stymieing network investment, without which sustainable competition in services is not possible.

The proposed changes reflect a definite shift towards a more intrusive approach to industry regulation. The regulations are prescriptive and overly burdensome especially to existing network operators. The approach is biased against the dictates of the market in favour of the discretion of the regulator.

Given the shift in direction and the negative impact this will have on the continued and sustainable development of the sector, before proceeding in this direction we urge ECTEL to revisit the direction it has embarked on. Specifically we recommend that ECTEL allow stakeholders reasonable time to provide considered input to the process. This will allow the best opportunity to put in place a framework that is fit for purpose. The debate should have the participation of a wide range of government ministries and agencies responsible for fiscal policy, investment, development justice, national security, data privacy and consumer affairs.

We look forward to further engagements with ECTEL on the issues and providing further comments to this process. Kindly direct any communication in relation to this response to the undersigned.

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