

**LEGISLATIVE ASSEMBLY
OF THE
FALKLAND ISLANDS**



**RECORD OF THE
SELECT COMMITTEE ON THE PETITION**

**HELD ON THURSDAY 05 SEPTEMBER 2024
IN COURT & ASSEMBLY CHAMBERS**

Select Committee on the Petition

Thursday 05 September 2024

Court & Assembly Chambers

Attendance:

Elected Members

The Honourable Roger Spink, Chair
The Honourable Leona Roberts, Vice Chair
The Honourable Teslyn Barkman (via Messenger)
The Honourable Peter Biggs (Via videoconference)
The Honourable John Birmingham (via Messenger – morning only)
The Honourable Jack Ford
The Honourable Mark Pollard
The Honourable Gavin Short

Officers

Mrs Davina Fiore, the Acting Attorney General
Mr David Rogerson, Telecommunications Consultant and Technical Advisor to the Committee
(Via videoconference)
Mrs Cherie Clifford, Clerk of the Legislative Assembly

Oral Evidence

Mr Brian Jamieson
Mrs Roma Stewart (CEO SURE)
Ms Chris Durnell (Legal and Regulatory Director, SURE)

Press & Public

Press – FITV, FIRS, Penguin News
Public – 8 (includes 2 by via videoconference)

**Select Committee on the Petition
05 September 2024**

The Honourable Roger Spink

Good morning all and welcome. The first session of an hour will be an hour of asking questions on the written submissions, other than the Sure submission, which is in the afternoon meeting.

And we'll open up, we'll go round; each member of the Select Committee will ask one question in turn, and we'll go round until we've, we round up the hour, and then there'll be a period at the end to ask anyone present that has made a submission, if we have some questions specifically for them, to for them to come and answer them, if our, our advisors are unable to answer those questions in that hours session. Right.

The Honourable Roger Spink

Okay, so I think if we, if we go around asking questions. I think perhaps if we start with Pete. Pete, do you have any questions on the written evidence?

The Honourable Peter Biggs

No, not specifically, Roger, I read through them all. I did have some questions of my own, but they've been superseded by the questions in the written evidence. So, I'm quite content to not try and elaborate.

The Honourable Gavin Short

Very much like Pete, I've read through everything, and my main questioning will come in the later session.

The Honourable Jack Ford

I think my first one's more of a comment rather than a question, but probably seek some clarification, possibly from David or possibly Davina. It was on the second point of the petition, it's been raised in several other submissions about the domestic tariffs that if Starlink had given Regulatory approval, it then goes on to discuss sort of domestic tariffs, potential negotiations with FIG; the lowering of costs. And I think it just felt important, probably, to try and separate those two things, because my understanding is that

they're not linked, and were, if the Select Committee are to make a recommendation to give Regulatory approval to Starlink, and it is then granted that does not guarantee any level of domestic tariff for the end consumer, that is for Starlink and the end consumer to agree on, for Starlink to set the tariff, and that to be the rate that the consumers must pay.

So that, I think it was just to want to try and maybe separate out some of the comments made in a number of submissions that that sort of allude to if we, if we give approval, that will result in a lower cost of Starlink, and then therefore a lower cost of Internet services overall for people that want to access it, and that isn't necessarily linked to the point of giving them Regulatory approval. I think it was just important to probably to highlight, that was my understanding of everything we've talked about so far that they need to probably be separated out.

The Acting Attorney General

Thank you chair, obviously there would be likely to be a license fee if Regulatory approval were to be given to Starlink having a license, were Starlink to apply for it, my understanding is they haven't yet done so, and the license fee would be set by FIG but commercial rates that would be charged to users in the Falklands would be a matter for the commercial organization, Starlink, in this case, to set. I think where people have made submissions saying it will be cheaper, their assumption is that based on charges they've seen that Starlink levy in other areas but of course, we always do have to bear in mind that the Falklands is more remote, and that can lead to additional charges. I don't know if David Rogerson, our technical expert, wants to add anything to that.

David Rogerson

I don't think so. Davina, you've expressed it very well. There is no certainty, but the suggestion, and certainly the experience of other jurisdictions, is that when Starlink, if Starlink has its own license, the domestic tariffs are lower than the roaming tariffs that they use.

The Honourable Leona Roberts

Thank you, yeah. I had a similar question, actually, because I think it is important to clarify, and thank you, David and Davina for that, because I think some of those, some of these submissions also do make reference to or suggest that were Starlink given Regulatory approval that then government would negotiate the package price with them. It's important to be clear that we don't believe that's the case.

But on another area, Davina, perhaps it's for you, but from, from a legal perspective, what are the risks of deregulated internet provision with regards to individual security and safeguarding and potentially national security that is raised in one or two of the submissions?

The Acting Attorney General

Right, I mean, David can probably answer some of that better than I can, but it might be helpful if I referred to an explanation we got from Stuart Walker, Crown Council Prosecution, in relation to a specific query that was raised, saying there might be problems obtaining evidence if this proposed deregulation took place.

And what Stuart said, and I will read it out; “the short explanation, is that internet service providers, so those services which transmit data over the Internet, can hold data which is relevant to law enforcement operations. This data can be accessed by law enforcement agencies using appropriate routes, such as disclosure requests, court orders and requests for mutual legal assistance, even if the service provider is based outside the jurisdiction.

“Generally speaking, the data held by companies providing Transmission Services is limited, because although they transmit data, they are unlikely to store data content, such as electronic messages, images, banking information, etc. This data may be stored by the companies providing the internet based service, such as social media companies, internet search companies, banking organizations, etc., rather than the companies transmitting the data. In the Falkland Islands, it is unlikely that the use of Starlink to transmit data will make any significant difference to law enforcement operations.”

So, does that answer your question?

The Honourable Leona Roberts

It does, thank you.

The Acting Attorney General

I do not know if David would want to add anything to that. I think we're getting a shaken head

David Rogerson

I think you explained very clearly there.

The Honourable Mark Pollard

I've got quite a lot of questions, but not necessarily at this stage, and I think some of my questions will come out of Sure, some will come perhaps at a later session with the with the Regulator, when he's back in the Islands and attending.

But that said, I think just, I'd ask, perhaps David for, for some sort of technical clarity around... Sorry, I'd just like, thank everyone for their submissions as well. There were a lot and varied.

David, if I may, could I just ask you what your technical perspective is on, Chris Gare's statement that it's virtually impossible to use infotainment streaming services such as Netflix and YouTube in SD I mean, this doesn't seem to be my experience, but I just, I wonder if I could get a technical view on that.

David Rogerson

It's a little difficult for me to comment on that, not being in the Falkland Islands and trying to use those particular applications. I think they clearly are bandwidth intensive, and they require, in some cases, low latency communications which is both limitations are limited within the offerings of Sure at present. So, I think there's evidence that these services are being used and are being used reasonably effectively in some circumstances, but there are also times when there's a lot of buffering when the service starts performing, particularly probably in Camp from what I understand, is quite varied, but it certainly isn't impossible to use those applications.

The Honourable Teslyn Barkman

Thank you, Chair and apologies for joining long distance. I will try and speak a little bit slower than normal so that it can be clear.

I think the merits and certainly sentiments behind competition seem to draw to this need for improved competitiveness and a greater resiliency was part of some of the written submissions that really, I think, can be possibly pulled out a little bit more, not just with the things which have already been mentioned by MLA Roberts, for example, being cyber security and things like that.

But services, particularly around the islands, there is an expectation that a universal provision or some kind of service expectation is a whole Falkland Islands, and whether that can be currently met at terms of current provider, and whether enabling an affordable additional provider will improve resilience and safety proportionately, safety across, across the Islands and the other

social benefits and the other economic benefits were also pulled out in the written submission. But that point for Island wide resiliency certainly be something I'd like to get into later with the current provider.

David Rogerson

Well, I think it undoubtedly is true that there's greater resilience if you have options of different communication platforms. And that, in itself, will increase safety, because there, if one that works down, there's another option. So yes, undoubtedly, that's correct statement.

The Honourable John Birmingham

Thank you, nothing from me, I'm in listening mode at the moment. Thank you very much.

The Honourable Jack Ford

Again, probably, I think, slightly again, just more of a comment on, on submissions, it's raised in a number of them about the potential benefits for health services. And I think based on the questions of this Select Committee, it's important that that probably is also separated and not regarded as, as a potential benefit of reducing the license fee because my understanding, which have been or David, can probably confirm, as FIG that the main, and I think probably in most cases, the sole provider of all health services in Falklands is exempt from the requirement for a license, there is no need to, the impact of reducing a license doesn't impact FIG and its ability to use Starlink to improve health services. So, so I think the arguments made in some submissions about the benefits of Starlink for health in the Falklands are not, not relevant to the arguments.

Member of the Public

Jack, can you speak up, it's very hard to hear you.

The Honourable Jack Ford

Yes, I do apologize, but, whether or not that would be a reasonable thing to do to discount that, those arguments for the styling would benefit health services in the Falklands, because FIG is exempt from the requirement to have a license and pay the fee.

The Acting Attorney General

If I could respond to that Chair, while you're absolutely right, FIG is exempt and FIG is a provider of services, when I read through the submissions, I was thinking people might be talking about them wanting the ability to consult with, say, a doctor or a nurse practitioner who's within KEMH. And so, what they may be saying is, well, we could do that if we, the patient, had better internet provision, we would feel more comfortable arranging an appointment online at 10 o'clock in the morning or whatever, knowing that we had a more secure service. So, I think it would be reasonable to bear that in mind as a relevant criterion. And it may be, if you have anyone here who is from Camp and who put that in their submission as a point that you might want to see if they want to clarify that in the session, you've set aside with time for members of the public who are present to be able to comment.

The Honourable Jack Ford

I think that, that important point about people, individuals, being able to access whether it's emergency services or, or health services in an emergency, particularly those people in Camp, is an important one that's made in several submissions like you said, where I think there's an example in one submission that where it gave the case where their phone lines had gone down, they didn't have access to a mobile signal and at the same time, their internet service had gone down, and at the time, their wife was in Stanley, about to give birth to their first child. So, in that situation, having a backup that allowed them to communicate with Stanley would have been a very important thing. I agree with that part of it, that that use by individuals for contacting whether it's emergency services or the health service, is very important, and I think a strong argument for, certainly people in rural communities having access to, having cheaper access to an alternative provider, but it was, I think, more the arguments made in a couple of submissions about, particularly about KEMH, things like the patient record system, other equipment within the hospital that was less relevant to the arguments or the to, the points being discussed as part of the stellar committee.

The Acting Attorney General

Yes, I absolutely agree that the hospital as part of FIG is exempt from the licensing requirements. I don't know if David had anything to add.

David Rogerson

No, I don't think so. Perhaps, I should say one thing, if the hospital needed, enhanced broadband facilities today, it can still obtain those through from Sure and bespoke deals and arrangements and that supplies also to other aspects of fit.

The Honourable Roger Spink

Okay, good point, thanks.

The Honourable Leona Roberts

Yes, again, sorry, Davina, it's for you, or perhaps it's one that would be better addressed by the Regulator in the later session. I don't know, but a number of the submissions make reference to constitutional rights.

Are you able to set the facts out around that and just add some clarity to what our constitutional rights and, and where there might be some misunderstanding or misinterpretation, just so that people are very clear on that point?

The Acting Attorney General

Yes, of course, obviously the Falkland Island constitution does protect various fundamental rights, such as the right to life, right to family life, freedom of communications, but where there are fundamental human rights, there are provisions that allow for those rights to be compromised where it's reasonable and proportionate to do so in a democratic society.

So, to give you examples in terms of a right for l, for life, that doesn't prevent a medical service having guidance in place that sets limits on the type of medication they would prescribe, or the cost of that, or to give you what is often quite an easily understandable example where people are in need of IVF that they are funded for a certain number of cycles of that. So, you do always have to bear in mind that although there are fundamental human rights there are circumstances in a democratic society where, if it's provided it's reasonable and proportionate, those rights can be compromised in pursuit of the greater good.

The Honourable Mark Pollard

I've an awful lot of questions, but mainly coming out of the submissions, but particularly for the Attorney General/ Regulator and, and for Sure, themselves. But I just wanted to ask David, in particular, what apologies, just need to turn the page.

So, could you offer any clarity on how the Regulator currently monitors the performance of Sure's internet service in terms of speed, reliability and customer satisfaction? Other established benchmarks or standards, the Sure is required to meet, and do you feel these are adequate?

David Rogerson

I can provide some information on that at least, Sure is required to provide quarterly reports on the performance of its network on various aspects, whether It's in false availability, includes measurements of line speed from the so there is, unfortunately, submission of information on the basis of that some key performance indicators of targets have been set.

Those are reported on, I think the second part of your question Mark, was about whether they were sufficient or adequate. I didn't quite catch that.

The Honourable Mark Pollard

So sorry, David, there were sort of three questions, really. So, the first one was about know-how, the other one is, whether or not there are established benchmarks or standards that they're required to meet. I guess that's the KPIs that you're talking about. And the third part was whether or not you felt these were adequate.

David Rogerson

I guess, what does adequate means here? I mean, it's fairly evident from all the submissions that we've been looking at that they're not meeting user expectations or hopes.

But there's a question also about what's technically possible with the infrastructure and the backhaul arrangements that Sure has in place. So, I think on the first one, the user expectations probably not adequate, but in terms of what can be delivered with the infrastructure of today in use, I think, as they are adequate, they're probably no more than adequate, and then we're talking with time to improve them.

The Honourable Mark Pollard

Thank you,

The Honourable Jack Ford

I will do my, I need a microphone. There's a question in submission 8 from one of the members of the Starlink petition group that asks if the presentation made by the petition group, I think referring to the presentation where they that included the handover of the petition to the Chair could be submitted to the Select Committee as evidence, and whether or not that has been done or could be done at a later stage, to include it on the record?

The Honourable Roger Spink

Right, yes.

The Acting Attorney General

Well, the committee is welcome to accept anything in evidence that it considers is relevant to the subject under discussion. I mean, obviously I would imagine you wouldn't want people to put in some evidence that related to something the Legislative Assembly hadn't referred to you to look at, because that would be outside your remit.

The Honourable Jack Ford

But it was just as a submission from one of the members of the group that organized the petition asking that, I suppose that the presentation that was quite a key of the petitions could be included

The Honourable Roger Spink

It should be included in the last part.

The Acting Attorney General

It's a decision for you as a committee if you want to accept that. I haven't looked at it recently, but from memory, when I, when I saw it, I think it did contain relevant information. So, I wouldn't object to that. I don't know if Cherie has anything to add to that.

Clerk of the Assembly

No.

The Honourable Roger Spink

Everybody happy to have that added to?

The Honourable John Birmingham

Yes.

The Honourable Leona Roberts

Yes, absolutely.

The Honourable Teslyn Barkman

Sorry, just a bit of a delay while I find the mute button to unmute myself. The question on, I think on the tip of everyone's tongues, is, what effect would this have upon telecoms as a whole? I'm sure we'll get into that in a bit more detail later, but I'm happy with the questions that my Honourable Colleagues have provided.

The Honourable Roger Spink

Thanks very much. Leona, did you have another?

The Honourable Leona Roberts

No, I have more that come from the submissions, which I would like to ask of Sure later on. But I don't think at this stage I have any further I would just say though I think you know, there were really good number of submissions in here, the ones I find most compelling were those that had some sort of strong personal evidence included in them. But I think it's, it's a useful start.

The Honourable Mark Pollard

No, I'm exactly the same. I've got further questions coming out of it and would thank everyone for their submissions. They're really useful.

The Honourable Jack Ford

On submission number 9 from the Chamber of Commerce, it mentions, well, I think importantly, mentions that their business climate survey conducted over many years regularly raises telecom, telecommunications as a significant barrier to business growth and development, which I think a useful point, and it might be useful if, if whether either copies of or sections of business climate surveys could be potentially submitted, as well as evidence to support that statement, possibly?

The Chamber also mentions newer technologies which are available to business to help them improve productivity, improve productivity and grow and develop their businesses. And whether, I don't know if we think we have a representative from the Chamber, but if they could possibly provide examples of where their members have, I suppose, tried to access new technologies and been unable to due to the service provided by Sure or potential other services that they might be able to use, were they, were they able to access Starlink at a more affordable rate for their business?

The Honourable Mark Pollard

Sorry, Chair. I meant to say earlier, just, I think it's useful to highlight that that our expert, David has provided a summary of all the written evidence and there are a lot of things in common. I mean, not everything, obviously, but it has given us an awful lot of questions for other sort of forum, so, whilst it seems like we're glossing over all of the submissions we're really not. They have been factored into questions that will come further down the line of Sure, of the Regulator, when he's back in front of the Select Committee. There will be a lot of questions coming out of it, even though this section is fairly short.

The Honourable Roger Spink

And I think these, these are available on the website, aren't they, Cherie? Yes, thanks,

Clerk of the Assembly

On the petition presentation, can I request that somebody from the group provides me with that presentation so that I can include it in the evidence? Because I don't have a copy.

The Honourable Roger Spink

Good. Right, if there are no further questions, perhaps we should just mention on the Starlink submission, which has come in, that the Chief Executive has an email back from Starlink, which I think perhaps if we can enter into the record, saying that they have tried to find any original documentation relating to their comment, and “other than the notes that reflect this, I have not been able to directly verify. Unfortunately, the person who originally reached out is no longer here, so I cannot get any further information.”

This is in relation to the comment that they had been told they wouldn't be granted a license. “I'm more than happy to clarify my statement. That is the information that I have, and possibly is not completely accurate according to your information here, the note certainly could have been generalized interpretation of `blocked` without additional detail, which would include the exclusivity of the incumbent telco, no option for a full service license, etc.”

So, we'll be asking for further clarification on that, but that's the present issue with the Starlink letter that on where they said that they were informed they couldn't apply for a license. And we also await a reply when the Attorney General returns because there is a letter, which I think David, you might be able to elaborate on.

David Rogerson

Yes, this question probably has to be put to the Regulator at a subsequent session. But I do know he wrote to Starlink some months ago in response to an earlier request about whether it would be possible to seek or apply for a license, and as far as I know that within that letter, there was a, there was an openness to discuss it. So, I think the statements in Starlink's submission is, is slightly more, it's a closed statement that says they were led in one direction, I don't think that was actually factually accurate. They may have interpreted it in that way, but the door was left ajar for further discussion, which hasn't, as far as I know, happened since then.

The Honourable Roger Spink

Thank you very much.

The Honourable Jack Ford

It was more, sort of similar to Leona's, I think probably just a summary of the submissions. And I think there are some really useful points made in a number of submissions that range from things

like people's inability to access, whether it's educational or continued professional development, access to new sort of software for things like the maintaining and servicing plant and other equipment. Again, we've already touched on things like resilience and emergency contact and having a backup in places like Camp, and the importance of that the impacts on businesses and potential diversification of the economy and branching out into different, the development of different services that we don't have in the Falklands because of the limitations of the internet provision, by Sure.

Also a number of, I suppose, personal submissions, where it's impacting family life and their children as well, which are useful pieces of evidence, also things on, there was a Camp submission, submission 24 that touched on things like technologies to improve the efficiency of their farming business, but also the development of their tourism business and the provision by Sure either prevents that or, severely limits the things that they can use to improve the efficiency of their business or expand into new areas.

So I think there are a number of very useful personal pieces of evidence, but also then piece of evidence from businesses or representatives of the business community that show how they are, they're either being held back or having to pay significant costs if they if they look due to apply for a license to obtain something like a Starlink, that where, if the fee were to be reduced, that would significantly benefit them personally or their business, or the development of their business. So, I think despite a couple of, I suppose, criticisms of points made in some submissions, there are a number of very important points made.

The Honourable Mark Pollard

Yeah, just, perhaps a brief question for Davina here, in terms of legal, I mean, we talk about Starlink and that is the, the sort of technology, or the provider that we've been focusing on, but were we to reduce a fee or amend the fee for VSAT access, can you perhaps just offer the clarity that it wouldn't be necessarily for Starlink. It would be technology agnostic or provider agnostic, perhaps?

The Acting Attorney General

That's my understanding, yes, that Starlink is one commercial provider and that others do exist.

The Honourable Mark Pollard

Thank you.

The Honourable Roger Spink

It's self-provision, isn't it?

The Acting Attorney General

Yes.

Teslyn Barkman

Sorry about that. Yeah, I think first I'd like to say, the earlier moment around Starlink's understanding of the current situation of the exclusive license, what was the understanding of this Legislative Assembly or the previous one. And I suppose the question originally was going to be around more towards Davina to outline, again, the policy reasons behind the decision taken by the 2013-2017 Legislature Assembly to set the fee, the VSAT fee, at the £5400 level, at the disproportionately high level, as has been, I think, alluded to by MLA Ford, obviously, that being disproportionately high it does push, does create further barriers for kind of social inequality in terms of, certainly, people who can't afford large packages, people who can't afford VSAT fee pushed towards the edges, not being able to live their lives to the best possible economic or social participation level.

And that does create societal problems, as well as economic as alluded to, but it was really for the Davina to outline, and the purpose of the committee to understand why that view was set to the level that it was, and whether those policy reasons so that we can test whether those policy reasons continue to stand up to the very large and very voluminous amounts of evidence that's provided to the committee. And also, I take my chance to thank everybody who's submitted to committee so far.

The Acting Attorney General

Thank you, Chair. I've had the benefit of reading back a report which went to ExCo 26 October 2016 and that clearly sets out the policy reason as being that self-provision would be available at a fee that would effectively discourage self-provision, because if it was felt that would compensate the public interest for anyone who acted outside the regime under which there be an exclusive license for one provider.

I think the position at that point was that technology was such, it was felt there was great strength in having one exclusive provider, especially given the fact that the number of users on the Falkland Island, relatively limited, and it was felt that would be the best way of achieving the best service for all, for the maximum number of people.

Obviously, I wasn't with FIG then, many of the MLAs were so they can probably comment on that much better than I can.

The Honourable Roger Spink

Can I just comment I wasn't an MLA at the time but actually, I think one of the reasons was that Sure were not in receipt of any public funds, they were providing the Camp system, and they were in receipt of no public subsidy or assistance at the time and it was felt that that was or that, I think that was the reasoning. And Gavin can correct me, who was an MLA at the time, but I think that was the reasoning behind that decision; was in order that they had to support the Camp network. That was one of the reasons, given that that they had that level of protection from self-provision, whereas now we know that the situation is quite different, there is a considerable size subsidy paid by FIG for this service.

The Honourable Gavin Short

Thank you, Chair, yes; you summed it up absolutely perfectly, as my memory goes of those, of those days that was the idea was to try and keep a universal coverage across the whole of the Falklands, and was based on the world that we found ourselves in at that stage and the situation we were in. But as you say, things have now moved on.

If I could just make one more observation, sorry, my lack of questioning on, on any of the submissions, I hope are not seen as lack of interest on my part, as I say I have read through them, and I find the vast majority to be very well thought out, and argument succinctly put. And I also would like to pay particular tribute to those from the rural sector who I think have actually laid out a very, very good case, especially submission seven.

The Honourable Roger Spink

David, did you have any comments on that at all?

David Rogerson

I'm not quite sure, I think, the statements of why the fee was set where it was set are as I understand it, exactly as expressed. I think we need to remember that at that point in time, it was not straightforward. It's not easy to any operator to come and provide services in the Falkland Islands and make the investments that were needed. And so, part of this strategy to dissuade people from self-provision was to enable the investments to be made and for an operator to be willing to take on that license obligation that was, that was the other side of it. And of course, that obligation and that license continues to function today.

The Honourable Teslyn Barkman

Yeah, thank you, and I appreciate it is rather a basic question, and I know one that this Assembly is probably put to officers a number of times over, but I think it does really highlight the purpose. It brings us back to this point of yes, at that specific point in time, maybe it made sense, and now the landscape has changed. And I'd like to thank the responses from, from Davina and David there, and also from the Chair and Gavin, for expanding from that broader picture, because that point about the resilience of Camp services and the whole nation being able to be in receipt of internet provision to a level that was expected to improve over a timeline, is something that the Select Committee is going to have to scrutinize time and again to address the evidence that's been submitted for this new point in time. So, I appreciate that helpful to the grounding context of where this committee is going.

The Honourable Roger Spink

Good. Okay, anyone else? Right, okay, anything else that we need to do, shall we take, a take a break?

The Honourable John Birmingham

I'm listening. Chair, it's very poor, but I can get the gist of most of it, and I've nothing to add, at the moment, I think everybody's on the same transportation. We want to improve the service, and that's all I have to say.

The Honourable Peter Biggs

As far as I'm concerned, more or less in the same position as John, I'm very impressed with everybody that's made submissions and thought through the issues and made very good arguments. Nothing else constructed this point, thank you.

The Honourable Roger Spink

Good. Okay, well, I would suggest that we perhaps break.

Committee breaks/resumes

Thanks very much. We'll recommence now, and I'd like to thank Brian Jameson, who's come to give oral evidence for 10 minutes, and then 10 minutes questions and answers afterwards. So, thank you very much, Brian for coming in and thank you for your submission in advance as well.

Mr Brian Jamieson

Thank you Chair, just, just prior to, to doing my submission, can I, can I clarify something from David Rogerson's summarizing of the written evidence, he was hoping that if anyone had any particular issues that they might seek clarification for written evidence, 19, which was mine, MLAs had given verbal assurances that concerns raised by Dr Elsby, that if the provider cannot provide what's required, then you shouldn't be penalized for that. He was speaking to the fee of £5400 pounds. If you could demonstrate that you really needed a performance or a connectivity that Sure can provide, excuse me.

The other thing is that we were talking just before the break that Sure were taking the position that their collective purchasing provide benefits for the population at large, I would query that prior to the exclusive license, there were two personal VSAT users in Stanley from several years ago, and they were enjoying quota free evenings and quota free weekends, while Sure with its collective purchasing, took much longer to provide the benefit of quota free antisocial hours.

Thank you.

The Chair, Members of the Legislative Assembly and ladies and gentlemen, you've heard from many individuals who have chosen to write into the committee regarding telecommunications issues. You've certainly got many signatories who may be unsure of speaking or writing in but feel that putting their name occasionally, several times over to the petition is the best that they can offer.

The petition garnered some 2416 signatures. To put that into context, the referendum in 2013 had 1518 votes cast. I think at this point it is appropriate to summarize the issues of pre 2024 communications on my attempts to earn a living in West Falklands and work as a so called digital

nomad, I only needed a personal computer and a reliable and reasonably speedy internet connection. What can be wrong with that as a life plan?

It became clear quite rapidly that Cable and Wireless, as Sure, South Atlantic was known then, was not set up to offer anything other than the most rudimentary Internet services for Falkland businesses, even mailboxes have incredibly stringent storage quotas applied to them.

Here is an example that has affected everyone who has offered website services, such as me. If you want to use Sure to host the website, if it's anything other than a simple text based website with a few images, you're basically bogged in a ditch because of the inadequate services offered by Sure; you cannot install a required database, and just like email storage, you don't even get the disk space that a system like Joomla or WordPress requires. Prior to the outbreak of covid 19, I created an application server based on a classroom scenario. It's uses include chat rooms, presentations, tests, polls, interactive whiteboards and so on, all ideal applications allowing a scattered population to maintain recreational, educational and work contact.

I was able to demonstrate it to the Regulator, to some MLAs, FIDC, the Chamber of Commerce and the Education department. It was very apparent that I needed significantly better upload speeds than those available from Sure. After well over a year of delays, the Regulator accepted that I had indeed attempted to engage with Sure concerning my requirements.

If you find yourself lucky enough to have a job as a content creator, such as a games programmer, a Formula One commentator, a drone pilot, or our favourite hospital scanner operators, Sure services, even to this day, remain inadequate for your needs, even the new packages announced by Sure last week still only have 1000 kilobits per second upload speed, and that's at the very best, making its use practically impossible for content creators like me. This is a connection rate from the last millennium.

Sure, can now offer 15 megabits per second download speeds. So why can't they provide reasonable upload speeds? There are two key reasons that I'm certain Sure will discuss with you, perhaps even in the closed session this afternoon, the Starlink petition group predicted three main benefits for non Starlink users, reduced network connection, enhanced reliability and stability and competitive pricing, Sure's new tariffs show an incredibly welcome first step for consumers. The top two most expensive tariffs have effectively been removed, and the replacement is now quota free at £3840 per year.

Sadly, the four most affordable tariffs remain, to excuse me, sadly, the four most affordable tariffs are still constrained by monthly quotas and low speed. Time will tell if stability and reliability have been improved, and if month end congestion has actually been reduced.

Sadly, as I said, as a content creator, the upload speeds remain too poor for Sure, to be useful for my requirements. I was lucky enough to get a test and trial license of Starlink, I got to travel around the East and the West to take performance measurements and to get an understanding just how reliable and useful a mobile Starlink dish could be.

It was a fantastic experience, being out in the sticks, but being able to access the myriad services of the internet now presents new commercial opportunities for farmers and tourism, not to mention the clear benefits for the Emergency Services.

I also managed to test some modern and all too common cloud based applications. QuickBooks is a popular accounts package that now lives wholesale in the cloud, modern task management and order processing software all work in the cloud, and all require fast download and upload speeds. Any small company trying to improve itself and its processes simply must embrace the cloud. It is rare for business applications to operate offline these days, accessing a file server at South Harbour when I am in Stanley, underscores the problems of the lower load speeds that are still in place.

In written evidence, 31 Sure concedes the existence of self-provision of internet written into the legislation, they note that applicants need to provide evidence that they have engaged with Sure. I tried just this, and I have an email trail stretching for 497 days in total. I suggest that sticking your head in the sand is not a good way to handle professional requests from customers.

Sure, suggests that allowing other service providers to operate is incompatible with the legislation. How do they expect a personal VSAT license that has been issued by the government to operate? to be fair, the bulk of accounts belong to people who do not own or operate their own email or application servers or need to run VPN access points. These people are unlikely to want to make the jump to self-provision of internet and will remain customers of Sure alongside the majority of those who have already indicated that they would prefer to retain their Sure package alongside a second ISP, by permitting taxpayers to choose their own ISP, not only do we reduce network congestion and contention, but we also allow individuals to build redundancy into their systems.

This is of particular benefit to Camp residents, who are a long way from help, be it for power systems, for vehicles or telecoms, would no longer be constrained to wait for engineers to

troubleshoot and swap out faulty hardware. The current service level agreement for Camp allows for several days leeway to fix faults. Understandably, it is a long time to go without communications. Having a second ISP could quite literally, be a life saver. If you permit a second internet provider to operate under the existing legislature then, as Margaret Thatcher might say, you are actually allowing effective regulation, and Sure will continue to up their game.

Starlink has demonstrated its flexibility and reliability all around the globe, and I would ask that you treat the petitions requests in a favourable manner and allow me and others to earn, excuse me, a decent living once again by using the skills that we have worked hard to attain. Thank you.

The Honourable Roger Spink

Thank you very much. Any questions?

The Honourable Gavin Short

Thank you Chair. Thank you, Mr Jamieson, for coming along and presenting to the Select Committee this morning. We very much do appreciate it.

Mr Brian Jamieson

Thank you, Gavin.

The Honourable Gavin Short

Perhaps just a point of clarification before I begin, sir, you mentioned right at the beginning the number of signatures on the petition as versus the referendum, just for a point of clarity, really, or clarification, of course, the referendum itself was tied into registered voters only, whereas the petition was open to everyone. Hence you will get a much higher absolutely. But I do not wish to take away or make or please, don't think I'm criticizing no notion in any way, shape or form.

Mr Brian Jamieson

If I might reply to that you're absolutely correct. Stanley, if you drill down into the figures for the signatures, I wasn't allowed to drill down into the figures on the referendum. But if you drill down into the figures for the petition, Stanley supplied some 1482 signatures, and Camp supplied 185 so the grand number of signatures from us, is, was 1699 mark.

The Honourable Roger Spink

Mark? And then, then perhaps, if we asked the people on that,

The Honourable Mark Pollard

Sorry, I think it looks like Gavin wants to carry on?

The Honourable Gavin Short

I did actually have my substantive question in your petition, you mentioned that you the fee should either be set to zero or a maximum of £180. I was just curious as to why a maximum of £180. Where did that figure come from?

Mr Brian Jamieson

What we were trying to do, and this is, this is now going back to when we were trying to figure out the aims of the petition, we, we had, perhaps a faulty understanding that the license fee would be given to Sure as compensation for our skedaddling to another ISP.

At that point, we also learned that the £5400, had come from Sure, basically saying we want to get the maximum that were actually allowed to levy against customers before we then allow people to go off and, and self-provide. We took, oddly enough, the opposite view, which would be, if Sure is absolutely unable to provide the service we need, then by all means, we can compensate them, but it really ought to be the cheapest level. Why would anyone compensate for a service that is absolutely no use to them and is demonstrably no use to them?

The Honourable Gavin Short

Excellent. Thank you very much

Mr Brian Jamieson

Thank you.

The Honourable Mark Pollard

Yeah, I think just on the on the comparison between, sorry, thank you. Thank you for coming, and thank you for your written evidence, as well as you're very, succinct in the in your presentation.

Yeah, I think in terms of comparing the, you know, the amount of Stanley and Camp signing the petition and against people voting, obviously, you have to have Falkland Island status to vote. You have to be above 18 years of age, or 18 and above. So, I think there are different factors there, it's not necessarily apples with apples, but when it comes to comparison, but, but I understand the point you're making.

But there's one thing you said there that I thought had been checked, but perhaps I'm wrong, and I'm not entirely sure who I'm asking this question of, but you said about the people signing the petition several times over. I thought we'd sort of verified to check that they were individual signatures.

Mr Brian Jamieson

Those, those figures had been called. We were, we were actually thinking of offering a prize to the, the most persistent signature. But we decided that might not be a sensible idea.

The Honourable Mark Pollard

But the total number, are individuals, rather than, people signing it many times over?

Mr Brian Jamieson

Anything that was deemed as multiples or, or illegible and so on. They were they were excluded.

The Honourable Roger Spink

I think from memory, I think there were three or 400 that have been removed.

Mr Brian Jamieson

That's correct.

The Honourable Mark Pollard

That's an important clarification, I think. Thanks.

The Honourable Teslyn Barkman

Thank you, and thank you, Brian, for your submission and for your work in gathering evidence for this petition. I hope you can all hear me correctly. I think first, like to highlight a comment there that you made about resilience and safety, particularly for the island wide network that we have in the Falklands, it certainly weighs heavy in my mind as a representative that there are areas of communities and families out there who can go days on end without any kind of telecom provision available, and not just in terms of the damage that does to them socially and to their business, but also the risk that it puts them under in terms of, should anything happen to them in an emergency.

And so that is a grave concern, I'd say, in the back of my mind, certainly something that will continue to sit in my mind is a representative as we think about whether the policy expectations of the exclusive license were, have been delivered to an appropriate level in terms of Camp provision. So, like to thank you first for highlighting that which does put a very ethical a, lens around the petition, as well as the other aspects of whether, economically, it's, it's fit for the Falklands.

Not so much a question, but more a comment, which I think also that you've, you've probably alluded to there in response to Gavin's question around why the £180 level, but the spirits behind this petition to be able to word the question in such a way to bring about a result that will address what are a wide range of different issues with telecoms in the island. So, appreciate, it was probably a difficult thing to try to task and sculpt question accordingly petition, but whether there was anything more you could give to the context of, of why that, that question is worded in the way that it was. You've addressed some of it already, but I did, most want to thank you for highlighting the kind of ethical struggles of people in Camp in particular.

Mr Brian Jamieson

Thank you, Teslyn. Then, I had a very interesting opportunity that sadly, got kiboshed by, of all things, avian flu, and it was to actually get on the boat and take my Starlink dish to Steeple Jason and actually take it and test it there, as I say, sadly, that was not to be. My fondest wish is to get on the boat and go there and just show exactly that that dish is able to perform and keep people in touch.

I had some information that there was a scientist who found herself on Steeple and hadn't actually appreciated quite how isolated she was going to be, or maybe the actual day to day realities were more than she was prepared for. And apparently, the satellite phone that she had was, was not desperately functional and, of course, incredibly expensive.

When I moved to the Falklands, my family, my friends were asking me, my God, how are you going to cope with the isolation, to which my reply was, look at my life. It is all wrapped up within that two foot square of a laptop monitor that we all work with day in day out. I really don't think I'm going to be isolated. So, I think that scientist on Steeple Jason, if they had been able to make use of a Starlink dish, they would not have found themselves feeling quite as isolated as they otherwise do.

We, also know that the recent road traffic accident that was close to Onion Range had quite a lot of fallout or problems due to connectivity, more than I am necessarily able to talk about. But all of these things figure into allowing emergency services to make best use of the best resources that are available right now. We all, nobody complains about a fast jet taking people across to medical evacuations. Why would we be upset if emergency services and so on were able to make use of miniature Starlink dishes attached by magnets to the roof of the cars? I, for one, would actually be highly comforted by that.

The Honourable Peter Biggs

Yes, thank you Roger. I would like to thank Brian Jamieson for his excellent talk highlighting the technicalities, the advantages of having 21st century communications available as widely as possible in Falklands. So, I thought it was a great it was a great and eloquent explanation of those technicalities.

But underlying all that, for me is the moral or ethical issue, really, that's the thing that troubles me most, is ethical issues underlying, you know, clause in the contract deny a population benefits of top notch 21st century technology.

The Honourable John Birmingham

Yeah, thank you very much. Yeah, thank you, Brian, that was very interesting. I'm going to get boring about this. We're all on the same transport. We all want to include the service, so I think we are getting in the right direction. Thank you.

The Honourable Roger Spink

I did have just one question for Brian, just on reliability of the have you, have you provided any statistics on the reliability of the Starlink test thing that you have, and are those, could those be made available to the Select Committee, perhaps, you know, we can compare that with

Brian Jamieson

I would be delighted to forward that information to you.

The Honourable Mark Pollard

Yeah, just, just a just a couple of, well, I mean, I think, I think clarification from, from Davina probably, or from yourself Chair in the first one in that so, so Brian's made some very sort of specific claims about, about, put some clear, sort of on the table about some of the, some of the issues he's faced, and put them, put some evidence behind it. You know, in terms of the 400 odd days it took of correspondence. And I'm just aware that that Sure may be wishing to, to refute some of that, but how do we avoid getting stuck into a loop and backwards and forwards between, for example, if they're if they're refuting each other's evidence? So that's, that's just a question of procedure, if I may, and the other one is just on the emergency services. I mean, presumably FIG can, can utilize that anyway, as the being from being exempt. I think that's the case, isn't it?

The Acting Attorney General

If you'd like me to answer that Chair taking the second question first, FIG are exempt for requirements for a license.

I don't, I personally am not aware of what the actual arrangements are within DESIS, with the between the police and the hospital, the ambulance service, and everything around how they utilize technology that's available to them. I know that after various incidents that have taken place recently, reviews are taking place of what happened and what we can learn from that and, and what could be done to improve the situation. So, I'm sure proposals would come forward coming out of those reviews. But I don't know any of the detail around that. I'm sorry.

The Honourable Mark Pollard

I think just on that. I'm not, you know, I'm not entirely comfortable that we are exempt, but I understand why in some cases we may be. But the other one about the, the procedure for?

The Acting Attorney General

Yes, I mean, obviously matter procedure is a matter for the committee, for you to decide. And there are, there are various options. I mean, if you wished, you could allow Sure the opportunity to ask questions of Brian if Brian were happy to answer them, alternatively, Sure when they get their chance to put their submissions, can just address what Brian has said, make any points they wish to make, and you as the committee, then have to weigh up the evidence that has been put to you and take a view on that and decide what weight you're going to put on what's been said and what you think is correct.

And you can do that with the benefit of advice from, from David Rogerson as our technical expert, and advice from me on law and procedure. So, it's a matter for you to decide which of those two routes you would like to go down, but obviously you cannot require anyone to answer questions if they do not wish to do so.

Mr Brian Jamieson

I would be delighted to make myself available,

The Honourable Gavin Short

You talk of the use of Starlink for use by the emergency services. Now, does this mean you have to cart a generator around with you to fire this thing up? Or can you just, does it run off 12 volt and the other thing is, can you operate a telephone over this?

Mr Brian Jamieson

So, thanks for those questions, Gavin, they're brilliant. First of all, you can run an effectively a mains powered Starlink dish, the sort of thing that you've probably seen on the Lilibet and what you saw at the petition, those are run from a 13 amp plug, and in fact, you can run that off an inverter that is attached to your car battery. And that's precisely how I was zooming around left, right and centre to take my readings, Starlink have just recently made generally available a dish which is referred to as a Starlink mini dish. And the mini dish is just about the size of one of your laptop screens, maybe an inch and a half deep, and that can actually run off a DeWalt drill battery, if you felt so inclined.

So, the flexibility of, of power of, of the new Starlink dishes is just phenomenal. You would have, you do not need to take it's not like living at South Harbour where, where you need to generators and maybe a standby, you know, building site generator. This, this is, this is far more eloquent.

The Honourable Gavin Short

And can you at this stage, can you run a make a telephone call through that device, or is it just?

Mr Brian Jamieson

So actually, you can. I am. There are two things that that I've been chasing for. One is a system that you may have seen on your mobile phones, and it's referred to as Wi Fi calling. And basically, if you have a Wi Fi signal, if you're attached to the internet, but you don't have a mobile phone signal, Wi Fi calling enables your phone to piggyback off your internet connection to allow you to use your phone in a transparent manner.

Sure, have apparently investigated this, and there seem to be issues about trying to enable that here in Falklands, South Harbour exists in a bit of a Wi Fi telecoms radio shadow and FIG sent out to us a thing called a BTS cell. And it's a tiny little box. It has two inputs that has a 12 volt supply and has an Ethernet plug that you attach to your internet router.

When you've got that on after a while, you get a mobile phone signal, and you can then use your mobile phone to make calls, or, crucially, to pick up SMS messages to verify login procedures from banks and so forth. That works, I would say it works problematically. The thing you need to basically power it on and off almost on a daily basis, sometimes two or three times a day. But once you've got a signal, you can then, you need to be a bit premeditated, get the signal up and running and then go and do your internet shopping and get the verification code sent to you. But it is possible to do that, and I've done that successfully.

The Honourable Gavin Short

Thank you very much for the clarification.

The Honourable Leona Roberts

Thanks, and thank you again, Brian for, for both your written and your, your oral evidence. Here today, it's been really interesting. I think, I have absolutely no doubt that there is a very long list, a myriad of reasons and benefits that would come from having other, you know, very modern, very

flexible and mobile services available, as you've described. I think there's, you know, I think anyone would struggle to say that it wouldn't be a positive thing in terms of allowing us to, to live differently, actually.

I guess one of, one of my questions that comes out of, of the submission is, to, to what extent do you think it's, it's generally understood, what FIG's responsibility would be for security, for service issues, for license fees, etc. Should Regulatory approval be given for another service? Because I think, I think something I picked up from conversations with people and as well in in some of the submissions, there seem to be mixed levels of understanding, shall we say?

Mr Brian Jamieson

So, excuse me, when, when I got the test and trial license, at that time, the only service that I could sensibly make use of was a tariff that was referred to as global roaming tariff, and that came in at the price of £200 per month. Towards the end of, of the year, Starlink had announced that the global tariff was going to go up to £380 per month, which was a little bit of a shock.

At the same time, what they were actually doing was they were rationalizing their tariffs right across the board. And they have several, they have several for so called residential and they have several for mobile and business use.

For particular business use where you want to take a take a dish onto something like a jet aircraft, or what have you, onto a train journey that you're taking from London to Scotland. You don't actually need to, because they've got free Wi Fi anyway. But anything where you're, you're using what people might consider exceptional use; in other words, you're, you're using it while the vehicle that you're in is moving, is traveling, or if you're using it out in the middle of the ocean, those sorts of tariffs, surprisingly enough, Starlink are going to make you pay for that.

For residential tariffs right around the world, Starlink has always positioned itself as being a disruptive service and really trying to make best use of the, the coverage that they have right around the globe, and it makes sense to make it as easy as possible for as many people as possible to use that service. So naturally, they actually try to make that service as, as cheap as they possibly can. So, for example, in in the UK, a residential service static at your home would be something like £80, it used to be £100 so they've knocked £20 off that.

In Chile, the equivalent service, started out at being something like 60 Chilean dollars, and now it's gone up to, I think, 80, or something like that. They had, really tried hard to get into the market in Chile. And in fact, the, the amount of, of engineering effort that Starlink put into Chile was quite

extraordinary, because they've got six ground stations that go right down the backbone of the Andes. And the one that we were waiting for desperately to come online was the one at Punta Arenas and that's the ground station that we connect to. That's the nearest one that we can connect to, and by all accounts, and certainly by my testing that has been giving results that are comparable, if not better than the service elsewhere in the world. I have not yet got any figures for Antarctica, but I'm working on it.

The Honourable Leona Roberts

Yes, sorry, Brian. I think, I think what I was really trying to get to was, do you think that I guess, in the last few years as being an MLA one thing I've learned is that whenever this problem with anything, people say, what are government going to do about it? And do you think it is broadly understood that Falkland Islands Government, should Regulatory approval be given, and these services start moving in that actually, Government's role in remedying issues would probably be very limited, if at all.

Mr Brian Jamieson

When you see remedying issues are you, meaning, if my Starlink dish gets broken?

The Honourable Leona Roberts

Anything around, anything around those things, I think, you know, certainly I have, I have a view on that, but I have heard different views. I've heard and even in some of the submissions is sort of hinted at, well, the Government could support, Government would, would liaise with Starlink, can sort these things. And I think, I think just, you know, this is really for public understanding that I'm trying to draw this out, because, as I understand it, please correct me if I'm wrong.

Mr Brian Jamieson

Okay.

The Honourable Leona Roberts

That that would not, there would not be a role for Government, in that.

Mr Brian Jamieson

I do not think that that should be a role for Government. I don't think that that was a role for Government, even when the people who self-supplied the personal VSATs were in that situation and, and if, if a cow breaks the dish in the field or what have you, that's up to them to fix that. That's no different from having to fix your own punctures in the vehicle, you know, but Government made the road it's their fault. No, not really. Come on, that's, that's not sensible.

So, I agree with you. That's not for government.

The Honourable Leona Roberts

Thank you, it's just, it's important that that is something that's understood and considered. It's, you know, I think the, the default position tends to be to come to Government for a solution and, and not prejudging anything but, but just saying with, you know, to be clear that that would not be Government.

Mr Brian Jamieson

I think it's far more an opportunity for small companies who, who are going to be responsive and reactive enough to be able to go and listen to what someone's particular needs are, to look at how they might need to position a dish on their house so that the cat doesn't chew the cable or anything like that. I think that's, I'm not going to look to you to go up on the roof and fix.

The Honourable Leona Roberts

Good thing, yeah thank you Brian.

The Honourable Roger Spink

Okay, I'm just very conscious we've probably gone over the time.

The Honourable Teslyn Barkman

Thank you. Actually, Leona, the answer to Leona's question there leads quite neatly into mine, which you kind of blurred the lines with, which was first to ask what or to compare if you could please your experience of benefits of having customer services for Sure on the line of an office in

place in the Falklands, versus the customer services experience that you can enjoy through Starlink?

Hearing about Starlink second hand in the way that I have been my experience, like, if there are to be issues, to use your example, if a cat chews through a cable, or if the service is disrupted in some way, what would be the chain to escalate that for some kind of remedy through, through Starlink?

But also, I think that the broader point about Leona's question was a kind of bubbled up which would be the changing scope of what FIG regulation and the Regulator role should be, if, if the exclusive license isn't a journey in the future, so then that probably more of a question for the Government. Do they consider should that happen? But they expected there would be a different view of what FIG should do as a Regulator of telecoms, but perhaps a hypothetical note, but mostly that customer service experience. Please speak to that.

Mr Brian Jamieson

From both sides. I can, I can speak to both aspects of that because we've, we've found ourselves with, with broken outside, OBS, as I believe the referred to, which, which has meant, waiting for a plane to take a unit to Bill Paul Evans at Port Howard, and then Bill's had to drive to the other end of the West in order to swap this out. So, we've, we've had issues which have, which have been more than a day to be fixed. And that is simply, that's, that's life, that's the situation in Camp, and that's, that's where I spoke earlier about trying to always be aware of making a redundant system.

Now with Starlink, you have the added issue that if something goes wrong, if a cat chews through the cable, if the modem breaks, whatever you've first of all got to raise a support call with Starlink that can take a couple of days to resolve. I have actually made use of their support and it took four days for that to be resolved. But because of the particular details of my system, they sent the replacement unit to Scotland, and then I got it DHL down to the Falklands. So, it would make sense if, if Starlink was here, if companies were here, and able to, to actually provide services, they would, they would naturally, buying spare, spare, proprietary units to just swap in and out, and then they can take them, send them back to Starlink if they need to be refurbished or replaced, or so on.

The, their support I have found, is good, but at the same time, I am just like what I what I have with my Sure support, it can be delayed by, by days. We the worst that we've had as a delay for, for pieces coming out was 10 days, but that is just a natural consequence of where we live and, and

we're aware of it, and there's no point in shouting at Government to fix that. That's you know, that's our problem. That's our choice.

The Honourable Teslyn Barkman

Thank you very much, Brian.

Mr Brian Jamieson

Thanks,

The Honourable Roger Spink

Good. Anything else from anybody? Brian, thank you very, very much indeed for coming and giving your evidence. Thank you very much. And we will close the meeting there and commence again at 1330 for SURE's evidence. So, thank you very much indeed for coming. Thanks anybody else? Thank you. Thank you. Thanks.

Select Committee resumes: 13.30

The Honourable Roger Spink

Roma, welcome this afternoon. Thank you very much for coming along.

If you'd like to say a few words, first off, and then perhaps once, then we can start asking questions. Would that be Sure? Okay?

Mrs Roma Stewart, CEO SURE

Thank you very much. Thanks. If I could just introduce so on the screen, we've got joining me today. I've got Chris Durrell, who is Sure's Legal and Regulatory Director as well, so I will do the presentation, and Chris will support me during the actual question stage.

The Honourable Roger Spink

Thank you very much indeed. Thanks.

Mrs Roma Stewart, CEO SURE

So good afternoon. Thank you for the effort, for the invitation and the opportunity, for Sure, to speak to directly to you, the committee and members of the public who are listening in or here by whatever means to enable us to provide our views on the recent petition. From the number of respondents to the petition, it is evident that people need and want a broadband service that is reliable, fast and good value for money. Sure, recognizes this and is aware of the strength of feeling within the community of the Falklands regarding internet provision.

Every aspect of our lives is touched by digital services, and the petition confirms how important connectivity is, especially to a small island like the Falklands, whether it is staying in touch with family and friends or used for streaming and entertainment or for medical and educational purposes. Digital Services are involved and is a huge part of our lives. This becomes even more important in an isolated community, we have always at Sure focused on investment and improvement to services since I joined in April, a lot of work within has been happening in the background and has since become to fruition. Last week, we launched two new unlimited broadband packages for the first time. The take up of these packages in the past few days have been very encouraging. The reason we launched this was because we were aware there was a need for unlimited internet in the community.

Back in 2022 we had discussed unlimited packages with FIG and MLAs at that time, but back then, the cost of providing this was very expensive, and the timing wasn't right. After much negotiation, a much more competitive market with regards to satellite capacity provision, combined with improvements to our network, we were able last week, to increase our overall capacity by 70% to launch these new packages.

At the same time, we also upgraded our current broadband packages. This upgrade to existing packages was designed for those customers who didn't require unlimited packages. With the upgrade of existing packages, quota was increased for packages from extra small to extra-large, some by as much as 25 to 50%, download speeds for those on the lower end broadband packages were also increased. All of these changes to existing packages were done at no additional cost to customers. The objective of this launch was to provide a benefit to all customers, not just those who had been asking for unlimited packages.

Following the recent launch, we are listening to customer feedback, and we plan to make some further tweaks over the coming weeks, as we endeavour to improve our broadband offering in line with the feedback we have since received from customers.

Earlier this year, we worked in collaboration with the Education department and in June, Sure paid for and set up the whitelisting of several key educational study sites. This allowed school children Island wide to access sites to aid them with their homework without eating into the family broadband allowance. The aim of this initiative, which incidentally, was Sure's response to a request made by two members of the community at a public meeting back in March of this year, was to help those families who struggled with their current broadband allowance. It was to avoid parents having to buy data boosters and to ensure that there was little need for children to stay up late at night in order to access the free internet window after midnight, the launch of the whitelisted sites was very well received. We continue to work with the Education department to update sites when needed.

Over recent months, we have worked with several local businesses and FIG, reviewing their services and getting a better understanding of challenges customers face. Through various meetings and correspondence, we have listened to how we can improve the service we provide where possible, and on several occasions, we have increased capacity and improved the type of service connectivity at no extra charge, ensuring businesses can enjoy faster download and upload speeds on an improved business connection.

It is our ultimate aim to ensure we provide a service to the islands which is both resilient and reliable. As such, we are as committed as ever to re-launching the low latency service; we were disappointed and as frustrated as everyone else, when the initial launch in June this year had to be withdrawn. However, testing is continuing at a pace in the background, and once we are completely satisfied that the service is performing at a level we expect, we will re-launch. Providing the islands with two forms of satellite technology, Geo and Leo is vital; in doing so, we will have a stronger service as one will complement the other, and together, they will fully enhance the service we provide to business and residential customers. We fully recognize there is a lot more to do and we have further to go to, to fully meet customer expectations.

The above is a reminder of what we are doing and shows we are not sitting idle in the comfort of an exclusive license far from it. In the last five years, from 2019 to 2023 Sure has invested approximately 3 million pounds in on island capital investment. This year, in 2024 we have over a million pounds worth of CapEx projects which are on-going in an ever changing world of technology, it is important to invest in an on island infrastructure to build resilience and ensure reliability of service. And investment is key in this. Sure, does this across all their jurisdictions, they invest in business and in their people.

Here in the Falklands, Sure has a local team of engineers. We have an Academy student who has been with us for three years, a trainee technician starting in July within, in the team, and very

soon, another student will be joining us in his gap year for a few months. Sure, promotes a learning culture and continually invests in its people. It is debatable if you could get this type of local investment and growth from an off Island provider.

As a global business, we have worked in small communities for decades, and we understand the importance of connectivity, both on island and with the rest of the world. The remoteness of the Falkland Islands comes with its own logistical challenges for any telecoms company. Sure, currently provides a full range of telecommunication services to all customers at uniform prices, and it does so regardless of how costly it is to provide services to individual customers wherever their location. Sure, provides services to customers who live in some of the most remotest areas of the Falkland Islands, which would otherwise be uneconomical to serve using their one fee for all.

Under the exclusive Universal Service Obligation, these customers can be cross subsidized from those customers in easier to serve, less remote locations. It is our view that should there be an increase in reset licenses in the islands and or the licensing of Starlink, it will seriously undermine our ability to do this.

It is not just our view, but that also of the consultants who were previously engaged by FIG to undertake a strategic review of telecoms before exclusive license was granted in 2017, they also recognized that allowing competition, for example, through VSAT, would adversely affect Sure's ability to provide the full range of telecom services, mobile, fixed and broadband to all customers, regardless of their location in the Falkland Islands. This was an extensive review, and the conclusions and reasoning behind it was accepted by FIG in writing its VSAT policy. This policy was a major factor in Sure agreeing to the exclusive license in 2017, the same rationale of exclusivity was also then reflected in the VSAT guidelines that were issued by FIG in 2019.

We understand that FIG may now want to revisit whether an exclusive license is still necessary for the Falkland Islands. We accept that it is a sign of good governance that FIG should consider whether circumstances in Falklands have now changed sufficiently to warrant that. We are aware that FIG has started the process of recruiting consultants to undertake a study of the telecom requirement for the islands in the lead up to the license renewal. We fully support this process, as we did in 2016, we will work with both FIG and the appointed consultants to ensure the best possible outcome for the islands.

That is not to say that the petition doesn't demonstrate the opinions of the islands, but we believe it is through this consultancy process that FIG will undertake a thorough and intensive research which will provide them with substantive analysis on the needs of the islands from all sectors of

the community, the provision of a full suite of telecom service is vital to the islands, and the committee and FIG should ensure that this is protected and not allow the focus of broadband services alone to detract from the importance of all the other telecom services that which is both necessary and which people enjoy, but also which Sure currently provides.

The up and coming review should also give careful and full consideration as to whether the increasing use of VSAT poses a potential national security risk or affect the ability of the Falkland Island law enforcement agencies to detect and take action against criminal activities. The Ordinance contains importing provisions for legal interception and data retention and were included at the time of the license, discussions as cyber security issues were becoming an increasing concern of governments everywhere, and FIG shared those concerns. At the most basic level Sure already assists the relevant authorities in the Falkland Islands in terms of law enforcement and life at risk situations.

Sure, operates an on Island contact centre and is reachable in person or by phone daily from 7am to 10pm 365 days of the year, given the geopolitical landscape in the islands, along with ever increasing cybersecurity threats, it is not clear whether these important functions would be adequately met through an off Island organization such as Starlink. Whether the extent of these important aspects of the audience could or would be complied with by Starlink is also questionable when we have already observed the delay in Starlink responses to communications by FIG. In the case of a crisis or a serious legal incident, this could have some serious consequences should there be the same delayed response.

After reading all the written submissions, it serves as a reminder how crucial it is to never stop striving for improvement. We upgraded package quotas by 50% only 18 months ago, this month's transition to unlimited is just one more step, but our goal is to expand on what we've already done, and we will keep doing. So even though I have only been in my new position for five months, I can firmly state that both Sure and I are dedicated to seeing the island's technology advance. There are many amazing opportunities in the Falklands, as well as some challenging times ahead, but I believe that Sure does have a place in the Falklands. I acknowledge that we don't always get it right. I also acknowledge that we might not be the perfect match for everyone right now, but please know that our commitment is to continually strive towards enhancing and improving the telecom services that we provide for all our customers.

We are here on island, and our team is always willing to speak to you directly or visit you if you have a problem. I decided to take this job because I wanted to make a difference, and I will personally keep pushing for changes, advancement and product development to make sure we

work to satisfy you the customer, and we safeguard, safeguard the island's future telecom requirements. Thank you for your time.

The Honourable Roger Spink

Thank you very much indeed. Thank you very much. I'll open up now going round again, once again. Gavin, would you like to?

The Honourable Gavin Short

Yes, thank you Chair and thank you for coming along. It's very much appreciated. Basically, I have at least beginning three questions, but two, I think, lead into each other, so I'll deliver them, and if you forget the third one, we'll come back to it, I'm sure.

So has there been a discernible impact on Sure's broadband revenues since VSAT licenses have been granted, if so, please specify and quantify what the impact is. What impact would Sure expect if petitioners' requests were upheld, and to what it and sort of, while I'm very pleased to see the new changes to packages come in that you've just named nut to what extent are the new broadband packages launched on the first of September in response to Starlink.

Mrs Roma Stewart, CEO SURE

Okay, so I'll start with your first one, and it's the effect of VSAT licenses. Now we don't know exactly how many VSAT licenses have been issued by FIG. My understanding, the actual licenses that have been issued probably is within the reason region of 10 to 15. However, if you are referring to unlicensed potential VSAT usage, that's difficult to quantify, because obviously we don't have any real evidence of that, but what we have noticed is that people are downgrading from a normal size package to, for example, an extra small package. But that that is as far as we know, we don't know any other information, so the impact on that is very difficult to gauge at this particular point in time.

The Honourable Gavin Short

Thank you. So, you can't quantify what effect is had on your revenues?

Mrs Roma Stewart, CEO SURE

Because we don't know what is related to actual VSAT usage, because we don't know how many people are actually using a VSAT at this particular point in time, without Government advising us of what the actual number is. So, I've missed your second one.

The Honourable Gavin Short

What impact would Sure expect if the petitioners' requests were to be upheld?

Mrs Roma Stewart, CEO SURE

Which part of the petition is that requests?

The Honourable Gavin Short

That basically that the government waive the £5400 and also, I guess, allow Starlink to operate in the Falklands.

Mrs Roma Stewart, CEO SURE

I probably will let Chris respond to that if, if you can, did you hear that question?

Ms Chris Durnell, Legal and Regulatory Director, SURE

Yes, question everyone. I mean, I think the first thing to say that it's a bit of a hypothetical question in the current license period, because we don't believe that we hope we don't have to get into the question of FIG use. But that aside, I mean, it's a very concerning issue for us, and it's something that will have a significant impact on our revenues, and it is something that we've already seen happen in another nearby jurisdiction, and it brings question the whole sustainability of telecoms in the Falkland Islands, because we will lose revenues we will not be able to support the whole range of services that we currently provide. So, it is very much a key question that Falkland Islands Government needs to consider as part of the wider strategic review that we understand it is now appointed consultants for.

The Honourable Gavin Short

And my third question? To what extent are the new broadband packages launched on the first of September a response to Starlink?

Mrs Roma Stewart, CEO SURE

I think you were there, weren't you Gavin, in 2022 when we came with an offer of unlimited packages at the beginning of the signing of the new contract with FIG, we presented two MLAs, at the time, some broadband packages, and as I mentioned in my oral presentation, as well, at the time as well, the price of packages were quite different but we did put on the table that ideally, if we could offer unlimited we would, but we all agreed at the time, the price wasn't right, the timing wasn't right.

So, this is something we've been working on for a long time, negotiating prices, upgrading our infrastructure. It wasn't something we could do in a few months. Back in March, when our group CEO Alastair was down, I believe he also mentioned at that time that what we wanted to do was to introduce new broadband packages. He alluded to it that they might have been Unlimited, because, again, at that time, we were still working on the infrastructure and changing our systems and programs, and we were still negotiating, so it isn't a direct link to Starlink.

Obviously, we understand the competition is out there, but we also understand how people's use of Internet has changed, and we've been approached by customers previously, before that about more capacity. And we also understand, you know, when we get to the end of the month and there is that congestion was on the network. So that was the obvious next step would be to move towards unlimited packages.

The Honourable Mark Pollard

Yeah, just on the on the price and timing not being right for the unlimited broadband 2022, I think that was when we were negotiating the, the subsidy around the investment in improving bandwidth. My recollection is that it wasn't right, but it wasn't necessarily the price or the timing. It was the level of subsidy that wasn't, wasn't preferential to, to Executive Council within that process.

Mrs Roma Stewart, CEO SURE

Because I think at the time, the costs that we were paying for capacity, and also the level of which we could actually make a return on offering something like those broadband packages, was so high, so it would have required subsidy. But having said that, we've now launched, we've increased our capacity by an extra 70% and we've not requested extra money from Government in order to do this, Sure has paid for this extra capacity, and thus allowed us to be able to offer the unlimited packages.

The Honourable Roger Spink

Just say, you know, in 2016 I did a submission to a Select Committee where I said that I have no doubt that without the ability to self-provide, we would have been left with a substandard service for many years. Further, I believe the threat of self-provision by other businesses and individuals has moderated the behaviour of the licensee.

Now, way back in 2023 I'd approached the Sure CE, your predecessor on numerous occasions since December 2023 when FIG agreed a significant on-going subsidy that was not included in the original 2016 negotiations. That is money that's being paid from the public purse that was not included in the original negotiations for the broadband service. So, it's, it's no surprise to me that on the 28th of August, just over a week before this session, that you announced a number of new packages, because you've been talking about them for an awful long time.

It's only when people come up with the threat of doing something different, like self-provision. So, you know, why should fit continue to provide a financial barrier to self-provision when the behaviour of your company is such that it only responds with improved services and pricing when faced with competition from self-provision? That I think is a major issue that a lot of the public would agree with. Yes, so your answer to that?

Mrs Roma Stewart, CEO SURE

So back in 2022 when we had the subsidy, that was when we also increased package quota by 50% at that time. So, there was an increase in quota with the subsidy that allowed us to increase package quotas by 50%. It is, it isn't just a response to Starlink, because we've always talked about offering unlimited, the fact that it came out in September. It wasn't meant to come out in September. Our original launch date was actually way back in June or July.

The Honourable Roger Spink

We had been pushing for it for a longer than that.

Mrs Roma Stewart, CEO SURE

Yes.

The Honourable Roger Spink

As you must acknowledge

Mrs Roma Stewart, CEO SURE

Yes

The Honourable Roger Spink

In meetings with Mr Beak.

Mrs Roma Stewart, CEO SURE

Yes, we, I understand it. And like I say, when Alistair was here in March of this year, we did talk about it, and he did allude to the fact that we were going to launch unlimited, the fact it's come out now is not a direct consequence of the Select Committee or what's going on. We should have launched this, ideally earlier in April, May or even June, but it hasn't worked out that way for various reasons, with infrastructure upgrade, waiting for equipment to come in, testing and everything else that we've had to do in the background, and also negotiating a key price with our supplier for satellite capacity, as well all formed factors as to why it wasn't launched earlier these past few months, to what it should have been.

The Honourable Teslyn Barkman

Thank you, so my first question, and the Chair did touch on a part of what I was going to ask, but I figured I'd start off by perhaps asking the direct question. I've got a couple of questions to ask Chair, so if I could ask to come back in at some point? The first one was to be there have been radical improvements in global options for telecoms in recent years and this is an accepted principle. And I think, from the evidence submitted to the Select Committee and in the weight of

the voice of the petition, it is quite clear that a combination of Sure South Atlantic and Falkland Islands government hoping to anticipate the needs of Falkland Islands telecoms service has not led to a healthy set of conditions to deal with consumer needs. And the fact, actually, I could look online to find the description for telecoms monopoly is it is when the user has had to take whatever services, whatever standards and whatever charges telecoms companies decide are appropriate, such as monopoly stick power, albeit regulated directly or indirectly by the state.

And this is allowed because users have no freedom of choice or little to no freedom of choice. And I'll tell you that that pretty much sums up the Falklands as the state of the exclusive license. As my first question to you, Roma, thank you for giving evidence today is it's being a telecoms monopoly, an ambition of Sure, South Atlantic?

Is being a telecoms operator an ambition for Sure?

The Honourable Roger Spink

Monopoly.

Mrs Roma Stewart, CEO SURE

To have a monopoly off the telecoms is that what you're asking?

The Honourable Teslyn Barkman

Yeah, is being a monopoly telecoms provider and ambition of Sure, South Atlantic?

Mrs Roma Stewart, CEO SURE

So, the fact that we were granted an exclusive license was something that was brought out in the review that was carried out in 2016 so the fact that we are a monopoly was a result of a review that was carried out in 2016 with FIG and the consultants then decided that the way that we should move forward would be to offer an exclusive license. So, we, if you use Ascension, for example, we don't have an exclusive license on Ascension; we do on St Helena and we do in the Falklands. But it is not an ambition of us that is not the only way we would operate.

And also, to be mindful of the fact as well, we are heavily regulated by FIG. We can't increase prices without the approval of FIG. We have to, there's a whole suite of reports that we provide FIG with on a quarterly and monthly basis. So, the fact that we have this exclusive license is of benefit

also to FIG because they have that control as well as to what we provide and what standards we have to stand by. So, our prices are regulated where there is a price cap review, which is done annually. And yes, so it is at the moment, we understand we have an exclusive license. Who knows when the license finishes, at the end of 2027 what the new standard will be? But that will be decided again by the FIG review consultants. Chris, I don't know if you had anything further to add on that.

Ms Chris Durnell, Legal and Regulatory Director, SURE

No, thanks Roma, I think you know you've summarized that really well. I mean, we have been with new services now because that was the result of looking at what was the best option to ensure sustainability of telecommunication services. And that was the result of that strategic review. And I think David Rogerson this morning noted as well, you know, to get provided, to supply the whole range of services in small, remote jurisdictions such as the Falkland Islands, you have to look at the economics of providing those services, and the result of the review at the time was that we needed an exclusive license to encourage us to make the investments needed to ensure we could provide those services across the whole of the Falkland Islands. Now I expect that that question will be revisited for the 2027 period. And that's absolutely great that it is revisited, but that is the reason why we are currently the monopoly provider. It was as a result of that strategic review.

The Honourable Teslyn Barkman

Thank you, Chris and Roma, I was trying to take out my earphones, because I think they may have been disrupting the audio, because certainly within my preamble there, I did acknowledge that there is FIG the state's responsibility to obviously provide regulation in that so that's fully acknowledged. But what I was highlighting and hoping to highlight there, and thank you for answering the question, Roma, is to draw a separation between you know, is as Sure South Atlantic got an ambition to be a monopoly provider. Monopoly provider, or is it looking to, and looking to develop under the terms of what the current existing exclusive license was, which had very different policy objectives to protecting a protecting a monopoly for monopolies sake, it was driven around what would be best for the consumers.

So, my follow up question for that is quite we've heard from the Chair already that there have been a number of packages announced by Sure that have been in reaction to what has been a very loud and very powerful voice of the community asking for more freedom of choice. And that is obviously what is missing in a closed system, a monopoly system is negligible freedom of choice. So, you touched on in your evidence there, Roma, about the Camp network, and you said that you

believe that the freedom of choice also reduces options for resilience in the Camp network, which I but I feel that that's kind of slightly counter intuitive.

You said that you believe that Starlink will undermine your ability as a company to deliver to the Camp network, but actually freedom of choice may deliver more things to the Camp network that the company has been identified to currently not be performing well on in some of the written evidence that has been submitted to this committee. So, do you believe that the company is currently performing well to deliver to the Camp network, and please feel free to describe, response specifically in relation to the different readings of Camp, or has the delivery in some way, do you believe has it been limited by the current monopolistic situation?

Mrs Roma Stewart, CEO SURE

I will fully accept that delivering telecoms to Camp is difficult. I mean, you know better than anyone Teslyn how remote some of the areas is and ensuring that everybody has the same quality of service, able to have a mobile signal in every area that they're in is difficult to manage, but what I will say is we have invested hundreds of 1000s in pounds in trying to improve that.

We're currently in the process of rolling out a fixed wireless at work, fixed wireless access network, which allows people to use over the 4g system their internet as well, and for those that we've installed it with, it seems to be working well. There were some teething issues, but we're addressing those, and we hope to have that fully rolled out Camp customers by the end of this year.

It goes without saying, there's obviously some areas that we need to improve on and we need to address, but also to say as well, you know, we have a quality of service reporting that we report to the Regulator on, and when, in that quality of service reporting is within, that is our fault times, and how many faults that we have within the Camp network. And there's a target for each of those, and for those on the reports for last year, we have met, we have fallen well within those targets.

But what I would do is encourage people where there are issues to do, come and talk to us and to see how we can help to improve, it might be things we're not aware of. I did do a presentation with the Camp community, I think that was back at the beginning of June, and there was lots of feedback and questions that came out of that, that we've taken away and we're trying to address as well. So, we do understand the challenges that are faced within the Camp community.

The Honourable Roger Spink

Can I just add on that? I mean, you'll see from Alistair Beak has publicly stated that Sure does not behave like a monopoly. However, your letter to the Select Committee is exactly the reply one would expect from a monopoly wishing to protect its entitled position through threats of legal means, rather than customer service and satisfaction. And it's regrettable that despite considerable financial support from FIG over and above the original agreement, this is millions of pounds that has been provided to Sure that the focus has been on threats rather than customer satisfaction and delivery. And are you prepared to publish the full results of the last customer satisfaction survey and provide them to the committee?

Mrs Roma Stewart, CEO SURE

I think, ongoing back to our response in the written submission, our written submission reminded the committee that there is an exclusive license in place. I don't believe that is a threat. That was a reminder that until the exclusive license ends at the end of 2027 there cannot be another telecoms provider, because that is what the license, the exclusive license is all about.

Similarly, with the VSAT, the price of the VSAT was set within that exclusive license and within a VSAT policy. So simply, in our letter, we reminded people, the committee, particularly, of what that stands for. It wasn't a threat. Taking advantage of a monopoly, I think, with the investments that we've made over the year, and, you know, we totally pleased to receive the subsidy and the support that we've always had from FIG.

The Honourable Roger Spink

It's a very large sum.

Mrs Roma Stewart, CEO SURE

It is an extremely large sum, and it's something we appreciate, and we've used, and like I say, back in 2022 -

The Honourable Roger Spink

It wasn't in the original agreement.

Mrs Roma Stewart, CEO SURE

In the 2016? No, it wasn't, but it was a government decision to give us that subsidy that was decided by the government and MLAs at the time of the subsidy being given to supply that too Sure, that that wasn't something that Sure had said, we either have it or we walk. It was never that kind of relationship. We've always had a good relationship with government. So, it was in support of that, and we appreciate the funds that have been given to Sure.

The Honourable Roger Spink

And the customer satisfaction survey?

Mrs Roma Stewart, CEO SURE

The customer satisfaction survey, so we have referred to the customer satisfaction survey and the comments that we've received both at the Camp presentation and in our recent newsletter. We aren't obligated in any means to prevent, to print or show the full recite, full results of the customer satisfaction survey.

However, if I can just add FIG on an annual basis, do their own survey, which I imagine they will publish the full results of that when they run their own survey.

The Honourable Roger Spink

Question was, are you prepared to provide it to the Select Committee?

Mrs Roma Stewart, CEO SURE

I don't see the need for us to provide the full, we ran that survey off our own backs. We do that because, as part, we're not obligated to actually publish that we decided to share with the public, and we have the feedback that we got from that survey, but that survey is for us to improve our service and see where the issues are. Government run their own cast, customer survey, which I'm sure they will publish the full results when they do that. I don't think there's been one for this year, but it should be coming up later.

The Honourable Roger Spink

Useful for the Select Committee to actually understand those results, that's all, but if you're not prepared to provide them, then we obviously have to guess what they are.

Mrs Roma Stewart, CEO SURE

Well, we've given the feedback that came back in that customer survey, and we've given that off our own accord. We don't have to do that. We've said we would, and we did.

Ms Chris Durnell, Legal and Regulatory Director, SURE

Sorry, can I before you go to next question? Sorry, can I just add to the question of the subsidy? Because I think it's important to recognize that subsidies are also given in other jurisdictions, not just exclusive jurisdictions. In the UK, a lot of the roll out of fibre there's been subsidies. Similarly, in Guernsey, which is a competitive environment, we have had to receive a government subsidy to roll out fibre in the shorter timeframes. So, we really do welcome what, what the Falkland Islands government did a few years back to ensure that we could increase the speeds. That is not unusual in the context of significant investments that are needed to increase the capacity needed to support those increased speeds.

The Honourable Roger Spink

Pete, do you have anything? No. Jack, would you like to?

The Honourable Jack Ford

Thank you Roma, on the points made a few times in your written submission, the points of national security, and I'd quite like to link them back to submissions we looked at this morning, because there were a number of submissions from the public that raised concerns about national security and data protection and things, and we did have a response from, from the FIG Legal Service, which I'm not sure if it's worth possibly repeating, but I think possibly will look, possibly to Davina or to David to provide a response on, on the points that you raised in your submission about the potential impacts of a larger use of VSATs on national security and its implications with the Communications Ordinance.

The Acting Attorney General

Chair, I'm happy to repeat what I said this morning. If you, if that would help?

The Honourable Roger Spink

Yes, I think that's good for the record.

The Acting Attorney General

Okay, we asked Stuart Walker, who's our Crown Counsel responsible for prosecutions, and so is someone who collects evidence for us, if he could address the issue for us around what impact it might have. And I'll read out what he said; internet service providers so those services which transmit data over the Internet can hold data which is relevant to law enforcement operations. This data can be accessed by law enforcement agencies using appropriate routes, such as disclosure requests court orders and requests for mutual legal assistance, even if the service provider is based outside the jurisdiction.

Generally speaking, the data held by companies providing Transmission Services is limited, because although they transmit data, they are unlikely to store data content, such as electronic messages, images, banking information, etc. This data may be stored by the companies providing the internet based service, such as social media companies, internet search companies, banking organizations, etc, rather than the companies transmitting the data in the Falkland Islands, it is unlikely that the use of Starlink to transmit data will make any significant difference to law enforcement operations,

Mrs Roma Stewart, CEO SURE

I think, from our perspective, so we do work closely with the legal team. We have an obligation as to how many days we have in which we provide the information which they request, but we also store the data for an agreed set legal requirement of time as well, so that they, people can access this data. And I think a part of my point, I think, in my report as well, is the quick turnaround of that information, because it is literally just days that we pull this information back and pass it on to the relevant authorities. And it's whether you feel with the current if you're looking at someone like Starlink, given the length of time it takes for a response to some of the questions you have, whether you would get that information back as quickly or they would store the data as long as we're currently storing the data so it can be accessed.

I don't, Chris, I don't know if you had anything extra to add on that part.

Ms Chris Durnell, Legal and Regulatory Director, SURE

Nothing much to add on that, and I'm also conscious that we strayed into areas that might be more appropriate for a closed session. All I would say is that this issue was a key concern of Falkland Islands Government during the time of the last licensing negotiations, and we think that it should be something that should be given full and careful consideration now and, and I think that the place for that is as part of this wider review that we believe is about to start. This is a really important question.

The cyber security issues are becoming an issue in all our jurisdictions and in every jurisdiction, and there have been concerns raised by other Regulators and government about VSAT use and other uses outside the sort of traditional telecoms networks. So, it's something that needs to be looked at carefully.

The Honourable Jack Ford

I don't know if you want to discuss it in greater length in the closed section. I think it was just because there was a very clear difference between the advice that we received from our Legal department and then the, the sections in your written submission.

And I think just whether the Committee wanted to first decide which.

Ms Chris Durnell, Legal and Regulatory Director, SURE

We would be happy to discuss in more detail with our technical expert in the closed section as a follow up.

The Honourable Roger Spink

Okay, I think, I think it'd be useful.

The Honourable Leona Roberts

Yeah, thanks. And thank you, Roma, for, for your written submission, also for being here today and answering these questions. And thank you too for recognizing in your, in your oral evidence here today, that you recognize that the Falklands community both needs and wants a broadband

service that's reliable, fast and good value for money. I was pleased to hear that Sure recognized that as a starting point, and also that every aspect, I think, as you put it, every aspect of our lives, is touched by digital services, particularly important in an isolated community like ours.

But, given that Sure has had, as the holder of an exclusive license, has enjoyed a privileged and protected position for a number of years, do you believe and can you evidence that, that that has been used in a way that has kept up with the reasonable expectations of the community? In your written evidence, I think there's a line that says it may be true the demographics and sorry, yeah. Eight years on, little seems to have changed in demographics and economics on the islands.

And while that may be true, I think what has changed is technology and the requirements of daily life. The data load of daily life has changed dramatically. So, given that privileged position, protected position that you've had for many years, that you recognize the critical importance of Internet services to a community, particularly one as isolated as ours and the way that modern life has changed, how would you evidence that Sure has met our requirements?

Mrs Roma Stewart, CEO SURE

So, when we look at how we've developed packages over the years, so we have, since we've had the exclusive license, we haven't kept broadband as it was back in 2016 it has grown so as I mentioned, you know, in 2022 we increased quota by 50% this time last month, this month, we've also increased quota. We didn't need to. If we were just launching packages, we could have just launched the new packages. We chose not to do that.

We also, we were aware that there's a huge number of the community who probably either couldn't afford or didn't want unlimited services. So, the fact that we've increased packages at the lower end by 25 to 50% that is why, we recognize the need. We've also mentioned as well that later this year, we hope to do a review of mobile packages, because the use of mobile data out and about has increased hugely over recent years, because everyone needs to be on the mobile, need to be in contact, need to be able to send messages and use data. So, we've recognized that, and we do intend to do a revamp of all mobile packages as a result.

I think to as I've said before, we haven't sat still we understand technology of change, and unfortunately for us, the whole L.E.O services that we wanted to launch back in June was an acknowledgement of the fact that people need lower latency, and that's what we want to achieve. So again, not only resilience, but understanding how different businesses need different services, and it's trying to cater for that. So, the idea of launching the Leo services would have addressed that sector for the community.

So, there's been quite a lot of development over these, and I take on board it's not as quick as people want it to happen. I accept that, but things I think people sometimes forget in the background, when we are talking of infrastructure changes, it's quite difficult, and it's also for the amount of capacity we're now using. The amount of capacity that we get through is quite astonishing, but you also have to have the infrastructure that copes with that amount of capacity as well.

Everyone's wanting to use Netflix, everyone streams these days, and we understand that, and we're trying to change. It might not be as quick as people want it to be, but I can promise you, we aren't sitting still and thinking we can still be providing the same service in 2016 and I like to think that people realize we aren't doing that. I mean, if we provide charts for when we go to the technology development groups and we meet with government and MLAs, we provide charts of how usage has changed, the top usage is Facebook. I mean, that was never happening in 2016, people couldn't do that; they didn't have enough data to do that. So, we have moved on. Might not be as quick as people want, but we're trying to keep up with the demand. It's a fast and ever changing situation, as you all know, but yeah, we're trying to do that.

The Honourable Leona Roberts

Thanks very much, Roma. Just, just to follow up on that, and I think no one would doubt your personal commitment to working hard and striving for improvements. But I think you know, what is it, 2400 odd signatures on a petition indicate that there is much greater need than you have been able to deliver.

But also, one of the messages that comes over very strongly for me, and again, I would say, I don't doubt your personal commitment, but is that the community's trust in the company to deliver is extremely low, shall we say? How can the company expect the community to have confidence that these things will be delivered in good time and that will keep up with what you quite rightly say, is an ever changing, very, very fast moving world.

Mrs Roma Stewart, CEO SURE

Yeah, I think we at Sure also need to change. We need to change in how we communicate with customers. We need to be speaking more to customers. We need to be meeting with people and understanding their direct needs and the challenges they face. We're trying to do that. We're trying to do more communication, but I think the answer is yes, we do need to improve as well and understand what it is that people need from us and how we can better meet that.

In, since I've started in April, I can say we've been out to several businesses, and we've met with businesses only last week we upgraded. There was a customer who complained about having a megabit speed of only two megabits. I personally contacted that customer to find out what the situation was. It was a business that had problems, but they'd only just logged the fault. So, we try to address that. There's someone, if they didn't go yesterday, they're up there today, and we're changing the service that we provide to them.

I think you, you might have heard earlier talking to the lady here about the connection in this building, because we realize it's a problem, and we can address that, but it's getting out there, and that is where we need to change. We need to start coming out to customers, rather than waiting for customers to come to us. And I've always said since I've started, call us, contact me, contact the team. We're there from seven in the morning to 10 at night. Contact us and let us know what the problems are, so we can address that. Your connection here this morning, you're on a very old connection, which we can upgrade in a matter of days, and that will then resolve that issue, but we do need to know about it as well.

The Honourable Leona Roberts

Thank you.

The Honourable Roger Spink

Mark?

The Honourable Mark Pollard

So, thank you, Roma, Thank you, Chris for coming today and for the written and the, and the oral submission, forgive me if we appear to be sort of treading over, over the same ground occasionally, but I think there are some, some different points to be pulled out.

So I think given the evidence that we looked at this morning and that we've, we've had submitted from members of the public, I think many of the submissions, they indicate dissatisfaction in, you know, with the Sure services, but looking at, citing issues such as congestion, reliability, speed, data limits, latency, you talked a little bit about the in the oral submission, about, about these factors, but, but my question is a little bit more technical, perhaps, about how Sure monitors the quality and availability of Internet services the customer experiences, and does this include metrics on latency and other performance indicators relevant to the user index or the end user

experience, and to what extent is that information shared either with the Regulator or with the customers themselves?

Mrs Roma Stewart, CEO SURE

So, we have, as FIG will know, we have probes which record the speed and that is delivered to the Regulator on a monthly basis. We provide information to the Regulator around faults and outages and any information on fault times and that sort of thing. Congestion, so we run our own reports to be able to see what congestion is, or the times of day when there is significant congestion. And that was part of the reason of buying that extra capacity was to reduce that congestion, if, because, if people were on unlimited packages, you then soften down that flow that peak time, because people don't feel the need to be able to use that data within that month, because they know they can use it any time a month without worrying over running out of data before the month end.

And I think I've said in the past as well, unfortunately, the billing system we have cannot cater for rollover of data. So, the idea of putting in the extra capacity and people moving to unlimited would help to soften that as well.

But for the reporting side, we run our own reports; specific people usage, we don't, but if someone calls us and said, I've got a problem with my speed, we can then address that separately as well.

The Honourable Mark Pollard

Okay, I think, I mean, my issue has been trying to quantify the, trying to quantify the reports we're getting through the recent evidence and, and the same factors come up time and time again. And it's, it's understanding, trying to get a technical understanding of what those issues are, where they're occurring, how often they're occurring, and I'd be absolutely amazed if you weren't collecting that sort of data yourselves to understand better how you can dimension the network and adjust it in certain places.

But certainly, in my role as, as an MLA, the information that comes to us around the decisions we make regarding telecoms and subsidies and other things is, is minimal, to say the least, in terms of the information around what experiences people, people are getting. I think I would probably ask David, if possible, David, if you could, if you could talk a little bit about the, the probes and the data and the issues we've had there, because, you know, I think we've, we've had issue after issue with those that's been going on for some time, and I'm not sure you mentioned the post the

probes specifically. I think they're probably one of the only real data measuring tools that the Regulator or we have to be able to spot things.

Mrs Roma Stewart, CEO SURE

Yes.

The Honourable Mark Pollard

But I think there have been many issues with those, have there not David?

David Rogerson

Yes, thank you. I think we would, I'm sure Roma would agree with me, there have, there have been challenges with, with the probes, with it's not that there's been problems with collecting data and the submission of that data to the Regulator, but the interpretation of that data has been difficult because we're not we're not entirely sure the, the figures don't always make sense, and we haven't got to the bottom of why.

I'm not entirely up to speed on the most recent things, but that was the last time Sure was going to investigate and try and work out where the problems lay and find a solution to provide more, higher quality data. I don't know if you've got anything you can report on that Roma.

Mrs Roma Stewart, CEO SURE

So, I believe the technical team are trying to run some different reports or enhance, I think it was the size of the files that were causing the problem as well. So, they're addressing that. But I believe the last we got to be to enable the Regulator to set a set of KPIs as a result of the past data that we have and that is being worked on.

David Rogerson

Yeah, I mean, I think this is a detail that probably is beyond the scope of this particular situation, and certainly some of the delay in sorting it out has been on the Regulatory side, not on Sure's side, so it's probably one to discuss in another forum.

The Honourable Mark Pollard

I agree. But I think the, I think the, the results of and the quantification of these things is very much, you know, for this, for this committee in this area and, and, you know, I mean making evidence based decisions with a complete lack of evidence, it makes it very, very difficult.

I mean, we can see from the sheer number of quantity, the sheer quantity of submissions to the Select Committee, and the sheer number of people who signed the petition, that there is definitely an issue, and that's, we can quantify it in that way, but in terms of the issues raised in the specific issues other than our own personal user experiences, and the descriptions that we received within the written evidence, that we can't look at a set of data and say, here specifically is the issue. How are we targeting this and what are we trying to do about it? And I think that's my frustration, and I think we, we approved as Executive Council, the probes, I think, in the last Assembly, and we're still yet to see anything any data from them, and they are probably the only specific sort of data collection bits that we have so, so you know, we are flying blind, if you like, at the moment.

Mrs Roma Stewart, CEO SURE

And I think, I think that is the work to do with the Regulator as well. And I think also just to be mindful of as well, there might be varying reasons why someone is struggling with speed. It can be from their own equipment and modem or anything, the line speed itself, but until you look at individual cases, very difficult to work out why people have problems. Or, you know, it's not a general answer. I think it's quite specific.

The Honourable Roger Spink

Okay.

The Honourable Teslyn Barkman

Thank you Chair. Thank you, Roma. I've been interestingly listening to the answers of some of the questions from my Honourable Colleagues, particularly the questions around compensation for when failures happen, which is particularly highlighted in some of the evidence. And not, not just that, I think what's been highlighted time and again to MLAs, as well as through the Select Committee, is that communication is becoming increasingly tied to existence in Falklands, and it is noted that having all our eggs in one basket in Camp has created a lot of problems socially and businesses across the islands.

I heard recently of a farmer who was out gathering sheep who had an emergency breakdown of vehicle in an isolated area, and the mobile landline may get all go down, and they have to walk several miles in winter to find support. An option for them to be able to self-provide and take resilience with them would be potentially a lifeline. But my question related to this is that we heard this morning from Brian about customer maintenance and service differences between Sure and what he's experienced with the company and with Starlink, and currently, from what he was describing, it sounds about the same more or less, but he did note that if stock of Starlink products could be in the islands, the wait time for repair could actually be minimal, potentially saving lives, potentially saving businesses, pain, saving social networks, etc. So, my question is, what is Sure plan to improve upon the current delivery of the maintenance across the network of the Falklands?

Mrs Roma Stewart, CEO SURE

So, so we have to reduce the waiting time for faults and repairs, so, so a lot of it as well, so we provide stats, as I mentioned to the Regulator and our Camp stats are within our target timeframes. However, I think we also need to be mindful of the difficulty of getting to Camp, especially during winter months, so sometimes when there are delays, and if I think of the example that Brian gave, that was at a time it was the peak of winter, and I remember that we cannot, for safety reasons, allow our team to go out to some locations when roads and areas surrounding areas are so bad with ice and snow, so there is the safety aspect of it as well.

But we have an SLA in which by, whereby we have to resolve a fault within a certain number of days. And we've met that on our Camp customers, but it is a reminder as well.

You know this talk of stocking Starlink equipment. I mean, we hold as much equipment as we can for our own equipment. But again, stocking Starlink equipment, Starlink isn't licensed to operate, and we have an exclusive license in place. So, it is a reminder as well that that kind of discussion, or that kind of thinking, cannot happen before the end of 2027 because there is an exclusive license in place, unless you're talking about the 10 to 15 people who have VSAT licenses when it comes to stocking stuff for another telecom's provider, we wouldn't be able to do that.

The Honourable Teslyn Barkman

For clarification, Roma, the type of evidence that Brian gave this morning. I'm sorry I can't see you all today, so I can't understand if you were present when he was giving his evidence. But he very clearly presented a hypothetical situation where resilience in the Camp network, that word of the

day, resilience could be improved in such a way. Within with introduced competition for self-provision, it was just whether Sure had any plans to match that was thinking in those areas you were talking a lot about your, the packages that you've rolled out, some other improvements that you have planned. But is that specific area one that's on your radar to be able to improve?

Mrs Roma Stewart, CEO SURE

Yes, so improving packages, so the rollout of these packages was our step one. We have another step, which then upgrades from that and has a different provision in it. But again, that is something that can't happen just yet, because we have to invest in infrastructure, and there's several other changes to be able to do.

With regards to the Camp network, we agree there's a lot more work to be done on the Camp network to improve the resilience out there, but we've invested quite a bit this year and these projects that's on-going, there's a few hundreds of 1000s that we're investing in order to be able to improve the Camp services with the FWA and all of those that we provide as well. I wasn't sure, Chris, did you have anything that you wanted to add on that part?

Ms Chris Durnell, Legal and Regulatory Director, SURE

No, I don't think there's anything more for me. You've covered it, thank you.

The Honourable Gavin Short

Just to carry on the theme of Camp, if I may please, Roma, and especially the remote that are more outlying areas, surely do you not see company like Starlink. I'm sure there's going to be other flavours available in a very short space of time, actually being able to save you capex and opex, because if, if I had a or, could have a Starlink you, if your system went down, I have telecommunications, in fact, you could even think perhaps of letting people who wish to go completely in one direction, saving you have saving you at the cost of having to keep their equipment running if they wish to almost self-provide and move away.

Mrs Roma Stewart, CEO SURE

Again, when you're talking of self-providing, are you talking pre 31st December 2027 or are you more thinking from 2028?

The Honourable Gavin Short

As of about seven minutes time, if they can.

Mrs Roma Stewart, CEO SURE

There's an exclusive license in place, Gavin.

The Honourable Gavin Short

But it would save you OPEX and CAPEX. Would it not?

Mrs Roma Stewart, CEO SURE

How would it save us OPEX and CAPEX? So, if, so, how would you monitor the use of Starlink and the effect that has on all the other services you provide? So, I think we've already seen through Ascension Island, where people thought that Starlink and Sure could coexist. That hasn't been working.

What we've recently had to do, we should restructure our services in Ascension Island. So, we did it at the beginning of this year, and we've done it again only recently. We're restructuring. So, there's a whole load of services that we are no longer going to be able to offer on Ascension Island.

The Honourable Gavin Short

That's interesting. You take me down another path. Now are you saying then the same thing would happen in the Falklands if a competitor was let in, that Sure could no longer exist?

Mrs Roma Stewart, CEO SURE

It depends. So, if we're talking with the new license negotiations, that is up for the FIG review to be able to decide what options will be available for the community as a whole. What I will say in 2016 the review that was carried out then decided that there wasn't space for more than one operator in the island. And I think when I refer to Leona with how the demographics and economy hasn't changed that much, that was why that decision is made. But we will leave-

The Honourable Roger Spink

But there was no subsidy at that time, remember?

Mrs Roma Stewart, CEO SURE

No, it wasn't any subsidy at that time.

The Honourable Roger Spink

So that, things have changed?

Mrs Roma Stewart, CEO SURE

Not in the respect of the license. There is still an exclusive license in place, and that VSAT policy still exists.

The Honourable Roger Spink

Well, there was, there was no support for the company. But anyway.

Mrs Roma Stewart, CEO SURE

That doesn't change the legal obligations of the license. That doesn't change that, that subsidy was agreed with FIG and Sure that doesn't change. And Chris, you correct me if I'm wrong, the fact that we've had a subsidy doesn't change our rights around exclusive license.

Ms Chris Durnell, Legal and Regulatory Director, SURE

Absolutely not, no and just to add, we made investments on the back of the exclusive license. We made investments throughout. We have made investments as a result of the subsidy as well, and we've made commitments to our suppliers. So, you know, there are massive implications for Sure, should Starlink be licensed within our exclusive period.

Mrs Roma Stewart, CEO SURE

And then, just to add to that as well, Roger, it was only 18 months ago that FIG signed a five year deal with us and our current satellite provider. That was only 18 months ago that it was agreed

that we would sign up for five years with our satellite providers. So that's changed, but that's the contract that was signed between both parties, and that ends in December 2027

The Honourable Teslyn Barkman

Chair, please, can I come in with a follow up point? I come in with follow up.

Thank you, Roma. I think we all understand relative the exclusive license, and the Select Committee is grateful for your time in answering these questions. Something you did mention in your in your evidence just then, was the ability for people to be able to report directly to you and to the company when faults occur.

Obviously, in cases in the Camp networks, that can be more difficult when there is a length of delay over quite a vast area. I had it raised to me just recently that apparently the Carcass Island phone lines have been down due to a fault on Byron for a substantial amount of time, I believe since April, is what I've heard. So, whether that fits within the realms of acceptable delivery in Camp. Please can you respond to that?

Mrs Roma Stewart, CEO SURE

I'll need to check the details on that, Teslyn. I know there is, has been some issues with permission to climb some of the towers, to make some changes to it, which has been on-going for a little while, not through lack of chasing from my team in order to get that permission. But I'm not saying that is the case with this one, but I'll need to go away and double check that for you.

The Honourable Teslyn Barkman

Thank you. I mean, I think there are other complexities there we appreciate, it may not all be within Sure's power to deliver if they're, say, sharing sites with the, with other agencies. But then that may be, then additional cause for areas of self-provision to provide resilience. So, I mean, that might be a point for the committee to look at.

The Honourable Jack Ford

Gavin sort of stole my question on the your cross subsidization point in your submission, and either on if, if, going back to the question of the Select Committee, if we were to recommend reducing the VSAT license fee, and that was to then be approved, and we were to see an uptake, whether that would potentially, particularly in other areas, be of benefit to Sure in what is

mentioned as without, without the exclusive license, and in order to provide services to those customers in remote areas, it does require significant investment and a lot of cost and resource to Sure that, that and those people are then cross subsidized by other customers in easier to access areas. So, if you were not, if you didn't have to provide to those more difficult to reach customers that that cost more to provide services to, then that would potentially be a benefit to Sure, Sure's core business and to and to its remaining customers, who then may benefit from reductions in prices, potentially?

Mrs Roma Stewart, CEO SURE

So, the whole VSAT license policy is designed around the fact, if we're not able to provide if Sure isn't able to provide the service, so on a case by case, you would look at it and understand, if we can't provide the service, or we are providing the service, then they wouldn't be entitled to a VSAT license. Chris, sorry, did you want to jump in on that one?

Ms Chris Durnell, Legal and Regulatory Director, SURE

Yes, sorry, I'm not sure if I completely heard the question. Sorry, could you just repeat what it was? Was it if we didn't have to serve Camp? Was that the question?

The Honourable Jack Ford

Yes, I think I understand this under the under the license, you have the Universal Service Obligation and the arrangements in the license.

Ms Chris Durnell, Legal and Regulatory Director, SURE

That's right, yeah.

The Honourable Jack Ford

But it's partly linking to Gavin's question if, as, as is one of the questions of this Select Committee, if there was to be a reduction in the VSAT license fee, and then that was to be approved and there was potentially an uptake in the number of people applying to use VSATs, would that potentially be a benefit to Sure, because it particularly in remote areas where it's more costly too Sure to provide services to them, because they could self-provide. And that would then, therefore, then potentially benefit other customers in easier to serve areas by, by you, being able to offer them either increased capacity or lower prices.

Mrs Roma Stewart, CEO SURE

So, the price of the VSAT license was set by FIG, so at the time, that price wasn't set by Sure, that, Sure didn't say what the price should be for that VSAT license that was agreed at the time at FIG, and it's very, part of that also forms part of the exclusive license. So, to drop the price of the VSAT license would be, then change in what's within the policy. Sorry, Chris, you were about to say something on that as well.

Ms Chris Durnell, Legal and Regulatory Director, SURE

No, I was just gonna say that no, the questions being asked is a question that goes to the heart of, what do you want for your telecoms in the Falkland islands, and in terms of, do you want sustainable telecoms for the whole of the Falkland Islands, including the most remote parts? That is a question that you should be looking at for the post exclusive license period. That is what we are expecting you to be looking at with your, the new consultants, whoever they, they are when they are appointed. But it goes to the whole heart of you know, what is it that you see for the telecoms landscape, for the Falkland islands in the future?

I don't think it can be, you know, it's something that needs to be carefully considered.

The Honourable Jack Ford

And I think that partly links to the section about the VSAT policy and the VSAT license guidance notes. And so, I think maybe just for clarification, probably what, which, which of those, whether they do, they sit within the license agreement or where they've been agreed separate to the license, I know you've mentioned in your written submission that they were significant factors ensure agreeing to the license in the first place. But how separate are they from the license, and what is the likelihood of what is, what was the potential to change those without impacting the license?

Mrs Roma Stewart, CEO SURE

I'll let Chris answer that.

Ms Chris Durnell, Legal and Regulatory Director, SURE

Do you want me to answer that, Roma? Because I was actually involved in those negotiation, negotiations back in 2017 with the Falkland Islands Government. So, the VSAT policy was a really significant part of those license negotiations. It was what went to the margin, what was sustainable, why we needed exclusivity, and it was a key factor in why we managed to reach an agreement with Falkland Islands government, on the back of which we made significant investments, on the back of which our parent company agreed for us to enter into a license. So, the VSAT policy was front and centre of the license when it was negotiated.

We have the documentation of all those discussions. They took a long time ensure the Falkland Islands Government of those discussion documents as well. If not, we can share them. It was something that was a critical factor. It's something that is in the Select Committee meeting notes from 2016 and shows what a significant impact of the VSAT policy was and how important it was that it was going to be upheld throughout the period of exclusive license.

The Honourable Jack Ford

Okay.

The Honourable Leona Roberts

Yeah, go back to, to the previous point, really, given the way the discussion has gone, on the exclusivity point, I think we recognize the company has had this protected position. We recognize that there have been all these issues that, as you described, the problems with, with LEO, which should have been up and running before last Christmas, if memory serves, and we're a long way on and it's still not there.

How can we be confident that the company is, is fulfilling its contractual requirements under this exclusive license and how can we have any confidence that the step, the step change that is needed because of the change of, of lifestyle, of technology, that that will happen? Because, I think otherwise, to, to be expected to sit for another couple of years and, and just absorb all these issues that are clearly being felt right across the community, does not seem reasonable?

Mrs Roma Stewart, CEO SURE

So probably some of this might be more suited for a closed session. But what I can say the contract we have with FIG; we meet on a quarterly basis with FIG to re. to review whether we meet

our obligations of that contract. And yes, I agree that we haven't launched the LEO. We obviously all know that, and the fact that it should have been launched in December, and that is part of our obligations within the contract, but that is under review with FIG and that is the conversations that we have on a quarterly basis.

The Honourable Leona Roberts

And so, I'm sorry if I may? Because we've talked as well about, about fault logging, about the number of complaints and faults received being within parameters. I mean, would you accept it's something that we hear a lot, and would you accept that there are just so many customers that simply do not bother to make the complaint or to log the fault anymore, so the data that's coming through on that is probably not something that's fantastically reliable that would illustrate that the company is meeting its obligations.

Mrs Roma Stewart, CEO SURE

And I have pushed personally for people to log faults with us. I repeatedly do that, and which is why, like I mentioned a couple of days ago when I noticed something on Facebook, and it's not the first time I've directly contacted someone and said, have you logged a fault? We don't know about these things until people log faults with us, so everyone can have a grumble, but until people start to log faults, we can't deal with individual issues. And I agree maybe people have got a little tired calling up and logging faults, but I'm asking people to change that. I'm wanting that to change. I want to hear the problems that people are experiencing, and they do need to let us know. Otherwise, we don't. And so yes, it might be distorted numbers, but until people start logging faults, we don't know, or until more people start logging faults, we don't really know the true position.

The Honourable Leona Roberts

Which does put the position of being able to establish whether the company is actually meeting up to its obligations, makes that very difficult,

Mrs Roma Stewart, CEO SURE

Or if they are faults that can be resolvable, we can be fixing them, but if we don't know about them, we can't fix things. So, when people are dissatisfied, it possibly is that we're not aware of those issues. I didn't know until I came into this room that you guys were having problems with connection. So, until we know about these things, until people tell us. So when, when you hear of

people being dissatisfied, is that because they're not telling us, rather than us not fixing things that we actually don't know in the first instance.

The Honourable Leona Roberts

Thank you.

The Honourable Roger Spink

Mark?

The Honourable Mark Pollard

Yeah, I think, I think it's been really interesting session. I think ,I think sometimes with we've struggled between to, to draw out the separate issues of what happens at the end of the exclusive license, and then addressing the specific concerns of the petition around VSATs and the that area you know, we've been straying into, into, you know, landlines, phones, and working on in certain places and, and I think, you know, it's important that we try to delineate those things and, and understand that I was, I was going to ask a question that I have to sort of amend slightly in my head, but, but I mean, for, I think one of the most important things for us to consider as a Select Committee is there is a difference between what the customers and what the people of the Falkland Islands, through the petitioner saying that they want, in terms of the service and the level of service, and then the, the level of service they currently have.

That was my question around the measurements, was to be able to sort of quantify what the what those differences are. I, I, I suppose to a certain extent, the data that Brian may, may provide in terms of the performances metrics he's been picking up and measuring will be useful as well in that, in that sort of debate. But I think you know what, what I want to try and understand, and I guess hopefully my colleagues on the Select Committee as well, to what extent, Sure are willing and able to, to collaborate with the Falkland Islands Government, the customers, the relevant stakeholders, I guess, to, to bridge that gap if, if we weren't to amend the, the VSAT license fee, for example, I think key to amending the VSAT license fee is, is whether or not that gap is ever going likely to be bridged anytime soon.

And I think trying to try to understand these, these issues, and how far apart we are without again, having any sort of meaningful measurements is very difficult.

Mrs Roma Stewart, CEO SURE

Do you not think, though, that what you're trying to achieve is something that FIG has already paid for and is currently going to pay for a group of consultants to do? Because the petition looks at specifically broadband. It doesn't look at all the other services. But the in depth analysis and data that you're hoping to achieve is that not what FIG are paying consultants to actually get?

The Honourable Mark Pollard

But this is the long term. I think we have a more pressing issue now of people being able to see what services they can access. We have a fundamental issue, I think, personally, in the Falkland Islands, by charging this £5400 of essentially saying, you know, if you can afford it, you can have a completely different level of service to anybody else. I mean, I guess that's, that's kind of how capitalism works, but, but I think, you know, when we, when we look at the ability to access this service, and the fact that, you know the, the government is charging that fee, the government is pocketing that fee, and you know it all sits very uncomfortable with me, the theory around that, but, but to sit and not doing, not do anything for three years, Given the sheer amount of signatures and public feeling behind the subject we're discussing would be, would be incredibly difficult and irresponsible, I think.

Mrs Roma Stewart, CEO SURE

Yes, but I guess it is monitoring expectations as well in the way of what you're allowed to do under the current license and the current policy. It's making people aware what you can do, but that's not saying we're not trying to change what we're doing to try and meet customer needs as well. I think that collaboration between us and government is also very important, but breaking the contract and the exclusive license is a whole different ballgame. The consultants, we worked in 2016 with those consultants given them whatever, whatever information they required, and we were allowed to give them we work together in order to be able to do that. I don't believe we are sitting still and not doing anything we are trying to improve, but changing the price of the VSAT license that was agreed by government back in that day, and if it was only the VSAT, it was only set up for those people or businesses that we weren't able to supply a service to it. And like I say, if these people that who feel that we can't supply a service, I mean, we're running also a proof of concept with businesses. So, if they feel they have a service they would like us to provide, or a different venture that they want to try, we're actually offering a proof of concept as well.

The Honourable Mark Pollard

But this is the, this is the balance we're trying to strike of, of ensuring all the other services has continued to be maintained and, and delivered, whilst looking at the specific question of the, of, of the license fees for, for VSATs. Now again, there's, there'll be some debate as to, as to whether that breaks the license, or whether it's or whether it is against the license to adjust those fees or to, to work on it. And I imagine that is that is open to some interpretation.

And again, it's for this committee, I guess, to, to, to be able to nail down exactly what that is and what the powers we have to be able to do that within the current conditions that we operate under.

So, I think drawing those, those points out, are going to be essential to this, to this process.

Mrs Roma Stewart, CEO SURE

I believe Chris, you would agree, wouldn't you? There're some very clear guidelines. It was a lot of work that went into that whole VSAT policy, and there are some very clear guidelines around what can be changed, or what, what can be –

The Honourable Mark Pollard

But, if I may, you highlighted the issue of when a service can't be provided, that there are services, perhaps, at the moment, you could say, if there is a service where I require a latency of less than 100 milliseconds, then then you're going to struggle to provide that, certainly without the one web Leo service coming in. So, so, I mean, there are there are areas, and there are already 10 or 15 licenses, as you said earlier, that have been awarded, already under that under that guise that the service can't be provided for whatever reason.

So, so I think there are, there are areas where that, where that is possible and where it may happen. But, but again, it's understanding. You know that there are, there are situations where it where it would seem, that it's perfectly acceptable to award those licenses at the moment.

Mrs Roma Stewart, CEO SURE

It would seem. But I think the other thing too is not to get too caught up in actual latency, rather than capacity as well. Because, like I said, now that we've brought on the extra capacity, we have said to a couple of businesses who have said to us, they need a required latency to actually let us

test it with the extra capacity that we have now. So, at times, when we actually think that it's all about latency, it isn't always. It's more about available capacity, and I think we that's why we're willing to do that test.

The Honourable Mark Pollard

And occasionally it's about availability and many other metrics. But again, we don't have measurements of these metrics to be able to, to be able to hold anyone to and that's, that's the difficulty, well, one of many difficulties that I find. But apologies, Chair, I'll probably go down a bit of a rabbit hole.

The Honourable Leona Roberts

Can I just come in on the back of that? I think the point about the digital divide is a really important one. I think, you know, we simply can't find ourselves in a situation where ultra-high speed internet is only available to those with deeper pockets. That's very, very difficult to live with. And this might be a little bit flippant, but I think it speaks to this point about justifying who is able to get a VSAT license under the current conditions, and it's very personal, and as I say, quite flippant example, my daughter got a PlayStation 5 for her birthday, fantastic new game, has now been downloading for about a month, and it's not even halfway there yet, and so we're hoping maybe by Christmas, she will be able to play this game. And it's ridiculous.

Now, if I could go to the Regulator and say what I have is not meeting my requirements, can I have a VSAT license? The VSAT license is at a reasonable price. There might be some who would say that that's not a significant enough thing to justify it, but actually it's, it's, it's very real life. And so, I think this is where I'm, I'm really struggling, you know, with terms of the exclusive license, with the fact that there is provision to get VSAT. But at the moment, the price is prohibitive, and it's but it is just even those very basic daily things that are being impacted. And I know I'm not alone in that. There'll be, there'll be plenty of others too.

So, it's kind of it feels that we're in a position where only those with deep pockets can get something like Starlink or where there's a very, very significant need to, to, to get that license. And I think that that, in both respects, feels unfair.

Mrs Roma Stewart, CEO SURE

Yeah, and I understand where you're coming from with that. I mean, I think we've separately had a conversation around that as well, where we're trying to bridge that digital divide, and how do we

do that, or how quickly we can do that, is really important. And I think part of that, too Leona is, you know, the fact that, yes, we've launched unlimited we know it isn't in the right price bracket, bracket. For a lot of people, we realize we've increased the speeds. But there are those who can't afford that particular level, and which is where I'm saying as well, we want to do a second step. It will take us a little while to get to that second step.

We know the kind of price point that people would want it to be at, but the more people that moves on to the current unlimited packages will allow us to reduce the price of that package as well, because it's a volume of how many people are on there that makes it more economical to serve.

But I also know, yes, some people do struggle with PlayStation updates, but there are people who are able to update PlayStation, if I may use my son as an example. He did his night before last, because I remember checking that his had actually updated whether it is something on your particular line, I don't know, without looking at it individually, it does sound ridiculous that you've waited that amount of time to do it, and maybe it's a conversation to have after with what we need to look up in order to make that possible. But we are trying to bridge that digital divide. Ideal situation would be everyone could afford to have unlimited and it's at a price point that suits virtually the whole community. We're not there yet, and I know that, but it's not something that we're just turning a blind eye to, either.

The Honourable Roger Spink

Gavin and then Teslyn.

The Honourable Gavin Short

Thank you very much, is really carrying on the theme from my honourable colleagues across the room there but submission 31 which is your submission, in it, you state that some, some members of the community wish faster broadband at lower prices. Would you not agree that the desire for faster, more reliable and importantly, much cheaper broadband is desired by more than some, going by the amount of people that signed that petition, you have a rival that's flying over our head (for the Radio, I'm pointing at the ceiling). When do you think you'll be able to match what they can offer?

Mrs Roma Stewart, CEO SURE

Starlink prices?

The Honourable Gavin Short

And capacity and speed

Mrs Roma Stewart, CEO SURE

And speed. So, on our current infrastructure, Gavin, I'll put my hand up and say that we couldn't go more than 20 megabits per second on the current infrastructure that we have. In order to be able to deliver more than 20 megabits, you'd be looking at some serious changes and investment into the current infrastructure, and that, that is a fact that is what we can provide at this particular point in time.

The reason for using the word some, not everyone wants unlimited. There are a number of customers who are happy with the sort of quota levels that they have and the speeds that they have. So, we have to look at it as a community of an offering to all people.

If you were, if you were to allow, if the whole exclusive license was taken out of the situation, and Starlink was allowed to actually supply, you will then find that other services would be affected by that. Because, regardless of someone saying they would still use Sure, Sure can't just sit here and accept that they might have a little bit of line rental or a little bit of mobile rental coming in. It is the whole package that we supply at this particular point in time, and that's just taken exclusive license out of it.

As for the line speeds, there is a limit to what you can get on the current infrastructure without further investment, and a company wouldn't invest in that amount of money unless we know it was for long term. If you're talking short term, no business would make huge investments on a short term scheme.

The Honourable Gavin Short

Sorry, to put this bluntly, then there might be some out there who'd receive perhaps what you're saying, what has been said this afternoon, as you're actually more interested in protecting profit margin than improving things for customers?

Mrs Roma Stewart, CEO SURE

At which point did I indicate that I'm more interested in protecting profit lines?

The Honourable Gavin Short

Because you keep saying, if we allow and take away the £5400 the world is going to crash around your ears, and you won't be able to supply what you are supplying. That tells me that it is profit that you little worried about.

Mrs Roma Stewart, CEO SURE

No, I think my reminder of the £5400 was simply that was agreed by government back in 2016 we didn't set that fee. That wasn't what Sure set, we signed for that agreement, but we didn't set that fee at that time.

The Honourable Gavin Short

Thank you but.

Mrs Roma Stewart, CEO SURE

And we have invested £3million over the past three years, and we've putting in a further million this year in investments. So, the investments we've done, the capacity we've purchased, has all been done by Sure.

The Honourable Gavin Short

Absolutely, so FIG, it's about a million a year as well.

Mrs Roma Stewart, CEO SURE

Yes, and we fully welcome that.

The Honourable Teslyn Barkman

Thank you, Chair, so I think you made that, you, you made a good point there, actually, that some consumers in the Falklands are satisfied with business Sure's delivery. And I think that's also something, thing that we've, we've heard that there are people, plenty of people, out there who would like to see Starlink as another ability to self-provide as an addition to Sure's services to give

them consumer choice. That's very much, I'd say how majority of evidence seems to have been presented.

But when a fault occurs, a fault could have a big impact or, as we've heard from the Leona already, when the service isn't delivering to a level which, which is needed in a family unit or for a business, it can create significant distress and questions about whether the money is, is being whether it's good value for money in the product, my question is specifically around fault reporting and whether you think that fault reporting has improved to support accurate statistics, because, as you've offered, to share those statistics of kind of consumer satisfaction with us, It would also be really helpful to understand how those faults, how the fault reporting process works, how those faults are collated, and whether fault log numbers are allocated to individuals who report a fault or the faults themselves. What we, what I really like to understand is to be Sure that the number of consumers affected by faults is in some way, being mystified by, you know, just one log number representing one or several individuals, and whether we can delineate in those statistics, it's important.

And I think Leona touched on the point earlier, so that consumers can trust that their voice or how a fault has affected them is being heard by the business. And certainly, to go back to the purpose of the exclusive license, it was one of those, I can imagine not being in the room, but it's one of those policy points that in order to see improvements, and obviously, fault reporting is a very important part of ensuring that the product is understood.

Mrs Roma Stewart, CEO SURE

Just to clarify, Teslyn, I don't believe I said we would share the fault information. The Fault information is actually reviewed on a quarterly basis by the Regulator, so the Regulator receives all the detail around the number of faults, what the occurrence was, how long it takes to resolve and the length of days in which we took to fix it, and the details around those faults, that's not something we share with the public or with the committee itself, that is shared with the Regulator.

And that's my point of monitoring these types of things. The quality of service is actually done by the Regulator. So, we're, we're quiet, I mean, I work with David quite regularly as well as Simon, and there's many, several meetings that we have to discuss our fault reporting and the issues that they've seen. There was an increase, I think I remember correctly, David, there was an increase in the number of faults reported compared to the prior year, and we put that down as well to the fact that we're encouraging people to actually log faults like I'm saying, We don't know if there is a problem if we don't see it, but the detail around that is with the Regulator, that's who we share that information with.

The Honourable Teslyn Barkman

My specific question was around the process for fault reporting, whether you think that the process around fault reporting has improved, but also whether Sure do like allocate log numbers for faults to groups of people, or whether they're to individuals who report a fault so that a true number of consumers affected can be understood.

Mrs Roma Stewart, CEO SURE

I would say our fault reporting can improve. We're in the process of looking at a different system for next year for fault reporting, individual faults are logged and a number is given, however, where there might be so, for instance, if we had an outage, and if the outage has caused the Internet to go down for be it three or four minutes, then that would be one fault, because we would expect everyone to have suffered as a consequence of that particular outage. But as for the other side of people with individual faults, they are listed with a fault number, and that fault number is on our records and shared with the customer.

I don't dispute that we can't improve that process, and it is our aim to do so because it's a business case being prepared right now, which changes that hold, that improves that process and communicates better with the customer as well when it is reported. But as for the individual faults, they are logged with a number.

The Honourable Roger Spink

David, did you have something you wanted to say?

David Rogerson

I guess, just essentially echoing what Roma said. I can't speak to the bit between the Sure and the customer, but certainly the reporting from Sure to the Regulator is detailed, is timely, it covers both individual faults, and as Roma said, outages, and that information is published by the Regulator, or should be on an annual basis. I'm not entirely Sure whether the latest report has currently been published.

There have been some ups and downs on the levels of faults, and you'll find the details in those reports.

The Honourable Roger Spink

Yeah. I just wanted to bring up that it's noted in your submission, it rejects the Select Committee's request for financial modelling, and that detail, I think would have been useful in determining the necessity of a penal fee for self-provision. An absence of that detail from Sure means the committee is going to have to determine the request from the petitioners without that detail.

The failure to provide such detail could prejudice the recommendations of the committee. I mean, I think it's, it seems to me very odd that you should choose not to I mean, it says it does not fall within the committee's terms of reference. The committee is limited to the demands of the petition. Well, the demands of the petition are pertinent.

I think that fee is pertinent to the effect on your figures.

Mrs Roma Stewart, CEO SURE

That fee is pertinent to the agreement that was made in 2016. The reason we said that we didn't believe we needed to provide financial results. We file our accounts on an annual basis, and within that, we also supply evidence to the Regulator of our, of our financial results as well. So, the detail of that is also sent to the Regulator. So, what you hope to achieve by seeing our financial results, we don't see any reason behind that, and given that, FIG is in the process of hiring some consultants who will then get the detail they require for their decision doesn't bear any loading on the requests from the committee themselves.

The Honourable Roger Spink

Obviously, this decision is going to happen before that process happens.

Mrs Roma Stewart, CEO SURE

But as I say, the fee for the VSAT, if it's purely around the VSAT fee that's been set, and that's in the policy that has no bearing on what our financial results are.

The Honourable Roger Spink

Interesting.

The Honourable Mark Pollard

Yeah, I mean, we talked about the briefly, going back a little bit, if I may. We talked about the, the quality of service reporting and the, and the customer satisfaction survey done through the Regulator. I think, I think as a Select Committee, we need to get to the bottom of the of the regulation website and the information on it, and whether that's the latest information, we haven't received.

The latest customer satisfaction survey was from 2021 and the latest Quality of Service reporting was from 2021 we have a significant gap there in terms of the information we're putting out publicly or the information we actually have. I think that there will be future questions of the Regulator.

Mrs Roma Stewart, CEO SURE

We obviously are very timely in providing our information to the Regulator. I don't know that is something for you to speak with the Regulator themselves.

The Honourable Mark Pollard

Sounds like it is.

The Honourable Roger Spink

Good. Excellent.

The Honourable Leona Roberts

Sorry, I was going to suggest, it's not a question. I was just going to suggest we're a couple of hours in with a comfort break. Should we be, kindly not just for Roma's sake?

The Honourable Jack Ford

It will be very short, it's just on second page of your submission, on the last paragraph, where you make reference to the Cartesian report from 2016 and that showed and recommended that the Falklands were too small to have more than one telecom provider, therefore, therefore resulting in the recommendations for an exclusive license.

Your submission then goes on to say that whilst we're now eight years on, in 2024 there seems to be, have been little change in the demographic, in economics of the islands, which would then significantly change these findings. I know you do go on to then say that, that you're welcome to, to the consultation, the consultants review that FIG are currently tendering for.

But would your, further on in your submission, where you, where you do reference the investment and changes that should have put in place, the increase in capacity, the quite significant increase in usage by customers and the change in demands, would you not then agree that even if there hasn't been a significant change in the, in the population, in the economy of the Falklands, that the demand you're seeing from customers is significantly different to the situation in 2016

Mrs Roma Stewart, CEO SURE

Yes, that would be true. It has. Demand has certainly changed. I mean, demand has changed to 18 months ago when we signed a contract with FIG, because if we, if at that point, FIG had said to us, what we were offering wasn't suitable, then we wouldn't have signed the contract between both parties. So, it has changed. It's rapidly changing. And I think we're in a world where, as I said earlier, everything is digital, and it is required. So, things are changing when it comes to that, and it's managing how we change quickly enough or be able to meet those needs.

The Honourable Roger Spink

Any more questions for this section?

Okay, we'll close the open session then and recommence in the closed session.

Thank you everyone this session is now closed.