

ANNEX I: Decisions on Recommendations

The following summarizes the comments and recommendations received from stakeholders on the second draft of this document dated 4th April 2016, and the decisions made by TATT as incorporated in this revised document April 26th 2017.

Document Sub-Section	Submission Made By: Stakeholder Category ¹	Comments Received	Recommendations Made	TATT's Decisions
Introduction				
Q1, P1, P2, F1, F2, M1, B1,	DIRECTV	Information on subscriber counts for all telecommunications services should be as transparent as possible, as is done in other countries.	All Providers should be required to have their individual subscriber information identified as a matter of public information.	The Authority will explore the option of this new publication regime within the context of the existing legislation.
General	TSTT	<p>TSTT appreciates the opportunity to be engaged in the consultative relative to the revision of the Market Data Forms and commends the Authority for its efforts to solicit feedback on the Draft Revised Market Data Forms.</p> <p>The comments and recommendations submitted herein are not exhaustive and are subject to further input as may be required in future forums. TSTT expressly states that failure to address any particular issue does not necessarily signify its agreement in whole or in part with the Authority's position and reserves the right to address these issues at a later date.</p>		<p>The Authority has completed two rounds of consultation consistent with the three main stages as outlined in its Consultation procedures:</p> <ol style="list-style-type: none"> 1. the Authority drafts a formal consultation document seeking written comments from stakeholders 2. comments are submitted using

¹ Regional regulatory or Governmental agencies, Existing service and/ or network provider and affiliates, Potential service and/ or network providers and affiliates, Service/ Network Provider Associations/ Clubs/ Groups, General Public

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				<p>the Authority's Consultation Form</p> <p>3. the Authority compiles the comments received and makes a decision based on the feedback</p>
Section 1				
Form A A1 and A2		<p>TSTT respectfully contends that the Draft Market Data Forms in their present construction may not be fit and proper for proceeding to the Regulation stage without engagement of the Operators, since several legitimate concerns raised in the first round of consultations have not been adequately addressed by the Authority and therefore still remains outstanding issues.</p> <p>TSTT has noted with some concern that the Authority has requested data regarding:</p> <ol style="list-style-type: none"> 1. Staff employed by Service'; and 2. Staff employed by 'Gender'. 	<p>TSTT believes that much of the information requested in Form A should be deleted, particularly those questions which essentially require the disclosure of personal information.</p>	<p>This is not considered to be personal information either in the ordinary meaning or as defined in the Data Protection Act.</p> <p>The Authority notes that the Object of the Data Protection Act No. 13 of 2011 is to "...ensure that protection is afforded to an individual's right to privacy and the right to maintain sensitive personal information as private and personal.</p> <p>Furthermore, the Data Protection Act No. 13 of 2011 defines Person Information as "information about</p>

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				<p>an identifiable individual”.</p> <p>The Information requested in Form A does not seek to identify any particular individual.</p>
		<p>TSTT also notes that during the last round of consultation, CCTL expressed its own concerns regarding the data being requested namely:</p> <p>a. “In the current market context of technology and market convergence staff is not assigned to support separate services...”</p> <p>Regarding the request for a breakout by ‘Service’: it is administratively impractical and in some cases impossible to disaggregate the cross-functionality of Staff functions in the current technological environment.</p> <p>In response to Digicel’s comments TATT’s comment</p> <p>“The Authority notes Digicel comment regarding the difficulty in reporting number of persons employed by function, however the information is necessary for reporting employment by function and service.” It appears that TATT is not familiar with what it is requesting and has no clear outcome of the impact such will have on the industry.</p>	<p>TSTT respectively asks that the Authority clarifies the specific aspects of its functions in law, as outlined in section 3 and/ or 18 of the ACT or any enacted Regulations, which validate the information requested.</p>	<p>TSTT’s comments are noted, and the Authority agrees to remove the request for staff employed by service from the A1 Form.</p>

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		<p>b. <i>"We do not see the relevance of providing staff numbers by gender..."</i></p> <p>TSTT endorses CCTL's comments and shares its concerns.</p> <p>TSTT also echoes CCTL's sentiments regarding the collection of data regarding 'Gender'.</p> <p>TSTT's notes the Authority response simply states the general authority provided by conditions A28 through A31 that it may request information necessary for the completion of its functions. TSTT respectfully believes that such a response is inadequate, as the specific regulatory function to which the Authority refers, which would make such information relevant, has not been disclosed.</p> <p>TSTT reminds the Authority of our respective domestic legal obligations both at Common Law and under the provisions of the Data Protection Act No. 13 of 2011. In particular, TSTT refers to the Authority our respective obligations under ss. 6 and 49 thereof. More specifically, the Authority is invited to comments on the apparent obligations imposed on the Operator in S. 6 (a) as follows"</p> <p><i>(a) An organization shall be responsible for the personal</i></p>	<p>TATT should collaborate with the ministry of planning and Development to collect telecommunications/ICT</p> <p>"Gender: data through national census.</p>	<p>This is not considered to be personal information either in the ordinary meaning or as defined in the Data Protection Act.</p> <p>The Authority notes that the Object of the Data Protection Act No. 13 of 2011 is to <i>"...ensure that protection is afforded to an individual's right to privacy and the right to maintain sensitive personal information as private and personal"</i>.</p> <p>Furthermore, the Data Protection Act No. 13 of 2011 defines Personal Information as <i>"information about an identifiable individual"</i>.</p> <p>The Authority contends that the information requested in Form A does not contradict service provider's obligations as per S.6 (a) or S.6 (b) of the Data Protection Act No. 13 of 2011.</p>

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		<p><i>information under its control;</i></p> <p>The Authority is also respectfully referred to the apparent obligation imposed in s. 6 (b) as follows”</p> <p><i>(b) The purpose for which personal information is collected shall be identified by the organization before or at the time of collection;</i></p> <p>In light if the foregoing, TSTT respectfully contents that for the Authority to justify the inclusion of the data sets in Form A, it would be required to demonstrate conclusively what aspect of its function requires the collection of such information</p> <p>This need is amplified when such a request involves the disclosures of personal information.</p> <p>Such information should be captured at a national level and not an industry level. TATT should be cognizant of the data it attempts to acquire through these amended data forms would not capture the necessary data to compare with its international counterparts.</p> <p>A vague reference to membership in the ITU on its own is insufficient to justify the collection of this data.</p>		<p>Notwithstanding, the Authority is committed to transparency in its market data collection process and its use of the data provided by service providers.</p> <p>Trinidad and Tobago as a member of the International Telecommunications Union (ITU) is required to provide information on the Telecommunications sector. Data relating to persons employed in the telecommunications sector is requested by the ITU from the regulator or entity responsible for regulating the Telecommunications.</p> <p>This information is requested annually in the ITU's Long Questionnaire. Service Providers may access this survey at the following link which includes a request for information, among other things, on the number of persons employed the <i>'Persons</i></p>

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		The ITU request is for Telecommunications and ICT information at a national Level.		<p><i>employed in full-time equivalents' and 'Persons employed by all telecommunication operators, female'.</i></p> <p>http://www.itu.int/en/ITU-D/Statistics/Documents/datacollection/ITU_LQ_2016.pdf</p>
Form A	TSTT	Investment should be capital expenditure (CAPEX of the organization made in the current period.	Investment should be as International Accounting Standards	<p>The Authority notes that the existing definition refers to capital expenditure (CAPEX) as stated in the definition.</p> <p>The Authority agrees that the definitions should refer to investment 'made in the current period' and as such has amended the Form to reflect this change.</p>
Form A A12 and A13	TSTT	TSTT notes that the information requested in items A12 and A13 seem to mirror the information required from concessionaires in Schedule 1 of the draft Telecommunications (Consumer) (Quality of Service) Regulations ("draft Regulations"), as published on the Authority's website, but not	TSTT strongly suggests that the Authority reviews its metrics under A12 and A13 to ensure that these accurately reflect the information required	The Authority agrees to remove the definitions related to quality of service at this time.

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		<p>yet laid in the Parliament.</p> <p>TSTT's main concern is the fact that the methodologies proposed for the collection and reporting of data in A12 and A13 seem to be at variance to the equivalent reporting requirement as outlined in the draft regulations.</p> <p>To illustrate: A12 requests the absolute number of Fixed Telephone faults received over a quarter, and the absolute number of Fixed Telephone Faults cleared by the next working day. By comparison, the Draft Regulations' Indicator 1.3 requires a ratio of faults to total number of subscriber access lines. Indicator 1.4 similarly requires the reporting of a percentage of completed faults.</p> <p>Critically, in Indicator 1.4 the time for clearance begins with the time of receipt of the report of a fault. This gives regulatory certainty as how the timers are to be measured and the evidence required to be retained by the Operator in justifying its claim of regulatory compliance. However, A12's description does not provide the regulatory certainty of how timers are to be considered. This leads to uncertainty as to what would be the appropriate absolute time of clearance for any given fault and its clearance.</p> <p>Similar weaknesses in comparative determination of metrics</p>	<p>under the Draft Regulations. In that way, an Operator's submissions under these Draft Market Data Forms would automatically be in compliance with the information requirements of the draft regulations.</p>	

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		<p>are evident when comparing A13 to the equivalent Indicators (2.4 and 2.5) from the Draft Regulations.</p> <p>These challenges give rise to two major procedural concerns.</p> <p>Firstly, if the Draft Market Data Forms are accepted in their current form, the Authority would have two distinct reporting regimes which would give two difference outputs for the same metric for the same time period. This may most certainly result in errant claims by the Authority that Operators are in breach. This will compromise the integrity of the Authority's entire reporting and market survey instrument.</p> <p>Secondly, these variances would mean that the Authority would be increasing the regulatory burden on concessionaires, given the duplication of onerous data collection efforts. The use of different methodologies results in the inability of an Operator to cross-reference any variances. This state of affairs may impede the efficiency with which data is collected, submitted and the accuracy of the data cannot be guaranteed in those circumstances.</p> <p>For the sake of procedural rectitude, it may be best for the Authority to ensure that there is internal consistency between its various regulatory frameworks.</p>		

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Section 3				
Form P2.a Fixed Wired Internet Subscriptions by technology	TSTT	<p>TSTT requires clarification as the Authority's understanding of the term "narrowband Internet"</p> <p>As a matter of course, once someone receives Internet services via cable Modem, DSL and Fibre the home/building, they are effectively being provided services via broadband technology. Narrowband technologies would include (commercially) dial-up services. as such, it is unclear as to whether the information set under P2.a.1 is accurate</p>	<p>The Authority should review and advise whether its subsections, as identified in P2.a.1 are accurate.</p> <p>If, not the Authority may consider removing the technologies not relevant in this section and replace them with relevant technologies, or leave the heading for the operator to specify.</p>	<p>The Authority notes TSTT's comments and has changed this indicator to collect Broadband subscriptions by Technology. Narrowband subscriptions by technology will be removed.</p>