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TITLE: Challenges to Regulating a Competitive Market - Barbados and the Telecommunications Experience Five Years on¹

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INTRODUCTION & OBJECTIVES

This paper will set out the Barbados Experience in relation to the regulation of the telecommunications sector. It will be presented with specific emphasis on the challenges that face the Fair Trading Commission “Commission” as it regulates a partially competitive telecommunications market. This includes matters pertaining to the liberalisation of the sector and draws on issues that have arisen over the past five (5) years of regulation.

This paper will focus on some of the individual challenges that face the Commission in relation to a competitive telecommunications sector. The author has dissected the composition of the paper into various sections which highlight the Commission’s role and its mandate, a history of the telecommunications sector as it moved to liberalisation and gives an overview of the legislative and regulatory framework in Barbados.

¹ The views expressed in the following document are solely those of the author and not the views of the Fair Trading Commission or any particular Commissioner.

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THE FAIR TRADING COMMISSION & ITS MANDATE

The Commission was established under its enabling legislation the **Fair Trading Commission Act CAP 326B** which came into force in January 2001. This Act is the over-arching legislation of the Commission and defines the role and jurisdiction of the Commission. It is also part of a wider statutory scheme, which includes the **Utilities Regulation Act CAP 282**, the **Telecommunications Act, CAP 282B**, the **Fair Competition Act, CAP 326C** and the **Consumer Protection Act, CAP 326D**.

In enforcing this legislation, the Commission seeks to:

- Ensure efficiency in the operation of regulated utility companies;
- **Promote competition in the various sectors**; and
- Safeguard consumer welfare.

The Commission has been entrusted with administrative, prosecutorial, quasi-judicial and wide investigative powers to enable it to achieve these stated objectives.

BACKGROUND

The trend in telecommunications has shown that this sector has undergone a significant change worldwide. Markets have seen telecommunications operators being privatized and the sector moving from a monopoly structure to one where there are multiple providers.

The General Agreement on Trade in Services ("GATS") signed by sixty-nine (69) countries (including Barbados) in 1997, signalled a new era for telecommunications. This Agreement came into effect in February 1998 with signatory countries agreeing to progressively liberalize their telecommunications markets.

In fulfilment of Barbados' international commitments under the World Trade Organisation ("WTO")/GATS Agreement on Telecommunications and in keeping with commitments made in the Barbados Labour Party's 1999 manifesto the Government reaffirmed its commitment to reform the telecommunications sector and "renegotiate the existing contract with the telecommunications services provider to secure competitive rates and adequate capacity so as to facilitate the rapid expansion of the informatics sector". The Ministry of Economic Development, which was responsible for telecommunications policy, held discussions with Cable & Wireless to renegotiate the exclusive domestic and international licences held by Cable & Wireless BET and BARTEL and which were due to expire in 2011.

On October 16, 2001 the Government and Cable & Wireless signed a Memorandum of Understanding ("MOU") which was consistent with the national policy on Telecommunications and which acted to facilitate the Government's desire to liberalise the telecommunication's sector. Under the MOU Cable & Wireless BET and BARTEL agreed to relinquish their exclusive licences and allow the telecommunications sector to be liberalised.

Drivers of Change

It is hoped that the process of liberalisation would among other things:

- Catalyse the development of the international business sector by establishing competitive telecommunications prices;
- Increase the quantity and quality of products and services available to consumers;
- Improve the operational efficiency of service providers; and
- Permit Barbados to meet its commitments as a member of the WTO and signatory to the GATS.

Through liberalisation it is hoped that Barbados could be the country at the centre of excellence for information technology and telecommunications in the region.³

The Legal & Regulatory Framework for Telecommunications Regulation in Barbados

As previously stated the Commission mainly exercises its regulatory power under its enabling legislation **Fair Trading Commission Act CAP 326B.**

The regulation of the telecommunications sector in Barbados is divided between the Ministry responsible for telecommunications and the Commission. The responsibilities and duties of these two bodies are described in the **Utilities Regulation Act** and the **Telecommunications Act.**

The **Utilities Regulation Act** sets out at sections 3 and 4 the Commission's duties and functions with respect to rate making and the setting of the principles and standards of service of the regulated utilities which in addition to telecommunications include electricity and natural gas.

Whereas, under the Telecommunications Act it sets out that the Commission is required to:

- enforce the policies established by the Minister responsible for the Telecommunications;
- be responsible for the regulation of competition between carriers and service providers to ensure that the interest of consumers are protected;
- establish and administer mechanisms for the regulation of prices in accordance with the legislation; and

³ "Liberalisation of the telecommunications Sector in Barbados- exploiting the opportunities" A speech delivered by Mr. Justice Frank King Fmr. Chairman, Fair trading Commission Barbados CANTO Conference June 18, 2002.

- establish regulatory functions in accordance with its legislation.

Also, the Commission in accordance with the Telecommunications Act is specifically responsible for;

- network interconnection and the approval of reference interconnection offers and interconnection agreements; and
- establishing guidelines for the amount of access deficit charges to be paid by all carriers and service providers that are interconnecting to the universal service carrier (the incumbent).

Sections 37 to 40 of the Telecommunications Act under the heading “Rates” speak to facilitating the policy of market liberalisation and competition, incentive based setting and the question of a dominant provider. The Telecommunications Act specifically provides at section 39 (5) that the Commission shall **only** regulate the rates to be charged by service providers in respect of regulated services where there is one provider providing that service or where the Minister responsible for telecommunications finds that there is a dominant provider or the market is not sufficiently competitive.

It therefore follows that in a case where there is more than one provider of a service now regulated, and the Minister finds that there is sufficient competition in that area then he/she may give a directive that the Commission should no longer regulate that service.

On the other hand, under the Telecommunications Act the Minister responsible Telecommunications through the Telecommunications Unit has other duties in respect of telecommunications. These include:

- Development and review of telecommunications policies

- Ensuring compliance with Barbados' international obligations with respect to telecommunications
- Issuing licences
- Determining the category of telecommunications service to be regulated
- Specifying the policy to be applied to each category of telecommunications service
- Specifying the interconnection policy
- Planning, managing and regulating the use of spectrum in Barbados and elsewhere
- Planning, managing and regulating numbering
- Informing the public about the matters relating to telecommunication.

The issue of competition in the telecommunications sector has also forced the Commission in some instances to rely on the provisions of the **Fair Competition Act CAP 326C**. Competition in the telecommunications sector has brought with it matters outside of the ordinary purview of utility regulation law and has exposed certain anti-trust issues. Eventually, however it is hoped that full competition in the telecommunications sector will alleviate the need for formal regulation of telecommunications in a number of areas.

The Barbados Telecommunications Market

The Barbados telecommunications market was transformed from one where domestic, international and mobile services were all provided by the incumbent C&W to a liberalized environment with competition in all sectors. It was hoped that full liberalisation would have been completed by August 1st, 2003, however due to several delays; full liberalisation was not achieved until February 21st, 2005. These delays varied and were due to set backs in the drafting and

enactment of policies, regulations, guidelines legislation, interruptions to hear court matters, the Telecommunications Unit's need to devise a numbering plan, the need for officers in the Telecommunications Unit to be trained and the public to be educated on issues such as spectrum, the governing regulations and laws and how the process of liberalisation was meant to work.

Mobile

The first phase saw the granting of four new licenses to one existing and three new mobile operators, C&W, Digicel (Barbados) Limited, AT&T Wireless/Cingular Wireless and Sunbeach Communications Inc.

Two of the new mobile providers Digicel (Barbados) Limited and AT & T Wireless/Cingular Wireless commenced full operation and began fierce competition against C&W. The other operator Sunbeach Inc. is yet to start providing a mobile service.

For a time customers benefited and the increased competition led to a drop in prices of phones and the services being offered. Cingular Wireless was then acquired by Digicel and with only two players in the market there has been a decrease in price competition with the result that even though there was a decrease in prices, the significant decreases expected never materialised. This reduction in competition could mean in the long term an increase in prices and reduction in the innovation products and services being offered in the mobile market. This situation may even lead to behaviour such as price collusions or other anti-competitive behaviour.

Interestingly the terms of the mobile licences however required the acquired party, Cingular, to return its spectrum license to the Government. This has been

done and the government has been actively seeking a third player to bring back more dynamic competition to the mobile sector.

Domestic

Domestic telecommunications services were the second phase to be liberalized. In this regard the Telecommunications Unit issued licences for domestic to Cable & Wireless (Barbados) Limited, the incumbent and also to TeleBarbados Inc., Wiiscom Technologies Inc. and Last Mile Holdings Inc., who are expected to provide this service via wireless technology. However, with the exception of TeleBarbados, none have come on stream.

International

The final phase of the liberalisation of the telecommunications market will provide the public with a choice between alternative service providers for international calls. At present, four providers hold licences to provide international service Cable & Wireless, Digicel, TeleBarbados and Blue Communication.

Again only Cable & Wireless and Digicel presently offer international service to customers. TeleBarbados and Blue Communications have yet to come on stream to offer international services.

It is the author's opinion that a lot more has to be done in the telecommunications sector to make it more competitive. At present monopoly and duopoly arrangements still exist which prove that this market still has a long way to go to be fully competitive and the Commission's job as the regulator is still very integral. Worldwide there is a trend that in competitive markets, regulation should be kept to a minimum. The evidence from around the world indicates that freely competitive markets are better able to meet the demands of

consumers than government controlled ones. It is thought that the advantages of privatisation and liberalisation can be lost or severely limited by burdensome regulatory measures.⁴

The extent of regulation therefore should be geared to the state of development in a market and particularly the level of competition. Ideally as competition increases regulation should decrease. On the one hand as competition changes the telecommunications environment the development of the market could mean that full emergence of competition would limit the role of the regulator. On the contrary however, it could be argued that a new oligopolistic market with a few dominant players may cause regulation to increase to ensure a fair market. The mode and style of regulation may therefore need to vary from that used in the past to ensure effectiveness.

Over the years there have been theories which support the view that as certain sectors (especially telecommunications) liberalise and become more competitive regulation should be reduced but not be relinquished. There are heavy arguments which support continued regulation in a competition telecommunications sector.

Rationale for Maintaining a Telecommunications Sector Regulator in a Competitive Environment

There are good reasons to retain telecommunications sector specific regulation at least until the relevant markets are effectively competitive. These reasons include:

⁴ Telecommunications Regulation Handbook- Edited by Hank Intven, McCarthy Tetrault Module 1

- The need for sector specific technical expertise to deal with some key issues in the transition from monopoly to competition (e.g. network interconnection, anti-competitive cross subsidization).
- The need for advance rules to clearly define an environment conducive to the emergence of competition and not just retrospectively apply remedies to punish anti-competitive behaviour.
- The need for ongoing supervision and decisions on issues such as interconnection, standards of service and the establishment and enforcement of licence conditions particularly for dominant operators.

The Barbados model has placed both the telecommunications sector regulator and the competition authority under the same roof doing different functions but ultimately overlapping on some critical issues. As such, the Commission as a regulator has over the past five (5) years been faced with certain challenges in respect of regulating the telecommunications sector. Some instances where the Commission was faced with challenges while regulating this evolving telecommunications sector are highlighted below.

CHALLENGES

The Commission faces certain challenges in respect of regulating a telecommunications sector that is partially competitive and becoming more so.

These challenges include but are not limited to:

- Identifying the most effective regulatory mechanism to regulate a multi-service provider market;
- Maintaining a Competitive Telecommunications Market - The Commission 's Role;
- Universal Service Obligations ("USO") - How should this system operate under the newly competitive telecommunications market;
- The issue of confidentiality in rate hearings;

- Anti-competitive practices.

Maintaining a Competitive Telecommunications Market - The Commission's Role

From an economy wide perspective the Commission has the mandate to promote and create competitiveness amongst service providers and business enterprises. For this reason legislation has been put in place to ensure that this occurs.

Under the Fair Trading Commission Act, section 4 (2) states that:

“The Commission shall carry out its functions in such a manner as to:

- (a) promote efficiency and competitiveness amongst; and*
- (b) improve the standard of service and quality of goods and services supplied by*

service providers and business enterprises over which it has jurisdiction.”

The Commission has also been entrusted specifically in telecommunications with the task of regulating the competition among telecommunications service providers and carriers.

Under the Telecommunications Act section 6 (1) (c) states that:

“The Commission shall

- (c) be responsible for the regulation of competition between all carriers and service providers in accordance with this Act to ensure that the interests of consumers are protected;”*

In the early stages of market liberalisation, there is often decisive regulatory intervention by the regulator in order to ensure effective competition has a chance to emerge. In Barbados one of the ways this was achieved was by instituting legislation, clear policies and guidelines. For example guidelines such as the Accounting and Pricing Principles Guidelines and the Interconnection Dispute Resolution Guidelines were designed to ensure that the process was effectively facilitated. This will be discussed briefly later in the paper.

There is also often a need for clear decisions of the regulator to remove barriers to competition early in the process which will assist in stimulating competition and permit greater deregulation down the line. For example, as markets are being opened to competition, regulation is normally focused on the incumbent operator whose network must be open to interconnection and ideally unbundled to permit new entrants to be viable.

There is also a need for the Commission to try to change the culture from previously operating under a monopoly service provider to a system which facilitates more than one service provider or carrier.

The main way the Commission went about changing cultures in Barbados was through an extensive public education programme. This informed the public about the liberalisation process, the transition timetable and the times when the changes would occur, the advantages of having such a system and the choices that came with it. The educational programme helped in creating behavioural modification not only in the members of the public but in the incumbent operator as well.

Interconnection

One of the Commission's main roles as regulator in a newly liberalized and competitive telecommunications market was that of promoting the successful

conclusion of interconnection negotiations between the incumbent C&W and the new players. The Commission used a variety of tools available to it to expedite negotiations and to assist in the successful completion of interconnection agreements.

The Commission established the ground rules for interconnection by:

1. Issuing accounting and pricing principles.
2. Establishing guidelines for dispute resolution.
3. Requiring that the incumbent submit a Reference Interconnection Offer (RIO)

The Accounting and Pricing Principles and the Dispute Resolution Guidelines were established following a consultative process which involved the incumbent, new carriers and interested parties. This sought to ensure that the process was transparent and non-discriminatory. There is consensus that well drafted interconnection guidelines are a necessary and effective means to promoting good interconnection agreements.

The Commission in accordance with legislation and cognisant of the importance of setting a framework for new carriers desirous of interconnecting to the existing network, also opened review of the RIOs to the public through the consultative process. The Commission required that Cable & Wireless submit a RIO with the terms and conditions of interconnection. This was put out by the Commission for public consultation and the other service providers and carriers were able to give their input on the issues contained in the document. The Commission's decision and approval of significant parts of the RIOs were made with consideration being given to the views of the various players.

According to *ITU Trends in Telecommunication Reform 2000-2001*, a RIO is a standardized outline of a carrier offering including rates and terms of interconnection, often required to be made publicly available. The RIO may be the starting point for negotiations leading up to a specific interconnection agreement between two carriers.

The challenge to the Commission was that while the RIOs were being considered by the regulator, the commercial negotiations between the parties were on-going. These negotiations had started when the new entrants officially received their licences on August 31, 2003. This meant that the initial negotiations were not guided by an approved RIO decision.

During the interconnection negotiations there are other things a regulator could do to facilitate such a process. These include establishing deadlines for various stages of the negotiations offering incentives to complete interconnection arrangements or appointing mediators or arbitrators where negotiations fail or where they are likely to fail.

Universal Service Obligations (“USO”) - How Should This System Operate Under The Newly Competitive Telecommunications Market?

Government through the Telecommunications Unit has proposed in its revised policy on Universal Service to move from the basic concept of “*the ability to ensure that access dial tone in order to make telephone calls to other end users in reasonably accessible to all people in Barbados on an equitable basis*” to “*access to advanced telecommunications and information services should be provide throughout Barbados*”. The Commission has actively participated with the Telecommunications Unit on the consultations regarding this issue.

The Consultative document shows that there is a proposal to broaden the scope of universal service in Barbados.

It is believed that this move is a positive step, as it has sought to take into consideration the technological developments within the telecommunications and broad ICT sector. These desired results may only be achieved however with more changes to the Telecommunications Act. The following sections highlight two of the issues that may need to be addressed in the revision of the USO especially as it relates to competition.

Funding

With the expansion of the Universal Service Obligation, the concerns with respect to funding have grown and become even more pertinent. At present it has been proposed in the consultation document that a collection of 1% of the Annual Gross Turnover (“AGTO”) from all listed carriers be used to cover the USO. One question would be whether this 1% of AGTO will be sufficient to cover the cost of the USO. Ideally it would be appropriate that a study be done to estimate the cost of the provision of the USO. This estimate would then indicate whether the funds expected to be collected would be sufficient to meet the costs.

This approach would be similar to what was done in the UK where Ofcom having done a cost-benefit analysis concluded that the provision of USO was not considered to represent an unfair burden on BT and Kingston who are the incumbent operators. New entrants in the UK therefore do not contribute to a Universal Service Fund (“USF”).

Competitiveness

In administering the USF one of the other challenges would be to ensure that the Universal Service Fund (“USF”) is not used to advance competition to give the incumbent a competitive edge or advantage over other service providers.

In this manner it is believed that the fund should not therefore be used for capital expansion in an already densely serviced and populated area but rather should be utilised to service rural remote areas that have no or low access to telecommunications. To allow the USC to use the fund for capital expansion of its network would be giving it an unfair advantage against other carriers and service providers.

The Issue of Confidentiality in Rate Hearings

Traditionally as part of the Commission’s duties of regulator the Commission is mandated by statute to hold public hearings to determine, among other things, the rates of regulated utilities.

In 2003, the Commission convened a rate hearing to determine an application from Cable & Wireless (Barbados) Limited, “the Applicant” to change its present rate structure and move from the present flat rate system to a usage based system. This hearing was the first of its kind for the Commission since its establishment and was in the advent of liberalisation and competition.

During the course of the hearing in support of its application, the Applicant submitted to the Commission several documents and claimed confidentiality in accordance with the **Telecommunications (Confidentiality) Regulations S.I. 95 of 2003**, the **Fair Trading Commission Act** and the **Utilities Regulations (Procedural) Rules S.I. 104 of 2003** (“the Procedural Rules”). The Procedural Rules unlike the previous Public Utilities Act had been drafted in anticipation of

a competitive environment and did not contemplate issues of confidentiality with monopoly utility service providers applying for rate changes.

Therefore in dealing with the applicant's request for confidentiality, the Commission freshly armed with the relevant legislative tools determined that the Applicant should adhere to Rule 13⁵ of the Procedural Rules which set out the criteria to be used when seeking to have documents treated confidentially. Rule 13 also sets out that the issue of confidentiality of documents must be determined by convening a hearing and gives guidance on how the hearing should be conducted, who should attend and how information shared at that hearing should be dealt with.

In its requests for confidentiality the Applicant stated that certain documents "*contain confidential information the disclosure of which would be injurious to the interests of Cable & Wireless....*" The Applicant also specifically wrote to the Commission stating inter alia that:

"The document contains or reveals costs information on the Company in relation to services and market segments that either are, or soon will be subject to competitive entry... Disclosure of this information will prejudice the competitive position of the Company in relation to other existing and prospective telecommunications providers in Barbados...⁶".

This was not warranted under the previous regime with the PUB as the telecommunications service provider was a monopoly provider and thus did not have issues such as disclosing commercial information that would be detrimental to it and cause financial harm and prejudice the competitive position of the

⁵ See www.ftc.gov.bb for link to legislation

⁶ C&W request for Confidentiality

Company. The Commission in its determination had to thread carefully and be mindful of the potential harm that could be caused to the Applicant as a result of placing commercially sensitive information on the public record.

The Commission was of the view that the basic principle underlying the assessment process is to achieve an appropriate balance between the interest of the general public in disclosure and the potential harm resulting from the disclosure of the information.

The determination of confidentiality included the criteria in Rule 39 (“public security, intimate financial, commercial or personal matters disclosure of which would cause harm outweighing the public interest benefits of disclosure”), and may also take account of the following considerations:

1. How would disclosure of the document reasonably be expected to prejudice the competitive position of any party significantly; impede or diminish the capacity of a party to fulfil existing contractual obligations; or interfere significantly with negotiations being carried out by a party?
2. How is disclosure of the document likely to produce loss or gain to any person, group, agency or committee?
3. Is the Commission able to discharge its responsibilities under the Utilities Regulation Act without public disclosure of certain documents?
4. Is a document public or generally available elsewhere, either before or after the confidentiality of the document is challenged?

On the basis outlined above, the Commission assessed and determined the claims for confidentiality on a case by case basis. In its deliberations on each document it did not rely on mere generalized allegations to support non-disclosure but rather relied on evidence to show that specific harm would result to the applicant and the nature of the harm to the extent that the commercial confidentiality of the document should be maintained.

Anti-Competitive Practices

The final challenge which will be addressed in this paper is the challenge the Commission faces as a regulator of the Fair Competition Act. The Commission essentially regulates all sectors economy wide including the telecommunications sector. Increasingly the Commission has had to exercise its authority under the Fair Competition Act in respect of the telecommunications sector.

This has been a new mode of regulation for the Commission in respect of telecommunications. Traditionally the Commission would regulate the telecommunications sector from a different angle and from a utilities regulation perspective. Although it has maintained this utility regulation role the Commission has added to its mandate the role of ensuring that the sector (like all other sectors) operates on a level playing field whilst eliminating all instances where players try to restrict, limit or distort competition.

In this regard the Commission exercises its powers under the Fair Competition Act and monitors to ensure there are no instances of behaviours such as abuses of dominance, price squeezing, price fixing, predatory pricing, unlawful mergers or any other anti-competitive agreements. Below will be highlighted two instances where the Commission has exercised its fair competition authority in respect of the telecommunications merger.

Abuse of Dominance- Price Squeezing

In October 2004, the Commission issued a report under section 16 of the Fair Competition Act alleging that Cable & Wireless had abused its dominant position in the telecommunications market against Digicel (Barbados) Limited and other carriers.

Digicel had formally alleged that Cable & Wireless had abused its statutory monopoly on the international wholesale voice telephone market by offering discounts to the public on international telecommunications service which they had refused to provide to Digicel and other carriers.

After investigating the Commission issued a report with findings stating inter alia that: "Cable & Wireless has abused its dominance in the wholesale international voice telephony market, by engaging in the practice of price squeezing to the disadvantage of its down stream competitors." The Commission directed, inter alia, that Cable & Wireless cease this behaviour.

This matter subsequently ended in a Court battle where Cable & Wireless applied to the Court for an injunction against the Commission's decision. This matter was however never fully resolved by the Court as it was adjourned after a preliminary point was argued and was not subsequently heard in its entirety.

This matter was the first of its kind as the dominant carrier tried to test its strength against a newer carrier. At that time Digicel had not yet acquired an international licence and had to rely solely on purchasing international wholesale minutes from Cable & Wireless, it was therefore detrimental that Cable & Wireless would offer greater discounts to its commercial and residential customers to the exclusion of Digicel and other carriers. This action could have resulted in Digicel and other carriers being squeezed out of the market had the Commission not intervened.

Merger

On December 19th 2005 the Commission gave conditional approval for the completion of a merger between Digicel and Cellular Communications SRL Limited (“Cingular”) (jointly “the Applicants”). It was a challenging but landmark moment in the development of the Commission as it was the first merger decision to be issued by the Commission. Regionally it was important as well because it was the first merger investigation decision in CARICOM. The Commission having completed its investigation found that:

“the merger will not affect competition adversely or be detrimental to consumers or the economy, provided that and insofar as the benefits that the Applicants claimed will result from the merger are delivered”.

The Commission as one of two operating Fair Trading Commissions in the region and the only agency which enforces merger control provisions highlighted the benefits of merger control legislation to an economy.

The actions of the Commission showed that merger control legislation is not anti-merger or detrimental to increased efficiencies gained through acquisitions. Instead merger control legislation seeks to promote mergers that benefit consumers, business and the economic development of a country and deter those that are anti-competitive.

In examination of this merger the Commission had to be especially cognisant as its role not only in the area of fair competition but also of its utility regulation role and the impact of having fewer carriers in a developing mobile market. The Commission had to balance the interests of the market with that of the companies involved. This meant ensuring that increased market share or dominance (determining dominance under a fair competition investigation is

calculated differently, then for the purposes of the Telecommunications Act) created as a result of the transaction was not likely to be used to exploit the market to the detriment of overall consumer welfare.

CONCLUSION

This paper presented readers with a glimpse of the challenges that the Commission has faced and increasingly faces in regulating a competitive telecommunications market. It is recognized that as the market becomes more competitive there will be ongoing challenges for the Commission. There will be a constant need for the redesign of a regulatory framework to suit to the needs of the evolving market and this will increasingly be a complex task. Some guidance will have to be placed on the approach taken in other jurisdictions that are ahead of us; in many instances we will have to thread in the footsteps of more mature sister regulatory agencies and where necessary modify to suit our indigenous practices.

Service providers and carriers may become more aggressive as they stake their claim of Barbados' already small market and this could lead to barriers to entry or possible collusions with the intent of driving out weaker players. As such, we are prepared to face more Court battles as we anticipate there may be an increase in these.

In all of this the Commission recognizes that regulation should not lie dormant and be relaxed. The Commission should continue to play key roles in ensuring service providers and carriers maintain high levels of standards of service, exercise fair marketing of their services, and eliminate any anti-competitive practices.

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