

Information Notice

(IN/02/2020)

1st June 2020

Response to Notice of Licence Modification for the Application of Code Powers to E-Ilan Communication Ltd's Licence (Published 9 December 2019)¹

The Communications Commission (*'the Commission'*) received an application for the modification of E-Ilan Communications Ltd's (*'e-Ilan'*) licence to include the addition of Code Powers.

The application of Code Powers to the licence may grant e-Ilan the right to install and maintain its own telecommunications apparatus on public and private land.

In accordance with section 10 of the Telecommunications Act 1984 (*'the Act'*), the Commission gave notice of its intention to modify the licence granted to e-Ilan to provide services under section 5 of the Act. The Notice of Licence Modification was published on the Commission's website and emailed to Licenced Operators on 9th December 2019, with a closing date of 31st January 2020. This response time was extended beyond the standard 28 day notice period to allow for the Christmas holiday period.

One representation was received in response to the notice. The response, from Manx Telecom, stated "its concern that a subsidiary of the MUA (a Statutory Board of Government) has an increasingly competitive role providing telecommunications services on and off the Island" and noted that "licenced operators will have to consider the activities of e-Ilan when making their own infrastructure investment decisions for the Island". The Commission notes that Manx Telecom has been consistent in expressing concerns about the role of the MUA in telecommunications on the Island. While noting the concerns raised, the data from the most recent market review process, and the quarterly market data collected by the Commission shows that e-Ilan retains only a small share of the markets in which it operates, many of which which Manx Telecom still retains significant market power. In light of this the Commission's maintains the view that the application of Code Powers improves the competitive environment on the Island for consumers.

Having reviewed e-Ilan's application and Manx Telecom's response, the Commission believes that there is nothing to preclude the award of Code Powers in this instance. The review has followed the requirements under s. 8 of the Telecommunications Act 1984, which sets out the matters to which the Commission must have regard. These are contained within the Notice.

The Commission has therefore formed the view that the modification to include Code Powers within e-Ilan's licence may be granted, subject to the approval of Tynwald. The Commission will seek the approval of Tynwald in due course.

IOM Communications Commission, Murray House, Mount Havelock, Douglas. IM1 2SF
Email cc@iomcc.im Tel +44 (0)1624 677022

¹ <https://www.iomcc.im/media/1360/e-llan-code-powers-application-2019.pdf>

Annex 1 - Manx Telecom Reponse Received by Email on 31 January 2020

“ Manx Telecom notes the intention of the Communications Commission to modify e-Ilan’s licence to apply Code Powers.

In line with previous correspondence over a number of years Manx Telecom reiterates its concern that a subsidiary of the MUA (a Statutory Board of Government) has an increasingly competitive role providing telecommunications services on and off the Island.

Going forward each of the licensed operators will have to consider the activities of e-Ilan when making their own infrastructure investment decisions for the Island. “