

## ANNEX I: Decisions on Recommendations

The following summarizes the comments and recommendations received from stakeholders on the first draft of this document (January 18<sup>th</sup> 2016), and the decisions made by TATT as incorporated in this revised document (April 6<sup>th</sup> 2016).

<b>Document Sub-Section</b>	<b>Submission Made By: Stakeholder Category<sup>1</sup></b>	<b>Comments Received</b>	<b>Recommendations Made</b>	<b>TATT's Decisions</b>
Introduction	CCTL	<p>CCTL welcomes the opportunity to provide comments to the consultation on the Draft Revised Market Data Forms. The views expressed are not exhaustive. Failure to address any issue in this response does not in any way indicate acceptance, agreement or relinquishing any of CCTL's rights.</p> <p>In considering changes to the data capture forms due consideration should be given to the increased cost vs. the benefits of capturing and reporting on this information. For example TATT should be mindful of the resource requirements for operators to comply with these requirements.</p>	In considering the changes consideration should be given to the increased cost vs. the benefits of capturing and reporting on this information.	<p>While the Authority notes CCTL's comment about the need to consider the increased cost vs. the benefits of capturing and reporting on this information, the Authority assures CCTL and all sector participants that due consideration is given to reducing the overall cost of the regulatory obligations on the service provider/ operator. It is in this context, that the Authority seeks to revise the Forms to provide clarity to operators and reduce the level of reporting burden.</p> <p>For example, the Authority has changed the reporting period for some indicators from quarterly to annually.</p>

<sup>1</sup> 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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Maintenance History	CCTL	<p>TATT indicates that the previous consultation was withdrawn based on comments received from stakeholders. This is a surprising development as based on the Decisions on Recommendation published on August 10 2015 in TATT's document <i>Draft Revised Market Data Forms</i>, there is no indication of such feedback. It is unclear why this decision was made as the process itself is designed to facilitate the presentation of initial position by TATT, the airing of comments by stakeholders, and the refinement of the initial position through stakeholder feedback throughout the various rounds of the process. In other words, the process itself allows for feedback and scope to amend / develop positions, so the final outcome takes account of the various input.</p> <p>CCTL provided feedback in the now abandoned process, but have not had the benefit of TATT's views on our input to date, instead we have what is described as a new process. We believe this development negatively impacts the transparency of the process.</p>	To promote transparency and efficiency in the decision making process we recommend that TATT adheres to the defined consultation procedures for conducting consultations.	<p>As per correspondence dated January 13<sup>th</sup> 2016 to CCTL and all providers/operators, the Authority stated its reasons for reconvening the consultation process by issuing the document for its 1<sup>st</sup> round consultation.</p> <p>While the Authority notes CCTL's comments, this decision was necessary to ensure that the consultation on this document followed the Authority's Procedures for Consultation in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago.</p> <p>CCTL is also reminded that the Authority thanked all concessionaires who have previously submitted comments and kindly requested that these comments be resubmitted during this current round of consultation.</p>
Preamble - Publication of Subscription Data by Operator	CCTL	In the Preamble of the document, the Authority indicates it is considering publishing the subscription data for individual operators. The concession [Section A (29)] provides for concessionaires to have information appropriately labelled to be treated as confidential. In	CCTL strongly recommends that TATT should not publish commercially sensitive information such as market shares of individual providers.	The Authority notes CCTL's recommendation on the publication of market shares of individual providers and will make a final decision subsequent to the completion of the second round of

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		<p>accordance with Section 30 of the Act, Section A (30) of the concession sets out the specific conditions under which TATT can disclose information that is marked confidential. Item (a) states that TATT is entitled to disclose information it receives where it considers this action necessary in discharging its functions. In the context of a competitive market environment we do not see the need for TATT to publish this kind of information in discharging its functions.</p> <p>In a competitive market environment we consider information on market shares to be commercially sensitive. We strongly disagree with any plan to make publish commercially sensitive information.</p>		<p>consultation.</p> <p>However please note that numerous regulators do publish individual operators' data within their market reports.</p>
Form A	CCTL	<p>In Sections A1 to A2 of this form TATT is requesting information on staff employed by service and number of persons employed by gender.</p> <p>In the current market context of technology and market convergence staff is not assigned to support separate services e.g. telecommunications as distinct from broadcast services. Any attempt to provide this kind of disaggregated information would be based on best estimates. We also do not see the relevance of providing staff numbers by gender CCTL is requesting that TATT clarifies the need for this type of information in the</p>	<p>Data collection instruments should be designed to capture only information that is relevant to the purpose for which it is collected.</p> <p>For all new indicators included for this process TATT should clarify the need for this information within the context of the market report.</p>	<p>The Authority's request for market data from all service providers is consistent with Section A28 to A31 of the Concession Agreement. As per section A28, the Authority, requests in writing the submission of required statistical information in order to perform its functions including the timely publication market data reports.</p> <p>Notwithstanding, the new indicators requested are necessary in order for the</p>

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		<p>context of a market data report.</p> <p>In the process to review the data capture forms there is a need to consider the information to be collected within the current market context and the purpose for which the information is being collected. As compared to the previous process we note that TATT has included a number of new indicators in the data request form. CCTL is requesting TATT clarifies the purpose for which this information is required within the context of the market report.</p>		<p>Authority to continue its monitoring of the sectors as well as to provide market information on key indicators to the public.</p> <p>The Authority as a member of the ITU is requested on an annual basis to provide certain statistical information that can benefit ICT development for the country on a national and international basis. One such example of data that can provide information on ICT development internationally is gender equality in ICT.</p>
<b>Form A:1 – section A1</b>	Digicel	Digicel's business is quite merged such that in some cases one individual performs several functions across mobile, fixed, internet and subscription TV. It would therefore be impossible for Digicel to produce this information as per the categories proposed by the Authority.	Digicel recommends that the Authority revert to its original categories of persons employed, namely "Full-time" and "Part-time".	The Authority notes Digicel's comment regarding the difficulty in reporting number of persons employed by function, however the information is necessary for reporting employment by function and service.
<b>Instructions for Forms A:1 and A:2 (Section 4 – Quality of Service) -</b>	Digicel	With reference to the word "Multichannel" in these sections, does this refer to "Multichannel TV"?	Kindly clarify whether the "Multichannel" referred to in these sections refer to	The Authority notes Digicel comments and the term Multichannel has been replaced by Multichannel TV.

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<b>“Number of complaints received” and “Number of complaints resolved” AND Section A15.b on Form A:2</b>			“Multichannel TV”. If so, please amend same to reflect this. If not, please state exactly what it refers to.	The document has been amended accordingly to provide clarity.
Form P- Fixed Internet Subscriptions	CCTL	<p>Currently information on the number of internet subscriptions by month is provided as part of the Quarterly Market Report. On the new form we note reference is made to compiling the data request at the end of each month. We assume the reporting continues quarterly, and ask for clarification on this point.</p> <p>Any requirement for monthly reporting would be onerous. As such reporting should continue to be on a monthly basis.</p>	The reporting requirement should remain quarterly.	<p>The Authority confirms that the existing process of compiling data monthly and reporting quarterly has been maintained for this form.</p> <p>However, the Authority would like to highlight its proposed change to the reporting schedule for Form A. In order to reduce the reporting burden, it is proposed that Form A1 be submitted Annually, that is once per year and Form A2 be submitted on a quarterly basis.</p> <p>The document has been amended accordingly to provide clarity.</p>
<b>Form P1 – sub-sections P2.a_1f and P2.a_2f under section P2.a Fixed (wired) Internet Subscriptions, by</b>	Digicel	Both these sub-sections relate to “Fibre to the home/building Internet Subscriptions”, however we are not clear whether these include residential as well as business subscribers.	Digicel recommends that these line items be separated to track residential subscribers separate from business subscribers.	We note Digicel’s comments and agree that the separation of this data will be beneficial to the market.

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technology				The document has been amended accordingly.
<b>Section P3 on Form P1 and section P4 on Form P2</b>	Digicel	Section P3 on Form P1 and section P4 on Form P2 appear to be asking for the same information. For example, under P3 there are references to "Installation Revenues" and "Reconnection Revenues" and under section P4 there are references to "Installation fee" and "Reconnection fee"; these appear to be this same.	The Authority is asked to clarify the differences between the information being requested in sections P3 and P4. If there is duplication in the information being requested, we ask that the Authority remove any such duplication.	"Installation Revenues" and "Reconnection Revenues" refer to the total sum of revenues received for the reporting period. Alternatively, "Installation fee" and "Reconnection fee" refers to the price charged per customer for installation and reconnection of Internet services.  The document has been amended accordingly to provide clarity.
<b>Form I</b>	Digicel	We are not clear as to exactly which countries the Authority would consider as falling within the following categories: "Europe", "Latin America" and "Rest of Caribbean."	Please list the countries that are included in each of the following categories: "Europe", "Latin America" and "Rest of Caribbean". Additionally, please advise whether it would be right for a service provider to assume that once a particular country does not fall within any particular stated category (with listed countries), it would fall within the category	The Authority notes Digicel's comments and agrees to provide a list of countries to be included within each category.  The document has been amended accordingly.

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			entitled "Rest of World".	
Form B – Multi Channel TV Subscriptions	CCTL	Subscription television offers are generally classified as basic package and optional theme packages. Currently for the Quarterly Market Report we provide subscription numbers for the basic packages and the total for all optional plans. We believe this level of detail is sufficient for the report. We therefore do not agree with the proposed change to report subscriber information at a more granular level for each optional plan.	There current level of details provided is adequate and should remain.	<p>The current Subscription TV form requests that operators insert the names of packages offered. Based on this definition, the Authority expected to collect information on basic packages as well as optional packages. It is noted that only some providers submitted a list of subscriptions for each optional package/channel.</p> <p>In this regard, this proposed change to Form B1 has been drafted to provide clarity and consistency in the data collection of this indicator.</p>
Concluding Comments	CCTL	Given the number of new indicators CCTL will need more time to assess these proposed changes and will provide further input at later stages of the process. Appropriate regulatory practice dictates that the cost of any regulatory intervention should not outstrip the benefits to be derived. This balance must be considered in determining the cost to the business, and by extension the market, in implementing increased reporting requirements.		The Authority notes CCTL comments and looks forward to CCTL's input during the second round of consultation.

