



Telecommunications (Jersey) Law 2002

Case TL-17 - Final Notice: Class II Licence for Offshore Leisure Limited

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Jersey Competition Regulatory Authority
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1. Issuing of Licence

- 1.1 On 29 May 2024 the Jersey Competition Regulatory Authority (the **Authority**), issued an [Initial Notice](#) of its intention to exercise a specified regulatory function to grant a Class II Licence pursuant to Article 14(1) of the Telecommunications (Jersey) Law 2002 (**Telecoms Law**) to Offshore Leisure Limited (**OLL**) a company incorporated in Jersey under registration number 77830 the registered office of which is at 57 Don Street, St Helier, Jersey JE2 4TR. The form of the proposed licence (**Licence**) was annexed to the Initial Notice.
- 1.2 Non-confidential representations were received from JT (Jersey) Limited (**JT**) prior to the expiry of time allotted. Such representations are annexed to this Final Notice at Annex A. At its meeting on 18 July 2024, the Authority considered JT's representations and its responses are set out in Annex B.
- 1.3 In accordance with Article 11(5)(e)(i) of the Telecoms Law this Final Notice confirms the exercise by the Authority of the said specified regulatory function and the issuing of the Licence.

ORDER

The Jersey Competition Regulatory Authority (**Authority**), having considered the representations received in relation to its Initial Notice of 29 May 2024, hereby issues a Class II licence under the Telecommunications (Jersey) Law 2002 to Offshore Leisure Limited.

Such licence will come into effect on 2 August 2024 and will be published on the Authority's website.

By order of the Authority

18 July 2024

ANNEX A TO THE FINAL NOTICE OF 2 AUGUST 2024

JT'S NON-CONFIDENTIAL RESPONSE TO JCRA OFFSHORE LEISURE LIMITED CLASS II INITIAL NOTICE

[attached]



JT's Non-Confidential Response to
JCRA Offshore Leisure Limited Class II
Initial Notice

(JCRA 24/29)

28th June 2024

1. Introduction

JT (Jersey) Limited (“**JT**”) notes the JCRA’s Initial Notice of the intention to issue a Class II licence to Offshore Leisure Limited (“**OLL**”). JT makes the representations below on the proposed issue of such a licence to OLL.

2. Legislative Background and proposed Licence

Article 2(1) of the Telecommunications (Jersey) Law 2002 (the “Telecoms Law”) provides that:-

“A person shall not run part or all of a telecommunications system except under a licence in force in response of the person’s running of the system”; and

“Public Telecommunication System means a communications system to which the public have Access which includes, but is not limited to, fixed line and mobile telephone networks and the provision of wireless Internet Access services”.

Class II licences are for telecom operators **operating** a public telecommunications system (emphasis added) but which do not possess SMP.

Therefore, it follows that a Class II licence is required when a person is operating a telecommunication system. It is JT’s understanding that OLL intends to provide mobile services as a mobile virtual network operator (“**MVNO**”) utilising the Sure (Jersey) Limited (“**Sure**”) network and that the OLL is therefore not operating a public telecommunications system, but providing services on the public telecommunications system operated and licenced by Sure under a Class II licence.

The need for a Class II licence will be dependant on whether OLL is operating a telecommunications system. There are two types of MVNO (“heavy” or “light”). The difference between a heavy and light MVNO primarily lies in the level of control and services they provide. A heavy MVNO operates much like a traditional mobile network operator (“**MNO**”), owning and controlling most of the network infrastructure and services, including billing systems, customer service, and sometimes even their own mobile network elements. It has a high degree of control over its service offerings and customer experience.

A light MVNO has a more limited role, often not owning any network infrastructure and relying heavily on a partner MNO for network services. It typically focuses on marketing and sales, leaving the technical operations to the MNO. Light MVNOs may have their own branding and customer service but rely on the MNO for the actual network services.

It is JT's understanding that OLL will be a light MVNO, utilising Sure for network services.

In the application guidance¹ on the JCRA's website, Class II licence applicants need to, amongst other things:-

1. Provide details on how they will provide a public emergency call service.
2. Maintain and provide a directory information service.
3. Provide information on how it will ensure that the telecommunications system it proposes to operate is secure, reliable and resilient.
4. Information on spectrum and numbering.

It is JT's understanding that the requirements 1, 3 and 4 will be satisfied by Sure under its Class II licence and not by OLL. This is because Sure will provide access directly to a public emergency call services in the same way that it does for its own mobile customers and this will be done by interconnecting with JT. Sure will satisfy the security, reliability and resilience aspects as the Sure network will be providing the OLL service. OLL will not require spectrum as it will be utilising the spectrum provided by Sure as part of the MVNO service. JT would expect that mobile numbers will be provided to OLL by Sure as it has sufficient mobile numbers available within its allocation from Ofcom to allow it to provide mobile numbers to OLL as part of the MVNO service.

With regards to the requirement to provide directory information services, the JCRA recently consulted² on this requirement and although it determined that there was no requirement to make changes to the licences at this time, it acknowledged that no licenced operators are specifically obliged to provide local Directory Information Services; to maintain a single island-wide database; or to ensure that local telephone numbers are available within a national Directory Information Services database and available to UK-based Directory Information Service providers. Directory listings were historically only provided to fixed line subscribers and there was no requirement for mobile operators. JT no longer publishes the Jersey Directory and Jersey operators must enter into an agreement with Yabsta Limited if they wish their customers' data to be included in the Jersey directory.

Based on the above, JT believe that the current Class II licence is not the appropriate licence for OLL and the JCRA should instead consider creating a specific MVNO type licence with a focus on consumer protection issues. It is JT's understanding that Me:Mo, the Jersey Post MVNO on the Airtel Vodafone network, did not possess a Class II licence and JT can find no evidence of a licence being issued on the JCRA's website. However, should OLL plan to operate a public telecommunications system to provide other telecommunications services, then a Class II licence would be required.

¹ [t-015-and-t-055-telecoms-licence-application-change-of-control-and-surrender-guidance-note.pdf \(jcra.je\)](#)

² [T-037 Directory Information Services Review | JCRA](#)



Introduction

This document should be read in conjunction with 'JT's Non-Confidential Response to JCRA Offshore Leisure Limited Class II Initial Notice (JCRA 24/29' (**Representations**) which is set out in Annex A to this Final Notice. It sets out:

- the Authority's response to the Representations
- the Authority's decision

The Representations set out considerable background and discussion. The Authority has summarised the substantive issues it has identified and set out its response.

Terms defined in the Final Notice have the same meaning in this Annex

Issue 1: JT's assertion that OLL is not 'operating a public telecommunications system'

The guidance quoted from the Authority's website sets out the rationale for allocating the class of licence but does not set out what the legal basis for the issuing of a licence. As JT states, this is established by Article 2(1) of the Telecoms Law as 'run[ning] part or all of a telecommunications system'. The Authority has established, on the basis of the application made by OLL and the terms of the agreement made between OLL and Sure (Jersey) Limited (**Sure**), that OLL does run a telecommunications system.

Issue 2: OLL is a 'light' MVNO¹ and all the obligations which would be imposed by a Class II Licence are met by Sure

The analysis carried out by the Authority has identified a range of operating models for MVNOs, but, having determined that the OLL MVNO must be licensed, OLL will be primarily liable for meeting all licence conditions, including the provision of a public emergency call service. That it chooses to discharge these obligations by way of agreement with Sure does not alter this position.

Issue 3: a Class II Licence is inappropriate and the Authority should issue an 'MVNO Licence'

Having considered the issue, the Authority has determined (based on the rationale above) that the best interests of consumers and of OLL are served by the issuing of a Class II licence, consistent with the terms imposed on other providing mobile telecommunications services to the public.

Conclusion

The Authority has determined that it should proceed to issue a Class II Licence under the Telecoms Law to OLL.

¹ Mobile Virtual Network Operator