



13 July 2021

Deputy David Johnson  
Chair  
Economic Affairs Scrutiny Panel  
Morier House  
St Helier  
JE1 1DD

Dear Deputy Johnson

### **Review of the demerger of CICRA and formation of JCRA**

I refer to your letter of today's date, with regard to the position the Jersey Competition Regulatory Authority (**Authority**) has taken compared with the Guernsey Competition and Regulatory Authority (**GCRA**) in relation to the investigation into the potential anti-competitive behaviour between JT and Sure.

The Authority decided to close the investigation without a decision as a result of intensive discussions with both operators to agree an outcome that would avoid such behaviours in the future. As we discussed with you, we have negotiated new licence conditions with the operators which require early notification and engagement with the Authority in relation to any network sharing. This has had the benefit of resolving the case quickly, freeing up valuable Authority resource and reducing costs for all parties.

The GCRA has decided to take a wider and more litigious approach, which has resulted in JT and Sure challenging the GCRA decision. This combative stand will, we believe, result in all parties incurring considerable additional and may result in further legal appeals, which will take months if not years to resolve.

We did keep the GCRA fully informed of the process we were taking and the reasons for our decision. Our approach was noted by the GCRA, however, they felt strongly that their approach was appropriate in the circumstances.

Please note that, by closing the investigation without a decision the Authority retains the option to re-open the investigation and take further action should new information come to the Authority's attention that warrants such a course of action.

In that regard, we will monitor the investigation in Guernsey and maintain our relationship with the GCRA in line with our joint MoU.

I am unable to comment generally with regard to future investigations where there are parallel proceedings in Guernsey, other than to say that the Authority's approach is to focus on securing the best outcomes for the benefit of consumers, citizens and businesses in Jersey.

The Authority believes that its approach to the JT/Sure investigation best achieves that end, while leaving it flexibility to take further action if the circumstances warrant such action.

Yours sincerely



**Tim Ringsdore**  
**CEO**  
cc: Panel Members