Decisions on Recommendations from the First of Two Rounds of Public Consultation on the *Dominance Assessment of the Relevant Retail Domestic Mobile Telephony Market in Trinidad and Tobago*

The following summarises the comments and recommendations received from stakeholders during the first round of consultation on the *Dominance Assessment of the Relevant Retail Domestic Mobile Telephony Market in Trinidad and Tobago (Dominance Assessment),* held between 19th March to 29th May 2026, and the decisions made by the Telecommunications Authority of Trinidad and Tobago (the Authority).

The Authority wishes to express its appreciation to the following stakeholders for responding to the consultation:

1. Columbus Communications Trinidad Limited (CCTL)
2. Digicel (Trinidad & Tobago) Limited (Digicel)
3. Telecommunications Services of Trinidad and Tobago (TSTT)

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
1.	**All areas**	**All areas**	Digicel	Digicel (Trinidad & Tobago) Limited ("Digicel") wishes to thank the Authority for the opportunity to provide its feedback on this consultation document. Please note that the views expressed herein are not exhaustive. Failure to address any issue in this response does not in any way indicate acceptance, agreement or relinquishing of Digicel's rights. Digicel continues to reserve its rights and applicable remedies in law.	TATT must consider the factors listed in Section 29(8) and Concession Conditions A23(a) and A23(b) throughout the document. In particular if TATT had considered the technology and market trends (b), power to set prices (d) and differentiation (e) appropriately, it would not have been able to justify nor arrive at a joint dominance finding.	The Authority acknowledges Digicel's comment regarding the market share threshold set out under Condition A23(a) of the Concession Agreement and, in particular, the observation that neither mobile network operator exceeds 150% of its average market share within the relevant market. The Authority wishes to clarify that the 150% market share threshold set out in Condition A23(a) does not constitute the sole criterion for assessing dominance.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				The following is a short summary of the main points across our submission. **1) TATT's determination is not consistent with the legal basis for a dominance finding** The Authority has two legal bases for a determination of dominance: • Section 29(8) of the Telecommunications Act; and • Concession Conditions A23(a) and A23(b) of the Concession Agreement Sections 29(8) provides that TATT shall consider six factors when assessing whether an entity is dominant: (a) the relevant market, (b) technology and market trends, (c) market share of the provider, (d) the power of the provider to set prices, (e) degree of differentiation, and (f) any other matter deemed relevant. The single dominance analysis (Section 6) considers these 6 factors, whereas the joint dominance analysis (Section 7) does not.	TATT's treatment of OTT services must also be corrected. Digicel recognises that TATT did not conclude that OTT services are full substitutes for an entire mobile access plan. However, TATT did find that OTT services are partial demand-side substitutes for traditional voice and messaging services on a call or usage basis. That finding remains relevant to dominance. TATT therefore cannot rely on OTT substitution at the market definition stage and then treat the dominance assessment as if the relevant market consists only of two MNOs. TATT should quantify the competitive constraint imposed by OTT services using an appropriate methodology. This may include usage shares, traffic shares, and, changes in voice and SMS usage. Since many OTT services are provided at a zero monetary price to consumers, a conventional revenue-based market share may not be sufficient. However,	The Concession Agreement expressly provides two alternative grounds upon which a finding of significant market power may be made, as follows: "Any concessionaire which: (i) serves over one hundred and fifty per cent (150%) of its Average Market Share in any market set out in this condition or defined by the Authority from time to time; **or** (ii) enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers; shall be considered to have significant market power." Therefore, while the 150% threshold creates a basis upon which significant market power may be presumed, the absence of an operator exceeding this threshold does not preclude a finding of dominance. The Authority may nevertheless assess whether an operator enjoys a position of economic strength

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Concession Condition A23(a) lists a market threshold test to establish dominance. It establishes that an operator may be deemed to exercise significant market power if it serves over 150% of the average market share. Neither MNO meets this threshold, either under TATT's market definition which includes OTTs, or if the market were deemed to only include the two MNOs. This conclusion also holds regardless of whether market share is measured in subscribers or revenues: • If the market were deemed to be comprised of the two MNOs only, the average market share would be 50%. The A23(a) threshold of 150% of the average market share is therefore 75% actual market share. Neither operator is close to that threshold. • TATT's treatment of OTT services is internally inconsistent and cannot support a dominance finding. Digicel recognises that TATT did not conclude that OTT services are full substitutes for an	that does not justify ignoring OTTs. If TATT cannot construct a reliable OTT-inclusive market share, it should not rely on MNO-only subscriber or revenue shares as if they captured the competitive conditions in the relevant market. In any event, TATT has not established that the A23(a) market-share threshold is met. If the market were assessed as comprising only the two MNOs, the average market share would be 50%, and the 150% threshold would therefore be 75%. Neither operator is close to that threshold. If the market is assessed consistently with TATT's adopted treatment of OTT services as partial substitutes, MNO-only market shares are incomplete and overstate the competitive significance of Digicel and the other MNO. Additionally:- Condition A23(b) cannot be used as a sole basis for a dominance finding.	based on the full range of relevant legal, economic and market factors. The Authority therefore does not agree with the view that the absence of an operator exceeding the 150% market share threshold is in itself sufficient to rule out a finding of dominance. The Authority maintains thus that dominance could be assessed based on the full range of relevant legal and economic criteria. The Authority acknowledges Digicel's comment regarding the role of OTT services and their potential ability to exert competitive constraints on traditional mobile services. The Authority understands Digicel's position to be that, even where OTT services are only partial substitutes for traditional voice and messaging services, they may nevertheless constrain mobile network operators by reducing traditional usage, revenues and the profitability of potential price increases.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				entire mobile access plan comprising mobile access, calls, messaging and data. Rather, TATT's position is that OTT services are partial demand-side substitutes for traditional voice and messaging services on a call or usage basis. Digicel disagrees with the narrow way in which TATT has applied this conclusion. The relevant question is not whether consumers would abandon their entire mobile plan and rely exclusively on OTT services. A partial substitute can still impose an important competitive constraint if enough usage, revenue or customer attention shifts away from traditional mobile voice and messaging services to make a price increase or coordinated outcome unprofitable. • This is especially important because TATT's adopted market definition expressly includes OTT messaging, voice and video call	TATT must demonstrate that Digicel and the other MNO meet the Airtours criteria for joint dominance, to which they have failed to do. Therefore, TATT's analysis is incomplete, and it has failed to demonstrate that these conditions are met. TATT must provide the evidence to show that the demand is inelastic. In order to establish joint dominance, TATT must demonstrate that a coordinated equilibrium is the most likely explanation for the observed outcomes in the mobile market in Trinidad and Tobago. A robust comparison of prices therefore requires TATT to update the methodology. A reliable analysis incorporating the above will show that prices in Trinidad and Tobago are in line those in other Small Island Developing States (SIDS). Further, TATT must adjust its date for inflation.	The Authority agrees that OTT services have modified consumer behaviour and recognises that they exert a degree of competitive constraint on traditional voice and messaging services. This consideration was recognised in the Authority's market definition analysis, where OTT services were considered as partial demand-side substitutes for traditional voice and messaging services on a call-by-call or usage basis. However, the Authority does not consider that the existence of such partial and imperfect substitution is enough to conclude that OTT providers exert sufficient competitive constraint capable of preventing mobile network operators for acting independently from competitive dynamics. In particular, the ability of OTT providers to constrain mobile operators remains limited by the fact that OTT services are dependent on the underlying connectivity provided by mobile network operators. OTT providers do not

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				services on a call or usage basis, including where accessed over mobile data, fixed networks and public Wi-Fi. TATT also records that OTT services have had a material effect on consumer behaviour: 78% of respondents stated that OTT calls and/or messaging affected their use of mobile services; 45.3% reported making fewer mobile calls; and 23.5% reported using SMS/MMS less frequently. TATT further cites evidence that third-party applications such as WhatsApp dominate peer-to-peer mobile messaging traffic globally. TATT therefore cannot treat OTT services as relevant for market definition but irrelevant for dominance. At a minimum, TATT must quantify the competitive constraint imposed by OTT services when assessing market shares, pricing power, countervailing constraints and the sustainability of any alleged coordinated outcome. This does not necessarily require TATT to construct a conventional	Lastly, TATT must meet the evidentiary standard to support a finding of joint dominance, in accordance with the local legislation or the Airtours criteria. TATT has failed to do so.	offer independent mobile access services and require consumers to maintain access to an Internet connection of sufficient quality. Therefore, if mobile network operators do not provide mobile data services with adequate coverage, quality, capacity and pricing conditions, the ability of consumers to rely effectively on OTT alternatives would itself be constrained. Furthermore, while OTT services may reduce demand for traditional voice and SMS services, the competitive constraint must be assessed at the level of the relevant market as a whole, which includes mobile data services. The growth of OTT usage has, in fact, increased consumers' reliance on mobile data services, which remain supplied by the same mobile network operators. As a result, migration from traditional voice and messaging services towards OTT applications does not necessarily reduce the overall market power of mobile operators.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				revenue-based OTT market share, since many OTT services are supplied at a zero monetary price to consumers. But it does require TATT to use an appropriate alternative measure, such as usage shares, traffic shares, or changes in voice/SMS usage. If TATT does not undertake that exercise, it cannot rely on MNO-only subscriber or revenue shares as if they captured the competitive conditions in the relevant market. Accordingly, even if the market were assessed on a two-MNO basis, neither operator would meet the A23(a) threshold: the average market share would be 50%, and the 150% threshold would therefore be 75%. Neither operator is close to that threshold. If, however, the market is assessed consistently with TATT's adopted market definition, which includes OTT services on a call or usage basis, then MNO-only market shares are necessarily incomplete and overstate the competitive significance of Digicel and the other Mobile Network Operator (MNO). On either approach, TATT has not established		Accordingly, the Authority does not consider that the partial and imperfect substitution exercised by OTT services is sufficient to prevent mobile network operators from acting independently of competition. The Authority acknowledges Digicel's comment regarding the criteria listed under Condition A23(b) of the Concession Agreement and the concern that some of these characteristics may also be observed in competitive markets. The Authority notes, however, that this comment appears to challenge the relevance of the criteria established under the applicable regulatory framework. In this regard, the purpose of the present dominance assessment is not to reconsider the appropriateness of the criteria set out in the Concession Agreement, but rather to determine, based on the framework currently in force, whether the conditions for a finding of dominance are met in the relevant market.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				that the A23(a) market-share threshold is met. Condition Concession A23(b) also lists nine conditions, of which at least 2 need to be met, for TATT to find joint dominance: (a) mature market, (b) homogenous products, (c) similar cost structure, (d) similar market shares, (e) lack of technical innovation, (f) absence of excess capacity, (g) lack of potential competition, (h) reduced scope for price competition, and (i) high barriers to entry. The criteria set out in Concession Condition A23(b) are not adequate to determine whether an operator is dominant as they are not capable of differentiating a perfectly competitive market from one with a dominant player. Many competitive markets exhibit more than two of the characteristics listed above. For example, consider the market for a dairy product such as milk, which meets at least three of the criteria: it is a mature market (criteria a); the market supplies a broadly homogenous product		The Authority wishes further to clarify that it did not apply Condition A23(b) as a mechanical test whereby the presence of two or more criteria would automatically result in a finding of joint dominance. Rather, the Authority conducted a comprehensive assessment of the competitive dynamics of the retail domestic mobile services market, considering both quantitative and qualitative evidence. The assessment examined whether the combination of market characteristics creates conditions under which operators are able to behave, jointly, to an appreciable extent independently of competitors, customers, and ultimately consumers. The Authority further clarifies that the reference to the Airtours criteria does not reflect an acknowledgement that the criteria established under Condition A23(b) are insufficient or inappropriate. Rather, these criteria provide an internationally recognised analytical framework to further assess joint dominance, by determining whether

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				(b); and participants have similar cost structures (c). Under TATT's criteria, single milk producers could be deemed to be dominant when applying these criteria. Overall, many markets are mature and have homogenous products with firms operating under similar cost structures. Therefore, Concession Condition A23(b) cannot be used as a basis for a dominance finding. TATT appears to acknowledge this limitation by introducing the Airtours criteria for its joint dominance assessment. **2) Airtours is not international best practice for ex ante joint dominance findings in retail mobile markets** In Section 4.2.2, TATT relies on the Airtours criteria as the basis for its joint dominance assessment.[1] The Airtours criteria are: a) **Transparency**. Each firm can monitor the behaviour of the		market conditions create the ability and incentives for operators to engage in sustainable tacit coordination. The Authority emphasises that the assessment of joint dominance does not require evidence of actual collusion or an explicit agreement between operators. The assessment focuses on whether the structural characteristics of the market are such that operators are able to align their conduct and behave, to an appreciable extent, independently of competitors, customers and ultimately consumers. The Authority further notes that the comparison with markets such as dairy products does not reflect the specific economic characteristics of telecommunications markets. Telecommunications markets are characterised by high barriers to entry, substantial sunk costs, spectrum constraints, significant economies of

[1] https://ec.europa.eu/competition/mergers/cases/decisions/m1524_en.pdf

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				others and detect any deviations from the coordinated equilibrium. b) **Sustainability**. There must be a mechanism to enforce the coordinated equilibrium and punish deviations. Each firm must know that if it deviates, the others will retaliate which reduces payoffs for all parties. c) **External stability**. Potential entrants or consumers cannot disrupt the coordinated equilibrium. Digicel does not object to the Authority considering Airtours as an analytical reference point. The concern is that the Authority treats an EU-derived collective dominance framework as if it were a generally accepted international standard for ex ante joint dominance findings, without demonstrating that this is so or explaining how the framework should be transposed into the legal and market context of Trinidad and Tobago.		scale and scope, and a high degree of transparency regarding competitors' commercial behaviour. These features distinguish telecommunications markets from many other sectors and are relevant to the assessment of whether conditions conducive to joint dominance may arise. Accordingly, the Authority does not agree with Digicel's position that Condition A23(b) cannot provide a basis for assessing joint dominance. The Authority maintains that the criteria were applied consistently with the existing regulatory framework and were supported by a broader economic analysis demonstrating that market conditions are conducive to joint dominance. The Authority acknowledges Digicel's comment regarding the use of the Airtours criteria in the assessment of joint dominance and the concern that such criteria should not replace the applicable legal framework in Trinidad and Tobago.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Airtours is not a free-standing legal test under the Telecommunications Act or the Concession Agreement. The Authority must first satisfy the local legal standards. Airtours can only assist the analysis if it is used to test that statutory proposition. TATT also appears to escalate this set of criteria established through EU case law to the status of globally recognized 'best practice' here. It provides no examples of these criteria being used more broadly in other cases in other jurisdictions. Indeed, TATT's own research shows (Section 4.2.2), the Airtours criteria are not an accepted international 'best practice'. As TATT acknowledges, the concept of joint dominance itself is not recognised in many jurisdictions, let alone the criteria needed to establish it ex ante. For example, the concept of joint dominance is not codified in the United States, Jamaica or Barbados. Australia also does not have an equivalent framework for ex ante dominance findings. The concept of 'ex ante' joint dominance findings is		The Authority wishes to clarify that the Airtours criteria were not applied as a standalone legal test nor as a substitute for the requirements established under the Telecommunications Act and the Concession Agreement. The Authority's assessment of joint dominance first relies on the applicable national framework, which expressly recognises that dominance may be held individually or jointly and identifies the relevant factors to be considered when conducting such an assessment. The reference to the Airtours criteria is intended to complement this analysis by providing an internationally recognised economic framework to assess whether the characteristics of the market allow for sustainable tacit coordination. No direct transposition of European Union law was undertaken or required. Rather, the Authority considered these principles to the extent that they are consistent with national rules and relevant to the economic assessment of joint dominance

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				therefore not as established as TATT suggests by describing it as 'best practice'. Even within the EU framework, joint SMP has been recognised as difficult to apply in an ex ante setting. The European Commission's own support study for the 2018 SMP Guidelines states that joint SMP analysis raises specific challenges because it is forward-looking and because oligopoly outcomes may vary with operator conduct. The same study records that, out of seven notified cases involving proposed joint SMP at wholesale level, only three were upheld following review by the Commission and national courts. It also states that mobile access and call origination was removed from the list of markets susceptible to ex ante regulation at EU level. The latest joint dominance finding that did not survive judicial review happened in the Netherlands, where ACM found two mobile operators jointly dominant in the wholesale market. The decision was successfully appealed (we provide more		in the specific context of the mobile market in Trinidad and Tobago. The Authority further notes that the fact that certain jurisdictions do not recognise joint dominance, or do not provide for ex ante joint dominance assessments, does not demonstrate that the Airtours criteria are irrelevant. The relevant consideration is that joint dominance is expressly recognised under the regulatory framework applicable in Trinidad and Tobago. Therefore, the question before the Authority is not whether joint dominance should exist as a regulatory concept, but rather whether the criteria used to assess it are appropriate and whether they are satisfied in the relevant market. Regarding the limited number of joint dominance findings in the European Union, the Authority notes that this does not invalidate the analytical framework itself. The EU framework recognises that joint dominance may arise under specific market conditions. The fact that such

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				information in our comments on Section 7). The joint dominance finding in Section 7 is structured exclusively around the Airtours criteria. Airtours is best understood as an EU-derived analytical reference point for collective dominance. It is not a substitute for the statutory test in Trinidad and Tobago, and it is not evidence that ex ante joint dominance findings in retail mobile markets are generally accepted international practice. TATT has failed to demonstrate that the mandated local criteria have actually been met. **3) TATT does not demonstrate that the Airtours criteria are met** In Section 7, TATT attempts to demonstrate that Digicel and the other MNO meet the Airtours criteria for joint dominance.		findings are relatively uncommon reflects the characteristics of the markets assessed, many of which have evolved towards stronger levels of competition. This differs from the market structure in Trinidad and Tobago, which remains characterised by a duopolistic structure, high market symmetry, significant barriers to entry, limited potential competition, and conditions conducive to coordinated outcomes. The Authority also recalls that its assessment was not limited to the Airtours framework. The criteria identified under the Authority's applicable framework, including market maturity, similar market shares, similar cost structures, reduced scope for price competition, lack of potential competition and high barriers to entry, were analysed and found to be present in the relevant market. Accordingly, the Authority does not agree with Digicel's position that the use of the Airtours criteria undermines the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Specifically, TATT refers to the European Commission's 2018 SMP Guidelines.[2] In Section 7.1, TATT argues that the telecommunications market in Trinidad & Tobago is characterised by a high degree of transparency. While both operators do have access to detailed information regarding each other's pricing through the internet, this visibility does not extend beyond standard plan pricing information available on each MNO's website. For example, MNOs frequently offer bespoke discounts or promotions to existing customers and to targeted consumers. MNOs also differ in terms of network build and service quality. These factors are much more difficult to monitor. **TATT's analysis also fails to demonstrate that the 'transparency', 'sustainability' and the 'external stability' criteria are met.**		joint dominance assessment. The Authority maintains that its conclusion is based on the applicable Trinidad and Tobago regulatory framework and supported by relevant economic principles used to assess the existence of joint dominance. The Authority acknowledges Digicel's comment regarding the assessment of market transparency and the argument that operators do not have full visibility over all competitive parameters, such as bespoke discounts, targeted promotions, network characteristics, or service quality. The Authority agrees that not every commercial decision or competitive parameter is perfectly observable by competitors. However, the assessment of market transparency does not require complete visibility over every individual transaction or customer-specific offer.

[2] https://digital-strategy.ec.europa.eu/en/library/communication-smp-guidelines

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				On transparency, TATT fails to develop a coherent model of coordination and a distinct focal point that the two players can easily identify and 'coordinate' on. TATT presents a multi-dimensional coordination across pricing and plan characteristics which fails the test of being simple and easily observable. On sustainability, in Section 7.2, TATT argues that neither MNO has an incentive to deviate from the current equilibrium because the market is mature and demand for mobile services is inelastic: • The first part of TATT's argument rests on the fact that mobile markets are mature. In our view, the maturity of a market has little impact on the incentives to initiate a price war, and these can be initiated in mature markets. For example, the market for groceries may be considered mature. Yet in 2003, Albert Heijn, a Dutch supermarket launched a price war		Rather, the relevant question is whether operators have sufficient visibility over key market parameters to monitor each other's general competitive behaviour. In this regard, the Authority clarifies that its analysis was not limited to publicly available catalogue prices. The assessment also considered additional quantitative and qualitative information and broader market characteristics, including the stability of market shares, similarities in commercial strategies, comparable service offerings and the overall symmetry between operators. Accordingly, the Authority does not agree with Digicel's position that the existence of non-public discounts or promotions is sufficient to undermine the finding of market transparency. The Authority maintains that the level of transparency observed in the market is sufficient to support the assessment of conditions conducive to joint dominance.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				to regain market share.[3] The relevant criterion is whether undercutting a rival may result in market share gains sufficient to offset the reduction in margins. • Second, TATT argues that because the demand for mobile services is inelastic, neither firm would benefit from undercutting its rival. TATT argues that at the market level, demand is inelastic (i.e. a 1% change in the aggregate market price reduces aggregate market demand by less than 1%). This may be true, but TATT does not provide any statistical evidence for this assertion. If we follow TATT's assertion that demand is inelastic, then an MNO reducing their price would reduce revenues from their existing base without gaining many new subscribers. TATT argues that the loss on the existing		The Authority acknowledges Digicel's comment regarding the need to identify sufficiently clear focal points that may support a coordinated outcome. The Authority's assessment does not assume that operators coordinate across every dimension of competition. Rather, the relevant question is whether market conditions provide operators with sufficiently transparent and observable parameters around which their behaviour can converge and through which deviations can be detected. In this regard, the Authority identified a number of key competitive parameters that are readily observable in the market, including retail pricing, mobile plan structures, data and voice allowances, promotional strategies, and market share developments. These parameters are publicly visible, regularly monitored by

[3] https://caseworks.business.columbia.edu/caseworks/albert-heijn-price-war-among-retailers

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				base would outweigh the additional revenues from new subscribers, so it is not in the MNO's self-interest to reduce prices. This however just describes an uncoordinated competitive equilibrium and not a coordinated outcome. In a coordinated outcome, the MNO has a self-interest to deviate, but does not do so because of the fear of retaliation. So TATT establishes that the current equilibrium is stable and does not need a retaliation mechanism to be sustained. That is the **OPPOSITE** of what joint dominance is. TATT describes an uncoordinated equilibrium that fails the Airtours criteria. We provide further detail on this including a game-theoretic analysis in our comments on Section 7. On external stability, TATT's analysis is inconsistent with its own market definitions and does not fairly address the		market participants and constitute important dimensions of competition. Retail pricing constitutes a clear focal point for coordination. Prices across operators are closely aligned and remain highly stable over time. Movements occur in parallel with limited deviation. This creates a transparent benchmark that is easily observable by competitors. It facilitates mutual monitoring and supports a coordinated pricing outcome rather than independent price-setting. Mobile plan structures also operate as a focal point conducive to coordination. Operators converge on broadly similar contract formats, durations, etc. The structure of offers is standardised across the market. This reduces scope for strategic differentiation and makes deviations immediately visible. The resulting uniformity supports predictable competitive interaction and reinforces coordinated conduct. Data and voice allowances reinforce this focal dynamic. Allowance levels are

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				potential for new entrants to enter the market. TATT's market definition includes OTT service providers on the basis of a SSNIP test, which demonstrates that consumers would substitute for OTT services if mobile prices increased by 5 – 10%. Having included OTT services in the market definition, TATT cannot then claim that they exert no competitive pressure. A service in the defined market is by definition a competitive constraint on other services in the market. TATT's survey shows that the majority of OTT substitution occurs over Wi-Fi (75% of messaging, 56% of voice). Similarly, there has been interest to enter the market (which we discuss in detail in our comments on Section 7) which was not reviewed as part of TATT's assessment. A key requirement for market entry is to obtain a license to operate from TATT. If TATT deemed that barriers to entry were too high, it could relax the conditions to grant such licenses.		closely matched across operators and adjusted in a synchronised manner. Changes are typically mirrored with minimal lag. This creates a stable reference point for product positioning. It allows operators to align commercial offerings without disruptive differentiation, thereby sustaining coordinated outcomes. Promotional strategies further act as a focal mechanism supporting coordination. The analysis of operators' data on ARPU, given the highly comparable level of prices, indicates that promotional activity is broadly symmetrical across operators in both timing and intensity. Discounts and offers tend to be matched rather than used aggressively to gain share. This alignment reduces competitive volatility. It limits incentives for unilateral deviation and stabilises the prevailing market equilibrium. Market share developments confirm the strength of these focal points. Market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Alternative explanation: oligopoly with independent competitors It is not sufficient to observe similar market shares, coverage or pricing as these outcomes are also consistent with competition in an oligopoly without joint dominance.[4] Indeed, both standard competition models (Bertrand competition, Cournot competition) predict that firms with a similar cost structure competing independently in a market with a homogenous product would charge similar prices and enjoy similar marker shares. Most of TATT's analysis focuses on describing characteristics of the mobile market in Trinidad and Tobago. Descriptive analysis is insufficient to establish that the observed market outcomes in are more likely to be explained by 'tacit collusion' than by		shares remain broadly stable over time, with only marginal fluctuations. No operator disrupts the established balance through sustained gains. Movements are gradual and parallel, consistent with reinforced competitive positions. This stability is indicative of a market structure in which focal points support and sustain coordinated behaviour. While the existence of similarities does not, in itself, establish coordination, such similarities contribute to market transparency and facilitate the monitoring of competitive behaviour. Accordingly, the Authority considers that the market exhibits sufficiently identifiable focal points through which operators can observe one another's conduct and detect material deviations. This forms part of the broader assessment of whether the conditions

[4] We use the term 'oligopoly' here as TATT's own market definition includes MNOs and OTT providers. As there are therefore more than 2 suppliers, it cannot be characterised as a duopoly.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				independent competition in an oligopolistic market. **TATT's approach is not consistent with the EC's 2018 SMP Guidelines it purports to follow** The SMP guidelines provide guidance for European regulators on how to apply the Airtours criteria and subsequent EU case law to the telecoms sector. TATT introduces the SMP guidelines in Section 4.2.2 as a basis for its own joint dominance assessment. However, TATT's own analysis falls well short of the guidelines in a number of important aspects: • TATT does not advance an integrated theory of coordination • TATT does not identify a focal point for coordination • TATT does not identify a retaliation mechanism • TATT does not credibly establish that prices exceed the competitive level • TATT does not exclude the alternative explanation that		necessary for coordinated behaviour are present in the relevant market. Furthermore, the absence of a single focal point does not preclude coordination. In a highly concentrated market, coordination may be sustained through a set of mutually observable competitive parameters. The simultaneous visibility of pricing, product structure, allowances, and promotional behaviour enhances transparency and strengthens mutual monitoring. Accordingly, the Authority does not agree with Digicel's position that the absence of a single pricing focal point prevents a finding of sufficient market transparency. The Authority maintains that the level of transparency observed in the market supports the conclusion that conditions are conducive to joint dominance. The Authority agrees that market maturity, considered in isolation, does

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				observed conduct reflects competitive oligopoly equilibrium **The claim that demand is inelastic cannot be asserted based on the evidence from the consumer survey** TATT claims that demand is 'price inelastic', but never defines the term. In economics, the term refers to the demand response to a change in price. Demand is inelastic, if a 1% increase in price leads to a reduction in demand of less than 1%, Equally, demand is said to be elastic if a 1% increase in price leads to a reduction in demand of more than 1%. The consumer survey shows that 65 – 79% of respondents depending on the service category would adjust consumption if the price increases by 5%. TATT seems to focus on the 21 – 35% of respondents that would not adjust their demand to justify its assertion that demand is inelastic. However, none of these conclusions can actually be drawn here. TATT does not know by how much the respondents that		not prevent the occurrence of price competition. However, the Authority notes that market maturity is expressly identified as one of the relevant criteria to be considered when assessing joint dominance under Condition A23(b) of the Concession Agreement. Furthermore, the Authority does not consider market maturity as a standalone indicator of joint dominance. Rather, it assesses how this characteristic affects operators' incentives when combined with other features of the relevant market. In mature telecommunications markets, where overall subscriber growth is limited, price reductions are generally less likely to create significant new demand and are more likely to result in a redistribution of existing customers between operators. As a result, the potential benefits from gaining additional market share must be balanced against the immediate reduction in margins and the risk of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				would make a change would change their consumption. Is total demand for services going to reduce by more than 5% (elastic) or less than 5% (inelastic) in response to an increase in price? To answer this question, TATT would need to undertake an econometric exercise at the individual consumer level to ascertain what the impact on the consumed quantity actually is. Such an econometric exercise would also allow TATT to accurately observe the cross-price elasticity (to OTT or other MNO). **TATT's benchmarking of international mobile plan prices is flawed** TATT compares prices of the cheapest mobile plan offered by Digicel and the other MNO in Trinidad and Tobago to those charged by a sample of operators across Mauritius, La Reunion, Jamaica, and Barbados. TATT asserts that domestic prices are out of line with benchmarks, however, we identify five shortcomings in this analysis:		competitive responses from other operators. This is particularly relevant in highly concentrated and transparent markets, where operators are able to observe competitive actions and where aggressive price reductions may be rapidly replicated, reducing the long-term benefits of initiating such strategies. Accordingly, the Authority does not agree with Digicel's view that market maturity has limited relevance in assessing incentives for coordinated outcomes. The Authority acknowledges Digicel's comment regarding the assessment of demand elasticity and the sustainability of the coordinated equilibrium. Digicel conflates the elasticity of demand for the market as a whole with the elasticity of demand faced by an individual operator. The Authority's assessment recognises that mobile

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				• Pricing of higher-tier mobile plans is not considered. Including these plans refutes TATT's claim. • TATT's comparison of low-tier plans is not like-for-like. Accounting for differences in plans' data allowances across countries discredits TATT's claim of high domestic prices. • Mobile plans are multi-dimensional, i.e., include a bundle of services (calling minutes, data, roaming minutes, roaming data). TATT has failed to price individual components of these bundles and arrive at a consistent and reliable approach to benchmarking. • The sample is too small to draw any meaningful conclusions. • Differences in operators' costs across countries are not considered. **Revenues in real terms, i.e. adjusted for inflation, have decreased substantially** In the consultation document, TATT presents statistics on revenues of mobile		telecommunications services constitute an essential service, meaning that consumers may have limited ability to reduce their overall consumption or exit the market in response to a general increase in prices. This observation concerns market-level demand and does not imply that consumers are insensitive to relative price differences between competing operators. On the contrary, a reduction in price by one operator may attract subscribers from its competitor even if the overall size of the market remains broadly unchanged. Accordingly, the Authority did not conclude that operator-specific demand is inelastic, and Digicel's assumption that unilateral price reductions necessarily reduce the deviating operator's profits is unsupported. The Authority notes that its assessment considered whether operators would have incentives to depart from existing market outcomes and whether such deviations would generate sustainable

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				services in Trinidad and Tobago from 2020 to 2024, showing an increasing trend. However, TATT fails to adjust the data for inflation. Applying an inflation adjustment refutes the claim that mobile revenues have been rising over time: total revenue declines by 3% from 2020 to 2024. This trend holds across key mobile services, with voice and per-GB data revenues declining 13% and 38% respectively over this period. The empirical observation that operators have been unable to keep prices in line with inflation undermines TATT's claim that the MNOs possess market power, and highlights that consumers successfully apply a competitive constraint on MNOs. **TATT's analysis of operators' profits is not fit for purpose** We identify four deficiencies in TATT's profitability analysis: • TATT does not consider spectrum costs, despite the primacy of		competitive benefits. As discussed in the report, potential deviations through lower prices, increased allowances or quality improvements can be observed and replicated by the other operator, reducing the long-term benefits of aggressive competitive actions. The Authority recalls that Section 7.2 of the reports considered whether an operator would find it profitable to initiate a price war or to introduce significant improvement in the quality of service provided, and concluded that neither operator has a rational economic incentive to deviate from a tacit agreement. As stated in Section 7.2 that "neither operator has a rational economic incentive to deviate from a tacit agreement." In such conditions, the market dynamic is highly conducive to sustain coordination. The Authority acknowledges Digicel's comment regarding the assessment of external stability, including the role of OTT services and potential market entry.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				spectrum in mobile service provision. • CAPEX in TATT's chosen time period, 2017 – 2023, is not representative. The completion of a 4G network prior to this reduced the need for CAPEX during this period. • EBITDA is an inadequate measure of profitability. TATT fails to adopt the main approach in use by leading regulators – the return on capital employed (ROCE). • TATT does not determine the appropriate rate of return is for an operator in Trinidad and Tobago. There is therefore no metric against which to compare empirically observed profits. In totality, the analysis TATT presents does not support its conclusions that the degree of profitability is either "above average" or that it "is indicative of limited competitive pressure within the market and suggests the presence of market power."		As previously explained, the Authority does not consider that the inclusion of OTT services within the relevant market automatically implies that they exert a competitive constraint sufficient to prevent a finding of dominance. Regarding potential entry, the Authority notes that expressing an interest in entering the market is not, in itself, sufficient evidence to conclude that market entry would effectively constrain existing operators during the period considered by the dominance assessment. The Authority's analysis is forward-looking and based on the market structure that is reasonably expected to prevail in the foreseeable future. Even where a potential entry is envisaged, a new operator would require time to establish an effective market presence, including obtaining the relevant authorisations, deploying network infrastructure, setting up commercial operations and reaching sufficient scale to exercise a meaningful competitive constraint.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				No actual forward-looking assessment TATT claims that its assessment is forward looking (Section 1.4), but it does not actually consider the impact of the changes that the mobile market is undergoing (e.g. reduction in voice, SMS revenues and increase in data, including data consumption). These changes do not point to a 'stable' market where it would be easy to tacitly coordinate behaviour. TATT has assembled a substantial amount of data. The analytical framework applied to it has significant shortcomings and cannot be relied upon for an ex-ante dominance assessment. On the basis of the points made here, we conclude that TATT's assessment does not meet the evidentiary standard required for a joint dominance finding set by either local legislation or the Airtours criteria.		Therefore, the Authority considers it reasonable not to assume the presence of a new effective competitor within the upcoming regulatory cycle. Should the market structure materially change in the future, the Authority may review its conclusions to ensure that they remain reflective of actual competitive conditions. Accordingly, the Authority does not agree that OTT services or potential entry are sufficient to modify its assessment of external stability. The Authority acknowledges Digicel's comment that similar prices, market shares and service characteristics may also result from independent competition in an oligopolistic market. The Authority agrees that such similarities are not, in isolation, sufficient to establish joint dominance. However, the Authority confirms that its assessment was not limited to a

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						descriptive analysis of market characteristics. The Authority specifically assessed whether observed market outcomes were consistent with effective competition by analysing additional factors, including operators' margins, investment levels, pricing trends and the evolution of service offerings. The Authority's analysis concluded that the observed outcomes are not consistent with an effectively competitive market. In particular, while standard price competition models (such as Bertrand competition) predict some degree of price alignment, they also imply that prices should be closer to costs, which is not consistent with the margin levels observed in the market. To ensure the robustness of this assessment, the level of margins has been benchmarked against international operators with established market positions (incumbents), in order to minimise distortions arising from differences in scale and firm size.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Finally, the Authority recalls that the purpose of the assessment is not to demonstrate that an anti-competitive behaviour, especially coordination, has occurred, but to determine whether market conditions are conducive to coordinated effects in the foreseeable future. Past market outcomes were therefore considered to assess whether observed trends support this forward-looking analysis and are consistent with the conclusions that market conditions allow operators to deviate for competitive outcome to the detriment of end-users. Accordingly, the Authority does not agree with Digicel's position and maintains its conclusion. The Authority acknowledges Digicel's comment regarding the use of the European Commission's 2018 SMP Guidelines.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority does not agree with the interpretation that the SMP Guidelines constitute the basis of its joint dominance assessment. The Authority's analysis is primarily based on the applicable regulatory framework in Trinidad and Tobago, including the Telecommunications Act and the Concession Agreement. The SMP Guidelines were referenced only as a complementary analytical framework to ensure consistency with recognised international approaches. As explained previously, the Authority assessed the relevant factors for joint dominance, including transparency, incentives to deviate, potential retaliation mechanisms and external constraints.Accordingly, the Authority does not agree that its assessment is inconsistent with the SMP Guidelines and maintains its conclusions. The Authority acknowledges Digicel's comment regarding the importance of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						considering inflation when assessing revenue and price trends. The Authority confirms that inflation was explicitly taken into account in its assessment. In particular, price evolution were analysed in real terms, including through the results presented in Table 9 (formerly Table 8), which adjusts mobile service price evolutions for inflation over the relevant period. Furthermore, the Authority notes that revenue trends cannot be assessed solely on the basis of unit revenues for individual services. Declines in revenues per unit, such as voice or data revenues, must be interpreted in light of changes in consumption patterns, including the changes in mobile data usage over the period under review. The Authority further notes that its assessment of affordability and competitive outcomes was not limited to nominal revenue trends. The benchmarking analysis conducted by the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Authority considered prices relative to average income levels in order to account for differences in purchasing power across jurisdictions. Accordingly, the Authority does not agree that inflation-adjusted revenue trends undermine its assessment of market outcomes. The Authority acknowledges Digicel's comment regarding the methodology used to assess operators' profitability and the relevance of the indicators considered. The Authority considers that its assessment of operators' margins is based on a robust and appropriate analytical framework, suitable for the purpose of evaluating whether market outcomes are consistent with effective competition or whether conditions may be conducive to coordinated effects. In this respect, the Authority relied on a cost and revenue-based indicator derived

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						from the relationship between capital expenditure (CAPEX), earnings before interest, taxes, depreciation and amortisation (EBITDA) and revenues. This measure provides a direct proxy for the proportion of revenues absorbed by operating performance and investment requirements and allows for consistent comparison across operators and over time. The Authority considers this approach particularly appropriate in the present context, as it avoids the methodological limitations associated with accounting-based profitability measures, which may be affected by differences in asset valuation, depreciation methods and capitalisation practices across operators. These issues can significantly distort the comparability of return on capital employed (ROCE) estimates in telecommunications markets. By contrast, the selected indicator provides a more direct, consistent and comparable measure of margin

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						generation capacity across operators and jurisdictions. The Authority further notes that the results of this analysis, including comparison against international benchmarks, indicate that observed margins are materially above levels typically associated with competitive market outcomes. While alternative profitability measures such as ROCE relative to weighted average cost of capital (WACC) can provide useful complementary insights, they are not indispensable for the purposes of the present assessment. The Authority's approach is sufficiently robust to support its conclusions regarding the competitive conditions prevailing in the market. Regarding spectrum costs, the Authority notes that these were excluded to ensure consistency and comparability with the operators included in the benchmark analysis. Including spectrum costs would have introduced significant heterogeneity due to differences in

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						acquisition timing, auction conditions and accounting treatment across jurisdictions. In addition, spectrum costs are largely sunk in nature and are therefore less relevant when assessing operators' pricing incentives. The Authority considers thus that the exclusion of spectrum costs does not bias the analysis of competitive conditions, but rather improves its comparability and interpretability for the purposes of assessing market outcomes and potential coordinated effects. Regarding the period considered for CAPEX, the Authority considers that a seven-year period provides a sufficiently long timeframe to capture underlying investment dynamics. The Authority does not agree that the completion of 4G deployment invalidates the analysis. First, information provided by operators indicates that 4G deployment continued during the period assessed, with a significant part of network deployment occurring between 2017 and 2020. Second, mobile telecommunications

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						markets require continuous investment beyond the initial deployment of a technology, including capacity expansion, network densification, quality improvements and the introduction of new technologies. The Authority further notes that the absence of a major new technology deployment does not imply that lower CAPEX levels are structurally justified. Investment cycles in mobile markets are continuous in nature and recent periods have been characterised in many jurisdictions by sustained investment linked to network evolution, including the deployment of 5G technologies. Investment trends therefore remain a relevant indicator when assessing operators' competitive incentives. Finally, the Authority notes that the margin analysis conducted was not assessed in isolation but considered alongside other indicators, including pricing trends, market structure, barriers to entry and competitive behaviour.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, the Authority does not agree that the profitability analysis is unsuitable and maintains that it provides relevant supporting evidence for the assessment of competitive conditions in the market. Notwithstanding the Authority welcomes the receipt of additional financial and delineated OTT data which may be used in future market assessments.
2.	**General**	**General**	TSTT	Telecommunications Services of Trinidad and Tobago Limited ("TSTT") appreciates that the Telecommunications Authority of Trinidad and Tobago ("TATT") has given operators the opportunity to comment on these matters. It should be noted that TSTT's comments on this document do not preclude TSTT from making further comments in the future. TSTT further recognises the importance of ensuring that the telecommunications sector continues to develop in a manner consistent with the objects of the Telecommunications Act, Chap. 47:31 (the "Act"), including the promotion of	TSTT recommends that TATT ensure that its assessment of joint dominance is conducted in a manner consistent with the objects of the Act. Any proposed finding of joint dominance should be supported by robust, current, and comprehensive evidence demonstrating that the statutory threshold under section 29(8) of the Act has been satisfied. Where concerns regarding particular market outcomes persist, TATT should ensure that any proposed regulatory or policy intervention is supported by robust and objectively	The Authority acknowledges TSTT's comments regarding the importance of ensuring that any assessment of dominance is conducted in accordance with the applicable statutory framework and supported by objective and robust evidence. The Authority agrees that a finding of dominance must be based on a rigorous assessment of the relevant facts and applicable legal framework. It notes, however, that the present assessment has been conducted precisely for that purpose. The analysis considers a broad range of structural, behavioural and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				fair competition, investment in and efficient use of telecommunications infrastructure, innovation, and the orderly development of the telecommunications sector in Trinidad and Tobago. In this regard, TSTT submits that any assessment of joint dominance should remain firmly grounded in the statutory framework established under the Act and supported by clear, rigorous, and objectively verifiable evidence. While concentrated market structures and parallel market characteristics may warrant careful regulatory review, such features are not, in themselves, determinative of joint dominance and should not substitute for a comprehensive assessment of whether operators are capable of behaving independently of competitive constraints in practice. A finding of joint dominance may materially affect pricing flexibility, commercial strategy, investment incentives, and innovation within the sector. Accordingly, the evidentiary	verifiable evidence and appropriately tailored to the specific issues identified. In this regard, TATT should consider proportionate and targeted measures rather than relying on a finding of joint dominance where the evidentiary basis for such a determination has not been sufficiently established.	economic indicators and reaches its conclusions on the basis of the evidence as a whole rather than any individual market characteristic considered in isolation. The Authority wishes to clarify that the scope of the present assessment is limited to determining whether the relevant conditions for dominance are met within the retail domestic mobile services market. The assessment does not prejudge, at this stage, the nature or scope of any potential remedies or regulatory obligations that may follow from such a finding. Should the Authority determine that ex ante obligations are warranted following a finding of dominance, those obligations will be assessed separately and designed in accordance with the principles of proportionality, necessity and regulatory efficiency, taking into account the specific competition concerns identified and the objectives of the Act.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				threshold for such a determination should be applied with rigor. TSTT further submits that, given the potentially significant regulatory and commercial implications of a finding of joint dominance, any intervention should be proportionate to the evidence available and consistent with the broader objects of the Act. Where concerns regarding market outcomes remain, consideration should first be given to less intrusive and more targeted regulatory or policy measures before imposing findings or obligations associated with joint dominance.		
3.	**1**	**Introduction**	CCTL	CCTL thanks the Authority for the opportunity to provide input in the consultation. The views expressed herein are not exhaustive. Failure to address any issue in our response does not in any way indicate acceptance, agreement, or relinquishment of CCTL's rights. The Introduction is focused mainly on mobile market dominance, but it feels a bit	CCTL suggests that the Introduction be broadened to reflect today's converged telecoms environment and the real competitive pressure from OTT and digital platforms. The Authority should also recognise that market concentration in small economies is often structural, not behavioural, and should avoid implying dominance purely from structure. A more balanced framing	The Authority acknowledges CCTL's comments regarding convergence, OTT services and the broader evolution of the telecommunications sector. However, the Authority notes that the present proceeding is limited to the assessment of dominance in the relevant retail domestic mobile services market as defined by the Authority for the purposes of this review. The scope of the analysis is therefore confined to the market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				narrow given how the sector has evolved. Telecoms today are highly converged—fixed, mobile, and OTT services are all competing and interacting. The document leans heavily on traditional mobile market structure and doesn't fully reflect how services like WhatsApp, streaming, cloud communications, and Wi-Fi offloading now shape competition. From a fixed operator perspective, there's also concern that mobile-only findings could end up influencing wider sector regulation, even where fixed networks operate under very different economics and investment realities. The Introduction also doesn't really reflect the cost pressures and declining legacy revenues operators are facing, or the fact that small markets like Trinidad naturally tend to have concentrated structures without this necessarily meaning lack of competition.	would better reflect investment realities, technological change, the need to maintain incentives for network development and most importantly, actual contestability under a more precisely defined overall voice market	definition adopted in the report and to the competitive conditions within that market. Accordingly, the Authority's assessment does not seek to determine the competitive conditions across the telecommunications sector as a whole, nor to conduct a general assessment of convergence between fixed, mobile and digital services. Expanding the analysis to encompass fixed telecommunications markets or other digital services would fall outside the scope of the present review and would require a separate market definition exercise and a distinct competitive assessment. The Authority further notes that OTT services were considered within the scope of the adopted market definition to the extent that they exert a competitive constraint on mobile voice and messaging services. The Authority's treatment of OTT services is therefore consistent with the scope of the relevant market identified in the assessment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						With respect to CCTL's observations concerning the economics of fixed networks, investment incentives, legacy revenue trends and the structural characteristics of small economies, the Authority acknowledges that these may be relevant considerations in other regulatory contexts. However, they do not alter the fact that the present assessment is confined to determining whether the conditions for dominance are satisfied in the relevant retail domestic mobile services market as defined by the Authority. Finally, the Authority confirms that it has not inferred dominance solely from market concentration or the existence of a limited number of operators. Consistent with the statutory framework and the analytical approach set out in the report, concentration was assessed together with a broader range of structural, behavioural and economic indicators relevant to the specific market under review.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
4.	**1.1**	**Background**	Digicel	TATT states that review was "prompted by a series of significant sectoral events" including "the evolution of price, especially the price increases observed in the retail domestic telephony market, raising concerns regarding affordability and consumer welfare". Sections 18(3)(b) and 18(5) of the Telecommunications Act are relevant to this review. Section 18(3)(b) requires TATT, in performing its functions, to have regard to fair treatment of consumers and service providers similarly situated, while section 18(5) requires TATT to act at all times in an objective, transparent and non-discriminatory manner. These provisions support the need for TATT to conduct the dominance assessment in a balanced, evidence-based and procedurally predictable manner. Digicel's position is that TATT has not taken a balanced view of the factual and legal basis for initiating this dominance assessment. TATT's Quarterly Market/Annual Reports demonstrate that	The Authority should revise the stated basis for initiating the dominance review. Any reliance on price increases should be supported by a disclosed methodology and reconciled with inflation-adjusted revenue trends, usage growth, revenue per GB, cost recovery requirements and network investment obligations. Even if nominal prices have increased, that observation does not itself indicate dominance or market power. The Authority should first assess the drivers of any price increases, including changes in input costs, network investment requirements, traffic growth, inflation, foreign-exchange constraints and the cost of capital. Section 18(3)(b) of the Telecommunications Act reinforces the need for a balanced and evidence-based assessment, including fair treatment of service providers. The Authority should therefore not treat price increases as a premise for intervention unless it has established,	The Authority acknowledges Digicel's comment regarding the rationale for initiating the dominance assessment and the need to ensure that the review is conducted in an objective, transparent and evidence-based manner. The Authority considers that its assessment of dominance has been conducted in accordance with the above-mentioned principles. Throughout the analysis, the Authority has systematically set out both the qualitative and quantitative elements underpinning its assessment, including the data sources relied upon and the reasoning supporting its conclusions. This approach ensures that the assessment is grounded in objective, transparent and evidence-based analysis. The Authority acknowledges Digicel's may hold different views regarding the interpretation of the evidence and the conclusions drawn from it. However, the existence of such differing views does not, in itself, call into question the objectivity, transparency or evidentiary basis of the assessment. The Authority

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				there has been a marked decline in overall mobile revenues, increment in the usage of mobile data and the attendant costs to meet said uptick in demand for the period under consideration. These significant changes should have been weighed before price developments were treated as a basis for intervention. These facts are relevant to operators' legitimate cost-recovery and investment incentives. TATT's analysis does not show that those operator positions were considered robustly when TATT framed the rationale for this dominance assessment. Moreover, we dispute the claim that prices have materially increased. TATT does not provide any evidence for this statement. In fact, when we look at the data provided by TATT in Section 5, we observe substantial price reductions in real terms. As we show in that section specifically, total revenues adjusted for inflation have declined by 3% between 2020 and 2024. The mobile revenue per GB has declined by 39% between 2020 and 2023. Real prices have fallen, not risen.	using evidence that can be reviewed by respondents, that those increases are more consistent with market power than with cost, investment or demand-side developments.	remains satisfied that its conclusions are supported by the evidence available and are consistent with the analytical framework applied throughout the review. The Authority agrees that any assessment of dominance must consider both consumer welfare and operators' ability to recover costs and maintain appropriate investment incentives. However, the Authority does not agree that these factors were disregarded in its analysis. The Authority does not share Digicel's view that the assessment failed to take into account the main developments in usage and revenues in the market. As set out in Section 5.1 of the report, the analysis was based on a comprehensive dataset collected directly from operators, including information on: (i) the number of subscribers, (ii) retail prices, (iii) revenues, (iv) traffic by service, (v) network coverage by technology, and (vi) costs. These data formed the basis of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the Authority's assessment of market developments and competitive conditions. In addition, Section 5.2 of the report is specifically dedicated to analysing the main market trends on the basis of quantitative evidence. This analysis examines, inter alia, developments in subscriber volumes, traffic levels by service, changes in consumption patterns, and revenue trends across services. The Authority therefore considers that the assessment was based on a detailed and fact-based examination of the key market developments over the period under review. In light of the above, the Authority considers that the report adequately reflects the principal developments affecting usage and revenues and provides a balanced evidentiary basis for the conclusions reached. Furthermore, the Authority clarifies that observed price developments were not

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						treated as evidence of dominance in themselves, but rather as one of several market developments that justified conducting a comprehensive review of competitive conditions in the mobile market. Indeed, the dominance assessment considered a broad range of indicators, including market structure, pricing trends, revenues, margin analysis, investment levels, quality of service and technological developments. Regarding Digicel's comments on declining revenues and increasing data usage, the Authority notes that these factors were explicitly considered in section 5.2. In particular, Figure 3 of the Dominance Assessment presents the evolution of total revenues from mobile services over the period 2020–2024. The data show that total market revenues generally increased throughout the period under review. While a slight decline was observed between 2023 and 2024, this development must be considered in the context of the overall revenue and profitability trends in

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						addition to changes in the composition of revenues. The Authority notes that the decrease in voice revenues observed during the period was largely offset by growth in data revenues as evidenced by sustained above average profitability, which reflects evolving consumption patterns and the increasing importance of mobile data services. For this reason, the assessment did not focus solely on the evolution of individual revenue components, but considered the overall evolution of market revenues alongside changes in service usage. The Authority therefore considers that the relationship between declining voice revenues, increasing data consumption and overall revenue developments was appropriately reflected in the assessment and taken into account in the analysis of market outcomes. As such, the Authority argues that reductions in revenue per unit, particularly for data services, must be assessed in the context of significant

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						increases in consumption and changes in usage patterns, rather than interpreted as standalone evidence of effective competition. With regard to Digicel's comment that the assessment did not take into account the additional costs associated with increased data consumption, the Authority notes that these considerations were explicitly examined as part of its analysis. In particular, as detailed in Section 6.2.2 the Authority assessed the evolution of both operating expenditure (OPEX) and capital expenditure (CAPEX) over the relevant period. The analysis also considered developments in network deployment and capacity, including the evolution of the number of base stations as an indicator of network expansion and investment activity. Based on the evidence available, the Authority did not identify investment or cost trends that would indicate a level of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						expenditure growth commensurate with the growth in data consumption. The assessment therefore considered not only the evolution of traffic volumes, but also the corresponding evolution of costs, profitability and network deployment requirements. The Authority therefore considers that the potential cost implications of increased data usage were appropriately taken into account in the assessment and reflected in its analysis of market outcomes. The Authority further does not agree that price trends were assessed without considering inflation. As previously noted, the Authority considered the evolution of prices in real terms (Table 9 shows that the real average price change was positive throughout most of the period under review. This reflects the fact that nominal average price increases generally exceeded the rate of inflation. The only exception was 2020, when the real average price change was

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						marginally negative) and assessed affordability, including through comparisons accounting for differences in purchasing power across jurisdictions. Accordingly, the Authority does not agree that the dominance assessment was initiated or conducted on an unbalanced basis. The Authority maintains that its analysis considered both consumer outcomes and operators' market conditions in assessing the level of competition in the relevant market.
5.	**1.1**	**Background**	TSTT	TATT states that the 2022 market analysis review was prompted by a series of sectoral developments, which included increasing prices in the retail domestic mobile telephony market. However, TSTT has previously demonstrated, in its comments during the market definition proceeding, that the evidence presented did not sufficiently establish sustained or market-wide price increases and, in fact, broader market developments suggested otherwise.	TSTT recommends refining the language to indicate that the market review was prompted by suggestions that prices may have increased, rather than implying that sustained price increases had been established as a matter of fact.	The Authority acknowledges TSTT's comments. Nevertheless, the Authority sustains that price increases have been observed in the market as shown in Table 9 of the report. However, the Authority maintains its conclusion that prices have increased over the period under review, as demonstrated in Table 9 of the report. The Authority notes that its assessment considered the evolution of prices in real

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Accordingly, the background should not assume as a settled premise that there were sustained, market-wide price increases capable of supporting a dominance concern. Such wording risks building the later dominance analysis on an asserted fact that has not been adequately demonstrated.		terms by adjusting nominal price changes for inflation. As shown in Table 9, the average real price change was positive throughout most of the period under review, indicating that nominal price increases generally exceeded the rate of inflation. The only exception was 2020, when the average real price change was marginally negative.
6.	**1.2**	**Purpose**	TSTT	TATT states that "[i]n the context of an ex ante analysis, as conducted here, it is not necessary to prove that an abuse of a dominant position has occurred, only to determine that the incentive for said exist, as the objective is to create conditions for effective competition, thus mitigating the risks of the occurrence of such an abuse of dominance, thereby preventing market failures from taking place." With respect, TSTT disagrees. It is certainly not sufficient to establish only that an incentive for abuse exists. That is an oversimplification of how dominance is assessed in ex ante frameworks. In reality, regulators do not stop at identifying an incentive. Incentives to	TSTT recommends revising the language so that it is clear that TATT must determine not only whether there is the ability to engage in such conduct and whether there are insufficient constraints to prevent such behaviour. In the context of joint dominance, the assessment should additionally consider whether market conditions are conducive to coordinated conduct being feasible, sustainable, and capable of being maintained in practice. Failure to undertake such an assessment risks conflating theoretical incentives with actual	The Authority acknowledges TSTT's comment regarding the evidentiary requirements applicable to an ex ante dominance assessment and agrees that the existence of an incentive alone would not be sufficient to establish dominance. The Authority wishes to clarify that the statement referenced by TSTT was not intended to suggest that dominance can be established solely on the basis of a theoretical incentive to exercise market power. Rather, it sought to distinguish between an **ex ante dominance assessment**, which evaluates the ability and incentives of operators to behave independently of effective competitive constraints, and an **ex post assessment**,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				raise prices or reduce competitive effort exist in many markets, including competitive ones. If incentive alone were enough, almost any operator could be considered dominant. What regulators actually look for is a combination of factors. First, there must be the ability to behave independently of competitive pressures—in other words, genuine market power. Second, there must be an incentive to exercise that power in a way that could harm competition. And third, there must be insufficient constraints—such as entry, substitution, or buyer power—that would prevent the operator from acting on that incentive. It is the interaction of these elements, not any single one in isolation, that supports a finding of dominance. This becomes even more important in the context of joint dominance, which the document ultimately concludes. There, the bar is higher. It is not enough to show that operators might benefit from softer competition; one must also demonstrate	market power and overstating the basis for intervention.	which would require an examination of whether an abuse of dominance has actually occurred. As stated in the scope of the report (Section 1.4): "Through this assessment, the Authority seeks to determine whether any operator in the retail domestic mobile telephony market is capable of acting independently of competitive pressures, thereby leading to suboptimal market outcomes. It is important to note, however, that this assessment does not examine whether any abuse of dominance has occurred in the past, as such analysis that pertains to ex post interventions falls outside the scope of the market analysis procedure." Accordingly, the Authority considers that the criterion relating to the ability to act independently of competitive constraints, as referred to in TSTT's comment, has been appropriately

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				that the market conditions allow for coordination to be sustained—through transparency, aligned incentives, and the absence of disruptive forces. Simply pointing to an incentive to avoid competition does not establish that such coordination is feasible or stable. Further, TATT, as a creature of statute, its assessment must remain grounded in the requirements of section 29(8) of the Act, which requires consideration of whether an operator enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers, and ultimately consumers. While proof of actual abuse is not required in an ex ante framework, the statutory test for dominance cannot be satisfied by the mere existence of an incentive alone.		assessed as part of the dominance assessment. The Authority therefore agrees that dominance requires an assessment of the interaction between several factors, including the ability to behave independently of competitive constraints, incentives to exercise market power, and the absence of sufficient competitive constraints from competitors, consumers or potential entrants. These elements were considered throughout the assessment. In particular, the analysis examined market structure, entry barriers, countervailing buyer power, pricing behaviour, margins indicators, technology and market trends, and the potential constraints imposed by alternative services. With respect to joint dominance specifically, the Authority further considered whether market conditions could support a sustainable coordinated

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						outcome by assessing transparency, sustainability of coordination and external constraints. Accordingly, the Authority clarifies that its conclusion was not based solely on the identification of incentives, but on a broader assessment of whether the relevant market conditions collectively support a finding of dominance under the applicable framework.
7.	**1.4**	**Scope**	Digicel	TATT notes that 'holding a dominant position in a market, whether individually or jointly, does not in itself constitute a legal infringement' and that in an 'ex-ante analysis' 'it is not necessary to prove that an abuse of a dominant position has occurred, only to determine that the incentive for said exist". In our view, this raises the bar for the evidentiary standard and rigour the economic analysis needs to meet. Ex-ante analysis is prone to 'false positive' as they are based on predicting future behaviour. It is therefore even more important that	The Authority should identify the review period, define the counterfactual and state the evidentiary standard applied to a prospective joint dominance finding. An ex ante designation should be adopted only where the evidence establishes that coordination is likely during the review period, not merely that the market has two MNOs and publicly available tariff information.	The Authority acknowledges Digicel's comment regarding the need for a robust evidentiary standard when conducting an ex ante dominance assessment. The Authority notes that the legal framework in Trinidad and Tobago does not prescribe a fixed duration for the regulatory review cycle. Accordingly, the assessment is based on an analysis of market conditions and their likely evolution within a foreseeable timeframe, consistent with the forward-looking nature of dominance assessments.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				TATT address our concerns as set out in our introduction above.		The Authority further notes that it will continue to monitor market developments and may review its findings should material changes occur that affect the assumptions underlying the assessment or significantly alter the competitive conditions in the market. In order to provide clarity to market stakeholders, the Authority specified in its assessment that the report will be reviewed and revised depending on market conditions or other relevant developments. The average benchmark period being five to ten years, based on international standards and local factors. This timeframe reflects a balance between providing regulatory predictability to ensure stable conditions for market participants and maintaining sufficient flexibility to take account of evolving sectoral developments. It is intended to ensure that the assessment remains relevant over time while allowing for timely review should material changes occur in market conditions.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						In light of the above, the Authority considers that its approach is fully consistent with the applicable legal and regulatory framework. The Authority does not consider it necessary to demonstrate that an abuse of dominance will occur in the future, nor or predicting future conduct with certainty. The purpose of an ex ante dominance assessment is to determine whether the characteristics of the market are such that to allow operators to behave, individually or jointly, to an appreciable extent independently of competitors and consumers. In this regard, the Authority's conclusions are based on a comprehensive assessment of market conditions, including market structure (Section 6.1), barriers to entry (Section 6.2), competitive constraints (Sections 6.3 and 8) , profitability (Section 6.6),

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						pricing behaviour(Section 6.7) and operators' incentives (Section 7). The assessment does not thus rely on assumptions regarding future conduct, but on an evaluation of whether market conditions that are likely to materialize in the foreseeable future create the ability and incentives for coordinated or unilateral market power. Accordingly, the Authority considers that its analysis meets the applicable standard for an ex ante assessment and maintains its conclusions.
8.	**1.4**	**Scope**	Digicel	TATT claims that the assessment was conducted on a 'forward-looking basis' and that 'all evidence of future market developments likely to affect competitive conditions is duly taken into account'. This is factually incorrect. Most of the analysis was undertaken looking at data from 2020 to 2024. Forward-looking developments such as the shift from voice/SMS to data, OTT growth, Wi-Fi offloading, potential MNO entry, potential MVNO entry are only acknowledged, but	The Authority should undertake a forward-looking assessment of the market over the review period, including the shift from voice and SMS to data, OTT growth, Wi-Fi offloading, potential MVNO entry, possible MNO entry, NTN and D2D developments, and the next mobile technology investment cycle. These developments have to be incorporated into the dominance assessment rather than treated as background context.	The Authority acknowledges Digicel's comment regarding the forward-looking nature of the dominance assessment and the consideration of future market developments. The Authority does not consider that the assessment was limited to historical market data and that a forward-looking assessment was unduly conducted. While the analysis relied on observed market trends, such evidence is

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				their implications for the competitive dynamics going forward are not assessed. This omission is particularly important given that Nimble Mobile, an MVNO, has launched mobile voice and data services in Trinidad and Tobago. TATT does not address that development anywhere in its forward-looking analysis. TATT's data documents big changes in the market: voice traffic is declining 8% annually, SMS is declining 18% annually from 2020 to 2022. Mobile data is now the most significant revenue stream. All of these trends should be extrapolated and assessed in the framework. For example, given all of these changes, it is hard to believe that MNOs could identify a clear focal point for coordination and sustain that particular equilibrium. If there is new entry (MNO or MVNO), this would further change the competitive dynamics.		necessary to assess likely future developments and determine whether existing competitive conditions are expected to persist over the relevant period. The Authority considered the key developments identified by Digicel, including the decline of traditional voice and SMS services, the growth of mobile data consumption and the increasing use of OTT services. Regarding changes in consumption patterns, the Authority confirms that the observed shift from traditional voice and SMS services towards data-based services, including OTT applications, was taken into account in its analysis. As explained in Sections 5.2 and 8, the Authority expressly recognised the migration from traditional voice and SMS services towards data-based communications and the increasing role of OTT applications in shaping consumer behaviour.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				OTT services and Wi-Fi offload as alternatives further put a competitive constraint on MNOs.		The Authority considers that these developments do not materially alter the assessment of market power exerted by mobile network operators, given the limited countervailing power from both consumers and alternative service providers. As discussed in Sections 6.3 and 8, although OTT services exert a degree of competitive pressure, the Authority concluded that this pressure remains limited compared with that exerted by infrastructure-based competitors. From a demand-side perspective, despite increased reliance on data-based services (through increased usage of OTT services for example), end-users remain dependent to a significant extent on the offers provided by mobile network operators, as access to mobile network services remains a necessary input for the consumption of such services (an end-user cannot consume an OTT service in mobility without buying the services provided by a mobile network operator).

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						From a supply-side perspective, OTT service providers are also dependent on mobile network operators for the provision of underlying connectivity, which is a necessary condition for the delivery of their services. This reinforces the role of mobile network operators as indispensable in the value chain. In addition, the Authority notes that structural and regulatory barriers to entry remain significant, and no evidence suggests the emergence of new independent entry capable of materially constraining the position of existing operators in the foreseeable future. With respect to observed market outcomes, Figure 3 shows that the decline in voice revenues in 2024 was largely offset by an increase in data revenues, resulting in broadly stable total revenues over the period under review. The Authority considers that this pattern is consistent with the overall assessment of market conditions, despite the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						structural changes in consumption patterns since 2020. Regarding potential entry, the Authority notes that Nimble Mobile was being considered as a sub-brand of an existing mobile network operator. The Authority further notes that potential market developments must be sufficiently likely and significant within the relevant timeframe to be reflected in an ex ante dominance assessment. As previously explained, should the market structure materially change in the future, the Authority may review its conclusions to ensure that they remain consistent with prevailing competitive conditions. Accordingly, the Authority concludes that forward-looking developments were duly taken into account and maintains that its assessment appropriately considered expected market evolution.
9.	**1.6**	**Other Relevant Documents**	Digicel	TATT only lists two relevant documents here: the market definition assessment, and the consumer survey report. We note	Additional documents we believe TATT should consider (and make available to stakeholders):	The Authority acknowledges Digicel's comment regarding the documents cited in Section 1.6 of the Dominance

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				that the consumer survey was commissioned in July 2022 and is now several years old. This casts doubt on the extent to which its results can be relied upon for a forward-looking dominance assessment, particularly given the rapid changes in mobile usage, OTT adoption, Wi-Fi offload, data consumption and the emergence of new technologies (such as D2D) since the survey was conducted.	• The DoR matrix for the market definition consultation • The 2014 RFP for a new entrant and any associated documentation and reasons for not proceeding with any of the three bids received • Any correspondence in relation to the Nimble Mobile MVNO entry or any other attempted mobile entry • Any internal or commissioned analysis on the feasibility of MVNOs (e.g., the entry of Nimble Mobile) These materials are directly relevant because TATT's consultation proceeds as if there has been no meaningful MVNO entry, despite the launch of Nimble Mobile. TATT should disclose whether it considered Nimble Mobile in its assessment and, if not, explain why that entry was excluded.	Assessment. The Authority agrees that the relevant DORs matrix prepared for the market definition exercise may also be listed as a reference. However, the Authority does not agree that documents relating to the 2014 Request for Proposals (RFP) or any correspondence in relation to Nimble Mobile are relevant. The Authority advises that Nimble Mobile was being considered as a sub-brand of an existing mobile network operator. With respect to the Consumer Survey, the Authority acknowledges that the survey was commissioned in 2022 and published in 2023. However, the survey continues to provide relevant evidence of consumer usage, preferences and switching behaviour, which are characteristics that generally evolve more gradually than changes in technology. As such, the Authority considers that the key trends observed in the survey continue to persist and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
					Additionally, TATT should re-run the consumer survey, given the developments in the market since the prior survey.	therefore reflect prevailing consumer behaviour. Furthermore, Digicel is asked to recall Section 5.1 of the assessment which illustrates that the survey findings have been considered alongside a broader set of quantitative and qualitative evidence, including operator data submissions, annual and quarterly market data, pricing information, and other relevant benchmarked statistics or evidence. In addition, Digicel is asked to note Section 9 which states that "where necessary, the report will be reviewed and updated within a period of five to ten years, depending on market conditions or other relevant developments"
10.	**2**	**Legal Basis (Telecommunications Act s.29(8)) and Concession A23**	CCTL	The framework gives TATT quite broad discretion to decide dominance based on market share, pricing power, and other qualitative factors like "market trends" or "other relevant matters." While flexibility is useful, it does leave room for subjective interpretation.	CCTL acknowledges the legitimacy of the statutory framework but recommend that its application be more tightly anchored in demonstrable economic evidence of market power and consumer harm, rather than structural indicators alone.	The Authority acknowledges CCTL's comments regarding the potential for structural characteristics commonly observed in small telecommunications markets to be interpreted as evidence of dominance.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				In a small market like Trinidad and Tobago, there's a risk that normal market structure (e.g., few operators, similar cost bases) could be mistaken for dominance, even where there is strong real-world competition—especially from OTT services. The "joint dominance" concept also raises concern, as it could be applied based on structure rather than clear evidence of coordinated behaviour.	The Authority should provide clearer guidance on how qualitative factors (such as market maturity or barriers to entry) will be weighted in practice to reduce regulatory uncertainty. CCTL also encourages greater reliance on objective, evidence-based thresholds (e.g., market shares, price behaviour, and demand elasticity) and caution against over-reliance on structural market characteristics that may naturally arise in small economies without implying anti-competitive conduct. Finally, CCTL recommends that "joint dominance" assessments be applied carefully, with clear evidence of coordinated behaviour or interdependence, rather than inferred market structure alone.	The Authority wishes to clarify that the applicable framework does not provide unfettered discretion in the assessment of dominance. The analysis is conducted in accordance with the criteria established under section 29(8) of the Act and Condition A23 of the Concession Agreement, which require an assessment of whether an operator enjoys a position of economic strength affording it the ability to behave to an appreciable extent independently of competitors, customers and ultimately consumers. Similarly, the assessment of joint dominance was not based solely on the existence of structural characteristics favourable to coordination. As explained in the report, the Authority also examined the additional conditions necessary for coordinated behaviour, including market transparency, operators' incentives to deviate from the prevailing market outcome and the existence of external competitive constraints.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, the Authority considers that the assessment of dominance and joint dominance is based on a comprehensive and evidence-based analysis (recall Sections 5, 6 and 7) of the specific characteristics of the retail domestic mobile services market and does not rely solely on the structural features of a small telecommunications market.
11.	**2**	**Legal Basis**	Digicel	Legal basis for establishing a (joint) dominance finding In Section 2, TATT outlines the legal basis used to determine individual and joint dominance of an undertaking. TATT cites two legal bases for a determination of dominance: • Section 29(8) of the Telecommunications Act; and • Concession Condition A23(a) and A23(b) of the Concession Agreement Sections 29(8) provides that TATT may determine an undertaking to be dominant "where, individually or jointly with others, it enjoys a position of economic	TATT must ensure its dominance findings are legally grounded and comprehensive. This means: • TATT must fully apply the complete legal criteria for establishing dominance as set out in Section 29(8) of the Telecommunications Act and Conditions A23(a) and A23(b) of the Concession Agreement. This includes rigorously assessing all six factors in Section 29(8) to demonstrate economic strength enabling independent behavior, rather than merely describing them, and properly evaluating joint	The Authority acknowledges Digicel's comment regarding the legal basis for assessing individual and joint dominance, including the application of Section 29(8) of the Telecommunications Act and Condition A23 of the Concession Agreement. The Authority agrees that the ultimate objective of the assessment is to determine whether an operator, individually or jointly with others, enjoys a position of economic strength allowing it to behave to an appreciable extent independently of competitors, customers and ultimately consumers. However, the Authority does not agree

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers." In assessing whether an undertaking is dominant, TATT shall consider six factors: (a) the relevant market, (b) technology and market trends, (c) market share of the provider, (d) the power of the provider to set prices, (e) degree of differentiation, and (f) any other matter deemed relevant. Taken individually, the definition of dominance TATT cites is sound, as are the factors against which this should be assessed. But the key legal requirement is that an undertaking must be shown to "enjoy a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers". The factors listed are only relevant in so far as they are linked to a mechanism that gives rise to a position of dominance. TATT must therefore assess each factor, individually and in the whole, against this criterion to demonstrate why the current market status factor affords the	dominance against these factors. • TATT must not rely on ad-hoc market share thresholds or criteria that do not differentiate dominance from competitive markets, and which have no basis in Trinidad and Tobago.	that its assessment consisted only of describing market characteristics without demonstrating their relevance to the finding of dominance. The Authority assessed the factors identified under Section 29(8) and Condition A23 in light of their impact on competitive dynamics in the relevant market. The analysis examined whether the combination of these factors creates conditions under which operators are able and incentivised to exercise market power, including through an assessment of market structure, barriers to entry, pricing behaviour, margin analysis, innovation, competitive constraints and consumer behaviour. Regarding Condition A23(a), the Authority reiterates that the 150% average market share serves as a threshold for the presumption of dominance but is not the exclusive basis for identifying significant market power. The Concession Agreement provides that dominance may be established

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				undertaking the power to behave independently. It is not sufficient to describe each factor. As we discuss in our response to sections 6 below, TATT's analysis is purely descriptive and does not address how these outcomes give rise to a position of dominance in Trinidad and Tobago. In Section 7, TATT completely fails to assess joint dominance against these factors. Condition A23(a) establishes a market share threshold test to establish dominance. It establishes that an operator may be deemed to exercise significant market power if it serves over 150% of the average market share or that it enjoys a position of economic strength affording it to behave independently of its market context. Concession Condition A23(b) lists nine conditions, of which at least 2 need to be met, for TATT to establish joint dominance. These are: (a) mature market, (b) homogenous products, (c) similar cost structure, (d) similar market shares, (e) lack of technical innovation, (f) absence of excess capacity, (g) lack of potential		where an operator enjoys a position of economic strength affording it the ability to behave independently of competitive constraints. Therefore, the fact that no individual operator exceeds the market share threshold does not prevent the Authority from assessing dominance on the basis of the broader economic criteria established in the regulatory framework. The Authority further clarifies that references to international market share thresholds were not introduced as an alternative legal test and do not replace the framework applicable in Trinidad and Tobago. These references were used only as contextual benchmarks to inform the economic assessment of market power. The Authority's conclusion on the existence of joint dominance is based on a comprehensive assessment comprising 12 distinct findings (see Section 9). The analysis of market shares, including reference to an international threshold of 50% commonly used as a presumption of dominance in other jurisdictions,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				competition, (h) reduced scope for price competition, and (i) high barriers to entry. We have several concerns with regard to the legal basis for dominance set out in Concession Condition A23. Condition A23(a) consists of two parts. On market shares, neither MNO meets the 150% threshold, either under TATT's market definition which includes OTTs, or if the market were deemed to only include the two MNOs. This conclusion also holds regardless of whether market share is measured in terms of subscribers or revenues: • If the market were deemed to be comprised of the two MNOs only, the average market share is 50%. The A23(a) threshold of 150% of the average market share is therefore 75% actual market share. Neither operator is close to that threshold. • As TATT's market definition includes OTTs, it will need to develop a market share definition that includes OTT providers who		constitutes only one element of this overall assessment. Accordingly, market share evidence must be interpreted in the context of the full set of qualitative and quantitative factors considered by the Authority, which collectively underpin the conclusions reached. Regarding OTT services, the Authority does not consider that their inclusion in the relevant market requires assigning market shares in the same manner as mobile network operators. As previously explained, OTT services were recognised as partial or imperfect substitutes for certain services, particularly voice and messaging. However, the dominance assessment considered the strength of the constraint they exert and concluded that OTT providers do not exercise sufficient competitive pressure to prevent the exercise of market power, particularly given their dependence on underlying connectivity services. Digicel is also asked to consider that many OTT call services remain zero-rated and as such

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				provide services at zero cost to consumers. If the Analysys Mason figure quoted by TATT (97% of all direct messaging / voice is OTT) broadly applies to Trinidad and Tobago, then a market share definition that includes OTT adequately would find significantly lower shares for the two MNOs – perhaps even within the safe harbour rules of Concession Condition A23(b) of 15%. TATT acknowledges the fact that neither Digicel nor the other MNO meets the required market share threshold to be deemed dominant individually. We are therefore deeply concerned by the fact that TATT appears to ignore this reality, and instead arbitrarily introduces a 50% threshold based on "commonly referenced" international practice that has no legal basis in Trinidad and Tobago. Given that neither operator meets the market share threshold, TATT must		market share calculations premised on mobile subscriptions revenues will remain unchanged if OTT services were included. With respect to Condition A23(b), the Authority agrees that individual criteria such as market maturity, similar cost structures or product similarities may also exist in competitive markets. For this reason, the Authority did not apply these criteria as a mechanical checklist whereby the presence of two factors automatically results in a finding of joint dominance. Rather, the Authority assessed whether these characteristics, when considered together, create conditions conducive to joint dominance. The assessment therefore considered not only the presence of these factors, but also whether they support the ability and incentives for operators to maintain market outcomes that are not consistent with effective competition.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				demonstrate that one or both MNOs enjoy a position of economic strength affording them the ability to behave independently of their market context to be deemed dominant. As we discuss in our response to sections 6 and 7 below, TATT's analysis fails to demonstrate that this condition holds. Second, the criteria set out in Concession Condition A23(b) are not adequate to determine whether an operator is dominant as they are not capable of differentiating a perfectly competitive market from one with a dominant player. Many competitive markets exhibit more than two of the characteristics listed above. For example, consider the market for a dairy product such as milk. This is a mature market in which firms supply broadly homogenous products under similar cost structures. Under TATT's criteria, single milk producers could be deemed to be dominant when applying these criteria. Overall, many markets are mature and have homogenous products with firms operating under similar cost		Accordingly, the Authority does not agree with Digicel's position that the statutory requirements under Section 29(8) and Condition A23 have not been satisfied. The Authority maintains that its conclusions are based on the applicable legal framework and a comprehensive assessment of whether the identified market characteristics collectively result in a position of economic strength.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				structures. Therefore, Concession Condition A23(b) cannot, by itself, establish joint dominance unless the Authority also demonstrates that the relevant market conditions give rise to a position of economic strength and a sustainable mechanism of coordinated conduct. Last, Concession Condition A23(b) refers to dominance exercised individually or jointly with others. However, the listed conditions cannot be applied mechanically. They must be read consistently with the statutory test in section 29(8), namely whether an undertaking enjoys a position of economic strength allowing it to behave to an appreciable extent independently of competitors, customers and consumers. The Authority must therefore show how the relevant factors establish economic strength and independence, rather than treating the presence of two listed conditions as sufficient.		
12.	**2**	**Legal Basis**	Digicel	Definition of market shares.	TATT must apply its adopted market definition consistently throughout the	The Authority acknowledges Digicel's comment regarding the calculation of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Concession Condition A23(a) of the concession identified a market share threshold test as one necessary component required to establish dominance. For TATT to make a determination on this basis, it will need to construct market shares for the relevant market as it has defined it. Specifically, this means including OTT services. TATT's market definition means MNOs cannot have a combined market shared of 100% with OTTs having a 0% share. The pure revenue-based or MNO-subscriber based market share definition are inadequate to reflect the significance of OTT services in the market and the competitive constraint they impose on MNOs. TATT cites a paper by Analysys Mason in Section 5.2.1 which highlights that OTT account for 97% of total peer-to-peer mobile messaging traffic worldwide. If this is reflective of the situation in Trinidad and Tobago, then OTTs play a substantial role in the market which should be reflected in the market share definition that TATT applies.	dominance assessment. Since TATT found that OTT voice and messaging services are partial demand-side substitutes for traditional mobile voice and messaging on a call or usage basis, it must quantify the competitive constraint imposed by OTT services rather than treating the relevant market as if it consists only of the two MNOs. This may require an OTT-inclusive market share measure or, where conventional revenue-based market shares are unsuitable because OTT services are often supplied at a zero monetary price, alternative measures such as usage shares, traffic shares, or changes in voice and SMS usage. If TATT cannot construct a reliable OTT-inclusive measure, it should not rely on MNO-only subscriber or revenue shares as if they captured the competitive conditions in the relevant market. Any measure adopted should be used consistently throughout the assessment.	market shares and the treatment of OTT services within the relevant market. While OTT providers exert a degree of competitive pressure on certain retail mobile services, this does not render their inclusion in market share calculations either necessary or methodologically appropriate in the present context. Market shares are instruments for measuring structural market power across the full scope of the relevant market. The relevant market, in this case the retail mobile services, includes mobile data connectivity as a central component, a service which OTTs cannot supply and for which they are themselves dependent on MNO infrastructure. Including OTTs in market share calculations would therefore misrepresent the competitive structure of the market as a whole. Moreover, OTTs operate under zero-price or advertising-funded models that

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						are incompatible with the revenue or subscription-based metrics on which market shares are conventionally computed. Additionally, the use of OTT services over mobile data networks complements mobile voice and data services subscriptions, thus holding the potential to enhance associated revenues. However, the Authority accepts and Sections 3.2 and 8 of the mobile dominance assessment recognises that OTT services are imperfect and partial demand side substitutes on a call or usage basis for traditional telephony services. Furthermore, the Authority takes into account the evolving telecommunications landscape in which traditional telephony services (for example pay-as-you-go (PAYG) tariffs) are being withdrawn from operator's portfolio of services.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The competitive constraint exerted by OTTs is therefore more appropriately addressed at the stage of market power assessment, as a qualitative factor bearing on whether MNO market shares translate into the ability to act independently of competitive pressure, not as a quantitative input into share calculations themselves. The Authority recalls that market shares were not assessed in isolation. The dominance assessment considered the competitive pressure exerted by OTT services separately, together with other indicators including market structure, barriers to entry, pricing behaviour and operators' ability to act independently of competitive constraints. Accordingly, the Authority considers that market shares are appropriately calculated on the basis of mobile network operators.
13.	**2**	**Legal Basis**	TSTT	TSTT agrees that section 29(8) of the Act and A23 of the Concession are relevant to the dominance assessment. However, the	TSTT recommends that TATT revise the Legal Basis section and all related substantive findings to make clear	The Authority acknowledges TSTT's comments regarding the relationship between the statutory test for dominance

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				subsequent analysis should more clearly distinguish between the legal test for dominance and the market characteristics that may be relevant to that assessment. The legal test is not whether the market is concentrated, mature, or difficult to enter. Those matters may be relevant indicators, but they are not substitutes for the statutory inquiry. The central question remains whether an operator, individually or jointly with others, enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers. In addition, A23 of the Concession contains a specific market-share presumption expressed by reference to 150% of the average market share. In a two-operator market, this would translate into a 75% threshold. TATT's own analysis indicates that neither operator appears to satisfy that threshold. While this does not preclude TATT from considering other factors under section	that section 29(8) of the Act remains the governing statutory test for dominance. Market characteristics such as concentration, maturity, similar market shares, similarity of services, barriers to entry, or reduced scope for price competition may be relevant indicators, but they are not themselves proof of dominance and should not be treated as substitutes for the required statutory assessment. TATT should expressly demonstrate, at each stage of the analysis, how the evidence relied upon supports the conclusion that an operator, individually or jointly with others, enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers, and ultimately consumers. Where TATT relies on general market characteristics, it should explain why those characteristics evidence actual market power in this market, rather than merely reflecting ordinary	and the market characteristics considered as part of the assessment. The Authority agrees that the ultimate legal question under section 29(8) of the Act and Condition A23 of the Concession Agreement is whether an operator, individually or jointly with others, enjoys a position of economic strength affording it the ability to behave to an appreciable extent independently of competitors, customers and ultimately consumers. The Authority wishes to clarify that market characteristics such as market shares, barriers to entry, market maturity, pricing behaviour, product differentiation, or the degree of competitive constraints were not considered as substitutes for this statutory test. Rather, these factors constitute the analytical framework through which the statutory test is applied. The assessment of whether an operator possesses sufficient economic strength necessarily requires an

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				29(8) of the Act or A23 of the Concession, it should materially affect the weight placed on market share as evidence of dominance. Accordingly, international thresholds, such as the 50% threshold referenced in EU and other jurisdictions, may be informative, but should not be treated as displacing the domestic framework or reducing the evidentiary importance of the A23 market-share presumption. Where the domestic market-share presumption is not triggered, any finding of dominance must be supported by a clear and evidence-based assessment of whether the statutory economic-strength test is satisfied.	features of a two-operator mobile market, market maturity, regulatory constraints, or rational competitive responses to similar cost and demand conditions. TATT should also clarify the relationship between the domestic A23 market-share presumption and the international market-share thresholds referenced in the document. Where the domestic 150% of average market share threshold is not satisfied, TATT should expressly acknowledge that the market-share presumption under A23(a)(i) has not been triggered. In a two-operator market, this threshold would translate into 75%, and TATT's own analysis indicates that neither operator satisfies it. While this does not preclude TATT from considering other factors under section 29(8) of the Act or A23 of the Concession, it should materially affect the weight placed on market share as evidence of dominance.	examination of the market conditions that determine the ability of operators to act independently of competitive pressures. Regarding the market share threshold established under Condition A23(a), the Authority reiterates that this provision provides that: "Any concessionaire which: (i) serves over one hundred and fifty per cent (150%) of its Average Market Share in any market set out in this condition or defined by the Authority from time to time; or (ii) enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers [...]". Therefore, the fact that an operator does not meet the 150% average market share threshold does not, in itself, establish the absence of dominance. It only indicates that the market share presumption under Condition A23(a)(i) is not triggered.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
					While international thresholds may be informative, they should not be applied in a manner that effectively lowers the domestic threshold or reduces the evidentiary significance of the A23 market-share presumption. If TATT seeks to rely on international 50% thresholds, it should clearly explain the legal and evidential basis for doing so within the domestic statutory and concession-based framework, and should avoid treating those thresholds as equivalent to the domestic presumption. Accordingly, any finding of single or joint dominance must rest on a clear, evidence-based, and market-specific assessment of the statutory economic-strength test. TATT should therefore revisit any subsequent conclusions that depend primarily on concentration, symmetry, maturity, barriers to entry, price movements, or parallel market outcomes, and should demonstrate why those factors	This point was expressly acknowledged in Section 6.1.3 of the report, which states: "1. Neither operator seems to hold over 150% of its average market share. Consequently, the condition set out in A23(a)(i) (i.e., market share) of the Concession Agreement concerning the presumption of dominance does not appear to be satisfied. 2. Both operators maintain market shares close to or exceeding 50%. As such, they are both very close to the threshold commonly associated with a presumption of dominance under the international framework (European Union, United Kingdom or Barbados)." The Authority therefore expressly acknowledged that the market-share presumption established under Condition A23(a)(i) was not triggered and did not treat international thresholds

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
					establish the ability to act independently of competitive constraints rather than merely suggesting a market structure that warrants further review.	as a substitute for the domestic framework. Consequently, the Authority proceeded to assess whether the alternative criterion under Condition A23(a)(ii) and section 29(8) of the Act was met by considering a broader range of relevant economic indicators. The Authority also acknowledges TSTT's comment regarding the reference to international market share thresholds. The Authority clarifies that these thresholds were not intended to replace or modify the domestic framework, nor were they treated as an alternative legal presumption of dominance. They were included solely as contextual references to ensure consistency between the Authority's analytical approach and approaches observed in other jurisdictions. The Authority further notes that its conclusions were not based solely on general characteristics commonly

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						associated with two-operator markets. While factors such as concentration or market maturity provide relevant context, the assessment relied on market-specific evidence relating to Trinidad and Tobago, including quantitative and qualitative indicators concerning market evolution, pricing trends, profit margins, investment, consumer behaviour, barriers to entry and competitive constraints. These factors collectively illustrate the ability of domestic mobile telephony operators to act independently of consumers. Accordingly, the Authority maintains that the assessment remained grounded in the applicable statutory framework. The market characteristics considered throughout the analysis were not treated as independent proof of dominance, but rather as evidence used to determine whether the statutory economic-strength test was satisfied in the specific circumstances of the retail domestic mobile services market.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Based on the information collected from the relevant operators and reviewed from other empirical sources, the Authority's conclusion that both operators are designated as holding joint dominance satisfies international standards (including the European Commission) and exceeds domestic legislative requirements (pursuant to the Act and operators' Concession Agreement).
14.	**3**	**Overview of the Definition of the Relevant Market**	Digicel	Section 3 concerns market definition. Section 3.1 describes TATT's methodology to define the relevant market and Section 3.2 describes TATT's conclusion on the delimitation of the relevant market. We are aware that the market definition was part of a separate process. Nevertheless, we highlight below our concerns with the approach taken and conclusions reached. In the main, these regard the inconsistent treatment of OTTs.	The Authority should apply its adopted market definition consistently throughout the dominance assessment. Since OTT voice, messaging and video call services form part of the relevant market on a call or usage basis, including where accessed through mobile data, fixed networks and public Wi-Fi, the Authority should quantify the constraint from those services when assessing dominance.	Please refer to the Authority's response to Digicel's comments on Section 2 (items no. 11 and 12) In summary, regarding OTT services the Authority does not consider that their inclusion in the relevant market requires assigning market shares in the same manner as mobile network operators. As previously explained, OTT services were recognised as imperfect and only partial substitutes for certain services, particularly voice and messaging. However, the dominance assessment considered the strength of the constraint they exert and concluded that OTT

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						providers do not exercise sufficient competitive pressure to prevent the exercise of market power, particularly given their dependence on underlying connectivity services. Digicel is also asked to consider that OTT services remain zero rated and as such, market share calculations premised on revenue will remain unchanged if OTT services were to be added/included. Furthermore, OTTs operate under zero-price or advertising-funded models that are incompatible with the revenue or subscription-based metrics on which market shares are conventionally computed. While OTT providers exert a degree of competitive pressure on certain retail mobile services, this does not render their inclusion in market share calculations either necessary or methodologically appropriate in the present context.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Additionally, Digicel is asked to recall that market shares are instruments for measuring structural market power across the full scope of the relevant market. The relevant market, in this case the retail mobile services, includes mobile data connectivity as a central component, a service which OTTs cannot supply and for which they are themselves dependent on MNO infrastructure. Including OTTs in market share calculations would therefore misrepresent the competitive structure of the market as a whole.
15.	**3.1**	**Methodological Approach**	CCTL	The methodology broadly aligns with accepted EU-style competition practice, including the SSNIP framework and substitution analysis. However, it appears strongly centred on mobile consumer behaviour, with limited reflection of the role fixed broadband infrastructure plays in enabling OTT services which perform as credible substitutes in the mobile market. From a CCTL perspective, while the approach is methodologically sound, there	CCTL acknowledges the methodological soundness but recommends clearer separation between mobile retail market findings and any potential spillover implications for fixed networks. The Authority should ensure that SSNIP and substitution analysis properly accounts for fixed broadband as an enabling infrastructure layer rather than simply treating it as an excluded substitute.	The Authority thanks CCTL for its comments and acknowledges the observations regarding the increasingly important role of fixed broadband infrastructure in enabling the use of OTT services. Fixed broadband networks, including Wi-Fi connectivity, play a role in facilitating access to OTT communications services and therefore form part of the broader competitive environment in which mobile service

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				is a risk that reliance on survey responses and operator submissions does not fully capture deeper structural differences between fixed and mobile networks. These include differences in cost structures, investment cycles, and long-term capacity planning. As a result, care is needed in how far mobile-only conclusions are extended, particularly where fixed infrastructure underpins much of the observed OTT substitution.	Greater transparency is also needed on how survey data influenced substitution conclusions, particularly around OTT usage, to ensure results are not overly consumer-perception driven without sufficient economic validation. Therefore, it is important that revealed preference as opposed to stated preference information is used to determine actual substitution.	providers operate. This aspect was considered in the assessment, notably through the analysis of OTT substitution and consumer behaviour, including the extent to which consumers may switch communications usage from traditional mobile voice and messaging services to OTT applications. The Authority also recognises that fixed and mobile networks exhibit different economic characteristics, including differences in cost structures, investment cycles and long-term capacity planning. However, the objective of the present assessment is to examine competitive conditions within the relevant market of retail domestic mobile services as defined by the Authority. Accordingly, in coherence with the applicable legal framework, the conclusions reached in the report are specific to that market and are not intended to be extended to, or prejudge, the competitive assessment of fixed telecommunications markets.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority further notes that the assessment was not based solely on consumer surveys or operator submissions. These sources of information were considered alongside a broader set of quantitative and qualitative evidence, including market data, pricing information, network characteristics, investment indicators and competitive developments. The use of survey evidence was intended to complement, rather than replace, the broader economic assessment of market conditions. Notwithstanding, the Authority remains open to receiving additional data on OTT service usage from fixed and mobile telephony service providers.
16.	**Section 3.1.1**	**Product Market Definition**	CCTL	The exclusion of fixed voice and fixed data services from the relevant market is understandable from a narrow mobile competition lens, but the reasoning relies heavily on differences in service delivery and usage patterns rather than full economic substitutability analysis. At the same time, OTT services are included in	CCTL supports recognition of OTT substitution but recommends a more balanced treatment of underlying infrastructure dependencies. The Authority should clarify that inclusion of OTT services in the mobile market does not imply substitution away from fixed	The Authority thanks CCTL for its comments. The Authority notes that the observations raised relate primarily to the market definition exercise, including

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				the same market as traditional mobile services, which effectively blends platform-based services with network-based services. From CCTL's perspective, this creates an asymmetry: fixed services are excluded due to technical differences, while OTT services are included due to functional similarity—even though OTT services depend heavily on fixed broadband infrastructure. This could unintentionally understate the competitive importance of fixed networks in enabling OTT substitution.	broadband as a critical access platform. It should also explicitly recognise that fixed broadband is a key enabler of OTT competition and therefore plays an indirect but material role in constraining mobile pricing.	the treatment of fixed services and OTT services within the relevant market. The Authority acknowledges in Section 6.3 of the mobile dominance assessment the competitive constraint posed through OTT services accessed over fixed Wi-Fi networks either private or public. As such, the Authority accepts that OTT services provide some degree of substitutability for traditional voice and messaging services on a call or usage basis. Accordingly, the present consultation does not revisit the conclusions reached regarding the boundaries of the relevant market or the inclusion and exclusion of specific services. Finally, the Authority notes that the conclusions reached in the dominance assessment are specific to the retail domestic mobile services market and are not intended to be extended to, or prejudge, the competitive assessment of fixed telecommunications markets.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority will assess the impact of OTT services on the fixed telephony and broadband markets separately and anticipates the receipt of complete datasets from stakeholders.
17.	**3.1.1**	**The Product Market Definition**	Digicel	Section 3.1.1 outlines the approach taken to defining the relevant product market. Market definition is a critical first step in assessing whether an operator may be deemed to hold a dominant position. TATT introduces the SSNIP test to establish the relevant product market. On the basis of the SSNIP test and other qualitative evidence, TATT concludes that fixed services are not within the relevant market scope, and that OTT voice and messaging services are. While the approach described to market definition is sensible in theory, TATT has not provided any quantitative results associated with the tests it ran nor any insight into what qualitative factors were considered and how. We previously highlighted many of our concerns in response to TATT's consultation on the	Any forward-looking market definition discussion should address whether new technologies (D2D and NTN), Wi-Fi offload and new entry are likely to alter competitive constraints during the review period. If the Authority wishes to depart from its current market definition, it should do so through a new market definition process.	The Authority defined the relevant market as the market for retail domestic mobile telephony services in its decision entitled: "Determination: Retail Domestic Mobile Telephony Market Definition" of May 2024 (Decision No. 2/10/02). The trends observed within the domestic mobile telephony market definition assessment including emerging technologies, fixed-to-mobile substitutability, Wi-Fi offloading and OTTs have continued to persist which, reinforces the stability of the conclusions and boundaries determined within said assessment. Furthermore, the Authority acknowledges in Section 6.3 of the mobile dominance assessment the competitive constraint posed through OTT services accessed over fixed Wi-Fi networks either private or public and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Determination: Retail Domestic Mobile Telephony Market Definition.[5] We therefore focus our comments on TATT's conclusions, rather than its approach. We broadly agree with TATT that fixed services should be excluded from the scope of the relevant market. As TATT observes, there are significant price and non-price differences between mobile and fixed services that limit the substitutability between fixed and mobile services. However, this conclusion is increasingly being challenged as mobile networks improve and challenge fixed networks. The concept of 'fixed-mobile convergence' will bring closer integration between fixed and mobile networks. At the same time, there is evidence that consumers are switching from fixed to mobile networks for connectivity at home as mobile network performance improves. Recent data published in a CTIA report confirms this trend is taking hold in the		accepts that OTT services provide some degree of substitutability for traditional voice and messaging services on a call or usage basis. It is important to note that the Authority specified in its assessment that "the report will be reviewed and updated within a period of five to ten years, depending on market conditions or other relevant developments" including substantial changes to the market structure.

[5] https://tatt.org.tt/wp-content/uploads/2023/05/Appendix-2-Mobile-Market-Definition-DORS-Redacted-23rd-November-2021.pdf

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				United States, where FWA net adds are positive, whereas fixed broadband net adds are negative for Q4 2024.[6] It is important that TATT adopts a forward-looking view to market definition and consider these issues. Indeed, the European Commission's SMP Guidelines state that a "dynamic rather than a static approach is required when carrying out a prospective, or forward-looking, market analysis" when defining the relevant market. We also agree that there exists partial demand-side substitutability between traditional and OTT voice and messaging services. On this basis, it is reasonable to include OTT providers in the relevant market scope. But, as we discuss in further detail below, TATT's treatment of the market and market shares is inconsistent with the conclusion it reaches here with regards to OTTs. In particular, it has not established a methodology to estimate		

[6] https://www.ctia.org/news/5g-home-broadband-continues-to-bring-real-competition-to-cable

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				OTT market shares or provided a satisfactory explanation as to why OTTs do not exert a competitive pressure over Digicel and the other MNO, despite the fact that these services have enjoyed strong uptake in Trinidad and Tobago at the expense of traditional services. We discuss the latter in our response to Section 8 below.		
18.	**3.1.2**	**Customer Segmentation**	CCTL	The decision to treat all customer segments (prepaid, postpaid, residential, business) as a single market is pragmatic, but it may oversimplify real differences in usage patterns, pricing sensitivity, and contract structures. For a fixed operator with exposure to enterprise and wholesale markets, this broad grouping risks masking meaningful segmentation effects—especially in business connectivity and high-value enterprise services.	CCTL accepts the consolidated segmentation approach for simplicity but recommend that future analysis separately assess enterprise-grade services and wholesale connectivity where fixed operators play a more direct and structurally different role. The Authority should ensure that aggregation does not obscure material differences in demand elasticity and service substitutability across customer groups.	The Authority thanks CCTL for its comments regarding the treatment of different customer segments. CCTL is asked to recall that the relevant market as defined by the Authority excludes large enterprise customers, for whom operators provide bespoke offers. Recall Retail Domestic Mobile Telephony Market Definition and DORs (Final-Determination-Retail-Domestic-Mobile-Telephony-Market-Definition.pdf). As such the Authority considers that material differences in demand elasticity and service substitutability may exist in separate customer groups especially enterprise grade services segment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						However, it is possible that small and medium enterprises (SMEs) will have needs more similar to those of residential users than of large enterprises. Large multinational firms, on the other hand, typically have more complex and often bespoke needs. In the case of mobile services, for example, a potential special requirement for larger business users might be being able to communicate within a closed user group (CUG). The Authority in considering this distinction excludes large corporate enterprise from this Determination. Based on the evidence collected from concessionaires in this Dominance Assessment on customer usage patterns, tariffs, technology and profit margins (for the period 2021 to 2025), the Authority considers that the trends in customer demand continue to persist and have not reversed which therefore substantiate the conclusions of the relevant market.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
19.	**3.1.2**	**Customer Segmentation**	Digicel	Section 3.1.2 outlines the approach taken to defining the relevant customer segment. TATT considers both demand- and supply-side substitutability in making its assessment. Although we broadly agree with the approach taken and the conclusion that a finer market segmentation is not required, we disagree that the relevant market should exclude large enterprise customers (see footnote 13). These customers represent a key market segment and are an important source of revenue for Digicel and other MNOs. As a result, MNOs compete fiercely for their business. Excluding them would be inconsistent with market reality.	The Authority should either include enterprise customers within the relevant customer segment or explain, with evidence, why excluding them does not affect the assessment.	Please refer to the Authority's response to Digicel's comments on Section 3.1.1. Specifically Digicel is asked to recall that the Authority defined the relevant market as the market for retail domestic mobile telephony services in its decision entitled: "Determination: Retail Domestic Mobile Telephony Market Definition" of May 2024 (Decision No. 2/10/02). In accordance with the findings of this assessment, these trends, observed within the domestic mobile telephony market definition assessment including emerging technologies, fixed-to-mobile substitutability, Wi-Fi offloading and OTTs, have continued to persist, which, reinforces the stability of the conclusions made and boundaries defined, at the internationally accepted first phase of market assessments of this nature.
20.	**3.1.3**	**Geographic Market Definition**	CCTL	The assumption of a national market is consistent with international practice and is generally reasonable given nationwide licensing and pricing structures. However,	CCTL generally supports a national market definition but recommends acknowledgment that cost and infrastructure differences across	The Authority thanks CCTL for its comments.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				it does not fully account for infrastructure asymmetries, especially between densely populated urban areas and less commercially viable rural zones where fixed network economics differ.	geographic areas may still influence competitive conditions, even if pricing is nationally uniform. This is particularly relevant for fixed operators where deployment costs and ROI vary significantly by geography.	The observations regarding potential infrastructure asymmetries between urban and rural areas has been addressed at the geographic market definition exercise, which was conducted separately and does not form part of the scope of the present consultation. Notwithstanding, CCTL is asked to recall the ITU Guidelines on ICT Market analysis and determination of dominance which posits that "the geographic scope of the relevant market is generally determined with reference to the area covered by a network and the existence of legal and other regulatory instruments such as the licence terms. In keeping with the terms of Concessions granted by the Authority for the operation of public telecommunications networks and or provision of telecommunications services and in absence of evidence on offsetting supply and demand factors, the geographic boundary for Retail Domestic Mobile Telephony services is consistent with international standards. Further, within the scope of telecommunications regulation, the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Authority notes pursuant to the ITU Guidelines, that there is still a general propensity to define markets as national, unless there are demonstrable regional variations in supply or demand. The Authority welcomes any data on cost disparities from CCTL which may assist in future assessments in markets within which CCTL operates. The present consultation is limited to the assessment of dominance within the relevant retail domestic mobile services market as previously defined by the Authority and does not revisit the conclusions reached regarding the geographic scope of the market. Accordingly, the present dominance assessment proceeds on the basis of the relevant geographic market as previously established, based on international standards and does not seek to reassess the appropriateness of a national market definition given existing market trends and data presently available to the Authority.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
21.	**3.1.3**	**Geographic Market Definition**	Digicel	Section 3.1.3 defines the geographic market. We agree with TATT's conclusion that the relevant geographic scope is the national market. However, TATT should not ignore the fact that MNOs do compete on a national level. This results in differences in terms of network build out and retail outlet placement at the regional level. For example, Bmobile is the only MNO with a retail outlet in Rio Claro and in Port of Spain, where it has 8 locations, whereas Digicel has none.[7] There are also regional network differentiation to an extent. However, other factors such as optimization, topography and co-location arrangements have resulted in some overlapping areas for network infrastructure.	The Authority should consider regional differences in network deployment, retail presence and service quality as evidence of competitive differentiation within a national market.	Please refer to the Authority's response to Digicel's comments on Section 3.1.1 (item no. 17) and 20. In summary the geographic boundary upon which the present dominance assessment is based remains consistent with international standards and is considered appropriately established as national given existing market trends and data presently available to the Authority. The Authority remains open to receiving data on cost disparities from Digicel which may assist in future assessments in the markets within which Digicel operates.
22.	**3.2**	**Defined Relevant Market**	CCTL	The final market definition is very broad, combining mobile voice, SMS, data, and OTT services into a single national retail mobile market. While this reflects convergence trends, it significantly expands the scope of what is considered	CCTL accepts the convergence rationale but recommend clear boundaries on regulatory interpretation. The Authority should explicitly state that this definition is for mobile retail dominance	The Authority thanks CCTL for its comments. The observations raised regarding the breadth of the relevant market and the inclusion of different services within a

[7] https://bmobile.co.tt/stores/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				"mobile competition." From a CCTL standpoint, the concern is that this expansive definition may blur boundaries between traditional telecom services and digital platform services, potentially overstating substitution effects while under-recognising infrastructure-based competition. There is also a risk that this framing could influence future regulatory thinking beyond the mobile sector.	assessment only and does not redefine fixed broadband markets or broader electronic communications markets. Future reviews should consider separating infrastructure-based services (fixed/mobile networks) from application-layer services (OTT platforms) to avoid regulatory overreach and ensure more precise competition analysis.	single national retail domestic mobile services market is noted and was addressed. To summarise the Determination of the Relevant Retail Domestic Mobile Telephony services Market Boundary and more specifically treatment of OTT services was premised on domestic mobile market customer survey and the conducting of the SSNIP test), which indicated that, when faced with a of 5% to 10% increase in the price of their fixed line service, 25% of customers would do nothing; 15% would make fewer calls, while 6.7% of respondents would use OTT calls or messaging instead and illustrates that subscribers to mobile telephony services view OTT services as substitutes for mobile voice and messaging services on a call or usage basis. The Authority considers that the market boundary for Retail Domestic Mobile Telephony Services is appropriately established given existing market trends and data presently available to the Authority. The Authority will continue

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						to monitor the market and review this position, as the market progresses or as the need arises. The conclusions reached in the present assessment are specific to the retail domestic mobile services market and should not be interpreted as extending to other telecommunications markets or prejudging future regulatory assessments.
23.	**3.2**	**The Defined Relevant Market**	Digicel	Section 3.2 summarizes the results of TATT's May 2024 market definition decision (No. 2/10/02). We re-iterate our concerns with this finding: • **The process was premature**: TATT appears to have used the market definition exercise as a precursor to ex-ante price regulation without first establishing market failure, anti-competitive pricing, or a case of dominance. • **The pricing evidence was flawed**: TATT relied on nominal price changes and headline prices,		Please refer to the Authority's response to Digicel's comments on Section 3.1.1 and item 20 and 22. The Authority further clarifies that the relevant market is a necessary preliminary step before assessing the existence of market power. The Authority considers that the present market boundary for Retail Domestic Mobile Telephony Services is appropriately established given existing market trends and data presently available to the Authority.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				which do not reflect changes in plan structure, allowances, usage, realised prices, inflation, or value for money. Moreover, the source of data used by TATT was not clear. TATT has continued to analyse prices on a flawed basis in this consultation. • **TATT understated OTT substitution**: TATT failed to give proper weight to evidence that consumers use OTT voice and messaging as substitutes for traditional mobile voice and SMS. An alternative product or service does not need to be a full or complete substitute in order to exert competitive pressure. • **TATT applied the wrong SSNIP benchmark**: TATT focused on whether customers would abandon their entire mobile plan, rather than whether sufficient voice and messaging usage would switch to OTT services to make a price increase unprofitable.		In any event, the Authority notes that the factors identified by Digicel, including the evolution of prices, changes in usage patterns, the decline of traditional voice and SMS services, growth in data consumption, and the role of OTT services, were considered as part of the dominance assessment. These developments are analysed throughout the report, notably in Section 5.2 (market trends), Section 6.3 (competitive constraints) and Section 8 (the competitive role of OTT services). Accordingly, the Authority considers that Digicel's comments do not alter the scope or conclusions of the present dominance assessment. Notwithstanding, the Authority will continue to monitor the market and review this position, as the market progresses or as the need arises and welcomes data on OTT service usage by subscribers from Digicel which may assist in future assessments in the markets within which Digicel operates.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				• **TATT treated OTTs too narrowly as complements**: OTT services are not just complements to mobile access, but substitutes for traditional voice and SMS, including where accessed through mobile data, fixed broadband or Wi-Fi. • **TATT overstated OTT disadvantages**: TATT overstated limitations of OTT services and failed to give sufficient weight to evidence on OTT usage, quality, convenience and Wi-Fi-based use. **TATT misread traffic trends**: TATT suggested that mobile calling and SMS volumes were broadly stable, despite evidence of declining mobile voice and SMS volumes and growing OTT usage.		
24.	**4.**	**General Principles of the Dominance Assessment**	CCTL	The framework generally follows international telecom regulatory practice. However, some of the structural characteristics identified (high concentration, high barriers to entry, similar cost structures) are common features of small telecom markets like	Clarify that structural market conditions alone should not be sufficient condition, criteria to establish dominance. This conclusion should only be reach with evidence of actual market power abuse or harm to competition.	The Authority is aware that characteristics such as high concentration, barriers to entry and similar cost structures are common features of many small telecommunications markets and do not, in themselves, establish dominance.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Trinidad and Tobago and do not automatically indicate dominance.		For this reason, these factors were not treated as standalone evidence of dominance but were considered alongside a broader range of market indicators and competitive conditions in accordance with the Act and the Concession Agreement.
25.	**4.1**	**Methodological Approach to Designating Dominant Operators**	CCTL	The methodology outlines a broad range of factors but does not explain how these factors will be weighted or assessed in practice	Provide clearer guidance on the evidentiary standards and weighting of the assessment criteria.	The Authority acknowledges CCTL's comment regarding the weighting of the various factors considered in the assessment. The Authority notes that the purpose of Section 4.1 is to identify and describe the criteria recognised under the national and international regulatory framework as relevant to the assessment of dominance. The inclusion of a criterion in this section does not imply that it is necessarily satisfied in the present case, nor that a finding of single or joint dominance requires all listed criteria to be met. Rather, the section is intended to provide transparency regarding the analytical framework applied by the Authority and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the factors that may be considered when assessing market power. The determination of dominance is based on an overall assessment of the relevant market characteristics and competitive conditions, taking into account the evidence available for each criterion in the context of the assessment as a whole. The Authority notes that no single criterion is determinative in a dominance assessment. Consistent with international practice, the assessment is based on a case-by-case evaluation of all relevant factors and the weight attributed to each criterion depends on the specific circumstances of the market under consideration. Accordingly, the analysis relies on a holistic assessment of the evidence rather than on a predetermined weighting of individual indicators.
26.	**4.1**	**Methodological Approach to Designating**	TSTT	The first paragraph of this section reads: "Should the Authority's assessment reveal that no operator possesses the ability to act independently of competitive pressures,	TSTT recommends that TATT amend this paragraph to state "Should the Authority's assessment reveal that no operator possesses the ability to act	TSTT's comments on the methodological approach used to designate dominant operators are acknowledged. TSTT is advised that the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Dominant Operators		nor to leverage its position in a manner that distorts fair competition to the detriment of both rival operators and end-users, the Authority may determine that no operator holds a position of dominance in the relevant market." This appears to suggest that TATT can conclude that no dominance exists only if **both** of the following are absent: • the ability to act independently of competitive pressures; and • the ability to distort competition to the detriment of rivals and consumers. In international practice, which TATT purports to follow, the core test of dominance is the ability to act independently of competitive constraints. Accordingly, if an operator cannot act independently of competitive pressures, that should already be sufficient to conclude that no dominance exists. There should be no need to additionally show that it cannot distort competition.	independently of competitive pressures from competitors, customers, and potential entrants, the Authority may determine that no operator holds a position of dominance in the relevant market." Alternatively, more in line with standard formulations [as well as what the Authority should practically be undertaking in this proceeding], TATT could remove this paragraph and instead rely on the content of the second paragraph which states the Authority may determine that an operator is dominant where, individually or jointly with others, it possesses the ability to act to an appreciable extent independently of competitive pressures from competitors, customers, and potential entrants.	Authority's process for designating operator(s) as dominant is in keeping with international standards including European Union Competition Law and, Organization of Economic Coordination (OECD) and moreover, is aligned to the Authority's legislative framework. The Authority, however, will revise its statement based on TSTT's suggestion as it effectively distills the approach used by the Authority and neither contradicts the process adopted or conclusions derived within the Determination.
27.	**4.1.1**	**Single Dominance**	CCTL	While the Authority's approach to assessing single dominance is generally	The Authority should adopt a balanced and evidence-based	The Authority acknowledges CCTL's comments and agrees that several of the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		(including Criteria 1–14)		aligned with international regulatory practice, the framework places significant emphasis on structural indicators that are common in small telecommunications markets such as Trinidad and Tobago. Factors such as market share, economies of scale, access to financing, vertical integration, similar pricing structures, high barriers to entry, and investment in advanced technologies may reflect the realities of operating a nationwide mobile network rather than evidence of anti-competitive behaviour. The assessment should also recognize that competition in the domestic mobile market occurs through promotions, prepaid offerings, network quality, customer service, innovation, and continued investment in infrastructure and technology upgrades. Additionally, consumers today are more informed and responsive, with lower switching barriers and access to alternative communications platforms such as OTT services. Taken together, these factors suggest that market structure alone may not accurately reflect the level	approach to single dominance assessments by considering structural indicators alongside actual market behaviour, including pricing dynamics, customer switching, promotional activity, service innovation, network investment, and the growing competitive impact of OTT and digital communication services.	indicators considered in the assessment, including market concentration, economies of scale, barriers to entry and investment requirements, are characteristics commonly observed in small telecommunications markets and do not, in themselves, establish dominance. The Authority further recognises that competition in the domestic mobile market may occur through a range of dimensions beyond price, including promotions, network quality, customer service, innovation and investment in infrastructure and technology. For this reason, the assessment did not rely on market structure alone but considered a broader set of qualitative and quantitative indicators, including consumer behaviour, non-price competition, investment patterns and the role of alternative communications services, including OTT applications.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				of competitive pressure experienced by operators.		Accordingly, the Authority assessed market structure in conjunction with the wider competitive dynamics prevailing in the market and notes that its conclusions were based on a cumulative assessment of all relevant factors rather than on structural indicators in isolation.
28.	**4.1.1**	**Single Dominance**	Digicel	Section 4.1.1 describes the necessary criteria established under Section 29 of the Telecommunications Act and Condition A23 of the Concession Agreement to establish that an undertaking is individually dominant. We have explained our concerns with Condition A23 of the Concession Agreement in our response to Section 2 above. We now comment on TATT's explanation of the criteria to be considered for the evaluation of dominant operators as listed in bullet points 1-14: 1. **Market share and trends in market share**. TATT identifies operators having persistently high market shares in terms of subscribers, traffic volumes or gross revenue as indicative of	The Authority should revise its single dominance framework so that each factor is tested against the legal question of whether an operator can behave to an appreciable extent independently of competitors, customers and consumers. Structural descriptors should not be treated as evidence of market power unless the Authority identifies (in a substantiated manner) the mechanism by which they confer market power.	The Authority notes that the purpose of Section 4.1.1 is to identify and describe the criteria recognised under the national regulatory framework as relevant to the assessment of dominance. The inclusion of a criterion in this section does not imply that it is necessarily satisfied in the present case, nor that a finding of single or joint dominance requires all listed criteria to be met. Rather, the section is intended to provide transparency regarding the analytical framework applied by the Authority and the factors that may be considered when assessing market power. The determination of dominance is based on an overall assessment of the relevant market characteristics and competitive conditions, taking into account the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market power. However, such a claim in this context is flawed for two reasons. First, TATT only uses market share definitions that cover the two MNOs and that do not reflect the importance of OTT services which are included in its market definition. The market share measures TATT uses are inappropriate to describe the situation in the market as TATT defines it. TATT cannot reach any meaningful conclusions on the basis of its inadequate market share measures. Second, in a market with two MNOs, the subscriber-based market share and revenue-based market share figures are going to be high for at least one MNO. We would also argue that a competitive market will converge to a symmetric split over time if the cost structures for both MNOs are similar. TSTT was the only MNO until Digicel launched in April 2006. Since then, Digicel has extended its		evidence available for each criterion in the context of the assessment as a whole. **1. Market share and trends in market share** The Authority acknowledges Digicel's comment regarding the interpretation of market shares and the relevance of historical market share developments. As previously explained, the Authority does not agree that the inclusion of OTT services within the relevant market requires market shares to be calculated using a single metric combining OTT providers and mobile network operators. Please refer to the Authority's response to Digicel's comments on Section 2 for more details. The Authority argues that a duopolistic market structure does not prevent de facto market shares from being a relevant indicator of market power. In particular, in the context of joint dominance, the relevant assessment is not whether one operator holds a

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market share substantially through aggressive pricing to end up at the market share it has today. The significant market share gain that Digicel has achieved are an indication that the market is competitive. For market share to be indicative of market power in a market with two MNOs, one operator would need to have a significantly higher market share than the other. This is not the case in Trinidad and Tobago. 2. **The overall size of the concessionaire's undertaking**. TATT suggests that larger operators are more likely to hold a dominant position as they can benefit from economies of scale or scope, production capacities, distribution and other related activities. Digicel and the other MNO are, based on the MNO-subscriber based market share and revenue-based subscriber share definitions, equally sized competitors in the Trinidad and		substantially larger share than the other, but whether the market structure and operators' respective positions create conditions allowing them to jointly exercise market power. The Authority highlights that its conclusion on the existence of joint dominance is based on a comprehensive assessment comprising 12 distinct findings (see Section 9). As explained in Section 6.1.3, the analysis of market shares constitutes only one element of this overall assessment. Accordingly, market shares must be interpreted within the context of the full set of quantitative and qualitative factors considered by the Authority. Dominance is not determined on the basis of market shares alone, but on an overall assessment of the relevant market characteristics. The Authority therefore considers that market share evidence should not be viewed in isolation from the broader analytical framework applied in this assessment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Tobago mobile market. Given neither is large relative to the other, and both are much smaller entities than OTT providers who also form part of the market (e.g., Meta), we disagree that Trinidad and Tobago MNO sizes are indicative of market power. 3. **Access to financial resources**. TATT identifies concerns that easy or privileged access to financial resources could place an operator at an advantage over its competitors or leads to barriers to entry by other concessionaires. However, in Trinidad and Tobago, there is no evidence that either operator's access to financial resources has conferred it an advantage over the other, or has enabled either operator to behave independently of competitors, customers or consumers.[8] And access to financial resources		The Authority further notes that historical changes in market shares following Digicel's entry demonstrate the competitive dynamics that existed after market liberalisation nearly two decades ago. However, past market share gains do not necessarily reflect current or future competitive conditions. The Authority's analysis focuses on the current market (including recent past) structure and its likely evolution, in the foreseeable future. . **2. The overall size of the concessionaire's undertaking** The Authority acknowledges Digicel's comment regarding operators' size and the role of economies of scale and scope in the assessment of market power. The Authority does not consider that the existence of two mobile operators of comparable size precludes a finding of market power. The assessment is not

[8] TATT does not appear to rely on any evidence of privileged access to finance in its dominance assessment. Rather, TATT states that no evidence or data enabling an assessment of this criterion was provided.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				should not be assumed to be easy or privileged in the current Trinidad and Tobago context. Operators face material financing constraints, driven by current macroeconomic and foreign-exchange pressures, high insurance and reinsurance costs, and elevated equity risk premia applicable to Caribbean infrastructure investment. These factors increase the cost and difficulty of financing network investment and should be considered before any conclusion is drawn from this criterion. Moreover, the two MNOs do not have equivalent ownership structures. TATT is reminded that the other MNO is 51% owned[9] by National Enterprises Limited, which is majority owned (i.e., 66.05%) by the Government of Trinidad and Tobago (via		limited to comparing the relative size of operators, but rather examines whether structural conditions in the market are such as to enable operators to act to an appreciable extent independently of competitive constraints. In this regard, the Authority notes that economies of scale and scope are particularly relevant in mobile telecommunications markets due to the significant fixed costs associated with network deployment and operation. The ability of existing operators to spread these costs across a large subscriber base creates cost advantages compared to potential new entrants and contribute to the establishment of barriers to entry. Accordingly, the Authority considers that economies of scale and scope remain a relevant factor in the assessment of market power, notwithstanding the comparable size of the existing operator.

[9] Issued Share Capital

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Corporation Sole) . Digicel does not have an equivalent state-linked ownership structure and does not have access to taxpayer-backed funding to underwrite network investment. If TATT considers access to financial resources relevant, it should assess whether any operator benefits from state-linked financial support, implicit support, or preferential access to capital, rather than treating the two operators as similarly situated. As TATT has repeatedly observed, both MNOs have roughly equal market shares, both in terms of subscribers, traffic carried and revenue. This market evidence is inconsistent with the proposition that access to finance has allowed either operator to secure a material competitive advantage. 4. **Vertical integration**. TATT identifies an operator controlling upstream and downstream markets or having the potential to adversely affect competition by		The Authority further notes that comparing the overall size of mobile network operators with global OTT providers is not relevant for assessing market power in the domestic mobile market. While OTT providers may be large international companies, they do not operate mobile access networks in Trinidad and Tobago and remain dependent on underlying connectivity services. Accordingly, the Authority maintains that economies of scale and scope remain relevant factors in assessing the competitive conditions of the market. **3. Access to financial resources** The Authority acknowledges Digicel's comment regarding access to financial resources and the differences that may exist between operators' ownership structures and financing conditions. The Authority clarifies that the assessment of access to financial

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				leveraging market power in upstream and downstream markets as indicative of market power. The upstream market to mobile communications is mainly comprised of a small set of large equipment and software vendors, including Huawei, Ericsson, Fujitsu and Nokia. Neither Digicel nor the other MNO have the power to influence these entities or the competition between them. In terms of downstream markets, Digicel and the other MNO serve the ultimate customer (mobile subscribers). 5. **Diversification of products or services**. TATT identifies a concern regarding situations where an operator bundles the supply of a service in which it is dominant with other services and where the bundling has the effect of creating barriers to entry. Both Digicel and the other MNO offer unbundled, SIM-only prepaid and postpaid mobile plans. This factor		resources is a relevant criterion for the assessment of dominance and is recognised as such in both national regulatory framework (Price Regulation Framework for Telecommunications Services in Trinidad and Tobago) and international best practice. This criterion is typically considered as part of the broader assessment of whether existing operators benefit from structural advantages that may affect competitive dynamics, including barriers faced by potential new entrants. However, the Authority expressly noted in its analysis that "with regard to access to financial resources, no evidence or data enabling an assessment of this criterion has been provided" (page 44) and thus refrained from making any assumption regarding this criterion. In this context, the Authority considers that Digicel's assertion that the Authority incorrectly assumed differences in access to financial resources is not accurate.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				is therefore not relevant for the defined market. 6. **The absence of, or low, countervailing buying power**. TATT explains that an operator may be dominant if it has the ability to increase its prices without significant loss of revenue. The results of TATT's own consumer survey suggest this is not the case in Trinidad and Tobago. For example, Table 4 shows that only 37% of consumers would 'do nothing' in response to a modest TT$ 10 increase in the cost of their plan. Meanwhile, 60% would reduce their consumption, either by stopping their service, using less data, offloading to Wi-Fi or switching to another provider.[10] 7. **The existence of high barriers to entry**. TATT argues that high barriers to entry make dominance more likely. We agree in principle,		The Authority further recalls that, for a finding of dominance, it is not necessary that all listed criteria in regulatory frameworks or guidelines be satisfied, as the assessment is based on an overall evaluation of relevant market characteristics. . Accordingly, the Authority considers that stakeholders have not provided material evidence demonstrating differences in financing conditions between operators that would warrant a revision of the conclusion regarding the existence of joint dominance in the market. **4. Vertical integration** The Authority acknowledges Digicel's comment regarding the assessment of vertical integration and the ability of mobile network operators to influence upstream or downstream markets.

[10] The remaining 3% of consumers either do not know what they would do, or did not state what they would do.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				but it is important to distinguish between anti-competitive behaviour (such as abusive pricing) and operators responding to market realities (such as passing on the cost of regulatory compliance). There is no evidence that Digicel or the other MNO have engaged in any attempt to erect barriers to entry beyond those that TATT and/or the government has erected itself via extant statutory legislation and requirements. As we discuss in Section 7, there has been commercial interest in entering the market, both by potential MVNOs and MNOs. MNO entry failed to materialise because of regulatory and policy hurdles, not because of the economic conduct of incumbent operators or any structural issues (such as economies of scale). Digicel's entry into the market demonstrates that when these regulatory / policy hurdles are lowered, successful		The Authority clarifies that this criterion is not limited to assessing whether operators have market power over global equipment or software vendors. The relevant consideration is whether operators control assets, infrastructure or services within the telecommunications value chain that may affect competitive dynamics. The Authority recognises that mobile operators are unlikely to influence the behaviour of international equipment suppliers. However, mobile telecommunications markets also involve other important inputs, including network infrastructure, spectrum resources, access facilities and other elements necessary to provide mobile services. Similar to access to financial resources, the Authority expressly excluded this criterion from the analysis as "not applicable to the relevant market as currently defined, given the absence of a wholesale market within that scope"

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				entry is possible. MVNO entry has been successful, as evidenced by the entry of Nimble Mobile, again demonstrating that market entry can occur. In addition to potential MVNO or MNO entry, TATT also fails to provide a forward-looking assessment here which considers the impact of D2D services and any subsequent actions. TATT also fails to provide a forward-looking assessment of whether emerging technologies may reduce entry barriers during the review period. This includes the potential impact of LEO satellite broadband, D2D satellite services and any resulting regulatory action. The Regulatory Authority of Bermuda's 2025 Electronic Communications Market Review provides a useful comparator. In that review, Bermuda's RA expressly considered the potential entry of Starlink/LEO services and the possible impact of satellite D2D services as part of its forward-looking SMP assessment. The RA concluded that potential LEO entry did not change its SMP findings for the		(page 44). Therefore, Digicel's comment on this criterion does not warrant any changes in the Authority's assessment. **5. The absence of, or low, countervailing buying power** The Authority acknowledges Digicel's comment regarding the interpretation of the Consumer Survey results and the assessment of countervailing buyer power. The Authority does not agree that the survey results demonstrate the existence of sufficient countervailing buyer power. Countervailing buyer power refers to the ability of consumers to effectively constrain operators' market behaviour, including by preventing sustained price increases, rather than the existence of any consumer response to price changes. While the survey indicates that some consumers may adjust their behaviour following a price increase, such behavioural responses do not necessarily translate into effective competitive

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				current review period, but it did not simply dismiss the issue. Instead, it stated that if LEO entry materially changed the distribution of market power, the RA would consider a new fixed broadband and business connectivity market review before 2029. It also decided to consult specifically on the impact of LEO and D2D services, including licence conditions, obligations and regulatory fees, before granting LEO or D2D licences.[11] TATT should adopt a similar approach. It should assess whether MVNO entry, MNO entry, LEO satellite services, D2D services, NTN services, spectrum release or wholesale access arrangements could alter competitive conditions during the review period. If TATT considers these developments uncertain, that uncertainty should not be ignored. Instead, it should be incorporated into the forward-looking assessment and reflected in a commitment		constraints. In particular, measures such as reducing consumption or substituting usage towards Wi-Fi may affect individual consumption patterns on a case by case (or call by call) basis but does not directly discipline market prices due to the limited risk of switching. The Authority notes that the limited number of mobile network operators, combined with the absence of more than partial substitutable retail alternatives, reduces consumers' ability to exercise effective countervailing pressure, particularly where competitors offer similar supply conditions. Accordingly, the Authority maintains that the Consumer Survey results do not demonstrate sufficient countervailing buyer power sufficient to prevent or materially constrain the exercise of market power by mobile network operators.

[11] Regulatory Authority of Bermuda, 2025, Market Review of the Electronic Communications Sector, available at: https://www.ra.bm/public-consultations/2025-electronic-communications-market-review

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				to revisit the market review if entry or new technologies materially change the distribution of market power. 8. **The power of the operators operating in the market to set prices**. TATT identified the ability of an operator to set prices in the relevant market independently of market conditions, competitors, customers and consumers as a relevant factor. Again, TATT's consumer survey show this is not the case in Trinidad and Tobago. Table 4 highlights that 15% of consumers would switch to another provider in response to a modest TT$ 10 increase in the cost of their plan. 9. **Excessive pricing and profitability.** TATT explains that the ability of an operator to set prices in the relevant market in such a manner that its profitability in that market is consistently and significantly higher than the competitive level is indicative of market power. TATT does not		6. **The existence of high barriers to entry**. The Authority acknowledges Digicel's comment regarding barriers to entry and the need to consider potential future market developments, including new entrants and emerging technologies. The Authority clarifies that the assessment of barriers to entry does not require demonstrating that existing operators have engaged in anti-competitive conduct or have actively created such barriers. In the context of a dominance assessment, the relevant question is whether structural, economic or regulatory factors limit the ability of new competitors to enter the market and exercise an effective competitive constraint, regardless of the source of such barriers to entry. The Authority recognises that entry occurred in the past following market liberalisation. However, successful entry in 2006 does not necessarily demonstrate

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				provide any meaningful evidence that prices in Trinidad and Tobago are above the competitive level. Its international price benchmarking is flawed and cannot be relied upon to support this assertion. Its international benchmarking of profitability is also problematic and does not provide evidence that returns are excessively high. 10. **The lack of active competition on non-price factors**. TATT identifies that an absence of competition in factors like quality and variety of services may suggest that an operator is dominant. However, Digicel and the other operator's product offerings differ along non-price dimensions. Digicel's plans offer higher data allowances (30 GB for 7 days rather than 25 GB; 200 GB for 30 days rather than 150 GB). The other operator, meanwhile, has introduced a dedicated 90-day prepaid plan, which Digicel does not offer. TATT's own analysis of		that current market conditions allow for timely and effective entry. The mobile market has since evolved, with higher levels of penetration, significant network investment requirements, established customer bases and the need to achieve sufficient scale to compete effectively. As previously explained, the expression of commercial interest in entering the market is not sufficient evidence that entry will occur and materially affect competitive conditions during the review period. Potential entry must be sufficiently likely, timely and capable of imposing an effective constraint on existing operators. In addition, the Authority reiterates that Nimble Mobile was being considered as a sub-brand of an existing mobile network operator. . Regarding emerging technologies, including LEO satellite, D2D and NTN services, the Authority acknowledges

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				4G deployment as well as the trends in customer complaints provide evidence that behaviour of the two MNOs is not aligned and there is competition with respect to quality and service differentiation, as well as price. 11. **Barriers to switching**. TATT suggests that limits on the ability of customers to switch from the operator's service in the relevant market to another competitor's makes an operator more likely to be dominant. Both Digicel and the other operator offer number portability, with dedicated web pages to facilitate this process.[12] Again, this factor is not applicable in Trinidad and Tobago. 12. **Customers' ability to access and use information**. TATT states that limits on the information available to customers on various aspects of the services is a relevant factor		that technological developments may affect competitive dynamics in the future. However, their potential impact must be assessed based on the likelihood and extent to which they can provide an effective substitute to existing mobile services within the relevant timeframe. The Authority's forward-looking assessment is based on the market structure reasonably expected to prevail during the review period. Should new entry or technological developments materially alter competitive conditions, the Authority will review its conclusions to ensure they remain reflective of market realities. It is important to note that the Authority specified in its assessment that "the report will be reviewed and updated within a period of five to ten years, depending on market conditions or other relevant developments". This timeframe reflects a balance between providing

[12] See https://www.digicelgroup.com/tt/en/mobile/switch-to-digicel and https://bmobile.co.tt/mobile/switch/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				when assessing dominance. Both Digicel and the other MNO publish plan information on their websites which is readily accessible to all consumers. In addition, TATT itself publishes tariff notifications in the public domain and on their social media platforms.[13] 13. **Technology trends relevant to the market**. TATT suggests that an operator is more likely to be dominant if it has a significant advantage over its competitors because of its ability to provide services using the latest or more advanced technologies. Both Digicel and the other operator have access to the same technology, from the same set of vendors. Both Digicel and the other operator have readily adopted the latest technologies,		regulatory predictability to ensure stable conditions for market participants and maintaining sufficient flexibility to take account of evolving sectoral developments. It is intended to ensure that the assessment remains relevant over time while allowing for timely review should material changes occur in market conditions. Accordingly, the Authority maintains that its analysis and conclusion of the existence of important barriers to entry remain relevant to the dominance assessment. **7. The power of the operators operating in the market to set prices**. The Authority acknowledges Digicel's comment regarding operators' ability to set prices and the interpretation of the Consumer Survey results.

[13] See https://tatt.org.tt/market-information/prices/mobile-service/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				including recently launching 5G services. **The degree of differentiation among services in the market**. TATT identifies the ability of an operator to differentiate its services in the relevant market from that of its competitors, in a manner that gives it a significant advantage over its competitors or discourages entry into the market as being a relevant factor. In our view, product differentiation and competition along the lines identified by TATT (quality, performance, novelty features, etc.) are suggestive of healthy competition between rivals. Indeed, the absence of competition along these dimensions is identified as a sign of coordination in factor number 10.		The Authority does not agree that the fact that some consumers may switch provider following a price increase is sufficient to demonstrate that operators lack the ability to exercise market power. The relevant question is not whether any customers would react to a price increase, but whether such reactions would be sufficient to make the price increase unprofitable. In this regard, the Authority considers it important to distinguish between the elasticity of demand for mobile telecommunications services and the elasticity of demand faced by an individual mobile network operator. The former concerns whether consumers can reduce or abandon their overall consumption of mobile services following a price increase. Given the essential nature of mobile telecommunications services, the Authority considers that overall market demand is relatively inelastic. The latter concerns whether consumers would switch from one operator to another in

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						response to a relative price increase. This distinction is particularly relevant in the context of a joint dominance assessment, as the profitability of a unilateral deviation and the credibility of any competitive response depend primarily on the elasticity of demand faced by the individual operator rather than on the elasticity of demand for the market as a whole. The Authority notes that the Consumer Survey indicates that only a limited proportion of consumers would switch to another mobile provider following a TT$10 price increase. Other consumer responses, such as reducing usage or relying more on Wi-Fi or OTT services, may affect overall consumption patterns but do not necessarily impose the same competitive constraint on the operator implementing the price increase. Accordingly, the Authority considered the survey results not only in terms of consumers' overall reaction to higher prices, but also in terms of their

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						willingness to switch between operators, together with other market indicators including pricing trends, profitability, market concentration and the limited availability of alternative mobile providers. Accordingly, the Authority does not agree that the Consumer Survey results demonstrate an absence of pricing power and maintains that this factor remains relevant to the dominance assessment. **8. Excessive pricing and profitability.** The Authority acknowledges Digicel's comment regarding the assessment of pricing levels, profitability and the use of international benchmarks. The Authority clarifies that the purpose of the analysis was not to establish the existence of excessive pricing or to determine whether operators' returns exceed a regulated level of profitability. Rather, revenues, costs and margins were assessed to determine whether

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						market outcomes are consistent with the level of competitive pressure expected in an effectively competitive market. As noted in Section 6.6, the Authority found that "observed margins are materially above levels typically associated with competitive market outcomes." The Authority does not agree that its conclusions rely solely on international benchmarking. The assessment considered a broader set of indicators, including price trends, operators' margins, investment levels, market structure, barriers to entry and consumer constraints. As previously explained, the profitability assessment was not based solely on EBITDA, but considered operators' ability to maintain high margins after accounting for capital investment requirements and operational expenses. Similarly, the price benchmarking analysis was used as one relevant indicator among others and considered

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						differences in affordability and purchasing power across jurisdictions. Accordingly, the Authority does not agree that the pricing and profitability analysis is insufficient to support the assessment of market power. These indicators form part of a broader assessment demonstrating limited competitive pressure in the relevant market. **9. Lack of active competition on non-price factors:** The Authority acknowledges Digicel's comments and agrees that the existence of certain differences in commercial offers and service characteristics indicates that competition has not disappeared entirely from the market. However, the assessment in Section 6.7 does not conclude that the operators provide strictly identical products or that there is a complete absence of competition on non-price dimensions. Rather, the analysis concludes that

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						competition on non-price factors appears limited. As noted in Section 6.7.1, both operators offer broadly comparable product portfolios, including prepaid and postpaid plans with similar characteristics and pricing structures. The existence of certain differences in data allowances or the introduction of specific plans by one operator does not alter the broader observation that both operators' offers remain relatively similar in their overall structure and positioning. This is expressly stated in the conclusion of Section 6.7.1, which provides that: "Despite these differences, the overall structure and allowances within the plans offered by both operators appear largely equivalent". Similarly, the Authority's assessment of quality of service indicators does not conclude that operators' behaviour is perfectly aligned. The report recognises differences in network deployment and customer experience. However, the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						evidence also indicates that both operators have achieved broadly comparable levels of coverage and network capabilities over time. In particular, Section 6.7 notes that both operators have completed nationwide 4G deployment and possess similar spectrum holdings and network infrastructure characteristics. With respect to customer complaints, the Authority notes that complaint trends constitute one indicator among many used to assess non-price competition. As stated in the report, the analysis considered a range of qualitative and quantitative indicators, including service offerings, network characteristics, customer perceptions and quality-of-service metrics. Accordingly, the existence of certain differences in product offerings, network deployment or complaint trends does not invalidate the conclusion that the two operators exhibit a relatively high degree of symmetry and similarity across a

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						number of non-price dimensions. These observations were considered as one element of the broader assessment and were not treated as standalone evidence of dominance or coordinated behaviour. **10. Barriers to switching** The Authority acknowledges Digicel's comment regarding customer switching and the availability of number portability in Trinidad and Tobago. It is important to note that the inclusion of this criteria in section 4.1.1 aims to communicate in full transparency to stakeholders the criteria that are analysed by the Authority. The Authority agrees that in principle number portability can reduce switching barriers by allowing consumers to retain their mobile number when changing provider. However, the existence of number portability does not, by itself, demonstrate that customers can or do exert sufficient competitive pressure on operators.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The assessment of switching constraints considers broader factors, including consumers' willingness to switch, the availability of sufficiently differentiated alternatives, switching behaviour in practice and the extent to which switching disciplines operators' commercial decisions. In this regard, the level of actual switching is a relevant indicator insofar as it reflects the extent to which consumers consider switching to be a viable response to differences in price, quality or service offerings. Where switching rates remain low, this may indicate that competitive constraints between operators are limited and that switching does not exert a sufficiently strong disciplining effect on market outcomes. The Authority notes that this assessment is consistent with the Consumer Survey evidence, which indicates limited propensity to switch in response to price variations. In this regard, the Authority notes that, despite the availability of number

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						portability, the market continues to display stable market shares and limited customer movements between operators, suggesting that switching does not impose a sufficient constraint on market outcomes. Accordingly, the Authority considers that the possibility of number portability alone does not remove invalidate its conclusion regarding the existence of joint dominance. **11. Customers' ability to access and use information**. The Authority acknowledges Digicel's comment regarding the availability of information to consumers on mobile services and tariffs. The Authority recognises that both operators publish information regarding their offers and that tariff notifications are made publicly available. The Authority has duly taken this factor into account in its assessment of the level of market transparency.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority further notes that this criterion was not considered in isolation but as part of the broader assessment of consumer constraints and competitive dynamics in the market. Accordingly, while the Authority recognises that tariff information is available, it maintains that this does not modify the conclusions of the dominance assessment. **12. Technology trends relevant to the market**. The Authority acknowledges Digicel's comment regarding technology trends and the fact that both mobile operators may have access to similar technologies and equipment providers. The Authority recognises that neither operator appears to benefit from exclusive access to specific technologies or suppliers. This factor has been taken into account by the Authority in its

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						analysis of the level of symmetry between operators in the market. In the context of joint dominance, similar technological capabilities do not necessarily exclude concerns regarding market power. On the contrary, technological symmetry between operators may contribute to similar market positions and reduce opportunities for one operator to significantly disrupt existing competitive dynamics. The Authority further notes that technology trends were not assessed in isolation, but considered together with other indicators, including investment levels, service differentiation, market structure and competitive incentives. Accordingly, the Authority considers that access to similar technologies is a relevant factor in the dominance assessment. **13. The degree of differentiation among services in the market**

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority acknowledges Digicel's comment regarding service differentiation and its role in assessing competitive dynamics. The Authority agrees that product differentiation, including improvements in quality, performance and innovation, can be an indication of competition between operators. The Authority clarifies that there is no inconsistency between considering significant differentiation as a potential source of market power and considering limited differentiation as a factor that may facilitate joint dominance. These assessments address different competitive concerns. Significant differentiation may strengthen an operator's individual position where it creates a competitive advantage that is difficult to replicate, while limited differentiation may increase market symmetry and facilitate coordinated outcomes.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						In the present assessment, the Authority considered whether differences in operators' services were sufficient to disrupt market symmetry and create effective competitive pressure. Accordingly, the Authority maintains that service differentiation remains a relevant factor in the assessment of market power.
29.	**4.1.1**	**Single Dominance**	TSTT	TATT provides a list of criteria "to be considered for the evaluation of dominant operators". In doing so, TATT has assembled a broad and appropriate set of indicators of market power, but has not clearly distinguished between: • the core legal test of dominance; • the structural factors that give rise to it; and • the observable outcomes that may result from the exercise of such power. As a result, TATT conflates evidence of market conditions with proof of dominance itself. Section 29(8) of the Act focuses on whether an operator possesses	TSTT recommends that TATT more clearly distinguish between the statutory test for dominance, the structural indicators relevant to assessing market power, and the potential outcomes associated with the exercise of such power. Failure to maintain this distinction risks conflating general market characteristics with proof of dominance itself and may result in the statutory threshold under section 29(8) of the Act being applied too broadly.	The Authority acknowledges TSTT's comment regarding the distinction between the legal test for dominance, the factors that may contribute to market power, and the observable market outcomes that may result from such power. The Authority agrees that the existence of certain market characteristics or outcomes does not, by itself, establish dominance. These factors must be assessed in relation to the applicable legal test, namely whether an operator, individually or jointly with others, enjoys a position of economic strength affording it the ability to behave to an

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				a position of economic strength, affording it the ability to behave to an appreciable extent independently of competitors, customers, and consumers. The various indicators identified by TATT should therefore be assessed in a manner that supports, rather than replaces, that statutory inquiry.		appreciable extent independently of competitors, customers and ultimately consumers. The Authority wishes to clarify that the assessment was conducted in accordance with the framework established under the Act and the Concession Agreement. Sections 4.1 and 4.1.1 first set out the applicable legal framework and identify the criteria that are relevant to the assessment of dominance. Accordingly, the analysis did not replace the statutory inquiry under section 29(8) of the Act with separate economic indicators. Rather, the various factors considered throughout the assessment are those that effectively inform and support the application of the statutory test. Assessing market characteristics such as market shares, barriers to entry, competitive constraints, pricing behaviour, or market maturity is therefore an integral part of determining

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						whether an operator possesses the economic strength required under the Act. The Authority further notes that its conclusions were not based on the mere existence of structural characteristics, such as market concentration or barriers to entry, taken in isolation. These factors were assessed together with market-specific evidence relating to operators' behaviour, competitive constraints, pricing dynamics, investment patterns and market evolution. Accordingly, the Authority considers that its assessment remained fully grounded in the criteria relevant to the dominance assessment under the Act and did not treat any individual market characteristic as a substitute for the statutory test or as standalone proof of dominance.
30.	**4.1.2**	**Joint Dominance**	CCTL	There is a risk that normal market behaviour in a concentrated telecom market could be mistaken for tacit coordination. Similar pricing or market	Clearly distinguish between normal competitive interdependence and anti-competitive coordination.	The Authority acknowledges CCTL's comment and agrees that similarities in pricing, market shares or other market outcomes may result from comparable

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				shares may result from similar costs and market conditions.		cost structures and market conditions and do not, in themselves, demonstrate coordinated behaviour. For this reason, the assessment did not rely solely on structural indicators. The analysis further examined the conditions necessary for coordinated behaviour, including market transparency, the sustainability of coordination and the existence of external competitive constraints, consistent with the framework set out in, inter alia, national law and EU legislation through the SMP Guidelines.
31.	**4.1.2**	**Joint Dominance**	Digicel	In Section 4.1.2, TATT describes the necessary criteria to establish that an undertaking is jointly dominant. TATT explains that in making a joint dominance assessment, it will consider: 1. "The extent to which the characteristics of the relevant market enable tacit coordination and the extent to which such form of co-ordination is sustainable;" 2. "If the concessionaires in question have substantially the same	The Authority should specify how the factors listed in Concession Condition A23(b) interact with the cumulative economic requirements for joint dominance. A simple checklist of market features common to mobile markets cannot substitute for evidence of a focal point, monitoring, credible retaliation and absence of destabilising constraints.	The Authority acknowledges Digicel's comment regarding the framework applied for assessing joint dominance and the relationship between the different criteria considered. The Authority does not agree that there is an inconsistency between the criteria described in Section 4.1.2 and the analytical framework applied in Section 7. Section 4.1.2 sets out the applicable regulatory framework in Trinidad and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				position vis-à-vis their customers and competitors as a single company has if it is in a dominant position, provided that no effective competition existed between them;" and 3. Whether the concessionaires meet "any" of eleven criteria, which include market maturity, homogeneous product, similar cost structures, and other conditions. The conditions listed in (1) are incomplete in comparison to Section 7, in which the "Authority outlines three key criteria for a [joint dominance] assessment" which include transparency, sustainability and external factors (namely the absence of countervailing buyer power). While (1) considers sustainability, it does not consider the transparency and external factors that TATT deems key to establishing joint dominance. In (3), TATT lists eleven criteria for joint dominance. Many of the factors describe structural features that are common to		Tobago. Point 1 specifies that the Authority will consider in its analysis the "extent to which the characteristics of the relevant market enable tacit coordination". This specification is sufficiently broad to include all market characteristics that are conductive to tacit coordination. Section 7 applies this general principle by analysing whether markets are transparent and the extent of external constraints, given that these two conditions have been recognized in best regulatory practices as key characteristics that enable coordinated behavior. In particular, Section 7.1 assesses whether the market exhibits a sufficient degree of transparency to facilitate mutual monitoring, Section 7.2 examines whether market conditions provide operators with incentives to maintain a coordinated outcome over time, and Section 7.3 assesses whether external competitive constraints are sufficient to destabilise such an outcome. The Authority further disagrees that the criteria identified for joint dominance

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				virtually all mobile telecommunications markets, including those that would be considered competitive. TATT does not explain how many criteria must be met, how they interact, or how they should be weighted. Without such guidance, the criteria function as a checklist that most mobile markets would satisfy, regardless of competitive conditions. They are therefore inadequate to establish joint dominance.		were applied as a checklist. As explained in Section 7, the Authority assessed the cumulative interaction of these factors rather than their existence in isolation. The analysis considered not only structural characteristics of the market but also operators' ability to monitor each other's behaviour, the sustainability of coordinated outcomes, and the extent of external competitive constraints. The Authority recognises that certain characteristics, such as market maturity or similarities between operators, may also exist in competitive markets. For this reason, the assessment did not rely solely on the presence of individual factors (including both domestic and external) in isolation, but examined how these characteristics interact and whether, taken together, they enable operators to behave to an appreciable extent independently of competitive constraints. This overall assessment is reflected in the conclusions presented in Section 9, which are based on the cumulative evidence gathered

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						throughout the report rather than on any individual criterion. Accordingly, the Authority maintains that its joint dominance assessment was conducted consistently with the applicable framework and supported by a broader analysis of market dynamics.
32.	**4.1.2**	**Joint Dominance**	TSTT	Section 4.1.2 provides a broadly standard description of joint dominance, correctly recognising that coordinated behaviour can arise in oligopolistic markets even in the absence of explicit agreements. It also usefully lists a range of structural characteristics—such as symmetry, market maturity, and barriers to entry—that are commonly associated with markets where coordination may be feasible. In that sense, the section is aligned in spirit with international practice and EU jurisprudence that TATT is seeking to follow. However, the way these criteria are presented already signals a weakness that carries through the rest of the document. The section places heavy emphasis on	Section 4.1.2 should be amended to more clearly distinguish between a market that is merely susceptible to coordination and one that is actually characterised by joint dominance. TATT should add/incorporate the following into this section: "A finding of joint dominance requires that the market structure enables operators to adopt and sustain coordinated conduct, such that they are able collectively to behave independently of competitive constraints. This requires an assessment of whether coordination is feasible, whether it is sustainable over time—including the absence of incentives to deviate—and whether external competitive constraints are insufficient to disrupt	The Authority acknowledges TSTT's comments regarding the assessment framework for joint dominance and recognises the importance of distinguishing between market characteristics that may facilitate coordination and the conditions required for such coordination to be sustainable. The Authority agrees that the presence of structural characteristics such as market concentration, symmetry, maturity, or barriers to entry is not, by itself, sufficient to establish joint dominance. These characteristics are relevant because they inform whether market conditions may enable coordinated outcomes, but they must be considered alongside operators' incentives, the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market characteristics that are conducive to coordination, but it is not clear on the need to demonstrate that coordination is actually sustainable and likely, as opposed to merely possible. While it acknowledges factors such as incentives to deviate and the role of external constraints, these are not clearly distinguished from the broader list of structural indicators, nor are they highlighted as the core conditions that must be satisfied. This creates the analytical weakness: the framework treats the presence of favourable market conditions (e.g. symmetry, homogeneity, concentration) as sufficient evidence of joint dominance, rather than as a preliminary screen that must be followed by a more rigorous assessment of whether operators can, in practice, monitor, discipline, and sustain coordinated behaviour over time. In particular, the section does not clearly articulate how TATT will assess key elements such as deviation incentives, punishment mechanisms, and the role of residual competitive constraints. Without	such coordination. Structural characteristics such as market concentration, symmetry, product homogeneity, and barriers to entry may indicate a market conducive to coordination, but are not, in themselves, sufficient to establish joint dominance."	ability to sustain a common market outcome, and the presence or absence of external competitive constraints. The Authority wishes to clarify that Section 4.1.2 was intended to present the general analytical framework applicable to joint dominance assessments, rather than the detailed application of each criterion to the retail domestic mobile services market. The assessment was therefore not limited to identifying structural characteristics favourable to coordination. The subsequent analysis specifically examined whether the market conditions identified were capable of supporting a sustainable outcome by considering the key elements relevant to joint dominance, including: • **Section 7.1** assesses whether the degree of market transparency and other market characteristics are sufficient to enable operators to reach a common understanding of market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				such analysis, the framework effectively presumes joint dominance from structural market features alone.		conditions and to monitor one another's behaviour; • **Section 7.2** examines whether operators have incentives to maintain such an outcome over time, including the incentives to deviate and the extent to which market conditions may allow competitors to react to deviations; and • **Section 7.3** evaluates the extent to which external constraints, including consumer behaviour, potential competition and alternative services, may undermine the stability of any coordinated outcome. The Authority therefore considered structural factors as a starting point for the assessment, rather than as a substitute for demonstrating joint dominance. The analysis sought to determine whether these factors, taken together with market-specific evidence, indicate that operators are able to maintain a common market outcome over time.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, the presence of structural characteristics conducive to coordination was not treated as sufficient evidence of joint dominance, but rather as one component of a broader assessment of whether coordinated behaviour is both feasible and sustainable in practice.
33.	**4.1.2**	**Joint Dominance**	TSTT	Section 4.1.2 of the document suggests that the retail mobile market exhibits the type of symmetry, homogeneity, and structural alignment commonly associated with coordinated behaviour and joint dominance. However, a closer analysis would suggest that the operators pursue very different commercial strategies. This degree of differentiation and asymmetry weakens the premise that the operators possess sufficiently aligned incentives and comparable market positions to sustain stable coordinated conduct.		The Authority acknowledges TSTT's comment that differences in commercial strategies between operators may be relevant when assessing whether market conditions are conducive to joint dominance. Nevertheless, the Authority notes that TSTT has not substantiated its assertion that "a closer analysis would suggest that the operators pursue very different commercial strategies". In particular, TSTT has not provided sufficient evidence or analysis to rebut the findings of symmetry presented in the Authority's assessment or otherwise demonstrate that those findings should be reconsidered. Accordingly, the Authority considers that no basis has

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						been established to warrant a modification of its assessment. The assessment of symmetry was based on a range of market-specific indicators, including operators' market positions, service offerings, network characteristics, pricing behaviour and overall market dynamics. The analysis considered whether any differences between operators were significant enough to prevent the emergence of aligned incentives or to create sustained competitive disruption. The Authority recognises that operators do not need to be identical and may adopt different commercial initiatives over time. However, the existence of some differences in strategy does not, in itself, demonstrate that operators have materially different market positions or incentives. Accordingly, while the Authority recognises that some level of differentiation may exist between

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						operators, it considers that the relevant question is whether such differences materially affect the ability and incentives of operators to sustain a common market outcome. The evidence reviewed as part of the assessment does not indicate that these differences are sufficient to alter the conclusions reached regarding market symmetry.
34.	**4.2 (including Sections 4.2.1–4.2.2.3)**	**International Best Practices for Dominance Assessment**	CCTL	The Authority's reliance on EU and OECD regulatory principles provides a useful benchmark for assessing both single and joint dominance. However, international frameworks should be applied carefully within the context of Trinidad and Tobago's smaller and more concentrated telecom market. While market share thresholds and structural indicators such as barriers to entry, economies of scale, market transparency, and similar cost structures are relevant considerations, these characteristics are also common features of telecom markets and do not automatically indicate anti-competitive conduct. Similar pricing or market outcomes may reflect common operational costs, regulatory obligations,	Apply international best practices in a manner that reflects the realities of Trinidad and Tobago's telecom sector and adopt a balanced, evidence-based approach that considers market structure alongside actual competitive behaviour, including pricing dynamics, customer responsiveness, innovation, OTT competition, and ongoing investment in network infrastructure and advanced technologies.	The Authority acknowledges CCTL's comments and agrees that international frameworks and benchmarks should be applied having regard to the specific characteristics of the Trinidad and Tobago telecommunications market. The Authority further agrees that factors such as market concentration, barriers to entry, economies of scale, market transparency and similar cost structures do not, in themselves, establish anti-competitive conduct or dominance. These elements constitute indicators that must be assessed alongside a broader range of market-specific evidence.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				and normal market interdependence rather than tacit coordination. Additionally, competitive pressure in the market increasingly comes from promotions, customer switching, service innovation, OTT platforms, and evolving digital services, all of which may limit the ability of operators to act independently of market forces.		Accordingly, the assessment did not rely solely on structural characteristics or market shares, but also considered other relevant factors, including consumer behaviour, service innovation, OTT services, and the broader competitive dynamics of the market when assessing whether operators are able to act independently of competitive constraints (reference Section 6 of the Determination).
35.	**4.2.1**	**Assessment of Single Dominance in the European Union and other international jurisdictions**	Digicel	Section 4.2.1 summarizes selected countries' approach to establishing that an undertaking is individually dominant. In our view, TATT's analysis has too narrowly focused on market shares as the key criterion. Indeed, the majority of the evidence cited pertains to market share thresholds and neglects the broader regulatory burden of proof required to establish market dominance in all of the countries listed. As TATT acknowledges, an "assessment of market shares in isolation is insufficient to determine whether an operator holds a dominant position."	The Authority should treat market shares as only one of many inputs in its assessment.	The Authority acknowledges Digicel's comment regarding the role of market shares in assessing individual dominance. The Authority agrees that market shares alone are not sufficient to establish the existence of a dominant position. However, the Authority does not consider that its assessment relied exclusively on market share thresholds. The purpose of the international comparison presented in Section 4.2.1 was to provide context on how market shares are considered in other

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				We also wish to highlight the explanatory footnote to Section 55 of the EU's SMP Guidelines quoted by TATT, which states that "large market share can function as an accurate indicator only on the assumption that competitors are unable to expand their output by sufficient volume to meet the shifting demand resulting from a rival's price increase."		jurisdictions, not to replace the applicable dominance assessment framework. Consistent with this approach, the Authority assessed market shares (Section 6.1) alongside a broader range of factors, including barriers to entry (Section 6.2), competitive constraints (Section 6.3 and 8), pricing behaviour, margin analysis, consumer behaviour and market developments. Section 4.2.1 specified that "A comprehensive evaluation of a broader range of factors must be considered in order for a robust conclusion to be reached. "and "[t]he suite of indicators assessed by the European Commission in determining single dominance is similar to those applied by the Authority: barriers to entry, technological and commercial advantages or superiority, economies of scale, etc.". As the importance of other criteria has been acknowledged and the similarities between those criteria and those set out in the national framework have been established, the Authority did not

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						consider it necessary to list additional criteria from other jurisdictions at this stage. This is particularly the case as the criteria identified in international best practice are referred to and, where relevant, examined in the subsequent sections of the report. The Authority further recognises that the relevance of market shares depends on the ability of competitors or potential entrants to constrain an operator's behaviour. This consideration was reflected in the assessment through the analysis of market structure, entry barriers and the ability of existing and potential competitors to exert effective competitive pressure. Accordingly, the Authority maintains that market shares were considered as one amongst other criteria within a broader assessment of market power and were not treated as sufficient evidence of dominance in isolation.
36.	**4.2.1**	**Assessment of Single**	TSTT	TATT refers to international market-share thresholds, including the commonly	TSTT recommends that TATT clarify that international 50% thresholds are	The Authority acknowledges TSTT's comment regarding the relationship

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Dominance in the European Union and other international jurisdictions		referenced 50% threshold used in a number of jurisdictions. TSTT recognises that such thresholds may provide useful contextual guidance. However, their use in this assessment should be carefully qualified and should not be applied in a manner that effectively replaces, lowers, or dilutes the domestic statutory and concession-based framework applicable in Trinidad and Tobago. The domestic framework already contains a specific A23 market-share presumption based on 150% of average market share. In a two-operator market, this translates into a 75% threshold. TATT's own analysis indicates that neither operator appears to meet that presumption. TATT should therefore expressly acknowledge that the A23 market-share presumption has not been triggered and should give that fact meaningful weight in the assessment. TATT may seek to rely on the international 50% threshold only as contextual guidance. However, if that threshold is used to support a finding of dominance	contextual references only and cannot operate as a domestic presumption of dominance where A23 provides a different market-share benchmark. TATT should expressly state that the domestic A23 market-share presumption has not been triggered and should explain the evidentiary consequence of that finding. If TATT nevertheless relies on international thresholds, it should identify the legal and economic basis for doing so within the domestic statutory and concession-based framework. TATT should also expressly state that market share, whether measured against domestic or international thresholds, is not determinative and cannot support a finding of single dominance without evidence that the relevant operator can behave to an appreciable extent independently of competitive constraints.	between the market share presumption established under Condition A23 of the Concession Agreement and the international thresholds referenced in the assessment. The Authority confirms that international market share thresholds are not intended to replace or modify the applicable domestic framework. The Authority wishes to clarify that the reference to thresholds commonly used in other jurisdictions, including the 50% threshold, was included only as contextual guidance and to ensure that the assessment remains consistent with recognised international practices. It was not intended to create an alternative presumption of dominance or lower the threshold established under the Concession Agreement. The Authority further notes that the assessment expressly recognised that neither operator appears to hold more than 150% of its average market share and that, consequently, the presumption

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				where the domestic A23 presumption is not satisfied, TATT must explain precisely how that reliance is consistent with the domestic framework. Otherwise, the analysis risks treating proximity to 50% as a de facto substitute for the A23 threshold. Further, TATT's own discussion of international practice recognises that market share in isolation is insufficient and must be assessed alongside broader evidence. This is particularly important where the market shares are close to each other, and neither operator is shown to possess a materially stronger position than the other, or to have a unilateral ability to behave independently of competitors, customers, consumers, or wider competitive constraints. The existence of a two-operator market, even one with relatively high and symmetrical market shares, may justify careful regulatory scrutiny. It does not, without more, establish single dominance. In particular, similar market shares may indicate rivalry between two operators	TSTT further recommends that TATT revise any subsequent findings that rely on market share, concentration, or symmetry to ensure that those factors are not treated as substitutes for the statutory economic-strength test under section 29(8) of the Act. TATT should demonstrate why the evidence establishes actual market power, rather than merely identifying structural features of a two-operator mobile market.	of dominance under Condition A23(a)(i) was not triggered. However, as specified under the Concession Agreement, the absence of this presumption does not conclude the dominance assessment. The Authority is also required to consider whether an operator enjoys a position of economic strength affording it the ability to behave to an appreciable extent independently of competitors, customers and ultimately consumers. Market shares were therefore considered as one indicator within a broader assessment, together with other relevant factors including market structure, barriers to entry, pricing behaviour, margin analysis, competitive constraints and market dynamics. Accordingly, the Authority confirms that proximity to an international threshold was not treated as evidence of dominance in itself, but as one element considered within a wider market-

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				rather than dominance by either operator. TATT should therefore avoid treating symmetry, concentration, or "closeness" to an international threshold as evidence of dominance unless it is supported by a clear analysis of actual market power.		specific assessment conducted under the applicable national framework.
37.	**4.2.2**	**Joint Dominance Assessment in the European Union and other international jurisdictions**	Digicel	Section 4.2.2 summarizes selected countries' approach to establishing that an undertaking is jointly dominant. As TATT acknowledges, the concept of ex ante joint dominance is not codified in the United States or in peer countries such as Jamaica and Barbados. TATT then describes how the concept of joint dominance has evolved through the jurisprudence of the Court of Justice of the European Union. Here, our main concern is that TATT has neglected to address an important component of the sustainability condition. TATT rightly highlights that Section 85 of the EU Guidelines require that for coordinated conduct to be sustainable over time, each member of the coalition must have an incentive not to depart from the terms of the coordination. However, the same paragraph in the EU	If the Authority relies on Airtours and the SMP Guidelines, it should apply them in full. The Authority should identify the alleged common policy, the focal point, the monitoring mechanism, the credible deterrent, the competitive price benchmark, and the constraints from customers, entrants, OTT providers and Wi-Fi offload.	The Authority acknowledges Digicel's comment regarding the application of international approaches to joint dominance and the sustainability criterion. As previously explained, the Authority notes that whether joint dominance is recognised in other jurisdictions does not affect the applicability of the concept in Trinidad and Tobago, where the regulatory framework expressly provides for the assessment of dominance exercised jointly with others. References to the EU framework were used as analytical guidance and do not replace the applicable national framework. The Authority further does not agree that the sustainability assessment omitted the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Guidelines also states that "the existence of a credible threat of retaliation, deterring deviation, is a **necessary requirement** to ensure that the coordination mechanism remains credible over time" (emphasis added). In other words, two conditions must be met: it must be in each member's interest not to deviate from any supposed coordinated equilibrium, and a credible threat mechanism must be established. TATT has omitted this critical requirement from its summary of the EU Guidelines and has failed to consider it throughout its report.		requirement to consider potential responses to deviations from a coordinated outcome. As explained in Section 7.2, the Authority specifically assessed whether operators had incentives to deviate from the prevailing market outcome and whether such deviations would be profitable and sustainable over time. The assessment specifically considered whether operators would have incentives to depart from the existing market outcome and whether such deviations would be likely to generate sustainable competitive advantages. In particular, Section 7.2 examines the expected gains from unilateral deviations against the likely reduction in margins and the ability of the competing operator to respond, thereby assessing whether deviations would be commercially sustainable. In particular, the Authority analysed the ability of operators to respond to competitive initiatives, including price

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						reductions or improvements in service quality. Given the market transparency and symmetries between operators, such initiatives could be replicated, reducing the expected benefits of deviation and limiting incentives to depart from the existing equilibrium. The Authority invites Digicel to Section 7 of the report in which the Authority demonstrated that the market is characterised by a large degree of transparency and symmetry between operators (Section 7.1) and how such market characteristics render the deviation for the coordinated equilibrium unprofitable. Accordingly, the Authority maintains that the sustainability of a coordinated outcome, including the role of potential retaliation in case of a deviation, was appropriately considered as part of the joint dominance assessment.
38.	**4.2.2.**	**Joint Dominance Assessment in the European Union and**	TSTT	In this section, TATT sets out the three main conditions for establishing the existence of joint dominance, according to EU case law.	TSTT recommends that TATT modify its predominant focus on buyer power and more clearly formulate this condition as the absence of effective external constraints. In particular,	The Authority acknowledges TSTT's comment and agrees that, under the Airtours framework, the assessment of external constraints is not limited to countervailing buyer power. A complete

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		other international jurisdictions		Where the TATT formulation is problematic is how it frames the third condition. In the document, this condition is expressed primarily in terms of the absence of buyer power, that is, whether consumers are capable of disrupting a coordinated outcome. While buyer power is certainly a relevant consideration, this formulation is narrower than the standard applied in EU jurisprudence. Under the Airtours framework (cited in footnote 25), that third condition is concerned more broadly with the absence of effective external constraints. This includes not only the role of consumers, but also the potential disciplining effects of competitors outside the coordinating group, the threat of entry or expansion, technological change, and the presence of so-called "maverick" operators that might disrupt coordination. In other words, the analysis must consider the full range of forces that could make coordination unstable—not just whether consumers are able to resist price increases.	TATT should explicitly acknowledge that a market may exhibit relatively weak consumer countervailing power while nonetheless remaining subject to meaningful competitive constraints, including from competitors outside the coordinating group, potential entry or expansion, technological developments, and other destabilising market forces. Failure to account for these broader constraints risks overstating the stability and sustainability of coordinated conduct and, by extension, the basis for a finding of joint dominance.	assessment should also consider whether other market participants, potential entrants, technological developments or other external factors could undermine the sustainability of a coordinated market outcome. The Authority wishes to clarify that its assessment is not limited to the role of consumers. Section 4.2.2.3 of the consultation document explicitly considers external factors more broadly, including both the countervailing power exercised by consumers and the potential competitive constraints arising from existing or potential competitors. The role of external constraints was further assessed in the substantive analysis, including barriers to entry, potential competition, consumer behaviour, and the competitive pressure associated with alternative services. Accordingly, the Authority considers that the assessment of the third criterion was conducted consistently with the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						broader interpretation of external constraints under the national framework as well as the Airtours framework, rather than being limited solely to buyer power.
39.	**5. (including Sections 5.1–5.3.2)**	**Overview of the Relevant Market and the Operators Active in the Relevant Market**	CCTL	The market analysis reflects a mature and highly penetrated mobile sector characterised by stable subscriber growth, high prepaid usage, and significant multi-SIM behaviour. These factors suggest that consumers remain price-sensitive and actively respond to promotions and pricing differences between operators. The data also confirms the increasing importance of mobile Internet services and the growing substitution of traditional voice and SMS services by OTT platforms such as WhatsApp and FaceTime, which continue to place competitive pressure on traditional telecom revenues and services. While the market currently operates as a duopoly, this structure largely reflects the high infrastructure costs, spectrum limitations, and investment requirements associated with small telecom markets rather than necessarily indicating anti-competitive conditions. Additionally, both operators continue to invest in network	Adopt a forward-looking and evidence-based assessment that considers evolving consumer behaviour, OTT substitution, multi-SIM usage, pricing competition, customer switching, and continued network investment when evaluating market dynamics and dominance. The Authority should also ensure that conclusions regarding market power are based on actual competitive behaviour and not solely on market structure or concentration levels.	The Authority acknowledges CCTL's comments and recognises that the retail domestic mobile market exhibits several characteristics of a mature telecommunications market, including high penetration levels, significant prepaid usage, multi-SIM behaviour and the increasing importance of mobile data services. The Authority also acknowledges the growing role of OTT services and their impact on traditional voice and messaging services, as well as the continued investments undertaken by operators in network infrastructure and service improvements. The Authority agrees that a concentrated market structure, high barriers to entry and significant investment requirements are common features of many small telecommunications markets and do not,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				infrastructure, technology upgrades, and service innovation. The analysis should therefore distinguish between structural market realities and evidence of actual market power.		in themselves, establish market power or anti-competitive conduct. For this reason, the assessment sought to distinguish between structural market characteristics and evidence of market power by considering a broader range of behavioural indicators, including consumer behaviour, competitive constraints, pricing dynamics, investment patterns and market developments, in accordance with the applicable statutory framework.
40.	**5**	**Overview of the Relevant Market and the Operators Active in the Relevant Market**	Digicel	Section 5 provides an overview of the relevant market and the operators who are active within it. We respond to each sub-section in detail below. We highlight here that TATT's treatment of the 'relevant market' is inconsistent with its adopted market definition throughout Section 5. In particular, the treatment of OTTs is inadequate and inconsistent.	The Authority should revise Section 5 to reflect the relevant market as defined, rather than treating the market as a two-operator market. Market description, market shares, revenue trends and usage trends should incorporate OTT services to the extent relevant to the defined market.	The Authority notes Digicel's comments regarding alignment of the relevant mobile telephony market definition and the treatment of OTT services in Section 5 of the Determination. The Authority considers that the Determination adequately captures evolving trends in OTT services. Digicel is asked to recall section 5.2.1, of the Determination which recognizes that consumers are in fact changing their consumption patterns, increasingly

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						relying on OTT services at the expense of traditional services. Furthermore, section 8 of the Determination considers the widespread adoption of OTT services domestically, however, it also notes that the flat-rate or unlimited data plans further limits operators' ability to directly monetise the additional consumption. Additionally, the Determination also acknowledges that OTT services providers absence of direct data connectivity, continue to limit OTT providers ability to deliver their services, and therefore maintain their dependency on operators' networks. This conclusion is in keeping with the findings on OTT services contained within the Relevant Mobile Telephony Market Definition, as partial substitutes for mobile voice services, on a call or usage basis only.
41.	**5.1**	**Sources of the Data Used in the Analysis**	TSTT	TSTT notes that TATT's analysis relies principally on operator data for the period January 2022 to December 2023. TATT states that this was the period for which data from both operators were available	TSTT recommends that TATT update its assessment by requesting and incorporating available 2024 and 2025 operator data before making any	The Authority acknowledges TSTT's comment. However, the Authority considers that the timeframe used for the analysis is

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				for comparative purposes, although it also indicates that it routinely collects quarterly and annual reports. However, TATT's document does not indicate that TATT requested updated operator data for 2024 or 2025 before issuing this dominance assessment. This is material. If the evidentiary record does not include more recent operator data because such data was not requested, the resulting limitation should not be treated as a neutral data constraint or as a basis for drawing stronger conclusions from older information. Rather, it reflects the scope of the information-gathering exercise undertaken by TATT. A forward-looking dominance assessment should be based on the most current and reliable evidence reasonably available, particularly where the conclusions depend on market stability, predictability, pricing power, consumer behaviour, OTT substitution, and the sustainability of alleged coordinated conduct. TATT's own analysis recognises that the assessment is	final determination on single or joint dominance. If TATT does not consider updated operator data necessary, it should expressly explain why the January 2022 to December 2023 dataset remains sufficient to support a forward-looking dominance assessment issued in 2026. TATT should also revisit any findings that depend materially on the older dataset, including findings on market stability, symmetry, pricing power, barriers to entry, consumer responsiveness, OTT substitution, and the sustainability of coordinated conduct. Without this further step, the evidence base is insufficiently current to support definitive findings that the market is stable, predictable, or conducive to sustained coordinated conduct.	adequate. Competition authorities and regulators generally rely on recent multi-year data to assess market trends. While there is no fixed minimum period, a two-year horizon may be sufficient to accurately identify market dynamics, particularly in stable or mature markets. **The Authority requested that operators provide data covering 2024 and part of 2025 for the purposes of the dominance assessment.** However, the analysis was ultimately constrained by the data submitted by both operators in response to the Authority's request, in order to ensure that the assessment was based on reliable, complete and comparable information. The Authority further notes that TSTT has not provided any evidence demonstrating that more recent market developments would materially alter the conclusions of the assessment. Accordingly, in absence of contradictory information or data offsetting trends in market stability, symmetry, pricing,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				intended to inform likely future developments, yet several of the core conclusions appear to rest on a historic dataset ending in 2023. TSTT therefore submits that TATT should not rely on the January 2022 to December 2023 dataset as sufficient support for definitive findings of single or joint dominance without first requesting and assessing more recent operator data or explaining why such data is unnecessary. This is especially important where more recent market information may indicate changes in subscriptions, penetration, usage, revenues, consumer behaviour, or competitive constraints.		barriers to entry, consumer responsiveness and OTT services usage the Authority considers that the available evidence provides a sufficiently reliable basis for assessing prevailing market conditions.
42.	**5.2**	**Overview of the Retail Market for Mobile Services in Trinidad and Tobago**	TSTT	It is unclear why TATT limited its analysis to data ending in 2023, particularly given the availability of more recent Quarterly Market Updates containing potentially material developments relevant to the assessment. Bringing TATT's more recent Quarterly Market Updates into the analysis adds an important layer to the picture presented in Section 5.2. While the original document characterises the	TSTT recommends that TATT incorporate available 2024 and 2025 market data into its assessment and reconsider whether conclusions drawn from earlier data remain valid in light of more recent market developments. In particular, TATT should reassess whether the more recent evidence supports the characterisation of the market as	The Authority notes that the more recent developments highlighted by TSTT do not materially alter the conclusions of the report and, in several respects, are consistent with the findings already presented. First, the decline in mobile penetration and the reduction in the total number of subscriptions are not necessarily

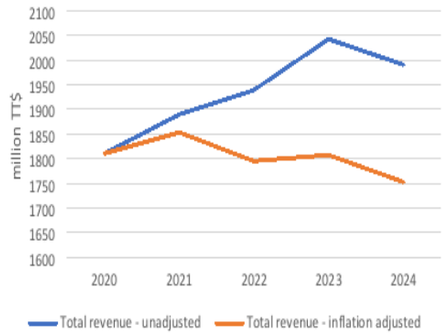
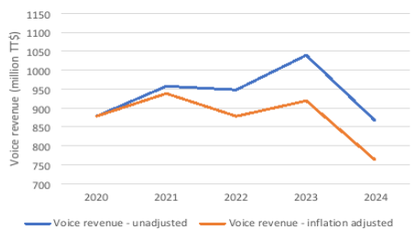
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				mobile market as mature, stable, and largely predictable, the newer data suggests a market that is undergoing meaningful adjustment and transition. One of the most notable developments is the decline in mobile penetration and total subscriptions. Between the periods covered, mobile voice penetration falls from approximately 130.9 to 124.8 per 100 inhabitants, and total subscriptions decline from around 1.79 million to 1.71 million. This is not simply a sign of maturity; it points to a contraction or rebalancing of demand. Such dynamics are difficult to reconcile with the notion of a stable equilibrium underpinning coordinated behaviour. In markets where the overall customer base is shrinking or adjusting, operators often face stronger incentives to compete for marginal users, which can make coordination more fragile. A similar pattern emerges in the data on mobile internet usage. Whereas Section 5.2 emphasises the growing importance of	sufficiently stable, predictable, and conducive to sustained coordinated conduct.	inconsistent with the characterisation of the market as mature. On the contrary, such developments are often observed in mature markets where penetration has historically exceeded 100% and where the scope for attracting new subscribers is limited. A reduction in the number of subscriptions may therefore reflect a market rebalancing, including the rationalisation of multiple SIM ownership, rather than the emergence of significant new competitive dynamics. The Authority also notes that, in a mature market with limited prospects for external growth, operators can only increase their subscriber base by attracting customers from competing operators. Such strategies may trigger competitive responses from rivals and potentially result in reduced margins for all market participants. The existence of a shrinking or stabilising customer base is therefore not, in itself, inconsistent with the assessment of market dynamics presented in the report.

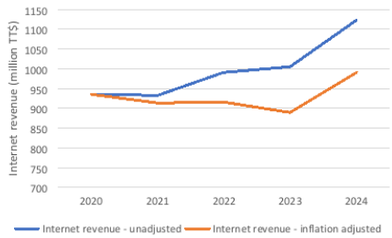
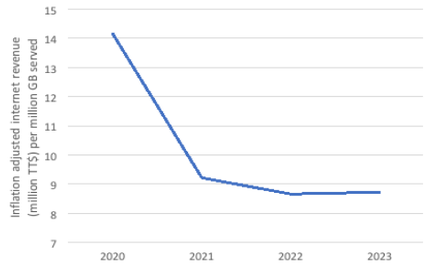
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				data services, the updated figures show significant volatility. Mobile internet penetration has dropped sharply over the period 2024-2025, and subscription levels fluctuate rather than following a smooth upward trajectory. This suggests that demand is not as stable or predictable as the earlier analysis implies. Instead, it appears to be influenced by changing usage patterns, substitution effects (into OTT), or sensitivity to pricing and service offerings. Such variability is important because coordinated outcomes rely on a degree of predictability; when demand conditions are shifting, it becomes harder for operators to sustain aligned strategies as required for joint dominance. The revenue and pricing data also undermine the conclusion of strong and unconstrained market power. Mobile service revenues are broadly flat over time, and in some segments—such as mobile voice—they show slight declines. Average revenue per user fluctuates rather than increasing steadily, indicating that pricing outcomes are not uniformly		Second, with regard to mobile internet penetration and subscription volatility, the Authority notes that the broader trends remain consistent with the conclusions of the report, namely the continued transition from traditional voice and SMS services towards data-based consumption patterns and OTT-enabled communications. The fluctuations observed in mobile internet subscriptions do not alter the finding that data services have become the primary driver of traffic and consumption patterns in the market. The Authority also notes that OTT services require an underlying connectivity service, whether provided through mobile data or fixed and public Wi-Fi networks. Consequently, the evolution of OTT usage and data consumption does not necessarily indicate a departure from the broader market trends identified in the report. Third, the Authority does not consider that flat revenues or fluctuations in

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				trending upward. This suggests that operators are facing some form of constraint, whether from consumer behaviour, substitution, or competitive interaction. It is more difficult, in this context, to argue that operators are able to raise prices freely without discipline. Perhaps most importantly, the newer data highlights the extent to which the market is subject to broader technological and behavioural changes. The continued decline in fixed voice services, the reduction in subscription television penetration, and the fluctuations in mobile usage all point to a sector in transition rather than one locked into a stable pattern. These developments are consistent with the growing role of OTT services and alternative modes of consumption. Even if these forces do not fully displace traditional operators, they nonetheless introduce a degree of uncertainty and external pressure that is highly relevant when assessing the sustainability of coordinated outcomes.		ARPU are inconsistent with the existence of market power. Even where an operator enjoys a dominant position, its ability to increase prices indefinitely is not unconstrained. If prices are already structurally above costs, additional price increases may become increasingly unprofitable as customers adjust their behaviour, reduce their consumption, downgrade to lower-priced offers, or make greater use of substitute services and technologies. Accordingly, profit-maximising prices remain subject to a degree of demand-side discipline and are ultimately constrained by customers' willingness and ability to pay. Finally, the Authority notes that the consumption trends highlighted by TSTT should be distinguished from the focal points that may facilitate coordinated behaviour. Focal points generally relate to observable characteristics of operators' commercial offers, such as prices, product content, or quality of service. By contrast, consumption patterns are the outcome of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						these commercial strategies and broader market developments. The data presented in the report continue to indicate a significant degree of symmetry between operators in several observable dimensions that are relevant to the assessment of coordinated effects. Overall, the additional market developments identified by TSTT do not appear to materially alter or overturn the conclusions reached in the report regarding the mature nature of the market, the limited prospects for external growth, and the competitive dynamics observed over the review period.
43.	**5.2.1**	**Market Size Measured by Subscriber Base**	Digicel	In Section 5.2.1, TATT describes the market size as measured by subscriber base. TATT suggests that the market has remained stable, and that it is experiencing stagnation in demand, with total subscribers having increased by around 3%. We note that access to mobile technology is now near-ubiquitous, and in most developed markets, the overall	The Authority should treat subscriber stability as evidence of mature penetration rather than evidence of stagnation. The Authority should focus on changes in usage, revenue mix, OTT substitution, SIM rationalisation and data growth.	The Authority acknowledges Digicel's comment regarding the interpretation of market maturity and trends in mobile service usage. The analysis undertaken by the Authority in Section 5.2.1 is of a descriptive nature. It is intended to set out the characteristics of demand in the market and its evolution in recent years, in order to identify the main market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				subscriber base grows broadly in line with population growth. Those markets with rapid subscriber base growth trail Trinidad and Tobago in terms of mobile penetration and overall development. Subscriber base growth in line with population growth is a sign of a well-developed mobile market, not stagnation. The remainder of the section highlights how data consumption is experiencing rapid growth and OTT services are changing consumers consumption habits. Again, these changes are all but indicative of a stagnant market.		trends and assess likely future developments in light of recent and reasonably foreseeable changes. The Authority further clarifies that the trends presented in this section are not inconsistent with a mature market. Accordingly, on the basis of the evidence set out in Section 5.2.1, the Authority did not, nor intend to reach any conclusion as to whether the market is underdeveloped or sufficiently developed in comparison with other markets. In this regard, the Authority does not equate stagnation with underdevelopment, as suggested in the Digicel's comments. Accordingly, the Authority maintains the relevance of the presentation of the retail mobile market as presented in Section 5.2.1.
44.	**5.2.2**	**Market Size Measured by Revenue**	Digicel	TATT presents statistics on revenues of mobile services in Trinidad and Tobago. However, TATT fails to adjust these figures for inflation. Applying such an inflation adjustment – using inflation rates	The Authority should present all revenue trends in real terms. Data revenue should be assessed alongside traffic growth and revenue per GB. A finding of increasing market power	The Authority acknowledges Digicel's comments and recognises the relevance of inflation-adjusted revenue figures.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				presented in Table 8 of TATT's report – refutes the claim that mobile revenues have been rising over time.  Indeed, inflation adjusted revenue falls by 3% from 2020 to 2024. We apply similar inflation adjustments to revenues from voice and internet respectively.  	cannot rest on nominal revenue trends where real revenues or real per-unit revenues are declining.	However, the Authority notes that the analysis presented in Section 5.2.2, and in particular Figure 3, is not intended to demonstrate that mobile revenues are increasing. In the Authority's view, revenue trends, in both nominal and real terms, indicate that mobile revenues are broadly stable, with marginal increases in 2021 and 2023 and marginal decreases in 2022 and 2024 compared with preceding years. In all cases, annual variations do not exceed 3 per cent. The purpose of the analysis in this section is to illustrate the evolution of the composition of total revenues, and to highlight the increasing importance of data services alongside the decline in voice services. In any event, the information provided by Digicel does not support the conclusion of a decline in revenues, even after adjusting for inflation and taking into account revenue per unit.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				 Inflation-adjusted voice revenue decreases 13% from 2020 to 2024. Inflation-adjusted internet revenue rises 6% from 2020 to 2024. However, to accurately assess internet revenue, we must account for the rise in data traffic over this period. Therefore, we present inflation-adjusted internet revenue per million GB served in the chart below.  Accounting for growth in data traffic reveals a 38% decline in per-GB internet revenue from 2020 to 2024. The preceding		With regard to voice services, revenue per minute generally increased over the period 2020–2024. The only observed decrease in revenue per unit occurred in 2024; however, the level of revenue per minute remains higher than in 2020. | | Unit | 2020 | 2021 | 2022 | 2023 | 2024 | |---|---|---|---|---|---|---| | Nominal revenue | TT$ M | 877 | 958 | 948 | 1 038 | 865 | | Annual inflation rate | % | | 2,10% | 5,80% | 4,60% | 0,50% | | Cumul inflation (base 2020) | % | | 102% | 108% | 113% | 114% | | Real revenue (base 2020) | TT$ M | **877** | **938** | **878** | **919** | **762** | | Volumes of Minutes | M minutes | 3 636 | 3 516 | 3 204 | 2 808 | 2750 | | Revenue per minute | TT$/min \| **0,24** \| **0,27** \| **0,27** \| **0,33** \| **0,28** \| With regard to data services, revenue per GB decreased significantly between 2020 and 2021, and more marginally between 2021 and 2022. However, since 2022, revenue per unit has remained stable, with a very slight increase observed. \| \| Unit \| 2020 \| 2021 \| 2022 \| 2023 \| 2024 \| \|---\|---\|---\|---\|---\|---\|---\| \| Nominal revenue \| TT$ M | 934 | 932 | 989 | 1 004 | 1 124 | | Annual inflation rate | % | | 2,10% | 5,80% | 4,60% | 0,50% | | Cumul inflation (base 2020) | % | | 102% | 108% | 113% | 114% | | Real revenue (base 2020) | TT$ M | **934** | **913** | **916** | **889** | **990** | | Volumes of data | M GB | 66 | 99 | 106 | 102 | 114 | | Revenue per GB | TT$/GB | **14,2** | **9,2** | **8,6** | **8,7** | **8,7** | As such, Digicel's assertion that unit prices are continuously decreasing and that operators have not been able to keep their revenues in line with inflation is not

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				analysis establishes a decline in real revenues. TATT fails to assess what this means for its analysis: if the MNOs possessed market power, would we not expect them to be able to protect their margins? The data suggest that operators have been unable to keep prices in line with inflation. This indicates that consumers have exerted sufficient pressure and put a competitive constraint on MNOs.		supported over the entire period under review.
45.	**5.3**	**Market Operators**	Digicel	Section 5.3 explains that "two operators are currently active within the relevant market as defined in the first phase of the market analysis". In Section 3.2, TATT defines the relevant market as "a single national relevant economic market for retail domestic mobile services" that encompasses "all customer segments […] and services […], whether provided over traditional networks or through OTT services on a call or usage basis." TATT's claim that the market is comprised of two active operators is therefore inconsistent with its own market definition, which includes OTT providers. Per TATT's	The Authority should reassess entry using an evidence-based framework that distinguishes regulatory barriers, spectrum availability, MVNO entry, MNO entry, wholesale access arrangements and NTN or D2D developments. The analysis should identify which barriers are caused by incumbent conduct, which barriers are structural (e.g. economies of scale) and which are within the Authority's own control and/or remit.	The Authority acknowledges Digicel's comment regarding the characterisation of the market structure and the potential impact of new entrants. The Authority does not share Digicel's view that referring to the market as having two active mobile network operators is inconsistent with the inclusion of OTT services in the relevant market. As previously explained, OTT services were included in the analysis to the extent that they exert a degree of competitive constraint on specific

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market definition, the market is oligopolistic, not a duopoly. TATT then claims that the "duopolistic market structure is unlikely to be challenged in the short-term due to the absence of a credible threat of an immediate entry of a new provider." This is at odds with market reality. We note two recent, credible attempts to enter the Trinidad and Tobago mobile market: 1. In 2014, TATT launched an RFP process to solicit the entry of a new mobile operator into the market. Three entrants submitted bids that met the conditions for qualification. Ultimately, the government did not award any of the bidders the licenses, seemingly due to concerns over the availability of additional spectrum. Since then, TATT does not appear to have attempted to revive its goal of creating a new entrant[14].		services, particularly voice and messaging. Such competitive pressure has been thoroughly assessed, and the Authority concluded that OTT providers do not exert sufficient competitive pressure on mobile network operators. Indeed, the Authority based its conclusion on the fact that OTT providers do not operate mobile access networks or provide the full range of mobile connectivity services included in the relevant market. The provision of mobile network services in Trinidad and Tobago therefore remains characterised by the presence of two active mobile network operators. Accordingly, only two MNOs currently provide the full range of products and services comprising the relevant market. Regarding potential entry, the Authority recognises that there has previously been interest from potential entrants.

[14] https://drupal.oxfordbusinessgroup.com/news/trinidad-and-tobago-revamp-telecoms-sector

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				2. In 2025, Nimble Mobile, an MVNO entered the market through a partnership with other MNOs.[15] Even if Nimble does not (yet) operate a standalone network, its launch is directly relevant to TATT's claim that the "duopolistic market structure is unlikely to be challenged in the short-term due to the absence of a credible threat of an immediate entry of a new provider." TATT does not address Nimble Mobile in its analysis, and does not explain whether Nimble is capable of disciplining the existing operators conduct. Finally, the document does not discuss whether fixed broadband operators or international OTT providers could, within a reasonable timeframe, begin supplying mobile services (for example, as MVNOs).		However, expressions of interest or participation in previous licensing processes do not demonstrate that effective entry is sufficiently likely, timely and capable of constraining existing operators during the relevant review period. The Authority further clarifies that Nimble Mobile was being considered as a sub-brand of an existing mobile network operator. Finally, while the Authority recognises that future developments, including potential MVNO entry or new service models, may affect competitive dynamics, such developments must be assessed based on their likelihood and expected impact within the timeframe of the review. Should future entry materially change market conditions, the

[15] https://nimblemobile.net/trinidadvoiceanddata

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Authority may reassess its conclusions accordingly. Accordingly, the Authority maintains that the current market structure remains characterised by two mobile network operators and that no sufficiently certain market development currently undermines this assessment.
46.	**6**	**Overall Single-Firm Dominance Assessment Framework**	CCTL	The analytical framework is comprehensive and aligned with international regulatory practice, particularly in its multi-factor approach (market share, barriers to entry, pricing power, profitability, and non-price competition). However, the assessment is heavily weighted toward structural similarities between the two mobile operators, without sufficiently interrogating dynamic competitive constraints, including potential disruption from fixed-mobile substitution, over-the-top services, and convergence effects. From a fixed operator perspective, the framework underestimates the competitive role of fixed broadband networks in shaping retail demand and	The Authority should explicitly incorporate fixed broadband operators as part of the competitive constraint analysis, particularly in relation to mobile data substitution and household connectivity decisions. A clearer separation between "mobile-only dominance" and "converged communications markets" is recommended.	The Authority wishes to clarify that its assessment is not based solely on structural similarities between operators. While structural characteristics such as market concentration, symmetry and barriers to entry constitute important elements of the assessment, these factors were considered alongside a range of dynamic indicators, including evolving consumer usage patterns, pricing trends, and the competitive impact of OTT services. In particular, the Authority devoted **Section 8** to examining the role of OTT providers in the market. As stated in this section:

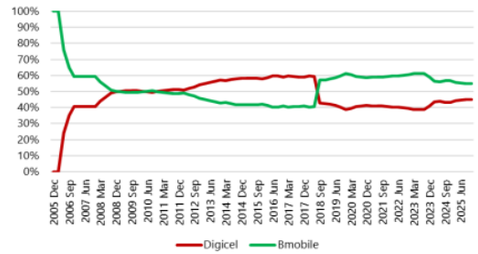
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				constraining mobile pricing, especially for data-heavy services.		"OTT services have significantly transformed the telecommunications sector by providing alternative means of communication and content consumption." The report further recognises that: "OTT applications may act as substitutes for traditional telecommunications services, particularly voice and messaging services." The Authority therefore expressly considered the extent to which OTT services may constrain the commercial behaviour of mobile operators as part of its dominance assessment. Regarding fixed broadband services, the Authority recognises that fixed networks play an enabling role in the consumption of OTT services and may indirectly or partially influence consumer behaviour, notably through Wi-Fi offloading and alternative means of accessing data services. However, the Authority's assessment concluded that these services

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						and their providers do not present a competitive constraint sufficient to prevent mobile network operators from acting independently from competitive dynamic, at least within the foreseeable future. This conclusion is also in keeping with the relevant boundary of the Retail Domestic Mobile Telephony Market, upon which this Determination is premised.
47.	**6**	**Analysis of Single Dominance Designation Criteria**	Digicel	Section 6 examines the relevant criteria to determine whether one of Digicel or the other MNO can be deemed individually dominant. While we agree with TATT's assessment that neither operator is dominant, we believe the analytical foundation used to reach this conclusion to be flawed. We discuss our concerns on each sub-section below.	The Authority should withdraw the inference-based findings in Section 6 even if it maintains the conclusion that neither operator is individually dominant. The section should be revised because the supporting analysis relies on market structure and selected indicators and does not provide any evidence of unilateral market power.	The Authority notes Digicel's general comment on this section of the assessment. The Authority's detailed responses to the specific concerns raised under this section are provided below (items no. 48 to 73). In summary Authority considers that factors such as barriers to entry, switching costs, product differentiation and broader competitive constraints examined in the report, notably in Section 6.3, Section 6.4, Section 6.7, and Section 7.3. provide evidence for determining single dominance or unilateral market power.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Therefore, the Determination assesses whether the stability of market share, together with other market characteristics and market-specific evidence, could support the existence of market power or coordinated behaviour.
48.	**6.1–6.2**	**Market Shares and Structural Symmetry**	CCTL	The conclusion of near-symmetrical duopoly positions is well supported, but it risks overstating stability as evidence of competitive balance. Persistent 50/50-type symmetry over time in a small market may also be indicative of tacit coordination rather than competition. The analysis does not sufficiently explore whether symmetry itself is a sign of reduced competitive intensity. From a fixed network standpoint, this stability also reflects high barriers to switching and limited service-based differentiation rather than healthy rivalry.	The Authority should assess whether persistent symmetry reflects coordinated equilibrium outcomes. Additional indicators such as churn rates, promotional intensity, and price dispersion over time should be incorporated. Fixed network penetration and substitution elasticity should be explicitly included in structural assessments.	The Authority acknowledges CCTL's comments regarding the interpretation of the observed symmetry between the two operators. The Authority agrees that persistent symmetry in market shares and market positions does not, in itself, establish either effective competition or coordinated behaviour. For this reason, the assessment did not treat market symmetry as evidence of competitive balance or healthy rivalry. On the contrary, the Authority expressly recognised that high levels of symmetry may constitute one of the structural characteristics conducive to coordinated outcomes and therefore considered this factor as part of its joint dominance assessment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						However, symmetry alone is insufficient to establish joint dominance. Consequently, the Authority complemented its assessment with an analysis of the additional conditions required for coordinated behaviour, including market transparency, the sustainability of coordination and the existence of external constraints. The Authority further notes that factors such as barriers to entry, switching costs, product differentiation and broader competitive constraints were specifically examined in the report, notably in Section 6.3, Section 6.4, Section 6.7, and Section 7.3. Accordingly, the Authority did not interpret the observed stability in market shares as evidence of healthy rivalry. While not eliminating the possibility, it assessed whether this stability, together with other market characteristics and market-specific evidence, could support

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the existence of market power or coordinated behaviour.
49.	**6.1**	**Market Share Analysis**	Digicel	Section 6.1 assesses the market shares of Digicel and the other MNO over the 2022-2023 period and whether this may indicate dominance. As discussed above, a primary concern is that TATT's analysis is limited to the two mobile operators, even though its market definition includes OTT providers. We recognise that estimating market shares for the OTT providers is not as straightforward as it is for Digicel and the other MNO. However, TATT has not made any attempt to address this issue. Second, we note that the analysis only spans a period of 2 years, from 2022-2023. This is much too short a period to identify any trend or indeed the degree to which market shares are stable over time. TATT states that longer-run data were used "where consistent and reliable data were available" but no time series or analysis is presented.	The Authority should calculate market shares over the entire relevant market (including OTTs). It should base its observations on a longer time series and test whether observed share movements are consistent with market power, competitive rivalry, multi-SIM optimisation or OTT substitution.	The Authority acknowledges Digicel's comment. However, the Authority considers that the timeframe used for the analysis is adequate. Competition authorities and regulators generally rely on recent multi-year data to assess market trends. While there is no fixed minimum period, a two-year horizon may be sufficient to accurately identify market dynamics, particularly in stable or mature markets. The Authority's analysis was, in any case, constrained by the data supplied by both operators in response to its data request, in order to ensure an enhanced level of reliability and comparability. With regard to the figure presented, Digicel asserts that it demonstrates that the market has "been far from stable". The Authority does not share this view. First, apart from the period following the entry of the second operator, market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				MNO market shares in Trinidad and Tobago, 2006-2025[16]  As shown in the figure above, mobile market shares in Trinidad and Tobago have been far from stable when considering the period since Digicel entered the market in 2006. In fact, there has been significant variation in both market shares and market leadership over time. This is not documented at all by the TATT. Accordingly, the graphs presented by the TATT in this section of the paper cannot be relied upon to draw any longer-term conclusions on the evolution of subscriber-based or revenue-based market shares.		shares have remained broadly stable over time, with both operators exhibiting a largely parallel trend since 2008. Second, regarding the change in relative market positions observed in 2018, Digicel does not provide any explanation for this sudden development, which appears difficult to achieve through normal competitive dynamics and is more likely attributable to a reporting issue. Third, Digicel does not specify the basis of the market share data presented (for example, whether measured in number of subscribers, value, or another metric), which limits the ability to interpret the figure. Fourth, the data presented in Digicel's figure appear inconsistent with the data collected by the Authority directly from both operators for the purpose of the

[16] Data from Telegeography's GlobalComms database, accessed April 2026.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				TATT also states that it "did not find evidence of heterogenous competitive dynamics between the prepaid and postpaid segments". The two-year time period is again too short to be able to discern any trends and/or stability either within or across segments. Moreover, TATT acknowledges that one operator holds a 'slightly larger gap' in the mobile internet segment. Given the growing importance of the mobile internet segment (as highlighted in previous section), this should be a key point of analysis for TATT. Finally, we highlight that even if TATT had adopted a market definition which comprised Digicel and the other MNO only, an outcome in which each gains a market share close to 50% is the most likely competitive outcome. We would argue that it is a result of intense competition where neither firm can gain a significant advantage over the other.		dominance assessment. The use of this directly collected dataset ensures consistency, comparability, and reliability, and avoids the ambiguity and lack of clarity associated with Digicel's figure. In all cases, the Authority recalls that its conclusion regarding the existence of joint dominance was not based solely on market shares. The objective of the analysis is to assess whether there have been significant fluctuations in market shares that may be indicative of a lack of market power. The data examined over a period of eight quarters, comforted by the Authority's reported dynamics (e.g. HHI scores) over a longer timeframe, does not show any significant shift in market dynamics that would be likely to alter the current market structure. As the analysis seeks to develop a comprehensive view of the market in the foreseeable future, the Authority remains

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				We also contend that anything other than a fairly symmetric split between two operators in a two-MNO market is more likely to raise competition concerns. If one MNO has a much larger market share, it may be more likely to exert market power. The fundamental question that TATT does not address here is why it believes that a relatively even market share in market with two MNOs implies that competition is limited?		convinced that the current market structure (in terms of very close market shares) is likely to persist. Should this situation change and a significant gap between operators within the market share arise, the Authority will review its conclusion.
50.	**6.1**	**Market Share Analysis**	TSTT	There is a clear inconsistency between the way TATT defines the relevant market and the way it conducts the market share analysis in Section 6.1. In its market definition, TATT explicitly includes OTT services (even if on the logically dubious basis of "partial substitutability"—as discussed further in the other comment on Section 6.1) with traditional voice and messaging services. This suggests that OTT providers exert some degree of competitive constraint and are therefore part of the same competitive space. However, when the analysis turns to market shares, the calculation is based entirely on the activities of the two mobile	TSTT recommends that TATT address this analytical inconsistency by incorporating OTT services into the market share assessment in a manner consistent with TATT's defined relevant market. Failure to do so artificially inflates measured concentration levels and overstates the extent of market power and symmetry within the market.	The Authority acknowledges TSTT's comments regarding the treatment of OTT services in the market share analysis and the relationship between the relevant market definition and the assessment of market concentration. The Authority wishes to clarify that the inclusion of OTT services within the relevant market does not automatically imply that market shares can be readily calculated on the basis of conventional metrics such as subscriptions, traffic volumes, or revenues.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				network operators, using metrics such as subscriptions, traffic, and revenues, with no apparent inclusion of OTT services in either the numerator or the denominator. Market shares are only meaningful within the boundaries of the defined market. If OTT services are considered part of that market, then they should, at a minimum, be reflected in the overall assessment of market size and competitive positioning. By excluding them, the analysis effectively treats the market as a closed duopoly, which has the effect of maximising measured concentration and reinforcing the appearance of symmetric market power. This overstates the degree of concentration and, by extension, the strength of the dominance finding. TATT attempts to address this inconsistency indirectly by emphasising that OTT services are only "partial" substitutes and do not exert sufficient competitive pressure on the operators. However, this position raises a further question. If OTT services are not strong		While OTT providers exert a degree of competitive pressure on certain retail mobile services, this does not render their inclusion in market share calculations either necessary or methodologically appropriate in the present context. Market shares are instruments for measuring structural market power across the full scope of the relevant market. The relevant market, in this case the retail mobile services, includes mobile data connectivity as a central component, a service which OTTs cannot supply and for which they are themselves dependent on MNO infrastructure. Including OTTs in market share calculations would therefore misrepresent the competitive structure of the market as a whole. Moreover, OTTs operate under zero-price or advertising-funded models that are incompatible with the revenue or subscription-based metrics on which

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				enough to constrain operator behaviour in a meaningful way, the basis for including them within the relevant market becomes less clear. Conversely, if they are sufficiently substitutable to warrant inclusion, then their exclusion from the market share analysis is difficult to justify. In effect, OTT services are treated as relevant for defining the market but not for measuring competition within it.		market shares are conventionally computed. The competitive constraint exerted by OTTs is therefore more appropriately addressed at the stage of market power assessment, as a qualitative factor bearing on whether MNO market shares translate into the ability to act independently of competitive pressure, not as a quantitative input into share calculations themselves. The Authority recalls that market shares were not assessed in isolation. The dominance assessment considered the competitive pressure exerted by OTT services separately, together with other indicators including market structure, barriers to entry, pricing behaviour and operators' ability to act independently of competitive constraints. Accordingly, the Authority considers that market shares are appropriately calculated on the basis of mobile network operators.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
51.	**6.1**	**Market Share Analysis**	TSTT	Section 6.1 concludes that the market's high concentration and relatively balanced market structure support a finding of joint dominance. This conclusion is further undermined by the differences in commercial positions, including greater pricing latitude, stronger scale advantages, higher-value customer segments, and superior bargaining power. This is important because the theory of coordinated effects underlying joint dominance generally assumes a relatively high degree of symmetry between firms.	TATT should pursue an analysis of how the commercial positions of the two mobile operators differ, and derive the relevant conclusions with respect to the implications if one operator appears to possess greater independent strategic flexibility than the other.	The Authority acknowledges TSTT's comments regarding the importance of assessing the relative commercial positions of operators in the context of joint dominance. The Authority notes that its assessment did not rely solely on market concentration or the existence of a two-operator structure. As part of the analysis, the Authority examined the relative position of both operators across different market segments, including prepaid and postpaid services, the characteristics and composition of commercial offers, pricing structures, customer segments and other relevant competitive parameters. This analysis identified a significant degree of symmetry between the two operators in terms of their market positions, commercial capabilities and ability to compete across the relevant market.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority recognises that some differences may exist between operators in terms of commercial performance or strategic positioning. However, the existence of certain differences does not, in itself, demonstrate that one operator possesses a materially greater degree of strategic flexibility or competitive advantage such that symmetry between operators is absent. The relevant question in the context of joint dominance is whether the relative positions of operators are sufficiently similar to facilitate a common understanding of market behaviour and whether each operator has sufficient capability to monitor and respond to competitive deviations. In this regard, TSTT has not provided specific evidence demonstrating that the differences claimed (but not shown) would materially affect the Authority's assessment of symmetry or establish that either operator benefits from a significant independent competitive advantage.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, the Authority maintains its conclusion that the relevant characteristics of the market support a finding of a significant degree of symmetry between the two operators.
52.	**6.1.3**	**Concluding Remarks Regarding the Analysis of Market Shares**	TSTT	TATT concludes that neither operator appears to hold more than 150% of its average market share and that, consequently, the A23(a)(i) market-share presumption in the Concession does not appear to be satisfied. In a two-operator market, the 150% of average market share threshold equates to 75%. TATT's own conclusion that neither operator meets this threshold is material and should be given meaningful weight in the dominance assessment. TSTT recognises that A23(a)(i) is not the only basis on which dominance may be assessed. Section 29(8) of the Act and A23 of the Concession permit TATT to consider other relevant factors, including whether an operator, individually or jointly with others, enjoys a position of economic strength affording it the power	TSTT recommends that TATT revise Section 6.1.3 to give proper effect to its own finding that the domestic A23(a)(i) market-share presumption has not been triggered. TATT should clarify that international 50% thresholds are contextual references only and do not operate as a substitute domestic presumption of dominance. If TATT relies on such thresholds, it should explain the evidential weight it gives to them and how that reliance is consistent with the domestic statutory and concession-based framework, particularly where the A23(a)(i) threshold is not satisfied. TATT should also clarify that broadly symmetric market shares around the	The Authority acknowledges TSTT's comments regarding the interpretation of market shares and the relationship between the domestic market-share presumption and international benchmarks. The Authority agrees that neither operator appears to hold more than 150% of its average market share and that, consequently, the presumption of dominance under Condition A23(a)(i) of the Concession Agreement is not triggered. The assessment explicitly recognises this point. The Authority further agrees that international market-share thresholds should not replace or dilute the domestic framework. References to thresholds commonly used in other jurisdictions

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				to behave to an appreciable extent independently of competitors, customers and ultimately consumers. However, where the domestic market-share presumption has not been triggered, TATT should not use international market-share thresholds in a manner that effectively circumvents or dilutes that finding. TATT then relies on the fact that both operators are close to, or exceed, the 50% threshold commonly associated with a presumption of dominance in several international jurisdictions. TSTT does not object to TATT referring to international thresholds as contextual guidance. However, those thresholds should not be treated as creating a substitute domestic presumption, particularly where the domestic A23(a)(i) threshold has expressly not been met. If TATT places material reliance on those thresholds, it should explain the legal and evidential basis for doing so within the domestic statutory and concession-based framework.	50% level do not, without more, establish single or joint dominance. Such symmetry may warrant further review, but it is not evidence that either operator, individually or jointly with the other, is able to behave to an appreciable extent independently of competitors, customers, consumers, or wider competitive constraints. To the extent TATT relies on market-share symmetry in support of joint dominance, TATT should undertake a separate and rigorous assessment of whether coordinated conduct is feasible, sustainable, and capable of being maintained in the face of external competitive constraints. Market-share symmetry should therefore be treated as an initial indicator only, not as evidence sufficient to support a dominance finding.	were included solely as contextual guidance and to ensure that the assessment remains consistent with recognised international practices. They were not intended to establish an alternative legal presumption of dominance. The Authority also agrees that market shares, whether considered individually or symmetrically, do not by themselves establish dominance or joint dominance. As explicitly stated in the report: "As explained in Section 4, while the analysis of market shares constitutes a fundamental component of the dominance assessment, consideration of additional criteria (such as those outlined in condition A23(b) of the Concession Agreement) is essential for reaching a well-informed and robust conclusion regarding the dominance assessment." Accordingly, the symmetry of market shares was not treated as determinative evidence of dominance. Rather, it was

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Further, the market-share evidence identified by TATT is inherently equivocal. The fact that two operators have broadly similar shares around the 50% level indicates a relatively balanced market structure between the two operators. It does not, without more, demonstrate that either operator can behave independently of the other, of consumers, or of broader competitive constraints. Similar market shares may be consistent with rivalry in a mature two-operator market and should not be treated as proof of single dominance. Nor should the same market-share symmetry be carried forward into the joint dominance analysis as if it were determinative. TSTT accepts that symmetric market shares may be relevant to assessing whether a market is susceptible to coordination. However, symmetry is only a structural indicator. It does not establish that coordinated conduct is feasible, sustainable, or capable of being maintained in the face of consumer behaviour, OTT substitution,		considered as one structural indicator among a broader set of factors, including barriers to entry, pricing behaviour, profitability, market transparency, consumer behaviour and other competitive constraints. In the context of the joint dominance assessment, symmetric market shares were considered relevant insofar as they may contribute to creating conditions conducive to coordination. However, the Authority's conclusions were not based on market shares alone, but on an assessment of whether the totality of the evidence suggests that operators possess the ability to act independently of effective competitive constraints.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				technological change, entry or expansion possibilities, or other external competitive constraints. Accordingly, TATT should avoid treating market-share symmetry as evidence that supports dominance at each stage of the analysis without clearly identifying what that evidence proves. Market shares may be a starting point for inquiry, but they do not, on their own, satisfy the statutory economic-strength test under section 29(8) of the Act.		
53.	**6.2**	**The Overall Size of the Operators**	Digicel	In Section 6.2, TATT assesses the degree to which the relative size of one of the operators versus the other is likely to give rise to market power. We are uncertain as to the degree to which this analysis provides new insights beyond those that can be gained from a market share analysis. TATT's analysis would suggest that the size of an operator's network was independent of the size of that operator's subscriber base. Overall, we agree with TATT's analysis that Digicel and the other MNO are	The Authority should assess size and network indicators as evidence of competition. Differences in rollout timing, network performance, capacity, coverage and investment cycles should be viewed as indicators of infrastructure-based competition.	The Authority acknowledges Digicel's comment. However, the Authority notes that Digicel does not provide any evidence to contradict the finding that both operators are of broadly similar size and operate comparable networks. While differences in 4G deployment strategies existed historically, these have, over time, converged, with both operators now having deployed networks of comparable scale in terms of network assets and footprint in terms of coverage.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				operators of similar size. Indeed, this is the outcome we would expect the market to deliver under competition between two MNOs. Further, it is worth noting that although Digicel and the other MNO are of similar sizes today, their network and buildout strategies have been very different. As TATT notes, MNO 1 launched 4G in 2017, while the MNO 2's 4G network buildout was largely complete by this time. Moreover, it would lead to very different product characteristics, such as better speeds and capacity on MNO 2's network for a long time as well as leading to differences in product perception by consumers. This is evidenced in Ookla's Speed Test Awards. In 2018, Digicel was recognized as the fastest mobile network in Trinidad and Tobago[17]. Digicel enjoyed this position until 2024, when the other MNO was ranked the fastest.[18] Not only are these differences a key indicator of competition, rather than coordination, but		As such, neither operator holds a material competitive advantage over the other in this regard. The Authority did not infer from this observation alone, which was informed by operators' data submissions, that the market is not competitive. Rather, it relied on this finding, in conjunction with the symmetry in market shares, to exclude the presence of single dominance, as each operator possesses sufficient countervailing power stemming from comparable scale and network size to constrain the exercise of market power by the other. The symmetry between operators, while relevant for excluding single dominance, is also a relevant factor in the assessment of joint dominance. It is an established principle in competition analysis that the existence of symmetry may facilitate

[17] https://www.speedtest.net/awards/trinidad_and%20tobago/2018/?time_period=q1-q2

[18] https://www.speedtest.net/awards/trinidad_and%20tobago/2024/?time_period=q3-q4

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				they would also frustrate any attempt at coordinating product offerings.		coordination, particularly where operators exhibit similar cost structures, market shares, capacity levels (including coverage), and the composition of commercial offers. The relevance of such symmetry in the assessment of joint dominance has been analysed in Section 7 of the report.
54.	**6.2**	**The Overall Size of the Operators**	TSTT	TATT relies on the overall size of the operators, their subscriber bases, network coverage, network infrastructure, and service portfolios to support the view that both operators benefit from economies of scale and scope, and that network parity may contribute to barriers to entry. TSTT submits that the conclusion drawn from this evidence is overstated and requires further qualification. TSTT recognises that, in telecommunications markets, economies of scale and scope may be relevant indicators in a dominance assessment. However, they are not, without more, evidence of dominance. The relevant question remains whether the size, scale, coverage, or infrastructure of an operator	TSTT recommends that TATT revise Section 6.2 to distinguish clearly between local market scale, overall corporate or group-level scale, and actual market power. If TATT's assessment is confined to the local retail domestic mobile market, TATT should acknowledge that comparable local network size, coverage, subscriber bases, and infrastructure do not, without more, establish dominance. TATT should explain how those factors demonstrate the ability to behave independently of competitive constraints, rather than merely reflecting national network	The Authority acknowledges TSTT's comments regarding the role of operators' size, network infrastructure and economies of scale in the dominance assessment. The Authority wishes to clarify that Section 6.2 does not seek to demonstrate that either operator possesses a unilateral size advantage or that the mere existence of large national networks constitutes proof of dominance. Indeed, the Authority did not draw any conclusion regarding the presence of unilateral size advantage or unilateral market power based on the elements presented in section 6.2.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				gives it the ability to behave to an appreciable extent independently of competitors, customers, and ultimately consumers. TATT has not demonstrated that link. In network industries, broad coverage and substantial infrastructure are expected outcomes of long-term investment, licence obligations, rollout commitments, and consumer demand. The fact that both operators have developed national networks and comparable coverage does not establish that either operator has market power. If anything, comparable local network scale and coverage may indicate that neither operator has a unilateral structural advantage over the other. Even if TATT were attempting to argue that economies of scale and scope are recognised indicators of market power in international regulatory practice, TSTT's position is that international practice treats such factors as indicators to be assessed in context, not as stand-alone proof of	deployment and licence-related investment. If TATT intends to rely on overall undertaking size, including access to financial resources, procurement efficiencies, group-level support, or regional economies of scale and scope, TATT should expressly assess the asymmetry between Digicel as part of an international telecommunications group and TSTT as a national provider. TATT should not treat the operators as equivalent in overall size without analysing the different nature, source, and competitive significance of their respective scale. TATT should also avoid treating legitimate infrastructure investment, broad network coverage, or compliance with rollout and service obligations as evidence of dominance. These factors may be relevant to market structure, but they are not proof that either operator can	The objective of this section is to assess the **relative size of one operator compared to its competitor(s)** and determine whether the market structure exhibits a high degree of symmetry between operators or contribute to the existence of high barriers to entry in the market. The Authority notes that the assessment considered several indicators of operators' relative positions, including subscriber bases, ARPU, network size, quality of service, service portfolios and overall market positioning. Consequently, there is no ambiguity regarding what the Authority relied upon to analyse the relative size of operators. These indicators collectively suggest that both operators possess broadly comparable market positions. This finding is relevant to the joint dominance assessment because a high degree of symmetry may facilitate the emergence of aligned incentives and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				dominance. TATT must therefore explain how the particular scale economies identified in Trinidad and Tobago translate into the ability to act independently of competitive constraints, rather than simply reflecting the cost structure of mobile network deployment. TATT's analysis also requires greater precision because "overall size" may refer to different things. If TATT is assessing the local retail mobile market, the relevant inquiry should focus on local assets, local subscribers, local revenues, local costs, local network capacity, and local competitive constraints. On that basis, TATT's own analysis points to broad symmetry between the operators, which does not support a finding that either operator has a unilateral size advantage. However, if TATT intends to rely on the overall corporate strength of each undertaking, including group-level resources, access to capital, procurement leverage, technical support, or regional economies of scale and scope, then it must	act independently of competitors, customers, consumers, or wider competitive constraints. To the extent TATT considers that national network deployment creates barriers to entry, TATT should analyse that issue separately under the barriers to entry assessment. In doing so, TATT should distinguish between structural barriers inherent in network industries, regulatory barriers arising from licensing or spectrum policy, and any barriers allegedly created or maintained by operator conduct. TATT should therefore revise any finding that relies on overall size, coverage, network parity, or economies of scale and scope as support for dominance unless it demonstrates, with market-specific evidence, how those factors translate into actual market power or into feasible and sustainable coordinated conduct.	reduce the likelihood that one operator would pursue materially different commercial strategies. Similar market positions may also increase the credibility of competitive responses and reduce incentives to engage in aggressive competition, particularly in mature markets with limited prospects for external growth. Furthermore, the Authority considers that the presence of two operators of broadly comparable size, each benefiting from significant economies of scale, reinforces the structural barriers to entry. A prospective entrant would need to deploy a network with sufficiently broad geographic coverage and adequate capacity to compete credibly with both incumbent operators, requiring substantial upfront investment before acquiring a sufficient customer base. The existence of two well-established operators means that a new entrant would immediately face competition from two competitors benefiting from

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				distinguish between Digicel as part of an international telecommunications group and TSTT as a national provider. Digicel's regional and international scale cannot be treated as equivalent to TSTT's national scale without analysis. In particular, group-level resources, procurement advantages, vendor relationships, financing capacity, and regional operational efficiencies may materially affect the weight to be assigned to "overall size" in the dominance assessment. This is particularly important because TATT's own document relies on Digicel Group-level financial information in the absence of disaggregated financial information for Digicel Trinidad and Tobago. That approach undercuts any simple conclusion that the operators should be treated as equivalent in overall size. Either TATT must confine its analysis to local market scale, in which case comparable local scale does not establish dominance, or it must assess overall undertaking size more fully, in which case Digicel's international group scale must		comparable cost advantages, extensive network infrastructure and established subscriber bases. As a result, the entrant would be placed at a significant structural cost disadvantage compared to all market participants until it reached a similar scale, making entry considerably more difficult and commercially risky. Accordingly, the Authority considers that the combination of significant economies of scale and the presence of two incumbent operators of comparable size materially increases barriers to entry and makes the emergence of a new entrant capable of exerting an effective competitive constraint unlikely to occur in a timely, likely and sufficient manner. The Authority further notes that references to the "overall size of the concessionaire's undertaking" are consistent with the criteria set out in the document, which expressly recognise that size may be a relevant factor where advantages arise from economies of scale or scope, production capacities,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				be expressly considered and distinguished from TSTT's national position. Further, TATT should not treat network investment and coverage as evidence of dominance in a manner that penalises operators for complying with rollout, coverage, quality of service, and service availability expectations. Infrastructure investment is a pro-consumer and pro-development outcome. It may create scale efficiencies, but that does not mean that such efficiencies have been used to exclude competitors, prevent entry, weaken competition, or allow either operator to behave independently of competitive constraints. To the extent TATT considers that national network deployment creates barriers to entry, that analysis should be addressed separately under barriers to entry. It should not be collapsed into the overall size analysis. The existence of high fixed costs, sunk costs, spectrum requirements, rights of way, and licensing conditions may explain why entry is difficult, but those		distribution networks or activities outside the market under consideration. However, these considerations were not treated as stand-alone evidence of dominance. With respect to the potential differences between Digicel's international group and TSTT's national structure, the Authority notes that if such differences were materially affecting competitive conditions, they would reasonably be expected to manifest themselves in observable market outcomes. The evidence reviewed in the assessment does not indicate significant asymmetries in terms of customer bases, network characteristics, service offerings or overall market positions that would suggest a materially different competitive position between the two operators. The Authority also wishes to clarify that the analysis does not treat network investment or national coverage as evidence of anti-competitive conduct or

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				factors do not, without more, prove that existing operators are dominant. This is especially so where some barriers arise from the regulatory and spectrum authorisation framework rather than from operator conduct. Accordingly, Section 6.2 does not establish that either operator, individually or jointly with the other, enjoys a position of economic strength enabling it to behave independently of competitive constraints. At most, the evidence shows that both operators have invested in national networks and that each has achieved significant local scale. That is not sufficient to support TATT's dominance findings.		seek to penalise operators for investing in infrastructure. Rather, these elements are considered because they contribute to understanding the relative positioning of operators and the conditions under which competitive interactions take place. Finally, the Authority agrees that barriers to entry constitute a separate analytical consideration. The discussion of operators' relative size and infrastructure in Section 6.2 should therefore be understood primarily as an assessment of market symmetry and operators' relative positions, rather than as a standalone demonstration of dominance or a direct assessment of barriers to entry. Accordingly, the Authority considers that the evidence presented in Section 6.2 contributes to the broader assessment of whether market conditions are conducive to coordinated behaviour or contribute to structural barriers to entry, but was not relied upon as independent

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						proof that either operator, individually or jointly, possesses market power.
55.	**6.3**	**Barriers to Entry and Countervailing Constraints**	CCTL	The identification of legal and spectrum-based barriers is appropriate. However, the conclusion that OTT services and fixed networks provide limited countervailing power underestimates the functional substitutability of fixed broadband for mobile data services. Fixed providers already exert downward pressure on mobile data pricing through household Wi-Fi substitution, particularly for high-volume users. The analysis also overlooks the disciplining effect of converged bundles (fixed broadband + voice + mobile substitution via Wi-Fi calling).	The Authority should formally recognise fixed broadband as a partial countervailing constraint in the mobile Internet segment. Future reviews should quantify substitution between fixed Wi-Fi and mobile data consumption, particularly for OTT usage. Policy should also consider reducing barriers to convergence-based competition (e.g., Wi-Fi calling enablement, fixed-mobile bundling)	The Authority acknowledges CCTL's comments regarding the role of fixed broadband networks, Wi-Fi substitution and converged services in shaping consumer behaviour. The Authority recognises that fixed broadband services may indirectly influence the domestic mobile market by enabling Wi-Fi offloading and facilitating the use of OTTs. However, the existence of such indirect constraints does not necessarily imply that fixed broadband services exert the same degree of competitive pressure as infrastructure-based mobile competitors. The Authority expressly considered the role of OTT services in its assessment. In Section 8, the Authority recognised that: "While OTTs are considered imperfect or partial substitutes on a call or usage basis and therefore form part of the same relevant market as traditional operators, their influence on consumer behaviour,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						pricing strategies, and network usage introduces only an indirect/limited competitive constraint." The Authority further concluded that: "The countervailing pressure exerted by OTT providers on telecommunications operators remains limited, as telecom operators control the very means through which end-users access OTT services." The Authority therefore recognises that OTT services and alternative means of accessing communications services may influence consumer behaviour and usage patterns. However, the evidence available does not indicate that these factors impose a competitive constraint sufficient to prevent mobile network operators from acting independently from competitive dynamics. Notwithstanding the above the Authority will continue to monitor these developments and review its impact on the market on a periodic basis.
56.	**6.3**	**The Presence of Barriers to**	Digicel	Section 6.3 considers whether barriers to entry exist and whether potential	The Authority should remove the barriers-to-entry finding from the	The Authority acknowledges Digicel's comment regarding the distinction

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Entry and the Abuse of Countervailing Power from Competitors		competitors exert a countervailing constraint. Digicel agrees that entry conditions are relevant to a dominance assessment. However, the Authority's analysis does not distinguish between structural barriers to entry and regulatory barriers to entry: • Structural barriers are features of the market that may make entry difficult even where regulation is neutral. These may include economies of scale, difficulty in accessing sites and spectrum availability. • Regulatory barriers arise from the legal and administrative framework governing entry, including concession requirements, spectrum assignment and MVNO authorisation. The Authority's analysis treats barriers to entry as if they were inherent market features and then relies on them as evidence supporting dominance. That approach is incomplete. Where an alleged	evidentiary basis for joint dominance. The current analysis does not distinguish between structural barriers and regulatory barriers and does not assess whether those barriers could be reduced during the review period. A regulatory barrier cannot be used as evidence of incumbent market power.	between structural and regulatory barriers to entry, as well as the potential impact of new entrants, MVNOs and OTT services. The Authority agrees that barriers to entry may arise from different sources, including economic, technical legal and regulatory factors. However, for the purpose of a dominance assessment, the relevant question is whether these factors, individually or collectively, limit the ability of new competitors to enter the market and impose an effective competitive constraint within the relevant timeframe. The Authority does not consider that the existence of previous interest in market entry is sufficient evidence that barriers to entry are limited. As previously explained, potential entry must be sufficiently likely, timely and significant to constrain existing operators. The Authority's assessment therefore considers not only whether entry is theoretically possible, but whether a new

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				barrier is regulatory, the Authority must identify the specific regulatory constraint, explain whether it is within the control of the Authority or the Minister, and assess whether it could be relaxed during the review period. This distinction matters in Trinidad and Tobago. The market has seen previous interest in entry, including the 2014 process for a third MNO and later interest in MVNO-style entry. More recently, Nimble Mobile launched mobile voice and data services through an MVNO-style partnership arrangement. The Authority should therefore not treat the current number of facilities-based MNOs as sufficient evidence that entry barriers are structural or insurmountable. It must assess whether the relevant entry constraints are economic, regulatory, spectrum-related, or linked to the terms on which wholesale or partnership arrangements are available. The Authority must assess whether the regulatory barriers remain relevant on a forward-looking basis.		provider could achieve sufficient scale and market presence to affect competitive dynamics during the review period. Regarding MVNO entry, the Authority reiterates that Nimble Mobile was being considered as a sub-brand of an existing mobile network operator. The Authority recognises that future developments, including potential MVNO arrangements, spectrum availability or technological evolution, may influence competitive conditions. However, such developments must be assessed based on their likelihood and expected impact during the review period. At this stage, the Authority does not have sufficiently reliable evidence indicating that the current market structure is likely to change materially in the foreseeable future. In any event, should future entry materially alter the competitive environment, the Authority may reassess its conclusions accordingly.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				The Authority also has not assessed whether potential or actual MVNO entry, spectrum release, revised concession conditions, wholesale access arrangements, or future technology developments could alter entry conditions during the review period. A forward-looking dominance assessment cannot rely only on the current number of MNOs. It must assess whether entry or expansion could discipline the conduct of existing operators, including whether Nimble Mobile's entry indicates that reseller or MVNO-style competition is feasible and could become a more meaningful competitive constraint under appropriate regulatory or wholesale conditions. TATT also argues that OTT providers are not a countervailing force in the relevant market. This is inconsistent with the results of TATT's consumer survey, which show that 40% of users would switch to OTT services in response to a 5% price increase, and the declining market share of Digicel and the other MNO in the		Regarding OTT services, the Authority reiterates that their competitive impact was considered as part of the assessment. While OTT services provide a degree of substitution for traditional voice and messaging services, including through Wi-Fi connectivity, they do not provide the full range of mobile expected by consumers. At present, only mobile network operators are capable of providing these services. Furthermore, the quality and reliability of OTT services depend on the underlying broadband connectivity provided by fixed or mobile network operators. While local Wi-Fi networks may provide connectivity in specific locations, they do not offer the ubiquitous coverage and mobility that are the defining characteristics of mobile services. Accordingly, neither OTT services nor local Wi-Fi networks replicate the full competitive role of a mobile network operator within the relevant market and therefore do not

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				messaging and voice sectors.[19] We also disagree with TATT's assertion that "the competitive impact of OTT services on telecommunications operators remains limited, as the use of such services ultimately depends on Internet access provided by the operators". The use of OTT services is merely dependent on internet access. It does not depend on having internet access provided by a mobile operator. OTT service users can use these services using their home broadband, Wi-Fi hotspots and, going forward, D2D services provided by satellite operators. Indeed, we note that TATT itself provides free Wi-Fi hotspots in many locations which provide an alternative pathway for OTT connectivity that does not rely on mobile networks. TATT's TTWi-Fi metrics suggest users make intensive use of this service, with		exert a competitive constraint sufficient at this stage to remove the barriers to entry identified in the dominance assessment.

[19] We note that TATT cites a 10% price increase. However, as we interpret Table 3, the data cited comes from column 1, which uses mobile expenditure under $200 and a proposed price increase of $10 (i.e., 5%, not 10%).

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				over 2 million connections made in Q4 2025.[20]		
57.	**6.3**	**The Presence of Barriers to Entry and the Absence of Countervailing Power from Competitors**	TSTT	TATT again correctly recognises that OTT services exert competitive pressure. The survey evidence it cites is striking: a 10% increase in voice prices would lead to approximately 40% of users shifting part of their usage to OTT services. That is not a marginal response; it indicates a meaningful behavioural reaction and confirms that consumers do view OTT services as substitutes. In most competition analyses, such a level of switching would be taken as strong evidence of demand-side substitutability. However, TATT then seeks to limit the significance of this finding by emphasising that the substitution is only "partial" and that OTT services ultimately depend on the underlying connectivity provided by mobile operators. TATT's position raises several analytical concerns.	TSTT recommends that TATT revise its treatment of "partial" substitutability to more fully reflect the competitive significance such substitution may exert within the retail mobile market. Failure to properly account for the constraining effect of OTT services leads to an understatement of the extent of external competitive pressures, an overstatement of market concentration and pricing power, and ultimately a distortion of the assessment of market power and joint dominance. Accordingly, TATT's market power analysis should more comprehensively assess the extent to which OTT services may impose meaningful competitive discipline on retail mobile services.	The Authority acknowledges TSTT's comments regarding the role of OTT services in the competitive assessment. OTT communication providers have been taken into account through their inclusion within the relevant market. Their inclusion reflects the finding that OTT voice and messaging services exert a degree of competitive pressure on traditional telecommunications services and may constitute substitutes for certain communication needs from the perspective of end users. However, the survey evidence demonstrates substitution between communication applications rather than substitution between competing providers of retail mobile services.

[20] https://tatt.org.tt/universal-service/reports/ttwifi-metrics/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				First, the fact that substitution is "partial" does not mean it is competitively insignificant. In many markets, competitive constraints operate at the margin: operators do not need to lose all demand to be disciplined, only enough that price increases become unprofitable. If a substantial share of users reduces their consumption of traditional services in response to price increases—by shifting to OTT—this can materially constrain pricing behaviour, even if those users do not abandon the service entirely. The survey evidence presented points in that direction, yet TATT does not engage with its implications for pricing power. Second, the argument that OTT services depend on operator-provided connectivity conflates two different layers of competition. OTT providers indeed rely on mobile networks to deliver their services. But from the consumer's perspective, OTT applications can still substitute for traditional voice and messaging services, thereby affecting how users respond to price changes. The		In particular, respondents indicating that they would switch part of their communications to OTT services in response to a price increase would generally continue purchasing mobile connectivity from the same operator. The survey therefore does not demonstrate that consumers would switch between mobile network operators or cease purchasing mobile services altogether. Rather, it reflects a change in the way the connectivity purchased from the operator is used. Moreover, increased use of OTT communications generally increases the importance of mobile data services, which continue to be supplied exclusively by mobile network operators. Consequently, substitution from traditional voice or messaging towards OTT services does not remove demand for mobile connectivity but instead shifts consumption towards another service supplied overwhelmingly by the same operator.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				relevant question for the dominance assessment is not whether OTT providers compete at the infrastructure layer, but whether they constrain operators' ability to raise prices or reduce quality in the retail services market. Dependence at the network level does not negate substitution at the service level. The result is that OTT services are acknowledged as substitutes when defining the market and when interpreting user behaviour, but their competitive significance is subsequently discounted when assessing countervailing constraints. This creates an asymmetry in the analysis. The same evidence that supports inclusion of OTT services in the market definition also suggests that they may impose a non-negligible competitive discipline, yet this possibility is not fully explored.		However, recognising the existence of a competitive constraint does not necessarily imply that OTT providers should be assigned the same competitive significance as mobile network operators when assessing dominance. The fact that two products or services belong to the same relevant market does not automatically imply that they exert equivalent competitive pressure. The Authority therefore considers that OTT providers constrain certain communication services at the application level but do not exert a comparable competitive constraint on the retail mobile service providers themselves. Their influence is therefore materially different from that exerted by an infrastructure-based competitor capable of competing simultaneously on mobile access, voice, messaging and data services. The Authority further considers that the TSTT's analysis of competitive

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						constraints based on the consumer survey is incomplete, as it focuses exclusively on the substitution between traditional voice and SMS services and OTT communications, rather than on the competitive constraints applicable to the relevant market as a whole. As established in the market definition, retail mobile voice, SMS and data services form part of a single relevant market because they satisfy similar communication needs and exhibit a degree of demand-side substitutability. Consequently, the relevant question is not whether OTT services constrain the pricing of individual voice or SMS services in isolation, but whether they materially constrain the commercial behaviour of mobile network operators across the overall retail mobile services market. In this regard, while OTT applications may reduce consumers' use of traditional voice and SMS services, they simultaneously increase consumers'

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						reliance on mobile data services, which continue to be supplied exclusively by mobile network operators. Accordingly, any competitive constraint exerted by OTT services on traditional communications may be offset by the increased strategic importance of mobile data services within the operators' commercial offers. This is particularly relevant given that retail mobile services are predominantly marketed as integrated bundles combining voice, SMS and data allowances, the composition and pricing of which remain under the control of the mobile network operators. Operators are therefore able to adjust the balance between the different components of their offers when responding to changing patterns of consumer demand. For these reasons, the Authority does not consider that evidence of substitution between voice or SMS services and OTT applications, taken in isolation, is

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						sufficient to demonstrate that OTT providers exert a comparable competitive constraint on the overall pricing behaviour of mobile network operators within the relevant market. Accordingly, the relevant question for the dominance assessment is not whether OTT providers exert any competitive pressure, but whether they are capable of materially constraining the conduct of the operators. The evidence reviewed by the Authority suggests that, despite their increasing importance and their influence on communication patterns, OTT providers remain unable to replicate the competitive pressure exerted by an infrastructure-based competitor. Their structural dependence on underlying connectivity services and their inability to provide mobile access services limit the extent to which they can constrain operators' commercial behaviour.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority therefore does not consider that there is an inconsistency between including OTT services in the relevant market and assigning them a proportionate weight in the dominance assessment. OTT providers have not been disregarded in the analysis; rather, the significance attributed to them reflects the actual constraint they appear to exert on the behaviour of mobile network operators.
58.	**6.4**	**Consumer Countervailing Power**	CCTL	The conclusion that consumers lack countervailing buyer power appears overly narrow and does not fully reflect either the survey evidence or the evolving communications landscape. The assessment places significant emphasis on the percentage of consumers who may not change behaviour following a price increase, rather than on the substantial proportion who indicated they would reduce usage, adjust spending, switch behaviours, or rely more heavily on OTT alternatives. From a commercial perspective, the key issue is whether a price increase would reduce demand sufficiently to make such an increase	Reassess countervailing buyer power using a broader demand-response framework focused on behavioural elasticity and revenue impact rather than relying primarily on static switching metrics. Consumer analysis should distinguish between mobile-only users and fixed-connected households to better capture differing usage patterns and substitution behaviour. Greater consideration should also be given to OTT substitution, Wi-Fi offloading, and household-level connectivity dynamics as meaningful sources of competitive discipline in the market.	The Authority deems it important to distinguish between the elasticity of demand for the market as a whole with the elasticity of demand for the different services that constitute the market. The Authority's assessment recognises that mobile telecommunications services constitute an essential service, meaning that consumers may have limited ability to reduce their overall consumption or exit the market in response to a general increase in prices. This observation concerns market-level demand and does not imply that consumers are insensitive to relative price differences between

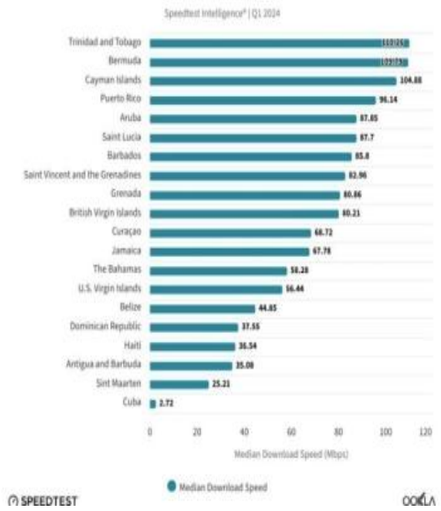
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				economically unattractive. The survey findings suggest this is likely the case, particularly for voice services where OTT substitution is already well established. Additionally, the analysis does not sufficiently distinguish between mobile-only consumers and households already connected through fixed broadband. For many fixed-connected households, mobile data increasingly serves as a secondary connectivity layer, making demand more elastic than the report suggests. This indicates that consumer responsiveness, behavioural substitution, Wi-Fi offloading, and OTT adoption represent more meaningful competitive constraints than acknowledged in the assessment.		competing operators or between different services. The Authority agrees that a certain degree of elasticity exists between OTT services and traditional voice and SMS. However, the Authority considers that the ability of consumers to switch from traditional voice and SMS services towards OTT applications does not, in itself, demonstrate the existence of significant countervailing power capable of constraining operators' pricing behaviour. Indeed, while OTT applications may reduce consumers' use of traditional voice and SMS services, they simultaneously increase consumers' reliance on mobile data services, which continue to be supplied exclusively by mobile network operators. Accordingly, any competitive constraint exerted by OTT services on traditional communications may be offset by the increased strategic importance of mobile data services within the operators'

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						commercial offers. This is particularly relevant given that retail mobile services are predominantly marketed as integrated bundles combining voice, SMS and data allowances, the composition and pricing of which remain under the control of the mobile network operators. Operators are therefore able to adjust the balance between the different components of their offers when responding to changing patterns of consumer demand. For these reasons, the Authority does not consider that evidence of substitution between voice or SMS services and OTT applications, taken in isolation, is sufficient to demonstrate that OTT providers exert a comparable competitive constraint on the overall pricing behaviour of mobile network operators within the relevant market.
59.	**6.4**	**The Absence of Countervailin**	Digicel	TATT observes that mobile data usage per subscriber in Trinidad and Tobago (4.2 GB/month) is low by international	The Authority should withdraw the Section 6.4 benchmarking conclusion. The analysis compares	The Authority acknowledges Digicel's comment regarding the analysis of mobile data consumption levels and the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		g Power from Consumers		standards. TATT goes on to state that "there is **no objective demand-side factors** (i.e., consumer preferences, usage habits, etc.) that could plausibly account for the markedly lower levels of data consumption in Trinidad and Tobago compared with other **economically comparable regions**" (emphasis added). This is an assertion, not a finding. We object to this claim on two grounds: (i) TATT fails to rule out demand-side explanations. (ii) Benchmark countries are not economically comparable to Trinidad and Tobago. We discuss these in turn below. **TATT fails to rule out demand side explanations** TATT's analysis does not control for household fixed broadband penetration (which is a substitute for mobile data), Wi-Fi availability, smartphone penetration rates, content availability, or digital literacy. Any of these factors could lead to low domestic mobile data usage.	unadjusted mobile data usage across jurisdictions without establishing comparability or controlling for fixed broadband penetration, Wi-Fi offload, income, household connectivity, smartphone adoption, consumer preferences and spectrum availability. The benchmarking identifies a difference in usage, not the cause of that difference. The benchmarking does not show that lower mobile data usage reflects market power or weak competition. The Authority should develop a robust methodology to address the issues we raise here and consult on it again.	potential explanations for differences observed between Trinidad and Tobago and other jurisdictions. The Authority clarifies that the comparison of mobile data usage was not intended to establish, by itself, the existence of market power. Rather, it was considered as one indicator among several others to assess whether market outcomes are consistent with those expected under effective competitive conditions. **Regarding potential demand-side explanations**, As established in the market definition, fixed broadband and mobile services do not belong to the same relevant market, as they are not considered sufficiently substitutable from the demand side. While fixed broadband may complement the use of mobile services in certain circumstances, it does not provide the ubiquitous connectivity, mobility and continuous access that are the defining characteristics of mobile services.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				For example, consider fixed broadband. According to TATT, 96 out of 100 households have a fixed broadband connection. The chart below further demonstrates that the quality of fixed broadband in Trinidad and Tobago is also higher than in other countries in the Caribbean. Lower mobile data usage may therefore simply reflect a strong outside option in the form of high-speed fixed broadband. The claim that low data usage must reflect supply-side deficiency is purely speculative without additional analysis of such factors. **Fixed broadband performance in Caribbean Markets**[21]		Consequently, the existence of widespread fixed broadband availability does not, in itself, explain the observed differences in mobile data consumption. In many jurisdictions, high fixed broadband penetration coexists with significant mobile data usage growth, reflecting the complementary nature of these services. Based on a detailed analysis of the Ericsson data used in this section, while mobile data consumption per active Internet subscription increased by an average of 16.3% per annum globally between 2021 and 2025, it declined by approximately 1.0% per annum in Trinidad and Tobago, despite broadly stable network deployment. This atypical trend reinforces the relevance of assessing investment incentives and network development alongside traffic growth. These additional findings have

[21] The chart is sourced from: https://technewstt.com/bd1465-state-of-tt-broadband-2024/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				 **Benchmark countries are not economically comparable to Trinidad and Tobago** TATT leverages data from the OECD. However, the OECD only includes 38 countries, most of which are at a higher level of development and report higher income levels than Trinidad and Tobago. TATT fails to consider that differences in data consumption may be fuelled by such underlying income differences. OECD data, without adjustment for income		been incorporated into the revised version of the report. |	CAGR 2020-2025 | CAGR 2021-2025 | |---|---|---| | **Trinidad and Tobago** | 8,25% | -1,04% | | India, Nepal, Buthan | 20,77% | 15,86% | | GCC | 12,18% | 10,43% | | North America | 14,35% | 13,28% | | Western Europe | 19,10% | 15,94% | | Central and Eastern Europe | 26,58% | 22,33% | | Middle East and North Africa | 31,47% | 27,67% | | South East Asia and Oceania | 28,99% | 21,67% | | **Global Average** | **20,60%** | **16,31%** | | North East Asia | 16,67% | 11,33% | | Latin America | 26,86% | 25,83% | | Sub-Saharan Africa | 24,16% | 21,24% | The trajectory observed in Trinidad and Tobago therefore appears particularly atypical in light of international experience. Recall the benchmark further showed that, while consumption per active Internet subscription increased by 16.3% per annum on average globally between 2021 and 2025, it declined by approximately 1.0% per annum in Trinidad and Tobago, despite broadly stable network deployment over the same period (Section 6.6).

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				differences, is not fit for comparison with Trinidad and Tobago. Further, one of the comparison groups is Sub-Saharan Africa. The OECD dataset includes only one country in this category: South Africa. South Africa conducted a successful spectrum auction for additional 4G and 5G low-band and capacity spectrum. In addition, its fixed broadband penetration was 25% in 2025 – far lower than Trinidad and Tobago's.[22] The comparison with the Latin American group is also misleading. This group includes 4 countries with considerable variation in data usage per month in 2024: 26.3 GB in Chile as against 6 GB in Mexico. Trinidad and Tobago is in line with Mexico, despite Mexico's substantially lower fixed broadband penetration (20 connections per 100 people).[23]		In any event, even if fixed broadband penetration were one of several factors influencing mobile data consumption, this would not alter the Authority's assessment of competitive conditions in the mobile market. The presence of an alternative service outside the relevant market does not, by itself, constitute an effective competitive constraint on mobile network operators for the purposes of assessing market power within the relevant market. This conclusion is also consistent with the analysis of competitive constraints presented in Sections 6.3 and 8, which concludes that services outside the relevant market do not exert a competitive constraint equivalent to that of an infrastructure-based mobile network operator.

[22] https://www.connectingafrica.com/broadband/sa-to-witness-unprecedented-broadband-growth-by-2030---africa-analysis

[23] https://tradingeconomics.com/mexico/fixed-broadband-internet-subscribers-per-100-people-wb-data.html

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				In addition to the two factors above, it is important to note that Trinidad and Tobago's mobile voice penetration fell by 17 percentage points in 2024. TATT fails to investigate the cause of this change. One possibility is that subscribers are switching off second connections. This would highlight that consumers do possess countervailing power, which they are exercising.		**Regarding the international benchmark**, The Authority acknowledges Digicel's comments regarding the selection of benchmark countries and the interpretation of the international comparison of mobile data consumption. The Authority agrees that differences in economic development, income levels and broadband infrastructure may influence the absolute level of mobile data consumption across jurisdictions. However, the objective of the benchmark presented in this section is not to compare absolute consumption levels or to identify countries with identical socio-economic characteristics. Rather, it aims to assess whether the evolution of mobile data consumption observed in Trinidad and Tobago is broadly consistent with international trends. The Authority therefore considers that Digicel's comments regarding the composition of the benchmark do not alter this conclusion. Although

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						differences in income levels, fixed broadband penetration or national market characteristics may explain variations in the absolute level of consumption, they do not explain why Trinidad and Tobago is the only jurisdiction or region in the benchmark to exhibit a declining trend in mobile data consumption over the recent period, despite the continued growth in the use of data-intensive applications and digital communications services. Finally, regarding the observed decline in mobile voice penetration in 2024, the Authority acknowledges that several factors may contribute to this development, including changes in consumer behaviour or the discontinuation of secondary SIM cards. However, Digicel has not provided evidence demonstrating that this trend reflects increased competitive pressure between mobile operators rather than broader changes in consumption patterns. In any event, this isolated indicator does not alter the Authority's

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						broader assessment, which is based on a comprehensive analysis of market structure, pricing, investment, profitability and consumer behaviour. Accordingly, the Authority maintains that the benchmark remains relevant for assessing the evolution of market outcomes and that the atypical trend observed in Trinidad and Tobago constitutes one indicator, among others, considered in the broader dominance assessment.
60.	**6.4**	**The Absence of Countervailing Power from Consumers**	TSTT	In Section 6.4, TATT concludes that consumers lack effective countervailing power largely on the basis that telecommunications services are indispensable and that survey evidence suggests limited responsiveness to price increases. This reasoning is misleading. While connectivity itself may be essential, the relevant question for a competition assessment is not whether consumers can abandon the service altogether, but whether they can adjust their behaviour at the margin. The evidence cited in the document—including increased reliance	TSTT recommends that TATT more fully recognise that the relevant issue in assessing market power is not whether consumers can entirely forgo telecommunications services, but whether they are capable of adjusting their behaviour at the margin in response to pricing or service changes. The evidence cited in the document itself suggests that such behavioural adjustments do occur and may exert meaningful competitive discipline on operators. Failure to adequately account for these	The Authority agrees that the assessment of countervailing buyer power should not be limited to whether consumers are able to abandon telecommunications services altogether. The Authority recognise that consumers may exert competitive discipline on operators through a range of behavioural adjustments, including reducing consumption, switching providers, relying more heavily on Wi-Fi, or substituting certain communications needs towards OTT services. These

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				on OTT services, Wi-Fi offloading, and reductions in usage—suggests that such adjustments do occur. These forms of substitution are precisely the types of responses that constrain pricing in practice. The survey results themselves also appear more nuanced than the conclusion suggests, with a meaningful proportion of users indicating that they would change their behaviour in response to price increases. Finally, the reliance on stated preferences under hypothetical scenarios raises questions about the reliability of the conclusions, particularly where observed market trends—such as shifts in usage patterns—point to a more dynamic and responsive demand side.	dynamics leads to overstating the absence of countervailing consumer constraints and, by extension, overstating the degree of market power and the basis for a finding of joint dominance. TATT should therefore revisit its conclusions regarding the absence of effective countervailing power and reassess the extent to which consumers constrain operator behaviour in practice.	forms of behavioural responses were explicitly considered in the Authority's analysis especially in light of the results of the survey. However, the Authority considers that the ability of consumers to switch from traditional voice and SMS services towards OTT applications does not, in itself, demonstrate the existence of significant countervailing power capable of constraining operators' pricing behaviour. As explained in response to TSTT's comments on Section 6.3, OTT substitution primarily represents a change in the manner in which consumers use the connectivity purchased from their mobile operator, rather than a reduction in their reliance on mobile telecommunications services. In particular, consumers switching communication usage from traditional voice and SMS services towards OTT applications remain dependent on mobile connectivity and continue to purchase (even more) mobile data

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						services from their mobile operator. The Authority's market definition recognises that voice, SMS and data services form part of the same relevant retail mobile services market. Consequently, while OTT applications may reduce the importance of certain components of mobile offers, they do not allow consumers to fully avoid reliance on mobile operators or exercise equivalent bargaining power over the overall mobile service purchased, as customers would not forego their mobile service. Furthermore, retail mobile services are offered through bundled plans combining voice, SMS and data allowances. The composition and pricing of these bundles remain largely determined by mobile operators. Therefore, any reduction in consumer reliance on traditional voice or SMS services due to OTT substitution can be accommodated through adjustments to the structure, content or pricing of mobile bundles, without necessarily

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						eliminating operators' ability to influence overall pricing outcomes. Accordingly, the Authority considers that OTT substitution provides consumers with an additional usage option for certain communication needs, but does not currently provide consumers with a sufficiently credible alternative to materially constrain the overall pricing strategies of mobile network operators. In the Authority's view, the existence of some degree of behavioural adjustment does not automatically imply the presence of sufficient countervailing buyer power. The relevant question is whether these responses are of such magnitude that they materially constrain operators' ability to exercise market power. The Authority's assessment suggests that, the switching to alternatives suggested by TSTT(OTTs and Wi-Fi) do not constitute a sufficient constrain on

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the operators' ability to exercise market power. Furthermore, the Authority also notes that observed changes in usage patterns, including the increasing use of OTT services and Wi-Fi offloading, are not inconsistent with the conclusions reached in the report. These developments have been recognised throughout the assessment and were one of the reasons underpinning the inclusion of OTT communications services within the relevant market. Accordingly, the Authority does not consider that the evidence demonstrates the existence of sufficiently strong countervailing buyer power capable of materially constraining the conduct of mobile network operators, notwithstanding the presence of some demand-side substitution and behavioural adjustments.
61.	**6.5**	**Pricing Power and Demand Elasticity**	CCTL	The finding of strong pricing power is broadly supported by survey evidence showing relatively low direct price	Introduce a more converged assessment of demand elasticity that incorporates fixed-mobile	Please refer to the Authority's response to CCTL's comment on section 6.4 (i.e., item no. 58)

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				responsiveness. However, the analysis may overstate the degree of mobile pricing power by assessing mobile services largely in isolation from the wider connectivity ecosystem. Consumer behaviour increasingly reflects substitution between mobile services, fixed broadband, Wi-Fi access, and OTT applications such as WhatsApp, FaceTime, Zoom, and similar platforms. For many households, mobile connectivity functions as part of a broader bundled communications environment rather than as a standalone service. As a result, demand may appear more inelastic than it truly is when fixed broadband substitution and household-level usage patterns are not fully considered. The growing use of OTT communication over fixed networks demonstrates that consumers do respond to changes in price and value, even where traditional operator switching remains limited.	substitution, household bundling effects, OTT usage, and Wi-Fi offloading behaviour. Future assessments should distinguish between standalone mobile demand and broader household connectivity dynamics, including VoIP and OTT usage over fixed broadband networks, to provide a more accurate picture of competitive constraints and consumer responsiveness.	To recap the existence of some degree of behavioural adjustment does not automatically imply the presence of sufficient countervailing buyer power. The relevant question is whether these responses are of such magnitude that they materially constrain operators' ability to exercise market power. The Authority's assessment suggests that, observed changes in customer patterns, including the increasing use of OTT services, Wi-Fi offloading and the switching to alternatives suggested by CCTL do not constitute sufficient constrain nor does the evidence indicate the existence of sufficiently strong countervailing buyer power capable of materially constraining the conduct of mobile network operators, notwithstanding the presence of some demand-side substitution and behavioural adjustments.
62.	**6.5**	**The Power of the Operators active in the**	Digicel	In Section 6.5, TATT discusses the power of operators active in the market to set prices.	The Authority has not established a competitive price benchmark and therefore cannot determine whether current prices are above the	The Authority acknowledges Digicel's comment regarding the assessment of consumers' ability to constrain price increases, the interpretation of the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Market to Set Prices		TATT's opening paragraph states that "consumers do not possess countervailing market power, particularly regarding access to mobile data, for which they are willing to pay higher prices without adjusting their consumption patterns, due to the essential nature of the service." TATT then extends this claim to voice and SMS services, and states that a significant portion of consumers would take no action in response to a price increase for voice and SMS services. At the same time, TATT claims that "over 40% of respondents in each case indicated that they would switch to OTT services, which rely on mobile data services". TATT argues that these facts mean consumers lack countervailing market power. In our view, TATT exaggerates the extent to which consumers would not adjust their consumption patterns in response to price changes. TATT's consumer survey results in Table 4 suggest that a 60% of consumers would reduce their consumption of mobile data with the provider that increased prices, one way or	competitive level, whether observed price changes reflect market power, or whether either operator can profitably raise price above the level that would prevail under effective competition. If the Authority wishes to rely on pricing power, it must first define a competitive benchmark, disclose the methodology behind Table 8, estimate customer diversion and quantity responses, assess the profitability of any price increase and reconcile its findings with revenue and usage trends (as we have indicated above). Such a fundamental change requires another round of consultation.	Consumer Survey results and the analysis of pricing trends. **Regarding consumer responses to price increases**, the Authority does not agree that the survey results demonstrate the existence of sufficient countervailing buyer power. As previously explained, the relevant question is not whether consumers would react in some way to a price increase nor to estimate the precise price elasticity, but whether such reactions would constitute a sufficient countervailing buyer power to constrain the pricing behaviour of mobile network operators. While some consumers indicated that they may adjust their behaviour, not all responses create equivalent competitive pressure. For example, reducing consumption or shifting part of the usage to Wi-Fi or OTT services does not impose the same constraint as switching to an alternative mobile provider.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				another, in response to a 5% price increase. Second, while it is true that a segment of the market would do nothing in response to a price increase, TATT fails to consider the most likely explanation for this, which is that consumers derive so much value from the services provided by MNOs in Trinidad and Tobago that they would happily pay more to access them. According to TATT's Figure 28, over three quarters of consumers who state they would do nothing in response to a price increase state they would be willing to pay more for their mobile plan. TATT argues that this is affords operators a degree of pricing power, suggesting that this is an indicator of dominance. But if so, and if demand were truly inelastic, why have Digicel and the other MNO not increased prices to a level that absorbs a much higher proportion of consumer surplus enjoyed by consumers today? In our view, this can only be explained by the fact that competition between Digicel and the other MNO keeps prices below consumers' true		The Authority therefore considered the overall ability of consumers to discipline operators' pricing behaviour, rather than simply whether consumers would modify their consumption. Although approximately 60 percent of respondents stated that they would take some form of action in response to a hypothetical 5 percent price increase, the vast majority of these responses involve reducing consumption or substituting certain applications rather than switching to an alternative supplier of mobile connectivity. Such responses are consistent with mobile data being regarded as an essential service and do not demonstrate the existence of effective countervailing buyer power. **Regarding consumers' willingness to pay**, the fact that some consumers indicate that they would be willing to pay more for mobile services reflects the value they place on those services and is consistent with their essential nature. However, willingness to pay should not be confused with the existence or

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				willingness to pay. In other words, the fact that a large proportion of the market is willing to pay more for the services we provide them is indicative of competition, not dominance. TATT concludes Section 6.5 with a flawed analysis of mobile price changes. This analysis is based on a flawed premise. Whether prices have increased or decreased relative to the level at which they were at an arbitrary date is not relevant to a market dominance assessment. The relevant question is whether prices exceed the level that would prevail in a competitive market. TATT does not model or compare prices to those it would expect under competition. We also question the details of the analysis. We do not understand how TATT arrived at the figures in Table 8. No methodology is provided and it is unclear what the 'Nominal Average Price Change' measures. For example, is it the price of individual plans, prices per unit (GBs or minutes) or some form of basket? It is		absence of market power. Essential services may generate significant consumer value while still allowing operators to exercise market power if consumers have limited alternatives. The relevant consideration is whether competitive constraints are sufficient to prevent operators from setting prices above levels expected under effective competition. **Regarding the analysis of price trends**, the Authority refers to its response to Digicel's comment on section 5.2.2 (i.e., item no. 44). In the Authority's view, pricing trends (as seen in section 6.5 Table 9), in both nominal and real terms, indicate that mobile services prices are broadly increasing, with substantial increases in 2018 and 2021 and decreases in the rate of acceleration from 2022 onwards. In all cases, save for the year 2020 average price changes have increased.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				impossible to reconcile the dramatic price increases suggested in the table with other data provided by TATT in the document, particularly the observations (as presented in Section 5.2.2) that: • revenues have not kept pace with inflation; and • the real price per GB has fallen dramatically. Table 8 suggests that nominal prices have increased by a compounded 180% between 2018 and 2024. If headline prices rose by the amounts shown in Table 8 while the subscriber base remained stable (Section 5.2.1), total revenues should have experienced a corresponding increase, especially if demand were inelastic, as TATT claims. However, Figure 3 of TATT's report indicates that nominal revenues have increased by less than 10%. As we show in our response to Section 5.2.2, revenues adjusted for inflation have not increased at all.		
63.	**6.5**	**The Power of the Operators active in the**	TSTT	Section 6.5 builds on the statements in Section 6.4 by inferring that operators possess significant pricing power. Here	TSTT recommends that TATT recognise that some degree of price inelasticity is a common feature of	The Authority agrees that the existence of some degree of demand inelasticity is not, in itself, sufficient to establish

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Market to Set Prices		again, the analysis rests heavily on the assumption of price-inelastic demand and on the observation that prices have increased without a corresponding collapse in demand. However, the existence of some degree of inelasticity is a common feature of telecommunications markets and does not, in itself, establish dominance. The key question is whether operators can raise prices profitably and sustainably in the face of competitive constraints. That question is not tested. The evidence relied upon—primarily survey responses and aggregate price trends—does not demonstrate that operators are unconstrained by substitution, consumer behaviour, or competitive interaction. Indeed, the same document points to ongoing shifts towards OTT services and changing usage patterns, which suggest that demand is more responsive than assumed. Without a more rigorous analysis linking price increases to the absence of effective constraints, the inference of pricing power remains incomplete.	telecommunications markets and does not, in itself, establish dominance. The assessment should instead focus on whether operators are capable of raising prices profitably and sustainably in the face of competitive constraints, including substitution, consumer behavioural responses, and competitive interaction. Without such analysis, pricing power is inferred too readily from market characteristics common to telecommunications markets generally.	dominance. The assessment does not rely solely on the observation that telecommunications services exhibit relatively inelastic demand, nor does it infer market power solely from the existence of price increases. The Authority invites TSTT to refer to its response to the comments on sections 6.3 and 6.4 for clarifications regarding the lack of countervailing power from competitors and consumers in the market. The Authority would like to highlight that the analysis considers demand elasticity alongside a broader set of indicators, including the evolution of prices, market shares, margins, barriers to entry, consumer behaviour and the availability of alternative services. The Authority considers that the evidence reviewed in the assessment suggests that, despite evolving consumption patterns and the presence of alternative communication channels,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						demand for retail mobile services has remained relatively resilient in the face of sustained price increases. This forms an element among a broader body of evidence considered in the assessment and should not be interpreted as a standalone demonstration of market power.
64.	**6.6**	**Price and Profitability Benchmarking**	CCTL	The affordability and profitability analysis is informative but places significant emphasis on income-based benchmarking while giving more limited consideration to the underlying cost of providing telecommunications services in small-island markets. Telecommunications pricing is heavily influenced by factors such as network deployment costs, spectrum obligations, infrastructure resiliency requirements, market size constraints, and the operational inefficiencies associated with serving relatively small populations. Comparisons with higher-income or larger-scale jurisdictions may therefore distort affordability conclusions and overstate pricing power. From a fixed operator perspective, the absence of fully	Supplement income-based affordability analysis with cost-oriented benchmarking approaches, including LRIC-style methodologies and regional small-market comparisons. Future assessments should incorporate converged affordability indicators that evaluate fixed and mobile services together at the household level. Greater consideration should also be given to sector-wide margin analysis across both fixed and mobile operators, as well as the cost-to-serve realities and long-term investment obligations faced by operators in small telecommunications markets.	The Authority acknowledges CCTL's comments regarding the specific cost characteristics of small-island telecommunications markets, including network deployment costs, spectrum obligations, infrastructure resilience requirements and the challenges associated with operating in relatively small markets. The Authority agrees that these factors may influence the cost of providing telecommunications services and should be considered when interpreting international comparisons. However, The Authority wishes to clarify that the objective of Section 6.6.1 is to assess the affordability of mobile

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				converged bundle benchmarking may also overstate mobile market power by assessing mobile services separately from broader household connectivity spending. Trinidad and Tobago remains competitively priced relative to many Caribbean markets across both mobile and fixed broadband services.		telecommunications services in light of consumers' standards of living. The evidence indicates that, relative to prevailing standards of living, mobile telecommunications services in Trinidad and Tobago represent a greater weight on consumers' purchasing power than in certain comparator jurisdictions. The Authority notes that the selected jurisdictions were chosen on the basis of their relevance to Trinidad and Tobago. In particular, they share similar geographic characteristics, including their insular nature, which is relevant to the cost structure of mobile network deployment and operation, as well as comparable market size and socio-demographic characteristics. The Authority further notes that the purpose of the Authority's margin assessment is to assess whether observed pricing levels are consistent with underlying cost structures and are therefore indicative of effective competitive pressure in the market. The analysis of the (EBITDA-

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						CAPEX)/REVENUE margin aims to take into account appropriately the level of costs actually incurred by operators in appreciation of the coherence of revenues to expected competitive outcomes. As such, differences in cost structures are appropriately taken into account in the Authority's analysis. Data shows that the ratio (EBITDA-CAPEX)/REVENUE of operators is materially higher than the levels observed even by incumbents in competitive markets. The Authority reminds that while competitive markets may allow operators to recover fixed and common costs through prices above marginal costs, persistent and significant differences between observed prices and underlying costs, particularly when compared with comparable markets, may indicate that competitive constraints are insufficient to limit pricing outcomes.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						With respect to converged offers and household connectivity expenditure, the Authority recognises that consumers increasingly purchase telecommunications services as part of broader connectivity packages. Nevertheless, the present assessment concerns the competitive conditions prevailing in the relevant retail domestic mobile services market as previously defined by the Authority and therefore focuses on the affordability and profitability of mobile services within that market. Accordingly, the Authority maintains that the affordability and profitability analyses provide useful and complementary indicators for assessing the conditions prevailing in the retail domestic mobile services market, while recognising the structural characteristics of small-island telecommunications markets.
65.	**6.6**	**Analysis of Prices and the**	TSTT	The analysis in Section 6.6 seeks to reinforce the conclusion of Section 6.5 by pointing to high prices and profitability	TSTT recommends that TATT more clearly acknowledge the limitations in its analysis and recognise that,	The Authority acknowledges TSTT's comment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Level of Profitability		relative to international benchmarks. While the comparisons presented indicate that mobile services in Trinidad and Tobago may be relatively expensive, they are not conducted on a fully comparable basis. Differences in cost structures, scale, income levels, service characteristics, and regulatory environments are not systematically accounted for, limiting the extent to which firm conclusions can be drawn. The profitability analysis faces similar challenges. Although TATT suggests that margins are above competitive levels, it does not clearly establish an appropriate benchmark or demonstrate that the observed margins cannot be explained by other factors. There is also a risk of circular reasoning, whereby high prices are taken as evidence of market power and high margins are then used to confirm that conclusion, without independently verifying the relationship between prices, costs, and competitive conditions. In the absence of such analysis, it is difficult to determine whether the	without further confirmation of the relationship between prices, costs, and competitive conditions, the information presented cannot, on its own, serve as sufficient evidence of dominance. Accordingly, the analysis is not sufficient, on its own, to support a finding that operators are able to behave independently of competitive constraints.	Regarding the relevance of the international comparative analysis conducted in the report, the Authority maintains that: 1) **The benchmark of the level of prices is relevant.** The Authority wishes to clarify that the objective of Section 6.6.1 is to assess the affordability of mobile telecommunications services in light of consumers' standards of living. The evidence indicates that, relative to prevailing standards of living, mobile telecommunications services in Trinidad and Tobago represent a greater weight on consumers' purchasing power than in certain comparable jurisdictions. The Authority notes that the selected jurisdictions were chosen on the basis of their relevance to Trinidad and Tobago. In particular, they share similar geographic characteristics, including their insular nature, which is relevant to the cost structure of mobile network deployment and operation, as well as

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				observed pricing and profitability outcomes reflect market power, normal characteristics of a small telecommunications market, differences in investment and infrastructure costs, or other market dynamics. Accordingly, the analysis is not sufficient, on its own, to support a finding that operators are able to behave independently of competitive constraints.		comparable market size and socio-demographic characteristics. 2) Regarding the margin analysis, the purpose of the Authority's assessment is to assess whether observed pricing levels are consistent with underlying cost structures and are therefore indicative of effective competitive pressure in the market. The analysis of the (EBITDA-CAPEX)/REVENUE margin aims to take into account appropriately the level of costs actually incurred by operators in appreciation of the coherence of revenues to expected competitive outcomes. As such, differences in cost structures are appropriately taken into account in the Authority's analysis. Regarding the data submitted during the process of the dominance assessment shows that the ratio (EBITDA-CAPEX)/REVENUE which is materially higher than the levels observed even by incumbents in competitive markets.

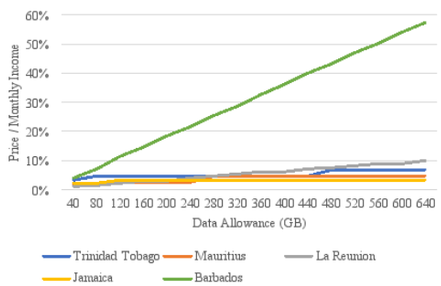
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority reminds that while competitive markets may allow operators to recover fixed and common costs through prices above marginal costs, persistent and significant differences between observed prices and underlying costs, particularly when compared with comparable markets, may indicate that competitive constraints are insufficient to limit pricing outcomes. In all cases, the Authority highlights that the benchmarking exercises presented in Section 6.6 were not relied upon as standalone evidence of market power. Rather, they constitute one element of a broader body of evidence considered in the assessment. Furthermore, the Authority also notes that the comments primarily challenge the comparability of the benchmarks but do not provide evidence or arguments explaining why the observed levels of prices and profitability should

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						nevertheless be considered reasonable or consistent with effective competition. The purpose of the benchmarking exercise is not to identify a mechanically derived competitive price or margin level, but rather to assess whether the outcomes observed in Trinidad and Tobago are broadly consistent with those observed in comparable markets subject to competitive constraints. The evidence reviewed suggests that retail prices and profitability indicators are relatively high compared with the benchmarks considered, which may indicate that the market outcomes observed are not fully consistent with those expected under more competitive conditions. The Authority does not consider that the analysis involves circular reasoning. High prices and high margins were not used to prove one another. Instead, they represent separate indicators that, when considered together with the broader

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						evidence, may collectively suggest the existence of limited competitive pressure in the market. Finally, the Authority considers that the indicators presented in the benchmark analysis (prices relative to local income, share of CAPEX in revenues and the ratio (EBITDA-CAPEX/REVENUE) appropriately consider factors such as market size, investment requirements and infrastructure costs across jurisdictions. The Authority maintains that these considerations do not preclude the use of benchmarking exercises as a relevant analytical tool, particularly where the observed outcomes appear persistently above those observed in comparable markets and where no evidence has been provided demonstrating that such outcomes are justified by market-specific circumstances. Accordingly, while the benchmarking exercises should not be interpreted in isolation, the Authority considers that

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						they provide useful contextual evidence and contribute to the broader assessment of whether the outcomes observed in Trinidad and Tobago are consistent with effective competition.
66.	**6.6.1**	**Comparative Analysis of Market Prices**	Digicel	TATT compares prices of the cheapest mobile plan offered by Digicel and the other MNO in Trinidad and Tobago to those charged by a sample of operators across Mauritius, La Reunion, Jamaica, and Barbados. TATT's price benchmarking cannot support any inference that Trinidad and Tobago mobile prices are excessive or that the MNOs possess market power. The analysis is flawed for five reasons: 1. Pricing of higher-tier mobile plans is not considered; 2. TATT's comparison of low-tier plans is not like-for-like; 3. Mobile plans are multi-dimensional; 4. The sample is too small to draw any meaningful conclusions; and 5. Differences in cost are not considered.	The Authority should withdraw the Section 6.6.1 benchmarking conclusion. The analysis does not establish the competitive price level, compares unlike plans across a small and insufficiently justified comparator set, and does not control for differences in data allowances, validity periods, voice, SMS, roaming, promotions, taxes, spectrum costs, licence obligations, income, quality, geography, scale or cost of capital. It also does not reconcile the benchmarking with declining real revenues and declining revenue per GB. The analysis should not be relied upon unless it is re-performed using a transparent, like-for-like and controlled methodology and re-consulted on.	Digicel raises critiques to the Authority's benchmark analysis of prices across a sample of jurisdictions (Mauritius, La Reunion, Jamaica, and Barbados) compared to Trinidad and Tobago. The following addresses these critiques: Regarding the choice of plans to conduct the comparative analysis, Digicel criticizes the analysis on the basis that higher-tier mobile plans are not taken into account. The Authority provides the following arguments in support of the benchmarked prices and jurisdictions: First, the choice of entry-level daily and monthly prepaid plans were selected in order to establish their share in the monthly average income and as a percentage of the gross national income (GNI) per capita in order to compare their level with the targets set by the ITU.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				We discuss each of these points in turn with respect to postpaid plans. The same considerations also apply to prepaid plans. **Pricing of higher-tier mobile plans is not considered.** Digicel offers a mix of plans to serve consumers with heterogeneous preferences. These vary in price and allowances for data, SMS, roaming, and calling services. TATT's assessment of price levels relies on low-tier offerings only. However, an accurate judgement must examine the entire ambit of products on offer, rather than treating the price of any one plan as representative of the entire bundle. We demonstrate that the inclusion of higher-tier plans on offer in Trinidad and Tobago and comparator countries refutes the supposition that local prices are disproportionately high, based on the following analysis: • We compute the price of each postpaid mobile plan (as at April 2026) as a fraction of monthly income per capita.		Taking into account the cheapest plans is considered as a conservative approach by the Authority as higher-tier plans are more expensive and would represent naturally a higher share of the monthly average income and the GNI per capita. The Authority's analysis concluded that, even for the cheapest offers, the thresholds set by the ITU are exceeded. Second, the choice of the mid-range postpaid plan was motivated by the fact that these plans provide content similar to prepaid plans and are promoted by the operators as offering "the best value" in their communications. The Authority notes Digicel's comments regarding the comparability of mobile plans and the suggestion that prices should be assessed on a price-per-GB basis and normalised by GNI per capita. The Authority wishes to clarify that the objective of Section 6.6.1 is to assess the affordability of mobile telecommunications services in different

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				• For each country, we identify the cheapest available plan to meet various data requirements (40 GB, 80 GB, etc). • We plot the results in the chart below. The following example illustrates the interpretation of the chart: the 40 GB datapoint for Trinidad and Tobago reflects the minimum price payable in Trinidad and Tobago to purchase a plan with a monthly allowance of at least 40 GB. **Price of cheapest mobile plan required for a given data consumption**[24]  This high-level assessment shows that prices in Trinidad and Tobago are not out of line with those in the 4 benchmarks selected by TATT. Three regions – La		jurisdictions "relative to the country's prevailing standard of living" rather than comparing the level of prices. As explained in Section 6.6.1, the purpose of the benchmark is to assess the affordability of mobile telecommunications services rather than to determine whether prices are excessive. Accordingly, the analysis focuses on the weight of mobile telecommunications expenditure in light of the consumers' purchasing power, rather than on the price of a specific component of the service, such as mobile data. In this regard, the use of GNI per capita proposed by Digicel is not relevant for the purposes of this assessment. GNI per capita is a macroeconomic indicator that measures the average income rather than the income available to a typical

[24] Data from MNO websites, accessed April 2026. Income data from the World Bank.

<table>
<tr><th>Item</th><th>Section</th><th>Section Title</th><th>Stakeholder</th><th>Comments</th><th>Recommendations</th><th>TATT’s Decision</th></tr>
<tr><td></td><td></td><td></td><td></td><td>Reunion, Mauritius, and Barbados – record prices at least as high as Trinidad and Tobago. In the 280 – 400 GB data range, Trinidad and Tobago offers the joint second cheapest plans in the benchmark sample.

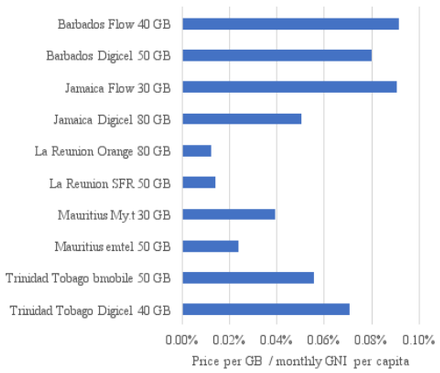
TATT’s comparison of low-tier plans is not like-for-like
The plans leveraged in TATT’s analysis vary in their data allowance. This is illustrated for postpaid plans in the table below. Any differences in the price may therefore reflect the differences in their offering rather than their relative expensiveness.

<table>
<tr><th>Region</th><th>Operator</th><th>Data allowance (GB)</th></tr>
<tr><td rowspan="2">Trinidad and Tobago</td><td>Digicel</td><td>40</td></tr>
<tr><td>Bmobile</td><td>50</td></tr>
<tr><td rowspan="2">Mauritius</td><td>Emtel</td><td>50</td></tr>
<tr><td>My.t</td><td>30</td></tr>
<tr><td>La Reunion</td><td>SFR</td><td>50</td></tr>
</table>
</td><td></td><td>household. As such, it does not necessarily reflect consumers' purchasing power or the affordability of recurring household expenditure. To that end, the Authority maintain that, for the purpose of the affordability analysis, the comparison with the average monthly income is the relevant approach as excludes elements such as corporate profits, government revenue, and non-household economic activity that GNI includes.

Furthermore, Digicel’s approach focuses exclusively on the cost of data consumption, whereas the Authority's assessment considers the affordability of mobile telecommunications services as a whole. The two approaches therefore address different questions.

The Authority therefore maintains that the methodology presented in Section 6.6.1 is appropriate for assessing affordability. The evidence indicates that, relative to prevailing standards of living, mobile telecommunications</td></tr>
</table>

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				<table><tr><td></td><td>Orange</td><td>80</td></tr><tr><td>Jamaica</td><td>Digicel</td><td>80</td></tr><tr><td></td><td>Flow</td><td>30</td></tr><tr><td>Barbados</td><td>Digicel</td><td>50</td></tr><tr><td></td><td>Flow</td><td>40</td></tr></table> We account for these differences by comparing prices per GB rather than plan prices themselves. The figure below displays prices per GB, normalised by monthly GNI per capita. The results demonstrate that prices of mobile plans in Trinidad and Tobago are not outliers in the chosen pool of countries – Barbados and Jamaica both witness higher prices per GB.		services in Trinidad and Tobago represent a greater weight on consumers' purchasing power than in certain comparator jurisdictions, including Jamaica and Barbados. Furthermore, the Authority does not agree with Digicel's assertion that its analysis fails to take into account the multi-dimensional nature of mobile plans. When conducting the international comparison, the Authority selected mobile plans offering a comparable combination of data, voice and SMS allowances to those available in Trinidad and Tobago, consistent with the services included in the definition of the relevant market. The comparison therefore reflects the overall value of representative mobile service bundles rather than the price of an individual service component. By contrast, Digicel's proposed methodology, which compares the price per GB normalised by monthly GNI per capita, focuses exclusively on the data

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				 **TATT fails to incorporate in its analysis that mobile plans are multi-dimensional** A mobile plan is a bundle of services: mobile data, voice (on-net and off-net), SMS, roaming minutes, and roaming data. **TATT's sample size is too small to draw any meaningful conclusions** TATT compares prices in Trinidad and Tobago to those in 4 other countries. There are many more SIDS that TATT should include to credibly infer anything about the price level in Trinidad and Tobago relative to international benchmarks. The UN lists 39 SIDS that TATT should choose		component of mobile plans. As such, it does not capture the value of the voice and SMS services included in those plans and is therefore less appropriate for assessing the affordability of mobile telecommunications services as a whole. Finally, regarding Digicel's assertion that the sample of comparable jurisdictions is too limited to support meaningful conclusions, the Authority notes that the selected jurisdictions were chosen on the basis of their relevance to Trinidad and Tobago. In particular, they share similar geographic characteristics, including their insular nature, which is relevant to the cost structure of mobile network deployment and operation, as well as comparable market size and socio-demographic characteristics. The objective of the comparison was therefore not to maximise the number of jurisdictions considered, but to ensure that the benchmark was based on markets presenting relevant similarities.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				from based on their similarity to Trinidad and Tobago.[25] **TATT does not consider cost differences between countries** In its assessment, TATT implicitly assumes that the cost of production is broadly the same across countries. However, this is not the case. Key variables that TATT should consider are the size of the spectrum portfolio, the cost of doing business in the country (taxes, concessions, licence fees), cost of labour and the cost of energy.		In any event, the Authority did not rely solely on this comparative assessment in reaching its conclusions. The affordability analysis forms only one element of the overall dominance assessment and was considered alongside a broader range of evidence, including the evolution of retail prices, the content of mobile plans, margin analysis, market structure and the degree of symmetry between operators. The Authority's conclusions therefore do not depend on this analysis in isolation.
67.	**6.6.2**	**Analysis of the Operators' Margins**	Digicel	In Section 6.6.2, TATT undertakes an analysis of Digicel and the other MNO's margins. TATT's analysis is premised on a comparison between operator revenues and costs. TATT begins with a descriptive analysis of costs, followed by an analysis of operators profitability, as measured by EBIDTDA net of CAPEX as a proportion of revenue.	The Authority should remove the current profitability analysis from the evidentiary basis for the dominance assessment. The Authority should not rely on EBITDA less CAPEX as evidence of excessive profitability or market power. Instead, the Authority should conduct a ROCE versus WACC assessment for the mobile business in Trinidad and Tobago. That	The Authority acknowledges Digicel's comment regarding the profitability assessment conducted in Section 6.6.2, including the treatment of spectrum costs, investment cycles and the choice of profitability indicators. **Regarding spectrum costs**, the Authority acknowledges that spectrum represents an important input for the

[25] https://www.un.org/ohrlls/content/list-sids

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				As with other sections, TATT's analysis is constrained to two MNOs, even though its own market definition includes OTTs. In addition, we have concerns with the analysis performed. First, we note that TATT's analysis of costs excludes any cost associated with spectrum, even though this is one of the primary inputs to mobile service provision. Recent research by the GSMA shows that spectrum costs amount to 7% of mobile service revenues on average.[26] This omission casts doubt over the remainder of the analysis. Second, TATT's analysis only spans the period 2017-2023. As TATT notes in Section 6.2, one of the MNO's 4G network buildout was largely complete by 2017. As a result, it is not surprising that industry CAPEX experienced temporarily slower growth over the subsequent 2017-2023 period. Were TATT to make 5G spectrum	assessment should identify the relevant asset base, include spectrum costs, allocate common costs transparently, separate mobile from non-mobile revenues and costs, account for depreciation and investment timing, and test results over a full investment cycle. The Authority should publish the methodology, disclose the non-confidential results and consult on the revised analysis.	provision of mobile services. However, spectrum costs were excluded from the analysis to ensure consistency and comparability with the international benchmark, as spectrum valuation, payment structures and accounting treatment vary significantly across jurisdictions. In addition, spectrum costs are, once incurred, largely sunk and do not form part of operators' marginal cost structure. As a result, they are not expected to exert a direct influence on short-term pricing decisions in competitive markets. Including such costs in a price comparison exercise would therefore risk distorting the assessment of pricing behaviour. The purpose of the Authority's assessment is not to determine operators' accounting profitability or full cost recovery, but to assess whether observed

[26] https://www.gsmaintelligence.com/research/global-spectrum-pricing

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				available to the industry, CAPEX growth would certainly rebound. Related to this, the net EBITDA margin as selected by TATT is a poor metric to compare profitability across firms. A main reason for this is that it fluctuates with investment cycles – a firm that has made large investments in the past would look more profitable than a firm that has made an investment this year. To avoid this issue, regulators often base profitability assessments by comparing the return on capital employed (ROCE) against operator WACCs. For example, Ofcom notes that "the most commonly used measure of profits by economic regulators and competition authorities is the return on capital employed (ROCE). An advantage of the ROCE is that there is a benchmark with which it can readily be compared in order to assess whether profits and prices might be excessive. This benchmark is the activity's WACC, which is the level that would be required by investors to compensate them for any risk incurred by investing in the activity.		pricing levels are consistent with underlying cost structures and are therefore indicative of effective competitive pressure in the market. On this basis, the exclusion of spectrum costs is methodologically appropriate and does not undermine the validity or robustness of the conclusions reached. **Regarding the investment cycle and the selected period of analysis**, the Authority does not agree that the 2017-2023 period provides an unrepresentative view of market dynamics. A seven year period is sufficiently long to capture underlying trends in operators' investment behaviour. The argument that limited investment reflects the completion of 4G deployment is also not sufficient to explain observed trends. Mobile telecommunications markets require continuous investment to improve coverage, increase capacity, enhance quality of service and introduce new technologies (Time Division Duplex,

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Profits which are significantly and persistently above the WACC may indicate that the firm has SMP.[27] This statement from Ofcom highlights the shortcomings of TATT's approach. TATT determines the EBITDA less CAPEX margin for MNOs in Trinidad and Tobago to determine whether their profitability is excessive. This approach is flawed because: • The EBITDA less CAPEX margin is affected by the investment cycle. As TATT's Figure 30 shows, there is a lot of variation in the measure for individual firms in Europe as well. It is inappropriate to compare firms across different investment cycles. As TATT notes the EBITDA less CAPEX margins shown for the European companies include their fixed businesses. During the time frame, these companies have been investing in fiber infrastructure on the fixed side and in continued mobile expansion for 4G and		TDD and Multiple-Input Multiple-Output, MIMO, etc.). In addition, the information available does not indicate that network development was complete by 2017, with significant elements of 4G deployment continuing after that period. The Authority also notes that technological development in mobile markets did not stop with 4G deployment. In many jurisdictions, a significant share of recent mobile investment has been driven by network densification and 5G deployment. Against this backdrop, the absence of comparable investment dynamics in the market under assessment is itself relevant when evaluating the strength of competitive incentives and the extent to which operators face effective competitive pressure **Regarding the use of EBITDA net of CAPEX**, the Authority recognises that

[27] https://www.ofcom.org.uk/siteassets/resources/documents/consultations/uncategorised/8476-bcmr/associated-documents/secondary-documents/bcmr_pt3.pdf?v=331411

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				5G on the mobile side. This is very different to the investments on the mobile side that an MNO in Trinidad and Tobago makes after it has already completed its 4G rollout. • The comparison provides no insight into the appropriateness of the return earned in Trinidad and Tobago, as operators face very different costs of capital in these jurisdictions. Overall, the analysis performed in Section 6.6.2 does not support TATT's conclusion that the degree of profitability is either "above average" or that it "is indicative of limited competitive pressure within the market and suggests the presence of market power." TATT has not determined what an appropriate level of return should be for an MNO in Trinidad and Tobago, nor has it calculated the return that MNOs earn on their invested capital.		ROCE can be an appropriate metric in certain regulatory contexts, particularly when assessing whether returns exceed a regulated cost of capital. However, the purpose of the present assessment is not to determine whether operators earn excessive returns compared with a specific WACC, but to assess whether the pricing level is consistent with the underlying costs, considered alongside other indicators, and whether they are consistent with effective competitive pressure. Data submitted during the process of the dominance assessment shows that the ratio (EBITDA-CAPEX)/REVENUE reaches around [redacted]%, which is materially higher than the levels observed even by incumbents in competitive markets. As noted in Section 6.6.2, "observed margins are materially above levels typically associated with competitive market outcomes." Accordingly, the Authority maintains that the margin analysis provides

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						relevant evidence within the broader dominance assessment, alongside market structure, pricing behaviour, investment trends and barriers to entry.
68.	**6.7**	**Non-Price Competition**	CCTL	The conclusion of limited non-price competition is generally consistent with observed product similarity. However, it does not fully capture emerging competition through convergence, where differentiation increasingly occurs via fixed–mobile–content bundles rather than standalone mobile products.	Expand the assessment of non-price competition to include converged bundles (fixed, mobile, and content services) and ecosystem-based competition. Future reviews should assess innovation in service integration, not only standalone mobile product differentiation.	The Authority acknowledges CCTL's comments regarding the increasing importance of converged offerings and bundled services in the telecommunications sector. The Authority recognises that, in certain markets, operators may seek to differentiate their services through fixed-mobile-content bundles and broader connectivity solutions rather than through standalone mobile products. However, the present assessment concerns the competitive conditions prevailing within the relevant retail domestic mobile services market as previously defined by the Authority. The analysis of non-price competition was therefore conducted with reference to the characteristics and competitive dynamics of that market.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, while the development of converged services may represent an increasingly relevant aspect of competition and should continue to be monitored, the Authority considers that this does not materially alter the conclusions reached regarding non-price competition within the relevant retail domestic mobile services market.
69.	**6.7**	**Lack of Active Non-Price Competition**	TSTT	Section 6.7 suggests that competition on non-price dimensions is limited because both operators offer similar bundles with comparable quality. TSTT submits that this conclusion is not sufficiently supported and risks treating product similarity as proof of weak competition without adequately testing alternative explanations. TSTT recognises that the degree of differentiation among services is a relevant factor under section 29(8) of the Act, and that homogeneous products and reduced scope for price competition may be relevant considerations under A23 of the Concession. However, those factors remain indicators only. They do not,	TSTT recommends that TATT revise Section 6.7 to identify clearly the non-price dimensions being assessed and the evidentiary basis for each conclusion. TATT should pursue a fuller analysis of how the non-price strategies of the two mobile operators differ, including network quality, coverage, reliability, handset and device promotions, roaming benefits, data rollover structures, promotional intensity, digital channels, loyalty benefits, customer experience, service innovation, data allowances, value-added services, and differentiated bundle design. TATT should then	The Authority acknowledges TSTT's comments regarding the assessment of non-price competition and agrees that product similarity, in itself, is not sufficient to establish dominance, joint dominance, or an absence of effective competition. First, the Authority wishes to clarify that its assessment does not infer weak competition solely from the similarity of products offered by operators. The Authority recognises that product similarities may arise in competitive markets, including where operators respond efficiently to similar consumer preferences and market conditions.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				without more, establish dominance, joint dominance, or an absence of active competition. The relevant question is whether the alleged lack of differentiation demonstrates that operators are able, individually or jointly, to behave to an appreciable extent independently of competitors, customers, and ultimately consumers. The mobile market is characterised by several forms of non-price competition, including network quality, coverage, handset promotions, roaming benefits, data rollover structures, promotional intensity, and differentiated bundle design. These are all classic forms of non-price competition and suggest that the market is characterised by active strategic rivalry rather than merely parallel pricing behaviour. TATT's analysis does not clearly identify the full range of non-price competition dimensions relevant to the mobile market. A comparison limited mainly to plan structures, broad allowances, coverage,	derive its conclusions on dominance only after assessing the competitive significance of that evidence. TATT should not infer limited non-price competition from similar plan structures or broadly comparable service bundles without assessing whether those similarities reflect competitive matching, common consumer demand, technology constraints, regulatory conditions, or standard mobile-market practices. TATT should also revisit its reliance on consumer perception evidence. Survey responses regarding reasons for not switching should not be treated as objective evidence of the absence of service-quality competition. Any conclusion regarding quality-based competition should be supported by objective indicators, including network availability, dropped-call rates, data speeds, latency, congestion, indoor coverage, fault repair, customer	Rather, the assessment considered a range of non-price competitive factors, including the limited differentiation of retail offers, comparable network coverage, similar network capacities (considering the combination of comparable numbers of base stations, spectrum resources and technologies deployed), low investment levels relative to other jurisdictions, and the similarity of measured (through complaints) and perceived (through survey data) quality of service among consumers. The Authority's conclusion was therefore not based on any single indicator, but on the combined assessment of these factors. The persistence of similar competitive positions across multiple dimensions suggests that operators face limited incentives to differentiate their offers or compete aggressively through non-price parameters. Accordingly, the Authority considers that the evidence does not demonstrate

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				and perceived quality does not provide a sufficient basis for concluding that non-price competition is limited. Meaningful non-price competition may occur through network performance, capacity, speed, latency, indoor coverage, customer care, complaint handling, roaming, international calling benefits, promotions, value-added services, and brand positioning. To the extent that TATT relies on similar bundles and plan structures as evidence of homogeneity. TSTT submits that similarity in plan architecture is not necessarily evidence of weak competition. In mobile markets, operators often respond to the same technologies, consumer preferences, handset ecosystems, spectrum constraints, network cost structures, and demand for simple, comparable bundles. Similarity may therefore reflect competitive matching and responsiveness to consumer demand, rather than coordination or lack of competitive effort.	complaints, customer care performance, churn, porting data, and service reliability. Where TATT identifies differences between operators' offers, including application-specific data allowances, roaming features, regional calling benefits, promotions, loyalty benefits, digital channels, device offers, or value-added services, TATT should assess those differences rather than discount them due to insufficient information. If the available information is insufficient, TATT should acknowledge the evidentiary limitation and should not draw a definitive conclusion that product differentiation is ineffective. TATT should also avoid treating comparable coverage, spectrum holdings, or base-station counts as evidence of limited competition without assessing capacity, quality, performance, investment cycles, and customer experience. Broad coverage	merely that operators offer similar products, but rather that the degree of symmetry observed across several dimensions of competition contributes to a market environment in which competitive differentiation appears limited. The Authority also notes that several of the dimensions highlighted by TSTT were explicitly considered in the analysis. Network-related quality of service was assessed in Section 6.7.2, notably through indicators such as the deployment of different technologies, network coverage and the number of base stations, which provide relevant information regarding operators' ability to deliver coverage, capacity and service quality. As noted in the report, the analysis examined whether operators possessed "similar network characteristics and quality levels", which constitute relevant indicators of non-price competition.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Further, TATT's reliance on consumer perceptions should be treated with caution. The fact that some respondents may perceive limited service-quality differences does not establish that there is no active non-price competition. It reflects stated consumer perception in the context of switching, not an objective assessment of service quality or competitive rivalry. It also does not capture whether operators compete to retain customers, improve network experience, offer promotions, adjust allowances, enhance digital channels, improve customer service, or differentiate through roaming, handset offers, enterprise services, or value-added features. TATT's reliance on comparable coverage and spectrum holdings also requires further analysis. Similar national coverage may indicate that both operators have invested in infrastructure and are competing to provide broad service availability. It does not, without more, establish a lack of competition. In mobile markets, meaningful quality differences	parity may reflect infrastructure investment and consumer benefit, not a lack of rivalry. To the extent TATT relies on non-price similarities to support joint dominance, those similarities should be treated as preliminary structural indicators only. Product similarity may make comparison easier, but it does not establish that coordination is feasible, sustainable, or capable of being maintained. TATT must separately demonstrate that operators can reach a common understanding, monitor deviations, discipline departures, and remain unconstrained by consumers, OTT substitution, technological change, entry or expansion, and other external competitive pressures. TSTT therefore recommends that TATT revise any conclusion that non-price competition is limited unless it can support that conclusion with objective, current, and market-	Customer care and service experience were considered in Section 6.7.3, through the analysis of consumer complaints and survey evidence. The report specifically considered customer perceptions and complaints as indicators of service differentiation and consumer experience. The analysis of consumer complaints received by the Authority did not reveal any significant differences between the operators from the consumers' perspective. The figures illustrated that network coverage and quality of service are broadly equivalent between the two operators, reinforcing the view that consumers do not perceive significant differences in service performance. Similarly, aspects such as promotions, value-added services, international calling benefits, brand positioning and other commercial characteristics were considered in Section 6.7.1, through the analysis of operators' offers and the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				may arise from capacity, congestion, indoor coverage, data speeds, latency, dropped-call rates, fault resolution, network resilience, customer complaints, and user experience, none of which is fully captured by broad territorial coverage figures alone. Similarly, TATT should not infer low or stagnant non-price competition from base-station counts alone without assessing network modernisation, technology upgrades, spectrum refarming, software enhancements, capacity expansion, site consolidation, traffic management, and investment cycles. A reduction or stability in the number of base stations does not necessarily imply reduced quality competition if operators are improving capacity, coverage, resilience, or efficiency through other network investments. TATT may also argue that non-price similarities support joint dominance because they contribute to transparency and product homogeneity. TSTT submits	specific evidence demonstrating that similarity in offers or coverage translates into actual market power or sustainable coordinated conduct.	results of the consumer survey. The report expressly notes that both operators provide "broadly similar products and services", while recognising the existence of certain differences in individual offers. The Authority agrees that perceived quality of service should not be interpreted in isolation. However, consumers' perceptions remain an important indicator of non-price competition, as competition ultimately occurs through the experience perceived by end users rather than through technical metrics alone. While consumer perceptions do not replace objective network measurements, they provide evidence of whether differences in service characteristics are sufficiently meaningful to influence consumer choice. Accordingly, perceived quality of service provides useful evidence regarding the extent to which operators compete on dimensions other than price and was assessed alongside objective indicators.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				that this remains insufficient. Product similarity may make comparison easier, but it does not establish that coordination is feasible, sustainable, or capable of being maintained. TATT must separately show that operators can reach a common understanding, monitor deviations, discipline departures, and remain unconstrained by consumers, OTT substitution, technological change, entry or expansion, and other external competitive pressures. Accordingly, Section 6.7 overstates the significance of similarity in plans, coverage, and perceived quality. The evidence may justify further inquiry into non-price competition, but it does not establish that non-price competition is weak, that product differentiation is ineffective, or that either operator, individually or jointly, possesses market power within the meaning of section 29(8) of the Act.		The Authority further agrees that similarities in plan architecture and commercial offers do not necessarily imply weak competition and may, in certain circumstances, reflect competitive responses to similar demand conditions and technological constraints. However, when considered together with other elements of the assessment—including similarities in market positions (Section 6.1), prices and profitability (Section 6.6), network characteristics (Section 6.7.2) and quality indicators (Section 6.7.3)—these observations also provide evidence of a significant degree of symmetry between operators and weaker competitive pressure compared to what is observed in other markets (fewer resources dedicated to network investments, higher gaps between prices and costs, etc.). The evaluation of the degree of symmetry is relevant to the joint dominance assessment because it may

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						contribute to creating conditions conducive to coordinated behaviour. As explained in Section 7.1, market characteristics such as similar market shares, similar cost structures and product homogeneity may facilitate the emergence of coordinated outcomes. In particular, where operators possess comparable commercial capabilities and compete across similar dimensions, deviations from prevailing market outcomes become easier to identify and interpret. Such symmetry reduces uncertainty regarding competitors' likely responses and may therefore facilitate the maintenance of stable market outcomes. The analysis therefore does not infer the existence of market power solely from similarities in products or network characteristics. Rather, these elements form part of a broader assessment of whether market conditions exhibit characteristics commonly associated with coordinated effects.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Finally, the Authority agrees that product similarity alone does not demonstrate that coordination is feasible or sustainable. For this reason, the assessment separately considered the conditions of transparency (Section 7.1), sustainability of coordination (Section 7.2) and external constraints (Section 7.3), consistent with the analytical framework adopted for the assessment of joint dominance. Accordingly, the Authority considers that Section 6.7 does not treat similarities in plans, coverage or perceived quality as standalone proof of dominance, but rather as one component of a broader assessment of competitive conditions and the potential for coordinated behaviour.
70.	**6.7.1**	**Identical Commercial Strategies and Offers with Similar Content**	Digicel	Section 6.7 examines the extent to which operators compete in terms of non-price factors, such as plans offered, coverage and quality of service. TATT examines the mobile plans offered by the two operators and finds that they	The Authority should withdraw the Section 6.7.1 conclusion that similar mobile plans indicate weak non-price competition. The Authority should conduct a full product-level analysis covering plan features, promotions, add-ons, retention offers, network	The Authority acknowledges Digicel's comment regarding product differentiation and the fact that similarities between operators' offerings may, in some circumstances, arise from normal competitive behaviour.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				are similar. This is construed in Section 6.8 as evidence that "existing market dynamics do not foster strong competitive behaviour." This conclusion is at odds with economic theory. The degree of similarity or differentiation between firms' offerings is not, by itself, informative of whether competition is effective. Competitive markets can produce either differentiated or relatively undifferentiated outcomes, depending on consumer preferences, cost conditions, product design constraints and the dimensions over which firms compete. Even where plan characteristics are similar across operators, TATT should not attribute this to economic malpractice. Hotelling's Law states that homogenous non-price characteristics can be a natural product of competition between firms. It is commercially prudent for firms to tailor their offerings such that they appeal to the maximum possible number of consumers. As competing firms must appeal to the same consumer pool, it is not unexpected that independent business efforts to	quality, coverage, technology rollout and service performance. It should assess changes over time and test whether observed similarities reflect coordination, competitive matching or convergence around common customer preferences. Unless the Authority can exclude independent competitive explanations, plan similarity should not be relied upon in any finding of single or joint dominance.	The Authority agrees that the existence of similar products or service characteristics is not, by itself, sufficient to demonstrate the absence of effective competition. Competitive markets may result in either differentiated or similar offerings depending on market conditions, consumer preferences and operators' strategies. However, the Authority does not agree that this invalidates the relevance of product similarity as part of the dominance assessment. In the context of joint dominance, the relevant question is not whether product similarities are unique to non-competitive markets, but whether they contribute to market conditions that facilitate tacit coordination. While a degree of product convergence may also be observed in competitive markets, persistent similarities across multiple competitive dimensions (such as pricing structures, service characteristics and commercial offers) may reduce strategic

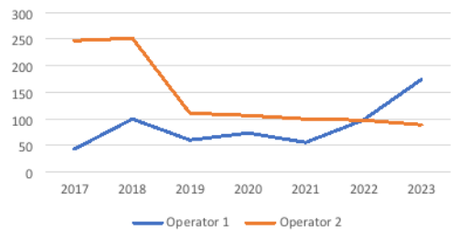
Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				appease the common base lead to product convergence. Hotelling (1929) formalised this notion mathematically through his model of minimum differentiation.[28] Two firms compete for customers along a line of preferences. It is rational for both firms to position themselves in the middle of the line. The products offered by the two firms are therefore the same. Importantly, this outcome is realised through market competition – without any coordination between firms. This is what we observe in Trinidad and Tobago. Both operators serve the same customer pool and have therefore converged to similar bundle offerings. Deviating from these 'centre' bundles would mean that an MNO would lose market share which is not optimal.		uncertainty between operators, facilitate a common understanding of market conditions and lessen incentives to compete aggressively. It is therefore the cumulative effect of these characteristics, rather than the existence of any individual similarity in isolation, that is relevant to the Authority's assessment. Regarding differences in network deployment and technology adoption, the Authority recognises that operators have followed different strategies historically, including variations in the timing of 4G deployment. However, the existence of past differences does not necessarily demonstrate that current competitive conditions are sufficient to prevent market power. The assessment considered whether such differences continue to create meaningful

[28] https://www.jstor.org/stable/2224214

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				At the same time, differentiation is not necessarily evidence of effective competition. A firm can sometimes derive market power from successful product differentiation, while differentiation can also reflect competitive pressure. Ofcom recognises this ambiguity, and states that "a firm could potentially derive market power from successfully differentiating its product (although clearly product differentiation can also be a response to competitive pressures)." [29]This highlights that a determination of competitive health cannot be made based on the level of product differentiation, as differentiation can itself confer market power and undermine competition. TATT must assess the economic mechanism through which similarity or differentiation is alleged to affect competition Further, TATT has not considered dimensions along which the two operators' offerings have shown divergence. For example, Figures 20 and		differentiation capable of constraining operators' behaviour. The Authority therefore does not treat product similarity in itself as conclusive evidence of dominance, but as one factor within a broader assessment of whether operators have sufficient incentives and ability to compete aggressively. Accordingly, the Authority maintains that the analysis of product differentiation remains relevant and was considered consistently with the broader assessment of market dynamics.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				21 in TATT's report shows that two MNOs differ markedly in the pace of 4G adoption. Operator 2's 4G rollout was appreciably faster – in terms of both territory covered and number of base stations. We therefore believe TATT's arguments on differentiation presented in Section 6.7.1 are not credible, as: (i) Important dimensions of differentiation, e.g., technology adoption, are not considered; and (ii) Even if the level of differentiation was accurately measured, differentiation is not informative of underlying competitive conditions. The Authority should not convert evidence of competitive matching into evidence of weak competition without first excluding the competitive explanation. It should assess the full set of price and non-price dimensions on which operators compete, and explain why the observed pattern is more consistent with		

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market power than with independent competitive matching.		
71.	**6.7.2**	**Quasi-Identical Coverage and Low Levels of Investment**	Digicel	TATT presents data on consumer complaints against the two operators as evidence of limited non-price competition. TATT claims that "the data on consumer complaints, especially in recent years, does not showcase a significant gap in the quality of service provided by both operators." However, the data are wholly inconsistent with this claim and demonstrate that complaint patterns are different between the operators. Operator 1 shows increasing incidence of complaints over time, while the volume of complaints against Operator 2 records a meaningful decline. Further, the coefficient of correlation between the operators' complaint volumes is – 0.28. Not only is this weak correlation, but it is also negative. If movements in quality and / or offerings were coordinated across operators, one would instead expect to	The Authority should reassess the evidence. It should further not rely on the raw complaint volumes and instead categorise them first as we suggest on the right and then determine trends within categories. An assessment of complaint volumes alone can also not be relied upon to make broader statements about competition. The Authority should assess other metrics that measure service quality alongside complaint volumes.	The Authority acknowledges Digicel's comment regarding the interpretation of consumer complaint trends and differences observed between operators. The Authority recognises that complaint levels may vary between operators and over time. However, the purpose of the analysis is not to demonstrate that both operators experience identical complaint patterns, but to assess whether differences in quality of service are sufficiently significant and persistent to create a meaningful competitive differentiation between them. As explained in Section 6.7.3, consumer complaints were assessed as one indicator among several used to evaluate quality of service and non-price competition The relevant consideration is therefore not whether complaint levels are identical or whether they follow the same trend, but whether the gap between operators is sufficiently material and persistent to influence consumers' choice

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				observe positive correlation in complaints against them. **Number of complaints by operator, 2017-2023**[30]  		of provider. The evidence presented in the Authority's assessment indicates that this gap has narrowed significantly since 2019, suggesting that differences in perceived service quality have become less pronounced over time. This finding is presented in Section 6.7.3, which analyses the evolution of complaint trends over time together with other indicators of consumer perception and service quality. The Authority reiterates that this observation does not, in itself, indicate a lack of effective competition, as a similar level of quality of service may also be observed in competitive markets. However, in the context of the assessment of joint dominance, it is relevant insofar as it demonstrates a degree of symmetry between operators. Such symmetry, including with respect to non-price competitive parameters such as quality of service, may reduce

[30] Data obtained from Table 17 in TATT's Dominance Assessment Consultation document

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the scope for competitive differentiation, lessen strategic uncertainty between operators and reduce incentives to deviate from a common market outcome. Accordingly, the Authority considered this factor as one element of the overall assessment of joint dominance. The Authority further notes that consumer complaints represent only one indicator of service quality and must be interpreted with caution. Complaint volumes may be influenced by several factors beyond network performance, including customer base size, reporting behaviour, customer expectations and complaint handling processes. Accordingly, the Authority considered complaint data together with other qualitative and quantitative indicators, including commercial offers (Section 6.7.1), network characteristics (Section 6.7.2) and consumer survey results (Section 6.7.3). Accordingly, while the Authority acknowledges differences in complaint

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						trends, it maintains that the available evidence does not demonstrate a level of quality differentiation sufficient to alter the conclusions of the broader competitive assessment.
72.	**6.8**	**Concluding Remarks on Single Dominance**	Digicel	Section 6.8 offers concluding remarks on TATT's assessment of single dominance. While we agree with the conclusion that neither MNO is dominant, as highlighted in our response above, TATT's analysis and methodology are not robust enough to infer whether either of the operators is dominant. As TATT recognises, neither MNO meets the market share threshold required to be deemed dominant. Yet TATT claims that both operators appear to meet several of the criteria typically considered in the assessment of market dominance. We disagree. Throughout this section, TATT fails to demonstrate that the features of the mobile market in Trinidad and Tobago it examines are more likely to arise as a result of market power than due to competition between MNOs and OTT providers.	The Authority has not produced the evidentiary support required by Section 29(8) of the Telecommunications Act or Concession Condition A23 to support its finding of joint dominance. This finding cannot be relied upon.	The Authority acknowledges Digicel's comment regarding the conclusions of the individual dominance assessment. The Authority notes that Digicel agrees with the conclusion that neither mobile network operator should be considered individually dominant. However, the Authority does not agree that this conclusion implies that the underlying assessment or methodology was insufficient. The methodology used within the Determination is consistent with established international standards including the EU and upholds the requirements outlined within domestic legislative framework for assessing dominance in relevant markets. Moreover, and ass previously explained, the market share threshold is not the sole criterion for assessing dominance. The

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						applicable framework requires consideration of a broader set of factors to determine whether an operator has the ability to behave to an appreciable extent independently of competitors, customers and consumers. The Authority therefore assessed market shares together with other indicators, including barriers to entry, pricing behaviour, profitability, service differentiation, technology trends, customer constraints and the role of OTT services. The purpose of this analysis was precisely to determine whether observed market outcomes were consistent with effective competition or indicative of market power. The Authority also reiterates that the inclusion of OTT services within the relevant market does not automatically imply that they exert sufficient competitive pressure to prevent the exercise of market power. Their competitive impact was assessed separately as part of the broader analysis.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Accordingly, the Authority maintains that the individual dominance assessment was conducted consistently with the applicable framework and supported by a comprehensive review of relevant market conditions.
73.	**6.8**	**Concluding Remarks on Single Dominance**	TSTT	TATT's conclusions on single dominance rely on a cumulative set of findings, including market shares, scale, barriers to entry, absence of countervailing buyer power, alleged price inelasticity, pricing and profitability comparisons, and limited non-price competition. TSTT submits that the conclusion drawn from these indicators is overstated and is not sufficient to support a finding that either operator is singularly dominant. TSTT recognises that dominance may be assessed by reference to a range of indicators and that no single factor is necessarily determinative. However, a cumulative assessment cannot convert inconclusive or insufficiently tested indicators into proof of dominance. Each indicator must be linked back to the	TSTT recommends that TATT revise Section 6.8 to conclude that the evidence does not support a finding of single dominance by either operator. TATT should expressly acknowledge that the A23 market-share presumption has not been triggered and that broadly similar market shares and comparable operator positions do not establish that either operator can behave independently of competitive constraints. TATT should also avoid relying on indicators that are inconclusive, insufficiently tested, regulator-created, common to telecommunications markets, or equally consistent with competitive rivalry as evidence of single	The Authority notes that the comments appear to suggest that Chapter 6 reaches a finding of single dominance. This is not the case. The assessment explicitly concludes that neither operator appears to satisfy the presumption of dominance under Condition A23(a)(i) of the Concession Agreement (i.e., exceeding 150% of its average market share to be presumed dominant) and does not conclude that either operator is individually dominant. Rather, Chapter 6 aims to assess a range of indicators that may be relevant to understanding the competitive conditions prevailing in the market and to determine whether the characteristics

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				statutory requirement under section 29(8) of the Act, namely whether either operator has the economic strength required to behave to an appreciable extent independently of competitors, customers and ultimately consumers. TATT itself recognises that neither operator appears to meet the A23 150% of average market share threshold. In a two-operator market, that threshold equates to 75%. TATT also recognises that the operators have similar market shares and broadly comparable positions. These findings do not support a conclusion that either operator is individually dominant. At most, they indicate a balanced two-operator market and may justify further inquiry into competitive dynamics. The remaining indicators relied upon by TATT do nothing to address this weakness. The barriers to entry identified by TATT appear to be significantly shaped by the licensing, spectrum and regulatory framework, including any moratorium or other regulatory/policy	dominance. In particular, TATT should distinguish between structural barriers inherent in mobile network deployment, regulatory barriers arising from licensing, spectrum or moratorium-related restrictions, and any barriers allegedly created by operator conduct. TATT should reassess its findings on consumer countervailing power, price inelasticity, pricing and profitability, and non-price competition to determine whether those findings actually establish independent market power or merely identify market characteristics that warrant further review. Where the evidence is ambiguous, TATT should not resolve that ambiguity in favour of a dominance finding. Instead, TATT should identify the evidentiary limitations and refrain from drawing conclusions that are not supported by clear, current and market-specific evidence.	of the market warrant further assessment under the joint dominance framework. The Authority agrees that no single indicator is determinative. For this reason, none of the factors examined in Chapter 6 was relied upon in isolation, and the Authority did not infer individual dominance from the cumulative assessment of these indicators. The Authority further notes that several of the observations raised by TSTT concern the interpretation of individual indicators, such as barriers to entry, consumer behaviour, price elasticity, margin analysis and non-price competition. These matters have been specifically addressed in the relevant sections of the report and should be interpreted in the context of the overall assessment rather than as standalone evidence of market power. Regarding TSTT's comments on price inelasticity the operator is asked to reference the explanation provided

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				restriction affecting further mobile entry. Such constraints may be relevant to potential competition, but they should not be treated as evidence that existing operators themselves possess or have created market power. Similarly, consumer behaviour does not support a simple conclusion that operators can act independently of consumers. The evidence relied upon by TATT itself indicates that consumers may respond to price changes through OTT substitution, Wi-Fi offloading, usage adjustment, plan optimisation, multi-SIM behaviour, or reduced consumption. These forms of marginal response are relevant competitive constraints and should not be discounted merely because consumers may not abandon mobile services entirely. TATT's reliance on price inelasticity also requires further qualification. Some degree of inelasticity is common in telecommunications markets because connectivity is important to consumers. It does not, without more, establish	Any movement from the single dominance analysis to the joint dominance analysis should be expressly framed as a separate and further inquiry only. TATT should not treat the factors considered in Chapter 6 as having already established dominance, nor should it rely on inconclusive single-dominance indicators as a substitute for the separate legal and economic analysis required to establish joint dominance.	within item 63. In summary the existence of some degree of demand inelasticity is not, in itself, sufficient to establish dominance. Accordingly, the assessment does not rely solely on the observation that telecommunications services exhibit relatively inelastic demand, nor does it infer market power solely from the existence of price increases. Rather consumers' price sensitivity (or lack thereof) is assessed collectively among other established criteria pursuant to domestic legislative framework and relevant international standards. With respect to the margin assessment, the Authority notes that margin indicators are expressed in relative terms, notably as a percentage of revenues, in order to facilitate comparisons between operators and across jurisdictions with different absolute market sizes and cost structures. These indicators were used to provide contextual evidence and were not, in

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				dominance. The relevant issue is whether either operator can raise prices profitably and sustainably without being disciplined by consumers, substitution, competitive responses, or wider market developments. TATT has not demonstrated that proposition with sufficient rigor. The pricing and profitability analysis is also insufficient to support a single dominance finding. International price comparisons and margin observations may be relevant, but they must be interpreted in light of differences in scale, cost structures, traffic patterns, geography, taxation, spectrum costs, investment cycles, regulatory obligations, and service characteristics. Without a clear benchmark for competitive profitability and a more rigorous assessment of the relationship between prices, costs and market conditions, these indicators cannot establish that either operator can behave independently of competitive constraints.		themselves, considered sufficient to establish market power. Finally, the Authority agrees that the absence of a finding of single dominance does not, in itself, support a finding of joint dominance. Accordingly, the assessment of joint dominance was conducted as a separate analytical exercise. Chapter 7 specifically examines whether the conditions necessary for coordinated behaviour and tacit coordination are present, including transparency, sustainability and external constraints. The Authority therefore considers that Chapter 6 should not be interpreted as concluding that either operator is individually dominant, nor as using the absence of single dominance as indirect evidence of joint dominance. Rather, the analysis in Chapter 6 provides contextual evidence regarding market characteristics, which is subsequently complemented by the separate

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				TATT's conclusion regarding limited non-price competition is also not sufficiently supported. Similarity in plan structures, bundles, coverage or service features may reflect competitive matching, common consumer demand, standard mobile-market practices, similar technology constraints, or regulatory conditions. It does not, without more, establish a lack of rivalry. Non-price competition may occur through network quality, reliability, capacity, customer care, promotions, roaming benefits, handset offers, digital channels, loyalty benefits, data allowances, service innovation and differentiated bundle design. Accordingly, the evidence in Chapter 6 does not demonstrate that either operator individually possesses the degree of economic strength required under section 29(8) of the Act. Many of the factors relied upon by TATT are either inconclusive, insufficiently evidenced, common to telecommunications markets, shaped by regulatory constraints, or equally		assessment of coordinated effects undertaken in Chapter 7.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				consistent with competitive behaviour in a mature two-operator mobile market. TSTT further submits that the absence of a proper basis for single dominance should not be carried forward as indirect support for joint dominance. If TATT proceeds to consider joint dominance, that analysis must be treated as a separate inquiry. It must demonstrate that coordinated conduct is feasible, sustainable, and capable of being maintained in the face of external competitive constraints. The fact that neither operator is singularly dominant cannot itself support a conclusion that both operators are jointly dominant.		
74.	**7.**	**Analysis of Joint Dominance Designation Criteria**	Digicel	In Section 7, TATT assesses the possibility that Digicel and the other MNO are jointly dominant. As with Section 6, we view the analysis as inadequate. We respond to each subsection below.	TATT must provide adequate analysis based on responses below.	The Authority's responses to the specific comments raised by Digicel on Section 7 are provided below.
75.	**7.**	**Analysis of Joint Dominance Designation**	TSTT	The central question is whether the market structure, together with operators' incentives and the absence of effective competitive constraints, enables coordinated conduct to be sustained over	TSTT recommends that TATT describe the first condition as not merely the transparency of each operator's actions, but more broadly, whether operators possess the ability	The Authority acknowledges TSTT's comment and wishes to clarify that, while the title of section 7.1 reads "The Transparency of Each Operator's Actions to Its Competitor" the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				time. This requires three elements, which TATT defines too narrowly. The first condition TATT describes as the transparency of each operator's actions. The third condition TATT describes as absence of countervailing buyer power. These scopes are too limited and not consistent with international practice. This understates the broader range of factors relevant to assessing whether coordinated conduct is feasible and sustainable, and whether operators are capable of behaving independently of competitive constraints consistent with section 29(8) of the Act.	to reach, monitor, and sustain coordinated conduct in practice. TSTT further recommends that the third condition be formulated as the absence of external constraints, including: a) competitors (actual and potential); b) entry and expansion; c) technological change; d) maverick behaviour; and e) countervailing buyer power. Failure to account for these broader considerations leads to understating the competitive constraints relevant to assessing whether coordinated conduct is feasible and sustainable and whether operators are capable of behaving independently of competitive pressures consistent with section 29(8) of the Act.	implication of such transparency in terms of the ability of operators to monitor and sustain coordinated conduct in practice has been addressed by the Authority as shown below: - section 4.2.2.1: "It is necessary to assess whether each member has the ability to monitor the behaviour of other members accurately and to decide accordingly whether to adopt a common policy. The aim of such analysis is to determine whether operators have sufficient ability and incentive to adopt a coordinated conduct"; - Section 7.1.1: "The requirement for operators to interconnect, coupled with the regular publication of publicly available reports, ensures that firms can monitor developments in the market with relative ease"; - Section 7.1.3: "Such developments support the observation that both operators

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						closely monitor and replicate each other's strategic moves, further contributing to the transparency and predictability of conduct." The Authority acknowledges the relevance of TSTT's comment that the assessment of the third criterion for joint dominance should not be limited solely to consumers' countervailing power. The Authority wishes to clarify, however, that this broader perspective has been fully reflected in its assessment. Consistent with the methodological approach set out in Section 4.2.2.3, the Authority considered a wider range of external constraints, including competitive pressures from existing or potential competitors, consumer countervailing power, and other market factors capable of affecting the sustainability of a potential coordinated outcome. Accordingly, the assessment of sustainability did not rely exclusively on

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the ability or willingness of consumers to react to market outcomes, but examined whether external constraints as a whole would be sufficient to undermine the ability of operators to maintain a coordinated outcome over time.
76.	**7.1**	**Transparency of Market Actions**	CCTL	While the market demonstrates a high degree of pricing visibility, transparency is an inherent characteristic of telecommunications markets globally and does not necessarily indicate coordinated behaviour. Retail telecommunications services are publicly advertised, technically comparable, and continuously benchmarked by consumers and competitors alike. Similar pricing outcomes may therefore reflect market structure, scale economics, and competitive benchmarking rather than tacit coordination. From a fixed telecom perspective, transparency increasingly extends across the wider connectivity ecosystem, where mobile pricing is often benchmarked against fixed broadband and bundled household services..	The Authority should avoid treating transparency alone as evidence of coordinated conduct. Greater consideration should be given to the structural realities of small telecommunications markets and the operational similarities that naturally lead to comparable pricing and product structures. Future assessments should also incorporate fixed broadband and bundled service pricing as part of the broader competitive landscape.	The Authority acknowledges CCTL's comments and agrees that a high degree of pricing transparency is a common feature of telecommunications markets. Publicly available tariffs, standardised products and the ability of consumers and competitors to compare offers are characteristics frequently observed in the sector and do not, in themselves, establish coordinated behaviour. The Authority did not treat market transparency as standalone evidence of joint dominance. Rather, transparency was considered as one of the conditions that may facilitate coordination and was assessed alongside other factors, including operators' incentives to deviate from the prevailing market outcome and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						the existence of external competitive constraints. The Authority further recognises that pricing transparency increasingly extends beyond the mobile sector and that consumers may compare mobile offers with alternative connectivity solutions, including fixed broadband and bundled services. However, the present assessment concerns the competitive conditions prevailing within the relevant retail domestic mobile services market as previously defined by the Authority. Accordingly, while transparency is a necessary condition that may facilitate coordinated behaviour, the Authority agrees that it is not, by itself, sufficient to establish the existence of tacit coordination. For this reason, the assessment considered transparency as one element of a broader framework for assessing joint dominance rather than as

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						independent proof of coordinated behaviour.
77.	**7.1**	**The Transparency of Each Operator's Actions to Its Competitor**	Digicel	In Section 7.1, TATT assesses the degree of transparency in the market. TATT concludes that the market is "fully transparent" with both operators having "clear visibility of each other's offers and the ability to adjust their own plans accordingly." We encourage TATT to review the recent Dutch broadband access case (CBb, 2020, ECLI:NL:CBB:2020:177). In this case, the Netherlands Authority for Consumers and Markets (ACM) initially found that Vodafone Ziggo and KPN, had collective SMP and, on this basis, proposed to regulate access to their networks. On appeal, the Trade and Industry Appeals Tribunal (CBb) reversed the finding. This is the most significant test of a joint dominance finding in the telecoms market in recent years. It highlights the evidentiary standard that TATT's analysis would need to be measured against if it adopts these guidelines for its own assessment.	TATT to review the recent Dutch broadband access case as TATT's findings have failed on all accounts according to this case.	The Authority acknowledges Digicel's reference to the Dutch broadband access case and the importance of ensuring that any joint dominance assessment is supported by a robust analysis of market characteristics and operators' incentives. The Authority agrees that a finding of joint dominance requires an assessment of whether the relevant market conditions support the ability and incentives for operators to sustain a common market outcome. As explained in **Sections 4.1.2 and 7**, the Authority assessed whether the characteristics of the relevant market enable tacit coordination by examining transparency, the sustainability of a coordinated outcome and the extent of external competitive constraints. However, the Authority does not agree that the Dutch case demonstrates that the approach adopted in the present assessment is inappropriate.

<table>
<tr><th>Item</th><th>Section</th><th>Section Title</th><th>Stakeholder</th><th>Comments</th><th>Recommendations</th><th>TATT’s Decision</th></tr>
<tr><td></td><td></td><td></td><td></td><td>ACM constructed a two-stage game. In the first stage, each operator chose whether to grant or deny wholesale access. In the second stage, each set its retail price. ACM presented a simplified payoff matrix:<table><tr><td></td><td>VZ: Deny</td><td>VZ: Grant</td></tr><tr><td>KPN: Deny</td><td>3,3 (Scenario 1)</td><td>1,4 (Scenario 3)</td></tr><tr><td>KPN: Grant</td><td>4,1 (Scenario 2)</td><td>2,2 (Scenario 4)</td></tr></table>In a one-shot game, granting access was the dominant strategy for both players: each earned more by granting access regardless of its competitor’s choice. The Nash equilibrium is scenario 4 where both grant access. ACM argued that KPN and VZ could coordinate on Scenario 1 in a repeated game (Scenario 1) which would earn them both higher profits.

The game is a classic prisoner's dilemma. In a one-shot game, each player is better</td><td></td><td>Regarding the relevance of the Dutch case, the Authority notes that the CBb decision was based on the specific facts of the Dutch fixed broadband market and the evidence presented in that proceeding. The decision did not reject the concept of joint dominance or the relevance of the Airtours criteria. Rather, it concluded that the criteria had not been sufficiently demonstrated in that specific market context.

The circumstances considered in that case differ significantly from the retail mobile market in Trinidad and Tobago. The Dutch assessment concerned fixed broadband infrastructure, wholesale access incentives, and operators with materially different network positions and investment strategies. The present assessment concerns a market characterised by two mobile network operators with comparable market positions, same technology, broadly similar service offerings, interactions only in the retail market (unlike the Dutch case, wholesale access services do</td></tr>
</table>

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				off picking 'Grant' and so they end up in a lower payoff outcome in equilibrium. In a repeated game, they may be able to coordinate on 'Deny' which gives them a higher payoff. This is not an equilibrium in a one-shot game and can only be maintained through a coordination mechanism that punishes deviations (i.e. one player choosing 'Grant' in a period). ACM identified retail price increases as the coordination mechanism. It observed that KPN and VodafoneZiggo had announced comparable price increases each May, effective July. ACM identified two disciplinary mechanisms: retail price decreases and the grant of wholesale access to punish deviation. The CBb found the following failures in ACM's analysis[31]. • **Symmetry overstated**. The CBb found that market shares differed considerably across retail market segment, so did the infrastructure		not exist in the mobile market in Trinidad and Tobago) and, as demonstrated in the report, a high level of transparency. These market characteristics are examined throughout Sections 6 and 7, including market shares (Section 6.1), barriers to entry (Section 6.2), non-price competition (Section 6.7) and the conditions for coordinated effects (Section 7). As such, a direct transposition of the Dutch case is not relevant. **Regarding symmetry between operators**, the Authority recognises that operators do not need to be identical for joint dominance to arise. The relevant question is whether differences between operators are sufficiently significant to prevent a coordinated market outcome. As previously explained, the Authority assessed similarities and differences

[31] https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:CBB:2020:177

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				of the two fixed networks and the costs of further network rollout. The CBb agreed that the two operators are engaged in "leapfrog game in which they innovate in various and distinctive ways". Based on the evidence submitted, the CBb also considered the role of content in consumer switching decisions to be larger than the ACM assumed, meaning coordination could not easily proceed on price alone. • **Transparency and focal point insufficient**. ACM argued that retail pricing was sufficiently standardised and transparent for coordination. KPN and VodafoneZiggo countered that the market was characterised by many different bundles with different price points, regional and temporary promotions, individualised discounts, and non-public pricing. The CBb agreed that pricing complexity was a factor that made coordination		across multiple dimensions, including market shares, network coverage, service characteristics, pricing behaviour and cost structures. As analysed in Sections 6.1 and 6.7, the Authority found that the two operators have maintained broadly symmetrical market positions, comparable network characteristics and similar commercial positioning over the review period. **Regarding transparency and the identification of a focal point**, the Authority does not agree that its analysis relies only on publicly available headline prices. The assessment considered broader market characteristics, including the transparency of pricing structures, service offers, market positions and quality-related parameters. The existence of different plans or promotions does not, by itself, prevent market transparency where operators can observe and respond to each other's competitive behaviour. In any event, given the limited number of active operators in the relevant market and the

<table>
<tr><th>Item</th><th>Section</th><th>Section Title</th><th>Stakeholder</th><th>Comments</th><th>Recommendations</th><th>TATT’s Decision</th></tr>
<tr><td></td><td></td><td></td><td></td><td>more difficult. It attached particular weight to KPN's argument that when one party reduces its price, it is difficult to determine whether the reduction stems from competitive conduct or constitutes a disciplinary response. This ambiguity undermined both the transparency criterion and the credibility of the disciplinary mechanism.
• Wholesale access denial was not seen as a credible disciplinary mechanism. Oxera, on behalf of VodafoneZiggo, submitted a revised payoff matrix:
<table><tr><td></td><td>VZ: Deny</td><td>VZ: Grant</td></tr><tr><td>KPN: Deny</td><td>3,3 (Scenario 1)</td><td>1,4 (Scenario 3)</td></tr><tr><td>KPN: Grant</td><td>4,1 (Scenario 2)</td><td>2,0 (Scenario 4)</td></tr></table></td><td></td><td>information that is publicly available, including operators' published commercial offers and the Authority's periodic market reports, operators are able to monitor each other's market conduct more easily than would be the case in a market with a larger number of competitors. The higher degree of market transparency associated with a duopolistic market reduces strategic uncertainty by enabling each operator to observe, or reasonably infer, changes in its competitor's pricing, commercial offers and overall market position.

For example, in a market comprising only two operators, each operator is better able to infer the other's commercial performance from publicly available market information and its own commercial results than would be possible in a more fragmented market. Such transparency is recognised in competition economics as one of the market characteristics that may facilitate tacit coordination.</td></tr>
</table>

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				The change is in scenario 4: granting wholesale access was less attractive for VodafoneZiggo than ACM had assumed (payoff 0, not 2). This followed from the Ecorys report demonstrating that VodafoneZiggo had no viable business case for providing wholesale access, even absent regulation. The CBb accepted this conclusion and adopted Oxera's revised matrix. The consequence was that the game was no longer a symmetric prisoner's dilemma. Granting access remained KPN's dominant strategy. For VodafoneZiggo, given KPN's dominant strategy of granting, denying access yielded 1 (scenario 2) versus 0 (scenario 4). The equilibrium was scenario 2 (KPN grants, VodafoneZiggo denies), which was the observed market outcome, not the coordinated one that the ACM had alleged. The CBb added that even if the game had been symmetric, it would not have accepted the ACM's characterisation as a dynamic prisoner's dilemma sustaining coordination. **For sustained**		**Regarding sustainability and responses to deviations**, the Authority notes that its assessment considered whether operators would have incentives to depart from existing market outcomes and whether such deviations would generate sustainable competitive benefits. As discussed in the report, potential deviations through lower prices, increased allowances or quality improvements can be observed and replicated by the other operator, reducing the long-term benefits of aggressive competitive actions. The Authority recalls that Section 7.2 of the reports considered whether an operator would find it profitable to initiate a price war or to introduce significant improvement in the quality of service provided, and concluded that neither operator has a rational economic incentive to deviate from a tacit agreement. As stated in Section 7.2 that "neither operator has a rational economic incentive to deviate from a tacit agreement." In such conditions, the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				coordination in a repeated game, frequent interaction and proportionate disciplinary responses are required. As to retail price decreases as a punishment mechanism, the CBb noted the inherent ambiguity: when one operator reduces its price, the other cannot determine whether this reflects competition or punishment. This undermined the credibility of retail-level discipline (Paragraph 6.9.3 and 6.9.4). • **External competitive constraints underestimated**. The CBb found that ACM had underestimated the destabilising potential of external factors. Under a properly applied Modified Greenfield Approach, KPN would probably continue to offer some form of wholesale access even absent regulation, and access-dependent retailers would seek other ways to remain active. The CBb noted fibre rollouts by alternative operators (EQT, local fibre initiatives) and the growing competitive pressure from higher-quality alternative networks. It		market dynamic is highly conducive to sustain coordination. **Regarding external constraints**, the Authority also assessed whether consumers, potential entrants, OTT services or technological developments could destabilise a coordinated outcome. As previously explained, while these factors may exert some competitive pressure, the Authority concluded that they are not currently sufficient to prevent the exercise of joint market power within the relevant timeframe. Accordingly, the Authority agrees that joint dominance assessments require a careful consideration of market-specific evidence. However, the Authority maintains that its analysis applied the relevant criteria to the specific characteristics of the Trinidad and Tobago mobile market and that the outcome of a different case in a different jurisdiction does not undermine its conclusions.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				rejected the argument that a "natural duopoly" was inevitable. • **Modified Greenfield Approach misapplied**. The CBb held that ACM should not have abstracted from all consequences of past regulation on market structure. The fact that KPN had developed wholesale access capabilities partly in response to historical regulation, while VodafoneZiggo had not, reflected infrastructure differences that ACM was required to take into account. The CBb ruling shows that joint SMP findings need to meet a high evidentiary standard. Regulators must make it plausible that the Airtours criteria are met. This requires more than just hypotheticals. The specific characteristics of the market need to be incorporated into the economic model that is used to analyse the incentives of the firms. As we demonstrate in the following, TATT's analysis fails on all of these counts.		

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
78.	**7.1**	**The Transparency of Each Operator's Actions to Its Competitor**	Digicel	We now compare TATT's analysis to the joint dominance assessment set out in the EC's SMP Guidelines. We add references and comparisons to the Dutch case as needed. In this section, TATT assesses the first Airtours criterion of transparency. **TATT does not provide a plausible theory of tacit collusion** **SMP guidelines:** Paragraph 66 of the guidelines requires the regulator to establish that each participant "considers it possible, economically rational, and hence preferable, to adopt, on a lasting basis, a common policy for their market conduct with the aim of selling at above competitive prices." Paragraph 70 requires a "plausible theory of tacit coordination" that forms "part of a plausible theory" including "considerations as regards available evidence and data, as well as hypothetical considerations." **Implications for TATT:**	The Authority should withdraw its Section 7.1 conclusion that the market is sufficiently transparent to support a finding of joint dominance. Public visibility of headline tariffs is not sufficient to establish transparency for tacit coordination. The Authority should identify the specific common policy and focal point on which Digicel and bMobile are alleged to coordinate, and then assess whether deviations from that focal point could be detected quickly, accurately and reliably. That assessment should distinguish advertised prices from effective prices, promotions, retention offers, targeted discounts, plan add-ons, validity periods, data allowances, roaming, speed, throttling, service quality, coverage, capacity and investment timing. The Authority should also test whether observed similarities in retail offers are more consistent with competitive matching than with coordination. Otherwise, Section 7.1 should be removed from the evidentiary basis for any joint	The Authority acknowledges Digicel's comment regarding the application of the transparency criterion, including the need to establish a plausible theory of tacit coordination and identify relevant focal points. The Authority agrees that an assessment of joint dominance must demonstrate that market conditions allow operators to reach a common understanding of market conduct and that such an outcome can be sustained over time. However, the Authority does not agree with Digicel's conclusion that its analysis fails to establish such conditions. **Plausible theory of tacit coordination** The Authority notes that the SMP Guidelines do not require regulators to construct a formal game-theoretic model or quantify a specific coordinated price level in order to establish joint dominance. Such models may be used as analytical tools in certain cases, but they are not a prerequisite for assessing

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				TATT describes structural features of the market (duopoly, symmetric market shares, parallel pricing, similar product offerings) and infers that these are "conducive to coordinated effects." TATT neither states what the coordinated outcome is, nor does it specify what prices the operators would charge under competitive conditions, what prices they charge under coordination, or what the difference between these two price levels is. In the Dutch case, ACM at least constructed a formal game-theoretic model. TATT does not. TATT's analysis describes what it observes in the market and labels that as evidence of coordination, without specifying the actual mechanism. The closest that TATT comes to a model is its assertion that under inelastic demand, no operator has an incentive to deviate from the prevailing pricing strategy. But this is not a coordination game to avoid a	dominance finding. If the Authority does not accept this recommendation, it should set out the evidential basis and reasoning for maintaining its conclusion, so that stakeholders can assess whether the conclusion is supported.	whether market characteristics are conducive to coordinated effects. The Authority's assessment focused on whether the characteristics of the Trinidad and Tobago mobile market create conditions under which operators may find it rational to avoid aggressive competitive behaviour. This analysis considered multiple factors, including the presence of only two mobile network operators, stable market positions, transparency of commercial strategies, similarities in offers, limited external constraints and the ability of operators to respond to deviations. The Authority does not agree with Digicel's game-theoretic illustration, as it relies on assumptions that do not reflect either the Authority's assessment or the established economic framework for analysing collective dominance. First, Digicel conflates the elasticity of demand for the market as a whole with the elasticity of demand faced by an

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				prisoners' dilemma, it is just an uncoordinated competitive equilibrium. Below we set out a stylised one-shot game with payoffs that conform with TATT's assertion that demand is inelastic to demonstrate that what it describes is an uncoordinated competitive equilibrium. Similar to the Dutch case, we use payoffs that represent the ordinal value of a scenario (i.e. their magnitude and relative difference does not matter, just whether they are higher or lower than another). The rules of the game are as follows: • If both bMobile and Digicel charge the prevailing price, they both earn a profit of 4 • If either deviates and undercuts, it earns a lower profit (1) whereas the other still earns a similar profit as before (3). This reflects TATT's assertion that due to inelastic demand, there is little benefit to reducing your own price. The player undercutting the other earns a substantially lower revenue on		individual operator. The Authority's assessment recognises that mobile telecommunications services constitute an essential service, meaning that consumers may have limited ability to reduce their overall consumption or exit the market in response to a general increase in prices. This observation concerns market-level demand and does not imply that consumers are insensitive to relative price differences between competing operators. On the contrary, a reduction in price by one operator may attract subscribers from its competitor even if the overall size of the market remains broadly unchanged. Secondly, Digicel's analysis models competition as a one-shot game. This does not reflect the analytical framework applicable to the assessment of joint dominance. Tacit coordination arises in markets characterised by repeated interaction between competitors, where operators take into account not only the immediate gains from deviating but also

<table>
<tr><th>Item</th><th>Section</th><th>Section Title</th><th>Stakeholder</th><th>Comments</th><th>Recommendations</th><th>TATT's Decision</th></tr>
<tr><td></td><td></td><td></td><td></td><td>its existing base without being able to attract many new subscribers from the other. The player charging the prevailing price may lose a small share of subscribers, but earns the same revenue per user on its remaining base.
• If both deviate and undercut, they both earn a lower profit than before, but slightly higher than if each of them undercut individually (2). Their subscriber base remain the same, but they are both earning a lower profit.

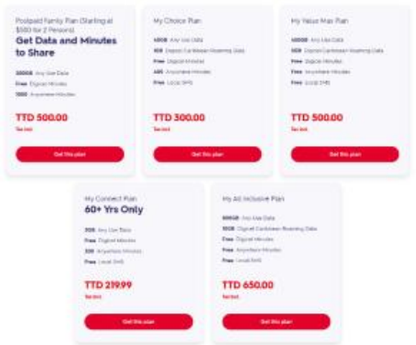
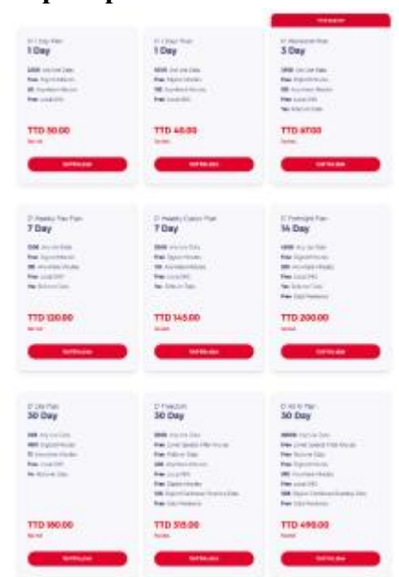
The payoff matrix is as follows:<table><tr><td></td><td>Bmobile: Prevailing price</td><td>Bmobile: Undercut</td></tr><tr><td>Digicel: Prevailing price</td><td>4,4 (Scenario 1)</td><td>3,1 (Scenario 3)</td></tr><tr><td>Digicel: Undercut</td><td>1,3 (Scenario 2)</td><td>2,2 (Scenario 4)</td></tr></table></td><td></td><td>the expected response of their rivals and the effect of such responses on future profitability. A unilateral price reduction may therefore be profitable in the short term through customer acquisition, while becoming unprofitable over time once competing operators respond by matching the price reduction, leading to a sustained decline in industry profits. The profitability of deviation must therefore be assessed dynamically rather than in the context of a single-period interaction.

More fundamentally, Digicel's payoff matrix assumes, rather than demonstrates, that unilateral price reductions are inherently unprofitable. That assumption is neither derived from the evidence nor supported by the Authority's findings. The Authority's assessment did not conclude that operators face inelastic demand with respect to their own retail offers. Consequently, the payoff matrix cannot be regarded as a valid representation of</td></tr>
</table>

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				This is a simple game. It is a dominant strategy for both players to charge the prevailing price. This gives the highest individual profit regardless of what the other player does. The equilibrium outcome in the one-shot game is the competitive market outcome. There is no tacit coordination over repeated games required to achieve it. As no tacit coordination is required to achieve the equilibrium outcome, there can also not be any joint dominance. **TATT does not identify a focal point** **SMP guidelines** Paragraph 68 in the SMP guidelines sets out that tacit collusion is more likely if "competitors can easily arrive at a common perception as to how the coordination should work, and, in particular, of the parameters that lend themselves to being a focal point of the proposed coordination."		the competitive incentives prevailing in the market. Accordingly, the Authority does not consider that Digicel's stylised example undermines its assessment of joint dominance. The Authority's conclusions are based on an assessment of the market characteristics that may facilitate tacit coordination in the context of repeated interaction between operators, rather than on the outcome of a hypothetical one-shot pricing game. **Identification of focal points** The Authority also does not agree that the existence of several relevant competitive parameters demonstrates the absence of identifiable focal points. In the context of mobile telecommunications markets, focal points do not necessarily refer to a single tariff component or isolated price dimension, but may instead relate to broader and observable competitive outcomes, such as the maintenance of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Paragraph 77 in the SMP guidelines states that focal points can be identified at either retail or wholesale level. **Implications for TATT** Section 7.1 mentions several potential focal points (maintenance of market shares, maintenance of retail prices and capacity choice). The assessment does not commit to any of them and does not develop a coherent theory or position around how either one of these focal points is coordinated on. The analysis in Section 7.1.3 gets even more confusing as TATT introduces even further potential focal points such as retail price alignment over time (Figure 34 – 35 showing a level of convergence in PAYG tariffs), data allowance reductions in 30-day prepaid plans (Figure 36) and finally postpaid plan alignments (Figure 37). The confusion around what the focal point should be in TATT's theory highlights the complexity in which mobile operators determine the pricing and other characteristics of their subscription plans.		relative pricing positions, the preservation of existing market shares, or the avoidance of disruptive price or value-for-money deviations. These outcomes are sufficiently observable and interpretable for operators to form expectations about competitors' behaviour. The Authority recognises that mobile offers contain multiple characteristics and that operators make decisions across several dimensions. However, complexity in product design does not automatically prevent market transparency or tacit coordination. The relevant question is whether operators can sufficiently observe and interpret each other's market behaviour, not whether every individual tariff component or promotion is identical. Operators do not need to coordinate on every individual tariff element. Rather, they observe and respond to aggregated and publicly visible indicators of competitive behaviour, such as headline

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				As shown below, there are a total of 5 postpaid plans and 9 pre-paid plans advertised on Digicel's website. Each bundle has a different data allowance, Digicel (on-net) minutes and anywhere (off-net) minutes included. Some bundles include roaming data and free SMS. Others include free weekend data and/or rollover data. Digicel undertakes a multi-dimensional product decision here across both pre-paid and post-paid plans in a market with rapidly changing customer preferences (as evidenced by the loss in voice and SMS revenues).		tariffs, flagship plans and changes in value-for-money positioning. In this regard, the Authority considered that operators have visibility over key competitive parameters, including publicly available offers, pricing changes, data allowances and market trends. This allows operators to understand and react to changes in competitive behaviour. The Authority maintains that the assessment must be based on the characteristics of the relevant market. In the case of Trinidad and Tobago's retail mobile market, the combination of high transparency, a limited number of operators, comparable market positions and observable competitive parameters supports the conclusion that operators can identify and monitor relevant market behaviour. With regard to the reference to Schelling (1960), the Authority notes that focal points do not need to be simple in the

				Postpaid plans[32]  **Prepaid plans**[33]  		sense of being one-dimensional, but rather salient and mutually recognisable in a repeated interaction context. In markets characterised by repeated interaction and high transparency, such as retail mobile telecommunications markets, coordination may arise around stable behavioural patterns rather than a single discrete variable. The Authority therefore considers that product complexity is not inconsistent with the existence of focal points, provided that the relevant dimensions of competition are sufficiently transparent and regularly observable. Regarding the comparison with the Dutch broadband case, the Authority notes that the outcome of that case was based on the specific characteristics of the market under review, including wholesale access dynamics, infrastructure asymmetries and the particular coordination theory proposed by the regulator. The decision does not establish that joint dominance can only arise where there is a single focal point such as wholesale access.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Similar can be observed for Bmobile which, at the time of writing, had 9 single and 1 shared prepaid plan, 4 single and 1 shared postpaid plan as well as a 'Build my own plan' feature which allows subscribers to add 8 additional 'add-ons' to their subscription for additional data and/or minutes. For roaming, Bmobile offers 3 voice-only, 4 data-only, 1 combo and 1 postpaid Global data add-on. TATT fails to demonstrate which of the dimensions Digicel and BMobile are supposedly focusing their tacit coordination on. As Schelling (1960) demonstrated, coordination only succeeds when players can converge on a conspicuous solution to the coordination problem. If that focal point is not clear, there can be no		Accordingly, the Authority does not agree that its analysis lacks a plausible theory of tacit coordination or identifiable focal points and maintains that the transparency criterion has been appropriately assessed.

[32] Digicel, accessed May 2026, Mobile Postpaid Plans, available at: https://www.digicelgroup.com/tt/en/mobile/postpaid

[33] Digicel, accessed May 2026, Mobile Postpaid Plans, available at: https://www.digicelgroup.com/tt/en/mobile/prepaid

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				coordination.[34] In effect, Schelling requires that the focal point is common knowledge, i.e. each player knows what the focal point is. Equally, each player knows that each player knows what the focal point is. Also each player knows that each player knows that each player knows what the focal point is (ad infinitum). For this to work, the focal point needs to be simple. The SMP guidelines are also very clear on what kind of focal point a joint dominance assessment should identify. It needs to be a parameter that can be "easily" arrived at by each firm and around which firms can then structure the coordination mechanism. The Airtours criteria should then be assessed against this focal point. The confusion in TATT's analysis highlights that it is not clear what the focal point would be in Trinidad and Tobago's mobile market. TATT presents a		

[34] Schelling (1960), Strategy of Conflict.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				multidimensional space of options with relative fast and dramatic changes over time. As we have demonstrated above, Digicel and bMobile make highly complex product decisions across multiple dimensions on an ongoing basis. This does not fit the description of a focal point as per Schelling (1960) or the SMP guidelines. In the Dutch case, ACM identified a clear single focal point in 'denial of wholesale access'. This is a clear, observable and easily identifiable focal point. However, it should be noted that the coordination mechanism ACM put forward, relied on price responses in the retail market. CBb found that the complexity of pricing in the retail market would make coordination more difficult and thus less plausible.		
79.	**7.1**	**The Transparency of Each**	TSTT	TATT places significant weight on the transparency of the market, pointing to factors such as publicly available tariffs,	TATT should state explicitly that transparency does not equate to the feasibility of coordination, when in	The Authority recalls that the objective of this section is to assess whether the market exhibits characteristics that may

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Operator's Actions to Its Competitor		symmetry in market shares, and similar price structures. While these observations are broadly accurate, they do not, on their own, establish the first condition required for joint dominance. As indicated above, the key issue is that the analysis equates transparency with the feasibility of coordination, when in fact transparency is only one component of that condition. Telecommunications markets are typically transparent by nature (or indeed required by regulation), with prices and offers readily observable. This is not unusual and does not, by itself, indicate coordinated behaviour. What must be demonstrated is not merely that operators can observe each other, but that they can arrive at a shared understanding of the terms of coordination and reliably detect and interpret deviations. Moreover, much of the evidence cited—such as similar pricing structures, aligned plan characteristics, and stable market shares—is equally consistent with competitive dynamics in a duopolistic	fact transparency is only one component of that condition. TATT should either demonstrate that operators can arrive at a shared understanding of the terms of coordination and reliably detect and interpret deviations, or acknowledge that there is limited evidence of this nature to support a determination of joint dominance. TATT should also acknowledge that similar pricing structures, aligned plan characteristics, and stable market shares—are equally consistent with competitive dynamics in a duopolistic market offering homogeneous products, as it is tacit coordination, and that, without further analysis, these factors alone are not sufficient to support a determination of joint dominance.	facilitate coordination, consistent with the first criterion of the Airtours test, which is consistent with the national framework in force in Trinidad and Tobago. The Authority notes that the existence of transparency remains a relevant consideration because coordinated behaviour generally requires operators to observe and monitor the actions of their competitors in order to identify potential deviations from a commonly expected market outcome. Accordingly, the assessment in Section 7.1 goes beyond the mere observation that prices are publicly available. It also considers the degree of symmetry between operators, the comparability of their commercial offers, the stability of market shares and the observability of key market parameters that may facilitate the identification of potential focal points for coordination and reduce uncertainty between competitors.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				market offering homogeneous products. Parallel behaviour, in this context, may reflect rational adaptation to market conditions rather than tacit coordination. The analysis does not sufficiently distinguish between these two possibilities. As a result, Section 7.1 establishes that the market is transparent and structurally symmetric, but does not fully demonstrate that coordination is operationally feasible in the sense required by the joint dominance test.		The Authority further recognises that some of the elements identified in Section 7.1 may also be consistent with competitive outcomes in a concentrated market. The existence of parallel behaviour, similar products or stable market shares does not, in itself, constitute evidence of tacit coordination. For this reason, the analysis does not rely on these elements in isolation. The Authority further notes that tacit coordination does not require evidence of an explicit agreement, communication between operators or proof that firms have consciously identified a single coordination parameter. Such evidence would go beyond the nature of tacit coordination. The relevant question is whether market conditions allow operators to form sufficiently aligned expectations regarding competitors' behaviour and to monitor whether such expectations are maintained. The Authority therefore considers that Section 7.1 establishes that the Trinidad

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						and Tobago mobile market presents characteristics (particularly a high degree of transparency and symmetry) that may facilitate coordination. It does not, by itself, establish that coordinated behaviour exists or that joint dominance has been demonstrated. Instead, the assessment of joint dominance was conducted through a cumulative analysis of the conditions. The issues of sustainability, incentives to deviate, and the role of external constraints were therefore examined subsequently in Sections 7.2 and 7.3. The Authority therefore considers that Section 7.1 should be interpreted as establishing that the market exhibits a degree of transparency and symmetry that may facilitate coordination, rather than as independently demonstrating that coordinated behaviour is necessarily feasible or that joint dominance has been established.
80.	**7.1**	**The Transparency**	TSTT	The arguments in Section 7.1 rely heavily on transparency, similar pricing	TATT should pursue an analysis of how the commercial strategies of the	The Authority's analysis identified a high degree of symmetry between the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		of Each Operator's Actions to Its Competitor		structures, and aligned commercial offerings to support the feasibility of coordination. However, between the operators, there are materially different bundle structures, customer targeting, roaming inclusions, and positioning strategies, suggesting that the operators are not converging toward a single commercial model but are instead pursuing differentiated competitive strategies.	two mobile operators differ, and derive the relevant conclusions with respect to the implications of this evidence on its transparency arguments.	two operators across a range of commercially significant parameters, including pricing levels, plan structures and contents, the composition of their subscriber bases (in particular the balance between prepaid and postpaid customers), network characteristics, and other relevant competitive indicators. The conclusions reached in the assessment were based on this evidence taken as a whole. The Authority notes that TSTT asserts that the operators exhibit "materially different bundle structures, customer targeting, roaming inclusions, and positioning strategies, suggesting that the operators are not converging toward a single commercial model but are instead pursuing differentiated competitive strategies". However, these assertions are not supported by any objective evidence or quantitative analysis demonstrating that such differences are sufficiently significant to undermine the Authority's findings

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						regarding the overall symmetry between the operators. The existence of isolated differences between individual offers or marketing initiatives is not, in itself, inconsistent with a finding of symmetry. The relevant question is whether such differences translate into material asymmetries in the operators' competitive positions or incentives. TSTT has not provided evidence demonstrating that this is the case. Accordingly, in the absence of substantiated evidence capable of calling into question the factual findings set out in the report, the Authority maintains its conclusion that the market exhibits a high degree of symmetry between the two operators.
81.	**7.2**	**Sustainability of Tacit Coordination**	CCTL	The conclusion that coordination could be sustained is understandable in the context of a mature two-player market with relatively low switching levels. However, the analysis remains heavily focused on traditional mobile market dynamics and	Future assessments should adopt a more converged-market perspective when evaluating the sustainability of coordination. Greater weight should be given to technological disruption, OTT competition, satellite services,	The Authority acknowledges CCTL's comments regarding the ongoing transformation of the telecommunications sector and agrees that technological developments, changing consumer behaviour and the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				does not fully account for the broader structural changes occurring across the telecommunications sector. Declining voice revenues, growing OTT adoption, Wi-Fi-based usage, changing consumer behaviour, and the emergence of 5G, satellite services, and digital platforms are reshaping the competitive landscape. Consumers increasingly substitute traditional mobile services with OTT applications over fixed broadband and Wi-Fi networks, which can weaken rigid pricing alignment over time. In addition, operators are evolving beyond traditional connectivity providers into integrated digital service providers, operating within a far more dynamic and uncertain ecosystem than traditional tacit coordination models suggest. These developments reduce the long-term stability typically associated with coordinated market behaviour.	fixed-mobile substitution, and evolving consumer usage patterns as meaningful competitive constraints. Regulatory frameworks should remain adaptive and avoid relying solely on traditional market structure indicators when assessing long-term market dynamics.	emergence of new digital services continue to reshape competitive dynamics. The Authority recognises, in particular, the increasing importance of OTT services, Wi-Fi offloading and evolving patterns of communications consumption. These developments were expressly considered throughout the assessment, notably in the analysis of consumer behaviour, external constraints and the competitive pressure exerted by OTT services. The Authority also acknowledges that the telecommunications sector continues to evolve through the deployment of new technologies and the development of broader digital ecosystems. However, the existence of technological change and market evolution does not, in itself, preclude the possibility of coordinated outcomes. Furthermore, the analysis in Section 7.2 did not conclude that the market is static

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						or immune to future disruption. Rather, it assessed whether the current market characteristics and its development in the foreseeable future, including market maturity, stable market positions and operators' incentives, are conducive to sustaining the prevailing market equilibrium. As stated in Section 7.2: "The combination of market maturity, limited growth opportunities and the ability of operators to rapidly respond to competitive actions reduces the incentives for either operator to engage in aggressive deviations from the prevailing market outcome." The report further notes that: "In such circumstances, aggressive competitive actions are unlikely to generate sufficient benefits to offset the associated loss of margins and the risk of retaliation by the competing operator." The Authority further notes that, despite the developments identified by CCTL, the evidence indicates that market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						shares, pricing outcomes and operators' relative positions have remained broadly stable over time. This suggests that the changes occurring in the wider telecommunications ecosystem have not, at this stage, materially altered the competitive dynamics observed in the retail domestic mobile services market. Accordingly, while technological developments, OTT adoption and the emergence of new digital services may continue to influence the market and warrant ongoing monitoring, the Authority considers that the evidence currently available does not indicate that these developments are sufficient to undermine the conclusions reached regarding the sustainability of the prevailing market equilibrium.
82.	**7.2**	**The Sustainability of a Tacit Agreement between Operators**	Digicel	In this section, TATT assesses the second Airtours criterion of sustainability. **Sustainability analysis non-existent** **SMP Guidelines** Paragraph 85 states that the "existence of a credible threat of retaliation, deterring	The Authority should identify the alleged coordinated outcome, assess whether either operator would have an incentive to deviate, and specify the credible retaliation mechanism that would deter deviation. Market maturity, asserted demand inelasticity	The Authority acknowledges Digicel's comment regarding the sustainability criterion and the need to assess whether a coordinated market outcome can be maintained over time.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				deviation, is a necessary requirement to ensure that the coordination mechanism remains credible over time." Paragraph 87 states that the regulator "may identify a credible retaliatory mechanism on the underlying or related retail market(s) (such as short-term price wars)" and should consider "portability and churn in the specific circumstances." **Implications for TATT:** Section 7.2 argues that neither MNO has an incentive to deviate because: • the market is mature and saturated, so price cuts would not generate significant new subscribers; • demand is price-inelastic, so revenue gains from undercutting are limited; • network upgrades would be costly and quickly replicated; and • low switching levels mean competitive pressure from the demand side is weak. TATT does not identify a retaliation mechanism. It argues that deviation is	and low switching levels are not substitutes for that analysis. Unless the Authority can show that deviations would be detected and punished in a timely and effective manner, Section 7.2 does not support any finding of joint dominance. Paragraph 85 of the SMP Guidelines, which the Authority has adopted as its analytical framework, states that a credible retaliation mechanism is a "necessary requirement." The Authority's failure to identify such a mechanism is a relevant consideration that must be addressed before any joint dominance finding can be sustained.	The Authority agrees that, under the analytical framework referenced by Digicel , sustainability requires consideration of whether operators have incentives to deviate from a common market outcome and whether there are mechanisms that discourage such deviations. However, the Authority does not agree that its assessment failed to consider these elements. The Authority does not agree with Digicel's assertion that the absence of an explicitly modelled retaliation mechanism implies the absence of a coordination theory or precludes a finding of joint dominance. First, Digicel's argument is based on a misunderstanding of demand conditions in the Authority's assessment. The observation that mobile telecommunications services are essential and therefore characterised by relatively inelastic overall demand relates to market-level demand. Consumers may have limited ability to

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				unprofitable because of demand inelasticity. However, this argument eliminates the need for a coordination theory altogether. If deviation is unprofitable regardless of the rival's response, the prevailing price level is the non-cooperative equilibrium, not a tacitly collusive one. We have already developed the game theoretic analysis above to demonstrate this. If there is no coordination required to maintain the equilibrium, there can also not be any joint dominance.		exit the market altogether, but may still switch between operators in response to relative price changes or variations in commercial offers. Accordingly, the Authority did not conclude that unilateral deviation is necessarily unprofitable in all circumstances. Secondly, Digicel's one-shot game framework does not reflect the analytical framework relevant to the assessment of joint dominance. The relevant question is not whether deviation is profitable in a static setting, but whether deviation is profitable once the dynamic responses of competitors are taken into account. In markets characterised by repeated interaction, a unilateral price reduction may generate short-term gains through customer switching, but may be followed by competitive responses from rivals, leading to a deterioration of profitability over time. The assessment of sustainability therefore necessarily requires a dynamic perspective.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Thirdly, the existence of a retaliation mechanism does not depend on its explicit specification in a stylised static model. In the context of tacit coordination, retaliation is understood as the ability and incentive of competitors to respond to deviations through pricing, product or commercial adjustments in subsequent periods. The Authority's assessment therefore considered not only whether an operator could theoretically reduce prices or improve its offers, but whether such a strategy would generate a sustainable competitive advantage. The analysis showed that, given the characteristics of the market, including transparency, similar market positions and comparable capabilities, deviations through lower prices, increased allowances or quality improvements could be rapidly identified and replicated by the competing operator. Furthermore, the Authority notes that Digicel's conclusion that the absence of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						a formalised retaliation mechanism implies the absence of joint dominance is inconsistent with established principles of collective dominance analysis. The legal test does not require the identification of an explicit coordination contract or mechanism, but rather an assessment of whether market characteristics are conducive to coordination and its sustainability over time. This ability to respond represents the relevant disciplinary mechanism considered in the assessment. A credible response mechanism does not necessarily require evidence of an explicit price war or a punitive strategy. In an ex ante assessment, the relevant question is whether operators can reasonably anticipate that deviations from the prevailing market outcome would lead to competitive responses that reduce or eliminate the expected gains. The Authority further notes that market maturity, demand characteristics and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						switching behaviour were not assessed as independent explanations for the market outcome, but as factors influencing the incentives of operators and the credibility of competitive responses. In particular, where subscriber growth is limited, aggressive price reductions are more likely to redistribute existing customers while reducing profitability, especially where competitors can respond effectively. Accordingly, the Authority does not agree that the sustainability assessment describes a purely competitive equilibrium. Rather, the assessment demonstrates that market conditions create incentives for operators to maintain existing market outcomes and limit the expected benefits of unilateral competitive deviations.
83.	**7.2**	**The Sustainability of a Tacit Agreement between Operators**	TSTT	In Section 7.2, TATT argues that neither operator has an incentive to deviate from the current alleged coordinated equilibrium, primarily because: • the market is mature and saturated;	TSTT recommends that TATT recognise that the information presented in Section 7.2 does not sufficiently demonstrate that coordinated conduct would be self-enforcing and sustainable over time,	The Authority notes TSTT's comments regarding the assessment of sustainability and wishes to clarify several aspects of the analysis.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				• demand is relatively price inelastic; and • any attempt to compete would erode margins without generating significant gains in market share. There are several material limitations in this analysis. First, the analysis is largely qualitative and static. It assumes that deviation would be unprofitable, but does not provide a concrete economic assessment of the gains from deviation versus the losses from potential retaliation. In particular, there is limited discussion of how deviations would be detected or punished, and whether any credible punishment mechanism exists. Without credible monitoring and punishment mechanisms, it is difficult to conclude that coordination would be stable and self-enforcing over time. Second, the conclusion rests heavily on the assumption of a stable market environment. However, as the more recent data suggest, the market is subject to	which is a critical requirement for a finding of joint dominance. In particular, the analysis does not sufficiently establish the existence of credible monitoring and punishment mechanisms or adequately account for the extent to which evolving market dynamics may destabilise coordination. In the absence of such analysis, the evidence presented is not sufficient to support a conclusion that the alleged coordinated equilibrium is capable of being maintained in practice and, by extension, the proposed finding of joint dominance.	First, the assessment does not assume that coordination would necessarily be sustainable merely because the market is mature or because demand exhibits a degree of price inelasticity. Rather, these elements are considered together with other market characteristics that may affect operators' incentives to deviate from a prevailing market equilibrium. The Authority acknowledges that the existence of credible monitoring and retaliation mechanisms is an important component of the sustainability assessment. In this regard, the analysis relies on the high degree of transparency observed in the market, where operators can readily observe changes in tariffs, commercial offers and other key competitive parameters. Such transparency allows operators to detect deviations and react accordingly. Second, the Authority does not share the view that the observed market developments are necessarily inconsistent with the conclusions of the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				ongoing changes in demand, usage patterns, and technology. Declining penetration, volatility in data usage, and substitution towards OTT services introduce uncertainty that may increase the incentives to compete rather than to coordinate. These dynamics are not fully incorporated into the analysis. Third, the argument that operators have no incentive to deviate because the market is mature is overstated. In mature or declining markets, operators may in fact have stronger incentives to compete for marginal customers or to differentiate their offerings in order to maintain or grow revenues.		report. The evolution of usage patterns, including the continued substitution of traditional voice and messaging services towards data services and OTT applications, is consistent with the report's conclusion that the market has reached a mature stage with limited prospects for external growth for the operators. In such a market, growth opportunities are inherently limited and operators can primarily expand by attracting customers from one another. Aggressive attempts to gain market share through pricing initiatives may therefore trigger competitive responses that ultimately reduce margins for both operators especially as the actual margins of operators permit such retaliatory actions, as the level of prices are currently well above cost levels. Such threat of retaliation is both not theoretical, but also likely. Third, the Authority considers that the maturity of the market remains a relevant

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						factor in assessing incentives to deviate. In a mature and highly penetrated market, the expected gains from aggressive competition may be limited because the pool of potential new customers is small and subscriber acquisition is largely achieved at the expense of competitors. Under such circumstances, the profitability of deviation may be reduced. The Authority also notes that the demand trends highlighted by TSTT do not necessarily undermine the stability of the market environment. Consumption patterns may evolve over time without altering the fundamental characteristics of the market or the incentives faced by operators. In particular, focal points of coordination generally relate to observable characteristics of operators' offers, such as prices, service characteristics and quality of service. Changes in consumption patterns are, to a large extent, outcomes resulting from these commercial strategies rather than coordination parameters themselves.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						Finally, the Authority recognises that even where an operator possesses market power, its ability to increase prices indefinitely remains constrained by consumers' willingness and ability to pay. Higher prices may encourage adjustments in consumption patterns, increased use of substitute services or greater uptake of alternative technologies. However, the existence of such demand-side constraints does not, in itself, preclude the possibility that market conditions may be conducive to coordinated behaviour. Accordingly, the Authority considers that the analysis in Section 7.2 remains consistent with the evidence available and that the observed market developments do not invalidate the assessment of operators' incentives and the sustainability of coordinated outcomes.
84.	**7.2**	**The Sustainability of a Tacit**	TSTT	Section 7.2 concludes that operators lack incentives to deviate from the alleged coordinated equilibrium because the	TATT should pursue an analysis of how the commercial strategies and strategic positioning of the two	The Authority acknowledges TSTT's comment.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Agreement between Operators		market is mature and aggressive competition would reduce margins without significantly increasing market share. However, the market is characterised by active investment competition, premium differentiation, and strategic positioning around data-heavy services and network quality. Such conduct is more consistent with operators seeking to strengthen competitive advantage and attract differentiated customer segments than with operators maintaining a stable tacit agreement.	mobile operators differ and derive the relevant conclusions with respect to the implications for the sustainability of tacit agreements.	However, the evidence available to the Authority does not indicate the existence of vigorous investment competition between operators. As discussed in Sections 6.6.2 and 6.7.2, both operators dedicate a relatively low share of revenues to investment compared to operators in other jurisdictions, while the number of base stations deployed has remained broadly stagnant, and even decreased at times. TSTT has not provided evidence demonstrating that its assertions are factually accurate. The Authority expressly concluded that these generally low levels of investment may indicate limited competitive pressure and a lack of incentives to invest in service improvement or network expansion.
85.	**7.3**	**Absence of Countervailing Consumer Power**	CCTL	The conclusion that consumers possess limited countervailing power does not fully account for the growing role of fixed broadband, OTT platforms, and Wi-Fi-enabled communication in shaping consumer behaviour. While direct switching between mobile operators may	Expand the assessment of countervailing consumer power beyond direct operator switching metrics. Household broadband access, OTT adoption, Wi-Fi offloading, and behavioural substitution should be recognised as	Please refer to the Authority's response to CCTL's comment on section 6.4. for a detailed analysis of the Authority's motives not to consider OTTs providers and consumers as representing a sufficient countervailing power to deter mobile network operators from acting

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				remain relatively low, consumers today increasingly adjust usage patterns without necessarily changing providers. Reduced reliance on traditional voice and SMS services, greater use of OTT applications, and increased dependence on fixed broadband and Wi-Fi connectivity collectively impose indirect but meaningful competitive discipline on mobile operators. From a fixed provider perspective, household-level connectivity choices are becoming increasingly important in determining consumer responsiveness and pricing behaviour across the wider communications ecosystem.	legitimate forms of indirect competitive pressure within the broader communications market. Future assessments should adopt a more converged, household-level view of consumer behaviour and connectivity substitution patterns.	independently of competitive constraints in the foreseeable future.
86.	**7.3**	**No Countervailing Power of the Consumer to Jeopardise the Collusive Mechanism**	Digicel	In this section, TATT assess the third Airtours criterion 'external constraints'. **The External Constraints Analysis is insufficient** **SMP guidelines:** Paragraph 89 states that the regulator must assess "whether the operators currently present in the market outside the tacitly colluding oligopoly act as fringe competitor(s) or have the potential to	The Authority should assess, and where possible quantify, the competitive constraints from OTT services, fixed and public Wi-Fi offload, customer switching, plan migration, multi-SIM behaviour, MVNO entry, possible MNO entry, spectrum release, wholesale access options and NTN or D2D services. The analysis should also distinguish regulatory barriers within the	Please refer to the Authority's response to Digicel's comment on section 4.1.1 for a detailed analysis of the limited countervailing power from both suppliers and consumers in the relevant market. In summary, the Authority maintains that the evidence suggests insufficient countervailing buyer power and supply side substitutability to materially

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				become maverick(s), or to whether customers have sufficient countervailing buyer power to jeopardise the collusive mechanism." **Implications for TATT:** Section 7.3 states that only two operators are active, there is no foreseeable prospect of entry, and consumers have no real ability to exert pressure on operators given the essential nature of mobile services and growing reliance on data. TATT fails to consider the following in its analysis: • **Potential for MVNO entry**. TATT does not assess whether MVNO or reseller entry could provide a disruptive competitive constraint. The barrier to MVNO-style entry is at least partly within the Authority's own control, including through the licensing framework, wholesale access arrangements and the conditions under which non-facilities-based providers may operate, so this omission is material. There is	Authority's control from structural barriers. Unless the Authority can show that these constraints would not prevent or destabilise the alleged coordinated outcome, Section 7.3 does not support any finding of joint dominance.	constrain the exercise of market power by mobile network operators.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				evidence that demand for MVNO entry exists. In June 2023, Star Network attempted to launch a consumer mobile service as a reseller. TATT intervened, confirming that "there is no new Mobile Network Operator in Trinidad and Tobago" and that no concession had been granted.[35] This event demonstrates interest in offering mobile services and suggests that the constraint on such entry was regulatory rather than an inherent feature of the market in Trinidad and Tobago. More importantly, Nimble Mobile launched mobile voice and data services in Trinidad and Tobago through an MVNO-style partnership arrangement. TATT fails to address Nimble Mobile's entry anywhere in the consultation. This failure is directly contrary to the external-		

[35] https://technewstt.com/tatt-star-network-statements/

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				stability requirement, which requires TATT to assess whether operators outside the alleged coordinating oligopoly could jeopardise the alleged collusive mechanism. Nimble Mobile's entry is a relevant consideration that the Authority is required to take into account in any assessment of external constraints under the Airtours framework. • **Potential for MNO entry**. In 2014, TATT issued an RFP for a third MNO.[36]. The RFP attracted 3 bids from potential new entrants. The decision to grant the concession rested with the Minister, but the change of government in September 2015 meant the incoming administration did not act on the recommendation.[37] The RFP process demonstrates that there is		

[36] https://oxfordbusinessgroup.com/articles-interviews/trinidad-and-tobago-to-revamp-telecoms-sector

[37] https://oxfordbusinessgroup.com/articles-interviews/trinidad-and-tobago-to-revamp-telecoms-sector

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				commercial interest in entering the market, contradicting the statement by TATT in this Dominance Assessment that the duopoly structure is economically inevitable. The barrier to entry is regulatory and not economic or exogenous. TATT's forward-looking analysis should assess whether it will relax this barrier within the review period and facilitate entry. • **D2D**. TATT does not account for the potential competitive constraint from NTN and D2D satellite services. In October 2024, TATT launched a public consultation on a Spectrum Plan for Non-Terrestrial Networks[38]. While D2D services are in early stages globally, the fact that TATT is planning for their accommodation within the regulatory framework means they		

[38] https://tatt.org.tt/wp-content/uploads/2025/12/DoRs-from-2nd-Round-Consultation-on-NTNs-in-MSS-Bands.pdf

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				cannot be dismissed as irrelevant to a forward-looking market analysis which covers the next review period. • **Destabilising effect of innovation**. Copenhagen Economics in a report for ETNO[39] emphasises that "deviation may take place not only as regards the price but also through a disruptive innovation for example, in which case market conditions change and returning to a status quo may not be realistic". The upcoming 5G rollout will present a further destabilising factor. As happened with 4G, the rollout strategies are likely going to be different which will create an asymmetry in the offerings. Operators may end up in a "leapfrog game" which the CBb identified in the Dutch case (Paragraph 6.9.2).		

[39] https://copenhageneconomics.com/wp-content/uploads/2021/12/copenhagen-economics-review-of-the-smp-guidelines.pdf

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				• **Impact of OTT**. The market definition includes OTT voice and messaging. This is based on a set of important findings from the consumer survey: ○ a cross-elasticity of demand of 3.4 between mobile voice and OTT voice; ○ 33% of PAYG users would switch some calls to OTT in response to a 5–10% price increase; and ○ a conclusion that a hypothetical monopolist would be "considerably constrained." Having placed OTT providers inside the market, TATT is required take the competitive constraint they impose into account in its dominance assessment. The SMP Guidelines mention OTTs explicitly in Paragraph 64 as a potential competitive constraint. In the joint dominance framework, OTT is relevant to external constraints in two ways. First, in the case at hand, OTT providers would be outsiders		

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				to the coordinating oligopoly and therefore impose a competitive constraint on it. Second, taking the estimates from the market definition report at face value, a cross-elasticity of 3.4 suggests a 5% increase in mobile voice prices would produce a 17% increase in OTT demand, eroding the profitability of a coordinated price rise. Price increase would lead to a loss in revenues to OTT substitution, particularly where 54% of switching occurs over fixed or public Wi-Fi networks outside operator control (Market definition, p.77 and 99). Section 8 of the Consultative Document concludes that OTT's competitive constraint is "indirect/limited," but reaches this conclusion without using any of the Market Definition's quantitative evidence. It argues that MNOs control data connectivity, but this contradicts the Market Definition's own finding on Wi-Fi-based switching.		
87.	**7.3**	**No Countervailing Power of the Consumer to**	TSTT	Section 7.3 concludes that there is no meaningful countervailing power from consumers or other suppliers, and therefore no external force capable of	TATT should expand its analysis of external constraints beyond buyer power. It should further acknowledge that the evidence of external	The Authority does not agree that the assessment in Section 7.3 is limited to the absence of buyer power.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Jeopardise the Collusive Mechanism		destabilising coordinated behaviour. This is one of the more significant limitations in TATT's analysis. As indicated above, TATT's primary focus on buyer power—arguing that consumers are dependent on mobile services and have limited ability to switch or reduce usage--is too narrow. The relevant question is whether there are any effective external constraints, including: • substitution to OTT services; • Wi-Fi offloading and fixed broadband alternatives; • potential entry or innovation; or • asymmetric competitive behaviour by one of the operators. By focusing predominantly on the absence of buyer power, the analysis underplays these broader constraints. This creates an overstatement of the extent to which the market is insulated from competitive forces.	constraints—most notably the extent to which consumers shift usage to OTT services in response to price increases. While this substitution may be partial, it can still exert meaningful competitive pressure at the margin. Similarly, evolving consumption patterns and technological changes suggest that the market is not as closed or static as implied. Failure to adequately account for these broader constraints leads to overstating the extent to which operators are capable of sustaining coordinated conduct free from competitive pressures and, by extension, overstating the basis for a finding of joint dominance.	The analysis considers the broader question of whether there are external factors capable of destabilising coordinated behaviour. Consumer countervailing power constitutes one element of this assessment, but it is not the sole consideration. The Authority also considered the potential competitive constraints arising from OTT communication services, the possibility of market entry and the broader evolution of market conditions. Similarly, the Authority acknowledges that consumers may respond to price increases through Wi-Fi offloading or changes in usage patterns. However, these behavioural responses do not appear sufficiently strong to materially alter the competitive dynamics observed in the market or to undermine the incentives underpinning the alleged coordinated equilibrium.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						The Authority also considered the potential for entry and innovation. While future technological developments and new business models may affect market conditions over the longer term, the evidence currently available does not indicate that such developments are likely to materially alter the competitive landscape during the review period. Finally, the Authority notes that the existence of asymmetries or differentiated commercial behaviour between operators was also considered throughout the assessment. However, the evidence reviewed suggests that operators continue to exhibit a significant degree of symmetry in their market positions, commercial offers and market outcomes. Accordingly, Section 7.3 should not be interpreted as focusing exclusively on buyer power. Rather, it assesses a broader set of potential external constraints and concludes that, individually and collectively, these

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						constraints do not appear sufficient to materially destabilise the market conditions identified in the joint dominance assessment.
88.	**6 and 7.**		Digicel	**TATT does not exclude the competitive equilibrium as an alternative explanation** One issue across Sections 6 and 7 is that TATT does not consider the alternative explanation of a competitive equilibrium for what it observes in the data. TATT also does not consider whether recent MVNO-style entry, including Nimble Mobile, is inconsistent with its claim that external constraints are insufficient and that the market structure is stable enough to sustain joint dominance. This is an important part of the SMP Guidelines. Paragraph 70 of the SMP Guidelines states that a "prospective analysis must consider expected or foreseeable market developments over the course of the next review period to **ascertain whether tacit collusion is the likely market outcome**" (emphasis	The Authority should revise Sections 6 and 7 to test the observed evidence against the alternative explanation of independent oligopolistic competition. Similar market shares, similar plans, public tariff visibility and parallel responses to market conditions are not sufficient to establish single or joint dominance unless the Authority shows that those outcomes are more consistent with market power than with competitive matching. The Authority should define the competitive counterfactual, identify the relevant competitive price and profitability benchmarks, and explain how the evidence demonstrates the ability to act independently of competitors, customers and consumers. The Authority should also incorporate actual and attempted entry, including Nimble Mobile and Star Network,	The Authority acknowledges Digicel's comment that observed market outcomes may, in some circumstances, result from independent competition rather than joint dominance. The Authority agrees that similarities between operators, including comparable market shares, similar offers or parallel market behaviour, are not sufficient on their own to establish joint dominance. Competitive markets may also produce similar outcomes depending on cost structures, consumer preferences and market characteristics. However, the Authority does not agree that it failed to consider whether the observed market outcomes are consistent with effective competition. As explained throughout Sections 6 and 7, the Authority assessed whether the observed market outcomes are more consistent

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				added). The explanatory note to the guidelines further highlights that for "each of these characteristics, on the other hand, the NRA's analysis must consider with the same robust approach, whether their weakness, absence, or interaction with other market characteristics leads to the conclusion that joint SMP is unlikely." If we go back to the original Airtours criteria, it is further stated there that joint dominance requires "a common policy for their market conduct with the aim of selling at above competitive prices."[40] At no point in the assessment does TATT consider whether what it observes could have equally well have been produced by a non-coordinated competitive equilibrium. We have commented on the individual points in the previous sections, but highlight a selection here: • For example, on market shares, TATT suggests that because	into its assessment of whether independent oligopolistic competition is a more plausible explanation than tacit coordination. For joint dominance, the Authority should also identify the alleged common policy, focal point, monitoring mechanism and credible retaliation mechanism. Unless that analysis is completed, Sections 6 and 7 do not support any finding of dominance.	with effective competition or with market conditions conducive to coordinated effects by considering a broad range of structural and behavioural indicators. The purpose of the assessment was precisely to determine whether market characteristics and operators' behaviour are more consistent with effective competitive constraints or with conditions enabling joint dominance. The Authority does not agree with Digicel's assertion that the observed market outcomes can be fully explained by a non-coordinated competitive equilibrium, nor that the assessment conflates structural market characteristics with a finding of joint dominance. First, the Authority recognises that similar market shares, comparable product offerings or parallel commercial

[40] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XC0507(01)

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Digicel and Bmobile have "maintain market shares close to or exceeding 50% […] they are both very close to the threshold commonly associated with a presumption of dominance". First, TATT has failed to consider the market share of OTTs. Second, even if TATT's market definition were restricted to the two MNOs, roughly equal market shares is an outcome that should be expected if neither operator were dominant. Moreover, TATT's assessment of market shares, which excludes OTTs, puts operators in a no-win situation in which no matter the market structure, TATT can deem one of the operators dominant. Under TATT's framework, either both MNOs have roughly equal shares, which TATT suggests is indicative of joint dominance, or, if one MNO had a larger market share, it would be deemed dominant. It is unclear whether there is any market structure that		strategies are not in themselves sufficient to establish coordination. However, the Authority's assessment does not rely on any single indicator in isolation, but on a holistic evaluation of market characteristics consistent with the both the national regulatory framework and the Airtours framework, including transparency, symmetry, repeated interaction and the ability of firms to observe and respond to each other's conduct. Secondly, Digicel's reliance on a competitive equilibrium explanation does not address the central question in a collective dominance assessment, namely whether observed market stability can be sustained absent coordination given the structure and characteristics of the market. A competitive equilibrium and a coordinated equilibrium may exhibit similar static outcomes; however, they differ fundamentally in terms of deviation incentives and dynamic stability. The relevant issue is therefore

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				TATT would deem consistent with a competitive equilibrium. • On "identical commercial strategies" and "quasi-identical coverage and low levels of investment", TATT argues that there is an absence of competition in non-price factors between the operators. This assertion is based on the flawed premise that because operators offer similar plans, and have similar coverage, they are not competing with each other. Yet offering similar products and coverage is entirely consistent with the principle of 'minimum differentiation' that occurs when firms compete for a share of a relatively uniform customer base. This principle is illustrated in Hotelling (1929) for example.[41] Returning to the Airtours criteria and the reference above, the key aspect of joint		not whether outcomes can be rationalised ex post under a competitive model, but whether such a model adequately explains the sustainability of observed outcomes over time. In the current case, given the level of margins (gap between the level of prices and costs), the level of prices and investments appears to be divergent from the level expected in competitive equilibrium (the analysis of the data submitted by operators shows that, during the period 2017-2023, CAPEX reached materially below industry average of revenue and the ratio (EBITDA-CAPEX)/REVENUE reached - substantially above the industry average). Thirdly, the reference to minimum differentiation theory does not preclude the existence of coordination. While product similarity may arise in competitive markets, it does not explain

[41] https://www.jstor.org/stable/2224214

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				dominance is that there is tacit coordination between participants to keep prices above the non-coordinated competitive equilibrium. It is in every participant's individual interest to deviate from the common policy in a one-shot game. They do not do so in a dynamic repeated game where any deviation would be punished. The theory put forward by TATT suggests that it is in both MNO's individual interest in the one-shot game to charge the prevailing prices regardless of whether their competitor charges the prevailing prices or tries to undercut. This is a non-coordinated competitive equilibrium, which is inconsistent with the possibility of joint dominance. Even if prices in a non-coordinated equilibrium exceed marginal cost, that is a structural feature of market concentration, not evidence of tacit coordination. The Airtours framework addresses coordinated conduct sustained by monitoring and retaliation, not structural oligopoly pricing. A joint dominance designation cannot be used to address		the observed alignment of competitive parameters across multiple dimensions, nor the extent of mutual observability and rapid matching behaviour identified in the Authority's assessment. Finally, the Authority does not consider that the assessment conflates structural market features with a finding of joint dominance. Rather, structural characteristics such as concentration, transparency and symmetry are considered as enabling conditions for coordination, which must be assessed together with behavioural and dynamic evidence. The Authority further notes that an ex ante joint dominance assessment does not require evidence of explicit coordination or past collusive conduct. The relevant question is whether, considering foreseeable market developments, the structure of the market creates conditions under which operators are able and incentivised to maintain a common market outcome.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				concerns about market structure where no coordinated conduct has been established.		Accordingly, the Authority maintains that its analysis did not treat market concentration alone as evidence of joint dominance, but assessed whether the combination of structural characteristics, operator behaviour and limited external constraints makes joint dominance the likely market outcome. This assessment is developed in Sections 7.1 to 7.3, which examines transparency, sustainability and external competitive constraints, and is reflected in the cumulative conclusions presented in Section 9.
89.	**8.**	**OTT Services and Market Dominance Assessment**	CCTL	The report appropriately recognises the structural impact of OTT services but may understate their growing competitive significance within the wider communications ecosystem. OTT platforms have fundamentally reshaped communications markets by shifting consumer demand away from traditional voice and messaging services toward data-centric and application-based communications. Combined with increasing fixed broadband penetration	The Authority should adopt a broader and more technology-neutral view of competition that recognises OTT platforms, fixed broadband connectivity, and converged digital ecosystems as emerging competitive constraints rather than merely indirect influences. Regulatory intervention should remain proportionate and avoid imposing legacy-style regulation in a market undergoing rapid technological and commercial	The Authority acknowledges CCTL's comments regarding the increasing importance of OTT platforms, converged connectivity and broader digital ecosystems in shaping the evolution of communications markets. Please refer to the Authority's response to CCTL's comment on section 6.4. for a detailed analysis of the Authority's motives not to consider OTTs providers and consumers as representing a sufficient countervailing power to deter

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				and Wi-Fi offloading, OTT services now provide consumers with meaningful alternatives for communication and content consumption without requiring direct switching between mobile providers. These developments continue to reshape industry economics, investment priorities, and competitive dynamics. While operators continue to control connectivity infrastructure, OTT providers increasingly influence consumer engagement, pricing expectations, service substitution, and usage behaviour. From a broader market perspective, evolving digital ecosystems, converged connectivity, and platform-based competition may exert greater long-term discipline on operators than traditional structural indicators alone suggest.	transformation. Greater reliance should be placed on ongoing market monitoring, infrastructure-based competition, and converged service innovation as mechanisms to support competitive outcomes over time.	mobile network operators from acting independently of competitive constraints in the foreseeable future.
90.	8	**OTT Services and Market Dominance Assessment**	Digicel	Section 8 states that OTTs are "partial substitutes on a call or usage basis" forming part of the same relevant market, but that their competitive constraint is "indirect/limited." TATT's principal argument here seems to be that MNOs	The Authority should withdraw its Section 8 conclusion that OTT services impose only an indirect or limited competitive constraint. That conclusion is inconsistent with the Authority's own market definition, which includes OTT voice,	The Authority acknowledges Digicel's comment regarding the role of OTT services and their potential ability to exert competitive constraints on traditional mobile services.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				control the connection through which consumers access OTTs. TATT also argues that: • Operators maintain high margins despite OTT presence (referencing its flawed analysis in Section 6.6.2); • Investment by MNOs remains below international benchmarks (although no actual evidence is provided for this assertion); and • OTT providers create an "asymmetry in value capture" by not contributing to network costs. The Authority's conclusion in Section 8 is internally inconsistent with its own market definition. It characterises OTTs as only imposing an indirect/limited competitive effect on MNOs when the quantitative evidence from the consumer survey (as summarised in our response to Section 6 and 7) indicates the opposite. The argument that MNOs ultimately control access is asserted without any	messaging and video call services within the relevant market on a call or usage basis, including where accessed over mobile data, fixed networks and public Wi-Fi. The Authority should assess OTT services as part of the competitive constraint inside the relevant market, not as an external policy issue. The Authority should quantify the extent to which OTT substitution constrains mobile voice, messaging and bundled mobile pricing, including substitution over fixed and public Wi-Fi networks outside MNO control. It should also assess how OTT substitution affects the profitability of any price increase and the sustainability of any alleged coordinated outcome. Policy concerns about network cost recovery or value capture by OTT providers should be excluded from the dominance assessment unless they are linked to a specific and evidence-based theory of market power.	The Authority understands Digicel's position to be that, even where OTT services are only partial substitutes for traditional voice and messaging services, they may nevertheless constrain mobile network operators by reducing traditional usage, revenues, and the profitability of potential price increases. The Authority agrees that OTT services have modified consumer behaviour and recognises that they exert a degree of competitive constraint on traditional voice and messaging services. This consideration was recognised in the Authority's market definition analysis, where OTT services were considered as partial demand-side substitutes for traditional voice and messaging services on a call-by-call or usage basis. The Authority also stated in Section 8, "OTT services have transformed the telecommunications sector by providing alternative means of communication and content consumption."

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				evidence. TATT's assessment should be more nuanced: • The market definition found that "the market power or ability to raise prices, held by authorised providers of mobile voice services in Trinidad and Tobago, would be **considerably constrained** by customers simply reducing demand and switching to OTT voice services on fixed networks" (emphasis added). This statement is quite clear and is directly opposed to TATT's characterisation of OTTs having a limited/indirect impact. • The consumer survey shows that 54% of consumers would offload to Wi-Fi in a response to an increase in mobile prices. So consumers would switch their access from mobile data to fixed or public Wi-Fis. So it is not even clear that the means of access (e.g. either mobile data or fixed/Wi-Fi) is that important for the constraint on voice services. It also implies	Unless the Authority applies its market definition consistently and quantifies the OTT constraint, Section 8 should not support any finding of single or joint dominance.	However, the Authority does not consider that the existence of such imperfect or partial substitution is sufficient to conclude that OTT providers exert sufficient competitive constraint capable of preventing mobile network operators for acting independently from competitive dynamics. As concluded in Section 8, while OTT services exert a degree of competitive pressure, "their influence on consumer behaviour, pricing strategies and network usage introduces only an indirect (limited) competitive constraint", as customers would not forego their mobile service. In particular, the ability of OTT providers to constrain mobile operators remains limited by the fact that OTT services are dependent on the underlying connectivity provided by mobile network operators. OTT providers do not offer independent mobile access services and require consumers to maintain access to an Internet connection of sufficient quality. Therefore, if mobile

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				that MNOs cannot just expect consumers to substitute mobile voice with OTT voice services over a mobile connection where they would then receive mobile data revenues. TATT's assertions on low investment and high profitability are based on its flawed assessment in Section 6 which we will not review again here. We just note that the statement is therefore provided without any evidence to support it. TATT also raises a point about OTT's not adequately paying for the capacity they use and for asymmetric value capture. This is a policy concern and has nothing to do with the dominance assessment at hand.		network operators do not provide mobile data services with adequate coverage, quality, capacity, and pricing conditions, the ability of consumers to rely effectively on OTT alternatives would itself be constrained. Furthermore, while OTT services may reduce demand for traditional voice and SMS services, the competitive constraint must be assessed at the level of the relevant market as a whole, which includes mobile data services. The growth of OTT usage has in fact increased consumers' reliance on mobile data services, which remain supplied by the same mobile network operators. As a result, migration from traditional voice and messaging services towards OTT applications does not necessarily reduce the overall market power of mobile operators as customers do not forego their mobile service entirely. Accordingly, the Authority does not consider that the partial substitution exercised by OTT services is sufficient

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						to prevent mobile network operators from acting independently form competition. This conclusion is also consistent with the assessment of competitive constraints presented in Section 6.3, which considers OTT services alongside other potential sources of competitive discipline when evaluating the ability of mobile network operators to act independently of competitors and consumers.
91.	**8.**	**OTT Services and Market Dominance Assessment**	TSTT	Section 8 is intended to close one of the more significant gaps in TATT's analysis—namely, whether OTT services exert a meaningful competitive constraint on mobile operators. However, rather than resolving the issue, TATT largely repeats and reinforces earlier inconsistencies, and ultimately treats OTT services as both competitively relevant and competitively insignificant depending on the stage of the analysis. This further undermines the overall coherence of the dominance assessment. At the outset, TATT correctly recognises that OTT services have materially	TSTT recommends that TATT adopt a more internally consistent approach to the treatment of OTT services throughout the dominance assessment. If OTT services are considered sufficiently substitutable to warrant inclusion within the relevant market, then their competitive impact should be more fully reflected in the assessment of market power and external competitive constraints. Failure to consistently account for the competitive significance of OTT services leads to overstating market concentration, understating	The Authority fully recognises that OTT services have materially transformed the communications sector and acknowledges that they exert a degree of competitive pressure on traditional voice and messaging services. This was precisely the rationale underlying their inclusion within the relevant market. As recognised in Section 8, OTT providers have: "transformed the telecommunications sector by providing alternative means of communication and content consumption" and

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				transformed the telecommunications sector. It acknowledges that OTT applications substitute for traditional voice and messaging services, contribute to changes in revenue structure, and influence consumer behaviour. These observations are well-founded and strongly suggest that OTT services play a non-trivial role in shaping competitive dynamics. However, the analysis then moves to downplay the significance of OTT as a competitive constraint. The central argument is that OTT providers depend on the underlying network infrastructure supplied by mobile operators and therefore cannot exert meaningful countervailing pressure. While this is true at the infrastructure level, it does not address the relevant question for a retail market assessment, which is whether OTT services constrain operators' ability to price or structure their retail offerings. From the consumer's perspective, OTT applications clearly provide alternatives to traditional services, and the evidence cited	competitive discipline, and ultimately overstating the basis for a finding of joint dominance.	"substitute for traditional voice and messaging services, contributing to changes in revenue structures and consumer behaviour." However, the evidence also indicates that OTT providers differ fundamentally from mobile network operators in several respects. In particular, OTT providers do not offer connectivity services, do not control the underlying network infrastructure required to access end users, and do not provide a full substitute for the range of retail services supplied by MNOs. Consequently, while OTT applications may influence consumers' choice of communication channel and affect demand patterns for certain services, their ability to constrain the conduct of MNOs remains limited and in all cases narrower than that of infrastructure-based competitors. As stated in Section 8:

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				elsewhere in the document—including significant switching to OTT in response to price increases—supports that view. The result is a conceptual inconsistency. OTT services are included within the relevant market based on substitutability, yet their competitive impact is discounted when assessing dominance. As noted elsewhere in these comments, this creates a form of analytical asymmetry: OTT is "in" the market when defining its scope, but effectively "out" when evaluating competitive constraints. If OTT services are sufficiently substitutable to be included in the market definition, then their impact should be reflected more fully in the assessment of market power. Conversely, if their competitive influence is truly limited, the justification for including them in the relevant market becomes less clear. In addition, this section does not sufficiently engage with the broader implications of OTT-driven changes in usage patterns. The shift from traditional		"While OTTs are considered partial substitutes on a call or usage basis and therefore form part of the same relevant market as traditional operators, their influence on consumer behaviour, pricing strategies, and network usage introduces only an indirect or a limited competitive constraint", as customers would not forego their mobile service. The report further concludes that: "The countervailing pressure exerted by OTT providers on telecommunications operators remains limited, as telecom operators control the very means through which end-users access OTT services." The Authority also disagrees that the analysis overlooks the broader implications of OTT-driven changes in usage patterns. The evolution of consumer behaviour, including the migration from traditional voice and messaging services towards data-based communications, has been extensively documented throughout the report. In particular, Section 5.2 documents the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				voice and SMS to data-based communication introduces a form of indirect competition that may not eliminate market power, but can nonetheless affect pricing strategies, product design, and consumer responsiveness. By focusing primarily on the dependence of OTT on network access, the analysis overlooks this demand-side dimension of competition. Finally, the discussion of investment incentives is speculative and not clearly linked to the dominance finding. Even if OTT affects investment behaviour, it does not necessarily imply that OTT services fail to constrain retail market outcomes or broader competitive dynamics.		declining importance of traditional voice services and the increasing role of mobile Internet services, while Sections 6.4 and 8 expressly consider consumers' use of OTT applications and alternative communication channels when assessing competitive constraints. Nevertheless, changes in usage patterns do not automatically imply that OTT services exert a sufficient competitive constraint to materially alter the market power assessment. The relevant question for the dominance analysis is whether OTT services are capable of materially constraining the commercial behaviour of MNOs. After considering the available evidence, the Authority concluded that, although OTT services exert some competitive pressure, that pressure remains limited compared to that exerted by infrastructure-based competitors as customers would not forego their mobile service entirely.
92.	**9.**	**Conclusion and Joint**	CCTL	The conclusion of joint dominance risks overstating the degree of coordinated market behaviour in what is structurally a	The Authority should exercise caution before imposing additional ex ante obligations or structural remedies. A	The Authority acknowledges CCTL's comments regarding the structural characteristics of small

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
		Dominance Finding		small, capital-intensive telecommunications market. Across small Caribbean jurisdictions, telecommunications markets naturally tend toward two or three facility-based operators due to economies of scale, high infrastructure costs, and limited market size. Similar pricing structures, product offerings, and commercial responses may therefore reflect common market realities, cost structures, and competitive benchmarking rather than tacit coordination. The analysis may also understate the extent to which technological convergence, OTT substitution, fixed broadband expansion, Wi-Fi offloading, and changing consumer behaviour are already exerting competitive discipline on operators. Moreover, there does not appear to be sufficient evidence of demonstrable market failure or sustained consumer harm to justify intrusive ex ante remedies at this stage. Additional regulation could increase operational costs, discourage investment, and create regulatory uncertainty during a period of significant	more market-led, technology-neutral, and forward-looking regulatory approach would better support investment, innovation, network expansion, and long-term sector sustainability. The Authority should favour ongoing ex post monitoring and periodic market reviews rather than immediate intervention, while allowing infrastructure-based competition, fixed-mobile convergence, OTT evolution, and consumer choice to continue shaping market outcomes over time.	telecommunications markets and the importance of preserving incentives for investment and innovation. The Authority agrees that factors such as high infrastructure costs, economies of scale and limited market size may naturally result in concentrated market structures in small jurisdictions and that these characteristics do not, in themselves, establish joint dominance or coordinated behaviour. For this reason, the Authority did not rely solely on the existence of a duopoly or on structural similarities between operators to reach its conclusions. As explained throughout the report, the assessment also considered whether the conditions necessary for coordinated behaviour were present, including market transparency, operators' incentives to deviate from the prevailing market outcome and the existence of external constraints.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				industry transition and infrastructure evolution.		The Authority further recognises that technological convergence, OTT services, fixed broadband development, Wi-Fi offloading and evolving consumer behaviour may influence market dynamics and exert a degree of competitive discipline on operators. These developments were expressly considered in the assessment, notably in the analyses of consumer behaviour, external constraints and the competitive impact of OTT services. Regarding CCTL's comments on remedies and regulatory intervention, the Authority wishes to clarify that the present consultation concerns the assessment of dominance in the relevant retail domestic mobile services market and does not address the potential remedies that may arise from the findings of the market review. The Authority nevertheless agrees that any potential intervention should be proportionate, carefully tailored to the identified concerns and implemented in a manner that safeguards investment

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						incentives, innovation and the long-term development of the sector. Accordingly, the Authority considers that the assessment of joint dominance remains grounded in a comprehensive analysis of the specific conditions prevailing in the retail domestic mobile services market and does not rely solely on the structural characteristics of a small telecommunications market. Furthermore, the Authority invites CCTL to clarify the specific market-led, technology-neutral, and forward-looking regulatory approach that it recommends the Authority may adopt.
93.	**9.**	**Conclusion**	**Digicel**	In Section 9, TATT concludes that both TSTT and Digicel are designated as holding joint dominance on the relevant economic market for retail domestic mobile services, despite the fact that "neither operator appears to meet the market share threshold of A23 of the Concession Agreement". To justify its finding, TATT introduces an arbitrary market share threshold based on market	The Authority should withdraw the Section 9 conclusion that Digicel and TSTT are jointly dominant and should not proceed to any remedies process on the basis of the current assessment. The conclusion is not supported by the legal or economic analysis required for a dominance finding. The Authority should publish, as part of its final determination, a reasoned	The Authority acknowledges Digicel's comments regarding the conclusion of the dominance assessment and its disagreement with the designation of TSTT and Digicel as jointly dominant in the relevant market. The Authority notes that the points raised by Digicel have been addressed in previous responses. However, given the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				shares "in excess of 40% [and] close to the 50% threshold commonly referenced in many international jurisdictions". This threshold has no legal basis in Trinidad and Tobago. The Authority's conclusion is based on a flawed analysis of the following observations: • Both operators consistently hold close market shares and there is an absence of changes in trends over time. Yet TATT's analysis is based on an exceptionally short time horizon. As we demonstrate above, market shares have experienced significant change since Digicel's entry into the market. • Each operator possesses a large customer base and extensive network infrastructure, potentially creating structural barriers to entry. Yet the main barrier to entry is the regulatory. TATT held at RFP to allow a new entrant to enter the market in 2014, received three bids that met the qualification	response to each substantive point raised in this submission, identifying whether the point was accepted, rejected or considered immaterial, and the basis for that conclusion.	importance of the conclusion, the Authority responds below to the main issues raised. **Regarding the 150% market share threshold**, the Authority reiterates that the threshold under Condition A23(a) is not the sole legal basis for establishing dominance. The Concession Agreement also provides that dominance may be found where an operator enjoys a position of economic strength enabling it to behave to an appreciable extent independently of competitors, customers and consumers. The reference to international thresholds was not introduced as an alternative legal test, but as contextual support within a broader economic assessment. As explained in Sections 4.1.1 and 6.1.3, the Authority applied the legal framework established under the Telecommunications Act and the Concession Agreement, while referring to international practice solely as contextual guidance.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				criteria, and abandoned the exercise. This is a clear indication that the barriers to entry are not perceived as structural by would be entrants. • That consumers lack effective countervailing power owing to the essential nature of telecommunications services and an absence of alternatives in the market. TATT argues this affords operators a degree of pricing power in the market. Yet TATT's own consumer survey shows that in response to a modest price increase, consumers would readily switch providers, offload to Wi-Fi or substitute to OTT services. • That mobile plan prices in Trinidad and Tobago are significantly higher than in comparable nations. This is based on inadequate analysis, which excludes a number of important plans MNOs offer, does not consider differences in the contents of operators' plans, is		**Regarding market shares and the period considered**, the Authority does not agree that the assessment is invalid because Digicel gained market share following its entry in 2006. Historical competition following market liberalisation is relevant background, but it does not determine the current or forward-looking competitive assessment. The Authority's analysis focused on the more recent period, during which the market has displayed stable and symmetric market shares, limited customer growth and mature demand conditions. **Regarding barriers to entry**, the Authority does not agree that the existence of previous interest in market entry is sufficient to demonstrate that entry barriers are low. This assessment is developed in Section 6.2, which examines legal, regulatory, structural and economic barriers to entry and concludes that no sufficiently likely, timely and effective entry is expected during the review period. Barriers to

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				based on a diminutive sample size, and does not account for variation in operating costs across countries. • That there is limited competition in non-price factors such as service quality or product differentiation. This is inconsistent with reality. Bmobile launched its 4G service in 2017. By that time, Digicel's 4G buildout was largely complete. This was reflected in Ookla's Speedtest Awards, which ranked Digicel as the fastest provider until 2024. Mobile operators have simply reached a mature stage of their buildout cycles, and this will be the case until TATT releases 5G spectrum. Moreover, even if product offerings were relatively homogeneous, this is consistent with a competitive outcome in which firms compete for a share of a market in which consumers have relatively similar preferences. TATT concludes by arguing that "the three key conditions necessary to establish joint		entry may be structural, economic, technical or regulatory. For dominance purposes, the relevant question is whether entry is likely, timely and sufficient to constrain existing operators during the review period. Past participation in an RFP process does not demonstrate that a new entrant can presently obtain spectrum, deploy infrastructure, establish operations and achieve sufficient scale to discipline the market. **Regarding consumer countervailing power**, the Authority reiterates that consumer responses to price increases must be assessed in terms of their ability to discipline operator behaviour. While some consumers may reduce usage, offload to Wi-Fi, use OTT services or switch provider, these responses do not necessarily impose sufficient pressure to prevent operators from exercising market power. In particular, switching to another mobile provider is limited by the presence of only two mobile network

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				dominance", based on the Airtours case in Europe, are met. We disagree: • On transparency, while it is a fact that both Digicel and Bmobile maintain easily accessible public webpages with their default plan offerings, each MNO also offers bespoke offers to existing and targeted consumers. Likewise, buildout progress is often difficult to monitor. All of these factors limit transparency. In addition, TATT fails to develop a coherent model of coordination and a distinct focal point that the two players can easily identify and 'coordinate' on. • On sustainability, TATT asserts that neither operator has any incentive to deviate from the current equilibrium, on the basis that "any unilateral price reduction or significant investment in quality would lead to a substantial loss in margins, while the potential customer gain would be marginal, given the market's maturity." This		operators offering broadly similar market conditions. **Regarding international price comparisons**, the Authority acknowledges that international benchmarking in general has limitations and cannot, by itself, establish dominance. However, the Authority did not rely solely on price benchmarking. Prices were assessed together with affordability, margin-analysis, investment, market structure and consumer behaviour. The benchmarking exercise was therefore used as one indicator within a wider assessment of competitive outcomes. **Regarding non-price competition**, the Authority recognises that operators have invested in their networks and that differences in technology deployment or service quality may exist over time. However, the existence of some differences does not necessarily demonstrate effective competition or preclude joint dominance. The relevant

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				claim is not supported by the evidence TATT has provided. As we argue above, TATT's own consumer survey demonstrates that a significant portion of consumers would switch providers in response to a price increase. Second, and more importantly, to demonstrate sustainability, the EU SMP Guidelines state that "the existence of a credible threat of retaliation, deterring deviation, is a necessary requirement to ensure that the coordination mechanism remains credible over time". TATT has failed to identify a credible retaliation mechanism. • On external factors, TATT argues that "neither consumers nor other suppliers, including OTT service providers, in this market do not possess sufficient market power to counterbalance the coordinated behaviour of the two operators" (sic). This claim is inconsistent with recognized trends in the market, such as the increase in the		question is whether such differences are sufficient to disrupt market symmetry and create sustained competitive pressure. The Authority's assessment found that, overall, the operators remain broadly comparable in terms of coverage, service offerings and market position. **Regarding transparency**, the Authority does not agree that bespoke offers, promotions or differences in deployment fully undermine market transparency. The assessment does not require perfect visibility over every individual offer or customer-specific discount. It requires sufficient visibility over key competitive parameters. The Authority considered that operators have visibility over relevant pricing structures, offers, market trends and competitive behaviour. **Regarding sustainability and retaliation**, the Authority does not agree that it failed to consider the sustainability of the coordinated outcome. As

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				use of OTT services and Wi-Fi offloading. The statement also presumes coordinated behaviour, rather than demonstrating it. Moreover, it is also inconsistent with the entry evidence. TATT does not address Nimble Mobile's launch of mobile voice and data services through an MVNO-style arrangement, despite relying on the alleged absence of entry and external constraints to support its joint dominance conclusion. For the reasons outlined above, Digicel rejects TATT's conclusion that TSTT and Digicel are jointly dominant in its entirety. Digicel's position is that we compete fiercely to defend our position in the market, as evidenced by the significant investment we have made in the Trinidad and Tobago market, as well as in being recognized as the best network by Ookla between 2018-2024. We respectfully request that the Authority reconsider its position. We further request that the Authority publish, as part of its final		previously explained, a credible response mechanism does not necessarily require evidence of explicit punishment or a formal price war. The Authority assessed whether deviations through price reductions, increased allowances or quality improvements could be identified and replicated by the other operator, thereby reducing the benefits of deviation. This supports the conclusion that the existing outcome is sustainable. **Regarding external constraints**, the Authority reiterates that OTT services, Wi-Fi offloading and potential entry were considered. OTT services exert a degree of competitive pressure, particularly on traditional voice and messaging services, but they do not provide mobile access services or replicate the full competitive role of an infrastructure-based mobile operator. Similarly, potential entry must be sufficiently likely and significant within the review period. The Authority further notes that Nimble Mobile was being

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				determination, a reasoned response to each substantive point raised in this submission.		considered as a sub-brand of an existing mobile network operator. The Authority therefore does not agree that its conclusion presumes coordinated behaviour without demonstrating the conditions that support it. The assessment is forward-looking and considers whether the market structure, operator symmetry, transparency, incentives, barriers to entry and limited external constraints create conditions conducive to joint dominance. These findings are brought together in the cumulative assessment presented in Section 9, which concludes that the interaction of these factors supports a finding of joint dominance in the relevant market. Accordingly, the Authority maintains its conclusion that TSTT and Digicel hold joint dominance in the relevant economic market for retail domestic mobile services. The Authority also confirms that the substantive comments raised during the consultation process

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						will be considered and addressed as part of the final determination.
94.	**9.**	**Conclusion**	TSTT	Having examined the structure, market dynamics, and performance of the retail domestic mobile market, the available evidence does not support a finding that the operators hold a position of joint dominance within the meaning of Section 29 of the Act. While the market is characterised by a high degree of concentration and symmetry between the two operators, these structural features, taken alone, are insufficient to establish joint dominance. TATT's analysis confirms that the market exhibits characteristics commonly associated with oligopolistic markets, including similar market shares, broadly comparable network coverage, and transparent pricing. However, such conditions are not uncommon in telecommunications markets and do not, in themselves, demonstrate the existence of coordinated behaviour or the ability to sustain such behaviour over time.	TATT should acknowledge that the available evidence indicates that, while the market is concentrated and may exhibit characteristics conducive to coordination in principle, it is also subject to a range of constraints and dynamic factors that undermine the likelihood that coordinated behaviour could be sustained in practice. The conditions required to establish joint dominance—namely, the ability to coordinate, the absence of incentives to deviate, and the absence of effective external constraints—are therefore not cumulatively satisfied. Accordingly, TSTT submits that TATT should determine that no operator, individually or jointly with others, holds a position of dominance in the relevant market.	The Authority notes TSTT's overall conclusion regarding the assessment of joint dominance. The Authority agrees that market concentration, symmetry and transparency, taken in isolation, are insufficient to establish joint dominance. For this reason, the assessment did not rely solely on these structural characteristics. Rather, these elements were considered as part of a broader analysis examining whether the conditions identified in the relevant jurisprudence and international practice are present in the retail domestic mobile market. The Authority also agrees that similarities in pricing structures and commercial offers may, in certain circumstances, be consistent with rational competitive behaviour in a concentrated market. However, these observations do not preclude the

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Critically, the evidence does not establish that the conditions necessary for stable and self-enforcing coordination are present. Although the market is transparent, the analysis does not demonstrate that operators can reach and sustain a common understanding on the terms of coordination or to effectively detect and discipline deviations. The observed similarities in pricing structures and commercial offers are equally consistent with rational competitive behaviour in a duopolistic market characterised by homogeneous services, rather than with tacit coordination. Furthermore, the assertion that operators lack incentives to deviate from any alleged coordinated equilibrium is not conclusively supported. The market exhibits signs of ongoing change, including declining penetration in certain segments, shifts in consumption patterns, and increasing reliance on OTT services. These developments introduce uncertainty and potential competitive pressures that may increase, rather than reduce,		possibility that the same characteristics may also contribute to market conditions conducive to coordinated behaviour. The assessment therefore considered these elements alongside a broader set of indicators rather than treating them as determinative in themselves. With respect to the sustainability of coordination, the Authority recognises that the market continues to evolve and that developments such as changing consumption patterns and the increasing use of OTT applications may affect competitive dynamics. Nevertheless, the evidence reviewed indicates that these developments have occurred within a market that continues to exhibit a high degree of symmetry, stable market positions and broadly aligned market outcomes. The Authority further acknowledges that consumers may adjust their behaviour in response to changes in prices or commercial conditions. However, the existence of some degree of substitution

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				incentives to compete. In such an environment, the stability and sustainability of any coordinated outcome have not been sufficiently demonstrated. The analysis of external constraints also does not support a finding of joint dominance. While consumers may not abandon mobile services entirely, the evidence demonstrates that they do respond to price changes through substitution, including increased use of OTT services and alternative connectivity options. These responses, even if incomplete, are capable of exerting competitive discipline at the margin. In addition, the evolving role of OTT services and other technological developments introduces indirect but meaningful constraints on operator behaviour that are not fully captured by a narrow focus on buyer power. The evidence relating to pricing and profitability similarly does not sufficiently establish the existence of market power consistent with a finding of dominance.		or behavioural adjustment does not necessarily imply that such constraints are sufficient to materially destabilise market outcomes or prevent coordinated behaviour. The relevant question is not whether constraints exist, but whether they are sufficiently strong to materially discipline operators' conduct. Similarly, the Authority recognises the limitations inherent in international benchmarking exercises and agrees that such comparisons should be interpreted with caution. Accordingly, the pricing and profitability assessments were not relied upon in isolation and were instead considered as contextual evidence alongside the broader competitive assessment including domestic operators' data submissions. More generally, the Authority emphasises that no single element of the analysis was considered sufficient to support the conclusions reached in the report. Rather, the assessment was based on the cumulative consideration of

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				Although prices and ARPU levels may appear elevated relative to certain international benchmarks, these comparisons are not sufficiently robust to establish that prices are above competitive levels, particularly given differences in market conditions, cost structures, and service characteristics. Moreover, the coexistence of relatively high ARPU with declining or volatile usage patterns suggests a more complex set of dynamics than would be expected in a market characterised by stable and unconstrained pricing power.		market structure, competitive conditions, consumer behaviour, pricing outcomes, barriers to entry and the conditions relevant to coordinated behaviour. Accordingly, while the Authority acknowledges the observations raised by TSTT, it considers that the evidence reviewed should be assessed holistically and that the conclusions of the report cannot be evaluated solely by examining each individual indicator in isolation.
95.	**9.**	**Conclusion**	TSTT	TSTT submits that the evidence presented in the consultation document does not support a finding that TSTT is either singly dominant or jointly dominant with Digicel in the relevant retail domestic mobile services market. Across the assessment, TATT relies on a range of indicators, including market concentration, broadly similar market shares, network scale, barriers to entry, alleged price inelasticity, pricing and profitability comparisons, consumer	TSTT recommends that TATT withdraw, or substantially revise, any proposed finding that TSTT is singly or jointly dominant in the retail domestic mobile services market unless and until the evidentiary threshold under section 29(8) of the Act is clearly satisfied. TSTT recommends that TATT adopt enhanced market monitoring and more sophisticated analytical methodologies before reaching	The Authority notes TSTT's overall conclusions regarding the assessment of single and joint dominance. The Authority agrees that a finding of dominance is a significant regulatory conclusion and that such a finding should be supported by a robust and evidence-based assessment. For this reason, the analysis did not rely on any single indicator or piece of evidence in isolation.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				survey responses, and perceived limitations in non-price competition. While these matters may be relevant to a market review, they do not, either individually or cumulatively, establish that the statutory threshold for dominance has been satisfied. A recurring issue throughout the document is that key conclusions rely on limited, indirect, or inferential forms of evidence, including survey responses, partial comparisons, and assumptions regarding consumer behaviour and pricing dynamics. While such information may provide useful indicators, it is not, on its own, sufficient to support definitive conclusions regarding joint dominance or coordinated market power. In particular, TATT has not adequately demonstrated that either operator, individually or jointly with the other, is able to behave to an appreciable extent independently of competitors, customers and ultimately consumers. Several of the factors relied upon are equally consistent with ordinary features of a mature two-	conclusions capable of resulting in significant regulatory intervention, including a finding of joint dominance. This should include updated market data, robust elasticity analysis, objective quality-of-service and customer-experience data, cost and investment analysis, and a clear assessment of OTT substitution and Wi-Fi offloading. Where specific concerns persist, TATT should consider targeted, pro-competitive interventions aimed at addressing the underlying drivers of market outcomes, rather than relying on a finding of dominance. Such measures may include reviewing any moratorium or policy restriction on further mobile entry, reviewing spectrum policy, facilitating efficient infrastructure sharing, improving market-data collection, supporting digital inclusion, and developing targeted consumer-information or switching measures.	The Authority also agrees that many of the characteristics observed in the retail domestic mobile market (including concentration, symmetry, barriers to entry and certain similarities in commercial offers) may be found in other telecommunications markets. However, the presence of these characteristics does not render them irrelevant to a dominance assessment. Rather, they constitute factors that must be considered collectively and assessed in light of the specific circumstances of the market under review. The Authority further acknowledges that certain evidence used in the assessment, including survey results and benchmarking exercises, may have inherent limitations. These sources of information were therefore not treated as determinative evidence of market power, but rather as complementary elements within a broader analytical framework. The Authority also agrees that the existence of concerns regarding market

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				operator mobile market, competitive matching, consumer demand, regulatory constraints, infrastructure investment, OTT substitution, Wi-Fi offloading and wider technological change. TSTT recognises that TATT is entitled to monitor market conditions and to consider whether particular market outcomes raise consumer welfare or competition concerns. However, the existence of such concerns does not itself establish dominance. A finding of dominance is a significant regulatory conclusion with potential implications for pricing flexibility, investment incentives, innovation, commercial strategy and sector development. It should therefore be reserved for circumstances where the evidence clearly satisfies the statutory test. If TATT has continued concerns regarding the mobile market, TSTT submits that such concerns should be addressed through targeted and proportionate regulatory measures, rather than by artificially building a case for joint	TATT should also distinguish between barriers arising from operator conduct, barriers inherent in mobile network deployment, and barriers created or maintained by the regulatory framework. Regulatory restrictions on entry may be relevant to the assessment of potential competition, but they should not be treated as evidence of operator-created dominance. TSTT further recommends that TATT frame any continued review of the mobile market as an evidence-gathering and monitoring exercise, rather than as a basis for imposing dominance-related obligations where the current record does not establish that either operator, individually or jointly, can behave independently of competitive constraints.	outcomes does not, in itself, establish dominance. Accordingly, the assessment sought to determine whether the evidence available, when considered holistically, was indicative of market conditions that may be consistent with the existence of market power and coordinated effects. The Authority notes TSTT's suggestions regarding additional analysis of cost structures, usage patterns, OTT substitution and consumer responsiveness. Such considerations may provide useful supplementary information and could be considered in future market monitoring exercises where relevant data become available. With respect to barriers to entry, the Authority recognises that regulatory and policy factors may influence entry conditions and that the absence of entry should not automatically be interpreted as evidence of operator-created market power. The assessment therefore considered barriers to entry as one

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				dominance where the evidentiary threshold has not been satisfied. A more balanced and evidence-based approach would be to consider targeted, pro-competitive interventions aimed at addressing the underlying market conditions and policy concerns identified by TATT, rather than presuming that such outcomes are necessarily indicative of joint dominance. A more proportionate and evidence-based approach would involve deeper and more comprehensive analysis of: • cost structures and investment conditions; • usage patterns, including Wi-Fi offloading and OTT substitution effects; and • price elasticity and consumer responsiveness based on observed market behaviour rather than hypothetical survey responses. This is particularly important where TATT relies on the absence of new mobile entrants. The absence of entry may be		element of the broader competitive assessment rather than as standalone evidence of dominance. Finally, the Authority agrees that there is an important distinction between market characteristics that warrant continued monitoring and evidence relevant to the statutory test for dominance. The assessment contained in the report was undertaken precisely to determine whether the characteristics observed in the market, taken together, are consistent with the legal framework governing dominance assessments under the Telecommunications Act and the Concession Agreement. Accordingly, the Authority considers that the conclusions of the report should be assessed on the basis of the cumulative evidence reviewed and the market-specific analysis undertaken, rather than by considering individual indicators in isolation.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				relevant to the assessment of potential competition. However, to the extent that the absence of entry is materially affected by a moratorium, spectrum limitation, licensing policy, or other regulatory restriction, the appropriate analytical response is to identify the regulatory source of the constraint and assess its competitive effect. Such a constraint should not be treated as evidence of operator-created market power or used to support a dominance finding without further analysis. Accordingly, TSTT submits that the consultation document should be revised to distinguish clearly between market features that warrant continued monitoring and evidence that satisfies the legal test for dominance. The current evidence may justify continued regulatory monitoring and further market analysis, but it does not support a definitive finding of single or joint dominance.		TSTT is reminded that the existence of concerns regarding market outcomes does not, in itself, establish dominance nor imply any specific regulatory remedy will be adopted. Accordingly, the assessment sought to determine whether the evidence available, when considered holistically, was indicative of market conditions that may be consistent with the existence of market power and coordinated effects.
96.	**Overall Dominance and Market**		CCTL	The cumulative conclusion of strong indicators of dominance is broadly supported. However, the analysis risks reinforcing a mobile-centric market	The Authority should move toward a converged communications market assessment framework. Fixed broadband operators should be	The Authority acknowledges CCTL's comments regarding the increasing importance of convergence and the role that fixed broadband networks may play

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
	Structure Conclusion			definition that does not fully reflect convergence trends. A strict duopoly framing may obscure the growing competitive relevance of fixed broadband networks in shaping consumer behaviour and constraining mobile data pricing.	explicitly recognised as structural participants in the competitive ecosystem. A joint mobile-fixed market power review is recommended for future regulatory cycles.	in influencing consumer behaviour and mobile usage patterns. The Authority recognises that fixed broadband services may indirectly constrain certain aspects of mobile demand, notably through Wi-Fi offloading and the use of OTT applications. These developments were considered as part of the assessment of consumer behaviour and OTT services. The Authority concluded that the countervailing power from both fixed-network users and providers present limited countervailing constraint on mobile network operators, unlikely to deter them from acting independently of competitive constraints in the foreseeable future. Future developments in the conditions of supply and demand, including those raised by CCTL will be duly taken into further consideration in future market analysis.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
97.	**General Comment: Regulatory Moratorium and Artificial Market Structure**		TSTT	TSTT submits that TATT's reliance on the absence of new mobile entrants, the persistence of a two-operator market structure, high concentration, stable market shares, and alleged lack of potential competition is materially weakened by TATT's own moratorium on concession applications in the domestic mobile telecommunications services market. TATT's published moratorium notice confirms that a 2009 installed moratorium continues to apply to applications for the provision of services or the operation of networks in the domestic mobile telecommunications services market. The notice further states that TATT will not accept such applications on a first-come, first-served basis and that, where TATT considers it necessary and gives public notice, applications in that market would only be accepted in response to a Request for Proposals issued by TATT. This is directly relevant to the dominance assessment. If independent applications	TSTT recommends that TATT expressly assess the effect of the moratorium on concession applications in the domestic mobile telecommunications services market before relying on the absence of entry, stable duopoly structure, concentration, or lack of potential competition as evidence of single or joint dominance. TATT should clearly distinguish between: • barriers arising from operator conduct; • structural barriers inherent in mobile network deployment, including sunk costs, spectrum requirements, network rollout costs, and commercial feasibility; and • barriers created and maintained by TATT's own licensing, spectrum, moratorium, RFP, or authorisation framework.	The Authority acknowledges that the regulatory framework governing concessions and spectrum assignments forms an important component of the conditions affecting entry into the domestic mobile telecommunications services market. The Authority also agrees that the absence of new entry should not automatically be attributed to the conduct of existing operators, nor interpreted as evidence that TSTT or Digicel have themselves created or maintained exclusionary barriers to entry. However, the purpose of the assessment of barriers to entry and potential competition is not to determine responsibility for such barriers, but rather to assess whether entry is likely to occur and exert an effective competitive constraint during the review period. In this regard, the Authority notes that the Generic Concession Document

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				for entry into the domestic mobile telecommunications services market have been restricted for an extended period, then the absence of new entry cannot be treated as a purely market-driven outcome. The persistence of a two-operator structure, the absence of a third mobile network operator, the absence of MVNO-based entry, stable market shares, and the limited observed threat of potential competition may reflect regulatory design as much as, or more than, any market power held by TSTT or Digicel. TSTT recognises that TATT may consider a moratorium or RFP-based approach necessary for spectrum management, orderly sector development, sustainable entry, or consumer protection. TSTT does not suggest that those policy considerations are irrelevant. However, even where the policy rationale is legitimate, the competitive effects of that policy must be accounted for before the resulting market structure is relied upon as evidence of dominance.	TATT should not attribute regulator-created or regulator-maintained entry constraints to TSTT or Digicel as evidence of operator-created market power. Additionally, TATT should not rely on market outcomes shaped by such constraints as neutral evidence of dominance without first conducting a counterfactual analysis of how the market may have developed if independent applications for domestic mobile network or MVNO-style entry had been open to consideration. TATT should revise any finding that relies on the absence of new mobile entrants, the absence of MVNOs, the persistence of a two-operator market, stable market shares, high concentration, or lack of potential competition unless it first explains whether those outcomes resulted from market conditions, operator conduct, spectrum scarcity, commercial infeasibility, or TATT's own authorisation policy.	identifies "high barriers to entry" as one of the factors that may be relevant to a dominance assessment. The Concession Document does not distinguish between different categories of barriers to entry, nor does it specify that only barriers arising from the conduct of market participants should be considered. Accordingly, the Authority considers it appropriate to assess all forms of barriers that may affect the likelihood of entry, including economic, technical, spectrum-related, regulatory and legal barriers. The fact that certain barriers may arise from the regulatory framework does not render them irrelevant for the purposes of the dominance assessment. Rather, such barriers form part of the competitive environment in which operators and potential entrants operate and therefore remain relevant when assessing the extent to which potential competition may constrain market behaviour.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				A regulator-created or regulator-maintained restriction on entry is indeed relevant to assessing whether entry is likely in the short term. However, it should not be attributed to TSTT or Digicel as evidence that either operator has created, maintained, or benefited from exclusionary market power. Nor should the outcomes produced or preserved by that regulatory restriction be treated as neutral evidence of dominance without further analysis. This issue is particularly important because several of TATT's findings appear to rely on outcomes that may have been materially shaped by the moratorium, including the absence of new mobile entrants, the absence of a disruptive third operator, the absence of MVNO-based retail competition, the persistence of a duopoly, high concentration, stable market shares, and the alleged lack of credible potential competition. These factors cannot be assessed in isolation from the regulatory	Where TATT considers that the moratorium or RFP-only process remains justified, TATT should still treat its effect as a limitation on the dominance assessment. A legitimate regulatory policy may explain why entry has not occurred, but it should not be converted into evidence that existing operators possess dominance. Additionally, TATT should review the authorisation and spectrum framework as part of any assessment of potential competition in the domestic mobile telecommunications services market. Where concerns arise from regulatory restrictions on entry, the appropriate response should be to examine those restrictions directly, rather than to rely on the regulator-shaped absence of entry as support for a dominance finding. TSTT further recommends that TATT refrain from drawing definitive conclusions on single or joint	The Authority therefore agrees that the moratorium and the authorisation framework should be taken into account when assessing the likelihood of entry. Nevertheless, this does not alter the observation that, irrespective of their origin, current market conditions appear to limit the prospect of additional entry during the review period. Accordingly, the assessment does not infer dominance from the mere existence of regulatory restrictions on entry, nor does it attribute such restrictions to existing operators. Rather, the assessment considers the absence of effective entry and the limited prospects for additional competition as one element among several relevant to the broader assessment of market conditions and competitive constraints.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				framework that controls whether and when new mobile entries may occur. To the extent TATT considers that an RFP process does not amount to an absolute prohibition on entry, that does not resolve the issue. The relevant point is not whether entry is theoretically impossible, but whether entry has been materially controlled, sequenced, delayed, or limited by TATT's own authorisation policy. An RFP-only approach makes entry dependent on TATT deciding when, whether, and on what terms to invite applications. That is materially different from an open framework in which potential entrants may apply independently and be assessed on their merits. This concern also applies to MVNO-style entry. Since MVNO participation would fall within the domestic mobile telecommunications services market, the moratorium also affects a key potential route for additional retail competition without full network rollout. Accordingly, the absence of MVNOs should not be treated as evidence that MVNO entry is	dominance where the market structure and entry conditions being relied upon may have been materially shaped by TATT's own regulatory decisions. At minimum, such circumstances require further evidence-gathering, counterfactual analysis, and consultation before any dominance-related finding or remedy can be justified.	

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				commercially unattractive, or that the market is naturally resistant to retail entry, without first accounting for the regulatory constraints affecting whether such entry could be approved. TATT may also consider that the absence of entry reflects other factors, such as spectrum scarcity, investment requirements, commercial feasibility, or the economics of mobile network deployment. Those matters may be relevant, but they should be separately analysed and evidenced. TATT should not assume that the absence of entry reflects market power where its own moratorium and authorisation framework may have materially affected the ability of potential entrants to apply or be considered. Without this analysis, the dominance assessment risks circularity: the regulatory framework restricts or controls the route to entry; no new entry occurs; and the resulting absence of entry is then relied upon as support for a finding that the existing operators are dominant. That approach would improperly convert a		

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				regulator-shaped market structure into evidence against the operators. Accordingly, any finding of single or joint dominance that depends materially on the absence of new mobile entry, the persistence of a two-operator market structure, high concentration, stable market shares, or lack of potential competition is unreliable unless TATT first identifies, isolates, and accounts for the effect of its own moratorium, RFP process, licensing policy, and spectrum assignment framework. Without that step, the evidence does not establish that the observed market structure results from operator market power rather than from regulatory conditions.		
98.	**General Comment: Investment and Sector Development**		TSTT	TATT's assessment places significant emphasis on competition considerations but does not appear to give equivalent consideration to the objects of the Act relating to investment and sector development. Section 3(f) of the Act expressly requires the promotion of the telecommunications industry by encouraging investment in, and the use of, infrastructure to provide	TATT should expressly consider and address the potential impact of a dominance designation on investment incentives and infrastructure development, consistent with its obligations under section 3(f) of the Act.	The Authority acknowledges that the promotion of investment and the development of the telecommunications sector constitute important objectives of the Telecommunications Act. In particular, Section 3(f) of the Act recognises the importance of encouraging investment in, and the efficient use of, telecommunications infrastructure.

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
				telecommunications services. Given the potential implications of a dominance designation and any resulting regulatory obligations, the impact on investment incentives should form part of TATT's overall assessment.		The Authority agrees that regulatory interventions should be designed in a manner that preserves incentives to invest, innovate and develop telecommunications infrastructure for the benefit of consumers and the sector as a whole. However, the scope of the present consultation is limited to the assessment of market conditions and the determination of whether operators possess market power within the meaning of the Act and the Concession Agreement. The assessment does not address the nature of any potential remedies or regulatory obligations that could arise from such a finding. Accordingly, the purpose of the dominance assessment is to establish whether the conditions for a finding of dominance are satisfied based on the evidence available. Considerations relating to the design, proportionality and potential effects of any subsequent

Item	Section	Section Title	Stakeholder	Comments	Recommendations	TATT's Decision
						regulatory measures, including their impact on investment incentives and sector development, would be considered separately and, where relevant, in accordance with the objectives of the Telecommunications Act. The Authority agrees that any future interventions should be carefully calibrated to safeguard investment incentives, encourage effective competition and promote the long-term development of the telecommunications sector. The report will be reviewed and revised depending on market conditions or other relevant developments. The average benchmark period being five to ten years, based on international standards and local factors.