

The Telecommunications Act

Chap. 47:31



4th September 2013

Presentation Overview



- **Legislative Mandate**



- **Limitations of Telecommunications Act**



- **Proposed Amendments to Telecommunications Act**



- **New Technological Thrust**

Legislative Mandate



Framework For A New Information Economy

- **Sector Transformation:**
 - from virtual monopoly to a competitive environment
 - Permitting new providers to enter into market and to compete fairly
- **Sector Regulation:**
 - Establishment of national regulator - TATT
 - Monitor and regulate transformed sector
 - Prevent anti-competitive practices.



Need For Regulation

In the move towards a more competitive environment, regulation critical to:

- ensure obligations of State carried out by providers: universal service
- operators maintain obligations to consumers: protection of consumer interests
- intervene in operations of market where necessary to ensure optimum conditions.

Objects of the Act



Creating an Open Telecommunications Market

With Conditions for Fair Competition

Ensuring the Orderly Development of Telecommunications

To safeguard, enrich and strengthen society's social, cultural and economic well being

Protecting and Promoting the Public Interest

Accessibility Affordability quality of service




Objects of the Act



Facilitating Universal Access to Telecommunications

Encouraging Investment in Telecommunications

Regulating Broadcasting Services



Telecommunications
Authority
of Trinidad and Tobago



Telecommunications
Authority
of Trinidad and Tobago

Regulatory Powers

Authorisation

- Permission to build, operate and supply broadcasting services, telecommunications networks and/or services and equipment
- Distinction between those who provide services and those who provide networks and infrastructure

Regulatory Powers

Instruments Of Authorisation

Concessions	Licences
Required for the operation of any public network or provision of any public service.	Required when networks, services or equipment use radio communication.
Granted by the Minister based on recommendations made by TATT.	Granted by TATT.

Regulatory Powers

Authorisation – Where we are now

Network Category	Service Provided	Authorized Concessionaires	Operational Concessionaires
International Telecommunications	Network only	1	1
	Network and Services	9	8
Mobile Telecommunications	Mobile voice and Internet services	2	2
Fixed Telecommunications 3	Fixed Telephony	14	2
	Fixed Internet		7
Subscription TV (Pay TV)		10	9
Free-to-air Radio Broadcasting		38	38
Free to Air Television Broadcasting		9	9
TV Broadcasting via Cable		2	1
TOTAL		85	77

Regulatory Powers

Resource Management

- Allocate to ensure no restriction or distortion of competition:
 - Spectrum
 - Numbers
 - Access



Regulatory Powers

Dispute Resolution

- Establish dispute resolution process:
 - Dispute Resolution Procedures
 - Facilitate relief between operators and customers
 - Judicial review: as a public body, decisions are subject to review

Funding

- Self Funded through collection of concession and licence fees
 - Fees Regulations 2006
- Surplus revenues to the Consolidated Fund
- Fund to provide Universal Service: sums collected from contribution and transfers at Authority's discretion

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Limitations of Telecommunications Act



Limitations

Competition Management Powers

- Only applicable where it impacts prices to consumers in a given market;

Flexibility in imposing penalties for breaches of the regulatory framework

- All breaches must be referred to the Courts for determination;
- Penalties are very punitive (suspension or termination of Concession, or penal terms) with no graduated scale of penalties;



Limitations

Oversight of the Broadcasting Sector

- The Act does not adequately recognize the concept of the “subscription broadcaster”
- The Act does not adequately reflect some of the convergence between telecommunications and broadcasting that has developed in the last 5 to 10 years

Regulatory Challenges

- Definition of terms not adequate to facilitate appropriate regulation
- Limitations on Authority's scope of regulatory powers to effectively execute mandate
- Practices have developed in the marketplace which now require the Authority to utilize more sophisticated competition management powers than currently obtains
- Current policy and legislation do not address changes in the sector
- Minimal ability to reprimand in a timely manner to sufficiently deter behaviour which is damaging to the marketplace



Operational Challenges

- Lack of clarity in demarcation of the role of the Minister and the Authority in the administration of the telecommunications and broadcasting sectors
- Regulatory framework which limits the Authority's
 - flexibility in structuring its operations to achieve a particular regulatory aim; and
 - capability to optimize the use of its resources.



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Proposed Amendments to Telecommunications Act



Proposed Amendments to Telecommunications Act

- **Amend definitions of**

Telecommunications Service

Universal Service

Telecommunications Network

Facility

- **Insert definitions of**

Channel

Enterprise

Market

Broadcaster

Subscription Broadcasting Service

Bottleneck Telecommunications or Broadcasting Services



Proposed Amendments to Telecommunications Act

Authority's oversight and role with respect to

Price regulation, universal service, consumer protection and oversight of market economics and trends must be expanded to equally apply to broadcasters and subscription broadcasters

Strengthen Authority's role in relation to

The finalization of interconnection (s. 25), access to facilities (s. 26) and other bottleneck resource (new s. 26A) agreements between concessionaires.



Proposed Amendments to Telecommunications Act

- Authority should be competent authority of **wider oversight of competition practices (new Parts IVA and IXB)** within this particular sector
- Amendments must establish a **framework that provides for speedy corrective action** by the Authority through administrative fines (**new Part IXA**) and/or the Courts
- **Authority's functions and powers** amended to act in accordance with other written law as appropriate.



Proposed Amendments to Telecommunications Act

- Act must provide **greater clarity in the particular roles** of the Authority and the Minister
- Provisions related to **the Authority's approval and certification functions** must encourage timeliness, and be geared to minimize unwarranted regulatory delays
- Provisions related to **the administration of the Authority's operations**, including rules of the Board, are amended to provide more flexibility within required accountability
- Provisions amended to provide for the **laying of the Broadcast Code** after the time initially mandated.



New Technological Thrust



New Technological Thrust

Internet Exchange Point: where ISP's exchange local traffic between customers, explore transit and peering interconnection models

- Keep local traffic local
- Stimulate development of local internet economy by providing opportunities for
- Encourage hosting of 'local cache' foreign content providers e.g. Google
- Provide localized connectivity between service providers in event international link lost

Status: Company comprising local ISP's has been incorporated and is expected to commence operations by December 2013



New Technological Thrust

Third Mobile Operator

Initiation of a competitive authorisation process for:

- The Provision of A Public Domestic Mobile Telecommunications Network And Public Telecommunications Services By A Potential 3rd Mobile Operator;
- The award of 800 Mhz and 1900 Mhz spectrum to eligible mobile operator(s) and The award of 700 Mhz spectrum to mobile operators.

Once successful this will allow the provision of more efficient LTE 4G services to the people of Trinidad and Tobago.



New Technological Thrust

Number Portability

- Enables consumers to switch service provider without changing their telephone numbers
- Substantially reduce inconvenience incur costs associated with the production of new branding and information material
- Will encourage concessionaires to offer improved packages to their subscribers in order to retain them.
- Improved quality of service



New Technological Thrust

Number Portability

Status

- Framework Document for implementation of Number Portability in Trinidad and Tobago completed
- Operators and the Authority fully engaged in the implementation process
- Draft RFP for centralized data base clearing house completed
- Expected ready for service date: May 2014



New Technological Thrust

Digital Terrestrial Television

ITU Mandate to switch analog terrestrial television broadcasting to digital

- interactive services, closed-captioning, and electronic programme guides (EPG);
- higher video and audio quality (HDTV);
- greater spectrum efficiency due to associated digital coding techniques;
- digital dividend
- accommodation of more programme channels in one RF channel (VHF/UHF frequency);
- Reducing s problems such as ghosting and interference.



New Technological Thrust

Digital Terrestrial Television

Status

- Framework document for DTT completed and published
- Stakeholders and the Authority fully engaged in the transition process
- Recommendation on New Digital terrestrial TV standard to be adopted: in progress
- Proposed date by which all analog broadcasting should be switched over to digital: 2016.



Thank You

