



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

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ORDER 01/2012 OF THE REGULATOR

Requiring Digicel (Vanuatu) Ltd and Telecom Vanuatu Limited to Produce Information

On April 8, 2011, the Telecommunications and Radiocommunications Regulator (“TRR”) received a request from Digicel Vanuatu Limited (“Digicel”), a copy of which is attached as Attachment 1, to review its status as a dominant service provider in the market for wholesale and retail mobile telecommunications services and determine whether Digicel is dominant in the market for retail fixed-line telecommunications services.

In order to respond to this request, TRR asked Digicel and Telecom Vanuatu Limited (“TVL”) to provide certain data. TVL has already provided some data. Digicel also has provided some data that is much more limited than that provided by TVL.

The data received to date from TVL and Digicel are not adequate for the purpose of the above review. Accordingly, TRR is issuing this Order under Section 8(1) of the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009 (“the Act”) to require Digicel and TVL to provide relevant data that has not yet been provided. TRR will treat information provided pursuant to this Order in accordance with Section 8(7) of the Act. The data must be provided by 5:00pm on 30 March 2012.

For the purpose of this data request, the following definitions must be applied:

“Retail Mobile Telecommunications Services” refers to any retail services (whether provided to business, Government or residential customers):

- (a) that provide voice and/or SMS services and provide the customers with the ability to place and receive calls in varying locations in, or whilst travelling over, the coverage area of the supplier’s wireless radio network; and
- (b) does not include TVL landline retail services, Digi-Fixed retail services, GSM Desktop retail services, retail services provided using “SIM Box” or LCR equipment, or i-Government retail services that do not provide the customer with the ability referred to in Subparagraph (a).

“Retail Fixed Telecommunications Services” refers to any retail voice and/or SMS services (whether provided to business, Government or residential customers):

- (a) not within the above definition of Retail Mobile Telecommunications services and
- (b) that generally or invariably operate from a fixed location, and
- (c) includes TVL landline retail services, Digi-Fixed retail services, GSM desktop retail services, retail services provided using “SIM Box” or LCR equipment, VOIP services and i-Government retail services.

“On-net calls” in relation to Digicel refers to calls that are originated and terminated using a network or networks of Digicel.

“On-net calls” in relation to TVL refers to calls that are originated and terminated using a network or networks of TVL.

“Active SIM Cards”: refers to the number of SIM cards with one or more billing events in the period(s) specified in the data request.

“Fixed Customers Active”: refers to the number of customers of Retail Fixed Telecommunications Services with one or more billing events in the period(s) specified in the data request.

“Revenue” refers to total or gross revenue actually received in the period specified from the type of service specified, exclusive only of any VAT applied. As applied to a type of calls, or to SMS, “Revenue” includes revenue howsoever received for the making of the calls or the right to make calls, or the sending of SMS or right to send SMS (whether by way of a per minute, per call or per SMS charge, or by way of any other charge, such as a fixed rental or other fixed charge. All Revenue should be expressed in Vatu.

1. The Regulator hereby requires Digicel to provide the following information relating to Retail Prepaid Mobile Telecommunications Services for each period specified.

	Calendar Year			
	2008	2009	2010	2011
SMS - Number of SMS 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				
Voicemail message retrieval – Revenue				
Calls to TVL mobile network in Vanuatu - Call minutes				

Calls to TVL mobile network in Vanuatu – Revenue				
Calls to TVL fixed network - Call minutes				
Calls to TVL fixed network - Revenue				
Active SIM cards				

2. The Regulator hereby requires Digicel to provide the following information relating to Retail Postpaid Mobile Telecommunications Services:

	Calendar Year			
	2008	2009	2010	2011
SMS - Number of SMS 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				
voicemail message retrieval - Revenue				
Calls to TVL mobile network in Vanuatu - Call minutes				
Calls to TVL mobile network in Vanuatu - Revenue				
Calls to TVL fixed network - Call minutes				
Calls to TVL fixed network - Revenue				
Fixed Monthly charges - Revenue				
Bundled minutes included in postpaid plans - Minutes				
Active SIM cards				

3. The Regulator hereby requires Digicel to provide the following information relating to Retail Postpaid Fixed Telecommunications Services:

	Quarter end			
	March 2011	June 2011	September 2011	December 2011
Fixed Customers (Active)				
Number of SIM Boxes				
Revenue (monthly and line rental)				
International Outgoing calls - Call minutes				
International Outgoing calls - Revenue				

On net calls including voicemail - Call minutes				
On net calls including voicemail - Revenue				
voicemail message retrieval (if charged) - Revenue				
Calls to TVL mobile network in Vanuatu - call minutes				
Calls to TVL mobile network in Vanuatu - revenue				
Calls to TVL Fixed network - Call minutes				
Calls to TVL Fixed network - Revenue				
Bundled minutes included in postpaid plans if any - Minutes				

4. The Regulator hereby requires Digicel to provide the following information relating to Retail Prepaid Fixed Telecommunications Services:

	Quarter end			
	March 2011	June 2011	September 2011	December 2011
Fixed Customers (Active)				
Number of SIM Boxes or LCR Units connected to retail customer premises				
Revenue (monthly line rental)				
International Outgoing calls - Call minutes				
International Outgoing calls - Revenue				
On net calls including voicemail - Call minutes				
On net calls including voicemail - Revenue				
Voicemail message retrieval - revenues				
Calls to TVL mobile network in Vanuatu - call minutes				
Calls to TVL mobile network in Vanuatu - revenue				
Calls to TVL Fixed network - Call minutes				
Calls to TVL Fixed network - Revenue				

5. The Regulator hereby requires TVL to provide the following information relating to Retail Postpaid Mobile Telecommunications Services

	Calendar Year			
	2008	2009	2010	2011
Bundled minutes in postpaid plans				

6. The Regulator hereby requires TVL to provide the following information relating to Retail Postpaid Fixed Telecommunications Services:

	Quarter end			
	March 2011	June 2011	September 2011	December 2011
Fixed Customers (Active)				
Number of SIM Boxes				
Revenue (monthly line rental)				
International Outgoing calls - Call minutes -				
International Outgoing calls - Revenue				
On net calls including voicemail - Call minutes				
On net calls including voicemail – Revenue				
Voicemail message retrieval - Revenue				
Calls to Digicel mobile network in Vanuatu - call minutes				
Calls to Digicel mobile network in Vanuatu – revenue				
Calls to TVL Mobile network - Call minutes -				
Calls to TVL Mobile network – Revenue				
Bundled fixed minutes included in postpaid plans if any				

7. The Regulator requires TVL to provide the following information relating to Retail Prepaid Fixed Telecommunications Services:

	Quarter end			
	March 2011	June 2011	September 2011	December 2011
Fixed Customers (Active)				
Number of SIM Boxes or LCR Units connected to retail customer premises				
Revenue (monthly line rental if applicable)				
International Outgoing calls - Call minutes -				
International Outgoing calls - Revenue				
On net calls including voicemail - Call minutes				
On net calls including voicemail -				

Revenue				
Voicemail message retrieval - Revenues				
Calls to Digicel mobile network in Vanuatu - call minutes				
Calls to Digicel mobile network in Vanuatu - Revenue				
Calls to TVL Mobile network - Call minutes -				
Calls to TVL Mobile network - Revenue				

8. Failure to comply with this Order may result in TRR (i) not being able to continue with or complete the above review or make any consequential decisions or orders, or (ii) exercising remedial powers under the Act or the Licenses.

This Decision comes into effect on the day it is made

DATE at Port Vila this 8th day of March 2012


Alan Horne

Telecommunications and Radiocommunications Regulator

