



SAINT LUCIA

NATIONAL TELECOMMUNICATIONS REGULATORY COMMISSION

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### **Contribution to the GSR 13 CONSULTATION**

We write with reference to ITU's request for the identification of innovative and smart regulatory approaches and measures required for the following areas:

- *Regulation 4.0: Innovative and smart regulatory approaches fostering equal treatment of market players, stimulating services uptake and access to online services and applications without putting extra burden on operators and service providers (co-regulation, self-regulation, smart incentives, etc.);*
- *The evolving role of the regulator: the regulator as a partner for development and social inclusion; and*
- *The need to adapt the structure and institutional design of the regulator to develop future regulation.*

Regulators in the Caribbean have frequently found themselves in the difficult position of responding/reacting to regulatory and legal issues in the telecommunications sector. Possible reasons for this position could be the dynamism of technology which often results in rapid changes in the industry, the non-availability or sporadic availability of providers' information and a lack of resources in said Regulators. In view of the dire global economic situation, financial aid for the development of human resource or the operations of Regulators may be difficult, so it is this premise it is believed that wide availability and easy exchange of information on the sector can address the issues created by reactive approach to regulation in the Region.

Consequently, the prevailing view of the Commission in relation to the identification of innovative and smart regulatory approaches is that sector information, whether it is related to technological innovation, regulatory processes or providers' data, should be widely available or disseminated. This creates a knowledge pool from which the Regulator could obtain the requisite information to make optimal decisions.

Below is our contribution on innovative and smart regulatory approaches and measures on the three (3) specified areas:

1) *Regulation 4.0: Innovative and smart regulatory approaches fostering equal treatment of market players, stimulating services uptake and access to online services and applications without putting extra burden on operators and service providers (co-regulation, self-regulation, smart incentives, etc.);*

- ***Fostering equal treatment of market players***

Equal treatment of market players can commence from the application process for entry into the market. This ensures that all providers are subjected to the same and aware of the regulatory processes in the sector. These processes should be unequivocally documented and available to all prospective market players. The approval process must be efficient, simple and non-bureaucratic, with a focus on granting approval for the provided service save and except the approval process for the use of specific classes of telecommunications equipment (eg. amateur, land mobile, maritime radio operations).

While operators and providers are in the market, equal treatment can be achieved by ensuring the promulgation of rules and regulations (which could be easily amended) that guides the regulatory approval process for service provision,



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price changes, interconnection agreements, frequency authorizations, etc. This information should be readily available to all market players. The Regulator should also ensure that all data relevant to market is publicly available.

- *Stimulating services uptake and access to online services and applications*

With regard to stimulating services uptake, although not generally part of the mandate of Regulator, the view is held that the policy making arm of the State should develop an education policy with a focus of imparting the socio-economic benefit aspect of the uptake of telecommunications services. In consideration of the benefits, this initiative will be supported by the Regulator.

- *Non-burdensome to Operators and Services Providers*

The operations of operators and service providers in the telecommunications industry are technologically driven; thus, the provision of access to online services and applications may not create hardship particular as most providers have web-sites, which can be used to provide said services and applications.

Regulators should also make use of the electronic medium. This may be achieved by making application available electronically. Market players should be able to submit an application and receive the decision on that application electronically.

Based on the forgoing, an valid electronic declaration system must be developed.

2) *The evolving role of the regulator: the regulator as a partner for development and social inclusion*

This evolving role of the Regulator to include socio-economic activity may be best achieved by universal service initiatives in which the Universal Service Fund is used to support projects for the underserved and differently abled groups. The various relevant agencies can also team up with other social partners to engage in public education, forums and other information dissemination measures which will benefit the general population and promote understanding of benefits of the various technologies.

3) *The need to adapt the structure and institutional design of the regulator to develop future regulation*

The rapid rate of convergence leading to the development and provision of new services in the telecommunications space, and the slow pace of policy development and by extension legislation promulgation in keeping abreast with those rapid changes have created challenges. By corollary, the need to adapt the structure and institutional design of the Regulator is imperative. In that regard, it is suggested that Regulators be equipped with Research Units or partner with other agencies to keep abreast of industry growth which would allow for more efficient regulation.

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