



REGULATION OF RETAIL PRICES FOR SMP OPERATORS – RULES

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Section 1: Introduction

1. This document constitutes the Utilities Regulation and Competition Authority's ("URCA") Rules for the Regulation of retail tariff plans of Regulated Services offered by operators with Significant Market Power ("SMP"). It is designed to foster and promote the overall objectives of the Communications Act, 2009 (the "Comms Act"), the Electronic Communications Sector Policy and relevant licence conditions. The Rules within this document implement the ex-ante remedies decided upon in the Statement of Results and Final Determination related to URCA's 2024 Retail Fixed Market Review.¹
2. For the purposes of these Rules, the following definitions will apply:
 - 2.1 **Application** refers to the process in which a SMP operator seeks prior Approval from URCA on proposed terms and conditions of Price Regulated Service.
 - 2.2 **Approval** refers to the procedure where URCA, based on a review of the SMP operator's Application, notifies the SMP operator that its Application has been granted by URCA.
 - 2.3 **Discontinuation** refers to a SMP operator ceasing to offer a service to all customers.
 - 2.4 **Electronic Communications Service** refers to the provision of a carriage service or content service.
 - 2.5 **New Service** consists of a service offered by a SMP operator which is materially different in features, quality and/or attributes to any existing service offered by the SMP operator. That is to say, a New Service is a service which: (i) has not been previously commercialized by the SMP operator; or (ii) significantly amends any of the terms and conditions of an existing service.
 - 2.6 **Non Price Capped Services** refers to all Regulated Services that are not subject to Price Cap Regulation and therefore do not require approval for an above-inflation price increase.
 - 2.7 **Non-price terms and conditions** refer to any and all terms and conditions other than the price for a service which impact the effective price of that service. This may include, but is not limited to: (i) contract length (which could be used as the period over which any fixed price is annualised in order to determine the overall effective price); (ii) quality of service (which would affect the SMP operator's cost of providing the service); (iii) the value of ancillary services (such as, for example CLASS features, a handset, a set-top box or a modem) or goods provided with the service; (iv) the time taken to provide the service, including the time taken by the service provider's technician or customer service

¹ ECS 71/2024

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- representative to install the service on the customer's premises and/or activate the service (which would affect the SMP operator's cost of providing the service); (v) maintenance terms (which would affect the SMP operator's cost of providing the service); and (vi) minimum call periods for which callers are charged (which would influence the effective price of usage and hence the overall effective price).
- 2.8 **Notification/filing** refers to the procedure where a SMP operator informs URCA about amendments to, Discontinuation or launch of a new Regulated Service prior to these changes taking place.
- 2.9 **Price Capped Services** refers to all entry-level standalone Regulated Services, which require approval from URCA for an above inflation price increase (in line with the regulatory obligations set out in ECS 71/2024).²
- 2.10 **Regulated Services** refers to all retail electronic communications services offered by operators in markets in which they are found to have SMP, which are subject to ex-ante regulation, including these Retail Pricing Rules.
- 2.11 **Required Services** refers to all Regulated Services which SMP operators are required to continue to provide to end users in The Bahamas (in line with their regulatory obligations set out in ECS 71/2024).³
- 2.12 **Retail Pricing Rules** refers to the general rules and procedures applicable to the regulation of retail tariff plans for SMP operators, as set out in this document.
- 2.13 **Rules** see Retail Pricing Rules below.
- 2.14 **Service** see Electronic Communications Service above.
- 2.15 **Significant Market Power ("SMP")** refers to licensees determined by URCA to be dominant in a particular economic market for the provision of retail electronic communication services in The Bahamas.
- 2.16 **URCA** refers to the Utilities Regulation and Competition Authority, also known as URCA.
- 2.17 **Withdrawal** refers to a SMP operator ceasing to provide the service to all new customers.
3. The SMP operator shall act according to the Rules set out below in order to be and remain compliant with any Retail Price Regulation obligation.
4. For general guidance, Table 1 below sets out the approval and notification requirements for

² Details of exactly which services are Price Capped Services are given in Table 2 below.

³ Details of exactly which services are Required Services are given in Table 3 below.

Regulated Services and where these are set out in the Retail Pricing Rules document.

5. The detailed Rules are specified in the following Sections and in case of any differences between Table 1 and these following Sections, the following Sections shall take precedence.

Table 1: Approval and Notification Requirements for Regulated Services

	Key requirements	Relevant Section of the Rules
Permanent, above-inflation price increase of a Price Capped Service	Approval	Part 3A
Permanent, equal to inflation or below-inflation price changes to a Price Capped Service	Notification	Part 3B
Permanent price changes to a Non Price Capped Service	Notification	Part 3B
Withdrawal/Discontinuation of a Required Service	Approval	Part 3C
Withdrawal/Discontinuation of other Regulated Services	Notification	Part 3C
Introduction of a new Price Capped Service	Approval	Part 3D
Introduction of a new Non Price Capped Service	Notification	Part 3E
Changes to non-price terms and conditions of a Regulated Service	Notification	Part 3F

6. In line with Section 2 of ECS 71/2024, Table 2 below sets out the Price Capped Services for each SMP operator.
7. The detailed Rules applicable to these Services are specified in the following Sections. In case of any differences between Table 2 and these following Sections, the following Sections shall take precedence.

Table 2: BTC's and CBL's Price Capped Services

SMP Provider	Price Capped Services
Retail fixed voice services	
BTC	Entry-level standalone fixed voice plans for residential and business customers
Retail fixed broadband services	
CBL	Entry-level standalone fixed broadband plans for residential and business customers

BTC	Entry-level standalone fixed broadband plans for residential and business customers
Retail pay TV services	
CBL	Entry-level standalone pay TV plans for residential and business customers

8. In line with Section 2 of ECS 71/2024, Table 3 below sets out the Required Services for each SMP operator. For the avoidance of doubt, the Price Capped Services identified in Table 2 above are also Required Services.
9. The detailed Rules applicable to these Services are specified in the following Sections. In case of any differences between Table 3 and these following Sections, the following Sections shall take precedence.

Table 3: BTC's and CBL's Required Services

SMP Provider	Required Services
Retail fixed voice services	
BTC	Standalone fixed voice plans for residential and business customers
Retail fixed broadband services	
CBL	Standalone fixed broadband plans for residential and business customers
BTC	Standalone fixed broadband plans for residential and business customers
Retail fixed voice and broadband bundles	
CBL	Bundles including fixed voice and fixed broadband services for residential and business customers
BTC	Bundles including fixed voice and fixed broadband services for residential and business customers
Retail pay TV services	
CBL	Standalone pay TV plans for residential and business customers

Section 2: General Rules and Procedures

10. This Section contains the general Rules and Procedures applicable to all Regulated Services. In particular, Part 2A sets out URCA's powers to conduct an investigation into an SMP operator's prices and terms and conditions for a Regulated Services (including Price Capped Services). This is followed in Part 2B by an overview of the Approval Process governed by these Rules, including the subsequent process the SMP operator should follow when implementing approved changes.

Finally, Part 2C sets out the Notification Process and the steps which a SMP operator should follow to implement notified changes.

Part 2A: Investigations

11. In exercise of its powers to conduct inquiries or investigations under section 8(1)(j) of the Comms Act, URCA may conduct an investigation into an SMP operator's prices and terms and conditions for a Regulated Service on its own motion, without receiving a complaint from another party.⁴ This includes the right to conduct investigations into the prices and terms and conditions for Regulated Services in existence at the time when URCA issues the SMP operator with the Final Decision on its obligations.
12. Under the terms of section 9 of the Comms Act, URCA may request the SMP operator to provide information to URCA during such investigations. URCA shall state the purpose of the request, specify the information required and specify the time period within which the information is to be provided. Failure to provide timely and accurate information to URCA may lead to the imposition of a fine under section 109 of the Comms Act.
13. For the avoidance of doubt, any prices or terms and conditions for existing Regulated Services, as well as the introduction of new Regulated Services, approved under these Rules or notified to URCA as per these Rules, remain subject to the *ex-post* anti-competitive conduct regime set out in the Comms Act. Approvals granted pursuant to these Rules are conditional on the supporting information submitted, assumptions and prevailing circumstances at the time the Application is made. In this respect, URCA may carry out an investigation under the *ex-post* enforcement provisions (Part XI) of the Comms Act, if the actual outcome in the market differs from that assumed at the time the relevant Approval was granted.

Part 2B: Approval Process and Subsequent Implementation of Price Changes following Approval

Approval Process

14. The SMP operator must first obtain URCA's written approval before:
 - 14.1 increasing the price of any Price Capped Service above last year's inflation^{5,6}; or
 - 14.2 introducing a new Price Capped Service, which would replace the relevant existing Price

⁴ This may include, but is not limited to, instances where: (i) URCA has received a formal complaint by a Licensee; (ii) new information becomes available subsequent to the introduction of a price change; (iii) errors that come to light in any of the information previously provided to URCA either by way of another regulatory measure, an application or a notification; and (iv) evidence arising of the actual or expected impact that the price or non-price terms and conditions have on the market.

⁵ What constitutes an above-inflation increase is explained in the Annex.

⁶ The relevant measure of inflation is the Bahamas Consumer Price Index (CPI), as published by the Department of Statistics. This is further detailed in the Annex.

Capped Service (i.e., entry-level standalone service).

14.3 withdrawing and/or discontinuing a Required Service.

15. The SMP operator must not advertise or announce publicly in any way its proposed, above-inflation price increase for the Service, the introduction of the Service, or the withdrawal/discontinuation of a Required Service until it has received URCA's Approval, consistent with the procedure set out below.
16. The minimum required elements of the SMP operator's Application, and the time period over which URCA will conduct its review and either grant or withhold its Approval, is dependent upon the type of price or service change sought by the SMP operator, as set out in the remainder of these Rules.
17. However, without prejudice to Paragraph 16, URCA will follow the procedure laid out in the remainder of Paragraph 167 for reviewing Approval Applications.

17.1 Within **five (5) business days** of receiving an Application made under this Rule, URCA shall contact the SMP operator in writing to acknowledge receipt of the Application and either:

17.1.1 Confirm that the Application is complete (i.e., that it contains the minimum information required according to the requirements of the relevant section of these Rules), the date upon which it was received by URCA, and that URCA shall review the Application according to the procedures set out in these Rules; or

17.1.2 Advise that the Application is incomplete (i.e., that it does not contain the minimum information required). In that case, the Application will be deemed not to have been submitted.

17.2 Within the timeframes set out in the remainder of these Rules for each form of Application, URCA shall respond to the SMP operator in writing with one of the following:

17.2.1 A statement of no objection to the Application; or

17.2.2 A rejection of the Application, including URCA's reasons for rejecting the Application.

17.3 At any stage during the period of reviewing an Application, URCA may give written notice to the SMP operator that it is suspending the review period, in order to request additional information or clarification from the SMP operator on the submitted Application. Following receipt by URCA of the requested additional information, the review period will resume from the point at which it was suspended.

17.4 If URCA does not respond in writing to the SMP operator within the timeframes

described in these Rules, the Application is deemed approved.

Implementation following Approval by URCA

18. Upon receipt of URCA's written Approval (or upon deemed Approval) of a Price Application, the SMP operator may implement its proposal as follows:

18.1 In the event of an above-inflation price increase for a Price Capped Service, the SMP operator must, within **thirty (30) calendar days** of the date of URCA's written (or deemed) Approval, advertise on its website, social media channels, and a notice in at least one newspaper with national circulation of the operator's decision to implement the price increase, giving subscribers at least **fourteen (14) calendar days'** notice of the price change (including the key non-price terms and conditions for the service, irrespective whether these have changed or not)). If this notice is not advertised within the specified period, URCA's Approval will be deemed to have lapsed and the SMP operator must submit a new Application if it wishes to proceed with the price change (or change in non-price terms and conditions, as applicable).

18.2 For the introduction of a new Price Capped Service, if the implementation date differs from that set out in the corresponding Application, the SMP operator shall notify URCA at least **five (5) calendar days** before the change takes effect. If the change does not take effect within **thirty (30) calendar days** of the date of URCA's written (or deemed) Approval, URCA's Approval will be deemed to have lapsed and the SMP operator must submit a new Application if it wishes to proceed with the price or service change.

18.3 When advertising a Price Capped Service that requires Approval, the SMP operator shall ensure that such advertising (in whatever form it takes) sets out the terms and conditions for the service, including any eligibility criteria for subscribing to the service.

Part 2C: Notification Process and Subsequent Implementation of Price Changes

Notification Process

19. The SMP operator must notify URCA before:
- 19.1 introducing any permanent, price changes of Price Capped Services equal to or below last year's inflation⁷;
 - 19.2 introducing any permanent changes to the prices of Non Price Capped Services;
 - 19.3 withdrawing and/or discontinuing a Regulated Service which is not considered to be a Required Service;
 - 19.4 introducing a new Non Price Capped Service; or

⁷ Above-inflation changes require approval, as explained in Part 2C.

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- 19.5 introducing any changes to non-price terms and conditions for Regulated Services, that could be expected to affect either the effective price paid by users or the costs incurred by the SMP operator.
20. The SMP operator must not advertise or announce publicly in any way its proposed amendments to existing Services, until it has submitted notification of the same to URCA, in line with the procedures set out in these Rules.
21. An SMP operator proposing a price or service change subject to Notification shall notify URCA in writing of the proposal at least three **(3) business days** before implementing the price or service change. The precise form of the Notification will depend on the nature of the intended price or service change being sought by the SMP operator, as set out in the remainder of these Rules.
22. URCA will follow the procedure laid out in the remainder of Paragraph 2222 when processing any Notification.
- 22.1 URCA may, at any time, contact the SMP operator for additional information if the notification is incomplete (i.e., that it does not contain the minimum required information according to the requirements of the relevant section of these Rules). Unless URCA has directed the SMP operator to suspend its proposed price or service change, the SMP operator may proceed with its proposed launch while it submits the notification's outstanding information to URCA. The SMP operator will have a maximum of **five (5) business days** from URCA's initial request to submit the outstanding information to URCA. Any contravention of URCA's request may result in the suspension of the price or service change.
- 22.2 If URCA does not respond in writing to the SMP operator's notification, the SMP operator may proceed with the price or service change exactly as set out in the Notification.
23. For the avoidance of doubt, if the SMP operator changes the price or terms of an existing Regulated Service covered by these Rules, but fails to notify URCA within the specified timeframe, or advertises a price or service change before notifying URCA, then URCA will undertake enforcement action. Furthermore, nothing in these Rules prevents URCA from directing the SMP operator not to proceed with the price or service change as set out in the Notification, if, in URCA's view, the price or service change runs counter to the Licensee's obligations in the Communications Act, its Operating Licence or what is required of the SMP operator in the Rules.

Implementation following receipt of Notification

24. Upon receipt of the SMP operator's Notification from URCA (or if URCA does not respond in writing to the SMP operator regarding the Notification within the timescales set out in these Rules), the SMP operator may implement the proposed price or service change set out in the Notification as follows:
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- 24.1 In the event of a price increase, the SMP operator must, within **thirty (30) calendar days** of the date of URCA's written (or deemed) receipt of the Notification, advertise on its website, and social media channels of the operator's decision to implement the price increase, giving subscribers at least **fourteen (14) calendar days'** notice of the price change (and/or the change in the non-price terms and conditions for the service, if applicable). If this notice is not advertised within the specified period, URCA's receipt of Notification will be deemed to have lapsed and the SMP operator must submit a new Notification if it wishes to proceed with the price change (or change in non-price terms and conditions, as applicable).
- 24.2 For all other price or service changes requiring Notification, if the implementation date differs from that set out in the corresponding Notification, the SMP operator shall notify URCA at least **five (5) calendar days** before the price or service change takes effect. If the price or service change does not take effect within **thirty (30) calendar days** of the date of URCA's written (or deemed) receipt of Notification, URCA's receipt of Notification will be deemed to have lapsed and the SMP operator must submit a new Notification if it wishes to proceed with the price or service change.
- 24.3 When advertising a Regulated Service that requires Notification, the SMP operator shall ensure, consistent with Paragraph 15, that such advertising (in whatever form it takes) sets out the terms and conditions for the service, including any eligibility criteria for subscribing to the service.

Section 3: Approval and Notification Requirements

25. Regulated Services are subject to Approval and Notification requirements. In particular:

25.1 The SMP operator must first obtain URCA's written **Approval** before:

- 25.1.1 increasing the price of any Price Capped Service above last year's inflation, which is discussed further in Part 3A below.;
- 25.1.2 introducing a new Price Capped Service, which would replace the relevant existing Price Capped Service (i.e., entry-level standalone service), which is discussed further in Part 3D below; or
- 25.1.3 withdrawing and/or discontinuing a Required Service, which is discussed further in Part 3C below.

25.2 The SMP operator must **Notify** URCA before:

- 25.2.1 introducing any permanent changes to the prices of Price Capped Services that are equal to or below last year's inflation, which is discussed further in Part 3B below;
- 25.2.2 introducing any permanent changes to the prices of Non Price Capped Services, which is discussed further in Part 3B below;
- 25.2.3 withdrawing and/or discontinuing a Regulated Service which is not considered to be a Required Service, as discussed in Part 3C below;
- 25.2.4 introducing a Non Price Capped Service, as discussed in Part 3E below;
- 25.2.5 introducing any changes to non-price terms and conditions for Regulated Services, that could be expected to affect either the effective price paid by users or the costs incurred by the SMP operator. This is set out in Part 3F below.

26. This section sets out the specific requirements for each of the scenarios covered under Paragraph 25.

27. Regulated Services which form part of the USO may be subject to additional approval requirements which are not covered by in these Rules.

Part 3A: Permanent Above-Inflation Price Increases for Price Capped Services

28. The SMP operator shall not increase the price of a Price Capped Service above last year's inflation

without the prior written Approval of URCA.

29. The process for the Application for Approval, and the response of URCA to the Application thereafter, shall follow the Approval process set out in Part 2B of these Rules.
30. The SMP operator shall submit to URCA an Application to increase the price of a Price Capped Service above inflation, which includes, at a minimum, the following information:
- 30.1 A description (commercial and technical) of the relevant Price Capped Service, including a description of the customer segment that the service is targeting and the current price and non-price terms of the Price Capped Service;
 - 30.2 A description of the proposed changes to the price of the Price Capped Service;
 - 30.3 The current number customers/users of the Price Capped Service, with information covering at least the last 12 months;
 - 30.4 The expected number of customers/users of the Price Capped Service if the relevant changes are implemented, with forecasts covering at least the next 12 months;
 - 30.5 The proposed effective date on which the price of the Price Capped Service will be increased;
 - 30.6 The proposed process to notify affected customers of the price increase of the Price Capped Service; and
 - 30.7 A detailed justification for the proposed price increase, including relevant revenues and costs associated with the service.⁸
31. URCA shall review an Application to increase the price of a Price Capped Service consistent with the procedure described above in Paragraph 17 and shall respond in writing to the SMP operator with its response, as per Paragraph 17.2, within **ten (10) business days** of the date on which it received the Application, and which is notified by URCA to the SMP operator according to Paragraph 17.

Part 3B: Other Permanent Price Changes to Regulated Services

32. The SMP operator must notify URCA in writing before:
- 32.1 Introducing any permanent prices changes a Price Capped Service equal to or below last year's inflation; or

⁸Where possible and applicable, cost data should be provided by the SMP operator that satisfies the Accounting Separation and Cost Accounting Guidelines issued by URCA, reflecting the latest available Accounting Separation data available to the SMP operator, subject to the data having been approved by URCA. In the absence of costing information that satisfies the Accounting Separation and Cost Accounting Guidelines, the SMP operator may provide URCA with other information to support its Application (including benchmarks of prices/costs in comparable jurisdictions and verifiable financial management information).

32.2 Introducing any permanent change to the price of a Non Price Capped Service.

33. The process for the submission of the Notification, and the response of URCA to the Notification thereafter, shall follow the Notification process set out in Section 2C of these Rules.

34. The Notification submitted by the SMP operator must include, at a minimum, the following information:

34.1 A description (commercial and technical) of the relevant Regulated Service for which the price change is being notified, including a description of the customer segment that the service is targeting and the current price and non-price terms of the Regulated Service;

34.2 A description of the proposed changes to the price of the Regulated Service;

34.3 The current number of customers/users of the Regulated Service;

34.4 The proposed effective date on which the price of the Regulated Service will be increased;

34.5 For a change to the price of a Price Capped Service that is equal to or below last year's inflation, the SMP operator will need to provide evidence which demonstrates such a price change does not represent an above-inflation increase, using the equation set out in the Annex.

35. The SMP operator must also submit as part of the Notification a declaration confirming that its Notification complies with these Rules, the Comms Act, its operating licence, the Sector Policy and any other documents relevant to the Notification. This signed declaration must further state that the proposed price change is not anticompetitive.

Part 3C: Withdrawal and Discontinuation of Required Services and Other Regulated Services

36. The SMP operator shall not withdraw and/or discontinue any Required Service without the prior written Approval of URCA. Table 3 in Section 1 above sets out which services are considered by URCA to be Required Services. The application to withdraw and/or discontinue a Required Service must include, at a minimum, the following information:

36.1 A description of the Required Service to be withdrawn and/or discontinued;

36.2 The number of current customers/users of the Required Service;

36.3 The proposed date on which the Required Service will be withdrawn and/or discontinued; and

36.4 The SMP operator must demonstrate to URCA that:

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- 36.4.1 the Required Service has limited take-up and the number of customers/users is declining;
 - 36.4.2 there is an alternative plan currently available or the SMP operator intends to replace the Required Service with an alternative plan that provides equal or better service benefits to customers/users.;
 - 36.4.3 the SMP operator offers a transition arrangement for the current customers/users; and/or
 - 36.4.4 the proposed process to notify affected customers/users of the Withdrawal and/or Discontinuation of the Required Service, including what is offered to current customers/users to protect them from any price increase or worsening of their terms and conditions as a result of the Withdrawal and/or Discontinuation.
37. The SMP operator must notify URCA in writing before withdrawing and/or discontinuing any Regulated Service which is not considered to be a Required Service.
- 37.1 The process for the submission of the Notification, and the response of URCA to the Notification thereafter, shall follow the Notification process set out in Section 2C of these Rules.
 - 37.2 The Notification submitted by the SMP operators must include, at a minimum, the following information:
 - 37.2.1 A description of the Regulated Service to be withdrawn and/or discontinued;
 - 37.2.2 The number of current customers/users of the Regulated Service;
 - 37.2.3 The proposed date on which the Regulated Service will be withdrawn and/or discontinued;
 - 37.2.4 The proposed process to notify affected customers of the Withdrawal and/or Discontinuation of the Regulated Service, including what is offered to those customers to protect them from any price increase or worsening of their terms and conditions as a result of the Withdrawal; and
 - 37.2.5 Any proposed alternatives for the Regulated Service that is being withdrawn and/or discontinued.

Part 3D: Introduction of New Price Capped Services

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38. The SMP operator will not be able to introduce a new Price Capped Service, in a market where the operator has SMP, without the prior written Approval of URCA.
39. URCA will maintain control over the set of Price Capped Services. The SMP operator must receive URCA's written approval prior to the introduction of a Regulated Service that becomes the new entry-level standalone service (Price Capped Service) for an SMP operator. If the introduction of a new Price Capped Service results in the previous Price Capped Service being withdrawn or discontinued, then the SMP operator must also include the requirements set out in Paragraph 36 in addition to the requirements set out in Paragraph 41 as part of the Application.
40. The process for the Application for Approval, and the response of URCA to the Application thereafter, shall follow the Approval process set out in Part 2B of these Rules.
41. The SMP operator shall submit to URCA an Application to introduce a new Price Capped Service, which includes, at a minimum, the following information:
- 41.1 A description (commercial and technical) and name of the new Price Capped Service, including the prices, terms and conditions applicable thereto, and the customer segment that the new Price Capped Service is targeting;
 - 41.2 A description of the relevant product market to which the SMP operator believes the new Price Capped Service belongs;
 - 41.3 The expected volume of demand for the new Price Capped Service;
 - 41.4 The proposed effective date for the introduction of the new Price Capped Service;
 - 41.5 A detailed justification for why the new Price Capped Service should become the relevant Price Capped Service for its corresponding product market (including why this would benefit consumers); and
 - 41.6 A declaration confirming that the new Price Capped Service complies with these Rules, the Comms Act, its operating licence, the Sector Policy, and any other documents relevant to the Application. This signed declaration must further state that:
 - 41.6.1 the new Price Capped Service is not a repackage of an existing service;
 - 41.6.2 if the new Price Capped Service is similar to an existing service, the rationale for the launch of the Service; and
 - 41.6.3 the new Price Capped Service is transparent and non-discriminatory and would not have the effect of lessening competition in the relevant market.
42. URCA shall review an Application to introduce a new Price Capped Service consistent with the procedure described above in Paragraph 2217, and shall respond in writing to the SMP operator with its response, as per Paragraph 17.2, within ***ten (10) business days*** of the date on which
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it received the Application, and which is notified by URCA to the SMP operator according to Paragraph 22.

Part 3E: Introduction of New Non Price Capped Services

43. The SMP operator must notify URCA in writing before offering a new Non Price Capped Service. URCA may later determine that such a Service should instead be classified as a Price Capped Service if it is determined to be one of the Services in Table 2.
44. The process for the submission of the Notification, and the response of URCA to the Notification thereafter, shall follow the Notification process set out in Part 2D of these Rules.
45. The Notification submitted by the SMP operator proposing to offer a new Non Price Capped Service shall include, at a minimum, the following information.
 - 45.1 A description (commercial and technical) and name of the new Non Price Capped Service, including the prices, terms and conditions applicable thereto, and the customer segment that the new Non Price Capped Service is targeting;
 - 45.2 A description of the relevant product market to which the SMP operator believes the new Non Price Capped Service belong;
 - 45.3 The proposed effective date for the introduction of the new Non Price Capped Service; and
 - 45.4 A declaration confirming that the new Non Price Capped Service or complies with these Rules, the Comms Act, its operating licence, the Sector Policy, and any other documents relevant to the Notification. This signed declaration must further state that:
 - 45.4.1 the new Non Price Capped Service is not a repackaging of an existing service;
 - 45.4.2 if the new Non Price Capped Service is similar to an existing service, the rationale for the launch of the Service; and
 - 45.4.3 the new Non Price Capped Service is transparent and non-discriminatory and would not have the effect of lessening competition in the relevant market.

Part 3F: Changes to Non-Price Terms and Conditions of Regulated Services

46. The SMP operator must notify URCA in writing before introducing any changes to the non-price terms and conditions of Regulated Services that could be expected to affect either the effective price paid by users or the costs incurred by the SMP operator.

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47. The process for the submission of the Notification, and the response of URCA to the Notification thereafter, shall follow the Notification process set out in Section 2C of these Rules.
48. The Notification submitted by the SMP operator must include, at a minimum, the following information:
- 48.1 A description (commercial and technical) of the Regulated Services for which the change is being notified, including a description of the customer segment that the Service is targeting;
 - 48.2 The proposed effective date for commencing the change;
 - 48.3 A copy of the current terms and conditions for the Regulated Services;
 - 48.4 A copy of the proposed terms and conditions for the Regulated Services, alongside a detailed description of the changes proposed; and
 - 48.5 The current take-up of the existing plan.
49. The SMP operator must also submit as part of the Notification a declaration confirming that its Notification complies with these Rules, the Communications Act, its operating licence, the Sector Policy, and any other documents relevant to the Application. This signed declaration must further state that the proposed changes to the non-price terms and conditions are not anticompetitive.

Section 4: Annual Tariff Filing Requirements for Regulated Services

50. Both SMP operators are required to file with URCA, on an annual basis, the retail tariff plans for all their Regulated Services available at the end of the year.
- 50.1 This filing must be submitted to URCA within the first fifteen (15) business days of the new calendar year.
 - 50.2 This filing must take the format of a Microsoft Excel spreadsheet setting out the name, end-of-year price terms (including recurring and non-recurring charges), and non-price terms for each Regulated Service.
 - 50.3 For Price Capped Services, the pricing information will be used:
 - 50.3.1 As the baseline prices applied to the inflation-based pricing rules set out in Part 3A and the Annex; and
 - 50.3.2 To determine whether prices have seen an above inflation increase during the calendar year.
 - 50.4 In line with the requirements set out in ECS 71/2024, BTC must also submit as part of this annual filing a declaration confirming that all its retail broadband tariff plans are offered on a geographically uniform price across The Bahamas, and that this will

continue to be the case for the next calendar year.

Section 5: Publication Requirements for Regulated Services

51. In line with Section 2 of ECS 71/2024, Regulated Services offered by SMP operators, are subject to publication requirements to ensure that end users have access to all retail tariff plans currently available to them and the price and non-price terms of each tariff plan offered by the SMP operators, thus facilitating their ability to compare retail plans and select the most suitable plan for them.
52. SMP operators are required to publish all tariff plans offered to residential and business customers on their websites.

Annex – Details for Determining an Above-Inflation Price Increase

53. SMP operators are required to seek Approval from URCA for any price increases of Price Capped Services above inflation. See Section 3 for details.
54. This Annex sets out how the SMP operator should determine whether its proposed price increase is above inflation or equal to/below inflation. The result of this calculation should be shared with URCA as part of application or notification relating to a change in the price of a Price Capped Service, as explained in Section 3.
55. An above inflation price increase occurs when, at any point during a calendar year, the price of the relevant Service increases to a level such that the percentage increase, between the current price and the price at the end of the previous calendar year, outstrips inflation from the previous calendar year.
56. The relevant price from the end of the previous year will be reported by the SMP operators, as described in Section 4. For Price Capped Services, SMP operators will not be able to increase this price by more than the previous year's inflation, for the duration of the calendar year, without URCA's approval.
57. The relevant index, to be used as the measure of inflation is the Bahamas Consumer Price Index (CPI).⁹
58. The relevant inflation rate will be the all-items year-on-year inflation to September of the previous year, which can be found in the final column of the 'All Items Indices' table at the back of the BNSI monthly CPI inflation reports. This is because there is a 3-month lag for inflation figures, and the relevant figure for inflation in the previous year will need to be confirmed to operators by 31st December of the previous year.¹⁰
59. A proposed increase in price of the relevant Service will be considered above inflation if the following is true:

$$\frac{\text{Proposed Price}_{(\$, 202X)}}{\text{Price}_{(\$, \text{End of } 202X-1)}} > \frac{\text{CPI Index}_{(\text{September } 202X-1)}}{\text{CPI Index}_{(\text{September } 202X-2)}}$$

Where:

59.1 *Proposed Price*_(\$, 202X) is the proposed price of the relevant Price Capped Service;

59.2 *Price*_(\$, End of 202X) is the price reported by the SMP operator for the relevant Price Capped Service at the end of the previous calendar year, as submitted to URCA as part of its annual retail tariff plan filings.

⁹ The BNSI monthly CPI inflation reports can be found here. [Consumer Price Index \(CPI\) - Department of Statistics - Government](#)

¹⁰ URCA would consider allowing exceptional price increases above the price cap in times of high inflation, but only where it considers that the price cap fails to account for inflationary pressure to the extent that significant damage would be done to the operators without allowing such an increase.

59.3 *CPI Index*_(September 202 X -1) is the CPI Index for September of the previous year, as detailed in Paragraph 58 above.