

Liberalization and Consumer Protection in Guyana

On the 5th of October 2020, the telecommunication sector in Guyana was liberalized when the Telecommunications Act No. 18 of 2016 and the Public Utilities Commission Act No. 19 of 2016 were made effective.

For in excess of 30 years, GTT was Guyana's dominant telecommunications service provider with exclusive rights to operate and provide fixed line services. The company shares the provision of wireline/mobile services with its competitor Digicel.

The services offered by Digicel and GTT:

<i>Digicel</i>	<i>Gtt</i>
<i>Mobile services: Prepaid and Postpaid</i>	<i>Landline Services</i>
<i>PBX-Private Branch Exchange</i>	<i>Mobile services: Prepaid and Postpaid</i>
	<i>Wireless internet services: DSL, Blaze</i>
	<i>PBX-Private Branch Exchange</i>

Liberalization in telecommunications means incorporating new competitors into the market by allowing commercial enterprises or companies to establish telecommunication services in accordance with the telecommunications laws and regulations of Guyana.

Liberalization also levels the playing field for telecommunication services which have existing established operations in Guyana, however the operators are not deemed to be dominant in the market.

Dominance

A company is said to be dominant, if by itself or together with an affiliate telecommunication undertaking or a group of affiliated telecommunications undertakings, occupy a position of such economic strength which would enable it to operate without effective constraints from its competitors, potential competitors, consumers, or other users.

Criteria's for Dominance

- ✚ Size of market, including geographic spread of the telecom's supplier.
- ✚ Market share of the operator and the power to introduce material price increases independent of the competition.
- ✚ Degree of differentiation amongst telecommunication networks and services.
- ✚ The extent to which its position of telecommunication undertakings outside of Guyana affords it the economic strength to operate in the market without effective constraints from its competitors.
- ✚ It shall be presumed that telecommunications undertaking which for a continuous period of six months or more has maintained a market share of forty percent or more of gross revenues in one or more markets is dominant in those markets.

What does liberalization mean for you?

After the promulgation of the Telecommunications Act No. 18 of 2016 on October 5, 2020 Digicel, GTT and E-Networks were granted new licenses to operate in the newly liberalized sector. E-Networks is one of Guyana's smaller internet service providers, which operates wireless internet and other media services.

With the advent of liberalization the telecommunications market will become more diversified and competitive, potentially offering consumers access to:

 More Service Providers	 Widervariety of services	 Widespread Service availability	 Price Reduction for services
 Improved service quality	 Improved ICT capabilities	 Improved Telecommunications infrastructure	

What is the relevance of the Telecommunications Act to liberalization?

The Telecommunications Act was developed to facilitate the liberalization process of the telecoms sector by determining the general principles as it relates to the control of interconnection and access amongst service providers, establish criteria to determine the market power of service providers, and to ensure that service providers do not abuse of their power by engaging in anti-competitive conduct which includes but not limited, predatory pricing, price discrimination, loyalty discounts etc.

Public Utilities Commission's role in the newly liberalized telecommunications sector.

The role and functions of the Public Utilities Commission as conferred on it by virtue of the provision of the Public Utilities Commission Act No.19 of 2016 and the Telecommunications Act No. 18 of 2016 and the accompanying regulations to facilitate the liberalization process with emphasis on market control and network interconnection and access.

PUC's expanded role includes the obligation that service providers meet the criteria and comply with the standard terms and conditions of the Quality-of-Service Standards as outlined in the Consumer Protection Regulations and further to ensure that service providers offer a service which is safe, efficient, effective, fair, and accessible to all.

Other Obligations of the PUC includes (this list is not intended to be exhaustive):

- ✚ Cooperate with Caribbean community and other consumer protection authorities.
- ✚ Recommend amendments to the regulations or schedules,
- ✚ Determine service providers failure to achieve standards
- ✚ Resolve complaints filed by consumers with the Commission.
- ✚ Review and approve any rate changes if the Commission considers same fair and reasonable
- ✚ Ensure that service providers compensate consumers for any loss/damage
- ✚ Conduct hearings
- ✚ Enforce penalties for breach of quality of service
- ✚ Approve consumer codes
- ✚ Educate the public by publishing service and performance related information of service providers, general consumer codes, consumer codes of conduct; the Commission's complaint process and consumer obligations

etc. by posting same and publishing on their website and, other media outlets.

Consumer Protection

Liberalization offers consumers the promise of seamless service connections, improved services, cheaper prices, better service quality, new service providers, universal access and improved technological capabilities.

Compliance with the Consumer Protection Regulations, the service providers are required to:

- ✚ Provide a reasonable standard of service
- ✚ Maintain equipment or service in keeping with international standards and best practices
- ✚ Maintain confidentiality of consumers information.
- ✚ Provide a free and fair complaint process
- ✚ Compensate Consumers for any loss/damage as a result of any breach or omission on their part.