

EXECUTIVE COUNCIL

PUBLIC

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List of Documents:	Appendix A – Communications Regulator Annual Report 2018

1. Recommendations

Honourable Members are recommended to accept the annual report of the Communications Regulator and refer it for submission to the Legislative Assembly;

2. Additional Budgetary Implications

None

3. Executive Summary

This report is submitted under the following statutory requirements laid out in the Communications Ordinance (2017) Part 3 s7.

7. Exercise of certain powers and annual report

(1) Except as provided in subsections (2) and (3), the Regulator, in the exercise of the powers conferred on it under this Ordinance must not be subject to the direction or control of any person or authority.

(2) The Regulator must have regard to the electronic communication objectives, the regulatory principles to the electronic communication objectives, the regulatory principles and any other policy objectives set by the Falkland Islands Government.

(3) The Governor may give policy direction to the Regulator in the exercise by the Regulator of the functions under section 10(b),(d),(f).

(4) The Regulator must submit an annual written report to the Governor and to the Legislative Assembly about the exercise of the Regulator's functions during each calendar year.

(5) An annual report must be made as soon as reasonably practicable, and in any case not later than 3 months after the end of the calendar year to which it relates.

(6) The Regulator must include in the report information of any attempts by any person or authority to improperly direct or control the Regulator in the exercise of the powers specified in subsection (1).



**Falkland Islands
Communications Regulator**

Annual Report 2018

This report is compiled and submitted to meet the requirement in the Communications Ordinance.

“The Regulator must submit an annual written report to the Governor and to the Legislative Assembly about the exercise of the Regulator’s functions during each calendar year. An annual report must be made as soon as reasonably practicable, and in any case not later than 3 months after the end of the calendar year to which it relates. The Regulator must include in the report information of any attempts by any person or authority to improperly direct or control the Regulator in the exercise of the powers specified in subsection (1)” Communications Ordinance (2017) Part 3 7 (3-6)

Foreword from the Communications Regulator

As a monopoly regulator, the role of the Communications Regulator is to ensure that the communications provider operates in the interests of consumers/end-users and society. Connectivity has become central to all our lives and it is a key driver of economic productivity and social inclusion. In that regard, the Communications Regulator is conscious that good broadband and mobile coverage is a fundamental issue. The Falkland Islands is a beautiful, remote, hilly group of islands, but that comes with challenges for the provision of communications. Alongside promoting the interests of consumers the Regulator has to provide a regulatory environment that encourages investment in infrastructure and regulatory stability so that investment commitments can be made more readily. In order to work in the best interests of consumers whilst balancing the needs of the provider there needs to be a clear regulatory framework. The Communications Ordinance (2017) provides the basis upon which the framework should be based but it does not provide the detail of how this should be done.

In the 1980s and 90s many countries embarked on the privatisation of telecommunications and the establishment of regulatory functions. Experience has shown that the single most troubling issue in those reforms was slow progress in developing regulatory capabilities. All major reforms had been based on the expectation that effective regulation of the monopoly provider, especially with respect to prices, service obligations and anti-consumer monopolistic behaviours, could be developed fairly quickly with limited resources. Yet building up regulatory institutions where none exist has proved for many to be a slow task with five years being the average time for effective regulation to be established; the Falkland Islands is no exception. Expectations are high regarding what regulation can achieve in improving the experience of consumers and the services available.

This report will highlight how matters have progressed through 2018 but it will also show that communication regulation is still very much in its infancy with much work to be done before the benefits will be seen. The focus on all regulatory activities is to put measures in place that are robust and stand the test of time, it is preferable that implementation is slow to get it right rather than rushed to be seen to be doing something. My focus is to develop and implement a framework that is fit for purpose and will enable effective regulation now and in the future.

Susannah Nightingale

Review of progress against 2018 priorities

Four priority areas were identified in 2018, each with a number of activities that would be focused on to progress the regulatory framework. It was noted in 2018 that it would only be once these actions had been completed (across a two year timescale) and any associated implementation undertaken, that a framework of regulation would be in place. Only then would it be possible to move into a phase of managing the regulatory framework as “business as usual” with planned projects for further development of the regulatory environment beyond what is essential for successful operation.



Establishing operational independence	Proposals for 2018 in 2017/18 report	Review of action - 2018
	<ul style="list-style-type: none"> Clear and transparent processes to propose new regulations 	Regulator working with Gilbert House and CMT Coordinator to input to the Forward Plan for submission of papers to Executive Council.
	<ul style="list-style-type: none"> Forecasting budget requirements 	A budget for Communications Regulator agreed and implemented in July 2018 as part of the FIG budget process. The 2019 budget process has already begun.
	<ul style="list-style-type: none"> Identifying independent technical expertise to support the work of the Regulator 	A number of consultants were approached and proposals requested. In March 2018 the Regulator confirmed Incyte Consulting as the provider of independent technical expertise.
	<ul style="list-style-type: none"> Development of a website independent of FIG 	A request for interest was issued in November 2017, with the contract awarded to Brian Jamieson in January 2018. The website went live and was fully functional by March 2018.
	<ul style="list-style-type: none"> Developing links with other regulatory jurisdictions to improve knowledge sharing and expertise 	Contact was initiated in 2018 with Gibraltar, Isle of Man, St Helena, Ascension and British Indian Ocean Territories. In October

		2018 the Regulator attended the International Regulatory Forum run by the International Institute of Communications and made a number of useful contacts, across the globe, including New Zealand, USA and UK, which has proved extremely useful in knowledge sharing.
	<ul style="list-style-type: none"> Clarity in framework of roles, objectives and responsibilities particularly between the Regulator and the Falkland Islands Government 	Regular meetings have been taking place with the FIG Chief Executive, Attorney General and Director of Development and Commercial Services. The Regulator has participated in the Technology Development Group and in MLA portfolio briefings throughout 2018.

Consumer protections	Proposals for 2018 in 2017/18 report	Review of action - 2018
	<i>Promoting consumer interests in the absence of competition</i> <ul style="list-style-type: none"> Annual Customer satisfaction survey 	Customer Satisfaction Survey 2017 – report published Customer Satisfaction Survey 2018 – analysis ongoing
	<ul style="list-style-type: none"> Define and agree standards of service and quality of service including objective benchmarks <ul style="list-style-type: none"> Increasing transparency Provide consumers with meaningful information on operator performance Reviewing publication of Codes of Practice 	<ul style="list-style-type: none"> Agreement on quarterly data reporting on standards of service (faults) and initial targets QoS identified with planned rollout in 2019. Agreement reached on publication of QoS data and standards of service data with implementation in 2019. Any amendments to the Sure Customer Code of Practice in 2018 have been approved by the Regulator
	<ul style="list-style-type: none"> Scoping options for independently monitoring broadband speeds 	Ongoing throughout 2018 including telephone conferences with SamKnows and OFCOM along with face to face meetings with representatives from the New Zealand Regulatory Authority who rolled out SamKnows testing in 2018.
	<ul style="list-style-type: none"> Work with Sure to agree an independent third party price cap review to be completed by April 2019 with new price cap in place by January 2020. 	Regulator involvement with ongoing strategic activities undertaken by FIG/Sure on international capacity in 2020.

Effectively monitoring Sure	Proposals for 2018 in 2017/18 report	Review of action - 2018
	<i>Reporting requirements</i> <ul style="list-style-type: none"> Identify areas of concern and establish clearly defined reporting requirements (eg frequency, format etc) and proportionate penalties to 	First phase initiated with agreement of a reporting framework for the pricecap, faults, complaints and QoS.

	<p>be applied with associated rules around monitoring and corrective action.</p> <ul style="list-style-type: none"> • Collection of meaningful information on operator performance • Methodology for measuring agreed parameters 	
	<p>Compliance</p> <ul style="list-style-type: none"> • Developing a positive working relationship with Sure upon which to build the compliance framework • Assessing compliance with reporting requirements once agreed and implemented • Put in place procedures for assessing compliance against agreed KPI's • Assessing Code of Practice compliance • Assessing price cap compliance 2016-19 • Independent validation of agreed information provided by Sure • Determine timelines and remedies in the event of non-compliance 	<ul style="list-style-type: none"> • Regular meetings in person (30 face to face meetings took place in 2018) along with regular email and telephone contact with both the Sure offices in the Falkland Islands and in Guernsey. • Information provided to Sure in advance of each KPI deadline indicating the information required in the KPI evidence submission. • Assessment of price cap compliance for 2017 • Assessment of KPI compliance – broadband capacity increases 2018 • Assessment of KPI compliance 2G/4G mobile network • Independent validation of evidence by Incyte Consulting.

Wider Regulatory Initiatives	Proposals for 2018 in 2017/18 report	Review of action - 2018
	<p>Spectrum plan</p> <ul style="list-style-type: none"> • Meet requirements of the Communications Ordinance for spectrum management including putting a spectrum plan in place by 2019 <p>Licencing procedures, guidelines and applications</p> <ul style="list-style-type: none"> • Identifying the requirements for a licensing regime outside of the exclusive licence • Identify fee requirements, if applicable • Development of a proportionate authorisation framework • Consultation • Secondary legislation where required • Implementation 	<p>Plum Consulting was appointed in February 2018 to work with the Regulator over nine months to develop a Spectrum Management Framework for the Falkland Islands. Plum provided the Regulator with a report on findings and recommendations in December 2018 which included a National Frequency Allocation Table.</p> <p>A consultation will take place in Q1 2019 with implementation of the SMF in April 2019.</p>

Establishing Operational Independence

Access to expertise

A regulatory agency requires access to expertise in four general areas:

- Developing and implementing regulatory policy
- Financial analysis of prices and costs
- Capability to assess quality of service, investment programmes, technical standards, spectrum management and conformity with international standards.
- The administrative, legal and information support necessary to carry out its functions

A key success factor in implementing the regulatory framework is access to independent technical advice. In Q4 2017 time was spent scoping the options for technical support and meeting with experts to identify technical experts with the relevant experience in adapting solutions rather than taking a 'one size fits all' approach. In February 2018 the Regulator appointed [Incyte Consulting](#) to assist the Regulator in the undertaking of responsibilities defined in the Communications Ordinance. Incyte has been providing the Regulator with advice throughout 2018 on consumer protections, monitoring compliance with the exclusive licence, price-cap compliance and legislative requirements.

Budget

The Government has an annual budget cycle where budget decisions are made and budgets are either allocated or removed. Throughout Q1 and Q2 2018 the Regulator participated in the FIG annual budget cycle working with FIG to establish an appropriate budget for the 2018-19 financial year; this budget was allocated to the Regulator in July 2018.

Informing and Protecting Consumers

A key role for the Communications Regulator is to empower consumers by ensuring the availability of appropriate and transparent information while also ensuring an effective complaints process.

Customer Satisfaction Survey

The Regulator has now undertaken two customer satisfaction surveys. The first of its kind was undertaken in November 2017, the full report was made publically available in June 2018.

<https://www.regulatorfi.org.fk/telecoms/customer-satisfaction-survey/2017>

The second survey was undertaken in November 2018. The Regulator will receive the results in Q1 2019 along with an assessment of the percentage change in results compared to the 2017 survey. The results will then be submitted to Sure, who will have 30 days to respond. Where the results show a 'poor' performance or a material reduction (more than 5%) in customer satisfaction since the last survey, Sure will be required to submit to the Regulator a response detailing any necessary remedial actions in relation to each area.

Website

The Regulator recognises the need for consumers to be appropriately informed to assist them in their dealings with Sure. In this respect the Regulator commissioned the development of a website

in 2018. This went live in February 2018 and since that time has been used to post updates of interest to consumers and continues to grow with information explaining the different elements of the regulatory framework as projects progress. Establishing a new web presence, along with a logo that will become easily identifiable by consumers, takes time particularly as all website content has to be produced by the Regulator. The website is now established at www.regulatorfi.org.fk and will be used in 2019 as a key mechanism through which to provide information to consumers. The plan is that this website will also develop into a portal for spectrum licensing; this will be the first time that information on licensing will be made publicly available in this way.

Complaints Handling Code of Practice

In October 2017 Sure reduced the number of stages in the complaints process from four stages (26 working days) to two stages (17 working days). Through 2018 it became clear that consumers were not making use of this complaints process. The Regulator recognises that there has been a historical issue in how complaints have been dealt with by Sure and confidence in the complaints system is low. However, a system is now in place which has regulatory oversight to protect consumers who are using the process. In October 2018 the Regulator published an article in Penguin News and also on the regulator website providing further information to consumers on the distinction between reporting a fault and making a complaint, and encouraging use of the complaints process.

To provide regulatory oversight of the complaints procedure, to further protect consumers who are using this process, Sure will be submitting quarterly data to the Regulator on complaints received. The Regulator has requested Sure to submit the following information:

- Number of stage 1 complaints received by Sure and the service this relates to
- Number of stage 1 complaints received that breached the commitment to respond in 7 working days
- Number of stage 1 complaints that progressed to stage 2
- Number of stage 2 complaints that breached requirement for acknowledgment in 3 working days and a conclusion in a further 7 working days
- Number of complaints referred to the Regulator following completion of stage 2

Upon receipt of the quarterly data the Regulator will publish this online.

Full information on the complaints process is available in the Sure Code of Practice or on the Regulator's website at <https://www.regulatorfi.org.fk/telecoms/complaints-procedure>.

Fault Handling Code of Practice

Within the [Sure Code of Practice](#) there is a commitment from Sure on response times for fault repairs and the compensation payable should these timescales be breached. To provide regulatory oversight of the fault procedure from January 2019 the following data will be collected by Sure and provided to the Regulator on a quarterly basis:

- Number of network faults (affecting more than 1 customer) – Stanley (Residential/Business) and Camp (Residential and Business)
- Number of individual faults - Stanley (Residential/Business) and Camp (Residential and Business)
- Number of business faults responded to within 1 working day

- Number of residential faults responded to within 2 working days
- Total number of residential faults responded to after 3 working days (Stanley)/7 working days (Camp).
- Total number of business faults responded to after 2 working day (Stanley)/5 working days (Camp).
- Total value of compensation paid

Upon receipt of the quarterly data the Regulator will publish this data online.

Compliance and enforcement

The Regulator recognises it is important to ensure that a culture of compliance is engendered so that consumers' rights are upheld by their service provider. Effective compliance and enforcement is important in achieving this. The first step is for the monitoring systems to be agreed and implemented to provide the Regulator with a firm evidence base. Through 2019 this evidence base will develop, including the information on complaints and faults, and will enable the Regulator to make informed decisions on compliance and enforcement, which hasn't previously been possible. The Regulator has had frequent meetings with Sure, throughout 2018, to discuss the data submissions, and to work with Sure in establishing clear parameters to enable data collection to commence that provides the Regulator with the required information.

One area of compliance that was already in place at the start of 2018 was the pricecap. The price cap acts as a proxy for competition with the main objectives being to protect consumers against the possibility of sudden price increases in services by putting in place a ceiling on prices for regulated services. At the same time the price cap enables Sure to have returns no lower than those associated with a firm with a comparable size operating under similar risks in a competitive setting. An excel workbook had been created prior to the Regulator's arrival with a view to providing the submission data required from Sure to check compliance against the price cap formula. This spreadsheet was checked by Incyte, as the very first task upon being appointed as advisers to the Regulator. This process identified a number of issues with the spreadsheet that had to be corrected in advance of the Sure price cap submission for 2017, which was due on 01 April 2018. Upon completion of this work Sure was able to submit the price cap compliance data. The Regulator concluded analysis of the 2017 compliance submission and published a report on 05 September 2018 which is publicly available at: <https://www.regulatorfi.org.fk/telecoms/price-cap/2017-1>

Quality of Service

With a single exclusive licensee the communications market requires careful regulation to ensure that customers receive the best possible services in terms of both price and performance. Service prices are regulated via the price cap (see above). However, no such regulatory framework exists for Quality of Service (QoS), even though such a regime is permitted and encouraged by the Communications Ordinance and Sure's operating licence. The Regulator initiated work in August 2018 in collaboration with Incyte Consulting on a QoS regulatory framework. A regulatory proposal was submitted to Sure at the end of August 2018 with an initial meeting with Sure taking place at the end of September 2018. The Regulator recommended a number of targets based on international benchmarks with adjustments made where necessary on the basis of Sure's operating experience and local customer expectations. In the initial implementation phase these targets will be objective measures against which the Regulator may judge Sure's reported performance. The initial proposals

in 2018 focused on mobile telephony and broadband internet. Over time the coverage of targets, and specific service dimensions that they relate to, might be amended to reflect changing priorities of consumers (through Customer Satisfaction Survey and other feedback) and the experience of both Sure and the Regulator in terms of QoS regulation. It is anticipated that targets will be implemented, with Sure in a position to monitor attainment of these targets by the end of Q1 2019.

Agreement was reached with Sure in Q4 2018 that a number of QoS monitoring sites would be set up across the Sure network. During Q1 2019 Sure will be rolling out monitoring technology to the agreed sites at which point the Regulator will work with Sure to establish output reports that are relevant and easy to understand by consumers. Establishing the means through which the data can be collected on the parameters set by the Regulator is the first step, but there will be no benefit to consumers if the data published doesn't provide meaningful information on QoS.

In due course, these targets can become mandatory standards, with Sure facing penalties if it fails to meet them. Any such mandatory standards would form part of a regulatory Direction on Quality of Service issued by the Regulator with associated power of enforcement. Consumers may question why a period of monitoring targets has to be undertaken before targets are set with penalties. Sanctions for breach need to be credible and set at a level that will actively incentivise enhanced performance. Research has shown that capped or predictable penalties were deemed ineffective in altering behaviours in the UK (Webb Henderson, 2013). Once sufficient data has been made available to the Regulator sound judgements can be made on the targets to be set and appropriate enforcement action should the targets not be met. It is anticipated that this part of the process can begin in 2020. However, this does not prevent the Regulator from a continuing open dialogue with Sure regarding the Quality of Service provided to consumers and areas identified for improvement based on the evidence. Regular reporting through 2019 will increase transparency and will give the Regulator greater insight into Sure's operations and will provide consumers with more meaningful information.

More information is available on Quality of Service on the Regulators website explaining what QoS is and the implementation process: <https://www.regulatorfi.org.fk/telecoms/quality-of-service>

Independent monitoring of Quality of Service

Passive monitoring, through an independent third party, of broadband services may assist in assessing the consumer experience. Throughout 2018 the Regulator has been investigating the viability of passive monitoring in the Falkland Islands. There are a number of issues that have presented themselves which require further investigation in 2019. The primary issue being that international providers of services such as this have no incentive to prioritise contracts with such a small market as the Falkland Islands. The Regulator has made a number of attempts to get quotes for such services but has yet to be provided with any detailed costings. During the International Regulators Forum in October 2018 the Regulator took the opportunity to speak to other Regulators who have such systems operating, which resulted in a telephone conference with the OFCOM research team. Primary issues of such systems are the cost to the Regulator but also to the consumer. Any device connected to a consumers internet service has the potential to use data and therefore needs agreement with Sure to return this data to the end user, thus removing the independence of any monitoring as Sure would have to partner with the Regulator on such an initiative. The Regulator is going to continue to investigate options for independent monitoring and seeks to make a report of findings by Q1 2020 once Sure has implemented test nodes through the

QoS project and the Regulator is in a better position to make a cost/benefit analysis of an additional testing.

KPI compliance

The Sure licence lists a number of time based KPIs for the development of services. These KPIs provide a summary statement on what Sure is required to do. However, they do not provide detail on the evidence required to assess compliance. In March 2018 the Regulator had the first of many meetings with Sure to discuss the process and criteria for reporting compliance. There are a number of different approaches that could have been taken with the compliance reporting, therefore it was necessary to develop a shared understanding of what the evidence submission should contain. This had to be done in advance of reaching deadlines to ensure that the evidence submitted by Sure contained the information required by the Regulator for assessing compliance.

Broadband upgrade July 2018

In July 2018 Sure increased broadband data allowances, satellite capacity and consumer line speeds. This evidence was submitted to the Regulator; following assessment the Regulator published a compliance report on 22 October 2018.

<https://www.regulatorfi.org.fk/telecoms/broadband/regulatory-compliance>

Introduction of 4G network and extension of 2G network

The mobile coverage KPIs required Sure to introduce a 4G network and extend the 2G network providing coverage maps in each location. Once these roll-outs were completed the overall mobile coverage will be not less than 85% of the Camp Population and 98% of the total Falkland Islands population (based on 2015 calculations).

Discussions on the evidencing of these KPIs and the provision of local maps first started in March 2018; the primary issue being the requirement to clarify the intention of these KPIs and the practical implementation. The Regulator engaged with Sure at an early stage on the development of 'local maps'. In order to produce local maps there needed to be an agreed map upon which to base the coverage that could be made available in the public domain. The issue here was one that hadn't been considered when FIG developed the KPI, the availability of maps of the Falkland Islands that could be reproduced and published online. Agreement was reached on the approach to mapping and solutions found to the barriers that had been identified. Maps of the initial coverage available, based on Sure road testing, were made available on the [Sure website](#) during Q4 2018.

The Regulator then spent a considerable amount of time in Q3 and Q4 2018 working with Sure on the data required within the KPI evidence submission and gaining an understanding of the processes Sure was undertaking to verify mobile network coverage. Initial KPI evidence submissions have been submitted to the Regulator; Sure is now responding to further information requests. The Regulator will publish a final report on KPI compliance by the end of Q1 2019.

Spectrum Management

Spectrum is a resource that we are completely reliant on for a vast array of day-to-day activities. From making phone calls and watching television to GPS navigation these all depend on the electromagnetic spectrum. Unauthorized use of spectrum represents not just a nuisance but also serious risk to public safety should interference affect essential emergency communications. Radio

spectrum is a major asset and the appropriate management of this finite resource is essential to ensure that services using the spectrum continue to function and develop. Economic growth and much social activity rely on efficient, resilient and widely available communications infrastructure – both fixed and wireless.

Plum Consulting was appointed in February 2018 to work with the Regulator over nine months to develop a Spectrum Management Framework for the Falkland Islands. During this time the Regulator was in regular email and telephone contact with Plum along with two face to face meetings in London in April and August. Plum was tasked with providing the Regulator with advice on the implementation of a Spectrum Management Framework that meets the Regulators statutory responsibilities for managing the radio spectrum. Plum provided the Regulator with their findings and recommendations in early December 2018. The Regulator submitted a report to ExCo in December providing a summary of the key requirements for spectrum management. This will be followed in Q1 2019 with a detailed public consultation on issues relating to the management of the spectrum that are of public interest.

Spectrum Interference

The Regulator received notification from KTV in April 2018 that a number of KTV customers had reported problems with their television service. The cause of these problems was identified as signal interference coming from the new 4G mobile phone signal. The Regulator worked with both KTV and Sure from the end of April until July establishing the exact nature of the issues and identifying solutions. In September 2018 the Regulator commissioned Plum Consulting to investigate the matter through an analysis of the information and documents that had been exchanged relating to the interference problem, measurements (with and without the mobile LTE sites active) undertaken to assist in understanding the problem and information on transmitter locations and main areas where interference was being experienced. Plum also undertook conference calls with KTV, Sure and BFBS to provide further detail to the information available. Plum submitted a report to the Regulator on 1 October 2018 with conclusions and recommendations. Following an assessment of the Plum report the Regulator provided Sure, KTV and FIG with a regulatory report on the findings and options of how to come to a final resolution. Following this period of consultation and upon receipt of responses from KTV and Sure the Regulator sent letters to FIG, KTV and Sure on 23 November 2018 indicating that no further regulatory action could be taken and referring the matter to FIG. This matter took up a considerable amount of time between April and November 2018 which had a knock on impact on the progress of other regulatory matters during this time.

.fk domain

The Regulator manages the .fk internet domain whilst Sure undertakes the administration of this system. The Regulator is responsible for approving requests made to Sure for .fk domain names. In 2018 the Regulator received 12 domain name requests. During 2018 the Regulator went through a process of verifying with Sure which domain names on the list were still active and those that were no longer in use. This process identified 46 domain names that were no longer active subscriptions and moved onto a dormant list. This process has resulted in a more accurate understanding of .fk domain names and a sound basis on which to continue the management oversight of the domain.

Legislative amendment

The process of establishing a regulatory framework requires the primary legislation upon which it is based to be robust and fit for purposes with the necessary secondary legislation to support it. The Communications Ordinance provides for 16 distinct areas of secondary legislation. Throughout 2018 the Regulator has been scrutinising the Communications Ordinance, identifying the priority order for secondary legislation. During the course of this work and through the input of both the teams at Incyte and Plum the continuing presence of the Wireless Telegraphy Ordinance (WTO) 1994 alongside the Communications Ordinance has been identified as an issue that needs to be addressed.

The WTO was enacted in an earlier era of telecommunications, before the emergence of modern norms for operator licensing, and when the primary focus of legislation was to regulate the provision of the basic services of that era. The WTO covers licensing arrangements for wireless telegraphy stations, establishment and use. The Communications Ordinance covers broadly similar arrangements for licensing but in relation to electronic communications generally. It is not at all clear why the Regulator was not given powers in relation to the licensing and licence administration of wireless telegraphy licences or why that category of services and apparatus warranted retention of a separate licensing regime from that which the Regulator administers on a broader basis. It is unclear why the opportunity afforded by the development and enactment of the Communications Ordinance was not taken.

Having identified this as an issue during 2018 the Regulator initiated a process to identify the elements of the WTO that should be integrated into the Communications Ordinance. Incyte provided the Regulator with an initial report on this matter during Q4 2018. The Regulator will be using this report as a basis for informing work on this matter in Q1 and Q2 2019 in collaboration with the Attorney General and Legislative Drafting team.

Action plan for 2019

Note: this is not an exhaustive list of regulatory activity but summarises those actions that can be planned for and anticipated.

Title	Description	Regulatory Objective	Output	Planned delivery (Qtr)
Domain name authorisations	Approval of domain name applications		Approval	Ad hoc throughout year dependent on demand
Spectrum consultation	Public consultation on the spectrum management framework (SMF) for the Falkland Islands	Efficient management of the Radio Spectrum	Consultation	Q1/19
Publication of spectrum management framework	Publication of information in the public domain on the framework for managing the spectrum	Efficient management of the Radio Spectrum	Response to consultation and decision	Q2/19
Consumer statistics	Publication of the quarterly statistics for Q4/18 complaints	Safeguarding the consumer interest	Information Notice	Q1/19
Publish year end annual report 2018	Publish the regulators annual report	Governance	Annual report	Q1/19
Public meeting	Public meeting	Governance	Public information	Q1/19
Customer Satisfaction Survey 2018	Publish results	Safeguarding the consumer interest	Survey report	Q1/19
Secondary regulations – directions	Work with legislative drafter on secondary regulations on the procedures for issuing a direction	Regulatory procedures	Enactment of secondary regulations	Q2/19
Quality of Service	Agree details of QoS framework and reporting criteria	Safeguarding the consumer interest	Issue Direction	Q2/19
Legislative amendment	Work with Incyte on recommendations for incorporating Wireless Telegraphy Ordinance (WTO) into Communications Ordinance (CO)	Governance	Issue instructions to legislative drafting team	Q1/19
Legislative amendment	Work with legislative drafter to incorporate WTO in the CO	Governance	Submit legislative change to ExCo	Q3/19
Monitoring licence compliance - price cap	Sure submission of 2018 compliance data and assessment of compliance by the Regulator.	Safeguarding the consumer interest	Compliance decision/report	Q2/19
Consumer	Publication of the	Safeguarding	Information	Q2/19

statistics	quarterly statistics for Q1/19 complaints	the consumer interest	Notice	
Consumer statistics	Publication of the quarterly statistics for Q1/19 faults	Safeguarding the consumer interest	Information Notice	Q2/19
Spectrum licensing	Issue spectrum licences for Sure South Atlantic 2G/4G services	Efficient management of the Radio spectrum	Issue licence	Q2/19
Quality of Service	Submission of QoS monitoring data by Sure	Safeguarding the consumer interest	Consumer information notice	Q3/19
Monitoring licence compliance - Broadband obligation	Review of Sure compliance submission for KPI #20 broadband line speed, data allowances and satellite capacity	Safeguarding the consumer interest	Compliance decision/report	Q3/19
Price cap review	Review price cap 2016-19	Safeguarding the consumer interest	Report	Q3/19
Price cap review	Negotiate and agree price cap for 2020 and beyond	Safeguarding the consumer interest	Implementation of new price cap/license agreement	Q4/19 Q1/20
Broadband obligation	Agree detail of broadband obligation for 2020 and beyond	Safeguarding the consumer interest	Consumer information notices/license agreement	Q4/19
Customer satisfaction survey 2019	Prepare and launch customer satisfaction survey 2019	Safeguarding the consumer interest	Survey launch	Q4/19