



**Digicel**

Digicel (BVI) Limited  
PO Box 4168  
Road Town  
Tortola  
VG1110  
British Virgin Islands  
Tel: +1 (284) 300 1000  
Fax: +1 (284) 494 0111  
[www.digicelbvi.com](http://www.digicelbvi.com)

November 24, 2017

Mr. Guy Malone  
Chief Executive Officer  
Telecommunications Regulatory Commission  
27 Fish Lock Road  
Road Town 1110  
Tortola

Dear Mr. Malone,

**Re: Spectrum Management Framework Review 2017 – Consultation and Addendum – Non-Confidential**

Digicel thanks the Commission for the opportunity to submit its comments on the Commission's proposals relating to the Spectrum Management Framework Review, as set out in the consultation document published on September 1, 2017.

The comments as provided herein are not exhaustive and Digicel's decision not to respond to any particular issue(s) raised in this consultation or any particular issue(s) raised by any party relating to the subject matter generally does not necessarily represent agreement nor does any position taken by Digicel in this document represent a waiver or concession of Digicel's rights in any way. We expressly reserve all rights in this matter generally.

As a general point, Digicel notes the Commission's proposals and does not disagree in principle with the Commission's objectives to refine the principles relating to the management of spectrum in the BVI, as set out in the consultation document. Therefore, rather than respond to every question posed by the Commission for comment, Digicel considers it appropriate to address only those specific areas which we believe are key. These are set out below.

**Question 1 - Do you agree with the Commission's overview of the key developments in the Virgin Islands communications markets and international trends in spectrum management? If not, please elaborate on any further, relevant developments which need to be considered in this review and how these should be taken into account.**

The devastation caused by the onslaught of Hurricane Irma throughout the Virgin Islands is perhaps the single event which has had the most significant impact on the development of telecommunications in the Virgin Islands within the last decade. The destruction and damage of the telecommunications infrastructure in which operators had invested significantly only a year before to rollout LTE services throughout the Territory, has severely compromised the delivery of LTE services and indeed, the delivery of all telecommunications services, to the public in the Virgin Islands. The Commission would recall that, in the immediate aftermath of the hurricane, even emergency services could not be sustained.

This event has forced operators to reconsider their network designs (and, by extension, the manner in which spectrum should be put to use) and to take measures to ensure a greater degree of resiliency. This would necessarily result in marked changes in respective business plans of operators and service providers in the BVI. Digicel's proposals in this regard are set out in the addendum hereto (subject to confidentiality).

Therefore, Digicel considers that it would be remiss of the Commission not to expressly consider in the Spectrum Management Framework the impact that Hurricane Irma has had on the delivery of telecommunications services in general in the BVI and, more specifically, on the management of spectrum.

**Question 4 - Do you agree with the Commission's proposals (i) to follow, in principle, US band plans and (ii) to complete spectrum agreements with the US Virgin Islands? If not, please provide further information as to your reasoning for disagreement.**

Subject to our recommendations in relation to the allocation of spectrum in the 3.4 – 3.8 GHz band, Digicel agrees with the Commission's proposals to generally follow US band plans unless it is in the Territory's economic or social interest to do otherwise or unless an alternative approach would be in the best interest of the development of electronic communications in the BVI. We agree that the Commission should not seek to harmonise all Virgin Islands band plans with those of the US.

As it relates to the Commission's proposals in relation to guard bands, Digicel disagrees with the proposal for guard bands to fall within the assigned spectrum and for mobile operators to decide between themselves how much of each operator's spectrum should be used as a guard band.

Digicel considers that this proposal is one which is couched in uncertainty and, as such, is likely to lead to conflict and dispute between operators. Even if the guard bands are to fall within assigned spectrum, in the very likely event that the operators do not come to an agreement as to the creation of a guard band between their respective spectrum assignments, the Commission should be prepared to promptly set a guard band and to direct the operators to adjust their spectrum usage accordingly.

**Question 24 - In your view, is the interference issue with the unauthorised use of European DECT systems sufficiently resolved at the moment? If not, what additional measures should be taken?**

Digicel GSM and WCDMA networks have been deployed using our 1900 MHz spectrum assignments.

For the last 4 years, we have been experiencing severe interference on our network caused by the DECT systems installed in the cruise ships and luxury pleasure craft that dock at the various ports of the BVI throughout the year and which operate using the same spectrum that has been assigned to Digicel by the Commission.

The interference is so severe that our customers experience dropped calls, extremely slow data throughput and sometimes even complete network outages occur. During the peak tourist season, when the problem is most severe, we receive numerous complaints from irate customers, including corporate customers such as the Necker Island, Eustacia and Oil Nut Bay resorts, thereby placing us at risk of loss of critical revenues.

As the Commission is aware, we have brought this situation to the attention of the Commission on numerous occasions both by way of general complaint and by reports on every occasion that we have experienced interference. We are aware that the Commission attempted to address the issue by holding appropriate discussions with the relevant local authorities. However, we continue to be affected by the interference as the measures which have been implemented by the Commission thus far are, for the most part, only reactive and have taken effect only after our network has already been debilitated by the interference.

Under the circumstances, therefore, we believe that the only way to resolve this issue is for the Commission to assign to Digicel alternative spectrum for the operation of its GSM and WCDMA networks.

Yours sincerely,



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**Kevin Gordon**  
**CEO – Digicel BVI**