



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

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6 May 2014

To all Licensees:

Dear Licensee

Consultation on draft revised Annex 2 of Order 2 of 2012

TRR is releasing a draft of a proposed revision of Annex 2 of Order 2 of 2012 for public consultation with licensees and stakeholders. Through this letter, we seek licensee's comments, views and feedback on the public comment document.

Annex 2 was part of TRR's Order made in 2012 where it required operators to provide quarterly data to TRR for the purpose, among other things, of assessing the market. However, given that some service providers have requested TRR to review Annex 2, TRR, in 2013, put Annex 2 on hold and agreed to revise the Annex. Through this proposed revision, TRR now calls for feedback and comments from the sector at large.

Following licensee and stakeholder submission of comments and views to this consultative process, TRR will finalize the document and it will replace the former Annex 2 of Order 2 of 2012.

This consultation process ceases on 5 June 2014 by 4pm, so please provide us with your views before then.

We look forward to receive any feedbacks and comments on the document from the industry.

Yours sincerely,



Ronald Box
Telecommunications and Radiocommunications Regulator



Government of
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of Vanuatu



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A Consultation Paper on **REVISED ANNEX 2 OF ORDER 2 OF 2012**

INVITING PUBLIC COMMENT AND INPUT

Issued: 6 May 2014

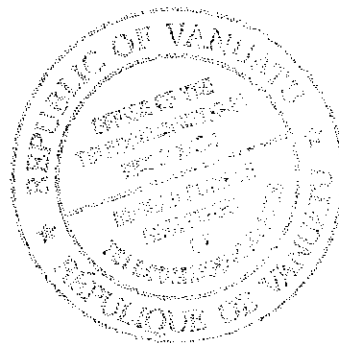


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CONSULTATION FEEDBACK INFORMATION

- TRR welcomes and invites comments and feedback to this public consultation document; particularly from service providers who provide telecommunications service and any interested person;
- TRR would appreciate your provision of information to be clear by quoting the corresponding main sections and sub sections when providing your comments;
- More general comments on the consultation document should be indicated accordingly;
- In the interests of transparency, TRR will make public all or parts of any submissions made in response to this Consultation Document unless there is a specific request to treat all or part of a response in confidence. If no such request is made, TRR will assume that the response is not intended to be confidential. TRR will evaluate requests for confidentiality according to relevant legal principles;
- Respondents are required to clearly mark any information included in their submission that they consider confidential. They shall provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. TRR will determine, whether the information claimed to be confidential is to be treated as such, and, if so, will not publish that information. In respect of the information that is determined to be non-confidential, TRR may publish or refrain from publishing such information at its sole discretion.
- If you have specific questions, please use Section 4 (Consultation Questions) to provide us with your queries;
- TRR will accept comments in English, French or Bislama;
- If comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by a disk containing the comments, in electronic format;
- Comments on this consultation document should be provided to TRR via the following means:
 - Email address consultation@trr.vu
 - Faxed to (678) 24470
 - Posted or hand delivered to:
Input – REVISED ANNEX 2 OF ORDER 2 OF 2012
Telecommunications and Radiocommunications Regulator
P O Box 3547, Port Vila, Vanuatu
- The deadline for public Comments is **4pm, 6 June 2014**.
- For any phone enquiries regarding this Consultation document, please call the following numbers:
 - (678) 27621 or (678) 27487
- You are welcome to visit our website <http://www.trr.vu> for more details on the latest developments in the telecommunication services industry and other related matters.

INTRODUCTION

- This Consultation Document (“document”) relates to a proposed revision of Annex 2 of TRR’s Order 2 of 2012, relating to the provision of data, collected from service providers for the purpose of assessing and monitoring the growth of the telecommunications market.
- As the regulatory agency responsible for the sector, it is critical for TRR to collect quarterly data from service providers to assist TRR to effectively monitor the market. In addition, market information collected from operators also assists TRR in providing informed policy advice to the Government and the general public (in its Annual Report, etc) as to the state of the market.
- In 2012, TRR issued an Order, inter alia, ordering service providers to provide quarterly data as set out in Annex 2 of the Order (attached for reference). However, in 2013 and in response to various service providers having raised issues and concern as to the quantum and volume of information requested in Annex 2 of the Order, TRR agreed to reconsider whether all the criteria specified in Annex 2 of that Order was necessary for it to perform its functions. One of the main concerns raised was that the requested information in Annex 2 required far too much detail and related to information that, to a certain extent, was not technically feasible for service providers to provide.
- Service providers also raised the view that such an exercise imposed unnecessary burden on them and sought TRR’s review of Annex 2 of the Order. To enable service providers not be overly burdened, but to ensure TRR’s monitoring of the sector could continue through the provision of specific criteria, TRR agreed to put on hold Annex 2 and work with the industry to review the Annex.
- In this interim period, TRR, requested service providers to provide specific market information (in mid-2013 and at the end of 2013) to ensure TRR continued to monitor the trend of the market and to perform its regulatory functions.
- This public consultation draft revision is a step in the process of reviewing Annex 2 of Order 2 of 2012 through public consultation on the information and data required to be provided to TRR by service providers on a quarterly basis and to address some issues as raised by service providers.
- A report on this consultation will be published and will include a list of stakeholders, summary of comments received and explanations on how such comments were taken into account (as well as, if applicable, reasons as to why certain comments/suggestions were rejected).

1 DEFINITIONS

The definitions of terms in Annex 2 of Order 2 of 2012 remain the same and effective. This consultation is on the required data and information as set out in the following table.

Through this public consultation draft, the text of Order No 2 is not proposed to be changed; other than the date of when it, together with revised Annex 2, becomes effective following TRR's decision after this public consultation.

2 PURPOSE

- 2.1 TRR is now reviewing the established framework, particularly Annex 2, for the collection of market information and data from service providers.
- 2.2 The main objectives of reviewing the framework and criteria specified in Annex 2 are:
- i. To ensure that the data requested is reasonable, practicable, sufficient for TRR to perform its function and does not create undue burden on service providers when providing such quarterly market data to TRR;
 - ii. To ensure an appropriate review data collection framework is in place to enable TRR to gather and collect relevant data to support and assist TRR in monitoring the telecommunications market; and
 - iii. To ensure TRR provides informed policy advice and accurate and reliable country status Reports and market statistics to the Government and international telecommunications agencies such as International Telecommunications Union (ITU), Asia Pacific Telecommunity (APT), based on appropriate and relevant data received from service providers.

3 REGULATORY IMPACT ASSESSMENT

- 3.1 The Object of the Telecommunications and Radiocommunications Regulations Act 2009 (“the Act”), inter alia, is to facilitate the development of the sector in order to promote national social and economic development. To ensure this objective is met, the Regulator has a duty to regulate the telecommunications and radiocommunications sector and enforce the Act.
- 3.2 TRR is not able, nor is in a position, to monitor the economic development of the sector without accessing relevant market data and information from service providers. As such, collection of data is therefore critical to TRR’s functions, the Government, stakeholders and international agencies. The lack of such data has a significant impact on all market stakeholders, especially on understanding, monitoring and assessing the trend and growth of the market. Significantly, its provision gives the Government, general public and relevant international agencies an overview of market trends and vital statistical information over relevant time periods for Vanuatu.
- 3.3 To strike the balance between TRR’s monitoring and reporting obligations and stakeholder needs, whilst maintaining confidentiality and ensuring competition between service providers is not compromised, commercial sensitive information not disclosed, commercial incentives not undermined, and time and costs associated with such an exercise is minimized, is a challenge. TRR believes that the criteria proposed in this public consultation draft now strikes that balance.
- 3.4 TRR is mindful of its legal duties under the Act in relation to confidential information received for the performance of TRR’s functions under the Act. TRR will not disclose any raw information or data received from service providers that we believe will affect competition or is confidential/commercial in confidence. TRR, at all times, will ensure data requested is appropriate, effective and reasonable to achieve its purposes, and to ensure a fair balance of analysis and reporting to all stakeholders; including service providers.
- 3.5 The revised Annex 2 data to be collected proposed in this consultation paper is considerably reduced compared to the original Annex 2 table; which is much more detailed. TRR is of the view that this revised quarterly data is relevant, easily able to be provided and will not impose any unnecessary burden on service providers. TRR wishes to make its quarterly data collection consistent, simple, effective, appropriate and reliable and believes that this revised Annex achieves that objective.
- 3.6 TRR also considers that revised Annex 2, as proposed herein, will serve both the interests of service providers, TRR and stakeholders. TRR will continue to maintain confidential information as confidential, will aggregate data, and will continue to monitor and assess the market to ensure an effective and sustainable competition within the sector.

4 CONSULTATION QUESTIONS

4.1

Q1: Please provide your comments on any aspect of the revised Annex 2 data requirements listed.

Q2: TRR considers that publishing aggregated statistics that is at least 3 months old does not disclose any commercially sensitive information? Comment is invited on that view. If you disagree with TRR's view, please outline why and indicate what period you consider eliminates any commercially sensitive information?

Q3: In addition to the revised quarterly data collected through this revised Annex 2, TRR intends to collect more detailed annual data at the end of each calendar year. TRR will, separately to this public consultation, consult with industry later this year on this. In the interim, TRR welcomes views on this proposal as well as comments on this public consultation draft.

5 REVISED ANNEX 2: QUARTERLY DATA

DETAIL		YEAR & QUARTERLY INFORMATION	
		JANUARY	FEBRUARY
Retail Mobile Telecommunications Services (for service providers that provide mobile services)			
Prepaid mobile services			
Active SIM Cards for Prepaid services (subscribers)			
Active SIM Cards using data services			
Number of SMS's sent			
SMS revenue			
International Outgoing calls - Call minutes			
International Outgoing calls - Revenue			
On net calls including voicemail - Call minutes			
On net calls (including voicemail) – Revenue			
Calls to other mobile network in Vanuatu - Call minutes			
Calls to other mobile network in Vanuatu – Revenue			
Calls to other fixed landline network in Vanuatu - Call minutes			
Calls to other fixed landline network in Vanuatu - Revenue			
Total revenue for Prepaid mobile services			
Postpaid mobile service			
Active SIM cards for postpaid service (subscribers)			

SMS - Number of SMS's sent			
SMS - Revenue			
International Outgoing calls - Call minutes			
International Outgoing calls - Revenue			
On net calls including voicemail - Call minutes			
On net calls including voicemail – Revenue			
Calls to other mobile network in Vanuatu - Call minutes			
Calls to other mobile network in Vanuatu - Revenue			
Calls to other fixed landline network in Vanuatu - Call minutes			
Calls to other fixed landline network in Vanuatu - Revenue			
Fixed Monthly charges - Revenue			
Total revenue for postpaid mobile services			
Internet Access Services (for service providers that provide internet services)			
Subscribers accessing internet via Dial up services			
Subscribers accessing internet via DSL services			
Subscribers accessing internet via Cable modem			
subscribers accessing internet via FTTH/FTTx			
Subscribers accessing internet via WiFi			
subscribers accessing internet via WiMax			
subscribers accessing internet via other technologies such as satellite (VSAT)			

Total revenue for internet services			
Retail Fixed Telecommunications Services (for service providers that provide fixed services)			
Fixed customer Active (Subscribers)			
International Outgoing calls - Call minutes			
International Outgoing calls- revenue			
On net calls including voicemail - Call minutes			
On net calls including voicemail - Revenue			
Calls to other mobile network in Vanuatu - call minutes			
Calls to other mobile network in Vanuatu – revenue			
Calls to other fixed network in Vanuatu-call minutes			
Calls to other fixed network in Vanuatu-revenue			
Total revenue for retail fixed services			
Roaming Services (for service providers that provide roaming services)			
Subscribers for Mobile Roaming inside Vanuatu			
Subscribers for Mobile Roaming outside Vanuatu			
Roaming services revenue			