



A Consultation Paper on **Proposed TRA Regulatory Statistical Framework**

Inviting public comment and input

26 October 2020

Introduction

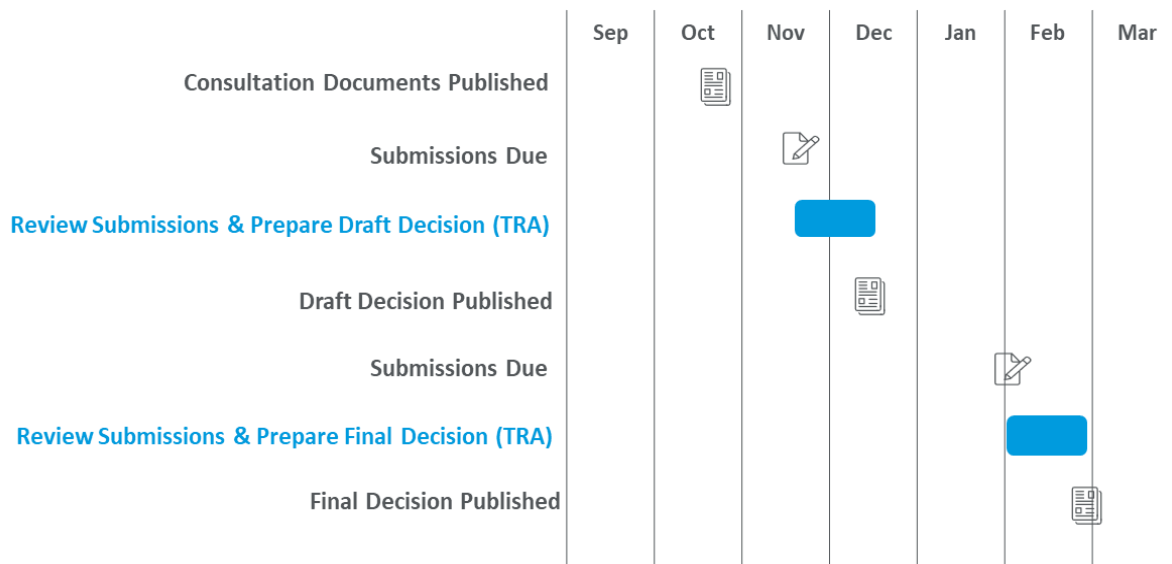
- 1 The Telecommunications Regulatory Authority (TRA) **is seeking your feedback** on *our* proposed reporting requirements for telecoms licensees, including information on: **Financial, Subscriber, and Traffic Data; Quality of Service; and Coverage and Bandwidth.**¹
- 2 The purpose of seeking this information is to enable the TRA to undertake its functions under the Act—to effectively monitor the telecoms market. This will include regular gathering of data held by licensees.
- 3 This purpose of this consultation is to gather and consider public comments, so we can consider stakeholders’ views before finalizing the information we will require telecoms licensees to provide.

Consultation Feedback Information

- 4 The TRA invites written comments and feedback on this consultation document and the attached draft list of reporting form requirements for licensees.
- 5 The TRA has provided a comments form for responses. This can be found in **Attachment 2.**
- 6 Responses may be submitted in person at TRA’s offices in Pohnpei, or sent to consultations@tra.fm. Responses are due by **Monday, 23 November 2020.**
- 7 Submissions will be made public, unless there is a specific request for confidentiality made under Section 322 of the Act².
- 8 We provide a list of consultation questions at the end of this document to help organize responses, and for us to receive feedback on specific issues.
- 9 After receiving feedback, we will publish the submissions, and our response to submissions which will state our views and reasons for either making changes or maintaining our initial views.
- 10 We intend to produce a draft decision mid-December. This will include a draft of the actual form intended to be filled out by licensees. The current consultation provides an opportunity for licensees to provide feedback before the prescribed form is drafted. We will consult on the proposed draft decision and form before we make a final decision. Our intended timeline for the rest of the consultation process is shown on the diagram below.

¹ In accordance with Section 321 of the 2014 Telecommunications Act (the Act)

² See the comments form (attachment 2) for details



Purpose and Uses of Information

- 11 The information gathered will be used by the TRA to understand the market, fulfil its functions under the Act, and provide or publish information to other parties where necessary.
- 12 The TRA needs to have a deep understanding of developments in the market to assess and report on progress towards its objectives and take further action, where necessary, to achieve them. Ultimately this understanding helps guide future regulations and national policies both in the telecommunications sector and the wider economy.
- 13 Specific functions of the TRA are specified under Section 305 of the Act. The reporting requirements is fundamental to many of these, including to:
 - 13.1 supervise and enforce compliance with this Act and the conditions of licenses;
 - 13.2 regulate the protection of consumers, and the charges levied by licensees for communications network;
 - 13.3 monitor and report on the development and performance of the communications sector in supplying services and the contribution of the communications sector to the overall development of FSM; and
 - 13.4 monitor the quality of services provided by licensees and ensure that licensees conform to standards specified by the Authority.
- 14 The TRA reports its findings on all significant matters relating to the performance and efficiency of the communications sector in an annual report to the President.
- 15 Details regarding the powers the TRA is exercising for these reporting requirements are available in **Attachment 3**.

Regulatory impact assessment

- 16 We aim to collect the required information while avoiding unnecessary burden on licensees. For example, we want to only gather the information we need, and to make

sure definitions are clear, to minimize or eliminate the need for follow-up discussions on interpreting the reporting requirements. Therefore, **we seek feedback whether the reporting requirements are clear and easy to interpret.** This will allow the TRA to refine the requirements where appropriate.

- 17 **We propose to collect the information on a quarterly basis.** Separate forms will be used for providers in different markets (wholesale, retail mobile and retail internet). Reporting form information requirements will be provided in an Excel file, in a single page and structured by topic, with indication where data is to be provided disaggregated by State. Columns will provide space for data input and space for additional explanations regarding source, data limitations, and the like. The respondents will submit the Excel form electronically (by email) to the TRA.
- 18 Licensees will be able to flag data on the form as commercially sensitive and the form will have space to provide reasoning for this.

Confidentiality matters

- 19 Licensees can flag data as commercially sensitive for consideration by the TRA. Licensees will be required to specify the potential commercial harm that release of the data would have. We note that information that licensees have historically made publicly available is unlikely to be sensitive information.
- 20 Commercially sensitive information will not be made public, except where TRA decides the data can be released in an aggregated form in such a manner that the identity of the provider of the information is not readily apparent. The TRA may also make the information public if the TRA is not satisfied that the information is commercially sensitive.
- 21 Some commercially sensitive information may need to be provided to the Department of Transportation, Communications and Infrastructure. In this case TRA will also seek to aggregate the information to address commercial sensitivity concerns. The TRA will also work with the Department of Transportation, Communications and Infrastructure to ensure that it does not publish the information in a way that creates commercial detriment to the party providing the information.
- 22 The TRA will take a common-sense approach to publishing information, noting that even aggregated data can reveal information if the number of entities in the market is limited. Vanuatu's Telecommunications, Radiocommunications and Broadcasting Regulator shows an example of the aggregated data that TRA might produce in its reports.³

Proposed statistical indicators framework

- 23 Our draft list of information reporting requirements for licensees is included in **Attachment 1.**
- 24 The reporting includes financial information in more detail and with greater frequency than would likely be provided in a licensees' annual report. It also includes information on the number of beneficiaries of telecommunications services, quality of service and

³ See the TRBR Telecommunications Sector Report 2018
https://www.trr.vu/attachments/article/736/trbr_telecommunication_sector_report_2018_final.pdf

customer complaints, which may impose an additional information collection burden on licensees.

- 25 The reporting requirements are categorized into the following seven topics: customers/connectivity, volumes/traffic, revenues, service quality, prices, coverage (geographic) and bandwidth.

Consultation questions

- 26 We provide here the relevant consultation questions for respondents' consideration below.
- 26.1 Is there any additional information that would be useful for the TRA and should be collected?
- 26.2 Is the draft list of information reporting requirements clear, or does the TRA need to clarify the interpretation or meaning of the descriptions?
- 26.3 How can the information request be improved to reduce the burden and complexity of the data collection process? (please refer to specific reporting requirements where relevant)
- 26.4 What is the burden of supplying the information we propose to collect? For example, would providing the information require substantial additional staff time (either one-off or ongoing), investment in equipment or software, or input from third parties? If so, what is the additional effort and cost involved?
- 26.5 How do licensees currently allocate revenue from bundles that include multiple services (for example voice, text, data and handset) to revenue categories for individual services? Should the TRA define a standard revenue allocation method?
- 26.6 What data would be most appropriate to include in aggregated, rather than disaggregated, form in our public reports concerning the state of a communications market (including benchmarking we may publish)?
- 26.7 What data is commercially sensitive, even in an aggregated form?

Annex

- 27 Attachment 1: Draft list of reporting requirements for licensees
- 28 Attachment 2: Comments form
- 29 Attachment 3: TRA Powers to Require Information from Licensees