

Attachment 3 - TRA Powers to Require Information from Licensees



The TRA is exercising various powers under its rules and licenses to require licensees to provide information in the Regulatory Statistical Framework.

The Financial, Subscriber, and Traffic Information is covered under Condition 24(2)(e) of the Individual Operating Licenses issued by the TRA. Specifically, licensees are required to provide quarterly statements which *“shall include the Licensee’s balance sheet and statement of operations, equity and cash flows, gross revenues, subscriber numbers and traffic volumes for the quarter in accordance with the prescribed form issued by the Authority”*.

Quality of service information is covered under Condition 24(7) of the Operating License and Rule 47(1) of the Operating License Rules. The Licenses’ Condition 19(4) provides the requirement for licensees to collect customer complaints information. The Licenses’ Condition 19(5) allows the TRA to require changes to how this data is collected. The Licenses’ Condition 19(6) covers the TRA’s right to periodically require licensees to provide the complaints information.

License Condition 24(7) (Accounts and records) allows the TRA to establish *“... other regular filing and reporting requirements that the Authority may require to fulfill its duties and responsibilities under Title 21 of the Code of FSM...”*. This License Condition implements Rule 47(1) (Provision of information) of the Operating License Rules, which authorizes the TRA to *“establish additional notification and provision of information requirements, including regular reporting obligations, provided that such requirements are necessary and desirable for the purpose of the Authority carrying out its functions ...”*

Rule 34 (Consumer protection obligations) of the Operating License Rules states that *“Subject to the rules that the Authority may adopt from time to time, and in accordance with section 352 of the Code, a Licensee providing Specified Communications Networks and/or Communications Services to Consumers shall: ... (e) publish comparable, adequate and up-to-date quality of service information where directed by the Authority.”*

The TRA notes that it has powers under Section 379 of the Act to require any person (after giving written notice) to produce *any document or class of documents specified in the notice*, if this is *necessary or desirable for the purposes of carrying out its functions and exercising its powers under this Act*. The TRA considers that ongoing licensee compliance with the Regulatory Statistical Framework would mean the TRA would find it less necessary to use its powers under this Section for undertaking its functions under the Act.