

Quality of Service Standards and Consumer Protection Guidelines for the Telecommunications Sector – Notice of Proposed Rulemaking: Comments from the Consumer Advisory Committee on Utilities (CACU).

December 16, 2014

The CACU is of the view that the move by the Office of Utilities Regulation to establish quality of service standards and guidelines for the telecommunications sector is a step in the right direction, to better manage the local telecommunications sector, provide greater transparency of telecommunications performance, encourage greater competition and to protect consumers' rights. Accordingly, the consultative document is aimed at taking consumers' comments and perspectives into consideration, in order to define, refine and to deal with consumer and associated regulatory issues.

Applicability of the Measurement Requirements and Targets: The proposed Quality of Service Standards must apply to all providers. Although the CACU accepts that applying the same standards to smaller existing providers may be a cost disadvantage to them, the CACU contends that quality of service standards proposed by the O.U.R. should be applicable to all participants in the **Telecommunication Sector** and not specific to any one or group of service providers. It is our view that new entrants should not be given a moratorium before the rules are applied. They in fact should be subject to compliance upon entry. Additionally, a comprehensive quality of service standard will provide better guidance to all new entrants to the sector.

Reporting Periods: A requirement to report on a quarterly basis may be somewhat onerous for the providers and in that regard, it is the CACU's view that reporting should be on a *semi-annual basis*. Further, we believe that the OUR must be adequately resourced and ensure that there is the requisite capacity in place to receive the reports and carry out the required evaluation and analysis of the measurement results and publish these on a timely basis. **Measurement targets:** Based on the CACU-recommended reporting period, the measurement targets should be adjusted to conform with the reporting period.

Description of Services: It is imperative that notice be paid to this area as the service contract should contain a clear and concise outline of the services being offered. **Service Contracts:** The CACU is of the view that with regards to changes in not only pricing plans but any financially-based changes to the service contract, consumers should be given a notice period of between two to three months to allow for budgetary adjustments. Additionally, pricing plans must clearly reflect anomalies with respect to applicable government taxes. This is important to note as the GCT rate applied to telecommunications services is higher than the general GCT rate.

Complaints Handling: With regards to the handling of complaints, the CACU is of the view that a systematic process should be applied in terms of the next steps. It is suggested that after exhausting the complaints process with the respective utilities and the customer remains dissatisfied, he/she should then be directed to take their case to the Consumer Affairs Commission (CAC), who should assist with resolving the matter. It is incumbent on providers to advise consumers of their right to lodge complaints with either the CAC or the OUR. The CAC now has enforcement powers through the recently-established Consumer Protection Tribunal (CPT) which should greatly assist in complaints resolution by the CAC (CPT) or the OUR. With

respect to the delivery of “regular” progress reports during investigations by the service providers, the CACU recommends that the term “regular progress reports” be more properly defined.

Accounts / Billing: Greater scrutiny should be given to the issue of preparation of bills and the methods of delivering bills on a timely basis. Standards should be developed to deal with the question of the timely delivery of bills which allows for a reasonable period before the payment due date. Recent technological approaches can assist in this matter by applying the various media to transmit billing information, i.e. texting, SMS, e-mail and other web applications.

Disconnections: Disconnection policies should also come in for attention and the CACU disagrees with one circumstance proposed by the Quality of Service Standards and Guidelines – The customer has not used the service during the activity period. The CACU is of the opinion that a customer’s service should never be disconnected if the account is fully paid up, irrespective of whether the customer uses the service or not. There needs to be further clarity on issues such as the length of time that a disconnected service is allowed to remain on the network. Although we respect the need to preserve the subscriber lifecycle and the O.U.R.’s role as numbering administrator, we are of the view that accounts which are paid up but with little activity should not be subject to disconnection.

Special Needs: The recent enactment of the Disabilities Act has implications for how the “special needs” populace is included in service provisioning and development. The “differently-abled” have the same human rights under the law.

Number Portability: The CACU is of the view that the remaining barrier to full competition in the telecommunications sector is the absence of number portability. While the quality of service standards and consumer protection framework will enhance consumers’ ability to make informed choices, consumers must have the ability also to nimbly navigate the telecommunications offerings with as few inconveniences as possible and at minimal cost.

The implementation of the proposed quality of service standards by the O.U.R. for the telecommunications sector is timely however the CACU cautions that due to the litigious nature of the local telecommunications sector, the service standards and consumer protection should be so designed that they are not discriminatory by nature but instead encourage compliance and fairplay. The O.U.R. recognises this limitation by clearly outlining intentions to amend the standards, when and if consumer rights and protection are significantly affected by the actions of providers. The CACU lauds the effort of the O.U.R. in ensuring consumer protection and choice as well as monitoring competition and fair play among service providers. The CACU remains optimistic that the implementation of Guaranteed Standards for the sector is a necessary and positive regulatory function and trusts that the comments herein enclosed are useful in developing an intelligent and smart approach to the establishment and enforcement of Quality of Service Standards and Consumer Protection Guidelines for the Telecommunications Sector.

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