

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

**ENSURING THAT A POLICY LETTER ON THE POLICY GOVERNING
5G TECHNOLOGY IS DEBATED BY THE STATES ASSEMBLY**

The States are asked to decide:-

Whether, after consideration of the Requête dated 20th January, 2020, they are of the opinion:-

1. To direct the Committee *for* Economic Development to present a policy letter to the States of Deliberation no later than the end of the current political term, detailing its recommended policy on 5G technology, including specific reference to the licence conditions and criteria.

OR, only if Proposition 1 shall have fallen,

2. To direct the Committee *for* Economic Development to present a policy letter to the States of Deliberation no later than the end of 2020, detailing its recommended policy on 5G technology, including specific reference to the licence conditions and criteria.

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THE HUMBLE PETITION of the undersigned Members of the States of Deliberation
SHEWETH THAT:

1. In June 2018, the Committee *for* Economic Development (“the Committee”) published its first ever telecommunications strategy, *The Future of Telecoms*. The strategy states:

“The three key objectives are:

1. Provision of Fibre to business districts within 2-3 years
2. Provision of high quality residential broadband to all residential properties within 2-3 years
3. Provision of next generation mobile technology in line, or earlier than the UK”

2. With specific regard to the third objective, next generation mobile, the strategy explains:

“Planning and standardisation activities for 5th generation (5G) mobile networks is already underway and all of the big Telecoms Infrastructure providers have active 5G research and development projects, and early technology trials are underway at numerous locations around the world.”

3. Your Petitioners note that the telecommunications strategy has been neither debated nor endorsed by the States of Deliberation, although there has long been an expectation that there will be a chance to debate the issue. At the time that *The Future of Telecoms* was published on the official website for the States of Guernsey in June 2018, the public was informed that:

“A further Policy Letter on the implementation of that strategy will be submitted to the States in 2019.”

4. In November 2018, the Channel Islands Competition & Regulatory Authorities (“CICRA”) hosted a 5G summit involving government officials, senior telecoms industry and digital sector leaders, and experts from the UK “to discuss and

debate opportunities for the Channel Islands as the advent of 5G technology draws nearer”.

5. In December 2018 the Committee published some FAQs on 5G in response to increasing public interest in the issue. Concerns expressed by the community focused on a variety of different aspects of 5G. These include (but are not limited to): questions around the relative costs and benefits of 5G; issues around cybersecurity, data protection and privacy; and potential health and environmental impacts, especially those relating to non-ionising radiation, as well as queries around the scope, transparency and accountability of ICNIRP, the organisation whose guidelines inform our health and safety standards.
6. In January 2019, the Committee’s lead for Digital, Deputy Dudley Owen, wrote a letter that was published in Guernsey Press. It was written in response to a number of letters from members of the public on the issue. Deputy Dudley Owen’s letter reiterated the fact that 5G would be debated by the States in 2019:

“During 2019, the Committee *for* Economic Development will publish a policy letter, to be debated by the States, which will set out the next stage of the telecommunications strategy. Central to that is the roll-out of 5G.”

7. In April 2019, the Committee requested that CICRA launch a draft ‘statement of intent’ consultation process with telecoms companies and other interested parties to understand their views on the spectrum requirements and the proposed licencing process required to help meet those objectives, especially in relation to the rollout of 5G technology. This consultation took place during May and June 2019.
8. In June 2019, the Committee updated the P&R Plan with regards to digital connectivity, a States-approved policy priority, as follows:

“Digital connectivity and infrastructure

In summer 2018 the Committee *for* Economic Development published a telecommunications strategy following consultation and engagement with the public and private sector in the island. The States of Guernsey’s Economic Development Strategy confirmed that the implementation of the telecommunications strategy was a critical priority, and resources have been prioritised to develop a government and regulatory framework to deliver the objectives of the strategy and to foster investment in the infrastructure required. A policy letter will be debated by the States’ Assembly in 2019.”

9. In September 2019, the States was informed in statement by the President of the Committee:

“The Committee has now had the opportunity to consider the feedback from that consultation and will be providing an update to States members on next steps within the next few weeks.”

10. In October 2019, a document called ‘Future of Telecoms Strategy – update for States members’ was emailed to deputies by an officer on behalf of the Committee. This update announced that a policy letter was no longer required. The Committee argued that this was because it had become apparent through the consultation that the move towards 5G would be incremental, using existing 4G networks to deliver ‘4G+’ and then variables of 5G, rather than a new, single standalone 5G network. The Committee argued that because of this evolutionary approach it would “not be practical to seek a single licence for the issuance of suitable spectrum in initial 5G deployments”. However, the Committee confirmed that the roll out of a full island-wide 5G network remains a core objective, anticipating that the full deployment of the standalone version of 5G will take place post 2022.

11. The update confirmed that the Committee intends “to direct CICRA to issue licences to allow telecoms operators access to appropriate spectrum to facilitate the initial evolutionary deployment of 5G”, and that licences will be subject to clear conditions and criteria on security, health and safety, planning requirements, network speed and a commitment on deployment timescale and Bailiwick coverage.

12. Your Petitioners note that, although there had been a lot of public interest in the issue, including a high profile community-led campaign focused on the anticipated States debate, the Committee did not publicly communicate its decision that it would no longer be bringing a policy letter to the States. Neither did it take the opportunity to confirm to the public (as per the update for States members) that 5G trials would be starting imminently.

13. In November 2019, 5G trials commenced. The Committee’s lead for Digital, Deputy Dudley Owen, announced:

“The trials will be an opportunity to gain first-hand local experience of the new technology before a wider roll-out is commenced.”

14. Your Petitioners are of the firm opinion that 5G technology is an important policy area that should be debated by the States Assembly before any wider rollout is commenced.
15. The Telecommunications (Bailiwick of Guernsey) Law 2001 provides that the Guernsey Competition and Regulation Authority (GCRA) (“the Authority”) may grant licences for operators in the Bailiwick. The duties of the Authority are contained in the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001. The States of Deliberation gave the Authority powers under the Law to set and determine the standards against which licences are granted.
16. In 2006, the States approved an Amendment to the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 that allows the States to provide directions to the Authority in a number of areas:

“(1A) The States may, on the recommendation of the Commerce and Employment Department made after consultation with the Director General, and without prejudice to the provisions of subsection (1), by Ordinance give the Director General directions of a strategic or general nature including, without limitation, directions concerning the priorities to be taken into account by him in the exercise of his functions and powers in respect of any utility service.”
17. In September 2011, the Commerce and Employment Department brought a policy letter titled ‘Review of Utility Regulation’, which looked at all areas in the Authority’s mandate and made various observations and recommendations. One relevant observation was as follows:

“Whilst the Director General has performed his statutory duties in accordance with the legislative requirements, it could be said that the States have not provided sufficient clarity on their general and strategic objectives. [...] [T]here is scope for the States to provide greater clarity in certain areas where it considers this necessary.”
18. Pursuant to this policy letter, the States agreed to adopt the Six Principles for Economic Regulation, the first of which is Accountability. The definition for Accountability begins as follows:

“independent regulation needs to take place within a framework of duties and policies set by the democratically accountable States of Deliberation.”

The fourth principle is Coherence, the definition of which begins as follows:

“regulatory frameworks should form a logical part of the States of Guernsey’s broader policy context, consistent with established priorities”

19. The report forming the basis for (and appended to) that policy letter, A Review of Guernsey’s Utility Regulatory Regime, carried out by the Regulatory Policy Institute in 2010 states:

“a number of important challenges lie ahead for the States and for the regulatory framework in telecoms. Most important among these will be the development of an appropriate policy and regulatory approach with respect to the rollout of new technologies and next-generation network infrastructure.”

20. Your Petitioners contend that in the decade since that observation was made, the need for an appropriate policy and regulatory approach with respect to the rollout of new technologies and next-generation infrastructure is more urgent than ever. Your Petitioners note that the Committee already has the vast majority of the information it needs to pull together a policy letter on 5G, as it has already written a telecommunications strategy, seen the results of CICRA’s consultation with industry and is in the process of developing licence conditions and criteria.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

1. To direct the Committee *for* Economic Development to present a policy letter to the States of Deliberation no later than the end of the current political term, detailing its recommended policy on 5G technology, including specific reference to the licence conditions and criteria.

OR, only if Proposition 1 shall have fallen,

2. To direct the Committee *for* Economic Development to present a policy letter to the States of Deliberation no later than the end of 2020, detailing its recommended policy on 5G technology, including specific reference to the licence conditions and criteria.

AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY

This 20th day January, 2020

H L de Sausmarez

L B Queripel

V S Oliver

J S Merrett

M J Fallaize

E A McSwiggan

S L Langlois