



## **BERMUDA**

### **REGULATORY AUTHORITY (MARKET REVIEW OF THE ELECTRONIC COMMUNICATIONS SECTOR) GENERAL DETERMINATION 2025**

**BR 74 / 2025**

#### TABLE OF CONTENTS

1	Citation
2	Interpretation
3	General purpose
4	Determination
5	Terms and conditions of General Determination
6	Revocation of the 2020 General Determination
7	Effective date of General Determination

The Regulatory Authority, in exercise of the power conferred by section 62 of the Regulatory Authority Act 2011, as read with sections 12 and 13 of that Act and sections 20 to 25 of the Electronic Communications Act 2011, makes the following General Determination:

#### **Citation**

1 This General Determination may be cited as the Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2025.

#### **Interpretation**

2 In this General Determination, unless the context otherwise requires, terms shall have the meaning given in the Regulatory Authority Act 2011 and the Electronic Communications Act 2011.

#### **General purpose**

3 This General Determination identifies the relevant markets which the Authority has concluded require *ex ante* regulation and sets out the obligations that will apply,

## **REGULATORY AUTHORITY (MARKET REVIEW OF THE ELECTRONIC COMMUNICATIONS SECTOR) GENERAL DETERMINATION 2025**

---

going forward, to those sectoral providers that have been found to have significant market power in the relevant markets.

### **Determination**

4 (1) This General Determination is made pursuant to the Consultation Document entitled “Market Review of the Electronic Communications Sector” dated 22 January 2025, the Preliminary Report, Preliminary Decision and Order dated 1 May 2025, and the Authority’s Final Report, Final Decision and Order dated 27 August 2025.

(2) The Authority determines that the provisions set forth in the Schedule are consistent with the purposes of the Electronic Communications Act 2011.

### **Terms and conditions of General Determination**

5 (1) The Schedule has effect.

(2) The Schedule is published on the Regulatory Authority’s website ([www.ra.bm](http://www.ra.bm)), and is also available for inspection at the offices of the Authority (1st Floor, Craig Appin House, 8 Wesley Street, Hamilton HM 11) during ordinary business hours.

### **Revocation of the 2020 General Determination**

6 The Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2020 shall be revoked on 30 September 2025.

### **Effective date of General Determination**

7 This General Determination shall become effective on the day it is published in the Gazette.

Signed this 4th day of September 2025

Chairman, Regulatory Authority

[Operative Date: 04 September 2025]

# Schedule to the Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2025

Part 1. General .....	2
Part 2. Relevant Markets, Determination of Sectoral Providers with Significant Market Power (SMP) and <i>Ex ante</i> Remedies .....	3
2.1 Fixed Broadband .....	3
2.2 Mobile Services .....	5
2.3 Fixed Voice .....	6
2.4 Business Connectivity .....	6
2.5 Call Termination .....	8
2.6 Implementation and Offering of Services and Products of the <i>ex ante</i> remedies...	8
2.7 Summary of Determinations .....	9
Part 3. Information Provision and Key Performance Indicators (KPIs) .....	11
3.1 Introduction .....	11
3.2 Retail KPI Obligations .....	11
3.3 Wholesale KPI Obligations .....	13
3.4 Summary of KPI Obligations .....	15
Part 4. Price and Specification Adjustment Process .....	17
4.1 General .....	17
4.2 Retail Anchor Products .....	17
4.3 Retail Price Adjustments .....	17
4.4 Wholesale Price Adjustments .....	18
Part 5. Merger Control Obligations .....	19

## Part 1. General

1. This Schedule sets out the determinations of the Authority following the most recent Electronic Communications Market Review which concluded in 2025.
2. Part 2 sets out:
  - a. the definitions of the relevant products and services which have been determined to be susceptible to the imposition of *ex ante* remedies;
  - b. those electronic communications sectoral providers who have been determined to possess significant market power; and
  - c. details of the resulting *ex ante* remedies to which the electronic communications sectoral providers so determined will be subject.
3. Part 3 sets out additional remedies in connection with the provision of information and key performance indicators (**KPIs**) to which the electronic communications sectoral providers so determined will be subject.
4. Part 4 sets out the process for the price and specification adjustment process in connection with anchor products, median price and retail minus adjustments, the details of which are initially provided in Part 2.
5. Part 5 sets out the determination of the Authority regarding the 2014 and 2015 Merger Control Obligations.

## Part 2. Relevant Markets, Determination of Sectoral Providers with Significant Market Power (SMP) and *Ex ante* Remedies

### 2.1 Fixed Broadband

#### *Retail Market*

6. The relevant retail market is the retail provision of fixed broadband Internet connectivity, provided over any technology, and for any speed, on an island wide basis.
7. The sectoral provider with SMP in this market is **One Communications Ltd. (OneComm)** which is made up of Bermuda Cablevision Ltd. (BCV), Bermuda Digital Broadband Ltd, Bermuda Digital Communications Ltd., Logic Communications Ltd. and CableCo Ltd.
8. The following *ex ante* remedies are imposed:
  - a. OneComm must provide an entry-level anchor fixed broadband product of at least 100 Mbps download and 20 Mbps upload priced at a maximum of \$80 per month;<sup>1</sup>
  - b. OneComm must provide and maintain prominent and accessible information on the entry-level fixed broadband anchor product on its websites, in its showrooms and on sales scripts, and it must also ensure that its staff are fully trained in the product offering;
  - c. OneComm may be required to adjust the entry-level fixed broadband anchor product pricing and functionality as a result of subsequent annual international benchmarking exercises conducted by the Authority;
  - d. OneComm must lower its fixed broadband weighted average retail price (WARP) by 7% as a result of the Authority's initial benchmarking exercise reviewing OneComm's median pricing;<sup>2</sup>
  - e. OneComm must adjust its fixed broadband WARP at Y% each year through to 2028, where Y will be set as a result of subsequent annual international benchmarking exercises conducted by the Authority; and

---

<sup>1</sup> The price and functionality of this anchor product was determined by a benchmarking exercise that was conducted in parallel with the Preliminary Report with the results provided as part of the Final Report.

<sup>2</sup> The initial WARP% was determined by an initial benchmarking exercise that was conducted in parallel with the Preliminary Report with the results provided as part of the Final Report.

- f. OneComm must offer fixed broadband on a stand-alone basis and must provide the Authority with KPIs on this market according to Part 3.

#### *Wholesale Market*

- 9. The relevant wholesale market is the wholesale provision of fixed broadband Internet connectivity, provided over any technology, and for any speed, on an island wide basis.
- 10. The sectoral provider with SMP in this market is **OneComm**.
- 11. The following *ex ante* remedies are imposed:
  - a. OneComm must supply wholesale services to access seekers on a fair, reasonable and non-discriminatory basis;
  - b. OneComm cannot supply wholesale products that are unwanted by the access seeker unless OneComm can demonstrate that unbundling is technically infeasible or generates disproportionate costs, and in so doing, OneComm may require access seekers to demonstrate reasonable demand for the wholesale products requested;
  - c. OneComm must supply wholesale inputs at a price that is capped at Retail minus X%, where X is set at a level to enable efficient competition in retail markets, and for the first two years of the forthcoming regulatory period, X is set at 50%;<sup>3</sup>
  - d. OneComm must adjust the Retail minus X% of the fixed broadband wholesale product as a result of subsequent biennial international benchmarking exercises conducted by the Authority; and
  - e. OneComm must provide the Authority with KPIs on the supply of wholesale products to both access seekers and its own downstream retail business according to Part 3.

---

<sup>3</sup> The initial Retail minus X% was determined by an international benchmarking exercise conducted by the Authority in parallel with the Preliminary Report with the results provided as part of the Final Report.

## 2.2 Mobile Services

### *Retail Market*

12. The relevant retail market is the island wide provision of retail mobile services, being voice, text and data.
13. The sectoral providers with SMP in this market are **Bermuda Telephone Company Limited and Telecommunications (Bermuda & West Indies) Limited (together Digicel) and OneComm.**
14. The following *ex ante* remedies are imposed:
  - a. Digicel and OneComm must provide an entry-level mobile service anchor product with at least 10 GB monthly data allowance for a maximum price of \$50 per month;<sup>4</sup>
  - b. Digicel and OneComm must provide prominent and accessible information on the entry-level mobile service anchor product on their websites, in their showrooms and on sales scripts, and both companies must ensure that their staff are fully trained on the product offering;
  - c. Digicel and OneComm must adjust the entry-level mobile service anchor product pricing and functionality as a result of subsequent annual international benchmarking exercises carried out by the Authority;
  - d. Digicel and OneComm must adjust their retail prices by either capping or reducing the retail pricing as a result of subsequent annual international benchmarking exercises carried out by the Authority;
  - e. Digicel and OneComm must offer mobile services on a stand-alone basis; and
  - f. Digicel and OneComm must provide the Authority with KPIs on this market according to Part 3.

---

<sup>4</sup> The price and functionality of this anchor product was determined by an initial benchmarking exercise that was conducted in parallel with the Preliminary Report with the results provided as part of the Final Report.

### *Wholesale Market*

15. The relevant wholesale market is the island wide provision of wholesale mobile services.
16. The sectoral providers with SMP in this market are **Digicel and OneComm**.
17. The following *ex ante* remedies are imposed:
  - a. Digicel and OneComm must supply wholesale services to access seekers on a fair, reasonable and non-discriminatory basis, and in so doing, OneComm and Digicel may require access seekers to demonstrate reasonable demand for the wholesale products requested; and
  - b. Digicel and OneComm must provide the Authority with KPIs on the supply of wholesale products to both access seekers and their own downstream retail business according to Part 3.

## **2.3 Fixed Voice**

### *Retail Market*

18. The relevant retail market is the island wide provision of retail voice services, being voice call access and origination from a fixed location.
19. The sectoral provider with SMP in this market is **Digicel**.
20. The following *ex ante* remedies are imposed:
  - a. Digicel is prohibited from discontinuing their existing copper facilities and is required to maintain this network until the Authority approves the standards, procedure and timetable for decommissioning copper through a public consultation;
  - b. Digicel must continue to offer fixed voice services on an island-wide and stand-alone and on a technology-neutral basis; and
  - c. Digicel must provide the Authority with KPIs on their fixed voice market according to Part 3.

## **2.4 Business Connectivity**

### *Retail Market*

21. The relevant retail market is the island wide provision of retail business connectivity services.



22. The sectoral providers with SMP in this market are **Digicel and OneComm**.

23. The following *ex ante* remedies are imposed:

- a. Digicel and OneComm must provide the Authority with KPIs on their retail business connectivity services including their own downstream retail businesses according to Part 3.

#### *Wholesale Market*

24. The relevant wholesale market is the island wide provision of wholesale terminating segments for business connectivity services.

25. The sectoral providers with SMP in this market are **Digicel and OneComm**.

26. The following *ex ante* remedies are imposed:

- a. Digicel and OneComm must supply wholesale services to access seekers on a fair, reasonable and non-discriminatory basis;
- b. Digicel and OneComm cannot supply wholesale products that are unwanted by the access seeker unless they can demonstrate that unbundling is technically infeasible or generates disproportionate costs, and in so doing, OneComm and Digicel may require access seekers to demonstrate reasonable demand for the wholesale products requested; and
- c. Digicel and OneComm must supply wholesale inputs at a price that is capped at Retail minus X%, where X is set at a level to enable efficient competition in retail markets, and for the first two years of the forthcoming regulatory period, X is set at 42%;<sup>5</sup>
- d. Digicel and OneComm must adjust the Retail minus X% of the business connectivity products as a result of subsequent biennial international benchmarking exercises conducted by the Authority ; and
- e. Digicel and OneComm must provide the Authority with KPIs on the supply of wholesale products to both access seekers and their own downstream retail business according to Part 3.

---

<sup>5</sup> The initial Retail minus X% was determined by an international benchmarking exercise conducted by the Authority in parallel with the Preliminary Report with the results provided as part of the Final Report.

## 2.5 Call Termination

### *Wholesale Market*

27. The relevant wholesale markets are wholesale voice call termination services on each fixed voice sectoral provider's network and wholesale voice call and messaging (SMS/MMS) termination services on each mobile sectoral provider's network.
28. The sectoral providers with SMP in these markets are **all sectoral providers that provide voice call and messaging (SMS/MMS) services.**
29. The following *ex ante* remedies are imposed:
- a. All sectoral providers must terminate all valid calls or messaging (SMS/MMS) destined for their network;
  - b. All sectoral providers must interconnect, either directly or indirectly, with other sectoral providers in Bermuda to allow exchange of calls and messaging (SMS/MMS) between them on a fair, reasonable and non-discriminatory basis;
  - c. Sectoral providers that already provide call termination are prohibited from refusing a reasonable request to interconnect with a new entrant to this market; and
  - d. All sectoral providers must continue to follow the existing bill and keep convention, and sectoral providers are not permitted to impose price controls for terminating calls or messaging (SMS/MMS) on their network.

## 2.6 Implementation and Offering of Services and Products of the *ex ante* remedies

30. All SMP sectoral providers must implement and offer the products according to the *ex ante* remedies imposed on them on or by 1700 Bermuda time on 1 October 2025.
31. At least 10 days prior to the implementation of a WARP based remedy, SMP sectoral providers must submit to the Authority the following information including all relevant data for the Authority to verify the calculations:
- a. The SMP provider's calculation of the applicable WARP prior to the price adjustment

- b. The SMP provider's modelled calculation of the applicable WARP incorporating the required price adjustment

## 2.7 Summary of Determinations

32. The relevant markets, designated SMP sectoral providers and *ex ante* remedies are set out in summary form in the following table, which is provided only for reference.

*Summary of Relevant Markets, SMP Providers and Ex ante Remedies*

Market	Level	SMP Provider(s)	Ex ante Remedies
<b>Fixed Broadband</b>	<b>Retail</b>	OneComm (incl. BDC & Logic)	<ul style="list-style-type: none"> <li>• Entry-level anchor product <math>\geq 100</math> Mbps / 20 Mbps, <math>\leq \\$80</math>/month.</li> <li>• Prominent advertising &amp; staff training on entry-level anchor product.</li> <li>• Annual adjustments based on international benchmarking.</li> <li>• Reduce WARP by 7% (Oct 2025), then Y% annually to 2028.</li> <li>• Must offer stand-alone service.</li> <li>• Provide KPIs to the Authority.</li> </ul>
	<b>Wholesale</b>	OneComm	<ul style="list-style-type: none"> <li>• Supply on Fair, Reasonable and Non Discriminatory (FRAND) terms.</li> <li>• Unbundling required unless infeasible.</li> <li>• Wholesale price cap = Retail minus X% (initial X set by international benchmarking, reviewed biennially).</li> <li>• Adjust pricing per Authority's reviews.</li> <li>• Provide KPIs to the Authority.</li> </ul>
<b>Mobile Services</b>	<b>Retail</b>	Digicel & OneComm (joint)	<ul style="list-style-type: none"> <li>• Entry-level anchor product <math>\geq 10</math> GB/month, <math>\leq \\$50</math>.</li> <li>• Prominent advertising &amp; staff training on entry-level anchor product.</li> <li>• Annual RA benchmarking adjustments.</li> <li>• Price caps/reductions per Authority's median price review based on international benchmarking.</li> <li>• Must offer stand-alone service.</li> <li>• Provide KPIs to Authority.</li> </ul>
	<b>Wholesale</b>	Digicel & OneComm (joint)	<ul style="list-style-type: none"> <li>• Supply on FRAND terms.</li> <li>• Access seekers must show reasonable demand.</li> <li>• Provide KPIs to the Authority on wholesale supply.</li> </ul>
<b>Fixed Voice</b>	<b>Retail</b>	Digicel	<ul style="list-style-type: none"> <li>• Maintain copper facilities until the Authority approves decommissioning timetable.</li> <li>• Must continue island-wide, stand-alone fixed voice.</li> <li>• Provide KPIs to the Authority.</li> </ul>
<b>Business Connectivity</b>	<b>Retail</b>	Digicel & OneComm (joint)	<ul style="list-style-type: none"> <li>• Provide KPIs to the Authority on retail business connectivity (incl. own downstream businesses).</li> </ul>
	<b>Wholesale</b>	Digicel & OneComm (joint)	<ul style="list-style-type: none"> <li>• Supply on FRAND terms.</li> <li>• Unbundling required unless infeasible.</li> <li>• Wholesale price cap = Retail minus 42% (reviewed biennially).</li> </ul>

**Schedule to the Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2025**

Market	Level	SMP Provider(s)	<i>Ex ante</i> Remedies
			<ul style="list-style-type: none"> <li>• Adjust pricing per Authority's reviews.</li> <li>• Provide KPIs to the Authority.</li> </ul>
<b>Call Termination (Fixed &amp; Mobile)</b>	<b>Wholesale</b>	All providers offering voice & messaging services	<ul style="list-style-type: none"> <li>• Must terminate all valid calls and messages.</li> <li>• Interconnect (directly/indirectly) on FRAND terms.</li> <li>• Cannot refuse reasonable interconnection requests from new entrants.</li> <li>• Must follow existing bill and keep convention for domestic calls.</li> <li>• No price controls allowed for termination.</li> </ul>

## Part 3. Information Provision and Key Performance Indicators (KPIs)

### 3.1 Introduction

33. SMP sectoral providers with a KPI obligation must provide KPI information to the Authority on a quarterly basis.

34. SMP sectoral providers must submit KPIs four times per year based on the following schedule:

Filing Quarter	Period Covered	Filing Deadline is 1700 Bermuda time on the dates below
Q1	1 April – 30 June	31 August
Q2	1 July – 30 September	30 November
Q3	1 October – 31 December	28 February
Q4	1 January – 31 March	31 May

35. The first KPI report (following the publication of this General Determination is for Q3 2025-2026 (1 October 2025 – 31 December 2025) and is due on 28 February 2026.

36. In all instances, KPIs must be provided as of the last day of the reporting period. Averages are to be calculated over the entire reporting period unless specified otherwise.

37. KPIs must also relate to all products billed in the review period including any that are supplied to end users but may not be advertised on the SMP sectoral provider's website.

38. The RA will provide SMP sectoral providers with a template for the collection of the required information, which will be made available by 1 October 2025.

39. The information collected in any KPI requirement may overlap with information collected annually by the Authority for its Market Analysis reports.

40. SMP sectoral providers in certain markets must provide KPI information at both the retail and wholesale levels as specified in Sections 3.2 and 3.3 below.

### 3.2 Retail KPI Obligations

41. In retail markets in which a KPI obligation is imposed (for example broadband, mobile), SMP sectoral providers must provide the following information:

- a. The number of customer complaints during the reporting period, subdivided by type (reliability, speed, contractual terms, billing) and service (fixed broadband, mobile, fixed voice, business connectivity).
  - b. The average time taken to address customer complaints during the reporting period, measured from when the complaint was first reported until the complaint was closed.
  - c. The three most common causes of complaints during the reporting period.
  - d. The number of faults during the reporting period, subdivided by type (loss of service, intermittent dropouts, etc.); and “faults” are defined as lost or impaired service due to issues in the SMP sectoral provider’s network.
  - e. The average time taken to address faults during the reporting period (from first identification until conclusion).
  - f. The top three most common causes of faults during the reporting period (e.g. customer equipment, local loop fault, no fault found).
42. For **Fixed Broadband** (excluding wholesale connections but including any broadband product that is part of a bundle), SMP sectoral providers must provide:
- a. The number of subscribers on each product at the end of the reporting period (designated by download speed), including anchor products, subdivided by residential/commercial.
  - b. The price of each retail broadband product at the end of the reporting period.
43. For **Mobile Services** (including bundled services but excluding Mobile Virtual Network Operator (MVNO) services), SMP sectoral providers must provide:
- a. The number of subscribers on each retail mobile package at the end of the reporting period, subdivided by residential/commercial.
  - b. The price of each retail mobile package at the end of the reporting period.
  - c. The number of prepaid subscribers at the end of the reporting period.
  - d. The average data use per user (averaged over the reporting period) for each mobile package, subdivided by residential/commercial.

44. For **Fixed Voice Telephony**, SMP sectoral providers must provide:

- a. The total number of retail FVT customers split between residential and commercial use as well as service delivery method (e.g. copper, VOIP) at the end of the reporting period.
- b. The price of each retail fixed voice package at the end of the reporting period.
- c. The average provisioning time (from customer order to service delivery and customer sign-off) for any FVT connection during the reporting period.

### 3.3 Wholesale KPI Obligations

45. In wholesale markets in which a KPI obligation is imposed (for example broadband, mobile), SMP sectoral providers must provide the Authority with a number of wholesale KPIs according to the service offered to access seekers, as well as the services that the SMP sectoral providers provide to their own retail division.

46. For **Fixed Broadband**, SMP sectoral providers must provide:

- a. The number of wholesale fixed broadband connections and associated revenue at the end of the reporting period, broken down by product/speed and access seeker.
- b. The average time taken to provide a new wholesale fixed broadband connection (from the time the order is placed by the access seeker to service acceptance by the access seeker). This average is to be calculated over the whole reporting period and provided per access seeker.
- c. The average time taken to provide a new fixed broadband connection for internal use (i.e. the SMP provider's retail division).
- d. The average time taken to address faults affecting the wholesale network during the reporting period, from when the fault was first reported by any wholesale access seeker until the fault has been closed; and "faults" are defined here as lost or impaired service due to issues in the wholesale network (i.e. faults that are the responsibility of the SMP sectoral provider).
- e. The total number of faults affecting the wholesale network during the reporting period, subdivided between faults reported by the SMP

provider's retail division and faults reported by any wholesale access seekers.

- f. The top three most common causes of faults affecting the wholesale network during the reporting period (e.g. customer equipment, local loop fault, no fault found).

47. For **Mobile Services**, SMP sectoral providers must provide:

- a. The number of MVNO subscribers, broken down by MVNO on a per month basis.
- b. The total number of network faults reported by an MVNO to the SMP provider during the reporting period, subdivided by each MVNO.
- c. The average time taken to address network faults reported by an MVNO to the SMP provider during the reporting period, subdivided by each MVNO.
- d. The top three most common causes of network faults reported by an MVNO to the SMP provider during the reporting period.
- e. The average data use per user (averaged over the reporting period) for each mobile package, subdivided by access provider.

48. For **Business Connectivity** (excluding any internet broadband services), SMP sectoral providers must provide:

- a. The number of wholesale terminating segments and associated revenue provided by the SMP provider at the end of the reporting period, broken down by wholesale access seeker and product/speed.
- b. The number of wholesale terminating segments used internally by the SMP provider (self-supply) at the end of the reporting period, broken down by product/speed.
- c. The average time taken to provide a new wholesale terminating segment (from the time the order is placed by the access seeker to service acceptance by the access seeker). This average is to be calculated over the whole reporting period and provided per access seeker.
- d. The average time taken to provide a new wholesale terminating segment for internal use (ie the wholesale SMP sectoral provider's retail division).
- e. The average time taken to address network faults (from first identification) during the reporting period, subdivided between the SMP provider's retail division and any wholesale access seekers; and "faults" are defined here



as lost or impaired service due to issues in the SMP provider's network (i.e. those faults that are the responsibility of the SMP sectoral provider).

- f. The total number of faults during the reporting period, subdivided between the SMP provider's retail division and any wholesale access seekers.
- g. The top three most common causes of faults during the reporting period (e.g. customer equipment, local loop fault, no fault found).

### 3.4 Summary of KPI Obligations

49. The KPI Obligations imposed on SMP sectoral providers as part of the designated *ex ante* remedies are set out in summary form in the following table, which is provided only for reference.

Table: Summary of KPI Requirements

Service / Market	Retail KPIs (SMP Providers must provide)	Wholesale KPIs (SMP Providers must provide)
<b>General (all services)</b>	<ul style="list-style-type: none"> <li>No. of customer complaints (by type: reliability, speed, contractual terms, billing; by service).</li> <li>Average time to address complaints.</li> <li>Top 3 causes of complaints.</li> <li>No. of faults (by type).</li> <li>Average time to address faults.</li> <li>Top 3 causes of faults.</li> </ul>	<i>Not applicable (general complaints/faults covered within service-specific wholesale reporting).</i>
<b>Fixed Broadband</b>	<ul style="list-style-type: none"> <li>Subscribers per product (by speed) at end of reporting period, incl. anchor products, split residential/commercial.</li> <li>Price of each retail broadband product.</li> </ul>	<ul style="list-style-type: none"> <li>No. of wholesale broadband connections &amp; associated revenue (by product/speed &amp; access seeker).</li> <li>Avg. time to provide new connection (per access seeker).</li> <li>Avg. time to provide new internal connection (retail division).</li> <li>Avg. time to resolve wholesale faults (per access seeker).</li> <li>Total no. of wholesale faults (split retail division vs. access seekers).</li> <li>Top 3 causes of wholesale faults.</li> </ul>
<b>Mobile Services</b>	<ul style="list-style-type: none"> <li>Subscribers per retail package (split residential/commercial).</li> <li>Price of each retail mobile package.</li> <li>No. of prepaid subscribers.</li> <li>Avg. data use per user (by package, split residential/commercial).</li> </ul>	<ul style="list-style-type: none"> <li>No. of MVNO subscribers (per MVNO, monthly).</li> <li>No. of network faults reported by MVNOs (per MVNO).</li> <li>Avg. time to resolve MVNO-reported faults (per MVNO).</li> <li>Top 3 causes of MVNO-reported faults.</li> </ul>

**Schedule to the Regulatory Authority (Market Review of the Electronic Communications Sector) General Determination 2025**

<b>Service / Market</b>	<b>Retail KPIs (SMP Providers must provide)</b>	<b>Wholesale KPIs (SMP Providers must provide)</b>
		<ul style="list-style-type: none"> <li>• Avg. data use per user (by package, split by access provider).</li> </ul>
<b>Fixed Voice Telephony (FVT)</b>	<ul style="list-style-type: none"> <li>• Total no. of customers (residential/commercial), by service delivery method (e.g. copper, VOIP).</li> <li>• Price of each retail fixed voice package.</li> <li>• Avg. provisioning time (order to delivery &amp; sign-off).</li> </ul>	<i>No separate wholesale KPI obligation specific to FVT (covered under call termination obligations in Section 1).</i>
<b>Business Connectivity</b>	<ul style="list-style-type: none"> <li>• KPIs on retail business connectivity services (including own downstream businesses).</li> </ul>	<ul style="list-style-type: none"> <li>• No. of wholesale leased line connections &amp; revenue (by product/speed &amp; access seeker).</li> <li>• No. of leased line connections used internally (self-supply), by product/speed.</li> <li>• Avg. time to address wholesale network faults (split retail division vs. access seekers).</li> <li>• Total no. of wholesale faults (split retail division vs. access seekers).</li> <li>• Top 3 causes of wholesale faults.</li> </ul>

## **Part 4. Price and Specification Adjustment Process**

### **4.1 General**

50. Where a date for implementation or data submission has been specified in this General Determination, the time for compliance must be 1700 Bermuda time on that date.
51. Any changes to the prices, specifications, WARP adjustments or wholesale adjustments will be made by the RA in the form of an Administrative Determination.

### **4.2 Retail Anchor Products**

52. The specifications and price of entry-level anchor products will be reviewed after an annual benchmarking exercise conducted each August.
53. If the Authority determines that a change to specifications and/or price of the retail anchor products is required it must make an Administrative Determination to that effect and notify the affected SMP sectoral provider(s) by 1 September of each year, and the SMP sectoral provider(s) must implement any required change by 1 October of each year.
54. At the discretion of the Authority, the prices and specifications for any anchor product may be adjusted if, within 10 business days following enactment of this General Determination (or within 10 business days of the notification of any future change), SMP sectoral providers present robust evidence that the price or specifications are not sustainable on a forward-looking basis.
55. If such an adjustment is agreed by the Authority, the affected SMP sectoral providers must implement the changes within one billing cycle (30 days) from the date the Authority notifies the provider(s) of the new price or specification.
56. Further adjustments will only be considered after this initial 10-day period if there is a material change in circumstances, supported by credible evidence, demonstrating that the price cap is not sufficient to cover costs.

### **4.3 Retail Price Adjustments**

57. The median retail price in both the fixed broadband and mobile markets will be reviewed after an annual benchmarking exercise conducted each August.
58. If the Authority determines that an adjustment to the applicable median retail price is required by means of a Y% adjustment to the affected SMP sectoral provider's WARP, it must make an Administrative Determination to that effect

and notify the affected SMP sectoral provider(s) by 1 September of each year, and the SMP sectoral provider(s) must implement any required change by 1 October of each year.

59. At the discretion of the Authority, price reductions specified for a SMP sectoral provider's retail products may be adjusted if the affected sectoral provider presents credible evidence that the reduction would not allow recovery of a reasonable return.
60. Such evidence must be presented within 10 business days of enactment of the General Determination, or within 10 business days of the SMP sectoral provider being advised of future price changes (scheduled for 1 September 2026, 1 September 2027, and 1 September 2028).

#### **4.4 Wholesale Price Adjustments**

61. The "Retail minus X%" used for wholesale products will be reviewed biennially as part of the Authority's international benchmarking exercise.
62. If the Authority determines that a change to the value of X is required, it must make an Administrative Determination to that effect and notify the affected SMP sectoral provider(s), who must implement the change within one billing cycle (30 days) of the Authority's notification.
63. At the discretion of the RA, the value of X may be adjusted if, within 10 business days of enactment of the General Determination (or within 10 business days of any future change), SMP sectoral providers present robust evidence that the value of X is not sustainable on a forward-looking basis.
64. If such an adjustment is agreed by the Authority, it must make an Administrative Determination to that effect, and the SMP sectoral provider(s) must implement the change within one billing cycle (30 days) from the date the Authority notifies the affected SMP sectoral provider(s) of the new value of X.

## **Part 5. Merger Control Obligations**

65. The Authority removes the 2014 and 2015 Merger Control Obligations imposed on Digicel and OneComm.